

21.06.2023

Clerk of learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Learned Member (Executive) Ms. Fareeha Paul is on leave, therefore, bench is incomplete. To come up for arguments on 04.07.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
K-3T
Peshawar

4th July, 2023 *Nazeem Amin*

(Salah-ud-Din)

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, Member (J), Assistant Advocate General for the respondents present.

2. Lawyers are on strike. Case is adjourned to 10.07.2023 for arguments before D.B. P.P given to the parties.

SCANNED
K-3T
Peshawar

(Rashida Bano)
Member (J)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

15.11.2022

Nemo for the parties.

Counsel was informed telephonically on 04/01/23

Notice be issued to the appellant/counsel as well as respondents to attend the court on the next date. Adjourned. To come up for arguments before the D.B on 10.01.2023.

SCANNED
KF3T
Peshawar

Respondent No 1 was put on notice 04/01/2023 10-1-23

(Mian Muhammad)
Member (E)

Due to rush of work therefore case is adjourned to 17-4-2023

Reader

17th April, 2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant seeks adjournment. To come up for arguments on 21.06.2023 before D.B. P.P. given to the parties.

SCANNED
KF3T
Peshawar

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Adnan Ali Shah

30.09.2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Ihsanullah, Law Officer for the respondents present.

Learned counsel for the petitioner argued the case on application for restoration of Execution Petition and took the plea that it was due to some erroneous/clerical mistake because it was fixed for hearing on 22.06.2022 and it was duly recorded in his diary. When it came into knowledge of learned counsel for the petition^{er} that the same had been dismissed in default on 01.06.2022, he applied for an attested copy which was provided by the office on 24.06.2022 and thereafter he submitted application for restoration on 27.06.2022.




Considering *Arguments* of learned counsel for the petitioner as well as no objection of learned AAG, the instant execution petition is restored to its original number. To come up for further proceedings on 15.11.2022 before S.B.


(Mian Muhammad)
Member (E)

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 394 /2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.07.2022	<p>The application for restoration of appeal No. 1377/2019 resubmitted today by Mr. L.Nawab Ali Noor Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	<p>14-7-22</p> <p>Noted</p> <p>04.08.2022</p>	<p>This restoration application is entrusted to Division Bench at Peshawar to be put up there on <u>4-8-22</u>. Original file be requisitioned. Notices to the applicant and his counsel be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
		<p>Counsel for the appellant present and submitted an application for adjournment on the ground that his brother is going for open heart surgery for which ^{he} will be with him in hospital. Application allowed. To come up for further proceedings on 30.09.2022 before S.B.</p> <p style="text-align: right;"> (Fareeha Paul) Member (E)</p>

**SCANNED
KPST
Peshawar**

01.06.2022

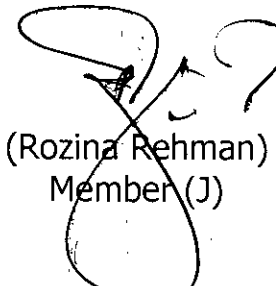
Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General alongwith Qazi Ayaz Litigation Officer for official respondents No. 1 to 4 present. Counsel for private respondent No.5 present.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced
01.06.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

03.02.2022

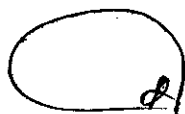
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.04.2022 for the same as before.


Reader

26.04.2022

Learned counsel for the appellant present. Mr. Jehanzeb, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present. Mr. Noor Muhammad Khattak, Advocate on behalf of private respondent No. 5 present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 01.06.2022 before the D.B.



(Rozina Rehman)
Member (J)

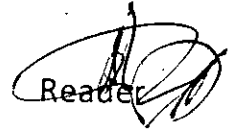


(Salah-ud-Din)
Member (J)

27-4 2020

Due to COVID19, the case is adjourned to

17/8 /2020 for the same as before.


Reader

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 24.11.2021 for the same as before.



Reader

24.11.2021

Junior to counsel for appellant present.

Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present. Junior to counsel for private respondent present.

Request for adjournment was made on behalf of both the parties as senior counsel for appellant and private respondent is not available today; granted. To come up for arguments on 03.02.2022 before D.B.


(Atiq ur Rehman Wazir)
Member (E)

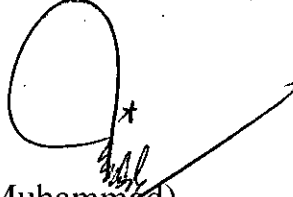

(Rozina Rehman)
Member (J)

08.01.2021

Nemo for appellant. Assistant: AG alongwith Mr. Jehanzeb, Supdt for respondents present.

Notices be issued to the appellant and her counsel.

Adjourned to 04.02.2021 for arguments before D.B.



(Mian Muhammad)
Member(E)



(Rozina Rehman)
Member(J)

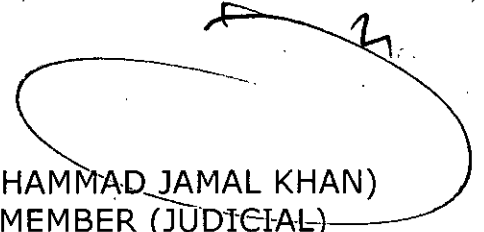
04.02.2021

Nemo for the appellant at the moment i.e 11:58 A.M. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Jehanzeb, Superintendent, for the respondents are present.

Learned counsel representing private respondent No. 5 submitted application for setting-aside ex-parte proceedings initiated against the referred to respondent, application is placed on file. Copy of application be delivered to the learned counsel for appellant as well as respondents and file to come up for arguments on 11.03.2021 before D.B. In the meanwhile appellant as well as her respective counsel be noticed for the date already fixed.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

11.03.2021


Due to non availability of Bench, the case is adjourned to 27.04.2021 for arguments before D.B



READER

19.08.2020

Due to summer vacations, the case is adjourned to 21.10.2020 for the same.


Reader

21.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 25.11.2020 for hearing before the D.B.


(Mian Muhammad)
Member

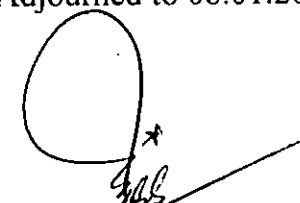

Chairman

25.11.2020

Counsel for the appellant present. Asst: AG alongwith Mr. Jehanzeb, Supdt for respondents present.

Learned counsel requests for adjournment as he has remained bedridden for about one month and could not prepare the brief.

Adjourned to 08.01.2021 for arguments before D.B.


(Mian Muhammad)
Member (E)


Chairman

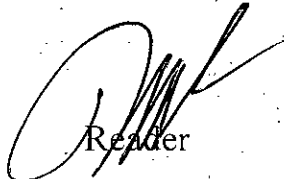
26.02.2020

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith M/S Khalid Superintendent for respondent No. 1 and Qamrun Nisa, Librarian for respondent No. 4 present. Written reply on behalf of respondents No. 1 to 4 has already been submitted. Nemo for respondent no. 5 nor her written reply received despite last chance, hence proceeded against ex-parte. To come up for rejoinder and arguments on 15.04.2020 before the D:B.


(Hussain Shah)
Member

15.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 13.07.2020 before D.B.

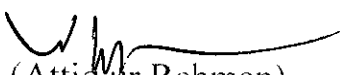

Reader

13.07.2020

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment; granted. To come up for arguments on 19.08.2020 before D.B.


(Attiq ur Rehman)
Member (E)


(Rozina Rehman)
Member (J)

26.11.2019

Counsel for the appellant and Mr. Usman Ghani,
District Attorney for respondents present.

Written reply/comments on behalf of the
respondents not submitted. Learned District Attorney seeks
time to submit written reply/comments.

Adjourned to 10.12.2019 before S.B.



Chairman

10.12.2019

Nemo for the appellant. Addl. AG present.

Notices be issued to appellant/learned counsel as
well as respondents. To come up for written
reply/comments on 21.01.2020 before S.B.



Chairman

21.01.2020

Junior to counsel for the appellant, Addl. AG alongwith
Qazi Muhammad Ayaz, Litigation Officer and Mst.
Qamrunisa, Librarian for respondents No. 1 to 4 present.
Nemo for respondent No. 5.

Representatives of respondents No. 1 to 4 have
furnished parawise comments which are placed on record.
Fresh notice be issued to respondent No. 5 by way of last
opportunity. To come up for written reply/comments of
respondent No. 5 on 26.02.2020 before S.B.



Chairman

05.11.2019

Counsel for the appellant present.

It is contended that the appellant was appointed as Lecturer on 30.04.2013 and posted at Government Girls Degree College Timergara ever-since. On 01.11.2018 she was transferred to Government Girls Degree College, Julagram, however, on 13.12.2018 a corrigendum was issued by respondent No. 1 whereby the posting of appellant was effected at GGDC Adenzai, Dir Lower. On 24.07.2019 the order of transfer of appellant as well as corrigendum were cancelled thereby putting her in a position wherein she was for about six years. The requisite transfer of appellant was in blatant disregard of the posting/transfer policy of the Provincial Government, it was added.

In view of available record and arguments of learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 26.11.2019 before the S.B.

Alongwith the appeal an application praying for suspension of impugned order dated 24.07.2019 has been preferred. Notice of the application be also given to the respondents for the date fixed.

Appellant Deposited
Security Process Fee

05/11/19

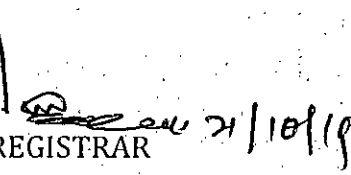


Chairman

Form- A.

FORM OF ORDER SHEET

Court of _____

Case No.- 1377/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2019	<p>The appeal of Dr. Sumaira resubmitted today by Mr. L. Nawab Ali Noor Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	22/10/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/10/19.</u></p> <p> CHAIRMAN</p>


This is an appeal filed by Dr. Sumaira today on 14/10/2019 against the orders dated 24-07-2019 and 30.07.2019 against which he preferred/made departmental appeal/ representation on 08.08.2019 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- ✓1- Annexures-A, B and C of the appeal are illegible which may be replaced by legible/better one.
- ✓2- Annexures of the appeal may be attested.
- ✓3- Annexures of the appeal may be flagged.
- ✓4- Address of respondent No.3 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓5- Annexure-C of the appeal is incomplete which may be completed.

No. 1735 /ST,

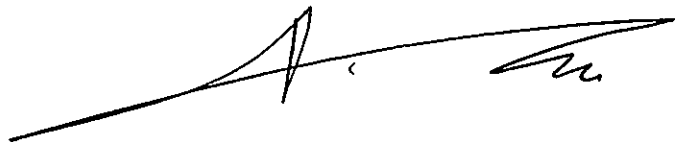
Dt. 14/10 /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. L.Nawab Ali Noor Adv. Pesh.

Respectfully submitted
Headfull done kindly put before
the Court.

Note: It is submitted with respect that due to the clerical mistake appeal rejection date not mentioned same is 10.10.19 along with rejection order annexed at page 12 as annexure B hence appeal ~~is not~~ ^{as mature may} fix before the Bench as early due to the interim relief.



BEFORE THE K.P.K SERVICE TRIBUNIL PESHAWAR.

Service appeal .No. 1377/2019.

1.Dr. Sumaira Lecturer GGD Collage Adenzai Dir Lower.
..... (Appellant)

Versus

1.Secretary to GOVT OF K.P.K Higher Education Department and
others.
.....(Respondents).

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Appeal		1-5
2	Affidavit		5 - 5a
3	Copy of corrigendum 13.12.2018	A	6
4	Copy of notification cancellation 24.7.2019	B	7
5	Copy of transfer order 30.7.2019	C	8-8a
6	Departmental Appeal 3 order	D-E	9-12
7	Waklat Nama		13 13

Through

Appellant
L.Nawab Ali Noor Advocate
High Court Peshawar.
Bacha Khan Market, Peshawar Town St.C-1
03469076945

1

BEFORE THE K.P.K SERVICE TRIBUNIL PESHAWAR.

Service appeal .No. 1377 /2019.

1.Dr. Sumaira Lecturer GGD Collage Adenzai Dir Lower.
..... (Appellant)

Versus

1.Secretary to GOVT OF K.P.K Higher Education Department
Raybet Pakhtukhwa
Service Tribunal

2. Director Higher Education Department.

Diary No. 1450

3.Principle GGD Collage Adenzai, *at chakha.*

Dated 14-10-2019

4. Principle GGD Collage Temergra Dir Lower.

5.Shaida Lecturer GGD Collage Dir Upper.

.....(Respondents)

Appeal U/S 4 of the NWFP Service tribunal Act 1974 against the order dated 24.7.2019 whereby the respondent NO. 1 Canceled transferred order 1st November 2018 and corrigendum dated 13.12.2018 of appellant and later on through order dated 30.7.2019 respondent no. 5 transferred to GGDC Adenzai.

Registrar
Prayer:

On acceptance of this appeal the impugned order ~~10-10-2018~~ *10-10-2018* whereby the respondent NO. 1 whereby he has been cancelled transferred/ corrigendum orders of appellant through order dated 24.7.2019 and later on through order dated 30.7.2019 transferred the respondent no.5 to GGDC Adenzai may kindly be set aside & the transfer order dated 1.11.2018 and corrigendum dated 13.12.2019 of appellant to GGD Collage Adenzai may Kindly be restore.

Respectfully Sheweth:

1.That the appellant is civil servant and she is performing her duty as lecturer at GGD Collage Adenzai Dir Lowers from 13.12.2018 and prior to the same she performed her duty at GGD Collage Juligram

Re-submitted to -day
and filed.

Registrar

21/10/19

from 1.11.2019 and prior to the same transfer she performed her duty at GGD Collage Temergra Dir since her appointment on 30.4.2013.

2. That the appellant almost completed round about 5 years and 8 months at same station completed round about four tenure in hard far flung aria at GGD Collage Temergra Dir Lower and appellant per day traveled 150 km daily.
3. That after such a long time completed four handsome tenure as per transfer policy finally appellant was transferred on 1.11.2018 to GGD Collage Juligram.
4. That after one month and 12 days tenure again through corrigendum dated 13.12.2018 appellant was adjusted at GGD Collage Adenzai.
(Copy of the corrigendum dated 13.12.2018 is annexure A).
4. That to the utter surprise of the appellant through notification dated 24.7.2019 respondent no.1 cancelled the transfer order and corrigendum reason best known to them.
(Copy of the cancellation order dated 24.7.2019 is annexure B).
5. That on 30.7.2019 the respondents NO. 5 Ms Shahida lecturer was transferred from GGD Collage Dir Upper to GGD Collage Adenzai Dir Lower by the respondent NO .1 in spite of the fact that the appellant tenure was only seven months at the same collage and after five days of the appellant transfer respondent transfer to same collage is question mark before this Honorable tribunal.
(Copy of the transfer order dated 30.7.19 is annexure C.
6. That it is bring into the kind notice of this Honorable court that the appellant has passed round about four tenure at GGDC Temergra Dir Lower passed round about 5 years 8 months then one month 12 days tenure at GGDC Juligram and lastly 7 months tenure at GGDC Adenzai.
8. That it also to be noted by this Honorable court that respondent NO. 1 made himself the King / Dictator and violate all the rules of transfer for his blue eyed person .

- 9. That there is no allegation against the appellant nor any complaint from any side against the appellant from high ups of the education nor a complaint from public/ student.
- 10. That it is very interesting to see by this Honorable court that the transfer and posting policy clearly indicates that one and half years for Hilly area for transfer, the respondent for there own blue eyed person punish the appellant without his fault and transfer him bulldozing the transfer policy.
- 11. That being aggrieved from the transfer order the appellant filled departmental appeal *as result same rejected*
(Copy of the appeal is annexure D and order E respectively .

THAT now the appellant driven this Appeal before this Honorable Tribunal on the following grounds amongst the others.

GROUND:

- a) That cancellation of transfer order dated 24.7.2019 of the appellant by the respondent NO.1 is illegal ,unlawful ,without authority/ jurisdiction and being based on male fide intention and same time award relief to respondent no. 5 in shape of transfer order dated 30.7.2019 also illegal hence liable to be set aside .
- b) That the above said transfer order is based on male fide intention because under the civil servant Act there is transfer rules & the time required for transfer has already been passed by the appellant because almost 4 tenure at GGDC temergra Dir Lower than transfer after one month 12 days , then 7 months is day light Illegal , unlawful against the transfer and posting policy of civil servant. .
- c. That it is the basic constitutional right of the appellant to be treated equally like other civil servants of the education department because many of them in education department has been treated according the transfer policy and they have not disturb and same time another transfer of one lecturer of the same collage cancelled.
- d).That the appellant has been treated discriminated and unjust manner because before this many of the civil servant treated according to the

4

- posting and transfer policy.

e). That transfer of the appellant is open violation of the civil servant rules, transfer and posting policy.

f). That such like violation from the respondent department will create Disturbance /hurdle in way of smooth running service of the civil Servants/appellant.

g). That the above noted attitude and action against the appellant is discriminatory and against the Article -25 of the constitution of Islamic republic of Pakistan.

h) That the above noted act is quit against the very basic provision of the constitution as appellant have not been given the equal right and not only they have been discriminated delta but they also been create hurdle intentionally in performing his duty .

i) That the appellant have been punished for a fault which they did not commit rather they become the victims of the conspiracies of the political authorities and influential personalities who wanted to obliged there own blue eyed person whom they have been transferred to his own choice place.

j). That respondent not only violet the transfer rules as will as bulldoze the order of the Honorable superior Courts for which accountable and answerable.

k). That without any reason mentioned canceling the transfer order of the appellant is open violation of the transfer & posting policy is well as intentionally doing the injustice with citizen & civil servant & like & dislike of the of the respondents no 1.

It is therefore humbly prayed that on acceptance of this appeal the cancelled order dated 24.7.2019 of appellant and transfer order dated 30.7.2019 of respondent no.5 may please be set-aside and may please restore the transfer order 1.11.2018 and corrigendum order dated 13.12.2018 of appellant.

Any other relief which is not properly asked for and deemed proper and fit in the circumstances may also please be very graciously granted.

Through

Appellant

L.Nawab Ali Nor Advocate
High Court Peshawar.
03469076945

AFFIDAVIT

I, Dr. Sumaira Lecturer GGD Collage Adenzai Dir Lower solemnly affirm and declare that all the contents of the accompanying Service appeal are true & correct to the best of my knowledge and belief and nothing has been concealed from this Horrible court.

Deponent.



Before The Service Tribunal K.P.K Peshawar

Dr Sumera Lecturer

vs

Secretary to Govt of K.P.K Higher Education Department & others.

Application with humble request for Temporary injunction till final decision of the Service appeal.

Respectfully Submitted,

- 1 That cited above case is going to fix today.
- 2 That balance of Convenience is in favour of appellant.
- 3 That applicant has a strong case to succeed.
- 4 That without grant the stay applicant will receive irreparable loss.
- 5 That facts & grounds of the appeal may consider facts & grounds of interim relief.

It is humbly prayed may please allow stay with respect not to take the charge from appellant in SDC Adenzai till final disposal of this case.

Through

Applicant/Appellant
 L. Naveed Khan
 High Court Peshawar
 0346-9076945
 Advocate



Better Copy. Ans. A.6
GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar, 13th December, 2018

CORRIGENDUM

No. SO(C-III)HED/1-2/2018/Sumaira/ In partial modification of this Department Notification of even number dated 01st November, 2018, the place of posting in respect of Ms. Sumaira, Lecturer in History (BPS-17) may be read as Govt. Girls Degree College, Adenzai (Dir Lower) against the vacant of Assistant Professor (BS-18) in her own pay & scale instead of Govt. Girls Degree College, Julagram (Malakand) where no vacant post of Lecturer in History is available and she is waiting for posting.

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, IEMIS Cell Higher Education Department.
3. Principal, Govt. Girls Degree College, Adenzai (Dir Lower)
4. District Accounts Officer, Dir Lower.
5. Officer Concerned.

L. Nawab Ali, Senior Advocate
High Court Peshawar
Mob: 0346-9076945

Section Officer (Colleges-III)

Better Copy. Anx. B-7



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated: Peshawar 24th July, 2019

NOTIFICATION

No. SO(C-III)/HE/I-2/2018/Sumaira/ The transfer order in respect of Ms. Sumaira,
Lecturer in History (BPS-17) from Govt. Girls Degree College, Timargara (Dir. Lower) to
Govt. Girls Degree College, Adenzai (Dir Lower) issued vide this department's notification
of even number dated 01st November, 2018 and Corrigendum dated 13th December, 2018 is
hereby cancelled as no vacant post of Lecturer (BPS-17)/Assistant Professor (BPS-18) are
available at the College.

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, HEMIS Cell Higher Education Department.
3. Principal, Govt. Girls Degree College, Timargara (Dir Lower)
4. Principal, Govt. Girls Degree College, Adenzai (Dir Lower).
5. District Accounts Officer, Dir Lower.
6. Lecturer Concerned.

L. Nawab Anwar
High Court Peshawar
Mob: 0346-9076945

Section Officer (Colleges-III)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar 30th July, 2019

NOTIFICATION

No. SO(C-III)/HE/1-2/19/Transfer Posting/ The competent authority is pleased to order the following transfer/posting on relaxation of ben with immediate effect:-

S.NO	Name of Officer	From	To
1.	Ms. Nida Awan, Lecturer in Chemistry	GGDC, Y= Hussain (Swabi)	GGDC, Jalozai (Nowshera)
2.	Ms. Rubina Binti, Lecturer in Statistics	GGDC, Miranshah	GGDC, Kulachi (D.I.Khan)
3.	Ms. Haseena Baber, Lecturer in Statistics	GGDC, Topi (Swabi)	GGDC, Jalozai (Nowshera)
4.	Ms. Asifa Shahreen, Assistant Professor in Islamiyat	GGDC, Panjpur (Swabi)	GGDC, Havelian (Abbottabad)
5.	Ms. Misbah Karamat, Lecturer in Psychology	GGDC, Nawas Shahr (Abbottabad)	GGPGC, Haripur
6.	Ms. Anila Yousaf, Lecturer in Pak-Studies	GGDC, Havelian (Abbottabad)	GGDC No.1 (Manshera)
7.	Ms. Noor-ul-Ain, Lecturer in Statistics	GGDC, Gari Kapor (Mardan)	GGDC, Gulshan Rahman (Peshawar)
8.	Ms. Shahida, Assistant Professor in Chemistry	GGDC, Dir Upper	GGDC, Adozai (Dir Lower) →
9.	Ms. Rubina Binti, Lecturer in English	GGDC, Daggur (Buner)	GGDC, Jalozai (Nowshera)
10.	Ms. Farhat Jabeen, Lecturer in Chemistry	GGDC, Zubaida Aman Ghazi (Haripur)	Begum Nasim Wali Khan Degree College, Phurala Haripur against BS-18 in her own pay & scale
11.	Ms. Samia Bibi, Assistant Professor in Islamiyat	GGDC, Saibu Shريف (Swabi)	GHEC, Nowshera
12.	Ms. Tasleem Akhtar, Lecturer in Political Science	GGDC, Parhoo (Mardan)	GGDC, Jalozai (Nowshera)
13.	Ms. Aysha Bashoor, Lecturer in English	GGDC, Rustam (Mardan)	GGDC, Parhoo (Mardan)
14.	Ms. Sumaira Anjum, Lecturer in Computer Science	GGDC No.1, Tach-e-Nasrati (Karak)	GDC No.1 (Boy) D.I.Khan
15.	Ms. Rabia Jehan, Lecturer in Psychology	GGDC, Karak	GGPGC, Lachi Kohat
16.	Ms. Muneeba, Lecturer in Islamiyat	GGDC, Topi (Swabi)	GGDC, Muneri against BS-18 in her own pay & scale
17.	Ms. Yumina Emaan, Lecturer in Law	GGDC, Mandian (Abbottabad)	GGDC, Tarika (Nowshera)
18.	Ms. Zeinab, Lecturer in Islamiyat	GGDC, Lachi (Kohat)	GGPGC, Kohat
19.	Ms. Samina, Lecturer in Maths	GGDC, Swaldher (Mardan)	GGDC, Julgram (Malakand)

Approved
True Copy

L. Naveed, Advocate
High Court Peshawar
Mob: 0345-9076995



Letter No. 1197
 GOVERNMENT OF KHYBER PAKHTUNKHWA
 HIGHER EDUCATION, ARCHIVES &
 LIBRARIES DEPARTMENT

Date: Peshawar 17th July, 2019

NOTIFICATION

No. SMC-III/1197/2019 Transfer Posting The competent authority is pleased to order the following transfer / posting or relaxation of post with immediate effect:-

SNO	Name of Officer	From	To
1	Mr. Nida Awan, Lecturer in Chemistry	GGDC, Havelian (Swab.)	GGDC, Jalozai (Nowshera)
2	Mr. Bahana B. Lecturer in Statistics	GGDC, Mardan	GGDC, Karak (D.I.Khan)
3	Mr. Mansoor Bahar, Lecturer in Statistics	GGDC, Swabi	GGDC, Jalozai (Nowshera)
4	Ms. Aafia Shaukat, Assistant Professor in Chemistry	GGDC, Peshawar (Swabi)	GGDC, Havelian (Abbottabad)
5	Mr. Ghulam Nisar, Lecturer in Psychology	GGDC, Nowshera (Swabi)	GGDC, Havelian (Abbottabad)
6	Mr. Anis Yaqub, Lecturer in Pak Studies	GGDC, Havelian (Abbottabad)	GGDC, Mardan (No. 1)
7	Mr. Nisar Ali, Lecturer in Statistics	GGDC, (Mardan)	GGDC, Gulistan (Peshawar)
8	Mr. Shahida, Assistant Professor in Chemistry	GGDC, Dera Ismael Khan	GGDC, Adnan (Dera Lower)
9	Mr. Parveen B. Lecturer in English	GGDC, Dera Ismael Khan	GGDC, Jalozai (Nowshera)
10	Mr. Farhat Zahra, Lecturer in Chemistry	GGDC, Zaida (Ghazni)	Beppan Navin Wali Khan Degree College, Peshawar (Havelian) against BS-18 in her own pay & scale
11	Mr. Ghulam Nisar, Assistant Professor in Statistics	GGDC, Swabi (Swabi)	GHEC, Nowshera
12	Mr. Iqbal Ahmad, Lecturer in English	GGDC, Peshawar (Mardan)	GGDC, Jalozai (Nowshera)
13	Mr. Anwar Hameed, Lecturer in English	GGDC, Rawana (Mardan)	GGDC, Peshawar (Mardan)
14	Mr. Samina Arjumand, Lecturer in Computer Science	GGDC, No. 1, Takhar-Nisani (Karak)	GGDC No. 1 (Boys), D.I.Khan
15	Ms. Ruba Khan, Lecturer in Psychology	GGDC, Karak	GGPGC, Lachs Kohat
16	Ms. Mansoor, Lecturer in Islamiat	GGDC, (Swabi)	GGDC, Mardan (Swabi) against BS-18 in her own pay & scale
17	Mr. Mansoor Khan, Lecturer in Law	GGDC, Mardan (Abbottabad)	GGDC, Tarbha (Nowshera)
18	Ms. Zahrah, Lecturer in Islamiat	GGDC, Lachs (Kohat)	GGPGC, Kohat
19	Ms. Samina, Lecturer in Maths	GGDC, Swabi (Mardan)	GGDC, Julagram (Maukand)

Shahida ↔ 8

*L. Mansoor Advocate
 High Court Peshawar
 0300-35455*

m.facebook.com



Mr. C. Sa

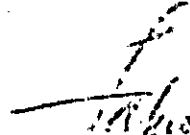
20.	Ms. Jawayriya Zia, Lecturer in Psychology	GGDC, Dabgari (Peshawar)	GGPGC, Manjar
21.	Ms. Sadia Noreen, Assistant Professor in Statistics	GGDC T. Jall, Hangu	GGDC, KDA Kohat
22.	Ms. Hina Habib Syed, Lecturer in Zoology	GGDC, Khwazakhela (Swat)	GGPGC, Safdar Sharif (Swat)
23.	Ms. Rabia Bushra Afridi, Lecturer in Zoology	GGDC, Dara Adam Khel, FR Kohat	GGDC, Garhi Kuzora (Mardan)
24.	Sumaira Kanwal, Lecturer in Urdu	GGDC, Nowshera	GGDC, Pabbi (Nowshera)

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Accountant General of Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director, MEMIS Cell Higher Education Department.
4. Principals, Concerned.
5. District Accounts Officers, concerned.
6. Officers Concerned.


Section Officer (Colleges-III)



Higher Education Department KP

Photos from Higher Education Department KP's post in

Mobile Uploads · 30 Jul ·



23



To, The Secretary to Govt K.P.K Higher Education Department ^{Ann: D-9}

Service Appeal against the Notification
No SO(C-III)/HE/1-2/2018/Sumaria/
dated 24th July 2019 & Notification
No. SO(C-III)/HE/-2/19 Transfer.

Respectfully Submitted

1. That appellant is Civil Servant appointed as Lecturer on 30.4.13, posted at GGD ^{Tangra} Dir ^{Lower}
2. That appellant performed her duty with full devotion passed long Tenure of round about 5 years & 8 months in same one College.
3. That later on appellant was Transferred to GGD College Julagrom (Malakand).
4. That the then on 13/12/18 ~~at~~ appellant through Collegendum appointed at GGD College Adenzai Dir Lower.
5. That after the same round about 6/7 months passed, plaintiff Collegendum order

Attested to
be True

Naresh Ali Noor Advocate
H/o: Court - Peshawar
Mob: 0346-9076985

②

dated 13/12/18 was cancelled through
order/Notification dated 24/7/19 reason
best known to them

Ann. D. 10

6. That according to appellant, on 30/7/19
one mst Shahida transferred after
5 days.
7. That mst Shahida being subject of Chemist
transferred when already two candidates mst
mst Nelum & Farukh Naz were already
in same college.
8. That another point may kindly be
noted that in same college for
the post of Islamiat four teachers
are there while for the post
of Economics & English respectively
two two lecturers are there.
9. That appellant passed such a long
tenure on hand and in which

Under the Transfer's Posting Policy ^{Annex D-11}
Two years period, while appellant
enjoyed second about six years in same.

10. That no allegations or any misconduct
happened from appellant side.

11. That respondents not followed the
relevant policy of Transfer's Posting.

12. That present action against the
appellant totally illegal & unlawful
beyond the jurisdiction & discriminatory.

It is humbly prayed that your honor
may please cancelled ^{set aside} both orders
dated 24/7/19 & 31/7/19 &
Please maintain order of Corrigendum
dated 13/12/18.

Dated: 8/8/2019

Appellant
Dr. Sumar
Lecturer of History
B-17 UGC
Adonzai Du Lawer

Attested.
E. Nawab Ali Noor Advocate
High Court, Lahore
Mob: 0346-9076945

Ann. E (12)



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

No. SO(C-III)HE/1-2/Sumaira


Dated Peshawar, the 10th October, 2019

To

Ms. Sumaira,
Lecturer in History,
Govt. Girls Degree College, Timergara (Dir. Lower).

Subject: WF NO. 4700-P/2019


I am directed to refer to your appeal regarding cancellation of transfer order to GGDC, Adenzai (Dir. Lower) and regret to inform that the Competent Authority has rejected your appeal.


Section Officer (Colleges-III)

Copy forwarded to:-

1. The Director, Directorate of Higher Education Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Litigation), Higher Education Department.
3. IPS to Secretary, Higher Education Department.


Section Officer (Colleges-III)


Advocate
L. Nawaz Ali Noor Advocate
Higl. Court Peshawar
Mob: 0346-9076946

بعدالت

(13)

(13)

Before The Service
Prabhuji V.P.U. Peshawar

Dr. Sumaira Lecturer

2 منجانب

موز

NS

مقدمہ

بنام

Secretary to Govt of U.P.U
Higher Education Dep. S.O. 11/2013

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام سروس سرپرست پرنسپل سٹیٹ یونیورسٹی کے اہل نواب علی گڑھ اور سروس
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ یہ سروس پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کر کے کا اختیار ہوگا۔ صورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں خرچہ جو جانہ نوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہوگا۔ سبب صاحب پابندیوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

20/19

ستمبر

ماہ

المرقوم

الع د گ و اہ الع

مقام سروس سرپرست پرنسپل سٹیٹ یونیورسٹی کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SA No.1377/19


Dr. Sumaira.....(Appellant)

VERSUS

**Govt. of Khyber Pakhtunkhwa through Secretary, Higher Education Department &
Others..... (Respondents)**

INDEX

S No.	Description of Documents	Annexure	Pages
1	Parawise Comments		1-3
2	Notification	A	4
3	Vacancy Certificate	B	5
4	No Vacant Post at GGDC Julagram	C	6
5	Corrigendum	D	7
6	Posting of Petitioner	E	8
7	Posting Transfer	F	9
8	Posting on wrong post	G	10
9	Affidavit		11


Section Officer (Litigation)
Higher Education Department,
Khyber Pakhtunkhwa Peshawar

①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

S.A # 1377/2019

Dr. Sumaira.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa
Through Secretary, Higher Education Department
and others.....Respondents.

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2, 3 & 4

Respectfully Sheweth: -

Preliminary Objections: -

1. That the appellant has got neither cause of action nor locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is trying to conceal material facts.
4. That the Hon'able Tribunal lacks jurisdiction to entertain the instant appeal.
5. That the appeal in hand is hit by doctrine of laches.
6. That the appellant is estopped by his own conduct to file the instant service appeal.

Facts: -

1. Pertains to the record.
2. Pertains to the record.
3. Correct to the extent that appellant was transferred to Govt: Girls Degree College, Juligram vide notification dated 01/11/2018 (**Annex-A**).
4. Correct to the extent that through corrigendum dated 13/12/2018 appellant was adjusted at Govt: Girls Degree College, Adenzai. After her transfer, Principal, Govt: Girls Degree College, Juligram sent a vacancy certificate with the remarks that all posts of BPS-17 are filled and no vacant post of BPS-17 is available as against which the appellant could be adjusted (**Annex-B**). The Directorate sent the factual position to Higher Education Department (**Annex-C**) as a result the appellant was adjusted at Govt: Girls Degree College, Adenzai against the vacant post of BPS-18 on her own pay and scale (**Annex-D**).
5. Correct to the extent that through notification dated 27/07/2019 the transfer order and corrigendum of the appellant was cancelled by the department because after adjustment of the appellant at Govt: Girls Degree College,

Adenzai, a letter was issued by Higher Education Department to the Principal, Govt: Girls Degree College, Adenzai with the remarks to adjust the appellant against available vacant post of BPS-18 (**Annex-E**). In response Principal, Govt: Girls Degree College, Adenzai stated that on her transfer now two (02) lecturers in the subject of History are working against one sanctioned post and number of students are just 45 in the said subject and teachers in the other subjects are required (**Annex-F**).

6. Correct to the extent that respondent No. 5 Assistant Professor of Chemistry has been transferred from Govt: Girls Degree College, Dir Upper to Govt: Girls Degree College, Adenzai on need basis in the said subject and the transfer order of the appellant has been cancelled due to non-availability of vacant post in subject and scale at Govt: Girls Degree College, Juligram and Govt: Girls Degree College, Adenzai. It is worth to mention that recently a letter has been issued by Higher Education Department, wherein, instructions have been given that all those who are working against wrong posts and enjoying this facilitation be withdrawn and posted against their original posts (**Annex-G**).
7. Pertains to the record.
8. Incorrect. That the respondent department fully co-operated with the appellant as already explained in the preceding paras.
9. Needs no comments.
10. Incorrect. As already explained in the preceding paras.
11. Pertains to the record.

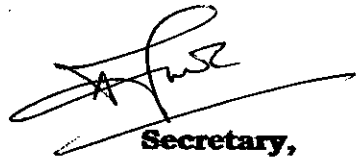
Grounds: -


- a) Incorrect. That there is no malafide intention as Principal GGDC Adenzai time and again requested for the teacher in the subject of Chemistry because the students were badly suffering and the appellant was working against wrong post.
- b) Incorrect. That the transfer is made in the best public interest as already explained in Para 4 of fact.
- c) Incorrect. That the appellant was working on wrong post and the Principal requested for teachers in other subjects.
- d) Incorrect. That transfer/posting at one's own choice is not vested right of the civil servant. At present there is no vacant post of the said subject and scale at GGDC Juligram and GGDC Adenzai against whom the appellant could be adjusted.
- e) Incorrect. As already explained in Para 6 of facts.
- f) Incorrect. As already explained in the preceding paras.

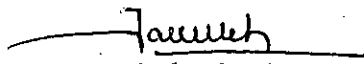
- g) Incorrect. As already explained in the preceding paras of facts.
- h) Incorrect. As already explained in the preceding paras of facts.
- i) Incorrect. As already explained in the preceding paras of facts.
- j) Incorrect. As already explained in the preceding paras of facts.
- k) Incorrect. That the transfer order was cancelled due to non-availability of vacant post and in best public interest.

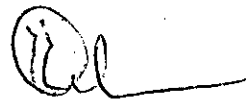
Prayers: -

It is, therefore, humbly prayed that the instant service appeal is based on misconception/ misstatement, hence may graciously be dismissed with costs.


Secretary,
 Higher Education Department
 Govt. Office, P.O. Bhandhwa
 Higher Education,
 Archives & Libraries
 Department.
Respondent No. 1


Director,
 Directorate of Higher Education
Respondent No. 02


Principal,
 Govt: Girls Degree College,
 Adenzai, Dir Lower
Respondent No. 3
Principal
 Govt. Girls Degree College,
 Adenzai Dir Lower


Principal,
 Govt: Girls Degree College,
 Timergara, Dir Lower
Respondent No. 4
PRINCIPAL
GOVT: GIRLS DEGREE
COLLEGE TIMERGARA



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated: Peshawar 01st November, 2018

NOTIFICATION

No. SO(C-III)/HE/1-2/2018/Sumaira / The competent authority is pleased to order the transfer of Ms. Sumaira, Lecturer in History (BPS-17), Govt. Girls Degree College, Timargara and to post her at Govt. Girls Degree College, Julagram (Malakand) against the vacant post with immediate effect.

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, HEMIS Cell Higher Education Department.
3. Principal, Govt. Girls Degree College, Julagram (Malakand).
4. Principal, Govt. Girls Degree College, Timargara.
5. District Accounts Officer, Malakand.
6. Officer Concerned.

[Signature]
Section Officer (Colleges-III)

S/E
[Signature]
Put up d. 20/11/2018

GOVT: GIRLS DEGREE COLLEGE JULAGRAM MALAKAND

VACANCY CERTIFICATE

Certified that there is ^{only} 10 Post of Lecturer in BPS-17, they are all filed
NO vacant post of Lecturer BPS-17 in Govt: Girls Degree College Julagram
District Malakand.

[Signature]
Principal
Govt. Girls Degree College
Julagram Mkd Agency
15/11/2018

Advt. (P)
RECEIVED
15/11/2018
169

Annex - C

(6)

17
2



**DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR**

Tel # 091-9210242 / 9211025

Fax # 091-9210215

E-mail:- dhekpesh@gmail.com

Facebook.com/dhekpeshawar

Twitter.com/dhekpeshawar1

No. 22929 /CA-V/Estt: Branch/A-12/Ms. Sumaira/History

Dated Peshawar the 28/11 /2018

To,

The Secretary,
Govt: of Khyber Pakhtunkhwa,
Higher Education Department,
Peshawar.

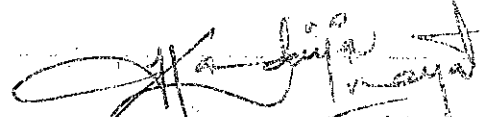
SUBJECT: NO VACANT POST AT GGDC JULAGRAM.

Respected Sir/ السلام عليكم

I am directed to refer to your Notification No.SO(C-III) /HED/1-2/2018/Sumaira/750-54 dated 01.11.2018 and to enclose herewith a vacancy certificate where in Principal GGDC Julagram (Malakand) has stated that vacant post of BPS-17 is not available at her college against which Ms.Sumaira Lecturer in History under transfer from GGDC Timergara Dir Lower could be adjusted.

It is, therefore, requested that the case may be considered as per rules and policy, please.

With Best regards


(Khadija Inayat) 28th Nov 18

BY. DIRECTOR (FEMALE)

Annex-D

27

18



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar, 13th December, 2018

CORRIGENDUM

No. SO(C-III)HED/1-2/2018/Sumaira/

1842-45

In partial modification of this Department Notification of even number dated 01st November, 2018, the place of posting in respect of Ms. Sumaira, Lecturer in History (BPS-17) may be read as Govt. Girls Degree College, Adenzai (Dir Lower) against the vacant of Assistant Professor (BS-18) in her own pay & scale instead of Govt. Girls Degree College, Julagram (Malakand) where no vacant post of Lecturer in History is available and she is waiting for posting.

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, HEMIS Cell Higher Education Department.
3. Principal, Govt. Girls Degree College, Adenzai (Dir Lower)
4. District Accounts Officer, Dir Lower.
5. Officer Concerned.

Asad Dir (F)

RECEIVED
13 DEC 2018
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[Signature]

Section Officer (Colleges-III)

18/12

19/12/18

(F)

Annex - E

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19
7



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

No.SO(C-III)/HE/1-2/18/Sumaira / 81
Dated Peshawar, 14th December, 2018

To
The Principal,
Govt. Girls Degree College, Adenza.

Subject: POSTING OF MS. SUMAIRA, LECTURER IN HISTORY.

I am directed to refer to this department notification of even No. dated 13.12.2018 whereby Ms. Sumaira, Lecturer in History was adjusted against the vacant post of Assistant Professor (BS-18), Govt. Girls Degree College, Adenzai in her own pay and scale as she could not be adjusted at GGDC, Julagram due to non-availability of vacant post and to say that it has been reported that you are not accepting her charge report for no plausible reasons as the same has been duly approved by the competent authority.

I am, therefore, further directed to request to clarify the reasons for non-acceptance of her charge report for further processing.

Encl: as above.

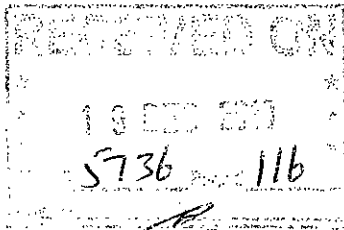
Section Officer (Colleges-III)

Copy to:

1. PS to Secretary Higher Education Department.
2. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.

Section Officer (Colleges-III)

Adell Div (F)



19/12

19/12 S(F)

C.A. DIA

Annex - F

9/20/18

Phone No. 0945763896

GOVT. GIRLS DEGREE COLLEGE,
ADENZAI DIR LOWER
Dated Chakdara the 20/12/2018

NO. 617-618/GGDC/A.Zai

To

The Section Officer,
Higher Education Department,
Khyber Pakhtunkhwa, Peshawar.

Subject:-

POSTING/TRANSFER

Dear Sir,

Reference your letter No. SO(C-III)HE/1-2/18/Sumaira dated 14.12.2018.

I have the honour to state that your kind self has transferred one Ms. Sumaira Lecturer in History against the vacant post of Assistant Professor at this College. I have intimated the factual position of the case in good faith in a realistic manner that two lecturers in one subject is quite unjustified with low enrolment of 45 student in History subject. I am a field Officer and it was my entire responsibility to explain and clarify the clear situation to your good self and to avoid the inconveniences of the arisen situation.

I had timely requested to provide Lecturer in Urdu as there is no proper lecturer and the subject is taught by one unconcerned Lecturer and always the academic work is at stake. The students are demanding for the Lecturer, therefore I put the true picture of the case which does not mean the non compliance of the superior order. However she handed over charge according.

Self-
PRINCIPAL

Govt. Girls Degree College,
Adenzai Dir Lower.

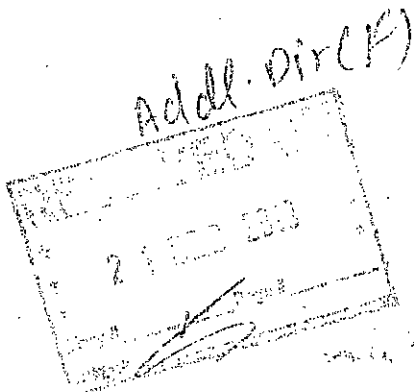
Dated Chakdara the 20/12/2018

Endst. NO. 617-618/GGDC/A.Zai

Copy forwarded to the Director, Higher Education Department Khyber Pakhtunkhwa, Peshawar for information and necessary action please.

Jawaid
PRINCIPAL

Govt. Girls Degree College,
Adenzai Dir Lower.





GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Annex G
10

No.SG(C-III)/HE/1-2/Wrong Posts
Dated Peshawar, 04th December, 2019

7354

Immediate

To

The Director,
Higher Education, Khyber Pakhtunkhwa
Peshawar.

Subject: POSTING ON WRONG POSTS.

I am directed to refer to the subject noted above and to state that the competent authority has desired/directed that henceforth no one shall be proposed against wrong posts and whosoever are enjoying this illegal facilitation be withdrawn and posted against their original posts.

You are therefore, requested to take further necessary action accordingly under intimation to this department.

Section Officer (Colleges-III)

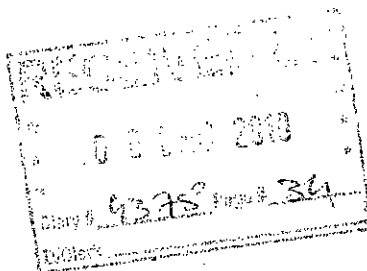
C.C.to :

2. PS to Secreatry Higher Education Department Khyber Pakhtunkhwa.

Section Officer (Colleges-III)

DD(E) / DD(F)

6/12



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

11

WP No. 1377/19

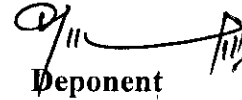
Dr. Sumaira.....(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary, Higher Education Department & Others..... (Respondents)

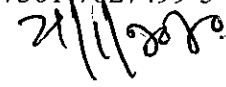
AFFIDAVIT

I, Qazi Muhammad Ayaz (Litigation Officer), Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa, on the instructions of respondents do hereby solemnly declare and affirm on oath, that the contents of Joint Parawise Comments are correct to the best of my knowledge and belief and that nothing has been concealed therein from this Hon'ble Court.



Deponent

CNIC No. 17301-7027499-5





GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar, 13th December, 2018

CORRIGENDUM


No.SO(C-III)HED/1-2/2018/Sumaira/ In partial modification of this Department Notification of even number dated 01st November, 2018, the place of posting in respect of Ms. Sumaira, Lecturer in History (BPS-17) may be read as Govt. Girls Degree College, Adenzai (Dir Lower) against the vacant of Assistant Professor (BS-18) in her own pay & scale instead of Govt. Girls Degree College, Julagram (Malakand) where no vacant post of Lecturer in History is available and she is waiting for posting.

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, HEMIS Cell Higher Education Department.
3. Principal, Govt. Girls Degree College, Adenzai (Dir Lower)
4. District Accounts Officer, Dir Lower.
5. Officer Concerned.


Section Officer (Colleges-III)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated. Peshawar 24th July, 2019

NOTIFICATION

No. SO(C-III)/HE/1-2/2018/Sumaira/ The transfer order in respect of Ms. Sumaira, Lecturer in History (BPS-17) from Govt Girls Degree College, Timargara (Dir Lower) to Govt. Girls Degree College, Adenzai (Dir Lower) issued vide this department's notification of even number dated 01st November, 2018 and Corrigendum dated 13th December, 2018 is hereby cancelled as no vacant post of Lecturer (BPS- 7)/Assistant Professor (BPS-18) are available at the College

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

- 1 Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
- 2 Deputy Director, HEMIS Cell Higher Education Department.
- 3 Principal, Govt. Girls Degree College, Timargara (Dir Lower)
- 4 Principal, Govt. Girls Degree College, Adenzai (Dir Lower).
- 5 District Accounts Officer, Dir Lower.
- 6 Lecturer Concerned.


Section Officer (Colleges-III)

Before The K.P. Service Tribunal Peshawar.

Appeal No: 1377/2019

Dr. Sumera

vs

Higher Education Deptt.

Application for setting aside ex parte proceedings initiated against the private respondent no. 5 under order dated 26/2/2020


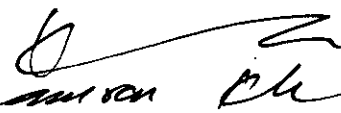

Respectfully Sheweth:

- ① That the captioned titled appeal is pending adjudication before this August Service Tribunal which is fixed for today i.e. 4/2/2021
- ② That the applicant is the private respondent no. 5 in the mentioned appeal, who was proceeded ex parte vide order dated 26/2/2020
- ③ That before being proceeded ex parte, the applicant was not served through any summons/notice.
- ④ That valuable rights of the private respondent no. 5 / applicant are attached in the mentioned appeal.

It is therefore most humbly
requested that by accepting this
application the ex parte proceedings
against the applicant private
respondent No. 5 may be set aside
withal and the private respondent
be heard.

Applicant

Thiga


Noor Muhammad Khattak

Kamran Khan

Umar Farooq
Advocates

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 2020

Dy. Sumaira

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Higher Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We *Shahida (Private Respondent No. 5)*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020

Shahida

CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK
(BC-10-0853)
15401-0705985-5

KAMRAN KHAN
&

Afrasiyab Wazir
AFRASIYAB WAZIR
ADVOCATES

OFFICE:

Flat No.4, 2ND Floor,
Juma Khan plaza near
FATA Secretariat, Warsak road
Peshawar City. Mobile No. 0345-9383141

Before The K.P. Service Tribunal Peshawar.

Appeal No: 1377/2019

Dr. Sumera

vs

Higher Education Deptt.

Application for setting aside ex parte proceedings initiated against the private respondent No. 5 vide order dated 26/2/2020


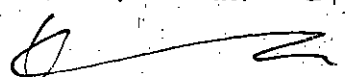
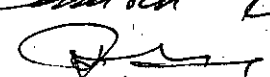
Respectfully Sheweth:

- ① That the captioned titled appeal is pending adjudication before this August Service Tribunal which is fixed for today i.e. 4/2/2021
- ② That the applicant is the private respondent no. 5 in the mutual appeal, who was proceeded ex parte vide order dated 26/2/2020
- ③ That before being proceeded ex parte, the applicant was not served with any summons/notice.
- ④ That valuable rights of the private respondent no. 5 / applicant are attached, in the mutual appeal.

It is therefore most humbly
requested that by accepting this
application the ex parte proceedings
against the applicant private
respondent No. 5 may be set aside
vitiating the private respondent
be heard.

Applicant

Thiga


Noor Muhammad Khattak

Kamran Khan

Umer Farooq
Advocates

Before The K.P. Service Tribunal Peshawar.
Appeal No: 1377/2019

Dr. Sumera vs Higher Education Deptt.

Application for setting aside ex parte proceedings initiated against the private respondent No. 5 vide order dated 26/2/2020


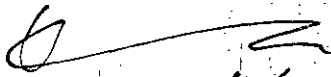
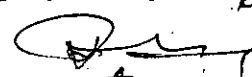
Respectfully Sheweth:

- ① That the captioned titled appeal is pending adjudication before this August Service Tribunal which is fixed for today i.e. 4/2/2021
- ② That the applicant is the private respondent no. 5 in the mentioned appeal, who was proceeded ex parte vide order dated 26/2/2020
- ③ That before being proceeded ex parte, the applicant was not served with any summons/notice.
- ④ That valuable rights of the private respondent no. 5 / applicant are attached in the mentioned appeal.

It is therefore most humbly
requested that by accepting this
application the ex parte proceedings
against the applicant/ private
respondent No. 5 may be set aside
with a view that the private respondent
be heard.

Applicant

Thirya


Noor Muhammad Khattak

Kamran Khan

Umar Farooq
Advocates

Before The K.P. Service Tribunal Peshawar.

Appeal No: 1377/2019

Dr. Sumera vs Higher Education Deptt.

Application for setting aside ex parte proceedings initiated against the private respondent No. 5 vide order dated 26/2/2020

Respectfully Sheweth:

- ① That the captioned titled appeal is pending adjudication before this August Service Tribunal which is fixed for today i.e. 4/2/2021
- ② That the applicant is the private respondent no. 5 in the mentioned appeal, who was proceeded ex parte vide order dated 26/2/2020
- ③ That before being proceeded ex parte, the applicant was not served with any summons/notice.
- ④ That valuable rights of the private respondent no. 5 / applicant are attached in the mentioned appeal.

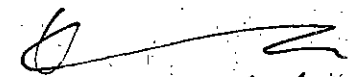

It is therefore most humbly
requested that by accepting this
application the estate proceedings
against the applicant private
respondent No. 5 may be set aside
with trial and the private respondent
be heard.

Applicant

Thiga



Noor Muhammad Khattak

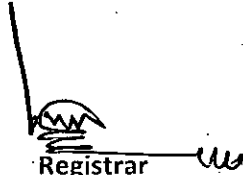

Kamran Khan
Umar Farooq

Advocates

The restoration application of Mr. Sumaira Lecturer GGDC Adenzai Dir Lower received today i.e. on 27.06.2022 is returned to the counsel for the applicant with the remarks that Five more copies/sets of the application along with annexures i.e. complete in all respect may also be submitted with the application within 15 days.

No. 2112 /S.T,

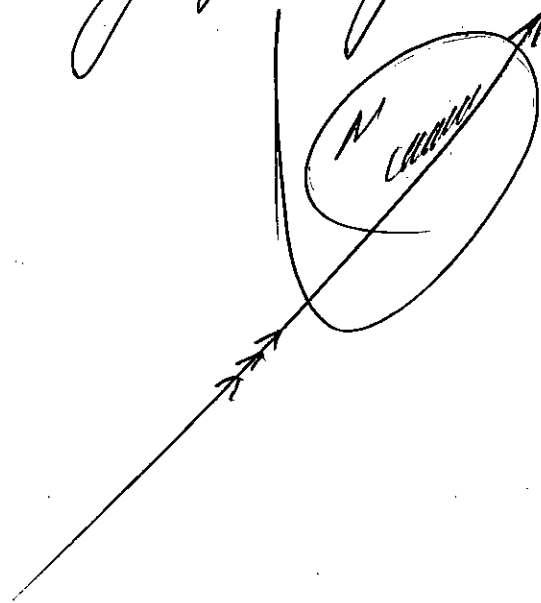
Dt. 27/6 /2022


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar.

Mr. L. Nawab Ali Noor Adv.
High Court Peshawar.

Respectfully Submitted,

Needfull done kindly put before the Court.



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

Restoration application no ²⁰²²394/IN s. Appeal no-1377/2019

**SCANNED
KPST
Peshawar**

1. Dr Sumera

.....Applicant.

VERSUS

1. Govt of K.P.K and others.

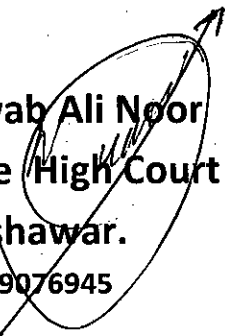
.....Respondents.

Index

S.NO.	Description	Annexure	Pages
1.	Restoration application		1-3
2.	Affidavit & Condonation application		3-4
3	Copy of the order	A	5-6
4	Waklat Nama		


Applicant/Appellant

Through


**L.Nawab Ali Noor
Advocate High Court
Peshawar.
03469076945**

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR. Khyber Pakhtunkhwa Service Tribunal

Restoration application no. ²⁰²² 344/IN s. Appeal no.

Diary No. 542

Dated 27/6/2022

1. Dr Sumera

.....Applicant.

VERSUS

1. Govt of K.P.K and others.

.....Respondents.

Application with utmost respect to Restore / set seaside order dated 1.6.22 through which the titled above S. Appeal was dismiss in default.

Respectfully submitted,

- 1. That cited above titled S. Appeal was fixed before this Honorable court for 26.4.2022.
- 2. That later on same was dismissed in default on 1.6.22 by this Honorable court. Copy of the order dated 1.6.22 as annexure A.
- 3. That applicant being aggrieved approach this Honorable court to restore on following amongst others

Grounds.

- a. That cited above service appeal was fix before this Honorable court for 26.4.22 for arguments where the Honorable court ~~was~~ ^{was informed} that grievance of the applicant/appellant match on same counsel did consult with appellant where no approach was there and case was

2

fix for 22.6.22 same date was given to counsel and accordingly diary the same.

- b. That on 22.6.22 when appellant/ applicant along with there counsel did appear before the court visit the cause list no case was fix on same did query the entire courts but case was not fix so for.
- c. That later on applicant /applicant counsel got information on 27.6.22 that case dismissed in default.
- d. That applicant nor his counsel were not informed about the date change nor any information was in respect of the 1.6.22.
- e. That petitioner valuable rights are very much attached with the case in question.
- f. That there is no bar/ nor any legal hurdle to restore the S. appeal by honorable court.
- g. That applicant /appellant / counsel of applicant non appearance was not deliberate nor intention but due mentioned reason.
- h. That law favor to decide the cases on merit rather than technicality.

i. That superior courts plethora of judgments favor the cases to be decided on merits.

It is therefore most humbly prayed that on acceptance of this application your honor may graciously be pleased to set aside the order dated 1.6.22 may please restore the service appeal titled mentioned above and decide the same on merit.

Applicant/ appellant

Through

**L.Nawab Ali Noor
Advocate High Court
Peshawar.
03469076945**

Certificate: Certified that no such like restoration application is before this Honorable court in above service appeal.

AFFIDAVIT.

I, Dr Sumera ,do solemnly affirm and declare on oath that the contents of the accompanying R.Application are true and correct to the best of my knowledge and belief and nothing been kept concealed from this Honorable court.

Deponent



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

Restoration application no. IN s. Appeal

1. Dr Sumera

.....Applicant.

VERSUS

1. Govt of K.P.K and others.

.....Respondents.

Application with utmost respect to condone if any delay the restoration application.

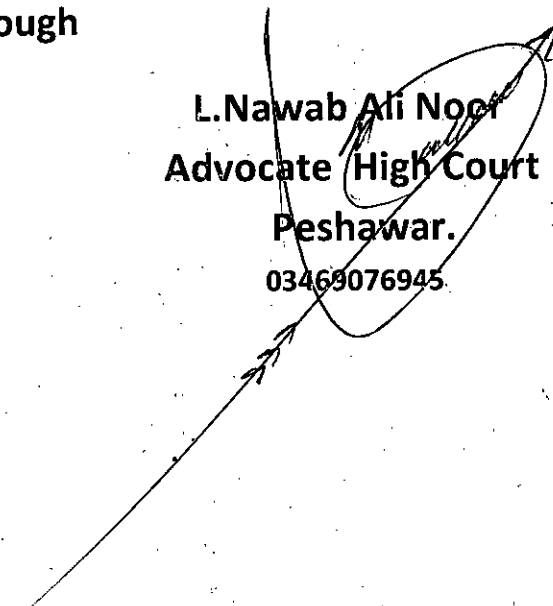
- a. That facts and grounds may kindly be consider facts and grounds for condonation of delay if any.
- b. That applicant/ appellant got information on 24.6.22.
- c. That no bar to accept the same .
- d. That this Honorable court has the power.
- e. That no intention nor deliberate the mentioned no submission in time if any.

It is humbly prayed that may please condone if any delay in submission the restoration application.

[Signature]
Applicant/ appellant

Through

L.Nawab Ali Noor
Advocate High Court
Peshawar.
03469076945



no A. 5



BEFORE THE K.P.K SERVICE TRIBUNIL PESHAWAR.

Service appeal .No. 1377 /2019.

1. Dr. Sumaira Lecturer GGD Collage Adenzai Dir Lower.
..... (Appellant)

Versus

1. Secretary to GOVT OF K.P.K Higher Education Department.
Khyber Pakhtunkhwa Service Tribunal

2. Director Higher Education Department.

Diary No. 1450

3. Principle GGD Collage Adenzai, at chakdra.

Dated 14-10-2019

4. Principle GGD Collage Temergra Dir Lower.

5. Shaida Lecturer GGD Collage Dir Upper.

.....(Respondents)

Appeal U/S 4 of the NWFP Service tribunal Act 1974 against the order dated 24.7.2019 whereby the respondent NO. 1 Canceled transferred order 1st November 2018 and corrigendum dated 13.12.2018 of appellant and later on through order dated 30.7.2019 respondent no. 5 transferred to GGDC Adenzai.

Filed to-day
Registrar

14/10/19

Prayer:

On acceptance of this appeal the impugned order 10.10.18 result the respondent NO. 1 whereby he has been cancelled transferred/ corrigendum orders of appellant through order dated 24.7.2019 and later on through order dated 30.7.2019 transferred the respondent no.5 to GGDC Adenzai may kindly be set aside & the transfer order dated 1.11.2018 and corrigendum dated 13.12.2019 of appellant to GGD Collage Adenzai may Kindly be restore.

Respectfully Sheweth:

1. That the appellant is civil servant and she is performing her duty as lecturer at GGD Collage Adenzai Dir Lower from 13.12.2018 and prior to the same she performed her duty at GGD Collage Juligram

Not submitted to -day and filed.

Registrar
14/10/19

Certified to be true copy
TINER
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Ans A-6




01.06.2022

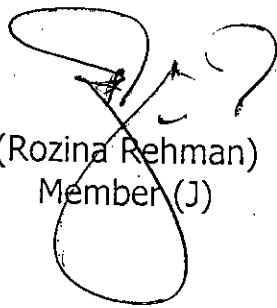
Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General alongwith Qazi Ayaz Litigation Officer for official respondents No. 1 to 4 present. Counsel for private respondent No.5 present.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced
01.06.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Certified in the true copy

DINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

24-06-22

Date of Presentation of Application _____

Number of Words 800

Copying Fee 10/-

Urgent 4/-

Total 14/-

Name of Copyist _____

Date of Completion of Copy 24-06-22

Date of Delivery of Copy 24-06-22

116.24
276.2
[28] ~~100~~
20% late