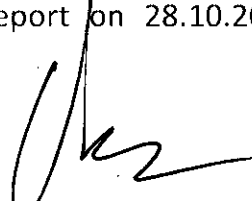


12.08.2016

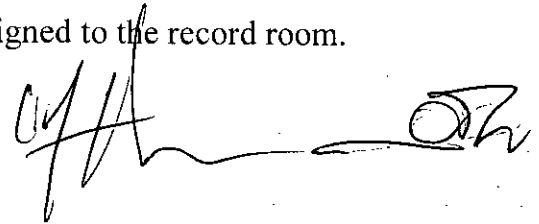
Brother of the petitioner and Mr. Hameedur Rahman, AD & DEO(F) Mardān alongwith Addl. AG for the respondents present. Requested for adjournment. To come up for implementation report on 28.10.2016 before S.B.



Member

28.10.2016

Brother of the petitioner and Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Representative of the respondents submitted implementation report in shape of notification dated 15.04.2016 and submitted that the grievance of the petitioner has been redressed. The brother of the petitioner stated that though the judgment has been implemented yet District Account Officer is not processing the case of the petitioner. District Account Officer is directed to implement the judgment and process of the case of the petitioner. The instant execution petition is hereby disposed of in the light of notification dated 15.04.2016 produced today. File be consigned to the record room.



(MUHAMMAD AAMIR NAZIR)

Member

ANNOUNCED:
28.10.2016

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 69/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.04.2016	<p>The Execution Petition of Mst. Azra Shaheen submitted today by Mr. M. Yaqub Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	25-04-2016	<p>This Execution Petition be put up before S. Bench on <u>28-04-2016</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	28.4.2016	<p>Agent of counsel for the petitioner present. Notices to the respondents be issued. To come up for implementation report on 12.08.2016 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

52
48

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

NOTIFICATION

- 1- WHEREAS, Mst.Azra Shaheen, SET/SST(F) has been transferred from GGHS Bagheecha Dherai to GGHS Zando Dherai District Mardan vide the impugned transfer order dated 28/3/2015 issued by the DEO(F) Mardan.
- 2- AND WHEREAS, feeling aggrieved from the said order dated 28/3/2015, the appellant has filed a Departmental Appeal dated 24/4/2015, seeking cancellation of her transfer order before the Director E&SE Department / Respondent No:1, of being an appellate authority in the instant case.
- 3- AND WHEREAS, the appellant has filed a Service Appeal bearing No:886/2015, on 06/8/2015, before the Honourable Khyber Pakhtunkhwa Service Tribunal under Section-4 Service Tribunal Act 1974, with the contentions of setting aside the impugned transfer order in favour of the appellant.
- 4- AND WHEREAS, the Respondents No:1-2 were put on notice by the Honourable Service Tribunal Peshawar for the submission of Joint Parawise Comments, which submitted by contesting the said appeal on both legal & factual grounds.
- 5- AND WHEREAS, the said Service Appeal has been remitted to the Respondent Deptt: vide judgment dated 14/01/2014 with the directions to the Respondent No:1, to decide the Departmental Appeal of the appellant of the appellant within a period one month purely on merits & in accordance with law/rules & transfer /posting policy.
- 6- AND WHEREAS, on enquiry was conducted vide Notification dated 02/3/2016 through the Principal GGHSS Takht Bhai District Mardan, who submitted her enquiry report vide her office letter dated 07/3/2016 with the recommendations that the appellant may be adjusted at GGHS Baghicha Dherai Mardan against the SET/SST(Female) post.

Now in compliance of the judgment dated 14/01/2016 of the Honorable Service Tribunal & in view of the enquiry report & materials / evidence available on record, the impugned transfer order dated 28/3/2015 is hereby set aside under Section-21 of General Classes ACT 1897, read with Section-10 of Civil Servants Act 1973 & the appellant namely Azra Shaheen SET/SST is hereby restored/adjusted against the SET/SST post at GGHS Baghicha Dherai, Mardan in place of Mst.Zeenat Begum SET/SST in the interest of public & with immediate effect.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No. 7621-28 /AD(Lit:II)Azra Shaheen SET/SST/Mardn

Dated Peshawar the 15/4/2016

Copy of the above is forwarded to the:-

- 1- Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
- 2- Addl:Advocate General KPK Service Tribunal Peshawar
- 3- Deputy Directress(Estab;) local office.
- 4- District Education Officer(F) Mardan
- 5- Headmistress GGHS Baghicha Dheri Mardan
- 6- Hedmistress GGHS Zando Dherai Mardan
- 7- Teachers concerned
- 8- PA to Director E&SE Local Office.


[Signature]
Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,

The execution petition of Mst. Azra Shaheen (appellant in appeal no. 886/2015) received to-day i.e. on 12.04.2016 is incomplete on the following score which is returned to the counsel for the petitioner for completion and resubmission within 15 days.

- 1- Wakalat nama is unsigned.
- 2- Two more copies/sets of the petition along annexures i.e. complete in all respect may also be submitted with the petition.

No. 596 /S.T.

Dt. 13/4 /2016



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yaqub Khan Adv. Mardan.

Sir,

objections removed, completed and resubmitted

Please


Yaqub Khan
Advocate

15/4/2016

کورٹ فیس

مستثنیٰ

بعد الت جواب عجمی صاحب کمرنگز ٹریڈنگ کمپنی

یہ ڈگری دار ڈگری مندرجہ ذیل کی اجراء کے واسطے درخواست حسب آرڈر عدالت قاعدہ عملہ سابقہ دوران ۱۹۱۸ء سے متعلق ہے

۱	نمبر مقدمہ	Asa Shaken - - - Pats
۲	نام فریقین	Director of (G.P.S.E) etc VS
۳	تاریخ ڈگری	۱۶/۱۱/۲۰۱۶
۴	آیا اپیل ہو رہی ہے یا نہیں؟	نہیں
۵	کیا کوئی اور ایسی بات تھی جو اس سے متعلق ہے؟	نہیں
۶	درخواست ماہ قبل عدالت پہنچ چکی ہے	مگر کسی عملدار نے اس سے متعلق کوئی نوٹ نہیں لکھا
۷	اصل ڈگری یا سرورڈ ڈگری اور کسی نونٹ کی کاپی	impaired order cancelled
۸	معدلات ڈگری	نہیں
۹	خبر پھر دو لایا گیا	نہیں
۱۰	کس شخص پر الزام ہے اس کے سبب ہے	رلسا ڈگری کے سبب ہے
	یہ طریقہ جس طرح پر اطلاع عدالت مطلوب ہے	

جناب عالی

تصدیق وقت عمر حسن

یہ تصدیق کرتا ہوں کہ یہاں جو کچھ بیان کیا گیا ہے میرے بہترین علم و اختیار سے صحیح ہے

عمر حسن

Through counsel:-

Yaqub

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

Execution Petition no 69/2016

G. M. No. _____ / 2016

IN

Service Appeal No. 886/2015

Mst. Azra Shaheen APPELLANT

VERSUS

Director of E&SE, KPK and others RESPONDENTS.

I N D E X

S.No.	Description of documents	Annexures	Pages
1.	Application with affidavit		1 - 2
2.	Copy of order/judgment dated 14-01-2016	'A'	3 - 4
3.	Copy of applications	'B'	5 - 7
4.	Vakalat Nama		0 - 8

PESHAWAR

12-04-2016

Appellant

through

(Yaqoob Khan)
Advocate, Mardan
Cell No. 0321-9309427

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

Execution Petition no-69/2016

C. M. No. _____ / 2016

IN

Service Appeal No. 886/2015

G.W.F. Service

Diary No. 283

Date 12-4-2016

Mst. Azra Shaheen W/O Manzar Khan, S.E.T.

Teacher, GGHS Baghicha Dheri, MardanAPPELLANT

VERSUS

Director of EASE, K.P.K. Peshawar

and othersRESPONDENTS.

APPLICATION FOR IMPLEMENTATION OF ORDER/JUDGMENT
DATED 14-01-2016 IN BRUE LETTER AND SPIRIT.

RESPECTFULLY SHEWETH:

1. That the appellant is posted as a S.E.T. teacher in GGHS Baghicha Dheri, Mardan.
2. That the appellant has preferred an appeal before this Hon'ble Tribunal against the impugned order dated 28-03-2015 vide which the appellant was transferred from GGHS Baghicha Dheri, Mardan to GGHS Zando Dheri, Mardan the appellant's appeal is accepted with the direction that the Tribunal would like to remit the matter to the appellate authority with the direction to decide departmental appeal of the appellant within one month after receipt of this order, purely on merits and in accordance with law and Rules. If the departmental appeal is not decided within the stipulated period, the impugned order deemed as cancelled and the appeal accepted accordingly, vide order/judgment dated 14-1-2016 passed by this Hon'ble Tribunal. (Copy of the order/judgment is attached as Annexure 'A').

- 3. That the appellant filed various applications dated 30-03-2016, 2-04-2016, 26-02-2016 alongwith the judgment of this Hon'ble Tribunal for implementation before respondents No.1 and 2 but in vain. (Copy of applications are attached as Annexure 'B').
- 4. That the impugned order has already been cancelled by lapse of one month, hence appellant is entitled to serve at her post i.e. S.E.T. teacher GGHs Baghicha Dheri, Mardan.

It is, therefore, humbly prayed that on acceptance of this application, the impugned transfer order of the appellant dated 28-03-2014 may please be cancelled and order/~~of the~~ judgment may please be implemented in true letter and spirit.

Jawid
Appellant

Dated 12-04-2016

through
Yaqub Khan
(YAQUB KHAN)
Advocate, Mardan

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Deponent

Jawid
Appellant
Yaqub Khan

Jawid

Before the Service Tribunal KPK, Peshawar



Appeal No. 886 /2015

S.W.F. Province
Service Tribunal

Diary No. 944

Dated 06/8/2015

Azra Shaheen W/o Manzar Khan SET Teacher GGHS Baghicha
Dheri Mardan resident of village Bagh colony Mardan

.....Appellant

V/s

1. Director of (E & SE) KPK Peshawar
2. D.E.O (F) (S) (E& SE) Mardan.
3. Mis Zenat Begum D/o Ibrahim Khan SET teacher GGHS
Baghicha Dheri Mardan
4. Secretary Education, KPK, Peshawar..... Respondents

Appeal U/S-4 of the KPK Service Tribunal Act 1974 against the
order of respondent No.1 dated 28/03/2014, in fact 28/03/2015,
whereby, appellant is transferred from GGHS Baghicha Dheri
Mardan to GGHS Zando Dheri Mardan against the post of SST
Teacher in her own pay and scale which is illegal, against law
and facts.

Respectfully sheweth;

Appellant humbly submits as under

1. That appellant is post as a SET teacher in GGHS Baghicha
Dheri Mardan.
2. That appellant was appointed is a untrained teacher BPS-15 in
GGHS Landi Kotal 9 Khyber Agency) vide order dated
11/04/1990. (Copy of the order dated 11/04/1990 is attached
as Annex: "A").
3. That appellant was transferred from GGHS Landi Kotal
(Khyber Agency) to GGMS Kohi Barmole Mardan after
proper approval of competent authority on her marriage in

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

4



14.01.2016

Counsel for appellant (Mr. Yaqoob Khan, Advocate) and

Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Jan, GP for respondents present.

2. The appellant has preferred the instant service appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 28.3.2015 vide which the appellant was transferred from GGHS Baghicha Dehri Mardan to GGHS Zando Dheri Mardan where against she preferred departmental appeal on 24.4.2015 which was not responded and hence the instant service appeal on 6.8.2015.

3. Arguments heard and record perused.

4. Impugned order passed on 28.3.2014 vide which the appellant, stands transferred from GGHS Baghicha Dheri to Zando Dheri provides that

^{Rs 2400} the transfer take placed on 1.4.2015. This order is defective order for the reasons that the transfer order should have been made with immediate effect instead of being effective in a date in future at a distance of about one year. The impugned order was passed by DEO (F) Mardan on 28.3.2014 who was no more on seat on 1.4.2015 when the order actualized which shows her malafide. The appellate authority has not so far decided departmental appeal of the appellant, therefore, the Tribunal would like to remit the matter to the appellate authority with the directions to decide departmental appeal within one month after the receipt of this order, purely on merits and in accordance with law/rules. If the departmental appeal is not decided within the stipulated period, the impugned order be deemed as cancelled and the appeal accepted accordingly. In the meanwhile, status-quo be maintained till disposal of the departmental appeal. The appellate authority is further directed to also decide the issue of salary of the appellant. Parties are left to bear their own costs. File be consigned to the record room.

Redd Member

sd/- Member

ANNOUNCED
14-01-2016

Date of Presentation of Application: 25-01-2016
Number of Words: 800
Copying Fee: 6/-
Urgent: 2/-
Total: 8/-
Name of Copyist: SMF
Date of Completion of Copy: 25-01-2016
Date of Delivery of Copy: 25-01-2016

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Handwritten text: 10/1/2000, 10/1/2000, 10/1/2000

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گذشت جنابہ (۱۶) Do (۱۶) صاحبہ

Ann B.
(5)

پیرس اینڈ انجی ٹیکنیکل (مردان)

جنابہ عالیہ:-

موردہ تفریق سے کہ ۱۵/۳/۵۸ کو فروغ

کو غیر مالانہی کو روک جیسے ٹرانسفر کر دیا گیا اور سرورس ٹریبونل

کے دفعہ ۵۷ کے تحت کو پسر ٹرانسفر کرنے سے روکے فروغ کی تنخواہ ۵۷۶

کو روکئی ۱۶/۱۱/۵۸ کو سرورس ٹریبونل نے فروغ کا ٹرانسفر انڈر کینٹ

دیا اور فروغ کی کو روک دیا کہ انہں تنخواہ باہر سے کرنے کا ارادہ رکھا۔

گورنمنٹ ٹریبونل نے بھی یہ حکم باہر سے کرنے کو روک دیا اور تنخواہ ٹریبونل کے پاس

تنخواہ باہر سے کرنے کا آرڈر نہیں کیا گیا جبکہ نوٹ میں کدورت کے فروغ

کی ذرا سزا کی جاتی ہے کہ فروغ کی تنخواہ کا آرڈر فروغ

باہر سے کیا جائے۔ - میں تفریق سے روکے۔

اطراف سے
پیشہ سے

۱۵/۳/۵۸
پیرس اینڈ انجی ٹیکنیکل (مردان) پیرس اینڈ انجی ٹیکنیکل (مردان)

(b) محترم جناب ڈائریکٹر صاحب

بیتھ سی اینڈ ایجوکیشن چارٹر

جناب عالی :-

مورد بیانہ گزارش یہ ہے کہ 28/3/05 کو غیر قانونی

طوریہ پر جبری ٹرانسفر کر دیا گیا اور سرورس ٹریبونل کے order کے

کو یکسر نظر انداز کرتے ہوئے فروری کی تنخواہ بھی 5+045 کر دی گئی 14/4/06

کو سرورس ٹریبونل نے فروری کا ٹرانسفر آرڈر رینل کر دیا۔ اور

فروری کو پورا ایک ماہ کے اندر تنخواہ جاری کرنے کا آرڈر صادر کیا۔

ڈائریکٹر تعلیمات KPK نے بھی یہاں پر جاری کر دیں مگر تین ماہ

تھرنے کے باوجود تنخواہ جاری کرنے کا آرڈر میں کیا جا رہا جو کہ

تو تین عدالت کے مندرجہ ذیل ایڈریسز مائی جاتی ہے کہ فروری

کا تنخواہ کبھی آرڈر جاری کیا جائے۔ میں گزارش ہوگی۔

اموار لنگ

ایم کی ماہد ر سکر

عزرا شاہین

SET

گورنمنٹ ٹریننگ اینڈ ریسرچ انسٹیٹیوٹ
سیول باغیچہ ڈھکی (فروری)

2.4.06

Madam!

The relevant case file

under Titled

Ava Shanam v/s Govt

has already been

handed over to the

Minis of A and C and B

Branch (DDP) L/10/1000

Subordinate for further

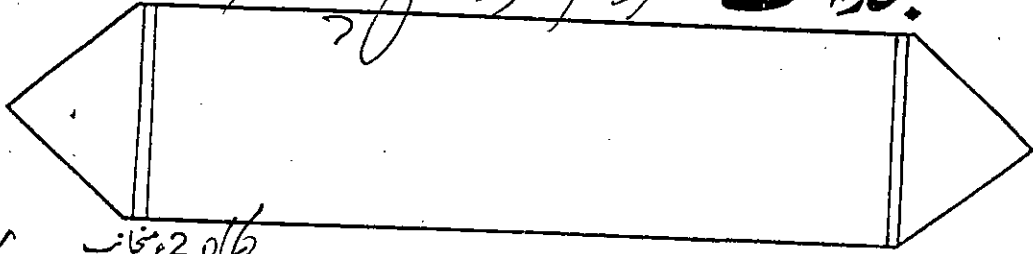
Orders

S

4/11/16

DDP

بعدالت سرگندہ ٹریڈ سٹیٹس



موزخہ 13 --- ل/ب/ع
 مقدمہ ---
 دعویٰ ---
 جرم --- درخواست

کاہ 2، پنجاب بنام لکھنؤ سٹیٹس
 عزیز شاہین

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کارروائی متعلقہ
 آن مقام ل/ب/ع کیلئے عقوبت خان اظہار
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 دکیل صاحب کو راضی نامہ کرنے و تقرر رسالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔
 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 لکھنڈیا کہ سندر ہے۔

المرقوم 13
 ماہ 20
 واہ الع

بمقام ل/ب/ع کے لئے منظور ہے۔

Attested & Accepted
 Yours

عزیز شاہین