

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No.2030/2023

Mst.Nizakat, SAT (BPS-16), GGHS Kass under transfer to GGHS
Sundrawal Dir Upper. (Appellant)

Versus

1. The Secretary, Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar.

2. Director, Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar

3. District Education Officer Female Dir Upper. (Respondents)

Index:

S.No	Description	Annexure	Page
1	Joint Para wise reply		1-3
2	Affidavit		4
3	Authority Letter		5
4	Copy of the transfer order dated 24-07-2023	"A"	6
5	Copy of the withdrawal order dated 08-09-2023	"B"	7
6	Copy of the budget Book of GGHS Kass	"C"	8-


Deponent

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal
Date: 19-10-23
No. 8437

Service Appeal No.2030/2023

Mst. Nizakat, SAT (BPS-16), GGHS Kass under transfer to GGHS
Sundrawal Dir Upper. (Appellant)

Versus

1. The Secretary, Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar.
2. Director, Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar
3. District Education Officer Female Dir Upper. (Respondents)

Mst. Nizakat, SAT (BPS-16), GGHS Kass under transfer to GGHS
Sundrawal Dir Upper. **JOINT PARA WISE REPLY ON BEHALF OF**
RESPONDENT No.1 to 3.

Respectfully sheweth:-

PRELIMINARY OBJECTIONS

1. That the Appellant is not the "aggrieved" person with the meaning of Article 212 of the Constitution of the Islamic Republic of Pakistan 1973.
2. That the Appellant has got no cause of action /locus standi to file the instant service appeal because the Appellant did not come on merit.
3. That the Appellant has not come to this Honorable court with clean hands rather than the instant service appeal is mainly based on mala fide intentions just to put pressure on the respondent department for illegal transfer.
4. That the Appellant is estopped by his own conduct.
5. That the instant service appeal suffers from laches, hence not maintainable in the present form.
6. That the appeal in hand is badly barred by the relevant provision of Law/Rules/Policy in Field limitation.

8. That the Appellant was transferred from GGHS Sundrawal to GGHS Kass on need base. However, due to lack of SAT (BPS-16) her transfer order was withdrawn accordingly.

ON FACTS

1. Para -1 of the facts pertains to record, needs no comments.

2. Para -2 of the facts is correct to the extent of the transfer of the appellant from GGHS Sundrawal to GGHS Kass vide order dated 24-07-2023, on need bases. However, it was observed to the respondent No.3) that there is no sanctioned post of SAT (BPS-16) at GGHS Kass, therefore, her appointment order dated 24-07-2023 was withdrawn vide office order dated 08-09-2023. (Copy of the transfer order dated 24-07-2023 is attached as "A", Copy of the withdrawal order dated 08-09-2023 is attached as "B").

3. Para -3 of the facts pertain to record, because the sanctioned post of SAT (BPS-16) is not available at GGHS KASS. (Copy of the budget copy of the GGHS Kass is attached as "C").

4. Para-4 of the facts is incorrect hence denied. Details have been submitted in the facts above.

5. Para-5 of the facts is incorrect hence denied. Details have been submitted in the facts above.

6. Para-6 of the facts pertains to record, as no rejection order of the appellant departmental appeal is attached with the instant service appeal.

7. Para-7 of the facts is incorrect. details have been submitted in the facts above.

8. Para-8 of the facts is incorrect. details have been submitted in the facts above.

GROUND

A) In correct and not admitted. the stand of the Appellant is without any moral and legal justification on the grounds that the appellant

was transferred from GGHS Sundrawal to GGHS Kass, while in GHSS SAT(BPS-16) was not sanctioned.

B) Incorrect hence denied. detail has been submitted in the forgoing Para's.

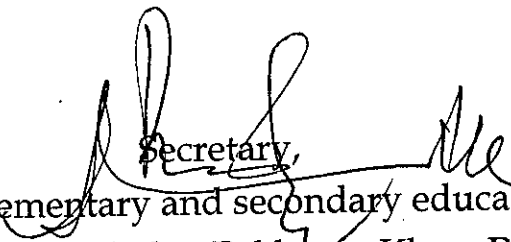
C) Incorrect hence denied .detail has been submitted in the facts above.

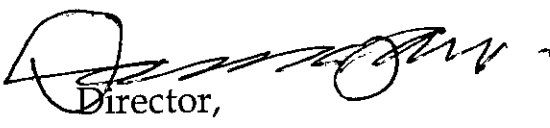
D) Incorrect hence denied. detail has been submitted in the facts above.

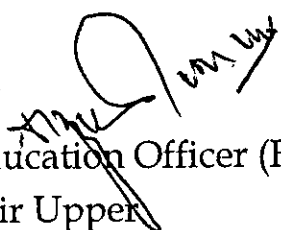
E) Incorrect hence denied. detail has been submitted in the facts above.

E) Legal, however, the respondents also seek permission to additional grounds/case laws during arguments on the date fixed.

It is, therefore, humbly prayed that on acceptance of the above submission, the instant time barred writ petition may very graciously be dismissed in favor of the answering respondents with cost.


Secretary,
Elementary and secondary education
Peshawar Khyber Pakhtoon Khwa Peshawar
Respondent No. 1


Director,
Elementary and secondary education
Peshawar Khyber Pakhtoon Khwa Peshawar
Respondent No. 2


District Education Officer (F)
Dir Upper
Respondent No. 3

4

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No.2030/2023

Mst.Nizakat, SAT (BPS-16), GGHS Kass under transfer to GGHS
Sundrawal Dir Upper. (Appellant)

Versus

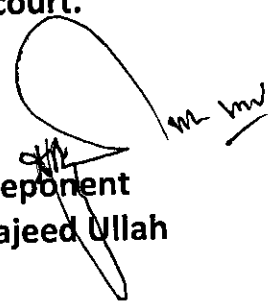
1. The Secretary, Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar.

2. Director, Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar

3. District Education Officer Female Dir Upper. (Respondents)

Affidavit

I, Majeed Ullah Superintendent BPS-17 o/o the DEO(F) Dir
Upper hereby solemnly affirm and declare that contents of the accompanying
para wise reply are true and correct to the best of my knowledge and belief and
nothing has been concealed from this August court.

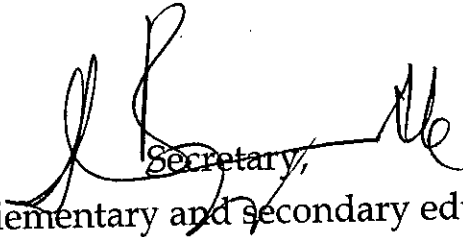

Deponent
Majeed Ullah



AUTHORITY LETTER

Mr. Majeed Ullah Supriendent BPS-17 o/o the DEO(F) Dir Upper is hereby authorized to submit the comments /reply in Service Appeal No.2030/2023.

Title: Nizakat v/s Government of Kp and others On behalf of the undersigned.



Secretary,

Elementary and secondary education
Peshawar Khyber Pakhtunkhwa Peshawar
Respondent No. 1



Director,

Elementary and secondary education
Peshawar Khyber Pakhtunkhwa Peshawar
Respondent No. 2



District Education Officer (F)
Dir Upper
Respondent No. 3



CPA 6

OFFICE OF THE DISTRICT EDUCATION OFFICER

FEMALE DIR UPPER

PH No. 0944-881900

E-mail deofdirupper@gmail.com

OFFICE ORDER:

As per recommendation of Honorable Advisor to Chief Minister Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. The competent authority has been pleased to transfer/adjust Mst: Nizakat SAT from GGHS Sundarawal to GGHS Kass on need basis purely with immediate effect in the best interest of public service.

Note:-

- 01- No TA/DA is allowed
- 02- Charge report should be submitted to all concerned

R

District Education Officer
Female Dir Upper

Dated: 24/07/2023

No: 42856-60 /F. No: 01/ADEO/Secy: /DEO (F) Dir Upper

o/c

Copy to:

- 01- District Accounts Officer Dir Upper
- 02- District Monitoring Officer (EMA) Dir upper
- 03- Headmistress GGHS Sundarawal
- 04- Headmistress GGHS Kass
- 05- Teacher concerned

R

District Education Officer
Female Dir Upper

o/c

[Handwritten signature]

[Handwritten signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER

PH No. 0944-881900 E-mail: deofdirupper@gmail.com



OFFICE ORDER

Due to the non-availability of SAT post at GGHS Kass Dir transfer order issued vide this Endst No:42856-60 Dated:24/07/2023, the undersigned is pleased to withdraw the transfer order in respect of Nizakat Begum SAT GGHS Sundrawal under transfer to GGHS Kass Dir with immediate effect as the post of AT is already filled in the best interest of public service.


She is hereby directed to resume the charge of her duty at her previous station i.e GGHS Sundrawal & compliance report should be submitted to the office of the undersigned within three days after issuance of this order.


District Education Officer
Female Dir Upper

Endst No: 4364-18 /F. No. 01/DEO (F) Dir (U) Dated: 8-9 /2023

Copy forwarded to the:-

- 1- District Accounts Officer Dir Upper.
- 2- Monitoring Officer (EMA) Dir Upper.
- 3- Head Mistress GGHS Sundrawal with the direction if the teacher concerned has not resumed the charge of her duty within three days stop her pay on proper source & copy may be produced to the undersigned.
- 4- Head Mistress GGHS Kass Dir with the direction to relieve her immediately.
- 5- Teacher concerned.


District Education Officer
Female Dir Upper


APPROVED



Government Selection



Controller General of Accounts, Pakistan
Islamabad

DDO & OPEN & FILLED POSTS

DDO CODE DPs228

SEARCH

Details

Personal No	Employee Name	DESCRIPTION	POSITION	OPEN/FILLED	Job Description	Employee Group	BPS	ID of related object
		HEAD MASTER	81218586	OPEN	HEAD MASTER	7	17	00102696
		SECONDARY SCHOOL TEACHER		FILLED	SECONDARY SCHOOL TEACHER	7	16	00102727
907851	MISS MAGINA	SECONDARY SCHOOL TEACHER	81218591	FILLED	SECONDARY SCHOOL TEACHER	7		00102727
853171	MABELA MEHMOOD	SECONDARY SCHOOL TEACHER	81218590	FILLED	SECONDARY SCHOOL TEACHER	7		00102727
352401	MISS NOORUL HUMA	SECONDARY SCHOOL TEACHER	81218590	FILLED	SECONDARY SCHOOL TEACHER	7		00102727
782601	NEELAM BEGUM	SENIOR PHYSICAL EDUCATION TEACHER	80701654	FILLED	SENIOR PHYSICAL EDUCATION TEAC	7		00102850
		SECONDARY SCHOOL TEACHER	81218592	OPEN	SECONDARY SCHOOL TEACHER	7		00102727
904478	SAPNA MEHMOOD	CERTIFICATED TEACHER	80701600	FILLED	CERTIFICATED TEACHER	7	15	00100560
798478	SHKILA HABI	SENIOR QARIA	81218589	FILLED	SENIOR QARIA	7		00102730
903083	LURNA RAZA	PHYSICAL EDUCATION TEACHER	80701647	FILLED	PHYSICAL EDUCATION TEACHER	7		00101806
		ARABIC TEACHER	80742266	OPEN	ARABIC TEACHER	7		00100119
		THEOLOGY TEACHER	80701670	OPEN	THEOLOGY TEACHER	7		00102467
		CERTIFICATED TEACHER	80701614	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701613	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701612	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701608	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701607	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701606	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701605	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701604	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701603	OPEN	CERTIFICATED TEACHER	7		00100560
		CERTIFICATED TEACHER	80701601	OPEN	CERTIFICATED TEACHER	7		00100560
		DRAWING MASTER	80113881	OPEN	DRAWING MASTER	9		00101057
1037656	WAQAS ALI KHAN	JUNIOR CLERK	81218587	FILLED	JUNIOR CLERK	7	11	00101311
		LABORATORY ATTENDANT	81218588	OPEN	LABORATORY ATTENDANT	7	15	00101405
		CHOWKIDAR	81218585	OPEN	CHOWKIDAR	7		00102648
		SWEEPER	80122829	OPEN	SWEEPER	7		00101423
		NAIB QASID	80113721	OPEN	NAIB QASID	7		00101694

ATTACHED