

490/15

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.11.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly


Registrar

21.11.2017

None present for the appellant despite proper notice. Mr. Kabeerullah Khattak, Addl. AG alongwith Saima Raza, ADO for the respondents present. To come up for arguments on 19.02.2018 before the D.B at camp court, Abbottabad.


Member



Chairman
Camp court, Abbottabad.


13302-0525617-7
21/11/17
19/02/18

19.02.2018

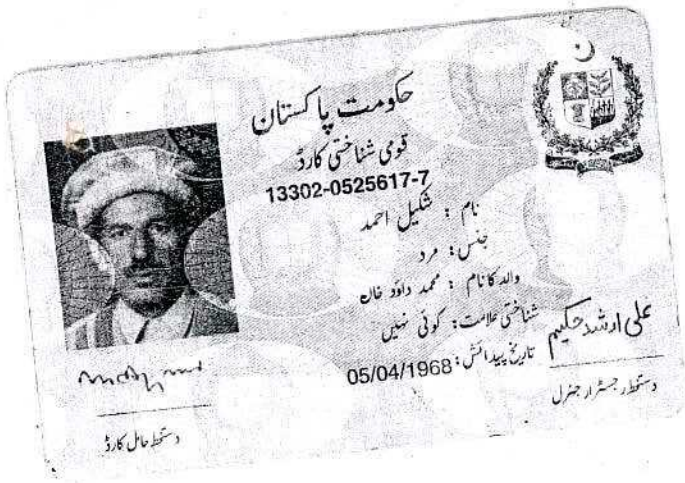
Mr. Shakeel Ahmad, brother of the appellant on behalf of the appellant and Mr. Kabeerullah Khattak, Addl. AG for the respondents present. Brother of the appellant submitted adjustment order dated 23.08.2017 and stated that the grievance of the appellant has been redressed. He requested that the present appeal may be decided as withdrawn. His signature also obtained in the margin of order sheet.

In view of the above, the appeal is dismissed as withdrawn.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


Member


Chairman
Camp Court, Abbottabad.

ANNOUNCED
19.02.2018



OF THE
TION OFFICER

(E)

JR

(Fax No. 0995-615552)




TRANSFER/ ADJUSTMENT ORDER

The following teachers are here by adjusted against vacant post on their own pay and grade in the interest of public service with immediate effect.

S#	Name of Teacher	Designation	from	to	Remarks
1	Arzabia Khatoon	CT_15	GGHS Mankarai	GGHS KTS 4	Against Vacant Post
2.	Shakira Bibi	CT-15	GGHS KTS 4	GGHS KTS 3	Against Vacant Post
3.	Bibi Sabira	CT-15	GGMS AbdullahPur	GGMS Pathan Colony	Against Vacant Post
4.	Shazia Batool ✓	CT-15	GGMS Jatti Pind	GGHS Sarai Saleh	Against Vacant Post
5.	Kneez Aisha ✓	CT-15	GGMS Gherian	GGMS Pathan Colony	Against Vacant Post
6.	Qudsia Bano	SCT-16	GGHSS Dingi	GGHSS Panian	Against Vacant Post
7	Farhat Afza ✓	SCT-16	GCMGHS No.1 HRP	GGHSS KTS 2	Against Vacant Post
8	Ayesha Siddiqa	CT-15	GGMS Neelor Maira	GGMS Pharhala	Against Vacant Post
9.	Ghazala Gul	CT-15	GGHSS Hattar	GGHSS Kotnajibullah	Against Vacant Post
10.	Shazia Jabeen	SCT-16	GGHS Bagra	GCMGHS No.1 HRP	Against Vacant Post

Note:

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



District Education Officer (F)
Haripur

Date 23 / 8 / 2017

Endst:# 8405-7 /

Copy for information to,

1. District Accounts Officer Haripur.
2. Headmistress Concerned.
3. DMO Haripur.
4. Office record file.



District Education Officer (F)
Haripur

20.04.2016

Mr. Shakeel Ahmad, brother of the appellant and Mr. Muhammad Qadeem, Senior Clerk alongwith Muhammad Siddique, Sr.GP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 22.06.2016 before S.B at camp court, Abbottabad.

22.06.2016

Mr. Shakeel Ahmad, brother of the appellant and Miss Saima Raza, ADO (Litigation) alongwith Mr. Muhammad Siddique Sr.GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 20.12.2016 at camp court, Abbottabad.


Chairman
Camp court, A/Abad,

20.12.2016

Brother of the appellant and Mr. Jehangir Akhtar, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to non-submission of rejoinder and incomplete bench arguments could not be heard. To come up for rejoinder and final hearing on 16.05.2017 before D.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

20.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as C.T (BPS-15) at GGHS, Chajjian when promoted as Sr.C.T (BPS-16) and transferred to GGHS Bagra vide impugned order dated 21.11.2014 regarding which she preferred departmental appeal on 19.12.2014. That another service appeal of the appellant was pending adjudication which was withdrawn on 14.5.2015 and the instant service appeal was submitted on 26.5.2015.

That the transfer of the appellant is against para-x of posting/transfer policy of the Provincial Government issued vide notification dated 15th February 2003 as the appellant is an unmarried civil servant living with her mother.

Points urged need consideration. Admit, subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 20.01.2016 before S.B at Camp Court A/Abad. Notice of application be also issued for the date fixed.

Appellant Deposited
Security & Process Fee




Chairman
Camp Court A/Abad

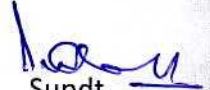
20.1.2016

Mr. Shakeel Ahmed, brother of the appellant and Mr. Said Badshah, ADO alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/comments on 20.4.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

20.07.2015

Since the 20th July 2015 has been declared as a public holiday on account of Eid-ul-Fiter. Therefore case is adjourned to 17.08.2015 for preliminary hearing at Camp Court Abbottabad.


Supdt.

17.8.2015

None present for appellant. Notice to counsel for the appellant be issued for 15.9.2015 for P.H before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

15.9.2015




None present for appellant. Application for transfer of appeal has been submitted on behalf of the appellant in office which was perused. The grounds taken in the application do not justify transfer of appeal to Peshawar. The same is, therefore, rejected. Notice to appellant be issued for preliminary hearing before S.B for 20.10.2015 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 490/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.05.2015	<p>The appeal of Mst. Shazia Jabeen presented today by Mr. Muhammad Zafar Tahirkheli Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	26-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-5-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	28.05.2015	<p>None present for appellant. The appeal pertains to the territorial limits of Hazara Division. Notice to appellant and his counsel be issued for preliminary hearing at camp court Abbottabad on 20.7.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No. 490 /2015

Ms. Shazia Jabeen,
S.C.T, Government Girls
High School, Bagra Haripur

.....Appellant

VERSUS

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

.....Respondents

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I N D E X

S.No	Particulars	Annexure	Pages
1	Memo of Petition		1-3
2	Interim Relief	-	4
3	Condonation of delay		5
4	Impugned Order	dated 21-11-2014	"A" 6-7
5	Application	dated 24-01-2014	"B" 8
6	Notification	dated 21-11-2014	"C" 9-10
7	Departmental appeal	dated 19-12-2014	"D" 11
8	Order	dated 14-05-2015	"E" 12-13
9	Transfer and Posting Policy		"F" 14-17
10	Vakalatnama	-	18

Peshawar, dated
21st May, 2015


(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate


(Ansar Ullah Khan)
Advocate

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No. 490 /2015

Ms. Shazia Jabeen,
S.C.T, Government Girls
High School, Bagra Haripur.

A.W.F. Province
Service Tribunal
Diary No. 549
Dated 26-5-2015
.....Appellant

VERSUS

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

.....Respondents

=====

**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974,
AGAINST THE IMPUGNED ORDER DATED 21-11-2014, (Copy
Annexed Hereto Marked "A"), WHEREBY THE APPELLANT WAS
TRANSFERRED FROM GGHS CHAJJIAN TO GGHS BAGRA.**

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PRAYER: Allowing this appeal,

- a). the respondent department may be directed to modify the impugned order No. 6049-72 dated 21-11-2014, whereby the appellant has been transferred to GGHS Bagra Haripur on permanent / non transferable basis, and
- b). further directing the respondent department to post the appellant at Sarai Saleh as S.C.T, near to her parents residence, being unmarried female teacher according to the government transfer policy.

Filed to file
26/5/15

RESPECTFULLY SHEWETH,

1. The appellant is a C.T Teacher and was serving the department at GGHS Sarai Saleh, Haripur.

That one Mst. Noreen Kausar C.T, while serving as C.T Teacher at GGHS Chajjian, submitted an application dated 24-01-2014 before respondent No. 3 for her transfer to GGHS Sarai Saleh Haripur. The application was strongly recommended by the M.P.A of PK-50 Haripur-II and Muhammad Atif, Minister for Elementary and Secondary Education Khyber Pakhtunkhwa. Resultantly she was successfully managed to transfer herself to GGHS Sarai Saleh, Haripur, vide order dated 14-04-2014, by replacing the appellant. (Copy annexed hereto marked "B")

2. That the appellant filed a service appeal No. 1089 / 201, titled "Shazia Jabeen Vs Secy. Education etc." before the Hon'ble Service Tribunal, Peshawar on 29-08-2014.
3. That during the pendency of the above mentioned appeal, the appellant was promoted to the post of Senior C.T BPS-16 vide notification No. 3478-83 dated 21-11-2014. (Copy annexed hereto marked "C")
4. In pursuance of the promotion order the appellant was posted from GGHS Chajjian to GGHS Bagra Haripur vide impugned order No. 6049-72 dated 21-11-2014, whereby she was informed that the posting was made on "school based" and will have to serve at the place of posting, declaring her services as "non transferable". (Annex "A")
5. The impugned order No. 6409-72 was challenged by the appellant through her departmental appeal dated 19-12-2014. The service appeal No. 1089/2014 was withdrawn vide order dated 14-05-2015. (Copies annexed hereto marked "D" & "E")
6. Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Service Tribunal once again for the redress of her grievance, inter-alia, for the following,

Reasons:

- a. The impugned transfer is void ab-initio as it has been passed in complete disregard to the rules regulating the appellant service, and has also been passed in hastily manner, without considering the material facts on record.

The impugned action being ultra-virus of the law and the rules, discriminatory, arbitrary, malafide and without lawful authority, it is liable to be set right by this Hon'ble Tribunal Court.

- b. That according to the Government's Transfer and Posting Policy, being unmarried female, the appellant has the legal right to be posted at a place near to her parents' residence. However she has been denied her legitimate right. (Copy annexed hereto marked "F")
- c. The appellant was initially transferred to accommodate a blue eyed C.T Teacher namely Mst. Noreen Kausar on political grounds, and now has been permanently posted to a far flung mountainous area, away from her parents house at Sarai Saleh.
- d. It is necessary to mention that the appellant is suffering from kidney disorder and is presently under treatment at Sarai Saleh while living with her family. That her new place of posting at Bagra is more than 15 kilo meters from her residence. Keeping in view her medical condition, it is impossible for her to travel 30 kilo meters in mountainous area daily. The appellant's case needs a sympathetic consideration on this count alone.

- e. That in utter disregard and in violation of the principles of equity and justice, the appellant has been subjected to arbitrary and discriminatory treatment, as is evident from the facts narrated above. The impugned transfer order is thus liable to be rescinded as such.
- f. Appellant seeks permission to take several other grounds at the time of arguments.

In view of the above, it is most humbly requested that by accepting this appeal the respondent department may be directed to modify the impugned order No. 6049-72 dated 21-11-2014, whereby the appellant has been transferred to GGHS Bagra Haripur on permanent / non transferable basis, and to post the appellant at Sarai Saleh, near to her parents residence, being unmarried female teacher according to the government transfer policy.

Any other relief deemed appropriate may also be granted.

Shazia Sabeen
Appellant

Through,

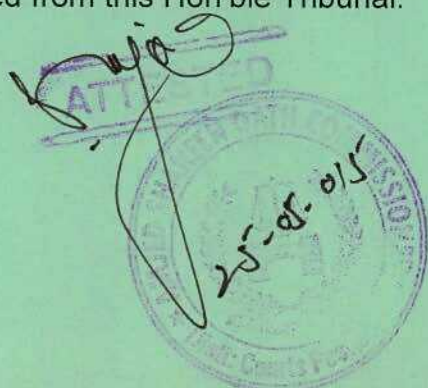
Peshawar, dated
21st May, 2015

(MUHAMMAD ZAFAR, TAHIRKHELI)
Advocate

(Ansar Ullah Khan)
Advocate

Affidavit

I, the appellant, do hereby state on Oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Tribunal.



Shazia Sabeen
DEPONENT

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA
PESHAWAR

Service Appeal No. _____ / 2015

Shazia Jabeen

VERSUS

Secy. Education etc.

=====

PETITION FOR INTERIM RELIEF

Respectfully Sheweth

1. That the above titled petition is being filed before this Hon'ble tribunal, in which date of hearing is yet to be fixed.
2. That the contents of the accompanying appeal may kindly be read as part and parcel of the present petition.
3. The petitioner has got a good prima facie case on merits and is sanguine about her success.
4. The Respondent department has issued the impugned transferred order in complete disregard to the rules regulating the service. The order being void is subject to cancellation forthwith.
5. It is the petitioner who will suffer irreparable harm if in case, his request is refused. The Respondent department may kindly be restrained from transferring the petitioner in violation of the transfer policy of the respondent department.

It is therefore, most humbly prayed that by accepting the present petition, the impugned transfer order dated 21-11-2014, may kindly be suspended pending adjudication the present appeal.

shazia jabeen

Petitioner,

Through,

[Signature]

(MUHAMMAD ZAFAR TAHIRKHELI)

Advocate

Peshawar, dated
21st May, 2015

Affidavit

I, the Petitioner, stated on Oath that contents of the above petition are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.



shazia jabeen.

DEPONENT

5

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTUNKHWA
PESHAWAR

Service Appeal No. _____ / 2015

Shazia Jabeen

VERSUS

Secy. Education etc.

=====
CONDONATION OF DELAY
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Respectfully Sheweth

1. That the above titled petition is being filed before this Hon'ble tribunal, in which date of hearing is yet to be fixed.
2. That the contents of the accompanying appeal may kindly be read as part and parcel of the present petition.
3. The petitioner has got a good prima facie case on merits and is sanguine about his success.
4. That the impugned transfer order was made during the pendency of service appeal No. 1089/2014, which was withdrawn on 14-05-2015, and consequently the instant appeal was filed.
5. The impugned transfer order is a void order and it's a well established principle of law that no limitation runs against a void order.

The petitioner's case thus merits acceptance and the Hon'ble tribunal may be pleased to condone the delay in filing the present appeal.

In view of the above, it is requested that by accepting this appeal, the delay in the filing of the present appeal may kindly be condoned for decision of the appellant's case on merits.

Shazia Jabeen
Petitioner,

Through,

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

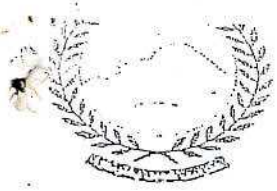
Peshawar, dated
21st May, 2015

Affidavit

I, the Petitioner, stated on Oath that contents of the above petition are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.



Shazia Jabeen
DEPONENT



District Haripur

Phone No. 0995-613244, FAX No. 0995-612552

(CT to Sr. CT Promotion Order)

Notification:

In compliance with the Notification issued by Directorate E&SE Khyber Pakhtunkhwa Peshawar vides Endst: No. 3478-83/File No. 2/Promotion S CT B-16 Dated Peshawar the 21-11-2014, the following CTs B-15 are hereby promoted to the post of Senior CT BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions condition given below with immediate effect against the Senior CT BPS-16 posts on "School Based".

Sr. No.	S.L No.	Name/ Designation/ Address	Date of Birth	Place of New Posting	Remarks
1	5	Maimoona C.T (BPS-15), GGMS Khair Bara, Haripur	04-01-1966	GGHS Ghazi Khalo, Haripur	Against Newly created Post of Sr. CT (BPS-16) at GGHS Ghazi Khalo while Mst. Sajida Parveen C.T BPS 15 at GGHS Ghazi Khalo is posted at GGMS Khair Bara.
2	8	Tahira Jabeen C.T (BPS-15), CGMGHS Haripur	01-04-1971	CGMGHS, Haripur	Against vacant Post of Sr. C.T (BPS-16)
3	12	Rizwana Tabassum C.T (BPS-15), GGMS TIP Housing Society, Haripur	01-01-1974	CGMGHS, Haripur	Against vacant Post of Sr. C.T (BPS-16)
4	13	Shabana Nazir C.T (BPS-15), GGHS Siriya, Haripur	28-10-1972	GGHS Siriya, Haripur	Against Newly created Post of Sr. CT (BPS-16)
5	14	Shazia Noreen C.T (BPS-15), GGMS Malkiyar, Haripur	10-06-1973	GGHS Kaag, Haripur	Against vacant Post of Sr. C.T (BPS-16)
6	15	Farzana Shaheen C.T (BPS-15), GGHS Khanpur, Haripur	10-11-1973	GGHSS Khanpur, Haripur	Against Newly created Post of Sr. CT (BPS-16)
7	16	Shabnam Hayyat C.T (BPS-15), GGHS Mian Dheri, Haripur	03-03-1969	GGHS Mian Dheri, Haripur	Against Newly created Post of Sr. CT (BPS-16)
8	17	Jamila Khatoon C.T (BPS-15), GGHS Basso Maira, Haripur	10-07-1971	GGHS Sarai Salah, Haripur	Against vacant Post of Sr. C.T (BPS-16)
9	18	Tehseen Gul C.T (BPS-15), GGMS Noor Colony, Haripur	01-09-1972	CGMGHS, Haripur	Against vacant Post of Sr. C.T (BPS-16)
10	19	Shazia Noreen C.T (BPS-15), GGMS Gharam Thoon, Haripur	01-04-1974	GGHS Julian, Haripur	Against vacant Post of Sr. C.T (BPS-16) at GGHS Julian while Mst: Asmat Rubab C.T (BPS-15) at GGMS Gharam Thoon, Haripur.
11	20	Saira Rasheed C.T (BPS-15), GGMS Jamma, Haripur	15-05-1974	GGHS No.2, Haripur	Against vacant Post of Sr. C.T (BPS-16)
12	21	Shaista Jabeen C.T (BPS-15), GGHS KTS Sector No. 2, Haripur	17-07-1973	GGHSS KTS Sector No. 2, Haripur.	Against vacant Post of Sr. C.T (BPS-16)
13	22	Shabana Bibi C.T (BPS-15), GGHS KTS Sector No. 2, Haripur	24-10-1970	GGHS KTS Sector No.2, Haripur.	Against vacant Post of Sr. C.T (BPS-16)
14	23	Sanjeeda Begum C.T, (BPS-15), CGMGHS Haripur.	27-03-1959	CGMGHS, Haripur	Against vacant Post of Sr. C.T (BPS-16)

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15	25	Shakeela Shaheen C.T (BPS-15), CGMGHS Haripur.	15-05-1978	CGMGHS, Haripur	Against vacant Post of Sr. C.T (BPS-16)
16	26	Shazia Jabeen C.T (BPS-15), GGHS Chajjian, Haripur.	20-02-1970	GGHS Bagra, Haripur	Against vacant Post of Sr. C.T (BPS-16)
17	27	Shagufta Naz C.T (BPS-15), JICA Model Vajian, Haripur	15-01-1972	GGHS Kahal, Haripur	Against vacant Post of Sr. C.T (BPS-16)
18	28	Nighat Bibi C.T (BPS-15), GGHS Mang Haripur.	15-02-1973	GGHS Dingi, Haripur	Against vacant Post of Sr. C.T (BPS-16)
19	29	Zahida Parveen C.T (BPS-15), GGHS Kot Najibullah, Haripur	08-05-1975	GGHSS Kot Najibullah, Haripur	Against vacant Post of Sr. C.T (BPS-16)
20	31	Nighat Bibi C.T (BPS-15), GGMS Pind Jamal Khan, Haripur	15-09-1976	GGHS Mirpur, Haripur	Against vacant Post of Sr. C.T (BPS-16)

Terms & Conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case their performance is found un-satisfactory during probation period. In case of misconduct, they shall be proceeded under the rules frame from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-Seniority on lower post will remain intact.
6. No TA/DA is allowed to anyone.
7. They will give an undertaking to be recorded in their service books to the effect that if any over payment is made to them in light of this order will be recovered and if any of them is wrongly promoted, she will be reversed.
8. Their posting has been made on school based, they will have to serve at the place of posting, and their services are nontransferable to any other station.

(SIGNED)

District Education Officer (Female)
Haripur

Dated: 21 / 11 / 2014

Endst: No. 6049-72 / Sr. CT

Cc:-

1. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar with reference to his Office Endst No. 3478-83/ File No.2/Promotion S CT B-16 Dated Peshawar the 21-11-2014.
2. The District Accounts Officer Haripur.
3. The Principals / Headmistresses concerned.
4. Office record file.

District Education Officer (Female)
Haripur

TRUE COPY

MUHAMMAD AHSAN
Minister for Elementary
Secondary Education
Khyber Pakhtunkhwa

Head Mistress
GHS Chaman
Khanoh

Abdul Ayub Khan
MBA
PK-50 Rampur II

DEO (F) HF
Recommended
for transfer & promotion
accordingly
as per
order

Give me a substitute
for this school

24
2014

میرزا محمد رفیق

میرزا محمد رفیق صاحب کو ایف ڈی ایف کے طور پر
تعمین و ترقی کے لیے درخواست ہے۔ ان کی موجودہ
مقامی تعلیمی ادارہ میں کام کر رہے ہیں اور ان کی
اہلیت اور صلاحیت اس عہدے کے لیے کافی ہے۔

میرزا محمد رفیق صاحب کو ایف ڈی ایف کے طور پر

تعمین و ترقی کے لیے درخواست ہے۔ ان کی موجودہ

مقامی تعلیمی ادارہ میں کام کر رہے ہیں اور ان کی

اہلیت اور صلاحیت اس عہدے کے لیے کافی ہے۔

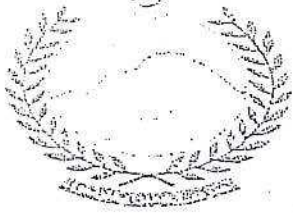
میرزا محمد رفیق صاحب کو ایف ڈی ایف کے طور پر

19

ANNEXURE

CT (F) Haripur II. 1

"C"



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(B&A)/1-8/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following CTs B-15 are hereby promoted to the post of Senior CT BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against the newly upgraded Senior CT BPS-16 posts, they will be posted by the District Education Officer concerned on "School based".

Total No. of CT(F) Posts duly verified by the DAO	324
1/3 share of Senior CT Posts	107
Share of promotion 100 %	107
Already working against the post of SCT B-15	87
Posts available for promotion	20
Promoted to SCT post through this order	20

S.No	S.LNo	Name Of Official	School	Date of Birth	Remarks
1	5	Mahmoona	GGMS Khair Bara	4/1/1966	Services placed at the disposal of DEO (F) Haripur for further posting on School Based.
2	8	Tahira Jabeen	GGCMHS Haripur No.1	1/4/1971	-----do-----
3	12	Rizwana Tabasam	GGMS Tip Housing Society	1/1/1974	-----do-----
4	13	Shabana Nazir	GGHS Sirya	28/10/1972	-----do-----
5	14	Shazia Noreen	GGMS Malikyar	10/6/1973	-----do-----
6	15	Farzana Shaheen	GGHSS Khan Pur	10/11/1973	-----do-----
7	16	Shabnum Hayat	GGMS Mian Dheri	3/3/1969	-----do-----
8	17	Jameela Khatoon	GGHS Bassomaira	10/7/1971	-----do-----
9	18	Tehsin Gul	GGMS Noor Colony	1/9/1972	-----do-----
10	19	Shazia Noreen	GGMS Garm Thoon	1/4/1974	-----do-----
11	20	Saira Rasheed	GGMS Jama	15/5/1974	-----do-----
12	21	Shaista Jabeen	GGHSS K.T.S No.2	17/7/1973	-----do-----
13	22	Shabana Bibi	GGHSS K.T.S No.2	24/10/1970	-----do-----
14	23	Sanjeeda Begum	GGCMHS Haripur No.1	27/3/1959	-----do-----
15	25	Shakeela Shaheen	GGHS Sirya	15/5/1978	-----do-----
16	26	Shazia Jabeen	GGHS Sarai Sateh Chak	20/2/1970	-----do-----
17	27	Shagufta Naz	GGPMS Vijiidi (JICA)	15/1/1972	-----do-----
18	28	Nighat Bibi	GGHS Mang	15/2/1973	-----do-----
19	29	Zahida Parveen	GGHSS K.N. Bullah	8/5/1975	-----do-----

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20	31	Nighat Bibi	GGMS Pind J. Khan	15/9/1976	Services placed at the disposal of DEO (F) Haripur for further posting on School Based.
----	----	-------------	-------------------	-----------	---

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, she shall be preceded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se- seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining her duty.
- 7 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if she is wrongly promoted she will be reversed.

(Muhammad Rafiq Khattak)
 Director
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar.

Endst: No. 3478-83 / File No.2/Promotion S CT B-16: Dated Peshawar the 21/11/2014.

- Copy forwarded for information and necessary action to the: -
1. Accountant General Khyber Pakhtunkhwa Peshawar.
 2. District Education Officers (F) Haripur.
 3. District Accounts Officer Haripur.
 4. Official Concerned.
 5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
 6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
 7. M/File

[Signature]
 Dy: Director Estab (Female)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

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14.05.2015

Counsel for the appellant and Saim Raza, ADO alongwith Addl: A.G for respondents present. Learned counsel for the appellant informed the Court that the appellant has been promoted and the transferred to GGHS Bagra and in view of the changed circumstances appellant would be seeking redressal of her grievances afresh.

In view of the above, learned counsel for the appellant requested for withdrawal of appeal. The same is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
14.5.2015

Sd
Chairman

[Signature]
Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 18-5-15
Number of Words 800
Copying Fee 6 --
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Date of Delivery of Copy 18-5-15

15

F

GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

No.SOR-(E&AD)-1-1/85 (VOL-II)
Dated Peshawar the 15th February 2003.

1. All Administrative Secretaries to Govt. of NWFP.
2. The Secretary to Governor, N.W.F.P.
3. The Secretary to Chief Minister, N.W.F.P.
4. All Heads of Attached Departments in NWFP.
5. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
6. All District Coordination Officers/Political Agents in NWFP.
7. The Registrar Peshawar High Court Peshawar.
8. All District and Session Judges in NWFP.
9. The Secretary, NWFP Public Service Commission, Peshawar.
10. The Director Anti-Corruption Establishment, Peshawar.
11. The Secretary, Board of Revenue, NWFP, Peshawar.
12. The Registrar, NWFP S. Ct. Tribunal, Peshawar.

Subject: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

Dear Sir,

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following Posting Transfer Policy:-

- (i) All the postings/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees, appointed against specific posts, can not be posted against any other post.
- (iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas, the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- (v) Months of March and July are fixed for posting/transfer of the officers/officials excluding the officers in B-19 and above in the Province. Posting/transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting/transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where postings/transfers of Government employees become inevitable in other months due to promotion/retirement/creation of new posts/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff, for which specific relaxation shall be obtained from the Chief Minister.
- vi) While making postings/transfers from settled areas to FATA and vice-versa, specific approval of the Governor, NWFP needs to be obtained.
- vii) Officers may be posted on executive administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted in a place where the Police Station (Thana) of his area/residence is situated.

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- viii) No postings/transfers of the officers/officials on detailment basis shall be ~~any~~
- ✓ (ix) Regarding the posting of husband/wife, both in Provincial services; efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- ✓ (x) All the posting/transferring authorities may facilitate the postings/transfers of the unmarried female Government Servants at the station of the residence of their parents.
- ✓ (xi) Officers/officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Districts of their domicile and be allowed to serve their till the retirement.
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officers in column 2 thereof :-

1	2
---	---

Outside the Secretariat.

- | | |
|---|---|
| 1. Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above. | Chief Secretary in consultation with the Establishment Department and the Department concerned with the approval of the Chief Minister. |
| 2. Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS (EG) and PCS(SG). | - do - |
| 3. Head of Attached Departments and other Officers in B-19 & above in all the Deptts. | - do - |

In the Secretariat :-

- | | |
|---|---|
| 4. Secretaries: | Chief Secretary with the approval of the Chief Minister. |
| 5. Other Officers of and above the rank of Section Officers:- | Secretary of the Department concerned. |
| (a) Within the Same Department. | Chief Secretary/Secretary Establishment. |
| (b) Within the Secretariat from one Department to another. | Secretary of the Department concerned. |
| 6. Officials upto the rank of Superintendent:- | Secretary of the Department in consultation with Head of Attached Department concerned. |
| (a) Within the same Department. | Secretary (Establishment) |
| (b) To and from an Attached Department. | |
| (c) Within the Secretariat from one Department to another. | |

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xiii) While considering postings/transfers proposals all the concerned authorities shall keep in mind the following:-

- a) To ensure the posting of proper persons on proper posts, the annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

✓ (xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfers authorities may seek remedy from the next higher authority/the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfer orders could be exercised only in the following cases:-

- ✓ (i) pre-mature posting/transfer or posting/transfer in violation of the provisions of this policy.
- ✓ (ii) Serious and grave personal (humanitarian) grounds.

2) To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North-West Frontier Province District Government Rules of Business 2001 read with schedule -IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S.No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officer in BPS-17 and above posted in the District.	Provincial Government
✓ 4.	Official in BPS-16 and below.	Executive District Officer in consultation with District Coordination Officer.

As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure; and

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require an officer to hold charge of more than one post for a period exceeding 12 months.

I am directed further directed to request that the above noted policy may be strictly observed & implemented.

Yours faithfully,

(GHULAM JILANI ASIF)
ADDITIONAL SECRETARY (REG)

Fmdst. No. SOR.I(E&AD)1-1/85 Dated Peshawar the 15.2.2003.

Copy forwarded to :-

1. All Additional Secretaries in E&A Department.
2. All Deputy Secretaries in E&A Department.
3. All Section Officers in E&A Department.
4. Private Secretary to Chief Secretary NWFP.
5. Private Secretary to Secretary Establishment.
6. Librarian E&A Department.

(HUSSAIN SHAH)
DEPUTY SECRETARY (REG-I)

Fmdst. No. SOR.I(E&AD)1-1/85 Dated Peshawar the 15.2.2003.

Copy forwarded to :-

1. The Accountant General, N.W.F.P., Peshawar.
2. All District/Agency Accounts Officers in NWFP.

(GILAZANFAR ALI)
SECTION OFFICER (REG-I)

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NICE AP
Posting & Transfer
Policy

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VAKALATNAMA

In the Court of

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. _____ of 2015

Petitioner
Plaintiff
Applicant
Appellant
Complainant

SHAZIA JABEEN

Decree-Holder

VERSUS

Respondent
Defendant
Opponent
Accused

SECY. EDUCATION etc

Judgment-Debtor

I / We Shazia Jabeen the above
noted Appellant do hereby appointed and constitute,

Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court, to appear, plead,
act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted
matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our
cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel
should not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded
in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I hereby authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or
awarded on my / our account in the above noted matter.

Shazia Jabeen

Client

M. Zafar Tahir

Attested & Accepted (Advocates)

21-05-15

ATIQ LAW ASSOCIATES,
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt, Phone: 091-5279529

E-mail : zafark.advocate@gmail.com

Ansar Ullah Khan

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

Service Appeal No. 490/2015

Shazia Jabeen

VERSUS

Secy. Education etc.

=====
TRANSFER APPLICATION
—————

Respectfully Sheweth

1. That the above titled petition is being filed before this Hon'ble tribunal, in which next date of hearing is fixed for 15-09-2015 at Abbotabad Bench.
2. That counsel for the appellant is settled at Peshawar and is unable to appear before the camp court at Abbotabad due to his pre occupation at Peshawar.
3. It is further submitted that the counsel for the appellant has undergone surgery and is unable to travel long distance. More so, the appellant is unable to bear the travel expenses of her counsel.

It is therefore, most humbly prayed that by accepting the present application, the appeal titled above may kindly be transferred to principal bench at Peshawar.

Shazia Jabeen.
Appellant / Applicant,

Through,

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

Peshawar, dated
07-09-2015

Affidavit

I, the applicant, stated on Oath that contents of the above application are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.

Shazia Jabeen

DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.Service appeal No: 1089/2015⁴⁹⁰

Mst: Shazia Jabeen SCT teacher Government Girls High School Bagra Tehsil & District Haripur
.....Appellant

Versus

Govt: of Khyber Pakhtunkhwa through Secretary E&SE Department Peshawar , & others.

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Through

Respondents



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service appeal No: 1089/2015


Mst: Shazia Jabeen SCT teacher **Government Girls High School Bagra Tehsil & District Haripur**
.....Appellant

Versus

Govt: of Khyber Pakhtunkhwa through Secretary E&SE Department Peshawar , & others.

AFFIDAVIT

I **Mst: Naheed Anjum** District Education Officer (Female) Haripur do hereby solemnly affirm and declare that content of accompanying reply to the appeal filed by the appellant are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

(Deponent) 
8/3/16
District Education Officer (F)
Haripur

24 /

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

Service appeal No: 1089/2014

**Mst: Shazia Jabeen SCT teacher Government Girls High School Bagra
Tehsil & District Haripur**Appellant

Versus

**Govt: of Khyber Pakhtunkhwa through Secretary E&SE Department Peshawar , &
others.**

.....Respondents

**PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE
RESPONDENTS No 1,2,3**

Respectfully Sheweth :-

PRELIMINARY OBJECTIONS.

- 1 That the appeal is badly time barred.
- 2 That the appellant has no cause of action/locus standi.
- 3 That the appellant has not come to this Hon! able Tribunal with clean hands.
- 4 That the appeal is not maintainable in its present form.
- 5 That the appellant has concealed important material facts from this Honorable Tribunal hence liable to be dismissed .
- 6 That the appellant has filed this appeal with malafide motives .
- 7 That the instant appeal has been filed to pressurize the respondents.
- 8 That the present appellant is bad for non joinder/ mis joinder of necessary parties.
- 9 That the appellant is not competent to file the instant appeal against the respondents.
- 10 That the appellant has no cause of time.
- 11 That the appeal of the appellant is infectious as after assuming charge in GGHS Chajian she was promoted and again transfer to GGHS Bagra on 1.11.2014. (Copy of the promotion & Transfer order is "A".

ON FACTS.

- 1 Para 1 pertain to the record. Appellant was serving at home station for a long period since 02—10-1999 in GGHS Sarai Saleh and she was transfer on longest tenure .and matter was already decided in early Appeal. Miss Noreen was adjusted at home station as she has served out of station since long time and appellant already fulfilled her normal Tenure.
- 2 Correct and same is discussed above.
- 3 Pertains to the record.
- 4 Pertains to record.

- 5 Incorrect The plea of the appellant is baseless unlawful and without justification. As it was clearly mentioned in the Term and Conditions of the Promotion order. Appellant her self accepted the term and conditions of promotion order and took over the charge of SCT in the GGHS Bagra .
- 6 Incorrect She accepted the term & condition and Promoted Hence she was not liable to file appeal in Said Forum.
- 7 Incorrect .

Grounds.

- a. The action of the department is legal and according to the rules moreover neither discriminatory nor arbitrary. Appellant was further promoted to senior.CT on ad posted in GGHS Bagra which is also home station of appellant.
- b. Incorrect and not admitted .Appellant is working in GGHS Bagra as Senior CT Teacher it is also nearly home station of appellant .The Impugned order is according to policy.
- c. Incorrect .The impugned order is according to law.She was serving in GGHS Sarai Saleh since 1999 .She was Adjusted near school of GGHS Bagra and she took over the charge as Senior CT according term and conditions.Miss Noreen Kousar also transferred in Promotion to another School and she also serving their.
- d. Incorrect and not admitted she has been promoted and transfer to near home station.if she is not fit and healthy as promotion is based on fitness of the Govt Servant which is mentioned in the Service policy.
- e. The impugned order is according to Law.There is no legality in the impugned order. The act of the respondents are legal and in accordance with rules, policy and facts.
- f. That the respondents seek permission to advance other grounds and proofs at the time of hearing.

Prayer :

In the view of the above submission it is requested that this Honorable Tribunal May graciously be pleased to dismiss the appeal of appellant with cost please.

Respondents.

- 1 Secretary E&SE Department, Khyber Pakhtunkhwa,
- 2 Director E&SE Department, Khyber Pakhtunkhwa, Peshawar
- 3 District Education Officer (F) Haripur

14/4/2016

14/4/2016

14/4/2016

عدالت سروس ٹرانسپل KPK کورٹ کمیٹی ایٹ آباد

عنوان: سادہ جبین دفتر محمد اودطان

بنام

DEO(F) و غیرہ

صبا عالی

بابت ادب سے درخشاں رساں ہوں

11 برہ میرا Accident ہو گیا ہے کہہ گا تھا کہ تو نے سے جیلے قال تو لا آہر تیں کے
ذبحہ کے ہوں لہذا لکھ لکھ کر شہادت لکھ لکھ

2 برہ آج Repinder کیے ہیں لیکن لوگو حادثہ و دیگر روفا ہوا ہے
واقعات جو Repinder میں عدالت کے طور سے لکھ لکھ

بنام سہیل سہیل کی آہر تیں سے تاریخ (تاریخ) کا مواد ہے۔

القاری

Shahzad Jabeen

سادہ جبین دفتر محمد اودطان

نمبر لوہار در (تاریخ)

المقرم
20/12/2016

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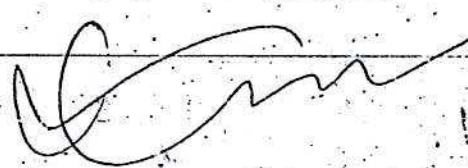
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(Pyridine
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 EYS
MEDICAL SUPERVISOR
D.H.H. HOSPITAL, HARIPUR

(10)

DHQ HOSPITAL HARIPUR

Rs. 10/-

OUT-PATIENTS DEPARTMENT

NAME Miss Shaiza Jabeen

YEARLY NO. 4101

DATE 9.11.2016

DISEASE _____

FACE VALUE RUPEES 10/-

CERTIFICATE

It is to certify that
Miss SHAZIA ~~BEEN~~ JABEEN
D/o M DAUD KHAN SUSTAINED
Road traffic accident on
9-11-16 and got Bimolecular
Fracture of Ankle (R).
She was operated &
plate fixation.
She will need Rest.

