

1002/2016

23.12.2016

Mr. Zia Anjum, husband of the appellant and Mr. Zahid Gul, ADO alongwith Mr. Muhammad Siddique Sr.GP for the official respondents present. Counsel for private respondent No. 5 also present. Undertaking on behalf of the appellant submitted. To come up for written reply /further proceedings before S.B on 19.01.2017 at camp court, Abbottabad. Status quo be maintained

Chairman  
Camp court, A/Abad

19.1.2017

Mr. Zia Anjum, husband of the appellant, Zahid Gul, ADO alongwith Mr. Muhammad Siddique, Sr.GP for the official respondents and private respondent No.5 with counsel present. Submitted copy of office order dated 10.01.2017 according to which the appellant was directed to continue her duty at GGPS Dobathar, Abbottabad. Requested for withdrawal of the appeal.

In view of the above, the appeal is dismissed as withdrawn. File be consigned to the record room.

Chairman  
Camp court, A/Abad

ANNOUNCED  
19.01.2017

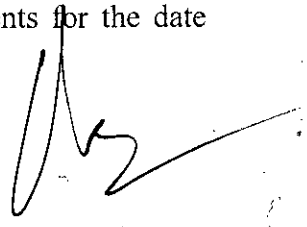
19.01.17

APPEAL No. 1002/2016  
Mst. Imrana Bibi vs Govt

29.09.2016

Counsel for the appellant present. Preliminary arguments heard and case filed perused. Through the instant appeal, the appellant has impugned order dated 11.06.2016 vide which the appellant was transferred from GPS Dobather Circle Ghangi to Mubarak Circle Sherwan. Against the impugned order, the appellant filed departmental appeal on 16.06.2016 which was not responded hence, the instant service appeal.

Since the matter pertains to the terms and conditions of service of the appellant, therefore, the appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 25.11.2016. Since the appeal pertains to territorial limits of Hazara Division, therefore, the appeal is assigned to S.B at Camp Court A/Abad. Alongwith appeal an application for temporary injunction was also submitted. Notice of the said application be also issued to the respondents for the date fixed. Till then status-quo be maintained.




Member

1002/2016  
Appellant Deposited  
Security & Process Fee

25.11.2016

Clerk of counsel for the appellant and Mr. Zahid, ADEO alongwith Mst. Bushra Bibi, Government Pleader for official respondents and counsel for private respondent No. 5 present. Requested for adjournment. To come up for written reply/comments on 23.12.2016 at camp court, Abbottabad. Status quo be maintained.



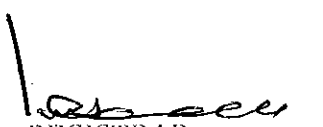
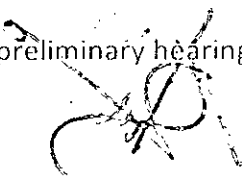
Chairman  
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1002/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/09/2016	<p>The appeal of Mst. Imranan Bibi presented today by Mr. Ijaz Ahmad Malik Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;">                       REGISTRAR                      28/9/2016                 </p>
2	27-09-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29-09-2016</u></p> <p style="text-align: right;">                       CHAIRMAN                 </p>

**BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL, PESHAWAR**

*Appeal No. 1002/2016*

**Imrana Bibi**

**VERSUS**

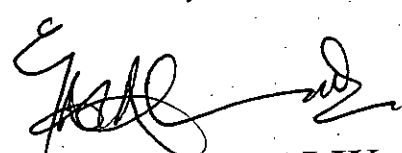
**Govt. of KPK and others**

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5.	Wakalat Nama		10

Appellant

Through

*Imrana*  
  
**IJAZ AHMAD MALIK**  
Advocate, High Court,  
Peshawar.

Cell No.

0300-5951730

**BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL, PESHAWAR**

*Appeal No. 1002/2016*

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1021

Dated 26-9-2016

Imrana Bibi, Head Teacher, Govt. Primary School, Dobather,  
Abbotabad.

.....Appellant

**VERSUS**

1. Govt. of KPK through Secretary Education, Peshawar.
2. Director Education (Elementary) Peshawar
3. District Education, <sup>Officer</sup> Abbottabad.
4. Sub Divisional Education Officer, Abbottabad
5. Shaheen Kausar, Head Teacher GGPS Mubarak  
(Sherween Circle Ahmad). *Abbottabad.*

.....Respondents

Filed to-day

Registrar

*26/9/16*

**APPEAL UNDER SECTION 4 OF THE KPK**  
**SERVICES TRIBUNAL ACT, 1974 AGAINST**  
**THE IMPUGNED OFFICE ORDER NO. 1319-21**  
**DATED 11/06/2016 OF THE RESPONDENT NO. 4**  
**WHEREBY THE APPELLANT HAS BEEN**  
**TRANSFERRED FROM DOBATHER CIRCULE**  
**(GHANGI) TO MUBARAK (CIRCULE**  
**SHERWAN).**

**PRAYER IN APPEAL:-**

**ON ACCEPTANCE OF THIS APPEAL THE  
IMPUGNED ORDER NO. 1319-21 DATED  
11/06/2016 OF THE RESPONDENT NO. 4, MAY  
BE SET ASIDE AND THE APPELLANT BE  
RETAINED IN HER PREVIOUS PLACED OF  
POSTING I.E. DOBATHER.**

**RESPECTFULLY SHEWETH,**

1. That the appellant has been serving in the Education Department as Head Teacher in GGPS Dobather, Abbottabad, with full devotion and dedication without any complaint.
2. That the appellant has been transferred from her home station vide impugned order 1319-21 dated 11/06/2016 by the respondent No. 4 to a farflung area at a distance of 30 KM even by changing her circle malafidely and purposely. (Copy of the impugned order is enclosed as Annexure A).
3. That the petitioner filed a departmental appeal before the respondent No. 3 but the same has not yet been decided till the statutory period. (Copy of the representation is enclosed herewith as Annexure B).
4. That the appellant feeling aggrieved and having no other adequate remedy therefore files this appeal on the following amongst other grounds.

**GROUND:-**

- A. That the impugned order is illegal, against the law, policy, facts and norms of material justice, therefore, the same is not sustainable in the eyes of law and is liable to be set aside.
- B. That according to the policy the appellant is required to be retained in her union council but the appellant has malafidely been transferred 30 KM away from her residence.
- C. That the impugned order is the result of political victimization.
- D. That the appellant has not been treated according to law and policy and has been discriminated.
- E. That even the tenure of the appellant has not been completed in GGPS Dobather as provided in the policy.
- F. That the appellant is serving in the GGPS Dobather without any complaint will full zeal devotion and dedication.
- G. That the respondents are malafidely pressuring<sup>27</sup> the appellant and have issued explanation and initiating other actions illegal.

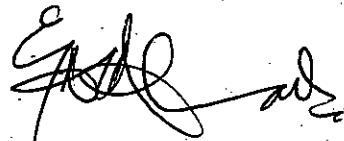
H. That other grounds are to be taken at the time of arguments.

It is therefore, prayed that on acceptance of this appeal, the impugned order No. 1319-21 dated 11/06/2016, of the respondent No. 4 may be set aside and the appellant be retained in the GGPS Dobather. Any other remedy deemed proper and just may also be granted.



Appellant

Through



**IJAZ AHMAD MALIK**  
Advocate, Peshawar.



**BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL, PESHAWAR**

**Imrana Bibi**

**VERSUS**

**Govt. of KPK and others**

**AFFIDAVIT**

I, Imrana Bibi, Head Teacher, Govt. Primary School, Dobather, Abbotabad, do hereby solemnly affirm and declare on oath that all the contents of instant **SERVICE APPEAL** are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honourable Tribunal.

*Imrana*

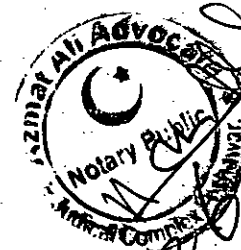
DEPONENT

Identified by:

*Ijaz Ahmad Malik*

**IJAZ AHMAD MALIK**  
Advocate, Peshawar.

**ATTESTED**



**BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL, PESHAWAR**

**Imrana Bibi**

**VERSUS**

**Govt. of KPK and others**

**URGENT APPLICATION FOR INTERIM**  
**RELIEF SUSPENDING THE OPERATION OF**  
**THE IMPUGNED ORDER NO. 1319-21 DATED**  
**11/06/2016 TILL THE FINAL DISPOSAL OF THE**  
**CASE AND THE STATUS QUO BE**  
**MAINTAINED.**

**RESPECTFULLY SHEWETH,**

1. That this application is filed alongwith appeal wherein no date is fixed yet.
2. That the appellant is illegally transferred without observing policy on the subject therefore the applicant has prima facie good case and is hopeful about its success.
3. That if the operation of the impugned order is not suspended the appellant will be put to great loss. As the respondents are pressurizing and have issued explanation also.
4. That balance of convenience and inconvenience also lies in maintaining status quo.

It is therefore, prayed that on acceptance of this application, the operation of the impugned order No. 1319 dated 11/06/2016 may very graciously be suspended till the final disposal of appeal and the status quo be maintained.

*Ijaz*

Appellant

Through

*Ijaz Ahmad Malik*

**IJAZ AHMAD MALIK**

Advocate, Peshawar.

**BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL, PESHAWAR**

**Imrana Bibi**

**VERSUS**

**Govt. of KPK and others**

**AFFIDAVIT**

I, Imrana Bibi, Head Teacher, Govt. Primary School, Dobather, Abbotabad, do hereby solemnly affirm and declare on oath that all the contents of instant **STATUS QUO APPLICATION** are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honourable Tribunal.

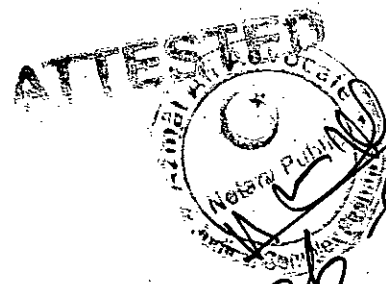
*Imrana*

DEPONENT

Identified by:

*Ijaz Ahmad Malik*

**IJAZ AHMAD MALIK**  
Advocate, Peshawar.



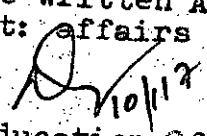
OFFICE OF THE SUB DIVL: EDUCATION OFFICER(F) ABBOTTABAD.

CANCELLATION

As approved by the competent authority, this office Transfer order issued under Endst No. 1319-21 dt: II-6-2016 is hereby CANCELLED.

Mst: Imrana Bibi PSHT is hereby directed to continue her duty at GGPS Dobathar (Qalandarabad Circle).


She is also directed to submit the written APOLOGIZE that not to play Drama in the Govt: affairs in future.

  
Sub Divl: Education Officer(F)  
A b b o t t a b a d .

Endst No. 54-56 /Dated A/Abad, the 10 /1/2017.

Copy to:-

1. The DEO(F) Abbottabad.
2. ADO Circle-Qalandarabad/Sherwan.
3. GGPS, Mubarak/GGPS Dobathar.

  
Sub Divl: Education Officer(F)  
A b b o t t a b a d .

(7)

Annex = "A"

OFFICE OF THE SUB DIVL: EDUCATION OFFICER (FEMALE) ABBOTTABAD:  
ADJUSTMENT

As Approved by the competent authority, the following Adjust of the Head Teachers is hereby made on their own Pay & Grade/BPS in th interest of public service with effect from the date of taking over ch

SNO.	NAME OF TEACHER/SCHOOL	ADJUSTED AT	REMARKS
1.	Mst; Shaheen Kousar PSHT GGPS Shamshir Makka	GGPS, Dabwala	vice SMC.
2.	Mst: Larasa Bial PSHT GGPS Lalohar	GGPS, Dabwala	gains. 1/2

NOTE

1. No TA/DA/FC is allowed to any one.
2. Charge Report should be sent to all concerned.

Sub Divl: Education officer(F)  
A b b o t t a b a d

Endst No. 1319-20 /Dated A/Abad, the 4 /June/2016.

- Copy to:-
1. The DEO(F)Abbottabad.
  2. ADO Sherwan & Qalanqarabad.
  3. GGPS concerned.

Sub Divl: Education Officer(F)  
A b b o t t a b a d .

Copy

True  
2  
*[Signature]*

**BETTER COPY**

**OFFICER OF THE SUB DIVL: EDUCATION OFFICER**  
**(FEMALE) ABBOTTABAD.**

**ADJUSTMENT:**

As approved by the competent authority, the following adjust of the Head Teachers is hereby made on their own pay and grade / BPS in the interest of public service with effect from the date of taking over charge.

S. No.	Name of Teacher / School	Adjusted at	Remarks
1.	Mst. Shaheen Kousar PSHT GGPS	GGPS , Teacher	Vide SNO
2.	Mst. Imrana Bibi PPGHP GGPS Lecturer	GHS, Karak	

Note:-

1. No TA / DA / TG is allowed to anyone.
2. Charge report should be sent to all concerned.

Sub Divl: Education Officer (E)

Abbottabad

Endst No. 1319-20 / dated A/Abad, the #/June/2016.

Copy to:

1. The DEO (F) Abbottabad.
2. ADO Sherwan & Qalanoarabad.
3. GGPS Concerned.

Sub Divl: Education Officer (E)

Abbottabad

8  
Bhutta

OFFICE OF THE SUB DIVL: EDUCATION OFFICER(FEMALE) ABBOTTABAD.

No. 2037  
Dated A/Abad, the 13/18/2016.

Mat: Ibrana Bibi PSHT GGPS/Dobathar.

Subject: - EXPLANATION

Memo;

You were Transferred to GGPS Mubarak (Sherwan Circle) during June: 2016 but sorry to point out that you have not assigned your new Assignment and the instructional work of the school/Poor student has been suffering badly since long. Can you explain that under which circumstances you are dis-obeying the Department order.

Your reply for the said negligency/irresponsibility should reached the under signed with in three days, failing which you will be personally held responsible for the consequences.

13/18/16

Sub Divl: Education Officer(F)  
A b b o t t a b a d .

Encl No. Byel No & date.

Copy to:-

1. The DDO(F)/A/Abad.
2. DDO-Qalandarabad.

Spl  
Sub Divl: Education Officer(F)  
A b b o t t a b a d .

True copy  
3/12



**BETTER COPY**

**OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (F)**

**ABBOTTABAD.**

**No. 2037**

**Dated: A/ABAD THE 13/08/2016**

Mst. Imrana Bibi PSHT GGPS/ Dobathar.

***Subject:***                    **EXPLANATION:**

Memo:

You were transferred to GGPS Mubarak (Sherwan Circle) during June 2016, but sorry to point out that you have not assigned your new assignment and the instructional work of the school / poor student has been suffering badly since long. Can you explain that under which circumstances you are dis-opeying the department order.

Your reply for the said negligence / irresponsibility should reached the undersigned within three days, failing which you will be personally held responsible for the consequences.

Sub Divl: Education Officer (E)

Abbottabad

Endst No. Even No. and Date

Copy to:

1. The DEO (F) Abbottabad.
2. ADO Qalanoarabad.

Sub Divl: Education Officer (E)

Abbottabad

9

Annex B

FROM :

FAX NO. : 335657

20 Jun. 2016 9:55AM P1

خدمت جناب عالیہ ڈسٹرکٹ ایجوکیشن آفیسر (ایڈمنسٹریٹو) زنانہ ایسٹ آباد  
عنوان :- درخواست برائے منسوخی تبدیلی

جناب عالیہ !! گزارش ہے کہ فدویہ عمرانیہ گورنمنٹ گریلز پرائمری سکول دوپٹہ میں بحیثیت  
ہیڈ ٹیچر (PSHT) اپنے فرائض سرانجام دے رہی ہے۔ فدویہ کو مورخہ 06-11-2016 کو آفس  
ڈسٹرکٹ ایجوکیشن کے تحت بمعینہ کسی وجہ و شقائیت گورنمنٹ گریلز پرائمری سکول مبارک  
رچھ میں لائبریری (میں ٹرانسفر کر دیا گیا ہے جو کہ فدویہ کو آفس سے 25 کلومیٹر  
دور ہے۔ اور فدویہ کی جگہ مسماۃ شاہین کوٹر (PSHT) کو آفس میں لایا گیا ہے۔  
شمنیہ کے تبدیل کر کے دوپٹہ سکول میں لایا گیا ہے۔  
جناب عالیہ مسماۃ شاہین کوٹر چھوٹا ہلے 14 سکیل (PSHT) تعینات ہوئی تھی۔ یہاں پر  
66 PS دورے سے شمنیہ کے بطور (PSHT) تعینات ہوئی تھی۔ یہاں پر  
کوٹر کا شمنیہ کے میں صرف 6، 6 ماہ کا عرصہ تیار ہے۔ جبکہ KPK گورنمنٹ کے مطابق  
وہ روابط کے مطابق Probation Period کا ایک سال ہے۔ جسکی بنا پر  
تبدیلی حکمانہ قوانین کے متافی ہے۔

دوسرا KPK گورنمنٹ کی پالیسی کے مطابق اساتذہ کا تبادلہ یونین کونسل  
اندرونی یا باہر نہیں سائلہ کا دوپٹہ سکول یونین کونسل جھنگی کے اندر واقع ہے اور تبادلے کے  
بعد یونین کونسل تبدیل کر دیا گیا ہے جو کہ قانونی اصولوں کے متافی ہے  
سائلہ کا سرکل فلڈز آباد پھیر اس کی اجازت کے تبدیل کر کے سرکل شبروان کر دیا گیا  
ہے۔ سرکل تبدیل کرنے کے لیے اس کی باہمی اجازت و رضامندی نہیں لی گئی ہے اور اس پر  
ذہر دستی حکم صادر کیا گیا ہے۔  
جناب عالیہ حکمانہ قوانین کے مطابق زنانہ ٹیچر کے قریب ترین سکول میں تعینات  
کیا جاتا ہے جبکہ فدویہ کو گھر سے 25 کلومیٹر دور تبدیل کر دیا گیا ہے جو کہ فدویہ کے ساتھ  
سراسر زیادتی ہے اور فدویہ کے لیے (G/GPS) مبارک میں فرائض سرانجام دینا ناممکن ہے  
لہذا میری فرمائش فدویہ کا تبدیلی کا حکم نامہ منسوخ کیا جائے۔

عمرانیہ ولدیت محمد صادق PSHT  
G/GPS دوپٹہ ایسٹ آباد  
تاریخ 16/06/2016

Amara  
Head Teacher  
Govt. Girls Primary School  
Dobothar Abbottabad

Fza (P)  
Pl advised this  
order was done  
by the H.M.S. w/o

D.O. (P) & W.O.  
As both the Teachers belong to D/O Jhangli, (PK-46),  
As hased requested, as under per proposal given below  
Mst. Amara D/O M. Sadiq PSHT, Head Teacher  
Govt. Dobothar may be retained at the said  
station.  
Mst. Shabeen Kausar posted from Shansher-Dehri,  
may be adjusted at G/GPS Dehri, D/O Jhangli,  
(PK-46) in the best interest of service.

Haji Qalandar Khan Lodhi  
Minister For Food

True Copy

# وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب محمد منیر کدوہا شریک منیر صاحب کھنڈر محمد خواجہ

منجانب اسپیڈ سائیکل سروسز

سٹریٹ نمبر 6 نام حکومت وکٹوریہ

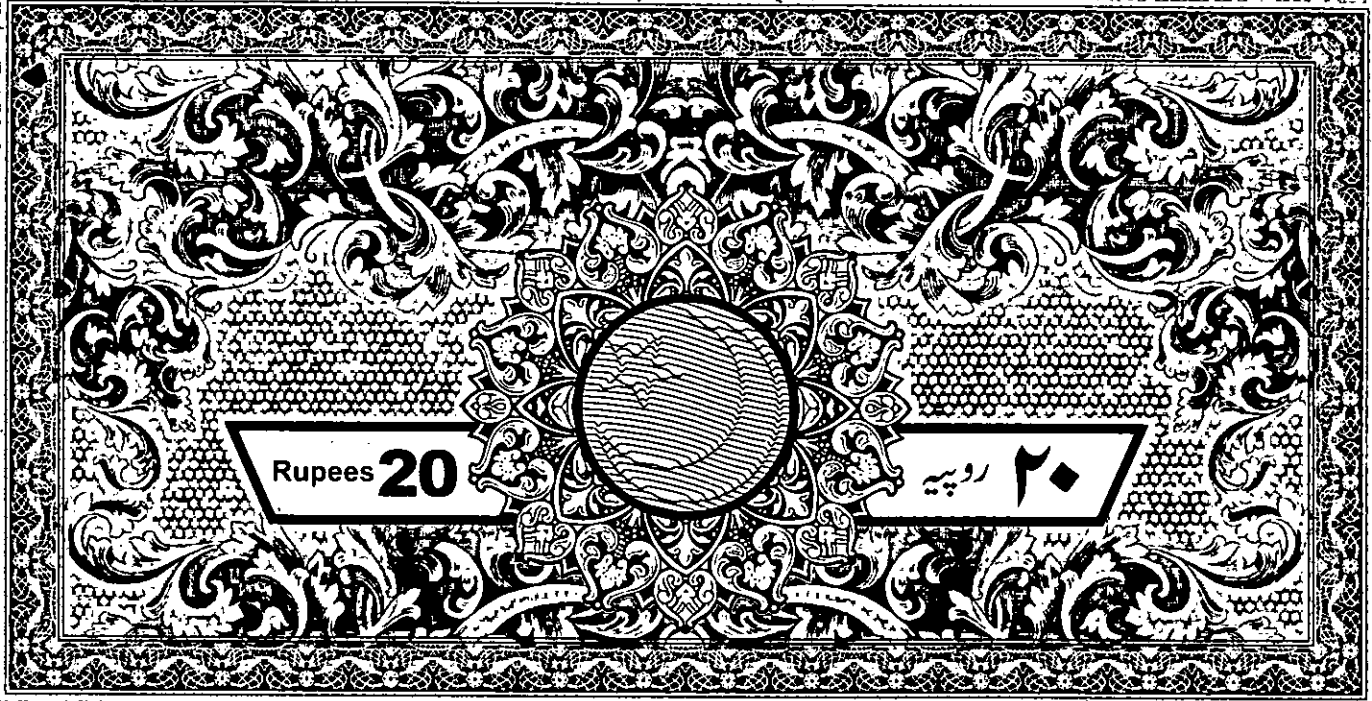
دعویٰ یا جرم سروس سہولت باعث تحریک آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی و جوابدی: ریجنل ایسوسی اٹس  
 مقام محمد منیر کدوہا بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت  
 حاضر ہوتا ہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر  
 حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف کے کسی طرح ذمہ دار نہ  
 ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے  
 یا برو تعطیل بیرونی کرینکے مجاز نہ ہونگے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا برو کچہری کے  
 اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ داریاں اسکے واسطے کسی معاوضہ ادا کرنے مختار نامہ  
 واپس کرنے کے بھی صاف و موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور و  
 قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم  
 کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراءے کرانے اور ہر قسم کا روپیہ  
 وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و فیصلہ برخلاف کرنے و  
 اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کسی طرفہ درخواست حکم امتناعی یا  
 ڈگری و قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بیرونی مختار نامہ کرنے کا مجاز ہوگا۔ ار  
 بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر  
 قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ  
 کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب  
 موصوف کے برخلاف نہیں ہوگا لہذا اختیار نامہ لکھ دیا ہے کہ سند رہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح  
 سمجھ لیا ہے اور منظور ہے۔

المرقوم: 201/1 Amrana

Accepted  
 E. J. [Signature]

A018569



## UNDERTAKING

I, Mrs. Imrana w/o Zia Anjum resident of Dobather Tehsil & District Abbottabad hereby solemnly affirm and declare as under;

A service appeal suit tilted "Mst. Imrana Bibi v/s Govt. of KPK etc." is to be withdrawn subject to transfer office order dated 11/06/2016 transferred from GGPS Dobather (Circle Jhangi) to GGPS Mubarak (Circle Sherwan) may graciously be cancelled.

*Imrana*  
IMRANA  
PSHT 15  
GGPS Dobather



07 DEC 2016

AMAR  
L. SAHAP VETTOR  
Office No. 508  
Sahap V. Sahap, Karamba Rd.

07-11-16  
5136

Handwritten text in Urdu script, likely a signature or note, written in black ink.