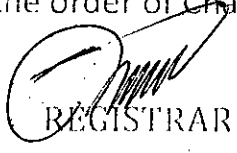


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 799/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.10.2023	<p>The implementation petition of Mst. Shahida Perveen submitted today by Mr. Saif Ullah Mongol 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</p> <p> REGISTRAR</p>

(A)

CHECK LIST

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

Mst. Suhaila Hakim

..... Appellant

**Versus**

Govt of KP through Secretary Education & others

..... Respondents

<b>S NO</b>	<b>CONTENTS</b>	<b>YES</b>	<b>NO</b>
1.	This appeal has been presented by: <u>Saif Ullah Mongol AHC</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Saif Ullah Mongol AHC

Signature:- Saif Ullah

Dated: 25-oct-2023

(B)

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Execution Petition No. 799 /2023

In

Service Appeal No.1719/2022

Mst. Suhaila Hakeem

.....Appellant

V E R S U S

Government of KPK & others

.....Respondents

**INDEX**

S#	Description of the Documents	Annex	Pages
1.	<i>Grounds of execution Petition</i>	*	1 to 2
2.	<i>Affidavit</i>	*	3
3.	<i>Copy of order/judgment dated 10/07/2023</i>	"A"	4 to 7
4.	<i>Copy of application along with receipt</i>	"B"	8 to 10
5.	<i>Wakalat Nama</i>	*	11

Appellant

Through

Saif Ullah Mongol  
Advocate, high Court

Date: 25/10/2023

*Suhaila*

*Saif Ullah*

(1)

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Execution Petition No. 799 /2023

Khyber Pakhtunkhwa  
Service Tribunal

In

Diary No. 8617

Service Appeal No.1719/2022

Dated 26-10-2023

Mst. Suhaila Hakim D/o Lal Hakim R/o Khevedad Khel, Tappa, Hassan Khel,  
Mohallah Darwesh Bagh Sadda Tehsil Lower Kurram District Kurram.

.....Appellant

**VERSUS**

1. Government of KPK, through secretary elementary and secondary education Khyber pakhtunkhwa Peshawar office at Civil Secretariat near MPA Hostel, Peshawar.
2. District education officer DEO (Female) District kurram, office at para chinar city upper kurram.
3. District education officer DEO (Male) District Kurram office at Para Chinar City Uppar Kurram .
4. Deputy District education officer DDEO (Female) lower and central kurram office at sadda Colony lower Kurram.

..... Respondents

**APPLICATION FOR IMPLEMENTATION/EXECUTION OF THE ORDER/ JUDGMENT DATED 10/07/2023 OF THIS HONOURABLE TRIBUNAL IN THE ABOVE TITLED SERVICE APPEAL.**

**Respectfully Sheweth:**

That petitioner humbly submits under:

1. That the above titled service appeal was decided in Appellant's favour vide order/judgment dated 10/07/2023. **(Copy of ibid judgment/order is attached as annexure "A")**.
2. That this Honourable Tribunal give direction to the respondents, which is reproduced as under:-

*"Mr. Muhammad shah, departmental representative present in the court stated that the appellant had not gone to the new place of posting. He*

(27)

*further stated that the appellant might submit arrival report today which would be accordingly accepted. The learned counsel for the appellant submitted that being a lady, the appellant might be considered for a nearer posting in case of availability of post in future. The representative of the respondents submitted that on availability of a post nearer to the house of the appellant, she would be considered for her adjustment against that. Orders accordingly."*

3. That the appellant thereafter time and again visited to the learned respondents office for taking charge in the transferee school, in this regard attested copies of the ibid order/judgment and application by mentioning all details of the case and order has been submitted/sent on 03/08/2023 via post office to the respondent no.2, but the respondents delaying the matter in one and other pretext. **(Copy of application and receipts are attached as annexure "B")**
4. That the respondents have not taken any action of the judgment/order of this Honourable Tribunal till date and all efforts of the appellant went in vain.

It is, therefore, humbly prayed that on acceptance of the instant application/petition the respondents may kindly be directed to implement the order/judgment of this Honourable Tribunal dated 10/07/2023.

*Any other remedy which deems fit by this Honourable Tribunal may also be granted in favour of the appellant.*

Through

Appellant



Date: 25/10/2023

**Saif Ullah Mongol**  
Advocate, High Court



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Execution Petition No. \_\_\_\_\_/2023

In

Service Appeal No.1719/20

Mst. Suhaila Hakeem

.....Appellant

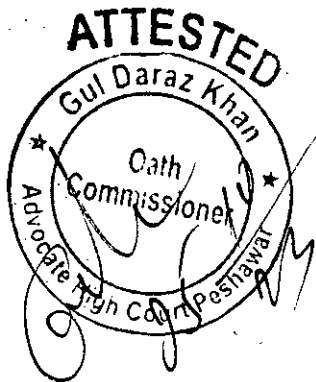
**V E R S U S**

Government of KPK & others

.....Respondents

**AFFIDAVIT**

I, Suhaila Hakim D/o Lal Hakim R/o Khevedad Khel, Tappa, Hassan Khel, Mohallah Darwesh Bagh Sadda Tehsil Lower Kurram District Kurram. do hereby solemnly affirm and declare that the contents of **Application for implementation /execution** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Suhaila*

**DEPONENT**

**CNIC # 21302-1942834-2**

**Mobile # 0302-8352106**

Annexure A

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



Service appeal No. 1719 /2022

Mst. Suhaila Hakim D/o Lal Hakim R/o Khevedad Khel, Tappa, Hassan Khel,  
Mohallah Darwesh Bagh Sadda Tehsil Lower Kurram District Kurram.

.....APPELLANT  
**VERSUS**

1. Government of KPK, through secretary elementary and secondary education Khyber Pakhtunkhwa Peshawar office at Civil Secretariat near MPA Hostel, Peshawar.
2. District education officer DEO (Female) District kurram and office at para chinar city upper kurram.
3. District education officer DEO (Male) District Kurram office at Para Chinar City Upper Kurram .
4. Deputy District education officer DDEO (Female) lower and central kurram office at sadda Colony lower Kurram.
5. Bibi Zakia D/o Muhammad Umer R/o Central Kurram Tehsil Sadda District Kurram.

.....Respondents

**APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED TRANSFER ORDER /  
NOTIFICATION DATED 30-06-2022, PASSED BY  
RESPONDENT NO. 4.**

**Respectfully Sheweth:**

That appellant humbly submits under:

1. That the appellant is bonafide and peaceful citizen of Islamic republic of Pakistan and permanent resident of Caste khoiyadkhel Tappa Hassan Khel Muhallah Darwesh Bagh Post Office sadda Tehsil Sadda District Kurram. (Copy of CNIC is attached as annexure "A").
2. That the appellant belongs to an educated family and completed her master degree in the year 2014 with additional degree of bachelor of education (B'ED) (Copy of educational testimonials are attach as "B" to "B-9")
3. That the appellant appointed as primary School teacher (PST) (BPS-12) through order No. 1986-2002 /EDO dated 19-04-2022 by the respondent No.3, in response to that appointment letter the appellant took charge of the same after fulfilling all cadal formalities on 19-04-2022 (Copy of

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(5)

appointment letter and charge report are attached as annexure "C"-  
"D")

4. That thereafter the appellant started her services from 19-04-2022 in government girl's primary school (GGPS) Pir qayam No.2 against the vacant post initially for one year on probation period.
5. That after two months and 11 days of service rendered by the appellant in the ibid school and astonishingly the appellant received a corrigendum letter No.3175-87/ EDO on 30-06-2022 issued by the respondent No.4, through which the appellant transferred to government girls primary Hassanzai, while the respondent No.5 has been transferred from GGPS Hassanzai to GGPS Pir Qayum No.2 (Copy of corrigendum/Transfer order as attach as annexure "E")
6. That the appellant upon the illegal and unauthorized transfer order approached through an application to the respected office of respondent No.1 and 3 for cancellation of the impugned transfer order dated 30-06-2022, however all efforts of the appellant went in vain. (Copy of application are attached as annexure "F & "G")
7. That seriously aggrieved with the inaction upon the application of the appellant, hushed and tight zip act of the respondents department, the appellant has no efficacious remedy except to approach this Hon'ble tribunal in service appeal amongst the following grounds.

**GROUND S:**

- A. That the appellant is natural born bona fide citizen of Islamic republic of Pakistan and fully and equally entitled to all basis and fundamental rights as supported and guaranted by the constitution of Islamic republic of Pakistan 1973, interpreted and discrimination along with unfettered exercise of discriminative powers by an authority or office is always been deplored and deprecated by the superior court.
- B. That the impugned transfer order issued by the respondent No.4 is illegal, without authority and against the principle of civil services laws and rules.
- C. That the appellant is permanent resident of union council pir qayyum and also applied for the appointed post at the time of filing online application.  
*It is very important to mention here that the appellant got marriage in the year 2018 in sadda and have 1 kid, now joining in subsequent transfer school create hurdles and there is apparent apprehension of murder, because in hassanzai there is conflict between sunni and shia and most importantly the transfer school is situate 15 km distance from appellant house and there is no transport facility provided by the government.*
- D. That the initial posting made on the basis of merit list and appointment latter, the respondent No. 5. on serial no.2 of the merit list having 108, 28 score and on her sweet will and wish decided to join GGPS Hassanzai, while the appellant were on serial No.9 of the appointment letter.

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



(b)



- E. That the impugned transfer order/letter is issued on political approach, while the appellant is belong to a poor family and has no political approach. There is a lot of judgments of this honourable court as well the Apex court that transfer on political approach is illegal and violation of article 27 of the Islamic republic of Pakistan, 1973, which provide the safeguard against discrimination in services.
- F. That the appellant craves leave of this honourable court to submit additional documents as per need and to raise further points at the time of arguments.

It is, therefore, humbly prayed that on acceptance of this Service appeal the impugned transfer order No.3175-78 dated 30-06-2022 may kindly be declared illegal, unlawful, passed without authority and resultantly the appellant may kindly be ordered to remain and to continue her services on her initial appointed station i.e GGPS pir qayyum No.2.

Any other remedy which deems fit by this Honourable Court may also be granted in favour of appellant.

**CERTIFICATE:**

Certified on instructions of my client that appellant has not previously moved this Hon'ble court under section-4 of the Khyber Pakhtunkhwa service tribunal act, 1974 regarding the instant matter. Further stated that being service appeal on the score that since there is no adequate and alternate legal remedy is available or previously avail or approach lower forum, thus this case may be fixed before this honourable court.

ADVOCATE

*Shila*

appellant \*

Saif Ullah Mangol  
Advocate High Court &  
Federal Shariat Court of Pakistan

Through

Saif Ullah Mangol  
Advocate High Court &  
Federal Shariat Court of Pakistan  
Advocate, High Court

Date: 28/11/2022

ATTESTED

*[Signature]*  
J. N. M. VER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

7

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No. 1719/2022**

**Titled "Suhaila Hakeem-vs-Government of Khyber Pakhtunkhwa  
through Secretary Elementary and Secondary Education,  
Khyber Pakhtunkhwa Peshawar and others"**



**ORDER**

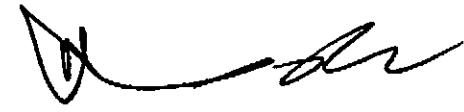
10<sup>th</sup> July, 2023

**KALIM ARSHAD KHAN, CHAIRMAN:** Learned counsel for the appellánt present. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Shah, ADEO for the respondents present.

02. During the course of arguments, the learned counsel for the appellánt alleged that the District Education Officer (Female), District Kurram was not allowing the appellánt to assume charge even at the new station that is Government Primary School, Hasssan Zai, Lower Kurram. Mr. Muhammad Shah, departmental representative present in the court stated that the appellánt had not gone to the new place of posting. He further stated that the appellánt might submit arrival report today which would be accordingly accepted. The learned counsel for the appellánt submitted that being a lady, the appellánt might be considered for a nearer posting in case of availability of post in future. The representative of the respondents submitted that on availability of a post nearer to the house of the appellánt, she would be considered for her adjustment against that. Orders accordingly. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 10<sup>th</sup> day of July, 2023.*

  
(Fareeha Paul)  
Member (Executive)

  
(Kalim Arshad Khan)  
Chairman

**Certified to be true copy**

  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

\*udnan Shah\*



8

Annexure "B"

To,

The DEO (Female)  
District Kurram,

Subject: Application for submission of  
annual report, replacement or  
adjustment to the new post.

Respected Madam:

- ① That the applicant is a permanent resident of Sudda Lower Kurram.
- ② That the applicant is appointed on dated 19/04/22 as a PST teacher in G.G.P.S. Pir Qajum No 2. but later on through corrigendum order dated 30/06/22 the applicant is transferred to G.G.P.S. Hassanzi.
- ③ That, against the order dated 30/06/22 the applicant appealed in KP Service Tribunal Peshawar.

ATTISTED

(9)

The appeal of the applicant is accepted with the direction to the DEO (Female) District Kurian, that the submission of arrival report should be submitted and the applicant should be replaced or adjusted against any vacant post to the applicant house.

It is therefore the application may kindly be accepted in the best interests of justice.

Dated . 3/08/23

Applicant

Sobala Hallam

PSE Brasher

ATTACHED

RP-54

رسید

رجسٹری یا بیمہ بھیجنے والے کو پشت پر دیئے گئے پتہ پر واپس بھیجا جائے۔

☆ ایک رجسٹری نمبر \_\_\_\_\_

برائے (نام) DEO Female وصول پائی۔

• بیمہ کی مالیت \_\_\_\_\_ (نقشوں میں) \_\_\_\_\_

مکتوب الیہ کے دستخط \_\_\_\_\_

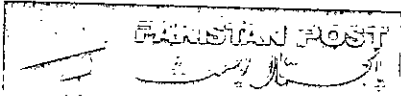
تاریخ تقسیم \_\_\_\_\_ گرام \_\_\_\_\_

☆ ایمان چٹھی "پوسٹ کارڈ" یا "پیکٹ" پر تحریر کریں۔ بیمہ کی صورت میں لفظ "بیمہ" پہلے تحریر کریں۔

• صرف بیمہ کی صورت میں یہ رجسٹر کیا جائے۔ بصورت دیگر کاٹ دیا جائے۔

رجسٹریشن فیس تین روپے -/Rs.30

قیمت: تیس روپے -/Rs.20



ACKNOWLEDGEMENT DUE CARD (Registered)

نام محمد عرفان

پتہ زمین بازار تحصیل سدہ لوئر کرم

ڈاکخانہ سدہ تحصیل سدہ ضلع کرم

پوسٹ کوڈ 26290 (پوسٹ کوڈ لکھنا مجالیے)

No.369

For insurance Notices see reverse. Stamps affixed except for education unregistered letters of not more than 100gms weight prescribed in the Post Office Guide or do which no acknowledgement is due.

Received a registered\* addressed to Parachinar Date-Stamp \_\_\_\_\_

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer \_\_\_\_\_

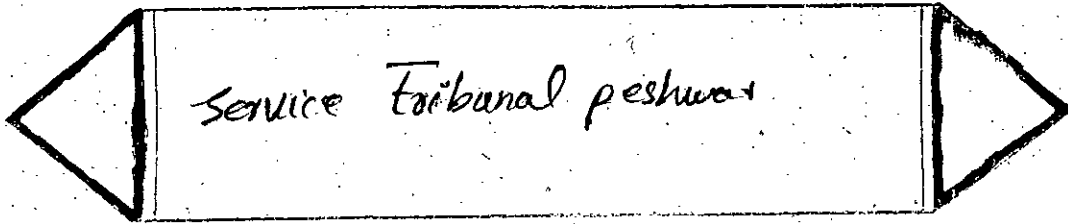
Insured for Rs. (in figures) \_\_\_\_\_ (in words) 23/8/23

If insured. Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) Weight \_\_\_\_\_ Kilo \_\_\_\_\_ Grams

Name and address of sender M. Arfan  
201 Bazaar Saddle

ATTACHED

بعدالت



DEO سہیل حکیم بنام سید منیر شاہ مورخہ 24-10-2023

BC No :- 15-6081

Saif-mongo@gmail.com باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی ذہن جواب دہی اور کل کارروائی متعلقہ آن مقام مشاور کیلئے سید منیر شاہ

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے اور تقریر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور باہر ورت ڈگری کرنے اجراء اور وصولی چیک، ڈرو پیڈ اور عرضی دہنی اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا ٹرنفہ یا اپیل کی برادگی اور منسوخی نیز دائر کرنے اپیل ٹرنائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی 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 مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ ساتھ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔ 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 لکھدیا کہ سند ہے۔

الترتوم 24 10 2023

Shaila

سہیل حکیم وکیل ملکہ حکیم 21302-1310809-3

ایڈووکیٹ سید منیر شاہ

ہو مقام اور