

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 444/2016

Date of Institution... 26.04.2016

Date of decision... 23.08.2017

Mst. Irum Saeed wife of Muhammad Saeed Ahmad presently posted as PET GHSS
No. 2. Mansehra. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar
and three others (Respondents)

MR. DILDAR AHMAD KHAN LUGHMANI,
Advocate.. ...

For appellant.

MR. MUHAMMAD BILAL
Deputy District Attorney ...

For respondents.

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD HAMID MUGHAL ...

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant is aggrieved from her transfer order dated 06.01.2016 whereby she was transferred to GGMS, Bandi Sadiq. Against this order, a representation was filed on 11.01.2016 which was not responded to and hence the present appeal before this Tribunal on 26.04.2016. The grounds of appeal are that the appellant is entitled under spouse policy to be posted in her village or near to her village where her husband is already posted since 21.12.2014 against C.T post.

ARGUMENTS

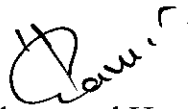
3. The learned counsel for the appellant argued that the appellant served right from the date of her appointment i.e. 04.05.2009 in GGMS, Kandari. It was then that she was transferred to GGHSS No. 2 Mansehra on 04.06.2012. That she had applied twice to the respondents for her transfer to any post near her village first on 05.12.2015 and then on 09.01.2016 but she has not been accommodated under the spouse policy. In this respect the learned counsel for the appellant relied upon the spouse policy of the Provincial Government and also relied upon judgments reported as 2003-PLC (C.S)1322, 2011 PLC(C.S)592 and 2014 PLC (C.S)1032.

4. On the other hand the learned Deputy District Attorney argued that the appellant had already completed her tenure at GGHSS No. 2 Mansehra and she was to be posted against a vacant post and has rightly been posted against vacant post of PET at GGMS Bandi Sadiq. That the request of the appellant could not be honored for the reason that there are many other teachers who are serving in the hard areas and are to be adjusted in the school near to Mansehra City.

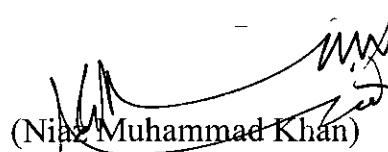
CONCLUSION

5. The spouse policy as in vogue in the Khyber Pakhtunkhwa does speak of adjustment of spouse at one station and the Spouse Policy cannot be thrown out on the ground that other teachers are already waiting for their posting near Mansehra City. The judgments relied upon by the learned counsel for the appellant along with the spouse policy make the case of the appellant on strong footings. According to the learned counsel for the appellant a post is due to become vacant at GGHS, Datta on 05.09.2017 due to retirement on superannuation of one Mst. Rashida Perveen. He requested that the appellant can be adjusted/posted against this post after 05.09.2017. The representative of the department confirmed that this post is in BPS-15.

6. In view of the above discussion the present appeal is accepted and the department is directed to adjust/transfer the appellant against the post which is likely to become vacant on superannuation of Mst. Rashida Perveen. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member



(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad


ANNOUNCED
23.08.2017

23.08.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Muhammad Usman, Senior Clerk for the respondents present. Arguments heard and record perused. .

This appeal is accepted as per detailed judgment of today. Parties are left to bear their own cost. File be consigned to the record room.



Member


Chairman
Camp Court, A/Abad.

ANNOUNCED
23.08.2017

13.03.2017

Clerk of counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique, Sr. GP for the respondents present. Rejoinder not submitted. Requested for adjournment. To come up for rejoinder and final hearing before the D.B on 16.05.2017 at camp court, Abbottabad. The restraint order shall continue.


Chairman
Camp Court, A/Abad

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman. therefore, to come up for the same on 23.08.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly


Registrar

444/16

18.5.2016

Agent of counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/comments on 20.07.2016 at camp court, Abbottabad. The restraint order shall continue.


Chairman

Camp court, A/Abad

20.07.2016


Appellant in person and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Seeks adjournment. Last opportunity granted. To come up for written reply/comments on 22.09.2016 before S.B at camp court, Abbottabad.


Chairman

Camp court, A/Abad,

22.09.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk and Muhammad Ajmal, Senior Auditor alongwith Mr. Muhammad Siddique Sr.GP for respondents present. Written reply by respondents No. 1 to 3 submitted. Learned Sr.GP relies on the same on behalf of respondent No. 4. The appeal is assigned to D.B for rejoinder and final hearing for. 13.3.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

Appeal No. 444/2016
Ism Saeed vs Govt

28.4.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as PET and was posted at GGMS Kandar vide order dated 4.5.2009 where-after she was transferred to GGHSS No. 2 Mansehra vide order dated 04.06.2012. She was transferred vide impugned order dated 6.01.2016 to GGMS Bandi Sadiq where-against she preferred departmental appeal on 11.1.2016 which was not responded and hence the instant service appeal on 26.4.2016.

That the impugned order is against spouse policy as husband of the appellant is serving at GHS, Data, Manshera which is the native village of the appellant as well while the school of Bandi Sadiq is located at a distance of more than 100 K.Ms. That no substitute of the appellant is appointed against the post of appellant i.e at GGHSS No. 2 Mansehra. That the impugned order is against facts and law and therefore liable to be set aside. That the appellant is still serving at GGHSS No. 2 Mansehra and has not yet relieved the charge.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 18.05.2016 before S.B at camp court, Abbottabad. Notice of application should also be issued to the respondents for the date fixed. Status quo be maintained.

Appellant Deposited
Security & Process Fee




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 444/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.04.2016	<p>The appeal of Mst. Irum Saeed presented today by Mr. Dildar Ahmad Khan Lughmani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-4-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-04-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 444/2016

Irum SaeedAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar and others
.....Respondents

SERVICE APPEAL

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Dated 26.04.2016

Irum Saeed
Irum Saeed
...Appellant

Through

Dildar Ahmed Khan Lughmani
DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

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

Appeal no 444/2016

Irum Saeed wife of Muhammad Saeed
Ahmed presently posted as P.E.T
Government Higher Secondary School No.2,
MansehraAppellant

**A.W.F. Province
Service Tribunal**

Diary No 418

Dated 26/4/2016

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director, Elementary and Secondary Education, Peshawar.
3. District Education Officer (Female), Mansehra.
4. District Accounts Officer, Mansehra
.....Respondents

**SERVICE APPEAL UNDER SECTION 4
OF SERVICE TRIBUNAL ACT
AGAINST THE ORDER BEARING
ENDST. NO.251-56/CT(F) DATED
06.01.2016 PASSED BY THE LEARNED
RESPONDENT NO.3 VIDE WHICH THE
APPELLANT WAS TRANSFERRED
FROM GOVERNMENT HIGHER
SECONDARY SCHOOL NO.2,
MANSEHRA TO GOVERNMENT
GIRLS MIDDLE SCHOOL BANDI
SADIQ, TEHSIL OGHIL.**

Filed to-day
Registrar
26/4/16

PRAYER: -

On acceptance of the instant appeal,
the impugned order dated

06.01.2016 passed by the learned respondent No.3 may please be set aside and the appellant be allowed to continue her duty at Government Higher Secondary School No.2, Mansehra.

Respectfully Sheweth!

1. That, the appellant was appointed as P.E.T (Female) Trained Teacher in BPS-09 in education Department vide order dated 04.05.2009.

(Copy of the order dated 04.05.2009 is annexed as annexure "A").

2. That, vide the appoint order, the appellant was posted at Government Girls Middle School Kandara, Tehsil and District Mansehra.
3. That, the appellant performed her duty at Government Girls Middle School Kandara till June, 2012. Later on, the appellant was transferred from Government Girls Middle School Kandara to Government Girls Higher Secondary School No.2, Mansehra vide order dated 04.06.2012.

(Copy of the order dated 04.06.2012 is annexed as annexure "B").

4. That, the appellant performer her duties in Government Girls Higher Secondary School No.2, Mansehra regularly without any fault on her part.
5. That, during the posting at Government Girls Higher Secondary School No.2, Mansehra, the appellant time and again submitted application to the respondent No.3 that the appellant may please be adjusted at her own post (P.E.T) at nearest station i.e. Government Girls Middle School Ogra as the post at that very school was going to be vacated by a female teacher who was going to retire on 14.01.2016 but no heed was paid by the respondent in this regard.

(Copies of the applications annexed as annexure "C").

6. That, now, the respondent No.2 transferred the appellant from Government Girls Higher Secondary No.2, Mansehra to Government Girls Middle School Bandi Sadiq, Tehsil

Oghi vide impugned order dated 06.01.2016.

(Copy of the order is annexed as annexure "D").

7. That, the respondent No.3 transferred Mst. Tamana Bibi (P.E.T) from Government Girls Middle School Bai Bala to Government Girls Middle School Ogra vide order dated 21.12.2015 and at that very time, the retiring female teacher was also posted there and she retired from her service on 14.01.2016 which shows the malafide on the part of the respondent No.3.

(Copy of the order dated 21.12.2015 is annexed as annexure "E").

8. That, the appellant also filed a representation on 11.01.2016 but no response has been given to the appellant so far by the concerned authority.

(Copy of the representation is annexed as annexure "F").

9. That, as the husband of the appellant namely Muhammad Saeed Ahmed is also school teacher and he is posted at GHS Data therefore, the

appellant also deserves to be posted at nearest station on the basis of spouses policy.

(Copy of the ~~service book~~ of the husband of the appellant alongwith spouse policy are annexed as annexure "G").

10. That, the principal of Government Girls Higher Secondary School No.2, Mansehra also informed the respondent No.3 about the shortage of teacher staff vide letter dated 08.04.2015.

(Copy of the letter dated 08.04.2015 is annexed as annexure "H").

10. That, the appellant being aggrieved from the impugned order, seeks the gracious indulgence of this Honourable Court, inter alia, on the following grounds: -

GROUND

- a. That, the impugned order passed by the respondent No.3 is wrong, illegal, against the law and facts as well as policy laid by the Education

Department, arbitrary, fanciful, perverse, without lawful authority, politically motivated hence liable to be struck down.

- b. That, the impugned order passed by the respondent No.3 is against the constitution which directly against the fundamental rights of the appellant.
- c. That, as the husband of the appellant is also serving in Government High School Datta and the appellant has also school going kids and the appellant is also residing in separate house alongwith her kids and husband and there is no other person to lookafter the affairs of the children and house of the appellant.
- d. That, the respondent No.3 while passing the impugned order has not taken into consideration the relevant law/rules and specially the spouse policy of the Government.
- e. That, the area where the appellant is now transferred through the impugned order i.e. Government Girls Middle School Bandi Sadiq is a

far flung and hilly area and the appellant is unable to travel from her village Datta, Tehsil and District Mansehra to Bandi Sadiq and there is no arrangement of any residence in that very school so, it is very difficult for the appellant to perform her duties at such a far flung area.

- f. That, there is also security risk in such a far flung area specially for the female staff i.e. the appellant.
- g. That, the appellant has unblemished service record and the appellant has performed her duties in above-mentioned schools regularly and without fault on part.
- h. That, the post at government Girls Higher Secondary School No.2, Mansehra is still vacant and no other female teacher has been appointed/adjusted on the said very post thus the transfer of appellant at such a far flung area does not appeal to a prudent mind rather the same shows the clear cut malafide on the part of the respondents especially respondent No.3.

- i. That, there is another post of P.E.T at Government Girls Middle School Ogra was also available but the respondent No.3 in connivance with Mst. Tamana Bibi and with malafide intention transferred her from Government Girls Middle School Bai Bala to Government Girls Middle School Ogra.
- j. That, such like post in the village of the appellant i.e. Government Girls High School Datta is also going to be vacant due to the retirement of Mst. Rashida Bibi P.E.T. Similarly, there are so many other vacant posts in the vicinity/neighbourhood area of the appellant but the respondent No.3 has not appointed the appellant at the nearest station inspite of the repeated request/applications submitted by the appellant.
- k. That, the impugned order is not maintainable in any form and liable to be set aside/struck down.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned order dated 06.01.2016 passed by the learned

respondent No.3 may please be set aside and the appellant be allowed to continue her duty at Government Higher Secondary School No.2, Mansehra.

Dated 26.04.2016

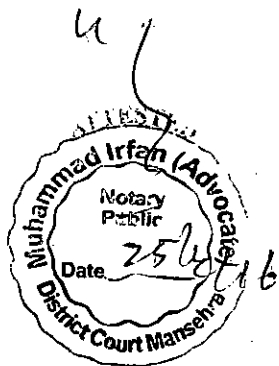
Irum Saeed
Irum Saeed
...Appellant

Through

D
DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

AFFIDAVIT.

I, Irum Saeed wife of Muhammad Saeed Ahmed presently posted as P.E.T Government Higher Secondary School No.2, Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



Dated 26.04.2016

Irum Saeed
Irum Saeed
(DEPONENT)

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

Irum SaeedAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar and others
.....Respondents

SERVICE APPEAL

**APPLICATION FOR SUSPENSION OF
OPERATION OF IMPUGNED ORDER
ENDST. NO.251-56/CT(F) DATED
06.01.2016 PASSED BY THE RESPONDENT
NO.3 AND THE APPELLANT BE
ALLOWED TO PERFORM HER DUTIES
AT GOVERNMENT GIRLS HIGHER
SECONDARY NO.2, MANSHERA
TILL THE DISPOSAL OF MAIN APPEAL.**

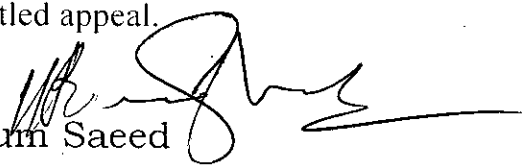
Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of above-titled appeal.
2. That, the appellant has a prima facie appeal and there is every hope of its success.
3. That, the balance of convenience also lies in favour of the appellant.
4. That, if the operation of impugned order has not been suspended the appellant has not been


allowed to perform her duties at Government Girls Higher Secondary School No.2, Mansehra then the appellant would suffer an irreparable loss and purpose of above-titled appeal shall become infructuous.

It is, therefore, most humbly requested that the operation of impugned order dated 06.01.2016 may please be suspended the appellant may kindly be allowed to perform her duties at Government Girls Higher Secondary No.2, Mansehra till the disposal of above-titled appeal.

Dated 26.04.2016


Irum Saeed
...Appellant

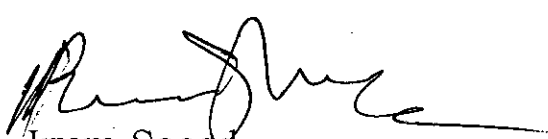
Through

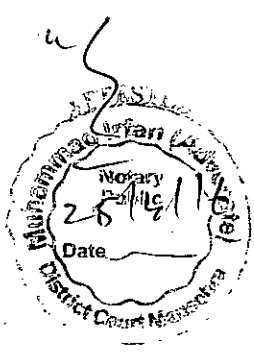

DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

AFFIDAVIT.

I, Irum Saeed wife of Muhammad Saeed Ahmed presently posted as P.E.T Government Higher Secondary School No.2, Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 26.04.2016


Irum Saeed
(DEPONENT)



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

Irum SaeedAppellant

VERSUS

Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar and others
..... Respondents

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

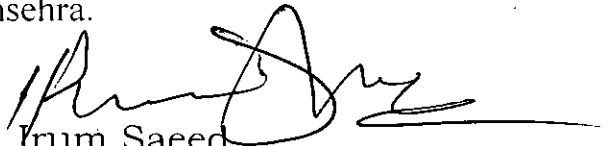
APPELLANT

Irum Saeed wife of Muhammad Saeed
Ahmed presently posted as P.E.T
Government Higher Secondary School No.2,
Mansehra.

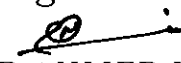
RESPONDENTS

1. Government of Khyber Pakhtunkhwa through
Secretary Education, Peshawar.
2. Director Elementary and Secondary
Education, Peshawar.
3. District Education Officer (Female),
Mansehra.
4. District Accounts Officer, Mansehra.

Dated 26.04.2016


Irum Saeed
...Appellant

Through


DILDAR AHMED KHAN LUGHMANI,
Advocate Supreme Court,
Of Pakistan.

P-(13) P.E.T(F) ANNEXURE B
EAS

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

ORDER

As approved by the Departmental Selection Committee, the Competent Authority has been pleased to appoint the following **PET (F) (Trained)** against vacant posts mentioned against each in BPS-9 @ Rs.3820-230-10720 pm plus usual allowances as admissible under the rules in the interest of Public Service with effect from the date of their taking over charge subject to the following terms & conditions:-

OPEN MERIT

S#	S# in M.List	NAME	FATHER NAME	ADRESS	Place of Posting	Remarks
1	1	SHAZIA KHALID	KHALID MEHMOOD	KHAWARI	GGMS L/THAKRAL	AV Post
2	2	SHAKEELA BIBI	MUHD SULEMAN	DADAR	GGMS DADAR	---do---
3	3	TABBSUM BIBI	JEHAN ZEB KHAN	BATKARAR	GGMS SANGAR	---do---
4	4	ALIA TABBASUM	PERVEZ IQBAL	BAFFA	GGMS MALKAN	---do---
6	6	IRUM KHAN	MUHD MISKEEN KHAN	BAMPHORA	GGMS KAWAI	---do---
5	5	TOSHEEBA SHAH	SHAH MUHAMMAD	MUFTIABAD	GGMS HASSARI	---do---
7	7	ASIA ZEB	AURANG ZEB	MALIK PUR	GGMS CHAMYAL	---do---
8	8	FOZIA BIBI	MUHD YOUNIS	MANSEHRA	GGMS SAWAN MERA	---do---

BATCH-WISE

S#	S# in M.List	NAME	FATHER NAME	ADRESS	Place of Posting	Remarks
1	1	AMBER JABEEN	MUHD AJOON KHAN	KHARAR MERA	GGMS NARA DOGA	AV Post
2	2	TAMANA BIBI	R.MUHD SAFDAR	BEHALI	GGMS BAI BALA	---do---
3	3	IRUM SHAHZADI	MUHD NAZIR	BAFFA	GGMS DHARYAL	---do---
4	4	SHREEN GUL	BABU FAZAL DAD	BAFFA	GGMS TANDA	---do---
5	5	MUNAZA KHATOON	HABIB SHAH	MANSEHRA	GGMS MERA AMJAD ALI	---do---
6	6	SHAGUFTA SHAHEEN	HAYAT KHAN	SOKAR	GGMS JISGRAN	---do---
7	7	SADIA NAZ	SARWAR REHMAN	GULIBAGH	GGMS AHL	---do---
8	8	SITARA JABEEN	SARFRAZ	GANDHIAN	GGMS ICHRIAN	---do---
9	9	MEHNAZ	AURANG ZEB	BELA MUTRIAN	GGMS AGLA GRAN	---do---
10	10	BUSHRA AZIZ	AZIZ MUHAMMAD	THAKAR MERA	GGMS PERHINNA	---do---
11	11	SAMAVIA JEHAZEB	JEHAN ZEB	MUTRIAN	GGMS MANDA GUCHA	---do---
12	12	IRUM SHAHEEN	AURANG ZEB	DATTA	GGMS KANDAR	---do---
13	13	BIBI SOMIA	ABDUR RASHEED	KHAWARI	GGMS GHANOO	---do---


HDO

14	18	SHAMAILA BIBI	MURAD KHAN	KHAKI	GGMS TRAWARA	---do---
15	19	NAVED AKHTER	HAYAT KHAN	SOKAR	GGMS BELIAN	---do---
16	20	FAZAILA HASSAN	GUL HASSAN KHAN	SHOHAL NAJAF	GGHSS G.H.ULLAH	---do---
17	21	SADAF BIBI	JEHAN ZEB KHAN	BATKARAR	GGMS MOHANDRI	---do---
18	22	SOBIA ROSHAN	MUHD ROSHAN KHAN	KHAWARI	GGMS M.B.KALAN	---do---
19	23	ANEESA BIBI	UMER ZEB KHAN	BATKARAR	GGMS BELA SACHA	---do---
20	24	BIBI SHABNUM	MUHD HAROON	MANSEHRA	GGMS TRAPPI	---do---
21	25	FARAH NAZ	SULTAN MUHD KHAN	BALAKOT	GGHSS BALAKOT	---do---
22	26	NAZIA JABEEN	NOOR UL ISLAM	DAB NO.1	GGMS DOGA	---do---
23	27	SAEEDA BEGUM	MUHD IRFAN	DARBAND	GGMS CHANSAIR	---do---
24	28	NAZISH JABEEN	BANARAS KHAN	CHAKIA	GGHS L/NAWAB	---do---
25	29	SANAM MUSHTAQ	MUSHTAQ AHMAD	BEHALI	GGHS PHULRA	---do---

TERMS & CONDITIONS:

1. Their appointments are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. They will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which they belong.
3. In case they failed to assume the charge of their posts within 15 days of their appointment, candidature-ship will be stand automatically cancelled.
4. Their services are regular but will not be entitled for pension/gratuity & they will not contribute any amount towards GP Fund however they will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
5. All the DDOs are directed to get verified their credentials before the drawl of their pay etc.
6. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice. Their one month pay/allowances if any shall be forfeited to Government Treasury.
7. Their services can be terminated at any time in case their performance is found unsatisfactory any they will be proceeded against under the removal from service (Special Power) Ordinance, 2000 and E&D Rules 1973.
8. They should produce Age & Health Certificate from the MS DHQ Hospital Manshra.
9. They may not be handed over the charge if their age is above 33 years and below 18 years.
10. They, who passed their professional qualification. from Sarhad University, are bound to produce three months refresher course in the relevant field from the RITE in accordance



P-15

with the instructions issued from the Government of NWFP Elementary & Secondary Education Department Peshawar No. SO(B/D)S&L/1-1/2007/Sarhad University/dated Peshawar the 09-07-2008.

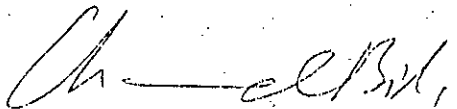
11. No. TA/DA etc is allowed.
12. Charge report should be submitted to all concerned in duplicate.

Sd/-
(MUHAMMAD JAVED)
EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

Endst: No. 6724-66 Apptt: PET(F)/2008-09. Dated Mansehra the 4-5, 2009
Copy to the:-

1. Secretary to Govt: of NWFP (S&L) Department Peshawar.
2. Director (S&L) Department NWFP Peshawar.
3. District Accounts Officer, Mansehra.
- 5-6. DO (M&F) Local Office.
7. Principal/HM School concerned.
8. PA to District Nazim, Mansehra.
9. PA to District Coordination Officer, Mansehra.
10. Budget & Accounts Officer, local office, Mansehra.
- 11-43 Candidates concerned.


ADO


DISTRICT OFFICER (FEMALE)
E&S EDU: MANSEHRA

P-16 ANNEXURE
EB 3

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S.F) MANSEHRA

TRANSFER:-

Consequent upon the approval of competent authority, Mst: Irum Saeed PET GGMS Kander is hereby adjusted at GGHSS No 2 Mansehra against the post of DPE on her own pay and grade in the interest of public service with immediate effect.

Note:

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


-----Sd-----
EXECUTIVE DISTRICT OFFICER
EL: EM: & SECY: EDU: MANSEHRA

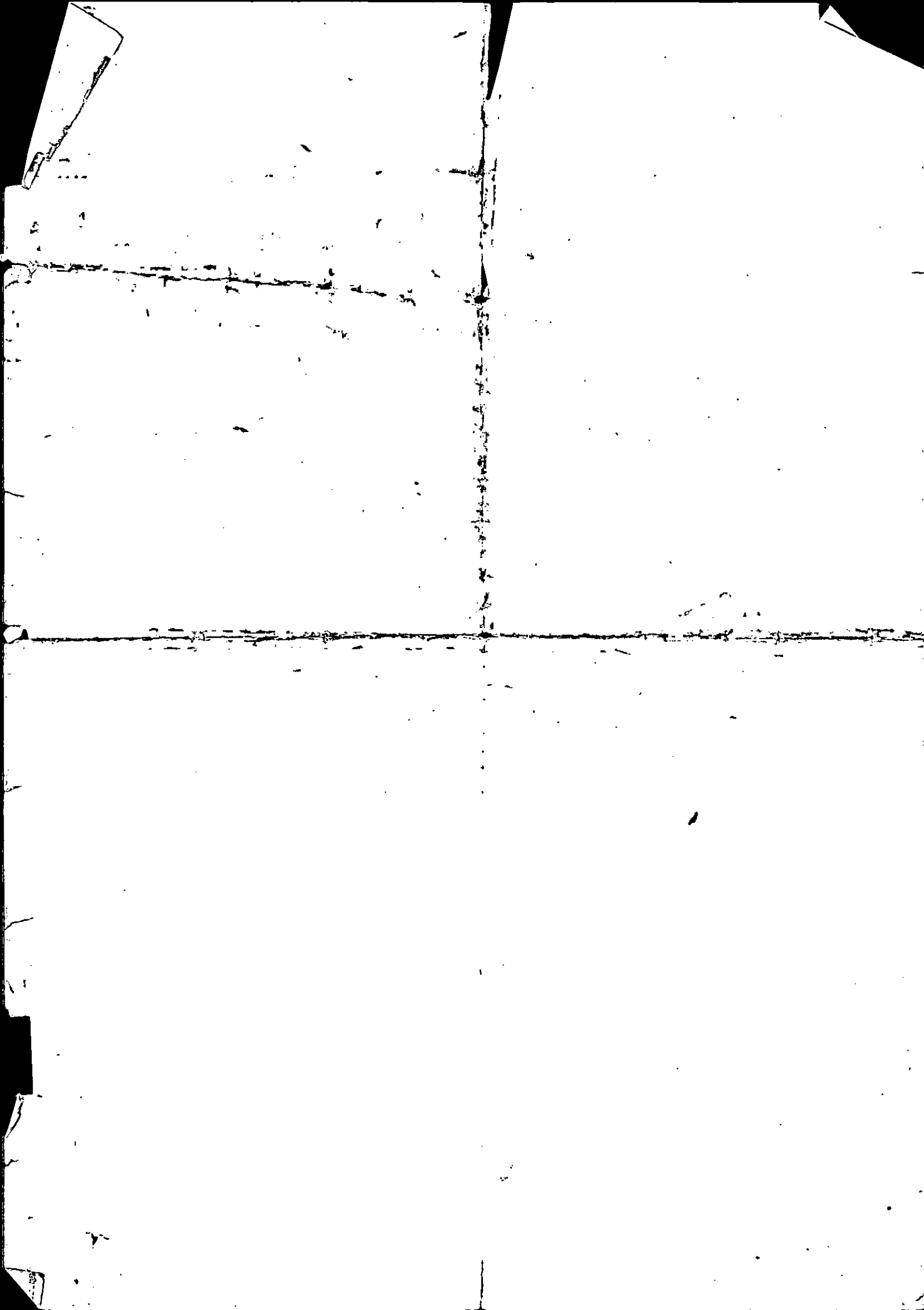
Endst: No. 43-47

Dated: 4/6/12

Copy to:-

1. The District Accounts Officer, Mansehra.
2. The Principal GGHSS No 2 Mansehra
3. The Headmistress GGMS Kander.
4. BA&O Local Office, Mansehra.
5. Teacher concerned.


DISTRICT OFFICER (FEMALE)
EL: & SECY: EDU: MANSEHRA



3/15/16
ماریجی

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) مدارس ضلع مانسہرہ

عنوان: اپیل (عرضی) برائے حصول انصاف

جناب عالیہ!

گزارش ہے کہ میں بحیثیت PET بجکم ایگزیکٹو ڈسٹرکٹ ایجوکیشن آفیسر ضلع مانسہرہ کے حکم نامہ نمبر 43-47 بتاریخ 04-06-2012 کے تحت GGHSS نمبر 2 مانسہرہ میں تاحال اپنی خدمات بطریق احسن انجام دیتی رہی ہوں۔

آج مورخہ 06-01-2016 کو Cancellation/Adjustment آرڈر نمبر 251-56 کے تحت مجھے آپ نے تبدیل کر کے GGMS بانڈھی صادق تحصیل اوگی میں حاضری کرنے کا حکم دیا۔ جہاں پر خدمات بطریق احسن انجام دینا میرے لیے انتہائی مشکل ہیں۔

جناب عالیہ! اس سے پہلے میں نے آپکو مورخہ 05-12-2015 کو GGMS اوگرہ میں 14-01-2016 کو خالی ہونے والی PET پوسٹ پرائیڈسٹنٹ کیلئے 05-12-2015 کو درخواست دی ہے (کاپی درخواست عرضی ہذا الف ہے)۔ لیکن مجھے GGMS اوگرہ ضلع مانسہرہ کے بجائے GGMS بانڈھی صادق تحصیل اوگی میں تبدیل کر دیا گیا ہے جو میرے ساتھ ناانصافی ہے۔ جناب عالیہ! GGMS اوگرہ میں مجھے تبدیل (ایڈجسٹ) کیا جائے بصورت دیگر میں اپنا قانونی حق محفوظ رکھتی ہوں۔

المرقوم: 09-01-2016

الوض

GGHSS/PET نمبر 2 مانسہرہ

ارم سعید

File of

14/01

P-19 ANNEXURE

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

CANCELLATION/ADJUSTMENT

Office order issued by Ex- Executive District Education Officer (E&SE) Mansehra No 43-47 dated 04-6-2012 in respect of Mst: Irrum Saeed PET is hereby cancelled and adjusted against vacant of PET at GGMS Bandi Sadiq with immediate effect in the interest of public service.

Note:-

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

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA.

Endstt: No 251-56 /CT(F)

Dated 06/01 /2016.

Copy information and necessary action to:-

1. The District Accounts Officer Mansehra
2. Principal GGHSS No 2 Mansehra.
3. E&AO Branch local Office.
4. Headmistress GGMS Bandi Sadiq.
5. Teacher concerned.
6. Office file.

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

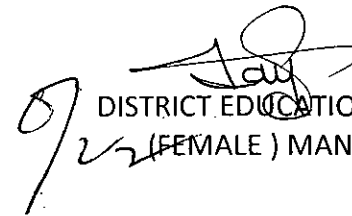
116
P-20
ANNEXURE
E3

ADJUSTMENT.

Mst: Tamana Bibi PET GGMS Bai Bala is hereby adjusted against the vacant post of PET BPS-15 at GGMS Ogra on her own pay & grade in the interest of public service with immediate effect.

NOTE:-

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

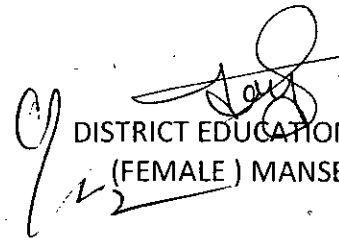

DISTRICT EDUCATION OFFICER,
(FEMALE) MANSEHRA.

Endst: No. 12995-13020/AE-I

Dated 21/12 /2015

Copy to the:-

1. District Account Officer Mansehra.
2. District Motoring Officer Mansehra.
3. Headmistress GGMS Bai Bali/Oghra for information & necessary action.
4. B&AO Local office.
5. Office file.


DISTRICT EDUCATION OFFICER,
(FEMALE) MANSEHRA.

امدادی اور دیگر امور کے حقوق
کا مجموعہ ہیں۔

زبان
FET

14-01-16
GMS
Sub

P- (21)

ARRIVEAURE

'F'

No. 716

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 60 Ps. —

Received a registered* addressed to [Handwritten Address]

Initials of Receiving Officer [Handwritten Initials]

Insured for Rs. (in figures) 100 (in words) One hundred

Weight 100 Kilo — Grams —

Insurance fee Rs. — Ps. — (in words) —

Name and address of sender [Handwritten Name and Address]

If insured.

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

Stamp

13/1/16

بخدمت جناب ڈائریکٹر محکمہ تعلیم ایلمینٹری اینڈ سیکنڈری ڈیپارٹمنٹ پشاور

عنوان: اپیل

گزارشات درج ذیل ہیں

- ۱- سائلہ کی تعیناتی بحیثیت PET مورچہ 04-05-2009 ہوئی۔
- ۲- سائلہ کو بمطابق حکم نمبر 43-47 بتاریخ 04-06-2012 گورنمنٹ گرلز ہائر سیکنڈری سکول نمبر 2 مانسہرہ میں محکمہ نے اپنی ضرورت کے مطابق ایڈجسٹ کیا۔
- ۳- اس دوران سائلہ نے متعدد بار درخواست دی کہ مجھے PET کی پوسٹ پر ایڈجسٹ کیا جائے لیکن سکول کی ضرورت کی بنیاد پر ان پر کوئی عمل درآمد نہ ہوا۔
- ۴- سائلہ کو بمطابق حکم نامہ نمبر 251-56 بتاریخ 06-01-2016 کے ذریعے 04-06-2012 میں ہونے والے آرڈر کو ساڑھے تین سال بعد منسوخ کر کے GGMS ہانڈھی صادق میں بطور PET ایڈجسٹمنٹ / تعینار کیا گیا۔ سائلہ نے اس سے قبل بھی استدعا کی تھی کہ مجھے 15-01-2016 کو GGMS اوگرہ میں جمیلہ خاتون PET کی ریٹائرمنٹ پر متعلقہ خالی ہونے والی پوسٹ پر بطور PET ایڈجسٹ / تبدیل کیا جائے لیکن سائلہ کو گرلز ٹیل سکول اوگرہ کے بجائے دور دراز تحصیل اوگی میں گورنمنٹ گرلز ٹیل سکول ہانڈھی صادق میں ایڈجسٹ / تبدیل کیا گیا۔ جو سائلہ کے گھر سے 100 کلومیٹر سے بھی زیادہ ہے جبکہ گرلز ٹیل سکول اوگرہ سائلہ کے گھر سے 30 کلومیٹر فاصلے پر ہے جہاں روزانہ آنا جانا آسان ہے۔
- ۵- DEO (زنانہ) مانسہرہ نے آرڈر نمبر 12995-13000 بتاریخ 21-12-2015 کے ذریعے تمنابی بی PET گورنمنٹ گرلز ٹیل سکول بانی بالا کو گورنمنٹ گرلز ٹیل سکول اوگرہ میں خالی پوسٹ ظاہر کرتے ہوئے تبدیل کر دیا گیا ہے جبکہ مذکورہ پوسٹ 15-01-2016 کو خالی ہوگی۔ دفتر کا یہ کام سراسر بدیتی پر مبنی ہے کہ ایک ریٹائرمنٹ کے ذریعے خالی ہونے والی پوسٹ پر ایک ماہ قبل ہی خالی پوسٹ ظاہر کر کے ایڈجسٹمنٹ کر دی گئی ہے جس سے سائلہ کے حقوق نہ صرف متاثر ہوئے ہیں بلکہ نقصان پہنچا ہے۔

۲-۲۳

۶- DEO (زنانه) مانسہرہ کو ان آرڈرز کے بابت مورخہ 09-01-2016 کو بعنوان

"حصول انصاف" اپیل بھی کی گئی ہے

مندرجہ بالا حائق کی بناء پر گزارش ہے کہ

(الف) آرڈر نمبر 56-251 بتاریخ 06-01-2016 کو منسوخ کیا جائے۔

(ب) آرڈر نمبر 13000-12995 بتاریخ 21-12-2015 جو کہ بدینتی کی غرض پر جاری

کیا گیا ہے منسوخ کیا جائے اور مجھے گورنمنٹ گرلز ہائیڈل سکول اوگرہ میں 15-01-2016

کو جمیلہ خاتون PET کی ریٹائرمنٹ پر ہونے والی خالی آسامی پر تعینات کیا جائے۔

امید ہے کہ میری اس اپیل پر ہمدردانہ غور کیا جائے تاکہ اپنا قانونی حق محفوظ رکھتی ہے۔

نوٹ: تمام آرڈرز اور اپیلیں درخواست ہذا کے ساتھ لف ہیں اور درخواست ہذا بمعہ آرڈرز واپس

8 صفحات پر مشتمل ہے

شکریہ

المرقوم: 11-01-2016

الذی

ارم سعید PET گورنمنٹ گرلز ہائیڈل سکول نمبر 2 مانسہرہ

DISTRICT OFFICER (MALE)
ELTY. & SECY. EDUCATION
MANSERGA (M)

Passes CT Exam. from
Govt. College of Edu. Elmentary
Manserga under
R. No. 188 marks obtained 78/120
Result declared on 11/5/99

Passed B.A. from
Govt. College of Edu. Elmentary
Manserga under
R. No. 188 marks obtained 78/120
Result declared on 11/5/99

Passed B.A. from the University
of Rajasthan under R. No. 18883
marks obtained 51/80
Result declared on 08-87

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

Passed B.A. from BISE Peshawar
under R. No. 23014-1990
marks obtained 57/110
Result declared on 30

No. 00222715
 N.P. No. 123-Sg-06009
 The entries in this page should be renewed or re-attested at least every five years and the signature in lines 9 and 10 should be dated.

Name: MOHAMMAD SAED AHMED
 S.P. No. MA/10402/055

Race: SARARA (QURESH)

Residence: VILAGE AND POST OFFICE DATA
 DISTRICT AND TEHSIL MANSEHRA
 A212-LR-REHMAN
 VILAGE AND P/O DATA
 DIST: MANSEHRA

Father's name and residence: A212-LR-REHMAN
 VILAGE AND P/O DATA
 DIST: MANSEHRA

Date of birth by Christian era as nearly as can be ascertained: 12-06-1971
 Twelve June Seventy One

Exact height by measurement: 5-8"

Personal marks for identification: A SCAR MARK ON FORE HEAD

Left hand thumb and finger impressions of (non-gazetted) officer

Little Finger
 Ring Finger

Middle Finger
 Fore Finger

Thumb

Signature of Government servant: *[Signature]*

Signature and designation of the Head of the Office, or other Attending Officer: *[Signature]*

RECEIVED
 12-06-1971
 1971

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

Appeal No.7444/2016

Irum Saeed, Wife of Muhammad saeed Ahmad, Presently Posted as P.E.T GGHSS
No.2, Tehsil & District Mansehra.....APPELLANT

Versus

1. Govt of Khyber Pakhtun Khawa, through Secretary Elementary and Secondary Education, Peshawar.
2. Director Elementary and Secondary Education, Khyber Pakhtun Khawa, Peshawar.
3. District Education Officer (Female) Mansehra.
4. District Account Officer Mansehra.

.....RESPONDENTS

Written reply on behalf of 1, 2, & 3.

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is time-barred, hence not maintainable.
4. That the appellant did not come to the Tribunal with cleans hands.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has suppressed the material facts from the Honorable Tribunal, hence not entitle for relief and liable to be set aside.
7. That the notification issued by the authority dated 27.12.2015 after the fulfillment of all the formalities and the appeal is not maintainable in the eyes of law and liable to be dismissed.

Factual objections

1. Para no 1 needs no comments
2. Para no 2 pertains with the record
3. Para no 3 is correct to extent that appellant was adjusted against DPE post (Wrong Post)
4. Para no 4 needs no comments as it is about the performance of the duties of appellant.
5. Para no 5 is incorrect transfer order of any official is not made on his / her own choice or application but on merit base and appellant has already been completed her tenure in settled area i.e from 04/06/2012 -----06/01/2016.
6. Para no 6 is incorrect. Said premature order was made on merit bas and said officials has completed her tenure from hard area and deserve for that transfer
7. Para no 7 is incorrect. Appellant was already performing her duties in settled area for the last four years and did not deserve for the said post while the said order was made on merit and teacher adjusted there deserved and fulfilled the formalities of the transfer. There was no malafide on the part of the respondent department.
8. Para no 8 is incorrect . no record in such appeal / representation is found in the office and if resumed to be correct there then it may liable to set aside as appellant was working against DPE post i.e (wrong post) and her actual post is PET and when there is no vacant post near her residence, so she is duty bound to obey the officer orders and she is has no right to be problematic for the concerned authority.

9. Para 9 is correct to the extent that appellant's husband is working in education department and spouse policy is applicable on the availability of the post in the same area and there was no vacant post
10. Para 10 is incorrect as stated , hence denied
11. The respondent seeks permission to agitate further grounds besides maintained below.

Grounds

- a. Para a is incorrect. order was legal and in accordance with law. Appellant was on wrong post and adjusted against her original post as it was the possibility of appointment of DPE at any time in promotion procedure, hence Para as presented is denied.
- b. Para b is incorrect hence denied. The said orders were not the violation of the appellant's fundamental right. On the completion of tenure any official can be transferred from one station to another by the concerned authority in the public interest and no official is authorized to deny the order of the competent authority.
- c. Para c needs no comments (as it is related to the personal life of the appellant) however there is no vacant post at nearby station.
- d. Para d is incorrect respondent department did no ignored the merit / supposed policy which clearly indicates that it is applicable on the availability of the post and many officials are paying their jobs along with same circumstances .
- e. Para e is incorrect respondent department has to manage all the schools whether they are situated in urban or rural area and government officials are bound to pay their jobs and manage themselves for their facilitations.
- f. Para no f needs no comments (as many other female teachers are performing their duties in the same area where appellant is adjusted)
- g. Para g needs no comments (an officials should perform unblemished duties)

h. Para no h is incorrect. There was no vacant post of PET in GGHS No 2 Mansehra

i. Para no i is incorrect . there was not another post . there was only one post of PET on which a Teacher was adjusted from hard area as she completed her period there.

j. Para J is incorrect and needs proof . there is no vacant post in the nerarby villages

Prayers.

In the light of above mentioned facts it is humbly requested to dismissed this appeal with cost

Respondent No 1

Government of Khyber Pukhtoonkhaw through Secretary Education Civil Secretariat Peshawar.

Respondent No 2

The Director E&SE Education Department KPK Peshawar

Respondent No 3

District Education Officer (Female) Mansehra

AFFIDAVIT

I, Mis. Shamalia, ADEO District Education officer(F) Manserha, do hereby solemnly affirm and declared that the contents of reply in the instant Appeal No 444/16 titled case Irum Saeed versus Education are correct and true to the best of my knowledge and belief and I have concealed nothing as material facts before this honorable court.


RESPONDENT