
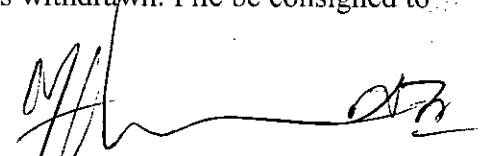


27.01.2017

Counsel for the appellant present and moved an application for withdrawal of the instant appeal with permission to file afresh one if needed. Case file requisitioned. Application is allowed and the appeal in hand is hereby dismissed as withdrawn. File be consigned to the record room.

27-1-17
S.A. No. 411/16


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

Announced:
27.01.2017

13.10.2016

Clerk to counsel for the appellant, Mr. Hameed-Ur-Rehman, AD(Lit) alongwith Mr. Muhammad Jan, GP for official respondents and counsel for private respondent No.5 present. Clerk to counsel for the appellant requested for adjournment. Last opportunity is granted to the appellant for arguments. To come up for arguments on 02.12.2016. The restrain order shall continue.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

18.11.2016

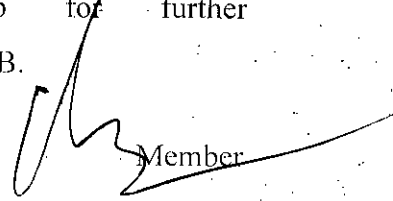
On application for suspension of show cause notice issued by respondent No. 1 to the applicant/appellant vide endorsement dated 29.10.2016, file has been requisitioned for to-day.

Notice of application be issued to the respondents for the date fixed i.e. 02.12.2016 before S.B.


Chairman

02.12.2016

Counsel for the petitioner and Mr. Ziaullah, GP for respondents present. To come up for further proceedings/arguments on 06.01.2017 before S.B.


Member

23.06.2016

None present for appellant. Mr. Inayatullah, ADO alongwith Additional AG for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Written reply on behalf of official respondents No. 1 to 4 submitted while private respondent No. 5 has already submitted his written reply. The appeal may be placed before D.B for rejoinder and final hearing for 04.08.2016. The Chairman may assign the appeal to appropriate D.B. The restraint order shall continue.



MEMBER

04.08.2016

Counsel for the appellant, Additional AG for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Rejoinder not submitted and requested for further time to file rejoinder. Last opportunity granted for submission of rejoinder. To come up for rejoinder and arguments on 19-9-16. The restraint order shall continue.



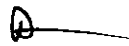
Member



Member

19.09.2016

Agent to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 13-10-16. The restrain order shall continue.



Member



Member

Appeal No. 411/2016
Lala Rukh vs Govt of KPK

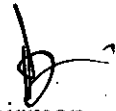
25.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as PSHT at GGPS Kandar No. 2 Nowshera on the basis of transfer order dated 17.09.2015. That the said order was cancelled vide impugned order dated 04.12.2015 where-against departmental appeal was preferred on 28.12.2015 which was not responded and hence the present appeal on 18.04.2016.

That after assumption of charge at GGPS Kandar No.2 the appellant has served against the said post for a period of 2 months and 15 days and as such the said cancellation order is premature as the appellant has not matured her tenure at the said school and moreover the said order is based on political intervention as evident from cancellation order dated 04.12.2015. That the appellant has not relieved charge of the said post.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 10.05.2016 before S.B. Notice of stay application be also issued to the respondents for the date fixed. Status quo be maintained.

Appellant Deposited
Security & Process Fee


Chairman

10.5.2016

Counsel for the appellant, Mr. Inayatullah, ADO alongwith Addl. AG for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Written reply by respondent No. 5 submitted while learned Addl. AG requested for adjournment on behalf of official respondents No. 1 to 4. Last opportunity granted. To come up for written reply/comments of respondents No. 1 to 4 on 23.06.2016 before S.B. The restraint order shall continue.


Chairman

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 411/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18.04.2016	<p>The appeal of Mst. Lala Rukh presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p>
2	25-04-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-04-2016</u></p> <p><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 411 /2016

Lala Rukh,.....Appellant

VERSUS

DEO and Others.....Respondents.

INDEX

S No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Application for suspension of impugned Order with affidavit		5-6
3.	Copies of Office Order dated 17-09-2015 and Charge Report	A & B	7-8
4.	Copy of Letter dated 04-12-2015, Order dated 02-12-2015, inquiry report and appeal	C, D, E & F	9-13
5.	Copy of absence report	G	14
6.	Wakalat Nama		15

Dated:-16-04-2016

Through

اللهم
Appellant


Fazal Shah Mohmand
Advocate, Peshawar

OFFICE:-

Cantonment Plaza Flat 3/B, Khyber Bazar Peshawar Cell # 0301 8804841

①

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 411 /2016

Lala Rukh, Primary School Head Teacher (BPS-15) Govt. Girls
Primary School No 2 Kandar District Nowshera.....Appellant

N.W.F. Province
Service Tribunal
Diary No 387
Dated 18/4/2016

VERSUS

1. District Education Officer (Female) Nowshera.
2. Director Elementary & Secondary Education Govt. Of KPK Peshawar.
3. Secretary, Elementary and Secondary Education, Govt. of KPK Peshawar.
4. Chief Secretary Govt. Of KPK Peshawar
5. Nazia Syed, Primary School Head Teacher Govt. Girls Primary School, Shah Kot Bala Nowshera.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 02-12-2015
COMMUNICATED VIDE LETTER NO 1935/F.NO. DATED 04-
12-2015 PASSED BY RESPONDENT NO 1 WHERE BY THE
APPELLANT HAS BEEN TRANSFERRED FROM GOVT.
GIRLS PRIMARY SCHOOL NO 2 KANDER TO GOVT. GIRLS
PRIMARY SCHOOL SHAH KOT BALA AND AGAINST
WHICH DEPARTMENTAL APPEAL OF TE APPELLANT HAS
NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF
MORE THAN NINTY DAYS.

PRAYER:-

On acceptance of this appeal the impugned order dated 02-12-2015 communicated vide letter No 1935/F.No. Dated 04-12-2015 of respondent No 1, may kindly be set aside and the appellant may kindly be ordered to be transferred as Head Teacher to Govt. Girls Primary School No 2 Kander Nowshera.

Handwritten signature and stamp

2

Respectfully Submitted:-

1. That the appellant is the bonafide resident of Kander District Nowshera, has qualified her Bachelor Degree, Junior Physical Education Diploma besides PTC, and was appointed as Primary School Teacher on 16-04-1995 and since then performed her duties as assigned and with honesty and full devotion and to the entire satisfaction of her superior officers.
2. That the appellant was posted against the upgraded Primary School Head Teacher (BPS-15) to Govt. Girls Primary School Shah Kot Bala vide Office Order dated 13-05-2013 and was posted to Govt. Girls Primary School No 2 Kandar Nowshera vide Office Order dated 17-09-2015 where she took charge on 19-09-2015. **(Copies of Office Order dated 17-09-2015 and Charge Report are attached as Annexure A & B).**
3. That astonishingly the appellant was communicated letter No 1935/F.No Dated 04-12-2015 wherein she was directed to report to GGPS Shah Kot Bala as per the letter No 313 dated 02-12-2015 of respondent No 1, against which she preferred departmental appeal on 28-12-2015, upon which inquiry was held in favor of the appellant however departmental appeal of the appellant has not been responded so far despite the lapse of more than ninety days. **(Copy of Letter dated 04-12-2015, Order dated 02-12-2015, inquiry report and appeal are enclosed as Annexure C, D, E & F).**
4. That the impugned order dated 02-12-2015 communicated vide letter dated 04-12-2015 of respondent No 1 is against the law, facts and principles of justice on grounds interalia as follows:-

GROUND:-

- A. That the impugned order is illegal and void ab-initio.
- B. That the impugned order is without jurisdiction and legal authority, as respondent No 1 is the competent authority in case of the appellant.

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- C. That the impugned order is based on nepotism and favoritism besides politically oriented and thus not maintainable in the eyes of law.
- D. That even the same is premature as the appellant was transferred just after about two and half month of his posting without any justification.
- E. That even Govt. Girls Primary School Shah Kot Bala is at a distance of about 45 Kilometers from the Kandar and she also has served there for about 3 years but even then he rtransfer Order has been cancelled without any omission or commission on her part.
- F. That malafide of the respondents is proved from the absence report dated 15-12-2015 wherein despite duty she was marked absent. **(Copy of the absence report is enclosed as Annexure G).**
- G. That even inquiry was conducted, wherein too it was held that appellant is senior and her tenure at GGPS shah Kot Bala is more as such too the impugned order is not maintainable in the eyes of Law ~~_____~~
- H. That even the husband of respondent No. 5 is serving as senior clerk in the office of SDO (F) Nowshera who is involved in illegal activities favoring his wife.
- I. That even there is no complaint of any sort against the appellant and the impugned order has been issued without any reason .
- J. That mandatory provisions of law have been violated by the respondents while taking action against the appellant.
- K. That the appellant has about 21 years of service with unblemished service record and has not relinquished the charge yet and still serving at GGPS No 2 Kandar.
- L. That the appellant seeks the permission of this honorable

4

Tribunal for further/additional grounds at the time of arguments.

It is therefore prayed, that appeal of the appellant, may kindly be accepted as prayed for.

Any other relief deemed appropriate and not specifically asked for may also be granted in favor of the appellant.

Dated:-16-04-2016

لالہ ریح

Appellant

Through

[Signature]

Fazal Shah Mohmand
Advocate, Peshawar

AFFIDAVIT

I, Lala Rukh, Primary School Head Teacher. (BPS-15) Govt. Girls Primary School No 2 Kandar District Nowshera, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

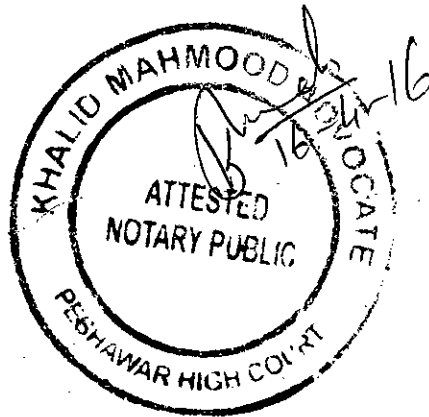
لالہ ریح

DEPONENT

Identified by

[Signature]

Fazal Shah Mohmand
Advocate Peshawar



5

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2016

Lala Rukh,.....Appellant

VERSUS

DEO and Others.....Respondents.

APPLICATION FOR THE SUSPENSION OF IMPUGNED ORDER DATED 02-12-2015 COMMUNICATED VIDE LETTER NO 1935/F.No DATED 04-12-2015 OF RESPONDENT NO 1 TILL THE FINAL DISPOSAL OF TITLED APPEAL BY MANTAINING STATUS QUO.

Respectfully Submitted:-

1. That the above titled appeal is being filed today, in which no date of hearing has been fixed so far.
2. That the facts and grounds of appeal may kindly be considered as integral part of this application.
3. That the applicant/appellant has got good prima facie case and is sanguine of its success.
4. That the balance of convenience also lies in favor of the applicant/appellant.
5. That the applicant/appellant is still holding the charge of his post and if the impugned order is not suspended the applicant/appellant will suffer an irreparable loss.

It is therefore prayed that on acceptance of this application, the impugned order dated 02-12-2015 communicated vide letter No 1935/F.No dated 04-12-2015 of respondent No 1

6

may kindly be suspended till the final disposal of the titled appeal by maintaining status quo.

والله

Dated:-16-04-2016

Applicant/Appellant
Through

[Signature]

Fazal Shah Mohmand
Advocate, Peshawar.

AFFIDAVIT

I, Lala Rukh, Primary School Head Teacher (BPS-15) Govt. Girls Primary School No 2 Kandar District Nowshera, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

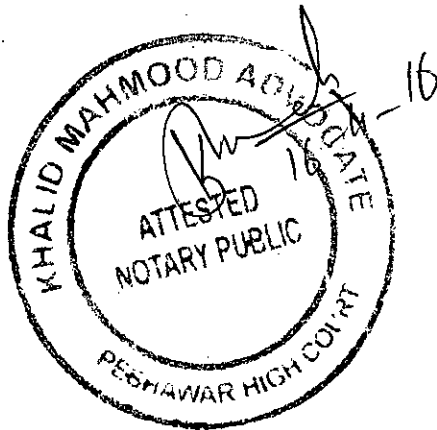
والله

Identified by

[Signature]

DEPONENT

Fazal Shah Mohmand
Advocate Peshawar



7

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

OFFICE ORDER

The competent authority is pleased to transfer the following teachers to the School noted against their names on their own pay and scale in the best public interest with immediate effect with reference to the Chief Minister Directive No.SO-I/CMS/KPK/3-15/2015, dated 10-09-2015.

S.#	Name of Teacher	Designation	From	To	Remarks
1	Mst.Lala Rukh	PSHT	GGPS, Shah Kot (NSR)	GGPS No.2 Kandari (NSR)	Aagainst vice No.2
2	Mst.Khalida.. Tabasum	PSHT	GGPS No.2 Kandari (NSR)	GGPS, Shah Kot (NSR)	Aagainst vice No.1

- Note:- 1. No TA/DA is Allowed
2. Change Reports should be submitted to the all concerned.

(ROBINA QURESHI)
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA.

Endst: No. 3057+61 Dated Nowshera the 17/9/2015.

Copy for information to the:-

1. Sub Divisional Education Officer (Female) Nowshera.
2. ADEO Pry: Estt: (Local Office).
3. Superintendent Establishment (Local Office).
4. Head Teachers GGPS Concerned.
5. Officials Concerned.

R. Qureshi
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

ATTESTED

Q

(8)

B

چارچ رپورٹ

(تقرری/تبادلہ/اجالی/اریٹائرمنٹ)

بحوالہ (تقرری/تبادلہ/اجالی) حکم نامہ ایگزیکٹو ڈسٹرک آفیسر سکولز اینڈ لٹریسی نو شہرہ

نمبر 61-3057 مورخہ 17/9/2019ء

اپنے عہدے کا چارج سنبھال لیا۔

چارچ دہندہ

چارچ کنندہ

نام و عہدہ سمسٹر الفبت PST

نام و عہدہ لعل محمد معلم

مقام جی جی پی ایس لنڈر و 2

مقام جی جی پی ایس لنڈر و 2

تاریخ وقت 19/9/2019ء

تاریخ وقت 19/9/2019ء

Sunava دستخط

Lalawush دستخط

Asst. Sub Div.
Education Officer F
Circle 15

دستخط و مہر اے ڈی اوسرکل

ATTESTED



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e

OFFICE OF THE SUB DIVISIONAL EDUCATION
OFFICER (FEMALE) NOWSHERA

No. 1935 / F.No. Dated 4/14/2015

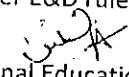
To

Mst. Lala Rukh D/O Mian Karim Jan
Village Kander P/O Akbar Pura

Subject: - TRANSFER/POSTING
Memo

Reference District Education Officer (Female) Nowshera letter No.313 dated 2/2/2015 on the subject cited above.

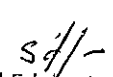
You are directed to report your original school (GGPS.Shah Kot Bala) in the light of Chief Minister Secretariat Khyber Pakhtunkhwa, Peshawar No.SO-1/CMS/KPK/3-1/2015/13769-70 dated 27/10/2015 and submit charge report to this office immediately otherwise strict necessary action would be initiated against you under E&D rules 2011.


Sub Divisional Education Officer
(Female) Nowshera

Endst:No. _____

Copy for information to the:

1. District Education Officer (Female) Nowshera w/r No:313 dated 2/12/2015.
2. PSO-11 to the Chief Minister Khyber Pakhtunkhwa Peshawar.
3. PS to Principal Secretary to the Chief Minister Khyber Pakhtunkhwa
4. P.A to District Nazim Nowshera.
5. ASDEO (F) Jalozai/Pabbi (An immediate compliance report should be submitted being serious nature issue.


Sub Divisional Education Officer
(Female) Nowshera

ATTACHED

10



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Dated Nowshera the 2/12/2015.

To,

Sub Divisional Education Officer,
(Female) Nowshera.

Subject:- TRANSFER / POSTING
Memo:

With reference to the Chief Minister Secretariat Khyber Pakhtunkhwa, Peshawar No.SO-I/CMS/KPK/3-1/2015/13769-70, dated 27-10-2015 (Attached for ready reference) and Honourable Chief Minister directive at Sr: No.4 i.e NoSO-I/CMS/KPK/3-15/2015/11741, dated Peshawar September 10, 2015 (Attached).

You are directed to comply with as directed by the competent authority with letter and spirit.

An immediate compliance report should be submitted being serious nature issue (report).

Reza Anas 02/12/15
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Endst: No: _____

Dated ____/____/2015.

Copy for information to the:-

1. Hina Saeed Section Officer-I Chief Minister Secretariat Khyber Pakhtunkhwa, Peshawar.
2. PSO-II to the Chief Minister Khyber Pakhtunkhwa Peshawar.
3. PS to Principal Secretary to the Chief Minister Khyber Pakhtunkhwa Peshawar.
- 4-5. ASDEOs Concerned for similiar action.

Sattar
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

ATTESTED

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لاالرخ اردو لىل
27/10/15

E

(11)

ENQUIRY REPORT AGAINST NAZIA SAYED [HPST] AND LALARUKH [HPST]

GGPS KANDAR NO. 2 AKBERPURA.

It is great honour for me to be appointed as inquiry officer in this case.

I visited GGPS kandar no. 2 on 6th Feb. 2016 for findings.


FINDINGS IN THE CASE BY ENQUIRY OFFICER.

NAZIA SAYED (HPST)

LALA RUKH (HPST)

D/O IST app. Is 31.12.1999	D/O IST APP. IS 16.4.1995
She has promoted with transfer in B 15 on 28.5.15 to GGPS Shahkot payan.	She has promoted with transfer in B 15 on 2.3.13. To GGPS Shah kot Bala.
Nazia has a mutual transfer with khalida tabasum by DEO F Order no.2884-92 dated 12.9.15. This order has cancelled by DEO F Order.no.3062-66 dated 17.9.15.	Lalarukh also has mutual transfer with khalida tabasum by DEO F Order no.3057-61 dated17.9.15 after the cancellation of mutual transfer order of Nazia and khalida tabasum.
Nazia has taken charge on 15.9.15 as HPST GGPS Kandar no.2 Akberpura.	Lalarukh has taken charge on 17.9.15 as HPST in the same school.
Her tenure in SHAHKOT payan is 03 months 18 days only.	While Lalarukh ,s tenure in Shahkot Bala is 02 years 3 months and 18 days.
Nazia is still present in GGPS Kandar school because she disobey her cancellation order competent authority..	The transfer order of Lalarukh has also cancelled by DEO F in the light of CM directives dated 27.10.15.she is also present in the same school and did not obey the cancellation order of copetent authority.
It is observed Nazia sayed has not received any order or warning to go back to her original school after cancellation of her transfer order by DEO or ASDEO.	Lalarukh had received orders and warnings to go back to her original school after order cancellation by ASDEO.
Nazia has not restored order of DEO F.	Lalarukh also has no restored order of DEO F.

The questionnaires were served to Nazia Sayed ,Lalarukh and three staff members of GGPS Kandar no.2 .in which both HPST,s stated that they are deserve this school.but after discussion with school staff ,it was observed that teaching as well as administration of the school was greatly affected by such a hot debate.


HEAD MISTRESS
G.G.H.S. Tarkha
Nowshera


ATTESTED

12

-CONCLUSION-

In the light of evidence documentary and statements of the teachers of GGPS Kandar no. 2 Akberpura, I, undersigned reached to the conclusion that according to the seniority list, LalaRukh HPST is most senior than Nazia Sayed HPST. It is also included that the tenure period of Lalarukh in shahkot Bala is greater than that of Nazia sayed HPST in shahkot payan.

ENQUIRY OFFICER


MS. SHAGUFTA
HEAD MISTRESS
G.G.H.S. Tarkha
Nowshera

HEAD MISTERESS

GGHS TARKHA.

DATE; 15th Feb. 2016

ATTESTED


13

F⁴

In respect of :-

DISTRICT EDUCATION OFFICER NOWSHERA

SUBJECT: APPEAL AGAINST ORDER NO 1935/F.NO DATED 04/12/2015 WHEREBY APPLICANT WAS ORDERED TO REPORT AT GGPS SHAH KOT BALA

The applicant respectfully submits as under :-

- 1) That, the applicant has been serving as PSHT at GGPS No 2, Kandar Nowshera vide order No 3057+61 dated Nowshera 17/9/2015 in BPS-15.
- 2) That, the applicant prior serving at Shah Kot and was transferred to present place of station.
- 3) That, the applicant took over charge from Miss Sumaira and reported on 19/09/2015.
- 4) That, the applicant was shell shocked and crest fallen when no sooner in order of transferring her dried up she was again ordered to be report at Shah Kot.
- 5) The applicant has already completed two and half year tenure at Shah Kot Bala. After so many appeals there was still no output. The new transfer order against my order was hardly two months old. My tenure period was longer but it is injustice to me.
- 6) That, the applicant seeks your benevolent indulgence to have the order reviewed and set aside on following grounds:

a) That, the order in question is mala fide and fraught with bad intention because the whole game is being played by Head Clerk (Sub-Divisional officer) Mr. Faiz who is performing function under your nose. To be more specific, he wants to have her wife Mst. Nazia Syed to be transferred to Kandar for which purpose he played a clever game. Sir, said Nazia Syed was her post with one Khalida Tabbasum who was posted at GGPS Shah Kot Payan. In this regard, it is worth mentioning that said Khalida Tabbasum was chronic patient of Cancer patient and died and she was posted at school at Shah Kot during her chemotherapy. This fact alone speaks volume about the mala fide nature of the said transfer.

b) That, in this regard it is to be pointed out that the said order of transferring applicant back to Shah kot is hit by the principle of "Locus poententia" which means that "Power of repenting and going back on a decision is available to an authority only up to the time such decision has not been carried into effect" In other words, where authority has power to make an order, it has also the power to undo is subject to exception that order has not been given effect. In the present case, the order has taken effect in the shape of taking charge by applicant, hence, can't be taken back.

*DBO 5
Nowshera.
Please look into
the matter and
take her up
at your earliest
convenience.*

IT IS THEREFORE, RESPECTFULLY SUBMITTED THAT THE IN THE CONTEXT OF APPLICATION IN HAND, THE IMPUGNED ORDER NO 1935/F.NO DATED 04/12/2015 MAY KINDLY BE RECALLED AND APPLICANT BE ALLOWED TO BE RETAINED IN GGPS KANDAR NO 2 WITH ALL ALLIED BENEFITS ETC.

THANKING IN ANTICIPATION

Lalaxekh. 28.12.2015.
LALA RUKH W/O SHAH KHALID
PSHT Kandar No 2

- Copy to:
1. PA to Khaliq-ur-Rehman Khattak, MPA PK-12.
 2. PA to Deputy Commissioner, Nowshera.
 3. Director Education Office, Peshawar
 4. Monitoring Officer, Nowshera.

Fahim Aj Khan ADELF/PAH
Maria Shahn

D.E.O. (F) Nowshera
File No. 250
Date: 31-12-15

ATTENDED



(14)

**OFFICE OF THE
ASSISTANT SUB DIVISIONAL
EDUCATION OFFICER (F) JALOZAI
NOWSHERA**

No. 1991 /F.No. Dated. 15/12 /2015

To


Mst.Lala Rukh PSHT,
GGPS.Shah Kot Bala.

Subject:-
Memo

ABSENT FROM DUTY

You are hereby informed that your transfer order vide No. 3057-61 dated 17/9/2015 from GGPS.Shah Kot Bala to GGPS.No.2 Kander has been cancelled in the light of Hon: Chief Minister of Khyber Pakhtunkhwa, directive No.SO-1/CMS/KPK/3-1/2015/13769-70 dated 27/10/2015 and DEO (F) Nowshera letter No.313 dated 2/12/2015 but you have not yet reported back to your original school and still remained absent.

Hence you are once again directed to assume your charge at your original school without fail in the best interest of young learner that their precious time could not be wasted. Otherwise you will be considered as absent from your duty and strict necessary action will be initiated against you under E&D rules 2011.



Assistant Sub Divisional Education Officer
(Female) Circle Jalojai

Endst.No. _____

Copy of the above is submitted for necessary action to the:-

1. District Education Officer (Female) Nowshera.
2. District Monitoring Officer District Nowshera.
3. Sub Divisional Education Officer (F) Nowshera.
4. P.A to District Nazim Nowshera.
5. P.A to Deputy Commissioner Nowshera.

ATTESTED


Assistant Sub Divisional Education Officer
(Female) Circle Jalojai

بعدالت لیسٹس کے لئے درخواست



2016ء منجانب

لالہ ریخہ بنام DEO و غیرہ

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئندہ

سے لکھتے ہیں

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی وکل کاروائی متعلقہ
آن مقام لیسٹس کیلئے فصل 174 معدہ 174 اپڈیٹ سپینٹ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیا عرضی 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی 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 جائتہ التوائے مقدمہ کے سبب سے وہوگا۔
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 لکھدیا کہ سندر ہے۔

المرقوم 18 / ماہ الہجری 2016

العاب گ واه العاب

کے لئے منظور ہے۔

بمقام
لیسٹس
Attested & Accepted
[Signature]

لالہ ریخہ

17201-2061992-0

Lal xukh

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 411/2016

Mst. Lala Rukh..... Appellant

VERSUS

1. District Education Officer (F) Nowshera and others.....Respondents

Respectfully Sheweth

Written comments on behalf of respondents are as under.

Preliminary Objections

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this Honorable Service Tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the instant appeal is barred by law and limitation.
5. That the appellant has concealed material facts from this Honorable Service Tribunal.
6. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
7. That the instant appeal is not maintainable in its present form.

On Facts:-

1. Pertain to the appellant record.
2. Incorrect. Before the adjustment post/posting order dated 17/9/2015, mutual transfer order of Mst. Khalida Tabassum PSHT from GGPS No.2 Kandar to GGPS Shah Kot Payan and Mst Nazia Syed PSHT from GGPS Shah Kot Payan to GGPS No.2 Kandar was issued vide Endstt: No. 2884-92 dated 12/9/2015, on the basis of Chief Minister directive issued in favor of Mst Lala Rukh appellant, the said mutual transfer order was cancelled on 17/9/2015 and on the same day transfer order of appellant was issued vide Endstt No. 3057-61 dated 17/9/2015. Latter on the directive No. SO-I/CMS/KPK/3-15/2015/11741 dated 10/9/2015 was withdrawn by the Chief Minister House. The transfer order of the appellant was cancelled vide impugned Endstt: No. 1935 dated 4/2/2015, and mutual transfer of Mst Khalida Tabassum and respondent No.5 was restored.
3. Incorrect. The transfer order dated 17/9/2015 was cancelled as the same was issued in the light of the Chief Minister Directive, later on the said directive was withdrawn by the Chief Minister House, and therefore, the said transfer order which was issued on political base was cancelled.
4. Incorrect. The impugned transfer order of the appellant is according to law, rules and policy and was issued in the best public interest.

ON GROUNDS

2

- A. Incorrect. The transfer order is legal and issued in the best public interest.
- B. Incorrect. The said order was issued by the competent authority.
- C. Incorrect. The impugned transfer order was issued in the best public interest. Moreover the transfer order dated 17/9/2015 of the appellant was issued on political base.
- D. Incorrect.
- E. Incorrect. The appellant is a Government Servant and according to Section -10 of the Civil Servant Act, she is liable to serve anywhere.
- F. Incorrect. The appellant did not assumed the charge of her post at GGPS Shah Kot Bala in the light of transfer order impugned, therefore, she was marked absent.
- G. Incorrect. The matter under dispute is transfer order of the appellant which is issued in public interest.
- H. Incorrect. The impugned order is passed in public interest.
- I. Incorrect. The transfer order of the appellant was issued on Chief Minster Directive, latter on the said directive was withdrawn by the Chief Minster House. Therefore, the transfer order of the appellant was cancelled.
- J. Incorrect. The appellant is violating the law by not taking charge of her post at GGPS Shah Kot Bala, which is misconduct on her part.
- K. The admission of not taking charge at GGPS Shah Kot Bala is itself misconduct on her part, for which she will be proceeded against under E&D Rules 2011.
- L. The respondents may also be permitted to advance other arguments at the time of hearing.

It is, therefore, requested before your honor that the present appeal is being without force against facts may kindly be dismissed with cost.

Respondent No.1

08 Atte 5
06-2016
District Education Officer (F)
Nowshera

Respondent No.2

15/6/2016
Director (E&S) Education
Peshawar

Respondent No.3

15/6/2016
Secretary (E&S) Education
Peshawar

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 411/2016

Mst. Lala Rukh..... Appellant

VERSUS

1. District Education Officer (F) Nowshera and others..... Respondents

AFFIDAVIT

I **Mst: Attia Sultana** District Education Officer (F) Nowshera do solemnly affirmed and declare on oath that the contents of Par wise comments/ reply on behalf of respondent are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

08 *Attia*
-06-2016
Deponent



(4)

OFFICE OF THE
SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) NOWSHERA

No. 1605 /F.No. Dated 7/4 /2015

To

The District Education Officer,
(Female) Nowshera

Subject: -

APPLICATION FOR MUTUAL TRANSFER

Memo

An application for mutual transfer in respect of the following PSHT teachers is hereby enclosed for order please.

S.#	Name of Teacher	From	To	Remarks
1	Mst.Khalida Tabasum PSHT	GGPS.No.2 Kander(Akbar Pura)	GGPS.Shah Kot Payan.	V.S.No.2
2	Mst.Nazia Syed PSHT.	GGPS.Shah Kot Payan	GGPS.No.2 Kander (Akbar Pura)	V.S.No.1

3/A
Sub Divisional Education Officer
(Female) Nowshera

ادارہ امتیاز کی سربراہی میں انجمن خواتین آسٹریلیا کو مطلع ہے

درخواست لکھنے سے پہلے اس کا اندازہ لیں

موجودہ سرکار میں سے کئی ممبروں کو بھیجنا چاہیے

راہنمائی سے پہلے اس کا اندازہ لیں۔

ادارہ کے لیے اس میں سے کئی ممبروں کو بھیجنا چاہیے

ممبروں کو اس کا اندازہ لیں۔ تاکہ وہ اس میں

ادارہ کے لیے اس میں سے کئی ممبروں کو بھیجنا چاہیے

ادارہ کے لیے اس میں سے کئی ممبروں کو بھیجنا چاہیے

ادارہ کے لیے اس میں سے کئی ممبروں کو بھیجنا چاہیے

HEAD MISTRESS
G. G. P. J. No. 2
Kander Akbar Pura
Nowshera

HEAD MISTRESS
G. G. P. J. No. 2
Kander Akbar Pura
Nowshera

NAZIA ACEPTIF
D.O.
Kander Akbar Pura, Nowshera



(3)
6

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
NOWSHERA**
(Office Phone # 0923-9220105, Fax# 0923-9220105)

OFFICE ORDER

The competent authority is pleased to issue the mutual transfer order of the following Primary School Head Teachers on her own pay and BPS in the interest of public service with immediate effect.

S.#	Name of Teacher	From	To	Remarks
1	Mst.Khalida Tabasum PSHT	GGPS.No.2 Kander(Akbar Pura)	GGPS.Shah Kot Payan	V.S.No.2
2	Mst.Nazia Syed PSHT	GGPS.Shah Kot Payan	GGPS.No.2 Kander (Akbar Pura)	V.S.No.1

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

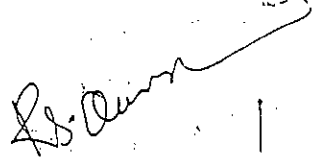
(ROBINA QURESHI)
DISTRICT EDUCATION OFFICER
(FEMALE) Nowshera

Endst.No. 9884-921

Dated 12/9 /2015

Copy forwarded for information and necessary action to the:-

1. Director E/S Education Khyber/Pakhtunkhwa Peshawar.
2. Senior District Accounts Officer Nowshera.
3. Principal/Head Mistress Concerned.
4. Sub Divisional Education Officer (Female) Nowshera.
5. ADEO (F) Secondary Local Office.
6. ADEO (F) Primary Local office.
7. Superintendent local office.
8. Cashier local office.
9. Officials concerned.


DISTRICT EDUCATION OFFICER
(FEMALE) Nowshera

CHIEF MINISTER' SECRETARY
KHYBER PAKHTUNKHWA
PESHAWAR.

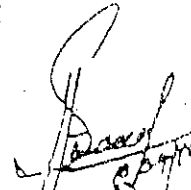
No. SO-I/CMS/KPK/3-15/2015
Dated Peshawar, September 10, 2015

To

The District Education Officer (Female),
Elementary & Secondary Education Department,
Nowshera.


Subject:- TRANSFER/POSTING

Memo: I am directed to enclose herewith a copy of self-explanatory application received from Mst. Lalarukh, HPST, GGPS Shahkot Nowshera, regarding her transfer to GGPS Kander, Nowshera for necessary action as per rules/policy.


(Hina Saeed)
SECTION OFFICER-I

Ends: No and Date Even
Copy for information is forwarded to:-

1. Mr. Khaliq-ur-Rehman, MPA, PK-12, Nowshera-I.
2. PS to Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa.


SECTION OFFICER-I



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

(8)

OFFICE ORDER

The Mutual Transfer Order in respect of Mst.Khalida Tabasum PSHT from GGPS No:2 Kandar (Akbar Pura) to GGPS Shah Kot Payan and Mst.Nazia Syed PSHT from GGPS Shah Kot Payan to GGPS No.2 (Akbar Pura) at S.No.1 and 2 issued vide this office order Endst: No.2884-92, dated 12-09-2015 is hereby cancelled.

(ROBINA QURESHI)
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

Endst: No. 3062-661

Dated Nowshera the 17/9/2015.

Copy forwarded for information and necessary action to the

1. Sub Divisional Education Officer (Female) Nowshera.
2. ADEO Pry: Estt: (Local Office).
3. Superintendent Establishment (Local Office).
4. Head Teachers GGPS Concerned.
5. Officials Concerned.

R. Qureshi
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

8
9

OFFICE ORDER

The competent authority is pleased to transfer the following teachers to the School noted against their names on their own pay and scale in the best public interest with immediate effect with reference to the Chief Minister Directive No.SO-1/CMS/KPK/3-15/2015, dated 10-09-2015.

S.#	Name of Teacher	Designation	From	To	Remarks
1	Mst.Lala Rukh	PSHT	GGPS, Shah Kot (NSR)	GGPS No.2 Kandar (NSR)	Aaginst vice No.2
2	Mst.Khalida Tabasum	PSHT	GGPS No.2 Kandar (NSR)	GGPS, Shah Kot (NSR)	Aaginst vice No.1

- Note:- 1.No TA/DA is Allowed
2. Charge Reports should be submitted to the all concerned.

(ROBINA QURESHI)
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA.

Endst: No. 3057-61 Dated Nowshera the 17/9 /2015.

Copy for information to the:-

1. Sub-Divisional Education Officer (Female) Nowshera.
2. ADEO Pry: Estt: (Local Office).
3. Superintendent Establishment (Local Office).
4. Head Teachers GGPS Concerned.
5. Officials Concerned.

R. Qureshi
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA
37

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**CHIEF MINISTER' SECRETARIAT
KHYBER PAKHTUNKHWA
PESHAWAR.**

No. SO-I/CMS/KPK/3-15/2015/13769-70
Dated Peshawar, the October 27, 2015

To

1. The District Education Officer (Female),
Elementary & Secondary Education Department,
Nowshera.
2. The District Education Officer (Male),
Elementary & Secondary Education Department,
Nowshera.

Subject:- **TRANSFER/POSTING**

Memo:

I am directed to refer to the subject noted above and to say that the following directives of this Secretariat (copies enclosed) may be considered as withdrawn:-

S.#	No. & date
1	No. SO-I/CMS/KPK/3-15/2015/11738 Dated Peshawar, the September 10, 2015
2	No. SO-I/CMS/KPK/3-15/2015/11739 Dated Peshawar, the September 10, 2015
3	No. SO-I/CMS/KPK/3-15/2015/11740 Dated Peshawar, the September 10, 2015
4	No. SO-I/CMS/KPK/3-15/2015/11741 Dated Peshawar, the September 10, 2015
5	No. SO-I/CMS/KPK/3-15/2015/11742 Dated Peshawar, the September 10, 2015

Necessary action in the matter may be taken, under intimation to this Secretariat, as desired by the Competent Authority.

[Signature]
(Hina Saeed)
SECTION OFFICER-I

Ends: No and Date Even

Copy for information is forwarded to:-

1. PSO-II to the Chief Minister, Khyber Pakhtunkhwa.
2. PS to Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa.

D.E.O. (F) Nowshera

Diary No. 1429

Dated 4-11-15

Suptt
Speck (D) *Services nature case.*
SECTION OFFICER-I
1. Aminullah sb Check the record
2. Shayan sb and provide the CM
3. Tahid sb Directives for M/A and
4. ADEE (F) sb for discussion with Madam
6-11-15

(11)

OFFICE OF THE ASSISTANT SUB DIVISIONAL EDUCATION OFFICER PABBI

RELIEVING ORDER

Mst. Lala Rukh PSHT, GGPS.No.2 Kander.

You are hereby informed that your transfer order vide No. 3057-61 dated 17/9/2015 from GGPS.Shah Kot Bala to GGPS.No.2 Kander has been cancelled in the light of Hon: Chief Minister of Khyber Pakhtunkhwa directive No.SO-1/CMS/KPK/3-1/2015/13769-70 dated 27/10/2015 as well as DEO (F) Nowshera letter No.313 dated 2/12/2015. In this regard you have already been informed through telephone to report at GGPS.Shah Kot Bala immediately but in vain.

Hence you are hereby relieved of your duty on 04/01/2016 in the light of above mentioned order issued by the worthy DEO (F) Nowshera & also directed to report your original school.

Ata
Assistant Sub Divisional Education Officer
(Female) Circle Pabbi

Endst.No. 1/1

Copy of the above is submitted for necessary action to the:-

1. District Education Officer (Female) Nowshera.
2. District Monitoring Officer District Nowshera.
3. Sub Divisional Education Officer (F) Nowshera.
4. P.A to District Nazim Nowshera.
5. P.A to Deputy Commissioner Nowshera.

Ata
Assistant Sub Divisional Education Officer
(Female) Circle Pabbi

Ata
Mrs. Najma Niaz
A.S.D.O
Circle Pabbi

06.01.16

*Received
halafush*

آج مورخہ 5/5/2016 کو بوقت 9:00 بجے سکول خٹا میں ایک ہنگامی

اجلاس منعقد ہوئی جس میں پی ٹی سی چیئرمین اور تمام ممبران سمیت

وینچ کونسل ناظم اور تحصیل ممبر کے شرکت کی۔

اجلاس میں تمام ممبران نے موجودہ سکول کے صورت حال پر

بحث کی، جو کہ 4/5/16 بروز پیر صبح معلمہ نازیمہ پتیل پھرتی پورہ اور اسکی

غیر موجودگی میں معلمہ الارضہ جو کہ شاہ کون والا میں ڈیوٹی انجام دے رہی

ہے اور غیر قانونی طور پر سکول خٹا میں ڈیوٹی کر رہی ہے اور یہیں الارضہ نے

صیغہ معلمہ نازیمہ پتیل کے طراس روم کو تالا لگا کر چابی اپنے پاس رکھی،

صیغہ ڈیوٹی نے اس واقع کو وینچ ناظم اور تحصیل ممبر اور پی ٹی سی چیئرمین کے سامنے

رکھنا، تحصیل ممبر نے افسران بالا کو (2 ڈی او - 1 ایس ڈی او) اس واقع

سے آگاہ کیا۔ انہوں نے ہدایت کی کہ تحصیل ممبر اور وینچ ناظم و چیئرمین کے سامنے تالا

حضور کمرچوں کو کھڑے میں بیٹھائیں۔

اس کے ساتھ ہی اجلاس آئندہ کیلئے برخواست ہوئی۔

SYED HAIDER ALI SHAH
Member Tehsil Council
Pabli Dist: Nowshera



Shahjehan
Nazim Village Council
Mufti Ali Shah UC Akbarpura

HEAD MISTRESS
G. G. P. S. No. 2
Kander Akbar Pura
Nowshera

PTC Chairperson
GGPS Kandar-2

5/5/2016

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

Service Appeal No. 411/2016

Lala Rukh

VS

Education Deptt:

.....

REPLY ON BEHALF OF RESPONDENT NO.5

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. The appellant has no locus standi and cause of action.
2. The appellant has not come with clean hands.
3. The appeal is time barred.
4. The appeal is not maintainable.
5. The appeal is bad for non-joinder and mis joinder of parties.
6. The appellant has misguided the Deptt:and submitted fake and bougus mutual transfer application, while in fact Khalida Tabasum was not retired at the time of the transfer of the appellant.
7. That the appellant violate the mutual transfer policy as respondent No. 5 and Khalida Tabasum made mutual transfer

FACTS:

1. Pertain to record,
2. Incorrect. The appellant misguided the Deptt: that Khalida Tabasum PSHT of GGPS No.2 kandar was retired and wrote an application to DEO (F) for her adjustment on Khalida Tabasum seat and also bogus stamped and signed the application on Khalida Tabasum name that Khloid Tabasum wanted mutual transfer with the appellant, which was denied by the khalida Tabasum give an application to high ups that

she has not stamped and signed the application and the appellant bogusly stamped and signed the application on her name, while the fact is that Khalida Tabasum was on service at that time and was retired on 26.11.2015 after the transfer of the appellant on 17.9.2015, which shows the ulterior motive of the appellant as on one hand she said in her application that Khalida Tabasum was retired and wanted to transfer on her vacant seat while on other hand she said that Khalida Tasbasum wanted to mutual with the appellant. Moreover respondent No.5 and khalida Tabasum applied for mutual transfer which was allowed DEO (F) on dated 12.9.2015, but the appellant violate the policy mechanism only on a forwarding memo of the Honourable Chief minister K.P.K compelled the then DEO (F) for cancellation of mutual transfer order of Respondent No. 5 (Nazia Syed) and Khalida Tabasum which is false statement showing the post vacancy already filled by mutual transfer, which is evident from letter of SDEO(F) to DEO (F) Nowshera. (Copies of all relative documents are attached as Annexure-R-1)

3. Incorrect. The appellant misguided the Deptt: that Khalida Tabasum PSHT of GGPS No.2 kandar was retired and wrote an application to DEO (F) for her adjustment against Khalida Tabasum seat, while the Khalida Tabasum was on service at that time and wanted to mutual transfer with Respondent No. 5 and not with the appellant, which was allowed by DEO (F) on dated 12.9.2015, but the appellant violate the policy mechanism only on a forwarding memo of the Honourable Chief minister K.P.K compelled the then DEO (F) for cancellation of mutual transfer order of Respondent No. 5 (Nazia Syed) and Khalida Tabasum which is false statement showing the post vacancy already filled by mutual transfer. Therefore she was directed to took over in her original school (GGPS Shah Kot Bala) vide order dated 4.12.2015. Moreover inquiry was not held in the favor of the appellant as the respondent No.5 has did mutual transfer with Khalida Tabasum on the basis of fake application.
4. Incorrect. The appellant misguided the Deptt: and violated the mutual transfer policy, therefore the letter

dated 4.12.2015 of respondent No.1 is according to law facts and principles of justice.


GROUND:

- A. Incorrect. The impugned order is according to law as the appellant misguided the Deptt: and violated the mutual transfer policy.
- B. Incorrect. The impugned is passed by the competent authority.
- C. Incorrect. The appellant misguided the Deptt: and violated the mutual transfer policy, therefore the impugned order is according to law and rules and not based on nepotism and favoritism. Moreover the appellant herself used politically pressure on forwarding memo of the Chief Minister of KPK, to compel the then DEO (F) for cancellation of mutual transfer order of the respondent No.5 and Khalida Tabasum.
- D. Incorrect. Hence denied.
- E. Subject to proof, however the impugned transfer order is according to law and rules.
- F. Incorrect. The transferred order of the appellant was cancelled and despite that the appellant did not report back to his original school (GGPS Shah Kot Bala) therefore the ASDEO(F) Circle Jalozi directed the appellant to resume her duty on her original School otherwise she will be considered as absent from her duty.
- G. It is correct that inquiry officer stated that the appellant is senior to the respondent No.5 and her tenure at GGPS Shah Kot Bala is more, but respondent No. 5 has transferred on mutual basis with Khalida Tabasum and not on seniority and tenure basis.
- H. Incorrect. The husband of the respondent No. 5 has no role in the instant case as the respondent No.5 was transferred on mutual basis.

- I. Incorrect. Actually the transfer of the respondent No.5 was done on mutual basis, the appellant misguided the Deptt: and violated the mutual transfer policy, therefore the impugned transfer order was cancelled.
- J. Incorrect. Hence denied.
- K. No comments.
- L. Legal.

Respondent No.5
Nazia Syed

Through:


(M. ASIF YOUSAFZAI)

& 
(TAIMUR ALI KHAN)
ADVOCATES PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief.


DEPONENT

خدمت خدایت ڈیڑٹ الخولتین آ صدیر زمانہ کو سترہ

خواتین کے لئے - البتہ ماہانہ رزنامہ کو پڑھا

خاتون

پڑھیں۔۔۔ میں جیسا کہ خالد شمیم بدھ معلم اور ڈیڑٹ رزنامہ
پرائمری سکول کے ٹیچر میں کام کر رہی ہیں۔ خاتون خاتون میں نے رزنامہ کو
لیا ہے۔ اور نا اہل سہارا دیا ہے۔ اور نا اہل کو سترہ خاتون

خاتون میں نے لالہ زخم کو درخواست لیز دستیاب نہیں ہے۔ اور نا اہل
ڈیڑٹ رزنامہ کو درخواست دی ہے۔ خاتون خاتون لالہ زخم
صدیر اکو لیز دستیاب کیا ہے۔ اور نا اہل سے دوسرا صدیر لالہ زخم
جو قانون ہے۔

خاتون - میں نے نا اہل سے لالہ زخم کو سترہ دستیاب کیا ہے۔

جو لالہ زخم کو سترہ دستیاب کیا ہے۔

خاتون سے لالہ زخم ہے۔

خاتون کو سترہ دستیاب کیا ہے۔

خاتون سے لالہ زخم ہے۔

خاتون سے لالہ زخم ہے۔

21/9/2015

اللہ اعلم

ابن خاتون خالدہ شمیم رول معلم
خاتون خاتون کو سترہ

Handwritten signature

HEAD MISTRESS
G. G. P. S. No. 2
Kander Akbar Pura
Nowshera

HEAD MISTRESS
G. G. P. S. No. 2
Kander Akbar Pura
Nowshera



OFFICE OF THE
SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) NOWSHERA

No. 1887 /F.No. Dated. 20/11 /2015.

To

The District Education Officer,
(Female) Nowshera.

Subject: -
Memo

APPEAL FOR RESTORATION OF MUTUAL TRANSFER

cited above.

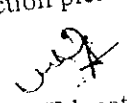
Reference your office Dairy No.1941 dated 17/11/2105 on the subject
The appeal in question lodged by Mst.Nazia Syed PSHT, GGPS.No.2
Kander(Akbar Pura) having a sound departmental policy base that is strengthen and self justified
with remarks that:-

1. Mst.Nazia Syed requested for mutual transfers vide this office No.1605 dated 7/9/2015.
2. Mst.Khalida Tabsum **duly desired for mutual transfer** signed the same request.
3. S.No.I & II both already agreed but the third irrelevant Mst.Lala Rukh violating the policy mechanism directly only on a forwarding Memo of the Honourable Chief Minister K.P.K compelled the then DEO (F) for cancellation of Mutual Transfer order of S.No.1 & II which is false statement showing the **post vacant already filled by mutual transfer**.

Mst.Nazia Syed being the wife of senior most official of this office who is diagnoses **C.A Patient** deserved to be honoured by restoring the said order to. sympathized and encourage him according to policy.

Hence the same appeal deserved to be honoured as the Honourable District Nazim will also support the genuine case of three employees in comparison to out of Mst. Lal Rukh having no rights to exercise **false statement** accordingly.

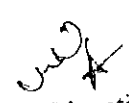
Report is submitted for perusal and necessary action please.


Sub Divisional Education Officer
(Female) Nowshera

Endst.No. _____

Copy of the above is forwarded for information to the:-

1. Mst.Nazia Syed PSHT, GGPS.No.2 Kander Akbar Pura.


Sub Divisional Education Officer
(Female) Nowshera



OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)
NOWSHERA

(Office Phone # 0923-9220105, Fax# 0923-9220105)

OFFICE ORDER

The competent authority is pleased to issue the mutual transfer order of the following Primary School Head Teachers on her own pay and BPS in the interest of public service with immediate effect.

S.#	Name of Teacher	From	To	Remarks
1	Mst.Khalida Tabasum PSHT	GGPS.No.2 Kander(Akbar Pura)	GGPS.Shah Kot Payan	V.S.No.2
2	Mst.Nazia Syed PSHT	GGPS.Shah Kot Payan	GGPS.No.2 Kander (Akbar Pura)	V.S.No.1

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

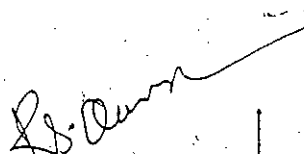
(ROBINA QURESHI)
DISTRICT EDUCATION OFFICER
(FEMALE) Nowshera

Endst.No. 2884-921

Dated 12/9 /2015

Copy forwarded for information and necessary action to the:-

1. Director E/S Education Khyber/Pakhtunkhwa Peshawar.
2. Senior District Accounts Officer Nowshera.
3. Principal/Head Mistress Concerned.
4. Sub Divisional Education Officer (Female) Nowshera.
5. ADEO (F) Secondary Local Office.
6. ADEO (F) Primary Local office.
7. Superintendent local office.
8. Cashier local office.
9. Officials concerned.


DISTRICT EDUCATION OFFICER
(FEMALE) Nowshera

Khalida notified from Shah Kot

گورنمنٹ سروس ڈیپارٹمنٹ انچارجنگ آفیسر جناب کو پیش کرتی ہوں

درخواست اسلئے موصول ہے کہ

جو وہاں پر اس وقت تک رہے ہیں کہ وہاں سے دو سالوں سے باہر ہو گئے ہیں۔

ان کے بارے میں اس وقت کوئی اطلاع نہیں ہے۔ ان کے بارے میں جاننے کے لئے درخواست کی جا رہی ہے۔

میں نے ان کے بارے میں جاننے کے لئے درخواست کی ہے۔

انتہائی

میں نے ان کے بارے میں جاننے کے لئے درخواست کی ہے۔

HEAD MISTRESS
G. G. P. J. No. 2
Kander Akbar Pura
Nowshera

میں نے ان کے بارے میں جاننے کے لئے درخواست کی ہے۔

HEAD MISTRESS
G. G. P. J. No. 2
MAHARAJA
SHAH KOT PUNJAB

میں نے ان کے بارے میں جاننے کے لئے درخواست کی ہے۔

HEAD MISTRESS
G. G. P. J. No. 2
MAHARAJA
SHAH KOT PUNJAB



6
①

OFFICE OF THE
SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) NOWSHERA

No. 1605 /F.No. Dated 7/9 /2015

To

The District Education Officer,
(Female) Nowshera

Subject: - **APPLICATION FOR MUTUAL TRANSFER**

Memo

An application for mutual transfer in respect of the following PSHT teachers is hereby enclosed for order please.

S.#	Name of Teacher	From	To	Remarks
1	Mst.Khalida Tabasum PSHT	GGPS.No.2 Kander(Akbar Pura)	GGPS.Shah Kot Payan	V.S.No.2
2	Mst.Nazia Syed PSHT	GGPS.Shah Kot Payan	GGPS.No.2 Kander (Akbar Pura)	V.S.No.1

3/2
Sub Divisional Education Officer
(Female) Nowshera

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

Service Appeal No. 411/2016

Lala Rukh

VS

Education Deptt:

.....

**REPLY ON BEHALF OF RESPONDENT NO.5 ON
APPLICATION FOR SUSPENSION OF IMPUGNED ORDER
DATED 2.12.2015**

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. The appellant has no locus standi and cause of action.
2. The appellant has not come with clean hands.
3. The appeal is not maintainable.
4. The appeal is bad for non-joinder and mis joinder of parties.
5. The appellant has misguided the Deptt: that the one teacher Khalida Tabasum was retired and requested to be adjusted on his vacant seat. While the fact is that the Khalida Tabasum was not retired at the time of the transfer of the appellant.
6. That the appellant violate the mutual transfer policy as respondent No. 5 and Khalida Tabasum made mutual transfer

FACTS:

1. No comments.
2. Incorrect. That the appellant violated the mutual transfer policy as respondent No. 5 and Khalida Tabasum made mutual transfer, while the appellant has misguided the Deptt: that on hand the appellant said in her application that Khalida Tabasum PSHT of GGPS No.2 kandar was retired and wanted to adjust

on her seat, while on the other hand the appellant bogusly stamped and signed the application on the name of Khalida Tabasum that she wanted to mutual with her, therefore the facts and the grounds of appeal are incorrect and misconceived and denied.

3. Incorrect. The applicant/appellant has not good prima facie case, hence denied.
4. Incorrect. The balance of convenience lies in favor of the respondent No.5.
5. Incorrect. The appellant violated the mutual transfer policy as respondent No. 5 and Khalida Tabasum made mutual transfer, but the appellant misguided the Deptt: and bogusly stamped and signed the application on the name of Khalida Tabasum that she wanted to mutual with her. Therefore the transferred order of the appellant was cancelled and despite that the appellant did not report back to his original school (GGPS Shah Kot Bala) therefore the ASDEO(F) Circle Jalozai directed the appellant to resume her duty on her original School, but she did not obeying the order of her superiors.

It is therefore most humbly prayed that the stay which this Honourable Tribunal already granted in the favor of the appellant may be vacant on the basis of reply of respondent No.5

Respondent No.5
Nazia Syed

Through:



(M. ASIF YOUSAFZAI)

& 

(TAIMUR ALI KHAN)
ADVOCATES PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of reply to stay application are true and correct to the best of my knowledge and belief.


DEPONENT