BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PEŚHAWAR CAMP COURT DARUL QAZA SWAT

E.P/COC No. 699 /2023 in Service Appeal No. 1385/2023

Mst. Sheer	na D/O	Bahroz Khan	a.	(
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R/O Village Amnawar Tehsil Gagra Distric	t Buner	Appellant
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VERSUS

- 1. Dr. Shamim Akhtar District Education Officer (F) Buner.
- 2. Director E & SE Khyber Pakhtunkhwa Peshawar
- 3. Secretary E & SE Khyber Pakhtunkhwa Peshawar.
- 4. Mst: Mumlikat Begum SST, Incharge Principal GGHSS Shalbandai District Buner.
- 5. District Account Officer Buner.

•	
	Respondents
	I

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DR. SHAMIM AKITPAR DISTRICT EDUCATION OFFICER (F) BUNER

(Respondent No. 1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT SWAT

EP/ COC No.699 in Service Appeal No. 1385/2023

JVI:	st: Sneema D/O Bahroz Khan	
R/	O Village Amnawar Tehsil Gagra District Buner	Appellant
	VERSUS	Appellant Pulchtakinya Service Tribunal
1.	Dr. Shamim Akhtar, DEO Femail Buner.	11 10 049
2.	Director E & SE Khyber Pakhtunkhwa Peshawar	David 20-12-20
3.	Secretary E & SE Khyber Pakhtunkhwa Peshawar.	

5. DISTRICT ACCOUNT OFFICER BUNER.

Respondents
 respondents

PRELIMINARY OBJECTION

1. That the instant appeal is badly barred by time and not maintainable to appeal rules. Hence liable to be dismissed.

4. Mst. Mumlikat Begum, SST, Incharge Principal GGHSS Shalbandai District Buner.

- 2. The appeal is not maintainable due to legal lacunas.
- 3. Due to miss joining and non-joining of the parties, the instant appeal is liable to be dismissed.
- 4. That the appellant has no causes of action to file the instant appeal.

That the appellant has concealed the facts from this honorable Service Tribunal and hence the appeal is liable to be dismissed with cost.

- 5. That the post of S.T.T GGHSS Shalbandi DDO Code No.6064 is BPS -16 While appellant serving as TT Teacher in BPS-15 therefore, apart from all facts of the case the Petitioner even than not eligible for above post and alone this fact is sufficient for dismissal of the above title appeal. (Relevant document are attached)
- 6. Order/notification No.2065 Dated:26-12-2022 already acted upon in shape of notification / order No. 178 Dated15-05-2023, order / Notification No. 1216-22 Dated 13-05-2023

and notification /order No. 2297-2303 Dated 22-07-2023, order / Notification Dated 25-07-2023 by the competent authority, in the light of above notifications /orders the order No. 2065 dated 26-12-2022 is now in fructuous and presently Mst. Tawheed posted as STT and performing her duty on GGHSS Shalbandi on the very post.

7. No order has been passed by this August Tribunal on Dated: 09-09-2023.

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1

Respectfully she with

- 1. Incorrect, denied on dated: 09-08-2023 this August Tribunal passed ad interim order with following conditions, "along with the appeal, Appellants submitted applications for suspension of operation of impugned orders 26-12-2020 and 15-05-2023. Notice of this application be given to the Respondents for the date fixed. In the circumstances operation both the impugned orders are suspended till the date fixed, if not acted upon earlier", the competent authority already acted upon on Orders/notifications Dated:26-12-2022 and 15-05-2023 in shape of notification / order No. 178 Dated15-05-2023, order / Notification No. 1216-22 Dated 13-05-2023 and notification /order No. 2297-2303 Dated 22-07-2023, order / Notification Dated 25-07-2023 by the competent authority, in the light of above notifications /orders the order No. 2065 dated 26-12-2022 is now in fructuous and presently Mst. Tawheed posted as STT and performing her duty on GGHSS Shalbandi on the very post.
- 2. Incorrect, denied in detail already in Para No. 1, Moreover .no injunctive order passed in favor of petitioner.
- 3. Incorrect, denied in detail already given. although the appellant was transferred on 26-12-2022 due to the reason that GGMS Shangra remained a single teacher the competent authority cancelled her transfer order on 26-12-2022 in the interest of public service.. In this regard, directions have been given to all concerned Principals/Head Mistresses and teachers for strict compliance but the appellant stayed at GGHSS Shalbandai according to her well which is a non-serious attitude towards her duty. After the cancellation of the

transfer order, the appellant has no right to stay at GGHSS Shalbandai and draw her salary from the said BD. The appellant has drawn her salary on the wrong station without any intimation and prior permission of respondent No. 1 which is illegal and not justifiable. Being a government official as the appellant obeyed the Transfer Order issued by the competent authority she must have obeyed the Cancellation of the transfer order too. But after the cancellation order the appellant stayed at GGHSS Shalbandai and didn't report to her original station i.e. GGMS Shangra and why she has drawn salary illegally at GGHSS Shalbandai without any intimation and prior permission. Finally, as a result of implementing the Cancellation order, the appellant lifted no choice for respondent No. 2 except to stop her salary from BD of GGHSS Shalbandai. After this, the Appellant didn't report to her original station i.e. GGMS Shangra and stayed illegally at GGHSS Shalbandi without any proper order to date and this behavior (Disobedience of lawful orders of competent authority) of appellant is amounts to mis-conduct and not in title for any relief.

4. Incorrect, detail already given, Moreover according to terms and condition of appointment order Dated:02-08-2021 of appellant is non-transferable, moreover transfer and posting are prerogatives / absolute power of competent authority, being a Govt: official /Public Servant appellant can not dis-obey cancellation /Transfer / posting /adjustment order of competent authority in the best interest of public service, as transfer and posting is not vested rights of any employee/ public servant.. Moreover no one is allowed to perform duty at the choice Station without lawful order, but duty bound to perform duty at that station to which he/she has been assigned / ordered by competent authority.

Therefore, it is most humbly prayed that the instant

Petition may kindly be dismissed with cost.

Respondent No. 1 Dr. Shamim Akhler

Through Counsel:- Israr Alfmad Advocate

High Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAI

PESHAWAR CAMP COURT DARUL QAZA SWAT

E.P/COC No. 699 /2023 in Service Appeal No. 1385/2023

Mst. Sheema D/O Bahroz Khan

R/O Village Amnawar Tehsil Gagra District Buner



Appellant

VERSUŞ

- 1. Dr. Shamim Akhtar District Education Officer (F) Buner.
- 2. Director E & SE Khyber Pakhtunkhwa Peshawar
- 3. Secretary E & SE Khyber Pakhtunkhwa Peshawar.
- 4. Mst: Mumlikat Begum SST, Incharge Principal GGHSS Shalbandai District Buner.
- 5. District Account Officer Buner.

Respondents

AFFIDAVIT

I Dr. Shamim Akhtar DEO FEMALE BUNER do hereby solemnly affirm and declare that contents of the accompanying para wise comments are true and correct to the best of my knowledge and information and nothing has been concealed from this Hon"ble Service Tribunal.

17301-2694789-0



GOVERNMENT OF YBER PAKHTUNKHWA

& SECONDARY EDUCATION DEPARTMENT

SANCTION

Date Peshniver, the 07,02,2018

No.SO(B&A)1-6.Budget:- Sanction of the Government of Khyler Pakhlunkhwa, is hereby accorded sanction and to state that Finance Department agrees to the upgragation of following posts in boys schools of District Bunet,, as per detail given below, subject to the observance of all codal formalities:

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1	CT (BS-15) to S.CT (B-	16) 29
2.	DM (BS-15) to S.DM (B	
3	AT (BS-15) to S.AM (B-	
4	IT (BS-15) to S.T.I (B-1	
5	PET (BS-15) to S.PET (I	3-16) 021
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RY TO GOVT: OF KHYBER PAKHTU ELEMENTARY & SECY: EDU: 11EPTT Endat: 80-X/FD/2-132/2016-1 Daied Pesh: the

warded to District Accompts. Officer Buner.

BUDGET OFFICER-VILLED FINANCE DEPARTMENT

Copy of the above is forwarded to the:

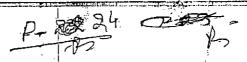
The Secretary to Government of Khyber Pakhtun thwa, Finance Department with to letter No. BO-XFD/2-13:22016-17- dated 27 (4.2017.

The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshav District Education Officer Ger Buner.

District Education Officer (19 Buner, Master File.

NOOR ALAM KIIAN WAZIR







OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) INSTRICT BUNKR PHONE & FAN NO. 09.19-510.166 EMAILE deofemalehunerwymialle om



CANCELLATION ORDER

The competent nuthority is pleased to concelled/withdrawn the Office Orders issued regarding transfers of teachers vide this Office Endst: No. 1600, 1601, 1923 29, 1934 44, 1976-82, 2018-24, 2025-31 and 2032-35 dated 26-12-2022 with immediate effect in the best interest of public service.

NOTE:

T. No TAMA is allowed:

.(RUKHSANA RAHIM) DISTRICT EDUCATION OFFICER (F) DISTRICT BUNER

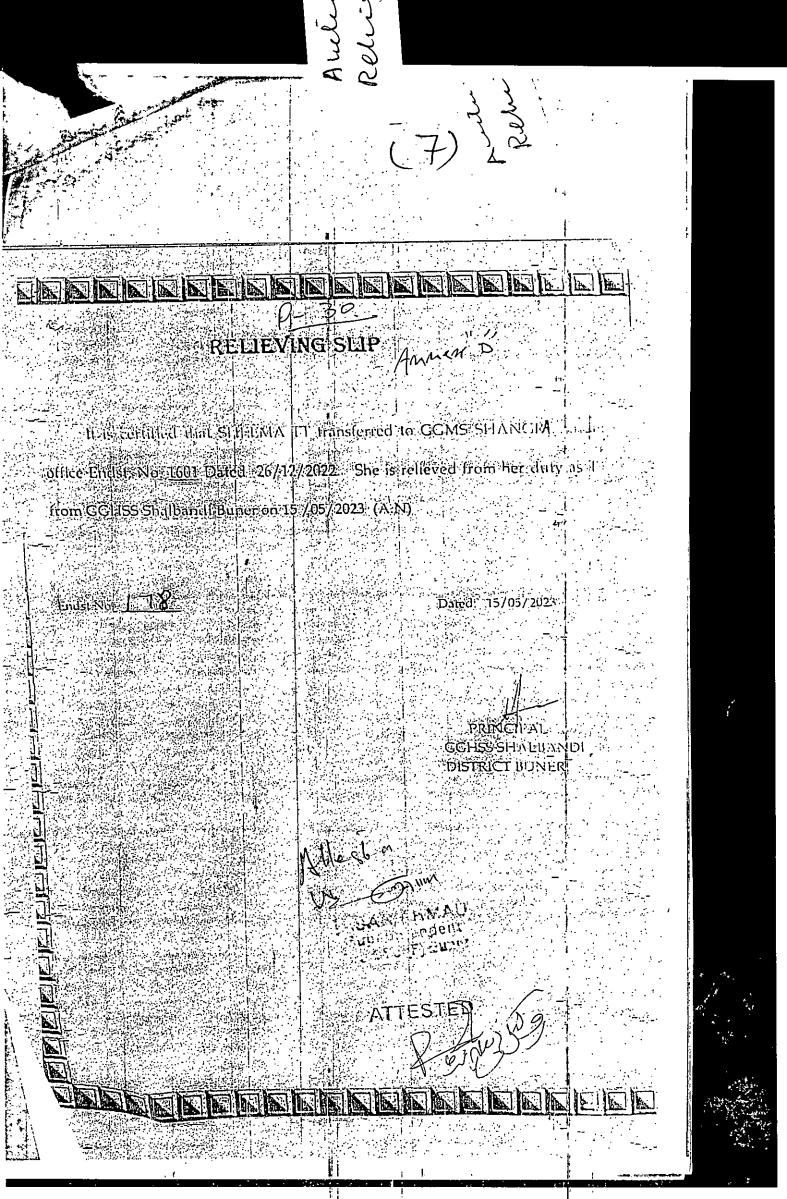
Endst: No. 2065 / Dated 26/12/2022.

Copy forwarded for information and necessary action to the:-

- 1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. District Monitoring Officer (EMA) Buner.
- 3. District Accounts Officer Buner.
- 4. Principals /Head Mistresses concerned to inform teachers concerned to report to their original station.
- 5. All SDEOs Female to inform teachers concerned to report to their original station.
- 6. Teachers Concerned for strict compliance otherwise disciplinary action will initiated against them under E & D Rules 2011.

DISTRICT BUNER

perintendent min the grands



Amena (D) Mogrela Pufa

CORRICTION THE DISTRICTOR FEMALE, DISTRICTOR OF MALE, DISTRICTOR OF MACHINICATION OF MACHIN

Consequent upon the recommendation of the transfer committee issued vide this office Endstt Noval 21/2 anted 13/05/21/28 the competent authority is pleased to Transfer the following Theology Frenchen (TT-BPS-15) to the school noted against her name on her own pay & scale, with immediate effect in the interest of public service:

Sil Name Name Gen rus If Miss Majidas Success GGHS Topal GGHS Shalbandi AV P Noce TAZDAs allowed: 22 Gharge reportshould be ssubmitted to all concerned.
Notes State State
2: Charge reportshould be submitted to all concerned to the concerned to t
OR SHAMM AICHTAR)
FEMALE) DUNER

Engs: No: 106-09-16, Dated: 115-09-16, Dated: 11

Superintendent JODEO (F. Bung)





OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT BUNER PHONE & FAX NO. 0939-510366 EMAIL: deolemnlebuner@gmail.com



Consequent upon the services of TT B-15 regarding their promotion has been placed at the deposal of the under signed by the Director (E& SE) Khyber Pakhtunkhwa Peshawar vide Notification Endst: No. 3666-70/Buner/Promotion Junior to Senior 2023 (B-16) dated 22-06-2023, the undersigned has been pleased to adjust the following TTs BPS-15 promoted to the Post of Senior TT BPS-16 (Rs.28070-2260-95870) plus usual allowances on regular basis to the school noted against their name subject to terms and conditions noted below, from the date of taking over charge in the interest of

PROMOTION FROM TT BPS-15 TO STT BPS-16 ON REGULAR BASIS

S.No	Name of Official	Present Place of Posting	School Where Posted	Remarks
1	SALMA NAVEED	GGHS DAGAI	GGHS DAGAI	.A.V.P
2	TASKEEN BIBI	GGHS KAWGA	GGHS KAWGA	A.V.P
3,	ZAHIDA	GGHS BAGRA	GGHS BAGRA	A.V.P
~ 4	TAWHEED	GGMS DAGGAR	GGHSS SHALBANDAI	A.V.P
5	MARYAM BIBI	GGHS REGA	GGHS HISAR	A.V.P
6	BIBI FATIHA	GGMS KHANANO DHERA	GGHSS KALPANAI	A.V.P
7	KHADIJA	GGHSS CHINGLAI	GGHSS FANJTAR	A.V.P
8	SAFIA	GGMS CHANAR	GGHSS PACHA KALAY	A.V.P

CONSEQUENTIAL TRANSFER /ADJUSTMENTS

S.No	Name of Official	Desig:	Present Place of Posting	School Where Posted	Remarks
1	AMIR JEHAN	П	GGHSS KALPANAI	GGHS REGA	V/S,No!5
2	MAJIDAH,	π	GGHSS SHALBANDAI	GGMS DAGGAR	V/S.No.4

Terms & Conditions.

- They would be on probation for a period of one year, extendable for another one year.

 They will be governed by such rules and regulations as may be issued from time to time by Govt:
- Their services can be terminated at any time; in case their performance is found unsatisfactory during their probation period. In case of misconduct, they shall be proceed under the rules framed from time to time.
- Charge report should be submitted to all concerned.
- NO TA/DA is allowed.
- Their inter-Se-seniority on lower post will remain intact.
- They will give an undertaking to be recorded in their Service Books to the effect that if any payment is made to them, in light of this order, the same will be recovered and if they are wrongly promoted they will be reverted.
- The Principals /Head Mistresses are directed to check the documents of the promotees before handing over charge if they have not got the required relevant qualification as per rules, they may not be handed over charge of the post.
- 9. Any error or omissions will be accepted.

(Dr. Skamini Akhtar) DISTRICT EDUCATION OFFICER (F) BUNEID

Endst: No. 2297-2303/ Dated 22/07/2023. Copy forwarded for information to the:

- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to his Notification vide Endst: No. 3666-70/Buner/Promotion Junior to Senior 2023 (B-16) Dated 22/06/2023.
- District Monitoring Officer (EMA) Buner.
- District Accounts Officer Buner.
- B & AO Local Office.
- Principals / Head Mistresses Concerned
- Teachers Concerned.
- M/Tile.

DISTRICT EDUCATION OFFICER (F)

CamScanner

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DISTRICT BUNER PHONE & FAX NO. 0939-510366 EMAIL: deofemalchuner@gmail.com



APPOINTMENT ORDER

Consequent upon the recommendations of the Departmental Selection Committee issued vide this office Endst: No.1822-25/ Dated 14/07/2021. appointment of the following candidate is hereby ordered as Theology Teachers (T.T) Female purely on ment against the vacant posts on "Adhoe" and "School based" on one year contract in BPS-15 (Rs.16120-1330-56020) a Rs. 16120/- fixed plus usual allowance as admissible to them under the Rules and existing policy of the Provincial Government in Teaching Cadre on the terms and conditions given below, with effect from the date of taking over charge in the interest of public

S. #	Roll No	Name	Father's Name	CNIC No.	D.O.B	Score	School Name	Remarks
1	17600261	SHEEMA BIBI	BEHROZ KHAN	15102- 0592310-6	01/03/1997	112.04	GGMS Shangra	A.V.P

Terms & Conditions:

- No TA/DA etc is allowed.
- Charge reports should be submitted to all concerned in duplicate.
- Appointment is purely on temporary adhoc/contract basis initially for a period of one year with immediate effect.
- She should not be handed over charge if her age exceeds 35 years or below 19 years. 4:
- Appointment is subject to the condition that the certificates. Degree /documents must be verified from the concerned Board / Universities / Institutions. If anyone found producing bogus/ forge/take Certificates / Degrees will be reported to the law enforcing agencies for further action.
- If any meritorious candidate is deprived of appointment by this order, the appointment order of the lowest candidate in merit shall be withdrawn on acceptance of the appeal and adjustment order will be reviewed accordingly as per merit.
- Her services are liable to termination on one month's prior notice from either side; In case resignation without notice her one-month pay/allowances will be forfeited to the Government. Her pay shall not be drawn unless this office issues a certificate to the effect that her documents
- have been verified. She should join her post within 15 days of the issuance of this notification. Her appointment shall
- automatically stand expired and no subsequent appeal etc shall be entertained. District Accounts Officer (DAO) Buner should release her salary on the production of duty
- certificate duly signed by the Head Mistress /DOO concerned and countersigned by this
- Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- She will be governed by such rules and regulations as may be issued from time to time by the 12.
- She services will be terminated at any time: in case her performance is found unsatisfactory during her contract period. In case of misconduct, she will be proceeded under the rules framed from time to time.
- Her appointment is adhoc made on (School based), she will have to serve at the place of posting. and her service is (NON-TRANSFERABLE) to any other station/school.
- Posting/ adjustment is the discretionary powers of the Appointing Authority and no one has the right to claim for adjustment at any specific school.

Meles

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P-18

- 16. Before taking over charge, they will sign an agreement /affidavit with the Department, otherwise this order will be not effective.
- 17. Before handing over charge Head Mistresses/Principals concerned will check her documents, if she has not acquired the required qualifications, they may not be handed over charge.
- 18. The appointee shall take nine (09) months mandatory training at RPDC (Old RITE) or DPD (Old PITE).
- 19. In case of regularization their inter-se-seniority shall be determined on the basis of her merit position and the date of taking over charge shall not effect her inter-se-seniority.
- 20. Errors and omissions will be accepted for further rectification within the specified period.

(SHAZLA NAWAZ)

DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER.

Endst: No. _/965-72 / Dated _02/08 /2021.

Copy forwarded for information and necessary action to the: -

- 1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. Deputy Commissioner Buner at Daggar.
- 3 District Monitoring Officer Buner.
- 4. District Accounts Officer Buner.
- 5. Medical Superintendent DHQ Hospital Buner.
- 6. Budget & Accounts Officer Local Office.
- 7. Head Mistress Concerned.
- 8. Teacher Concerned.

DISTRICT EDUCATION OFFICER (F

Negber 17 Just

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE FRIBUNAL

PESHAWAR CAMP COURT DARUL QAZA SWAT

E.P/COC No. 699 /2023 in Service Appeal No. 1385/2023

Mst. Sheema D/O Bahroz Khan		
•	•	
R/O Village Amnawar Teheil Goorg District Proper		A mm all a

VERSUS

- 1. Dr. Shamim Akhtar District Education Officer (F) Buner.
- 2. Director E & SE Khyber Pakhtunkhwa Peshawar
- 3. Secretary E & SE Khyber Pakhtunkhwa Peshawar.
- 4. Mst: Mumlikat Begum SST, Incharge Principal GGHSS Shalbandai District Buner.
- 5. District Account Officer Buner.

Rest

AUTHORITY LETTER

Mr. Nisar Ahmad Superintendent BPS-17 office of DEO (F) Buner is hereby authorized to attained the Hon'ble KPK Service Tribunal in E.P /COC NO. 699/2023 in service appeal No. 1385/2023 on behalf of respondent till the finalization and decision of the instant appeal.

DR. SHAMIM AKHTAR
DISTRICT EDUCATION OFFICER (F)
BUNER
(Respondent No. 1)