

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. 2211/2023

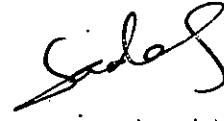
Shahida Parveen.....Appellant

V E R S U S

Govt of KP & others.....Respondents

I N D E X

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Respondent No. 4
SADAF SYED

Through


BABAR HAYAT KHAN
Advocate, Peshawar
Cell: 0333-9727007

Dated: 15-11-2023

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.2211/2023

9020
US-11-23

Mst. Shahida Parveen.....Appellant

VERSUS

The Govt. of KP & others.....Respondents

COMMENTS ON BEHALF OF THE

RESPONDENT NO. 4

Respectfully Sheweth:-

PRELIMINARY OBJECTION

1. That the appellant is not an aggrieved person, nor she has got the locus standi to file the present appeal as there is no irregularity in the transfer order.
2. That the appellant is estopped by his own conduct to bring the present appeal.
3. That under the posting/transfer policy, the appellant has completed her tenure, so the transfer order is in conformity of the ibid rules and policy.
4. That no vested or accrued or legal right of the appellant has been infringed to warrant interference.
5. That the appeal of the appellant is neither maintainable in law nor on facts.
6. That even otherwise, the official respondents are empowered under section 10 of Civil Servant Act, 1973 for placing the services of the appellant

throughout the province, wherever required in the best public interest.

ON FACTS:-

1. Pertains to record.
2. Pertains to record.
3. Proof of wedlock pertains to record. However even otherwise admittedly the spouse of the appellant has also completed his two years of tenure.
4. Correct. Further to add that the appellant was first posted at GGDC Gulshan Rehman vide order dated 11.06.2021 and after completion of her tenure under the posting/transfer policy, the appellant has now been transferred vide order dated 12.10.2023 after timespan of 2 years and 4 months. (**Copy of order dated 11.06.2021 is attached as Annexure A**)
5. Correct to the extent of posting/transfer, the last part is misleading as sanctioned posts based on a specific subject are in BPS-17 only while the posts of Assistant Professor, Associate Professor are sanctioned in Basic Pay Scale i.e. BPS-18, 19, 20 etc. irrespective of the specialized subject.
6. That the answering respondent has been recently promoted from Assistant Professor BPS-18 to Associate Professor BPS-19 vide order dated

30.05.2023 and now has been posted at GGDC Gulshan Rehman, Peshawar.

7. Pertains to record and reply of official respondents.
8. That the appellant has completed her tenure at the GGDC Gulshan Rehman, Peshawar and now official respondents are empowered under section 10 of Civil Servant Act, 1973 to post the appellant or any civil servant anywhere in the province.
9. Already been answered in para 4 and 8 of the comments.
10. Correct.
11. Incorrect, misleading, The referred corrigendum was rather a request moved by the Deputy Director (F) on behalf of the appellant to the Secretary Higher Education for retaining the services of the appellant at the same College which has not been answered.
12. Needs no reply.

ON GROUNDS:

- A. That the contents of ground A and B of the appeal are result of misconception of law, her plea for withdrawal of transfer order despite the completion of her tenure under rules/policy is not warranted by law.
- B. That contents of this Para C is the result of misconception because spouse policy is not stricto

sensu but is subject to application and availability of the post.

- C. That contents of Ground D to K has already been answered in the preliminary objections as well as in reply on facts and grounds.
- D. That content of Ground L is discretion of honourable Tribunal, however, one cannot be allowed to take other by surprise.

It is, therefore, prayed that on acceptance of this appeal the appeal in hand being devoid of force be dismissed with cost.

Through

Sadaf Syed
 Respondent No. 4
SADAF SYED
Babar Hayat Khan
BABAR HAYAT KHAN
 Advocate, Peshawar

Dated 15.11.2023

AFFIDAVIT

It is stated on oath that the contents of the **comment** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court. *it is further stated on oath that in this appeal neither the respondents nor their counsel have* **DEPONENT** *any* **DEPONENT** *defiance has been struck off / cost.*





GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT
CIVIL SECRETARIAT

Dated Peshawar the 11/06/2021

NOTIFICATION

NO.SO(C-1)/HE/1-5/2021/Female Posting-Transfer, The competent authority is pleased to order posting / transfer of the following teaching staff of College Cadre in Higher Education Department with immediate effect in the best public interest:-

SN	Name / Designation / BPS	From	To	Remarks
1	Ms. Naila Rehman, Associate Professor (BS-19) of Mathematics / Principal	GGDC, Balakot (Mansehra)	As Associate Professor (BS-19) of Mathematics at GGDC, Malikpura (Abbottabad)	AVP
2	Ms. Ambreen Gul, Associate Professor (BS-19) of Zoology	GGDC No.1, Mansehra	As Associate Professor (BS-19) of Zoology at GGDC, Balakot (Mansehra)	Vice S#1
3	Ms. Nasreen Bibi, Associate Professor (BS-19) of Statistics / Principal	Under transfer from GGDC, Sarai Naurang (Lakki Marwat) to GGDC Wana (South Waziristan)	Retained as Principal (BS-19) at GGDC, Sarai Naurang (Lakki Marwat)	Vice S#4
4	Ms. Raheela Tabassum, Associate Professor (BS-19) of Economics / Principal	Under transfer from GGPGC Bannu to GGDC Sarai Naurang (LakkiMarwat)	As Associate Professor (BS-19) of Economics at GGDC, Mandan (Bannu)	AVP
5	Ms. Nagma Sabooli, Associate Professor (BS-19) of Urdu	GGPGC, Haripur	As Associate Professor (BS-19) of Urdu at GGDC, Kulachi, D.I Khan	AVP
6	Ms. Zohra Aslam, Associate Professor (BS-19) of Political Science	GGDC, Khwaza Khela (Swat)	As Associate Professor (BS-19) of Political Science at GFC-W, Peshawar	Vice S#7
7	Ms. Shahana Samin, Associate Professor (BS-19) of Political Science	GFC (W), Peshawar	As Associate Professor (BS-19) of Political Science at GGDC, Tajo Bibi (Charsadda)	AVP
8	Ms. Sadia Mahjabeen, Associate Professor (BS-19) of Botany	GGDC, Havelian (Abbottabad)	As Associate Professor (BS-19) of Botany at GGDC, Nawanshehr (Abbottabad)	AVP
9	Ms. Shehla Dano, Associate Professor (BS-19) of Botany	GGDC, Thall Hangu	As Associate Professor (BS-19) of Botany at GGDC KTS (Haripur)	Vice S#10
10	Ms. Saima Jabeen, Associate Professor (BS-19) of Home Economics	GGDC KTS (Haripur)	As Associate Professor (BS-19) of Home Economics at GGDC No.01, Mansehra	Vice S#2
11	Ms. Tehmina Gul, Associate Professor (BS-19) of Chemistry	GHEC, Abbottabad 1/8	As Associate Professor (BS-19) of Chemistry at GGDC, Qalandarabad (Abbottabad)	AVP

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60	Ms. Itrat Sabeen, Lecturer (BS-17) of Zoology <i>(working against the upgraded post as result of 5 Tier)</i>	GGDC Bacha Khan (Peshawar)	As Lecturer (BS-17) of Zoology at GGDC, Dargai (Charsadda)	AVP
61	Ms. Uzma Nasim, Associate Professor (BS-19) of Chemistry	GGDC Hangu	As Associate Professor (BS-19) of Chemistry at GGDC No.1, Kohat	Vice S#62
62	Ms. Shumaila Bukhari, Lecturer (BS-17) of Chemistry <i>(working against the upgraded post as result of 5 Tier)</i>	GGDC No. 3 Kohat	As Lecturer (BS-17) of Chemistry at GGDC, Hangu	AVP of BS-19 in OPS Vice S#61
63	Ms. Shamyla Barlas, Associate Professor (BS-19) of Urdu	GGDC Tank	As Associate Professor (BS-19) of Urdu at GGDC No.2, Haripur	Vice S#49
64	Ms. Shumaila Firdos, Associate Professor (BS-19) of Botany	GGDC Battagram	As Associate Professor (BS-19) of Botany at GGDC No.1, Abbottabad	Vice S#65
65	Ms. Sadia Afzal, Associate Professor (BS-19) of Botany	GGDC No.1 Abbottabad	As Associate Professor (BS-19) of Botany at GGDC, Battagram	Vice S#64
66	Ms. Shazia Noreen, Associate Professor (BS-19) of Zoology	GGDC Marghuz (Swabi)	As Associate Professor (BS-19) of Zoology at GFC-W, Peshawar	Vice S#67
67	Ms. Haizal Begum, Associate Professor (BS-19) of Pak-Studies	GFC-W, Peshawar	As Associate Professor (BS-19) of Pak-Studies at GGDC, Bacha Khan (Peshawar)	Vice S#68
68	Ms. Seema Alam, Lecturer (BS-17) of Pak- Studies <i>(working against the upgraded post as result of 5 Tier)</i>	GGDC Bacha Khan (Peshawar)	As Lecturer (BS-17) of Pak-Studies at GGDC, Dargai, Charsadda	AVP
69	Ms. Shahnaz Fazal, Associate Professor (BS-19) of Zoology	GGDC, Barikot, Swat	As Associate Professor (BS-19) of Zoology at GGDC, Nahaqi (Peshawar)	Vice S#70
70	Ms. Humaira Mursaleen, Lecturer (BS-17) of Zoology <i>(working against the upgraded post as result of 5 Tier)</i>	GGDC Nahaqi (Peshawar)	As Lecturer (BS-17) of Zoology at GGDC, Kotha (Swabi)	AVP
71	Ms. Faiqa Bibi, Associate Professor (BS-19) of Chemistry	GGDC, Thara, Malakand	As Associate Professor (BS-19) of Chemistry at GGDC, Tarkha, Nowshera	Vice S#72
72	Ms. Afsheen, Lecturer (BS-17) of Chemistry <i>(working against the upgraded post as result of 5 Tier)</i>	GGDC, Tarkha, Nowshera	As Lecturer (BS-17) of Chemistry at GGDC, Panjpir, Swabi	AVP
73	Ms. Shahida Parveen, Associate Professor (BS-19) of Pashto	GGDC No.1, Charsadda	As Associate Professor (BS-19) of Pashto at GGDC, Gulshan Rehman, Peshawar	Vice S#74
74	Ms. Sonia Naz, Associate Professor (BS-19) of Zoology	GGDC, Gulshan Rehman Colony, Peshawar	As Associate Professor (BS-19) of Zoology at GGDC No.1, Charsadda	Vice S#73
75	Ms. Nazish Qazi, Associate Professor (BS-19) of Islamiyat	GGDC, Katlang, Mardan	As Associate Professor (BS-19) of Islamiyat at GGDC Pabbi (Nowshera)	Vice S#22

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TESTED

NAME OF CANDIDATE

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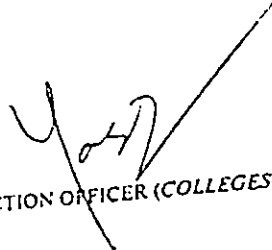
2. No TA / DA is allowed.

SECRETARY
HIGHER EDUCATION DEPARTMENT

ENDST: NO. & DATE EVEN.

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education Khyber Pakhtunkhwa, Peshawar.
3. Principal(s) concerned.
4. District Accounts Officer(s) concerned.
5. Officers concerned.
6. Master File.


SECTION OFFICER (COLLEGES-I)


ATTESTED

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