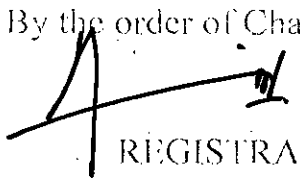


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2314/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/11/2023	<p>The appeal of Mst. Nagina Bibi presented today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 2314 /2023

Mst Nagina Bibi

VERSUS

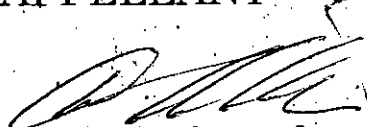
Chief Secretary to Govt. KPK Elementary & Secondary
Education Peshawar. & others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Appeal		1-6
2.	Affidavit.		7
3.	Addresses of parties		8
4.	Suspension Application		9-10
5.	Copy of transfer order	"A"	11
6.	Copy of transferred order dated 11.01.2022	"B"	12
7.	Copy of impugned transferred order dated 02.08.2023 and reliving chets	"C & D"	13-14
8.	Copies of departmental appeal & W.P judgment dated 17.10.2023	"E & F"	15-20
9.	Wakalatnama		

Nagina
APPELLANT

Through


Kabir Ullah Khattak
Advocate, High Court
Peshawar.

Dated: 07/11/2023

①

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 2314 /2023

Mst. Nagina Bibi W/o Syed Abbas Hussain Shah SDEO
(Female) Tehsil Khanpur District Haripur R/o Tehsil
Havalia District Abbottad.

Appellant

VERSUS

1. Chief Secretary to Govt. KPK Elementary & Secondary Education Peshawar.
2. Secretary to Govt. Khyber Pakhtunkhwa Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
3. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.

Respondents

SERVICE APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE ORDER DATED
02/08/2023 WHEREBY THE APPELLANT HAS
BEEN TRANSFERRED FROM THE POST OF
SDEO (F) KHANPUR BY DIRECTING THE
APPELLANT TO REPORT TO DISTRICT
EDUCATION OFFICER (F) HARIPUR
AGAINST WHICH THE APPELLANT FILED

(2)

DEPARTMENTAL APPEAL ON 07.08.2023
WHICH HAS NOT BEEN DECIDED WITHIN
THE STATUTORY PERIOD OF 90 DAYS.

Prayer:-

ON ACCEPTANCE OF THE INSTANT
SERVICE APPEAL THE IMPUGNED
TRANSFER ORDER OF THE APPELLANT
DATED 02/08/2023 MAY VERY KINDLY BE
SET ASIDE AND THE APPELLANT MAY
KINDLY BE RETAINED IS SDEO KHANPUR
WITH ALL BACK BENEFITS.

Respectfully Sheweth,

1. That the appellant is a permanent resident of District Abbottabad and married in Sub Division Havailia.
2. That the appellant is initially appointed as ASDEO (Female) BPS-16 in District Haripur on 11.04.2011.
3. That after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.

4. That the appellant has been promoted as SDEO (Female) PBS-17 on 21.02.2019 at Havailia District Abbottabd.
5. That the appellant has been transferred as SDEO (Female) to Khanpur on 26.10.2021 (Copy of transfer order is attached as annexure "A").
6. That on 11.01.2022 the appellant has been prematurely transferred from SDEO (Female) Khanpur to SDEO (Female) Pabbi Nowshera. (Copy of transferred order dated 11.01.2022 is attached as annexure "B").
7. That against the said transferred order dated 11.01.2022 the appellant filed service appeal No.127/2022 which has been disposed on 20.12.2022.
8. That while the appellant performing her official duty with respondent department the impugned premature transfer order dated 02.08.2023 has been passed against the appellant whereby the appellant has been transferred from the post of SDEO (Female) Khanpur by directing the appellant to report to District Education officer (Female) Haripur. Furthermore the impugned

(4)

transfer order /notification are also based on administrative/complaint grounds rather than public interest. (Copy of impugned transferred order dated 02.08.2023 and reliving chets are attached as annexure "C & D").

9. That the appellate submitted departmental appeal against the impugned order dated 02.08.2023 and after that the appellant submitted writ petition No.1799-A/23 to decide the departmental appeal of the which has been decided 17.10.2023 whereby the respondent No.1 is directed to decide appeal of the appellant expeditiously but later than fifteen (15) days from the receipt of the order of court. (Copy of departmental appeal & W.P judgment dated 17.10.2023 are attached as annexure "E & F").
10. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.
- B. That the impugned transfer order is wrong, illegal, unlawful and is liable to be struck down and set aside.
- C. That it is cherished principle of law, that where a law require a thing to be done in a particular

(5)

manner, then the same is to be done in that manner and not otherwise.

D. That the respondent department has been violated transfer/posting policy of the Provincial Government.

E. That the impugned transfer order is void and illegal because it has been passed against the law and rules.

F. That there is no proof and evidence regarding the alleged allegation mentioned in the impugned transfer order.

G. That now show cause notice and no opportunity a personal hearing/defence has been provided the appellant regarding the alleged complaint mentioned in the impugned transferred order.

H. That no regular inquiry has been conducted against the appellant furthermore according to law and rules no transfer order has been passed on complaint based/as a punishment.

I. That the petitioner has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondent violated article 4 and 25 of

(6)

the constitution of Islamic Republic of Pakistan 1973.

J. That there is no illegality on part of the appellant.



K. That the appellant seeks the permission of this Hon'ble Court to rely on additional grounds at the hearing of this appeal.

It is therefore, most humbly prayed that on acceptance of the instant service appeal the impugned transfer order of the appellant dated 02/08/2023 may very kindly be set aside and the appellant may kindly be retained in SDEO Khanpur with all back benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Nazima
APPELLANT

Through


Kabir Ullah Khattak
& 
Roeda Khan
Advocate, High Court
Peshawar.

Dated: 08/11/2023

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.


Advocate.

7

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2023

Mst Nagina Bibi

VERSUS

Chief Secretary to Govt. KPK Elementary & Secondary
Education Peshawar. & others

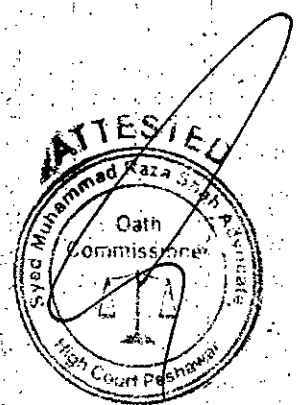
AFFIDAVIT

I, Mst. Nagina Bibi W/o Syed Abbas Hussain
Shah SDEO (Female) Tehsil Khanpur District
Haripur R/o Tehsil Havalia District Abbottad, do
hereby solemnly affirm and declare that all the contents of
the instant appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed or
withheld from this Hon'ble Court.

Nagina
DEPONENT

Identified by:

[Signature]
Roeda Khan
Advocate High Court
Peshawar.



08 NOV 2023

(3)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Mst Nagina Bibi

VERSUS

Chief Secretary to Govt. KPK Elementary & Secondary
Education Peshawar & others

ADDRESSES OF PARTIES

PETITIONER.

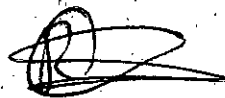
Mst. Nagina Bibi W/o Syed Abbas Hussain Shah
SDEO. (Female) Tehsil Khanpur District Haripur R/o
Tehsil Havalia District Abbottad.

ADDRESSES OF RESPONDENTS

1. Chief Secretary to Govt. KPK Elementary & Secondary
Education Peshawar.
2. Secretary to Govt. Khyber Pakhtunkhwa Elementary
& Secondary Education, Khyber Pakhtunkhwa
Peshawar.
3. Director Elementary & Secondary Education, Khyber
Pakhtunkhwa Peshawar.

APPELLANT

Through



Roeda Khan
Advocate, High Court
Peshawar.

Dated: 07/11/2023

(3)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Mst Nagina Bibi

VERSUS

Chief Secretary to Govt. KPK Elementary & Secondary
Education Peshawar & others

ADDRESSES OF PARTIES

PETITIONER.

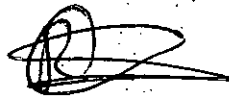
Mst. Nagina Bibi W/o Syed Abbas Hussain Shah
SDEO (Female) Tehsil Khanpur District Haripur R/o
Tehsil Havalia District Abbottad.

ADDRESSES OF RESPONDENTS

1. Chief Secretary to Govt. KPK Elementary & Secondary
Education Peshawar.
2. Secretary to Govt. Khyber Pakhtunkhwa Elementary
& Secondary Education, Khyber Pakhtunkhwa
Peshawar.
3. Director Elementary & Secondary Education, Khyber
Pakhtunkhwa Peshawar.

APPELLANT

Through



Roeda Khan
Advocate, High Court
Peshawar.

Dated: 07/11/2023

(9)

BEFORE THE HONBLE SERVICE TRIBUNAL
PESHAWAR

Mst. Nagina Bibi

VERSUS

Chief Secretary to Govt. KPK Elementary & Secondary
Education Peshawar & others

APPLICATION FOR THE SUSPENSION OF
THE IMPUGNED OFFICE ORDER DATED
02.08.2023.

RESPECTFULLY SHEWETH,

1. That the petitioner is filing the accompanying appeal, the contents of which may graciously be considered is integral part and parcel of the instant petition.
2. That prima facie case exist in favour of the petitioner
3. That if the impugned notification is mentioned above is not suspended the petitioner is suffered irreparable loss.
4. That balance of convenience is also lies in favour of the petitioner his quite sanguine of his success.

(10)

5. That in the given circumstances the suspension of operation of the impugned notification are indispensable.

It is, therefore, most humbly prayed that On acceptance of the instant petition the operation of the impugned notification/order dated 02.08.2023 for as mentioned above may kindly be suspended till the final disposal of the accompanying appeal.

Any other relief not specifically asked for may also graciously be extended in favour of the petitioner in the circumstances of the case.

Dated: 07/11/2023

Nagina
Petitioner

Through

[Signature]
Kabir Ullah

& *[Signature]*
Roseeda Khan

Advocate, High Court
Peshawar

AFFIDAVIT:

I, Mst. Nagina Bibi W/o Syed Abbas Hussain Shah SDEO (Female) Tehsil Khanpur District Haripur R/o Tehsil Havalia District Abbottad. the petitioner, do hereby solemnly affirm and declare on oath that all contents of the instant application are true and correct to the best of my knowledge & belief and nothing has been concealed from this August Court.

Nagina
DEPONENT

Annexure (A¹⁰)

11

11



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 071-3272388

Dated Peshawar the, October 26th, 2021.

CORRIGENDUM

No. SO(S/E) E&SE/D/4-16/2021/POSTING/TRANSFERS/MC; In partial modification of this Department's Notification of even number dated 07-10-2021, the place of posting of the following SDEOs Female (BS-17) of the Elementary & Secondary Education, Khyber Pakhtunkhwa may be read as noted against each: -

S#	Name & designation	Place of posting
1.	Mst. Syeda Nasra Azam SDEO (Female BS-17)	SDEO (Female) Town-IV, Peshawar.
2.	Mst. Naila Naz SDEO (Female BS-17)	SDEO (Female) Ghazi Haripur.
3.	Mst. Musarat Jamal SDEO (Female BS-17)	SDEO (Female) Darush Chitral Lower.
4.	Mst. Shakeela Angum SDEO (Female BS-17)	SDEO (Female) Torkhow Mulkhaw Chitral Upper
5.	Mst. Arifa Bibi SDEO (Female BS-17)	SDEO (Female) Mastuj Chitral Upper.
6.	Mst. Adeela Rani SDEO (Female BS-17)	SDEO (Female) Topi Swabi.
7.	Mst. Sajida Sakhi SDEO (Female BS-17)	SDEO (Female) Battagram, District Battagram.
8.	Mst. Fozia Parveen SDEO (Female BS-17)	SDEO (Female) NMAs Darazinda Di Khan against the newly created post.
9.	Mst. Shahniaz Begum SDEO (Female BS-17)	SDEO (Female) Serai Naurang Lakki Marwat.
10.	Mst. Bibi Arifa SDEO (Female BS-17)	SDEO (Female) Alai, Battagram AVP.
11.	Mst. Bibi Ayesha Naz SDEO (Female BS-17)	SDEO (Female) Darband Mansehra.
12.	Mst. Shaheen Bibi SDEO (Female BS-17)	SDEO (Female) Besham Shangla.
13.	Mst. Nageena Bibi SDEO (Female BS-17)	SDEO (Female) Khanpur Haripur.
14.	Mst. Zahida Khanum SDEO (Female BS-17)	SDEO (Female) NMAs Jandola Tank against the newly created post.
15.	Mst. Nazma Shaheen SDEO (Female BS-17)	SDEO (Female) Lower Tanawal Abbottabad.
16.	Mst. Shagulta Noreen (MC BS-17)	SDEO (Female) NMAs Khyber against the newly created post.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT.

Encl: of Even No & date.

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department with the request to upload the posting/ transfer notification on the official website of the department.
6. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.

(HAKEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS FEMALE)



(B) (12)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 011-9223588

Dated Peshawar the January 11th, 2022

NOTIFICATION

NO. SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC: The Competent Authority is pleased to order the posting/transfer of the following Officers of Elementary & Secondary Education, Khyber Pakhtunkhwa with immediate effect, in the public interest:-

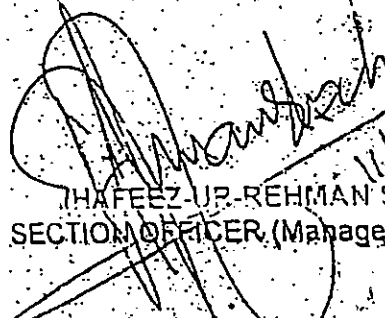
Sr. No.	Name & designation	From	To
1.	Mst. Nageeria Bibi (MC BS-17)	SDEO (Female) Khanpur Haripur.	SDEO (Female) Nowshera (Vice No-2) Rabbi
2.	Mst. Surniya Taj (MC BS-17)	SDEO (Female) Rabbi Nowshera.	SDEO (Female) Khanpur Haripur (Vice No-1)

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Ends: of even No. & date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) Nowshera and Haripur.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers Nowshera and Haripur.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Master file.


HAFAEZ-UR-REHMAN SHAH
SECTION OFFICER (Management Cadre)
11/1/2022



Amir Khan © (13)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

Dated: 02- August- 2023

NOTIFICATION

NO:SO(MC)E&SED/4-16/2023/Posting/Transfer/SDEO/H. Pur Keeping in view of administrative grounds, and complaint filed by District Education Officer (Female) Haripur, Mst. Nagina Bibi. SDEO (Female) Khanpur District Haripur is hereby transferred and directed to report to District Education Officer (Female) Haripur, with immediate effect, in the best public interest.

2. No TA/DA is allowed.

SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officer (Female) Haripur.
5. District Accounts Officer Haripur.
6. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officer concerned.
9. Master file.

11/1/2023
2/8/2023
(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)

14

Annexure (D)

OFFICE THE DISTRICT EDUCATION OFFICER (FEMALE)
HARIPUR.

RELIEVING CHIT.

In compliance with the order the Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar vide No.SO(MC) E&SED /4-16/2023/Posting /Transfer SDEO /H.Pur dated 02.08.2023.

Mst.Nagina Eibi SDEO (F) Khanpur District Haripur is hereby relieved from her duties today on 02.08.2023 (F.N) and directed to report to the Office of the undersigned.


District Education Officer
(Female) Haripur.

Endst.No. 6461-64

Dated Haripur the 02/08 /2023

Copy of the above is forwarded to:-

1. The PS to Secretary E&SED Khyber Pakhtunkwa Peshawar.
2. The Director E&SED Khyber Pakhtunkwa Peshawar.
3. The District Accounts Officer Haripur.
4. The Deputy Commissioner Haripur.
5. Office order file.


District Education Officer
(Female) Haripur.

'E'

(15)

To

✓ The Worthy Chief Secretary,

Govt of Khyber Pakhtunkhwa

Civil Secretariat, Peshawar.

Diary No. 3418-P-WE

Dated:- 07-08-2023.

Subject:- APPEAL FOR CANCELLATION/WITHDRAWN of NOTIFICATION OF TRANSFER and TAKING NECESSARY ACTIONS AGAINST MALAFIDE PRACTICES/ILLEGAL ACTIVITIES OF MST.SADIA AZIZ, DEO(F), DISTRICT HARIPUR.

Reverend Sir,

Reference Corrigendum. vide No. SO(S/F)E&SED/4-16/2021/POSTING/TRANSFERS/MC: Dated Peshawar the, October 26th, 2021 issued from Secretary E&SE KPK Department. I, Mrs. Nageena Bibi W/O Mr. Syed Abbas Hussain Shah working as SDEO (F), Tehsil Khanpur Distt: Haripur since 27th, October 2022 but it was found astonishingly that after two months a Notification vide No. SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC dated the January 11th, 2022 has been issued in which I was transferred at Tehsil Pabbi District Nowshera. After that I got stay order from service tribunal, Peshawar and said order cancelled in the light of court case (copy attached as Annex.A).

1. Respected Sir, With due respect,

Now I, want to brief malafide practices/illegal activities of Mst. Sadia Aziz DEO(F), District Haripur for necessary actions which are as follows:-

- I. That, she wrote an official letter for return back of Govt vehicle No. A-1120 to DEO(F) office vide letter No.299 dated 11-01-2022 but undersigned verbally refused and wrote a letter vide No.942 dated 15-12-2021 to District Transport Office, Motor vehicle Examiner, District Haripur for its Examine then in return, said department sent letter vide letter No.269-272/21 dated 21-12-2021 showing detailed report of Assessment of said vehicle as it is in condom condition, then the undersigned done its all mechanical work for running of smooth official work. (Copy is attached as Anx: B,C,D,E for reference).
- II. That, she again wrote a letter vide No.6430 dated 23-08-2022 for return of above said Govt vehicle No.A-1120 o/o SDEO(F), Tehsil Khanpur to DEO(F) office illegally and then the undersigned had returned the said vehicle to DEO(F) vide letter No. 386 dated 24-08-2022. (copy attached as Annex.F,G).
- III. That, she again wrote a letter vide No. 6448 dated 23-08-22 to Motor Vehicle Examiner, Haripur. for physically inspection of vehicle Suzuki van.No.A-1120 and in response of this letter, reply received vide letter No. 347-350/22 dated 29-08-2022 from Motor Vehicle Examiner stated that the current state of vehicle is normally Fit. Now she handed over the said vehicle to SDEO Ghazi. (Copy attached)
- IV. That, she has called an explanation vide letter No.2841 dated 30-04-2022 and vide No.2984 dated 09-05-2022 on the basis of FIR lodged by head teacher, GGPS.Choi, Tehsil Khanpur through application to SHO, Khanpur directly without intimation and the undersigned was on authorized c.leave on that day (copies of Explanations and reply of Explanation along FIR and other supporting documents attached as Anx:H,I,J,K,L).
- V. That she visited office of the SDEO(F), Tehsil Khanpur on 22-03-2022 and write note on attendance register showing that Absent days of ASDEO(F) marked as C. Leaves (more than two leaves) in a month and she also cross my surprise visits on the attendance register and log book of GGPS kharipur No.2. which is illegal practice. (copies of attendance register o/o SDEO(F) and attendance register and visitor book of said school attached as Anx:M,N,O,P).

(16)

-)which is illegal practice. (copies of attendance register o/o SDEO(F) and attendance register and visitor book of said school attached as Anx:M,N,O,P).
- VI. That DEO(F) has also called absent notice vide letter No. 6378 dated 22-8-2022 but the undersigned was on surprise visit at GGPS Khanpur No.2 and GGPS Pind Gujran on that day i.e 20-08-2022. (copies of absent notice, Attendance Register And visitor book of school attached as Q,R,S,T).And in above absent notice she bound me to attend DEO(F) office on Friday and Saturday also.
- VII. That she has also called explanation vide letter No.6573 dated 27-08-2022 as the undersigned has already been send reply to DEO(F) Office vide letter No: 114 dated 17-03-2022 regarding functionalized the newly established school but she DEO(F) again wrote a letter vide letter No. 6398 dated 22-08-2022 about it .(copy of Explanation, official letter attached as Anxx. U,V,W).
- VIII. That ,the undersigned forwarded an application of GGPS Kot Jandan school to DEO(F) for necessary action please on-urgent basis ,on that ,she also called an explanation vide letter NO.5863 dated 25-07-2022.(Copy of application and explanation attached as Anx.X,Y,Z).
- IX. That ,she has issued an official letter vide No. 6447 dated 23-08-2022 for internal Audit of Accounts last 03 Years o/o SDEO(F) Khanpur on 24-08-2022 and after doing it ,she made audit objectionable Paras vide letter No.6480-83 dated 24-08-2022 and published in daily AJJ Akhbar Abbottabad regarding false news of corruption on dated 29-08-2022, but even in the month of July 2022 ,From AG office ,all audit of account matters has been cleared.(Copies of letter, audit paras, news paper cutting and cash book attached)
- X. That, two male SSTs Teachers are working on main posts of ADEO (F)(Primary)and ADEO P&D at DEO(F) Office which harras female teachers in female office creating mental stress for every female teacher.
- XI. That, in spite of all the above, undersigned worked with secondary Estab. For Pre-DSC in connection with Appointments of PET,DM,AT,TT & QARIA through ETEA 2021 vide letter No.5861 dated 25-07-2022 and also with primary Estab. Vide letter No.6441 dated 17-08-2022 for Pre-DSC meeting for Appointment of PST against open merit and disable quota 2021-22 through ETEA (copy of letters is attached). She also issued Notification vide letter No. 2552-55 dated 16-04-2022 regarding to visit high and higher schools on daily basis as per schedule attached which are not our job description(copies attached).
- XII. That, she has been issued an official letter No.6889 dated 03-09-2022 to the undersigned regarding Account matters that no any account transactions will be made without her approval.(copy attached)
- XIII. That, she bound the undersigned to sit in DEO(F) Office from 9:00-4:00 Pm without any official task and forcefully marked attendance on DEO attendance register. (Copy attached)
- XIV. That she has issued absent notice vide letter No.6989 dated 06-09-2022 to the undersigned .as I was on field visit at GGPS Dara Dada Shaheed and then in office for official work and submitted reply along proofs but it made me mentally pressurized (Copy attached)
- XV. That ,she has Endorse a letter vide No. 1608-10 dated 7-09-2022 and 7119 dated 08-09-2022 District Account Officer,Haripur and The Bank Manager ,NBP ,TIP Branch ,Haripur regarding shifting of DDO ship without any allegations and inquiry by using her illegal power (Copy attached)
- XVI. That ,She has submitted complaints to Worthy Secretary ,E&SE KPK Peshawar and issued a Notification vide No.SO (MC)/4-17/E&SED/INQUIRY/2022 Dated sep.5,2022 regarding to conduct a fact finding inquiry against SDEO(F) Khanpur. (Copy attached)

17

2. Furthermore, In INTRA-DISTRICT PERFORMANCE SCORE CARD QUALITY, DISTRICT HARIPUR for the month of December, 2021 Tehsil Khanpur has got 1st Position among all tehsils of Haripur. Along it, both circles of Tehsil Khanpur got 1st position which shows highly efficiency of the undersigned: (Copies of certificates attached).

From all the above mentioned facts, Mst. Sadia Aziz, DEO(F), Haripur mis use her illegal powers and malafide practices due to personal grudges to me creating mentally pressure and harassment to the undersigned day to day and time to time.

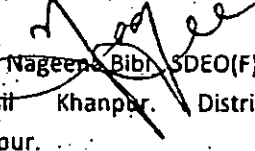
Respected Sir, with due respect, You are humbly requested to take necessary action in this regard and also direct her to do every official work under rules and policy and create calm environment for others in the best interest of public please.

I shall be very thankful to you for your kind consideration.

Copy to for information and necessary action:-

1. PA to Director, E & SE, KPK, Peshawar.

Yours Sincerely,

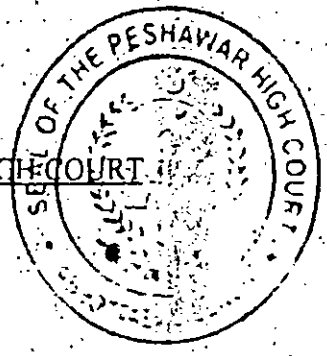

Mst. Nageena Bibi, SDEO(F),
Tehsil Khanpur, District
Haripur.

Contact No. 0332-8902256

"F"

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IN THE COURT OF HONOURABLE PESHAWAR HIGH COURT
ABBOTTABAD BENCH



Writ petition No 1799-¹⁷⁹⁹ 654-A of 2023

Mst Nagina Bibi SDEO (Female) W/o Syed Abbas Hussain Shah
R/o District Abbottabad Sub Davison Havalia Tehsil Khanpur
District Haripur.

Petitioner

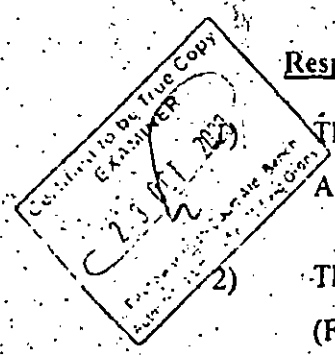
VERSUS

1. Chief Secretary to Government of Khyber Pakhtunkhwa Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education KPK Peshawar.
3. Director Elementary and Secondary Education KPK Peshawar.
4. District Education Officer Female Haripur.

Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

Respectfully Sheweth:

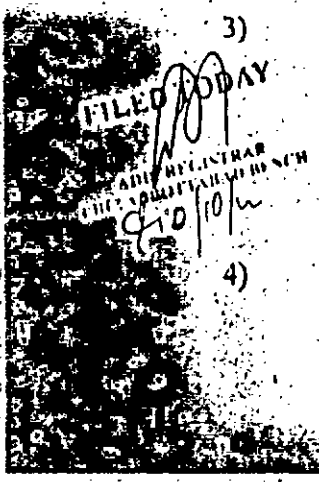


1) That the Petitioner is a permanent resident of District Abbottabad and married in Sub Division Havalia.

2) That the petitioner is initially appointed as ASDEO (Female) (BPS-16) in District Haripur on 11.04.2011.

3) That after appointment the Petitioner performed her duty regularly with full devotion and hard work and no complaint whatsoever has been made against the Petitioner.

4) That the petitioner has been promoted as SDEO (F) BPS-17 on 21.02.2019 at Havalia District Abbottabad.



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5) That the petitioner has been transferred as SDEO (F) to Khan Pur on 26.10.2021: (Copy of Transferred order is attached as Annexure-A).

6) That on 11.01.2022 the petitioner has been transferred from SDEO (F) Khanpur to SDEO (F) Pabbi Nowshera: (Copy of impugned transferred order is attached as Annexure-B).

7) That against the transfer order, dated 11.01.2022 the appellat filed service appeal No. 127/2022 which has been disposed on 20.12.2022.

8) That while performing her official duty with Respondent department the impugned order, dated 02.08.2023 has been issued against the appellat whereby the appellat has been transferred from the post of SDEO (F) Khanpur by directing her to report to District Education Officer (F) Haripur. Furthermore the impugned transfer notification is also based on administrative/complaint grounds rather than public interest. (Copy of impugned order and reliving chit are attached as Annexure C & D).

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22/11/2023
PUNJAB HIGH COURT FOR THE NORTH WEST FRONTIER PROVINCE
LAW OFFICE

9) That the appellat submitted a Departmental appeal on 02.08.2023 against the impugned order. But the same has not been decided till date. (Copy of Departmental appeal is attached as Annexure-E).

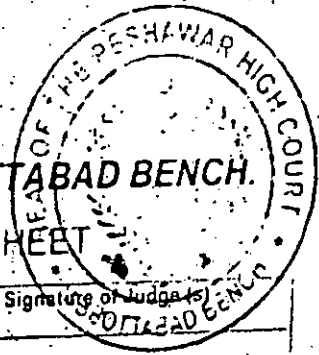
10) That the petitioner feeling high aggrieved from the inaction of the Respondents and have no other advocate remedy but to filed the instant Writ Petition before this Hon'ble Court on the following grounds amongst others.

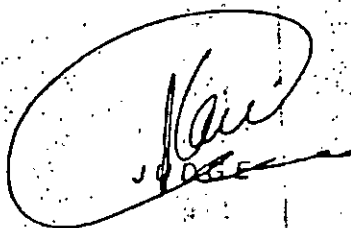

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22/11/2023
PUNJAB HIGH COURT FOR THE NORTH WEST FRONTIER PROVINCE
LAW OFFICE

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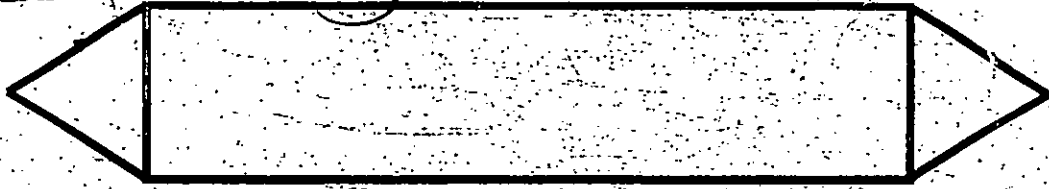
PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
17.10.2023	<p><u>W.P.No.1299-A/2023.</u></p> <p>Present: Mr. Kabirullah Khattak, Advocate for petitioner.</p> <p>Malik Amjad Inayat, AAG for respondents alongwith Ms. Sadia Aziz, DEO (Female), Haripur.</p> <p>...</p> <p><u>KAMRAN HAYAT MIANKHEL, J.</u> After arguing the case at great length, learned counsel for petitioner stated that he does not press this writ petition provided direction is given to respondent No.1 to decide the appeal of petitioner expeditiously.</p> <p>In view of the above, this writ petition is dismissed as withdrawn. However, the respondent No 1 is directed to decide the appeal of petitioner expeditiously but later than fifteen (15) days from the receipt of the order of this court.</p> <p>Announced 17.10.2023</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

بعدالت سند سے فراہم ہونے والا



23 23 منجانب السلام

بنام الحاکم

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔

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

20 23

ماہ اگست

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المرقوم

العبد

Handwritten signatures and names at the bottom of the page.