


FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 770/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	18.10.2023 /	<p>The implementation petition of Mst. Nizakat submitted today by Mr. Kamran Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

**IN THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Implementation Petition No. 770 /2023

In

S.A No. 2030/2023

Mst. Nizakat, SAT (BPS 16),
GGHS KASS Dir Upper.

Versus

1. Education Department

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Dated: 18/10/2023

Petitioner

Through


Kamran Khan

Advocate High Court
Peshawar.

(1)

IN THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Implementation Petition No. 770 /2023

In

S.A No. 2030/2023

Mst. Nizakat, SAT (BPS 16),
GGHS KASS Dir Upper.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8379

Dated 18-10-23

Versus

1. The Secretary Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.
2. The Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female), DIR UPPER.

**PETITION FOR THE IMPLEMENTATION/
EXECUTION OF THE ORDER DATED 10-
10-2023 PASSED IN THE ABOVE MENTION
APPEAL IN LETTER AND SPIRIT**

Respectfully Sheweth,

1. That the above mention appeal is pending
adjudication before this honorable tribunal which
is fixed for 20-10-2023.
2. That the mention appeal is filed against the
transfer order dated 08-09-2023 and the honorable
tribunal while order dated 10-10-2023 admitted

the appeal for regular hearing and the mean while the impugned order dated 08-09-2023 was suspended. (copy of the order sheet dated 10-10-2023 is attached as annexure A)

3. That after obtaining the stay order the appellant/applicant submitted the same before the component authority on the very next day, instead of complying the order dated 10-10-2023 the component authority issued warning dated 13-10-2023 by ridiculing the order of this honorable tribunal. (copy of the application and warning letter are attached as annexure B).
4. That despite the clear cut directions of this Hon'ble Tribunal the respondents are reluctant to implement the order dated 10-10-2023.
5. That the acts of respondents by non-implementing the order of this Hon'ble Tribunal, constrained the petitioner/appellant to move the instant petition.
6. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant petition, the respondents be directed to implement the order dated 10/10/2023 in its true spirit till the final disposal of main appeal and be further directed to release the monthly salaries of the appellant/applicant.

(3)

Dated: 18/10/2023

Petitioner


Through 
Kamran Khan

& 
Waleed Adnan

Advocates, High Court
Peshawar.

Affidavit

I, do hereby solemnly affirm and declare on oath that all the contents of the **instant application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent



11
A
④
④

7747
21/09/23



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 2030 /2023

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

.....APPELLANT

VERSUS

- 1- The Secretary (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&S) Education Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), Dir Upper.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 08.09.2023 WHEREBY THE
TRANSFER ORDER DATED 24.07.2023 HAS
PREMATURELY BEEN WITHDRAWN AND AGAINST THE
APPELLATE ORDER DATED 02.10.2023 WHEREBY THE
DEPARTMENTAL APPEAL OF APPELLANT HAS BEEN
REJECTED ON NO GOOD GROUNDS.**

PRAYER:


That on acceptance of this appeal the impugned order dated 08.09.2023 and appellate order dated 02.10.2023 may very kindly be set aside and the order dated 24.07.2023 may please be restored. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of respondent Department and is serving the respondent Department as SAT (BPS-16) quite efficiently and up to the entire satisfaction of her superiors since 2004.
- 2- That lastly, while rendering service in far furlong stations for considerable time, the appellant was transferred from GGHS Sundarawal to GGHS Kass vide office order dated 24.07.2023 on need basis and in the best interest of public service. Copy of the order dated 24.07.2023 is attached as annexure A.
- 3- That in compliance of the office order mentioned above the appellant assumed the charge of her post at GGHS Kass on 25.07.2023, which was handed over by the concerned

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



Service Appeal No. 2030/2023

10th Oct., 2023

SCANNED
KPST
Peshawar

01. Learned counsel for the appellant present and heard.
02. Learned counsel for the appellant argued that the appellant was transferred from GGIIS Sundarawal to GGIIS Kass vide office order dated 24.07.2023. She assumed charge on 25.07.2023 and started performing her duty. Vide impugned order dated 08.09.2023, the order of 24.07.2023 was withdrawn in utter violation of the transfer and posting policy of the Provincial Government. Feeling aggrieved, she filed departmental appeal which was rejected on 02.10.2023, hence the present appeal.
03. Points raised need consideration. Instant appeal is admitted for full hearing, subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 03 days. The respondents be summoned through TCS for submission of reply/comments on 20.10.2023 before the S.B.
04. As to the application for suspension of the operation of impugned order dated 08.09.2023, it is directed that the operation of the impugned order shall stand suspended till next date, if not already acted upon. Parcha Peshi given to the learned counsel for the appellant.

(FAREEHA PAUL)
Member (E)

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Fazle Subhan, P.S

Date of Presentation of Application 18/10/23
Number of Words 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyiest 18/10/23
Date of Completion of Copy 18/10/23
Date of Delivery of Copy 18/10/23

"B"

(6)

درخواست نامہ
pay release

صاحب عالیہ!

گزارش ہے کہ سائلہ کی ٹرسٹس فرارڈر HS کا سزاوا سے HS کا کس ہوا تھا۔ اور بعد میں 8-9-23 withdraw ہوا ہے۔ سائلہ نے اس کے خلاف کورٹ میں کیس دائر کیا تھا سائلہ کی 11-10-23 Stay order ہے

لہذا اس کے مطابق سائلہ کی pay release کرنے کا حکم صادر فرماویں

12/10/23

HS کا کس دیم

SAT

سائلہ
تذات

~~ADED~~
ADED (S)
Examined & Discussed
for Director NIA Please
14/10/2023



**OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER**

PH No. 0944-881900

E-mail deofdirupper@gmail.com



To,

The Mizakat Begum SAT
GGHS Kass Dir Upper.

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Subject: - **WARNING.**

Memo:

Reference to the subject cited above. It is stated for your information that your transfer order No 42856-60 dated 24-07-2023 was cancelled due to non availability of vacant post at GGHS Kass Dir, and you were directed to resume your duty at your pervious station i.e. GGHS Sundrawal on your actual post instead of GGHS-Kass Dir. The Undersigned called explanation vide this office Ednst No:148-53 dated : 27-09-2023 but you are not obeying the order of the undersigned which is against the office business and amounts to misconduct and negligence on your part.. You are hereby directed to resume the charge of your duty at GGHS Sundrawal within 24 four hours and submit charge report to the office of undersigned, otherwise strict disciplinary action will be initiated against you.

Moreover, you will be proceeded under Efficiency & Disciplinary Rules 2011.

**DISTRICT EDUCATION OFFICER
(FEMALE) DIR UPPER**

No. 614-18 /F. No. 36 DEO (F) ADEO /Estt: Branch (Sec): (Female) Dated Dir (U) the: 13-10 /2023.

Copy forwarded to:-

01. Director E&SE KPK Peshawar
02. District Monitoring Officer (EMA) Dir Upper.
03. District Accounts Officer Dir Upper.
04. In-charge GGHS Kass with the direction to relieve the said teacher immediately.
05. Teacher concerned.


**DISTRICT EDUCATION OFFICER
(FEMALE) DIR UPPER**

Ch.

بعدالت صباہ میں ترمیموں کی



مورخہ
مقدمہ
دعویٰ
جرم

2 منجانب
نمبر 44
بنام صاحب

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے لئے کہ
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
اوکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور یا اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے
سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2022ء

ماہ اکتوبر

18

المرقوم

العبد دنگ واہ العبد

Amal & Associates
لاہور