


07.03.2016


Counsel for the appellant and Mr. Bashir Ahmad, Headmaster alongwith Mr. Muhammad Zubair, Sr.G.P for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for rejoinder and final hearing before D.B on 11.7.2016 at Camp Court Swat.


Chairman
Camp Court Swat.

11.07.2016

Appellant in person and Mr. Bashir Ahmad, Headmaster alongwith Mr. Muhammad Zubair, Sr. G.P for the respondents present. Counsel for the appellant is not in attendance due to strike of the bar. Adjourned for final hearing on 7.09.2016 before D.B at camp court, Swat.


Member

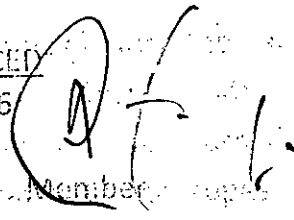
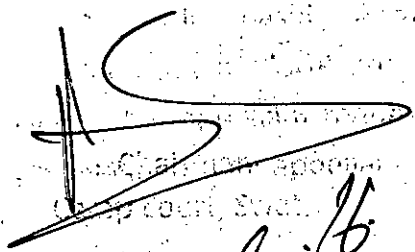

Chairman
Camp court, Swat.

07.09.2016

Counsel for the appellant and Mr. Bashir Ahmad, Headmaster alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Learned counsel for the appellant requested for withdrawal of the appeal as grievances of the appellant has been redressed by the department.

In the light of request of the learned counsel for the appellant, the appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
07.09.2016


Member

Chairman
Camp Court, Swat.
07.09.16

03.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that identical service appeal No. 494/2015 in respect of the same controversy has been admitted to regular hearing today.

In view of the above, this appeal is also admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 07.9.2015 before S.B at Camp Court Swat as the appeal pertains to the territorial limits of Malakand Division.


Chairman

07.09.2015


None present for appellant. Mr. Bashir Ahmed, Headmaster alongwith Mr. Muhammad Zubair, Sr. GP for respondents present.

Requested for adjournment. To come up for written reply/comments on 2.11.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

2.11.2015

Mr. Hazrat Muhammad on behalf of appellant and Mr. Bashir Ahmad, Headmaster alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.3.2016 at Camp Court Swat.


Chairman
Camp Court Swat





Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 493/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.05.2015	<p>The appeal of Mst. Badshahi Bakht resubmitted today by Mr. Umar Ali Shah Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-5-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	29.05.2015	<p>Counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 12.6.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>
4	12.06.2015	<p>Junior to counsel for the appellant present. Requested for adjournment as senior counsel is not in attendance. Adjourned for preliminary hearing to 3.7.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Badshahi Bakht W/o Muhammad Rehman PST Teacher resubmitted to-day i.e. on 20.05.2015 is incomplete on the following score which is returned again to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

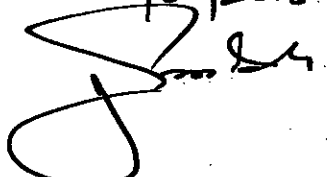
No. 775 /S.T,

Dt. 21/5 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Umar Ali Shah Adv. Pesh.

Resubmitted after completion
Transfer order dt 16/8/2014.
is placed at Page No 8 of this
appellatant.

26/5/2015


is placed at page no 2 of this
Transfer for order dt 10/8/01.
Revised after completion.


22/12/01
[Signature]

The joint appeal of Mst. Arifa, Jamila and Badshahi Bakht received to-day i.e. on 28.04.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellants.
- 2- Copy of transfer order of appellant ^{NO. 1} is not attached with the appeal which may be placed on it.
- 3- Appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately/individually, therefore the appeal of the above named appellant may be filed separately/individually.
- 4- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each appeal be submitted.

No. 640 /S.T,

Dt. 29/4 /2015


REGISTRAR 29/4/15
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Umar Ali Shah Adv. Pesh.

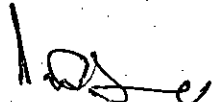
Re- Submitted today i.e 29.04.05
with complete documents and file.

Submitted by
Adv. Umer Ali
Shah.

(Request for Extension of time.)

Anam Sana

one were extanded.


13/5/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 493 /2015

Mst. Badshahi Bakht. Appellant

Versus

Govt. of Khyber Pakhtunkhwa & others. Respondents

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copy of order dated 16.08.2014 with better copy		8-9
5.	Copy of the application		10
6.	Copy of order dated 28.01.2015 of Darul Qaza, Swat		11-13
7.	Copy of affidavit		14
8.	Copy of the guideline for posting with better copy		15-16
9.	Copy of the application		17
10.	Wakalatnama		18

Badshahi Bakht
Appellant

Through

Umar Ali Shah
Advocate, Peshawar

Dated: 18.05.2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 493 /2015

Mst. Badshahi Bakht W/o Muhammad Rehman
Primary School Teacher (PST),
R/o Village Meherdi, Dargai, District Malakand. . Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar.
 2. Director, Elementary & Secondary Education, Peshawar.
 3. District Education Officer (Female), District Malakand at Batkhela.
 4. Deputy Commissioner, District Malakand.
-Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE ORDER NO.3161-68
OF RESPONDENT NO.3 (DEO), DATED
16.08.2014, WHEREBY THE APPELLANT
HAS BEEN TRANSFERRED TO FAR, FROM
HER UNION COUNCIL/ VILLAGES
AGAINST THE ABOVE MENTIONED
ORDER, THE APPELLANT HAS FILED THE
APPLICATION/ REPRESENTATION WHICH
HAS NOT BEEN REPLIED BY THE
RESPONDENTS, SO FAR.**

re-submitted to-493
and filed.

Registrar,
26/10/15

PRAYER: On acceptance of this appeal, the impugned transfer order No.3161-68 dated 16.08.2014 may be set aside and the respondents may be directed to remain the appellant on her previous station.

Respectfully Sheweth:

F A C T S:

1. That the appellant is permanent residents of District Malakand and is serving as (PST) in Tehsil Dargai, District Malakand, for the last several years.
2. That the respondent No.3 vide his order dated 16.08.2014, transferred the appellant from her Union Council to another Union Council/ Station. (Copy of the transfer order dated 16.08.2014 attached).
3. That the appellant has submitted application against the above mentioned transfer order, which has not been replied yet by the respondents. (Copy of the application is attached).
4. That the appellant and other colleagues challenged the above mentioned transfer order through Writ Petition No.597-M/2014 before Peshawar High Court,

Mingora Bench/Darul Qaza, Swat, which was dismissed, being not maintainable. (Copy of the order dated 28.01.2015 is attached).

5. That the appellant aggrieved with the transfer order dated 16.08.2014, filed this appeal, on the following grounds, amongst others;

GROUNDS:

- A. That the impugned transfer order dated 16.08.2014 is illegal, unjustified, against the Government policy, void-ab-initio and based on malafide on the part of the respondents.
- B. That the appellant is the permanent resident of District Malakand and she is rendering her services without any complaint since 1997, therefore, her transfer order is ineffective upon her rights.
- C. That the appellant has been promoted to BPS-15, but she refused to be prompted and in this regard she has submitted the affidavit with the competent authorities, stating therein that having domestic problems she may be remained in her respective Union Council. (Copy of affidavit is attached).
- D. That it is the policy of Khyber Pakhtunkhwa Elementary & Secondary Education that the most

junior may be transferred and the most senior be retained in their school on existing post, therefore, on this score alone the impugned transfer order needs cancellation. (Copy of the guideline for posting is attached).

- E. That the transfer order had been made politically and the manner adopted by the respondents was just pick and choose. The rules/ law provide that the employees may be adjusted specially in case of spouses.
- F. That the Headmistress of the concerned school requested the competent authorities that there is shortage of teachers as compared to the strength of the students, but this fact was also ignored by the respondents. (Copy of the application is attached).
- G. That the appellant has been discriminated, which is violation of the provision of Constitution of Islamic Republic of Pakistan, 1973, Article-25 provides equal treatment to every citizen of Pakistan.
- H. That the act of respondents is clear violation of fundamental rights, which are guaranteed by the constitution of Pakistan, 1973, therefore, the impugned transfer order, needs interference.

- I. That the appellant seeks permission from this Honourable Tribunal to rely on additional grounds at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this appeal, this Honourable Tribunal may be pleased to declare the transfer order dated 16.08.2014 issued by the respondents No.3 (EDO) illegal, unjustified, without jurisdiction and the same may be set aside, and the appellant may be remained on her previous station/union council.

Any other relief, which this Honourable Tribunal deems fit may also be granted in the favour the appellant.

Dated: 18.05.2015

Through

Appellant

Umar Ali Shah

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

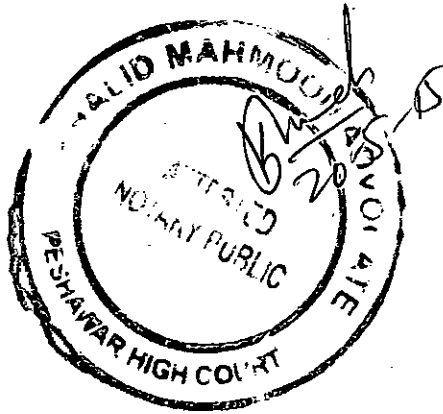
Mst. Badshahi Bakht..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa & others. Respondents

AFFIDAVIT

I, Mst. Badshahi Bakht W/o Muhammad Rehman, Primary School Teacher (PST), R/o Village Meherdi, Dargai, District Malakand, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.



Badshahi Bakht
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

Mst. Badshahi Bakht. Appellant

Versus

Govt. of Khyber Pakhtunkhwa & others. Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mst. Badshahi Bakht W/o Muhammad Rehman
Primary School Teacher (PST),
R/o Village Meherdi, Dargai, District Malakand.

RESPONDENTS:

1. Govt. of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education,
Peshawar.
3. District Education Officer (Female), District Malakand
at Batkhela.
4. Deputy Commissioner, District Malakand.

Through

Appellant


Umar Ali Shah

Advocate, Peshawar


Dated: 18.05.2015

Office Of The District Education Officer (F) Malakand At Batkhela

TRANSFER/ADJUSTMENT UNDER RATIONALIZATION SCHEME 2014

In pursuance of the rationalization policy of emanatory and secondary education department and with reference to the Director (E&SE) KPK Peshawar, letter No.610459/rationalization/estab: dated Peshawar the 1/4/2014, transfer/ adjustment of the following supprlu: Female Primary School Teachers alongwith post occupied by them in Govt. Girls Primary Schools in District Malakand are herby ordered with immediate effect in the interest of public service.

S.N	Senio rity No.	Name of teacher	Design.	From	To	Against
1.	530	MUMLIKAT BEGUM	SPST	GGPS Gat Koto	GGPS LAL COLONY	ZULFIA KHANAM
2.	377	SALMA KHURSHID	"	GGPS Thana No.1	GGPS CC THANDA	ISHRAT BEGUM
3.	430	SHAZIA	"	GGPS Jalala	GGPS CC THANDA	TASLEEM BEGUM
4.	484	ZAHINA	"	GGPS Nal No.11	GGPS CC THANDA	DILSHAD GHULAM
5.		TAUHEED KAUSAR	"	GGPS Nal No.11	GGPS CC THANDA	SHAHEED ZAREEN
6.	270	MARYAM BEGUM	"	GGPS Thana No.11	GGPS CC THANDA	RAFIA PST
7.	574	SADIA NAWAB	"	GGPS Thana No.11	GGPS HAIBATGRAM	NARGUS JABIN
8.	464	ALIA SUBHANI	"	GGPS Maizara Thana	GGPS L.C. TANDA	SHAHIDA WAHID
9.	348		"	GGPS Maizara Thana	GGPS ZOORMANDI	ZAHIDA NASREEN
10.		ROMINA	"	GGPS Nall No.1	GGCMS MALANG ABAD	NAHEED PST
11.	376	NASIRA	"	GGPS Thana No.1	GGPS CC THANDA	HAJIRA GHULAM
12.	526	MALKUN NISA	"	GGPS Thana No.1	GGPS BATKHELA No.11	MUMLIKAT PST
13.	382	RISALAT	"	GGPS ALLHADAND	GGCMS SAID ABAD	SHANILA PST
14.	405	SHAHNAZ AKHTAR	"	GGPS ALLHADAND	GGCMS MALANGABAD	SHAZIA PST
15.	436	CHAND BIBI	"	GGPS ALLHADAND	GGCMS MALANGABAD	KHAIST BIBI PST
16.	371	NASIM AKHTAR	"	GGPS Maizara Btk	GGPS KANDAKO	BAS PARI PST
17.	474	ZEENAT ARA	"	Gharibabad Btk	GGPS AMANDARA	KHAIST BIB PST
18.	527	HINA GUL	"	GGPS Kandako Kass	GGCMS KARKANI	KAUSAR PST
19.	390	AZRA NAZ	"	GGPS totakan No.11	GGPS TOTAKAN NO.1	KHATIMA PST
20.		ISRAJ	"	GGPS Rahmat Abad	GGSA SAIDRA JAWAR	AGAINST VACANT POST
21.		NUSRAT	"	GGPS Mehardai	GGPS SHARIF ABAD	ANEELA
22.		HUBUL WARA	"	GGPS Khattak Korona	GGPS ASHAKAI	FARZANA
23.		SHAMIM	"	GGPS Khattak Korona	GGPS GHANI DHERAI	AGAINST VACANT POST
24.		HIDAYAT	"	GGPS Mehardai	GGPS MAKHNAWALA	MADIHA
25.		DILSHAD	"	GGPS Kharkai No.2	GGPS MUSA MINA	HAVIDA
26.		ALIMAT	"	GGPS Kharkai No.1	GGPS SALGARO	MUSLIMA
27.		BIBI AYESHA	"	GGPS Sakhakot No.1	GGPS PALOWATAL	AFSHEENA
28.		NOOR JEHAN	"	GGPS Sakhakot No.1	GGPS GULO SHAH	AGAINST VACANT POST
29.		SHAHEEN	"	GGPS Sakhakot No.1	GGPS SAKHAKOT No.2	MADIHA
30.		ZUBAIDA	"	GGPS Dargai	GGPS BADRAGGA	HAVIDA
31.		NARGUS AMEER	"	GGPS Sakhakot No.1	GGPS JABBAN NO.2	MUSLIMA
32.		SHAZIA HALIM	"	GGPS Dargai	GGPS SAKHAKOT No.2	AFSHEEN
33.		MINHAS	"	GGPS Sakhakat No1	GGPS JHARAI	AGAINST VACANT POST
34.		BAKHT SULTANA	"	GGPS Bana Kandow	GGPS KACHI KOPER	FARIDA
35.		NOREENA	"	GGPS Kas Korona Koper	GGCMS WARTAIR	AGAINST VACANT POST
36.		FOUZIA	"	GGPS Wartair	GGPS G.U. WARTAIR	NIZAKAT
37.		FARIDA	"	GGPS Anar Tangai	GGPS G.U. KHAIL	SABINA
38.		SAFIA	"	GGPS Khaikai Banda	GGPS ZANGAL BANDA	AGAINST VACANT POST
39.		JAMILA	"	GGPS Khaikai Banda	GGPS SORANA	AGAINST VACANT POST
40.		RASHIDA	"	GGPS Hero Shah No.1	GGPS GARANG DARA	HARGUS
41.		BADSHAI BAKHT	"	GGPS Dargai	GGCMS ZOORMANDI	AGAINST VACANT POST
42.		REHANA	"	GGPS Dargai	GGPS GARANG DARA	AGAINST VACANT POST
43.		NAHEED	"	GGPS Mir Ahmad Banda	GGPS BADRAGGA	AGAINST VACANT POST

True Copy


Disciplinary action will be initiated against defaulter teachers under the Khyber Pakhtunkhwa govt. Servants (E&D) Rules 2011 which may entail their removal from services.

Charge report should be submitted to all concerned.

District Education Officer
(F) Malakand at Batkhela)

Endst: 3161-681

Dated 16/8/2014

Copy of information and necessary action is forwarded to the:-

1. Section Officer (General) (E&SE) Deptt: Khyber Pakhtunkhwa Peshawar
2. Director (E&SE) Deptt. Khyber Pakhtunkhwa Peshawar with reference to his letter No.6104-59/rationalization/estab: Dated Peshawar the 1/4/2014.
- 3-4 SDEOs (F) Bakhela & Dargai with the direction to implement the above order and in case of non compliance by the concerned teachers with fifteen days, timely report against the defaulters teacher to be furnished to this office.
5. District Accounts Officer Malakand.
6. Assistant Programmer (DEMIS) Cell Local Office
7. Teachers concerned for compliance.
8. Head teacher of the concerned schools.

Sd/-
District Education Officer
(F) Malakandi at Batkhela

True Copy
[Signature]

(8)

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) MALAKAND AT BATKHELA

TRANSFER / ADJUSTMENT UNDER RATIONALIZATION SCHEME 2014

In pursuance of the rationalization policy of the elementary and secondary education Department and with reference to the Director (E&SE) KPK Peshawar, letter No. 6104 59/rationalization/estab: dated Peshawar the 1/4/2014, transfer/adjustment of the following surplus female Primary School Teachers along with post occupied by them in Govt. Girls Primary Schools in District Malakand are hereby ordered with immediate effect in the interest of public service.

S.NO	SENIORITY NO	NAME OF TEACHER	Design	FROM	TO	AGAINST
1	530	Mumilkai Begum	SPST	GGPS, GAT KOTO	GGPS, LAL COLONY	ZULFIA KHANAM
2	377	SALMA KHURSHID	"	GGPS, THANA NO. I	GGPS, CC THANA	ISHRAT BEGUM P
3	430	SHAZIA	"	GGPS, JALALA	GGPS, CC THANA	TASLEM BEGUM J
4	484	ZAHINA	"	GGPS, NAL NO. II	GGPS, CC THANA	DILSHAD GHULAM HU
5		TAUHEED KAUSAR	"	GGPS, NAL NO. II	GGPS, CC THANA	SHAIHEEN ZAHED
6	370	MARIYAM BEGUM	"	GGPS, THANA NO. II	GGPS, CC THANA	NAFIA PST
7	524	SABIA HAWAN	"	GGPS, THANA NO. II	GGPS, HAJIATGHAM	MARGUS JABIN PST
8	464	ALIA SUHANI	"	GGPS, THANA NO. II	GGPS, L.C. THANA	SHAHIDA WAHID
9	548	HASHIA	"	GGPS, MAIZARA THANA	GGPS, ZOOIRMANDI	ZAHIDA NASREEN
10	176	HUSNA	"	GGPS, MAIZARA THANA	GGCMS, MALANG ABAO	NAHEED PST
11	376	NASIRA	"	GGPS, NALL NO. I	GGPS, CC THANA	HAJIRA GHULAM
12	526	MALKUN NISA	"	GGPS, THANA NO. I	GGPS, BATKHELA NO. II	MUMLIKAT PST
13	389	HISALAT	"	GGPS, THANA NO. I	GGCMS, SAID ABAO	SHANILA PST
14	405	SHAHNAZ AKHTAR	"	GGPS, ALLAHDAND	GGCMS, MALANG ABAO	SHAZIA PST
15	436	CHAND BIDI	"	GGPS, ALLAHDAND	GGCMS, MALANG ABAO	KHAIST BIDI PST
16	373	NASIM AKHTAR	"	GGPS, ALLAHDAND	GGCMS, MALANG ABAO	BAZ PAH PST
17	474	ZENAT ARA	"	GGPS, MAIZARA BTK	GGPS, KANDAKO	KHAIST BIDI PST
18	527	HINA GUL	"	GHRIBADABO BTK	GGPS, AMANDARA	KAUSAR PST
19	390	AZHA NAZ	"	GGPS, KANDAKO KASS	GGCMS, KARKANI	KAUSAR PST
20		ISHAI	"	GGPS, TOTAKAN NO. II	GGPS, TOTAKAN NO. I	KHATIMA PST
21		NUSHAT	"	GGPS RAHMAT AHOOD	GGPS SAIDRA JOWAN	Against Vacant post
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23		SHAMIM	"	GGPS KHATAK KORONA	GGPS ASHAKAI	FARZANA
24		HIDAYAT	"	GGPS KHATAK KORONA	GGPS GHANI DICHAJ	Against Vacant post
25		DILSHAD	"	GGPS MEHARDAI	GGPS MAKHNAWALA	MADIHA
26		ALIMAT	"	GGPS KHARKAI NO. 2	GGPS MUSA MINA	HAVIDA
27		HIDI AYESHA	"	GGPS KHARKAI NO. 1	GGPS SALGARO	MUSLIMA
28		NOOR JEHAN	"	GGPS SAKHAKOT NO. 1	GGPS PALOWTAL	AFSHEEN
29		SHAHEEN	"	GGPS SAKHAKOT NO. 1	GGPS GULO SHAH	Against Vacant post
30		ZUBAIDA	"	GGPS SAKHAKOT NO. 1	GGPS SAKHAKOT NO. 2	FARIDA
31		MARGUS AMEER	"	GGPS SAKHAKOT NO. 1	GGPS BADRAGGA	Against Vacant post
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33		MINHAS	"	GGPS SAKHAKOT NO. 1	GGPS SAKHAKOT NO. 2	NIZAKAT
34		BAKHT SULTANA	"	GGPS DAMA KANDOW	GGPS HARAI	SAIMA
35		INDIREENA	"	GGPS KAS KORONA KOPER	GGPS KACHI KOPER	Against Vacant post
36		FOUZIA	"	GGPS WARTAIR	GGCMS WARTAIR	NEELAM
37		FARIDA	"	GGPS ANAR TANGAI	GGPS G.U. KHAIL	SHANAZ
38		SAFIA	"	GGPS KHARKAI BANDA	GGPS ZANIGAL BANDA	SABINA
39		JAMILA	"	GGPS KHARKAI BANDA	GGPS SORAJIA	Against Vacant post
40		NASHIDA	"	GGPS KHARKAI BANDA	GGPS GARANG DARA	Against Vacant post
41		BADSHAHI BAKHT	"	GGPS HERO SHAH NO. 1	GGCMS ZOOIRMANDI	MARGUS
42		REHANA	"	GGPS DARGAI	GGPS GARANG DARA	Against Vacant post
43		NAHEED	"	GGPS DARGAI	GGPS SAFAR	Against Vacant post
				GGPS MAJLHMOO BANDA	GGPS BADRAGGA	Against Vacant post

True copy

[Signature]

Disciplinary action will be initiated against the defaulter teachers under the Khyber Pakhtunkhwa (Govt) Servants (E&D) Rules, 2011 which may entail their removal from services.

Charge report should be submitted to all concerned.

(DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATHHELA)


Endst: 3161-68,

Dated: 16 / 8 / 2014

Copy for information and necessary action is forwarded to the:

1. Section Officer (General) (E&SE) Deptt: Khyber Pakhtunkhwa Peshawar.
2. Director (E&SE) Deptt: Khyber Pakhtunkhwa Peshawar with reference to his letter No. 6104-59/rationalization/estab: dated Peshawar the 1/4/2014.
- 3-4 SDEOs (F) Bathhela & Dargai with the direction to implement the above order and in case of non-compliance by the concerned teachers with fifteen days, timely report against the defaulters' teacher to be furnished to this office.
5. District Accounts Officer Malakand.
6. Assistant Programmer (DEMIS) Cell Local office.
7. Teachers concerned for compliance.
8. Head teachers of the concerned schools.

DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATHHELA

Tameer Ahmad


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بخدمت جناب E.D.O صاحب محکمہ پرائمری اینڈ سیکنڈری ایجوکیشن بمقام بٹ حیلہ، مالاکنڈ

عنوان: درخواست بمراد کہ سائلہ کی ٹرانسفر آرڈر کو کنسل کر کے سائلہ کو اپنے سکولز میں ڈیوٹی جاری کرنے کا حکم صادر فرمایا جائے۔

جناب عالیہ! حسب ذیل عرض ہے۔

۱۔ یہ کہ سائلہ ضلع مالاکنڈ کے رہائشی ہوں اور آپ کے زیر سایہ PST پوسٹ پر ڈیوٹی سرانجام دے رہی ہوں۔

۲۔ یہ کہ آپ صاحبان نے سائلہ کو بذریعہ آرڈر نمبر 3161-68 مورخہ 16-08-2014 اپنے یونین کونسل سے دور دراز ٹرانسفر کی ہے۔

۳۔ یہ کہ سائلہ چونکہ ذنا نہ ذات ہوں اور اپنے یونین کونسل سے کسی دوسرے یونین کونسل میں آنے جانے میں کافی مشکلات کا سامنا ہے۔

۴۔ یہ کہ سائلہ چونکہ اپنے ہی سکیل میں ڈیوٹی جاری رکھنا چاہتی ہے اس لئے اس نسبت سائلہ نے بیان حلفی بھی دی ہے۔

۵۔ یہ کہ سائلہ کا مذکورہ ٹرانسفر آرڈر کنسل کرنے کا حکم صادر فرمایا جا کر سائلہ کو اپنے ہی سکولز میں ڈیوٹی جاری رکھنے کا حکم صادر فرمایا جائے۔ اس لئے درخواست ہذا کی ضرورت لاحق ہوئی۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا حسب عنوان عرضی درخواست احکامات

صادر فرمائے جائے۔ مورخہ 21-08-2014

عریضہ

مسماة باہ شاہی بخت سائلہ

For use copy!
(Signature)

13

BEFORE THE PESHAWAR HIGH COURT BENCH
MINGORA / DARUL OAZA SWAT

11

Writ Petition No. 597-M of 2014

1. Mst. Arifa wife of Hazrat Muhammad Resident of Village & P.O Dargai, District Malakand.
2. Mst. Jamila wife of Khan Muhammad Resident of Kharkai, Dargai, District Malakand.
3. Mst. Badshahi Bakht wife of Muhammad Rahman Resident of Meherdi, Dargai, District Malakand.

.....Petitioner

VERSUS

1. Government of KPK through Secretary Elementary & Secondary Education at Peshawar.
2. Director Elementary & Secondary Education at Peshawar.
3. District Education Officer Female Malakand at Batkhela.
4. Deputy Commissioner District Malakand.

.....Respondents

Writ Petition under article 199 of the
constitution of Islamic Republic of
Pakistan, 1973.

FILED TODAY
Additional Registrar
2 DEC 2014

Touqeer Khan
[Signature]

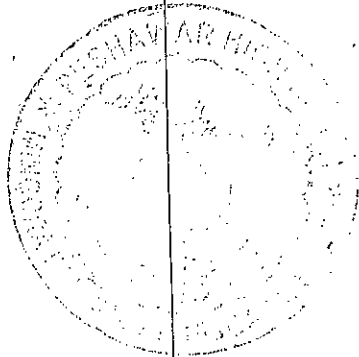
PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of
Case No..... of.....

12

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
	28.01.2015	<p><u>W.P. No.597-M/2014 with Interim Relief.</u></p> <p>Present: Mr. Zia-ur-Rahman, advocate for the petitioners.</p> <p>***</p> <p><u>HAIDER ALI KHAN, J.-</u> Petitioners through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed for setting aside the impugned order dated 16.8.2014 with regard to their transfer.</p> <p>2. Having heard the learned counsel for petitioners, perusal of record would reveal that petitioners have challenged the transfer order bearing Endst: No.3161-68 dated 16.8.2014 of District Education Officer (F) Malakand at Batkhela/respondent No.3, whereby they have been transferred to different stations. The claim of petitioners squarely falls under Chapter II (Terms and Conditions of Service) of the Civil Servant Act, 1973, wherein jurisdiction of this Court under</p>



16/1

Kilaytullah/PS
Touqeer
[Signature]

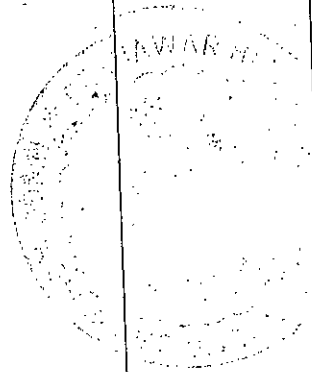
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Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 is exclusively barred.

3. In view of the above, this writ petition, being not maintainable, is dismissed in *limine*.

Announced.
Dt: 28.01.2015.



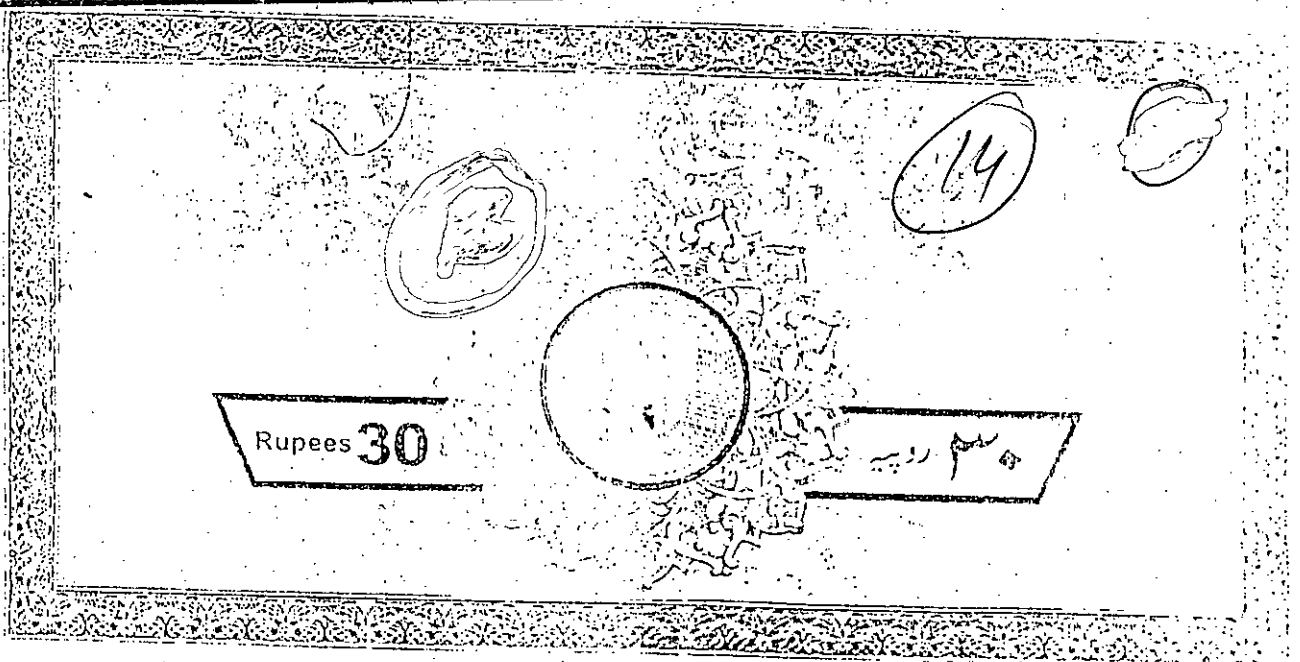
S.No. 1405
 Name of Applicant Q. No. 1
 Date of Presentation 6-4-15
 Date of Completion 7-4-15
 No. of Copies 3-P
 Fee Charged 6/-
 Date of Delivery of Copies 7-4-15

Certified to be true copy

EXAMINER
 Darul Uloom High Court, M. Jinnah/Dar-ul-Uloom, Swat
 established under Article 87 of the Constitution of Pakistan 1973

7/4/15

True copy



بیان ملحقہ

میں نے اس کی ایک کاپی زمرہ ڈال دی ہے۔ اس میں ایک صفحہ ہے جس پر
 حلیہ اور دیگر چیزیں لکھی ہیں۔ کہیں کاپی بھی لکھی ہوگی ملاحظہ
 فرمائیے۔ اس کے ساتھ 14-800 کا ٹکٹ بھی دیا گیا ہے۔
 اس کے ساتھ ہی اس کے بارے میں دوسرے صفحات بھی

میں سے اس کے بارے میں دوسری کاپی بھی لے لی ہے۔ اس کے ساتھ ہی
 اس کے بارے میں دوسری کاپی بھی لے لی ہے۔ اس کے ساتھ ہی
 اس کے بارے میں دوسری کاپی بھی لے لی ہے۔ اس کے ساتھ ہی
 اس کے بارے میں دوسری کاپی بھی لے لی ہے۔ اس کے ساتھ ہی
 اس کے بارے میں دوسری کاپی بھی لے لی ہے۔ اس کے ساتھ ہی

امریکی 7/14

میں نے اس کی ایک کاپی زمرہ ڈال دی ہے۔ اس میں ایک صفحہ ہے جس پر
 حلیہ اور دیگر چیزیں لکھی ہیں۔ کہیں کاپی بھی لکھی ہوگی ملاحظہ
 فرمائیے۔ اس کے ساتھ 14-800 کا ٹکٹ بھی دیا گیا ہے۔



Trans Copy

15

**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar**

PH No.091-9201389, 9210938,

9210437, 9210957, 9210468

Fax 091-9210936 0800-33857

No.2412-2550/A/Promotion/Estab

Dated Peshawar the 21/01/2013

To

All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject:

Guidelines for Posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSHT B-15, Qari B-12 to B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.

Memo:

I am directed to refer to the subject noted above and to clarify that posts of PST B-12/Senior PST B-14/ PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and on Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted as under:-

Up gradation of Posts in Primary Schools (Female) After Rationalization @ 1-40 ratio												
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization								
				SST B-16	CT B-16	PSHT B-15	SPST B-14	PST B-12	NQ	Caller	Chow	
1	25288	GGPMS A (HCA)	208	1	2	0	2	3	1	1	1	
2	25048	GGPMS B (HCA)	306	1	2	0	2	6	1	1	1	
3	25143	GGCMS C	373	1	0	0	2	3	1	1	1	
4	30056	GGCMS D	50	0	0	1	0	1	0	0	1	
5	25224	GGPS E	110	0	0	1	1	1	0	0	1	
6	25244	GGPS F	160	0	0	1	1	2	0	0	1	
7	25277	GGPS G	198	0	0	1	1	3	0	0	1	
8	25221	GGPS H	240	0	0	1	2	3	0	0	1	
9	22912	GGPS I	285	0	0	1	2	4	0	0	1	
10	25097	GGPS J	120	0	0	1	2	5	0	0	1	
11	25138	GGPS K	360	0	0	1	2	6	0	0	1	
12	32606	GGPS L	400	0	0	1	3	6	0	0	1	
13	25278	GGPS M	440	0	0	1	3	7	0	0	1	
Total			3250	3	4	10	23	50	3	3	13	

Up gradation of Posts in Primary Schools (Male) After Rationalization @ 1-40 ratio							
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSHT B-15	SPST B-14	PST B-12	Chow
1	30055	GPS A	50	1	0	1	1
2	25224	GPS B	110	1	1	1	1
3	25244	GPS C	160	1	1	2	1
4	25277	GPS D	198	1	1	3	1

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1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9
10	10	10	10	10	10	10	10	10	10

1. Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of SST B-12.

2. There shall be no post of SST B-12 & SST B-14 in MPS.

3. No. of posts of SST B-12, SST B-14 & SST B-15 will not exceed the already communicated sanctioned posts.

Position on Promotion

4. On promotion of SST B-12 to the post of Senior PGT B-14 and SST B-15, may be posted in the same UEs subject to the provisions of sanctioned post.

5. Senior most SST B-12, SST B-14 & SST B-15 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.

6. In their promotion order it should be mentioned that their Inter-se - Seniority on lower post will remain intact.

7. If any one undergo promotion, Entry to this effect may be made in his/her Service book.

8. Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Kyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. 20 (P) 4-2229/M/2012/Teaching Cadre Dated the November 13, 2012.

1. For further directed to further clarify.

1. On promotion of B-12 to the post of Senior QAT B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools.
2. If QAT B-12 posts will be upgraded to Senior QAT B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16 in High and Higher Secondary Schools only in Elementary and Secondary Education Department at District level.
3. No post of CT B-15, PET B-15, AT B-15, DM B-15, TT-15, will be upgraded to B-16 in Middle Schools.
4. Senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16, Senior TT B-16 (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.

24/-
 Dy. Director (Es&S)
 Elementary and Secondary Education
 Kyber Pakhtunkhwa Government

Encl: No. 1. File No. A-88/KC/2012: Dated Peshawar the 18/01/2013.

1. Copy forwarded for information and necessary action to the:-
1. PS to the Secretary to Govt: Kyber Pakhtunkhwa Es&S Department.
2. PA to the Director Es&S Kyber Pakhtunkhwa Government.
3. M/File.

24/-
 Dy. Director (Es&S)
 Elementary and Secondary Education
 Kyber Pakhtunkhwa Government

Handwritten signatures and initials

**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9201389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936 0800-33857
No. 2111-2321 / Promotion / Estab
Dated Peshawar the 21/01/2013.

15

To: All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject: Guidelines for Posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSHT B-15, Civi B-12 to B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.

Memo:

I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and on Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted as under:-

Up gradation of Posts in Primary Schools (Female) After Rationalization @ 1-40 ratio											
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization							
				SSP B-16	CT B-15	PSHT B-15	SPST B-14	PST B-12	NG	Caller	Chow
1	25088	GGPMS A (JICA)	208	1	2	0	2	3	1	1	1
2	25049	GGPMS B (JICA)	306	1	2	0	2	6	1	1	1
3	25043	GGPMS C	173	1	0	0	2	3	1	1	1
4	30056	GGPS D	50	0	0	1	0	1	0	0	1
5	25224	GGPS E	110	0	0	1	1	1	0	0	1
6	25044	GGPS F	160	0	0	1	1	2	0	0	1
7	25277	GGPS G	198	0	0	1	1	3	0	0	1
8	25221	GGPS H	240	0	0	1	2	3	0	0	1
9	33912	GGPS I	285	0	0	1	2	4	0	0	1
10	25097	GGPS J	320	0	0	1	2	5	0	0	1
11	25138	GGPS K	360	0	0	1	2	6	0	0	1
12	32606	GGPS L	400	0	0	1	3	6	0	0	1
13	25278	GGPS M	440	0	0	1	3	7	0	0	1
Total			3250	3	4	10	23	50	3	3	13

Up gradation of Posts in Primary Schools (Male) After Rationalization @ 1-40 ratio							
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSHT B-15	SPST B-14	PST B-12	Chow
1	30056	GPS A	50	1	0	1	1
2	25224	GPS B	110	1	1	1	1
3	25044	GPS C	160	1	1	2	1
4	25277	GPS D	198	1	1	3	1

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5	25221	GPS E	240	1	2	3	1
6	32912	GPS F	285	1	2	4	1
7	25007	GPS G	100	1	2	5	1
8	25138	GPS H	360	1	2	6	1
9	32606	GPS I	400	1	3	6	1
10	25278	GPS J	490	1	3	7	1
Total			2503	10	17	38	10

Note:-

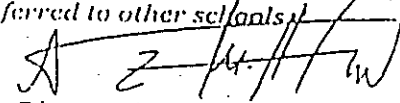
1. Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15.
2. There will be no post of PSHT B-15 & SPST B-14 in MIPS.
3. No of posts of PSHT B-15, SPST B-14 & PST B-12 will not exceed the already communicated sanctioned posts.

Posting on Promotion

4. On Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted in the same UCs Subject to the provisions of sanctioned post.
5. Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.
6. In their promotion order it should be mentioned that their Inter-se-Seniority on lower post will remain intact.
7. If anyone forego promotion, Entry to this effect may be made if his/her Service book.
8. Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

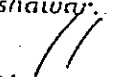
I am further directed to further clarify that:

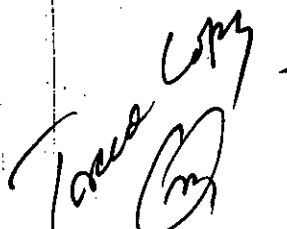
1. On promotion Qari B-12 to the post of Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools
2. 1/3 Qari B-12 posts will be upgraded to Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16 in High and Higher Secondary Schools only in Elementary and Secondary Education Department at District Level.
3. No post of CT B-15, PET B-15, AT B-15, DM B-15, TT-15 will be upgraded to B-16 in Middle Schools.
4. Senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16, Senior TT B-16 (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.
- 5.


Dy. Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Enclst: No. ___ / File No. / A-88/KC/S.list : Dated Peshawar the 13/01/2013.

- Copy forwarded for information and necessary action to the:-
1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
 2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
 3. M/File


Dy. Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar



حساب ڈسٹرکٹ ایجوکیشن آفیسر صاحبہ (زنانه) ضلع ملاکنڈ ڈاٹ ایم اے ایف ایم

عنوان: نظر ثانی آرڈر نمبر 3161

(17)

Amount

جناجیالیہ! پورباج گذارسی کیجانی ہے کہ گورنمنٹ گرنز پرائمری سکول

درگئی میں طالبات کی تعداد 600 ہے۔ حالیہ ریشٹلائزیشن پروگرام

میں سکول ہذا سے تین معلمات کو تبدیل کر دیا گیا ہے۔ سکول ہذا میں معلمات کی فوری کمی ہے۔

معلمات عارفہ اور بادشاہ بہ بخت کافی تجربہ کار۔ صحابی اور صحتی

ہیں۔ سکول اور بچیوں کی بہترین تعلیم و تربیت کو مدنظر

رکھتے ہوئے ان کے آرڈر پر نظر ثانی کر کے سکور فرمائیں

بڑی مہربانی ہوگی۔

العارضہ

سید سٹیٹسٹریٹس ایچ۔ پی۔ ایس۔ 9، درگئی

Nahed Begum
Head Mistress
G.G.P.S Dargai
Malakandi Agency

Tanzim