

14.10.2020

Learned counsel for appellant is present. Mr. Muhammad Jan, Deputy District Attorney alongwith representative of the department Mr. Sajid, ADO are also present.

The representative of the department submitted that they are going to resolve the issue and are going to submit an order to this effect, therefore, is seeking time for the same. Time is allowed. He is directed to find out workable solution of the matter and submit report to this effect up to 20.11.2020 before D.B.

(Atiq-ur-Rehman Wazir)
Member (Executive)

(Muhammad Jamal Khan)
Member (Judicial)

*I want to withdraw instant appeal.
Muhammad Wazir
Demand
20.11.2020*

Counsel for appellant present.

Muhammad Jan learned Deputy District Attorney alongwith Sajid ADEO for respondents present.

Learned counsel for appellant made a request for withdrawal of the instant service appeal. In this regard, his statement was also recorded on the margin of order sheet.

In view of above, instant appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced.
20.11.2020

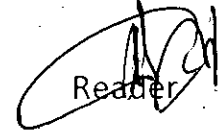
(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

7-5.2020

Due to COVID19, the case is adjourned to

27/7/2020 for the same as before.


Reader

27.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Former requests for adjournment as he could not prepare brief due to hospitalization of a near relative whom he was attending.

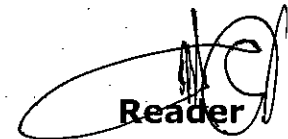
Adjourned to 11.08.2020 for hearing before the D.B.

(Attiq-ur-Rehman)
Member


Chairman

11.08.2020

Due to summer vacations case to come up for the same on 14.10.2020 before D.B.


Reader

17.01.2020

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant appeal is adjourned to 06.03.2020 for further proceedings/arguments before D.B.



Member



Member

06.03.2020

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 07.05.2020 before D.B.



Member



Member

22.10.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith M/S Irfanullah, Assistant on behalf of respondent No. 1 and Mr. Sajid, ADEO on behalf of respondents No. 2 & 3 present.

Representative of respondents No. 2 & 3 submitted para-wise comments on behalf of respondents No. 2 & 3 which are placed on record. Representative of respondent No. 1 stated at the bar that he relies on the same on behalf of respondent No. 1. The appeal is posted to D.B for arguments for 06.11.2019. The appellant may submit rejoinder within fortnight, if so advised. The restraint order passed on 11.09.2019 shall remain operative till the date fixed.

CHAIRMAN




06.11.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney present. Adjourn. To come up for arguments on 20.11.2019 before D.B.



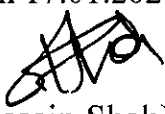
Member




Member

20.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Rejoinder is placed on record. Case to come up for arguments on 17.01.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

25.09.2019

Counsel for the petitioner and Addl. AG for the respondents present.

Learned AAG requests for adjournment. Fresh notices ~~should also~~ be issued to the respondents. To come up for written reply/comments on 08.10.2019. The restraint order ~~passed~~ ^{passed} ~~required~~ on 11.09.2019 shall remain operative till the date fixed.

Chairman



08.10.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for adjournment in order to procure reply/comments from the respondents. Adjourned to 22.10.2019 on which date the requisite reply/comments shall positively be submitted. The restraint order passed on 11.09.2019 shall remain operative till the date fixed.

Chairman



361/2019

Tabassum Sikandar

11.09.2019

Counsel for the appellant present.

Contends that the appellant was initially transferred from GGPS Jalal Rustam to GGPS Garyala Bala through order dated 26.04.2018. The said transfer order was questioned through Service Appeal No. 977/2018 which was admitted for regular hearing on 08.08.2018. On 23.11.2018, during the pendency of service appeal, a fresh order of posting/transfer dated 04.09.2018 was brought on record whereby the appellant was transferred from GGPS Garyala Bala to GGPS Hussai Akbar Abad. The grievance of appellant was redressed, therefore, her service appeal was disposed of as having become infructuous on the said date. Immediately after the disposal of service appeal another office order was issued on 24.11.2018 whereby the appellant was transferred to GGPS Ghazi Baba (Katlang). It was argued that the impugned office order dated 24.11.2018 was issued due to malafide intentions on the part of respondents and only as an attempt to defeat the outcome/purpose of appeal previously submitted by the appellant. The impugned order is, therefore, not sustainable.

In view of the arguments of learned counsel and available record, 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. To come up for written reply/comments on 25.09.2019 before S.B.

An application has been submitted with the prayer to restrain the respondents from executing the impugned transfer order dated 24.11.2018. Notice of the application be also given to the respondents for the date fixed. Till next date the operation of notification dated 24.11.2018 shall remain suspended, if already not complied with.

11/9/19
Appellant Deposited
Security & Process Fee


Chairman

25.04.2019

None present on behalf of the appellant. Notice be issued to appellant and her counsel for attendance and preliminary hearing for 14.06.2019 before S.B.

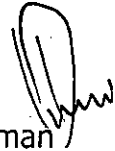
MA

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

14.06.2019

Junior to counsel for the appellant present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 19.07.2019 for preliminary hearing before S.B.



Chairman

19.07.2019

Mr. Alamzaib Khan, Husband of the appellant requests for adjournment as learned counsel for the appellant is not available due to bereavement in his family.

Adjourned to 11.09.2019 for preliminary hearing before S.B.

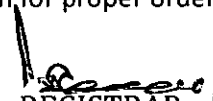

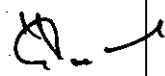


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 361/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/03/2019	<p>The appeal of Mst. Tabassum Sikandar presented today by Mr. Dawlat Khan Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 12/13/19</p>
2-	14/03/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/03/2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	26.03.2019	<p>Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 25.04.2019 before S.B</p> <p style="text-align: right;"> Member</p>

BEFORE THE KHYBER PAKHTONKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 361 /2019

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Appellant

VERSUS

The Director Education Department Government Peshawar, Khyber
Pakhtun Khwa etc Respondents

INDEX

S/No	Description	Annex	Page
1	Appeal alongwith affidavit		1-4
2	Status quo application alongwith affidavit		5-7
3	Order dated 28/2/2018 alongwith better copy	"A"	8-12
4	Order dated 5/4/2018	"B"	13-13
5	Order dated 26/4/2018	"C"	14-14
6	Departmental appeal & affidavits	"D"	15-22
7	Copy of appeal to services tribunal	"E"	23-32
8	Copy of departmental appeal dated 3/12/2018	"F"	33-37
9	Copy orders	"G"	38-40
10	Wakalat Nama		41-41

Dated 9/3/2019

Mst. Tabassum sikandar _____ Applicant/appellant

Through Dawlat Khan Mohmand
Advocate High court at district Courts
Mardan.

BEFORE THE KHYBER PAKHTONKHTWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 361 /2019

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

*Mardan*Khyber Pakhtunkhwa
Service Tribunal

Appellant

Diary No. 330Dated 12/3/19

VERSUS

1) The Director Education Department Government Peshawar, Khyber Pakhtun Khwa

2) District Education Officer Female Mardan

3) SDEO Mardan *Tahsil Mardan*

Respondents

Appeal U/S 4 of Khyber Pakhtun Khwa Service Tribunal 1974, against impugned transfer orders dated 05/04/2018 from GGPS, Galyara Husai, Akbar Abad to Jalal, Rustam and 26/04/2018 from GGPS Jala to Galyara Bala, Galyara Bala to Husai Dated 4/9/2018 and from Husai to GGPS Ghazi Baba Katlang, whereby the appellant was transferred continuously from one place to another, while the impugned orders were not dispatched to the appellant which is not maintainable and may please be declared null and void and the order dated 28/2/2017 and Dated 4/9/2018 please be kept intact.

Filed to-day

Registrar

12/3/19

Respected Sheweth,

The appellant states as under:

Facts

1. That the appellant was transferred from GGPS Garyala Khas to Garyala Husai via order dated 28/2/2018. (Order is annexed A)
2. That immediately another order was issued on 5/4/2018 through which the appellant was transferred from the above mentioned school to GGPS Husai Akbarabad to Jalal Rustam and the same order was followed by another impugned order dated 26/4/2018 from Jalal Rustam to GGPS Garyala Bala. (Order is annexed B)
3. That the impugned orders dated 5/4/2018 & 26/4/2018 were issued but never intimated to the appellant. Which is against law, prevailing rules and facts. Order is annexed C.

4. That the appellant performed her duty according to the order dated 28/2/2018 in the same school and never have neglected her duty. And the people of the locality are satisfied with the teaching method of the appellant and are ready to enhance affidavit about her dedication and dutifulness. Even the future of the students is at verge if a dedicated teacher has been retransferred. As after long time a dedicated teacher has been arrived in this school. Mst. Shakila the teacher has also given her affidavit where she has admitted that she has not any objection regarding the transfer. While the department has also admitted the same in written. cAffidavits are annexed D.
5. That the department did not performed their duty and never have informed the appellant about the orders issued on the above mentioned Dates and the appellant was informed by the another teacher on 6/5/2018 about the orders.
6. That the appellant has performed her duty for 11 years in the GGPS Garyala bala and was transferred to Garyala Khas and it was the order of the department.
7. That from Garyala Khas the appellant was transferred by the department to Husai , Akbar abad according to the promotion rules and policies of the provincial Government policy. That the promoted teacher should perform their duty in their village Council or Union Council on the basis of seniority already present in the said school.
8. That the chief election commissioner of Pakistan as for as provincial commissioner had issued notification not to transfer/adjust or appoint the civil servants. So the district education officer, female Mardan was not justified and authorized to issue the orders. Hence the order of the concern DEO female Mardan is illegal, against law, prevailing rules and facts.
9. That the DEO female Mardan is totally issued all these orders on political basis with malafide intentions and played a dangerous game with the future of the students and show her efficiency to the political parties to received their blessings and the law did not permit her to do so.
10. That the department has issued 3 continuous transfer orders in two months. The last two orders or not competent while the order issued date 28/2/2018 is competent one and maintainable. The rest orders date 5/4/2018 and 26/4/2018 is not maintainable in the eye of law.
11. That the appellant being aggrieved of the transfer orders filed a service appeal before the Khyber Pakhton Khwa Services tribunal on 2/7/2018. Copy of which is annexure E.
12. That the department admitted, revised and declared all the orders null and void on 23/11/2018 before the KPK Services Tribunal and issued a fresh order on 4/9/2018. Where the petitioner was transferred from Garyala bala

to Husai. Copy of the order of KPK Services Tribunal and transfer order is annexed F.

13. That again on 24/11/2018 the very next day of the court order, the department malafidely, illegally and against the rules another order whereby the petitioner was transferred from Husai to GGPS Ghazi baba Katlang. Which is not maintainable and is liable to be set aside.
14. That the appellant may not be transferred on the basis of any order which is illegal, against law and prevailing rules.
15. That the appellant submitted another departmental appeal on 3/12/2018. The department is neither issue any order nor has revoked the transfer order. The departmental appeal is annexed G

It is, therefore, humbly submitted that the appellant may not be transferred from the said school, salary may not be stopped/ceased, any legal/departmental action may please not be taken against the appellant. Any other remedy according to law may please be grant to the appellant.

.....Dated 9/3/2019

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Appellant. 

Through 

Dawlat Khan Mohmand
Advocate High Court
At Distt: Courts Mardan

Advocate High court at district Courts

Mardan.

BEFORE THE KHYBER PAKHTONKHTWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Appellant

VERSUS

The Director Education Department Government Peshawar, Khyber
Pakhtun Khwa etc Respondents

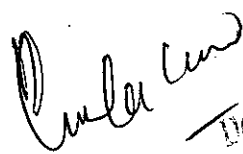
Affidavit:

I, Alamzeb S/o Amrud Khan R/o Mohalla Guli Bagh , Garyala Tehsil & District Mardan, on behalf of the appellant, solemnly affirm and declare on oath that the contents of the appeal in hand are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble court.

Deponent

16101-1457240-7

Identified by



Dawlat Khan Mohmand
Advocate High Court
At Dist. Courts Mardan

Dawlat Khan Mohmand Advocate



BEFORE THE KHYBER PAKHTONKHTWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad**Appellant****VERSUS****1)The Director Education Department Government Peshawar, Khyber Pakhtun Khwa**

Application for mandatory injunction against the impugned transfer orders Dated 5/4/2018 from GGPS Galyara Husai, Akbar Abad to Jalal Rustam, and 26/4/2018 from GGPS Jalal to Galyara Bala, whereby the applicant was transferred continuously from one place to another with malafide intention and on political basis, while the impugned orders were not dispatched to the applicant which is not maintainable and may please be declared null and void and the order dated 28/2/2017 may please be kept intact. Whereby to restrain the respondents 1 to 3 from stopping, ceasing the salary transferring on the basis of any illegal order, and any act which is ineffective upon the rights of the appellant.

Respectfully Sheweth,

The appellant submits as under:

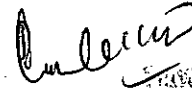
1. That appellant has got good prima facie case in favour of the appellant.
2. That balance of convenience is in favor of the appellant.
3. That if the status quo has not been issued in favor of the appellant. The appellant will bear irreparable loss while the respondents has no loss in issuing the status quo.

So, it is therefore, very humbly submitted that mandatory injunction against the impugned transfer order Dated 5/4/2018 from GGPS Galyara Husai, Akbar Abad to Jalal Rustam, and 26/4/2018 from GGPS Jalal to Galyara Bala, whereby the applicant was transferred continuously from one place to another with malafide intention and on political basis, while the impugned orders were not dispatched to the applicant which is not maintainable and may please be declared null and void and the order dated 28/2/2017 may please be kept intact. Whereby to restrain the respondents 1 to 3 from stopping, ceasing the salary transferring on

the basis of any illegal order, and any act which is ineffective upon the rights of the appellant.

.....Date 9/3/2019

Mst. Tabassum sikandar _____ Applicant/appellant


Dawlat Khan Mohmand
Advocate High Court
Mardan

Advocate High court at district Courts
Mardan.

BEFORE THE KHYBER PAKHTONKHTWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Appellant

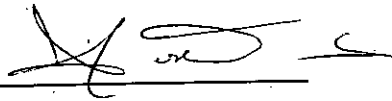
VERSUS

The Director Education Department Government Peshawar, Khyber
Pakhtun Khwa etc Respondents

Affidavit:

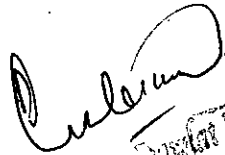
I, Alamzeb S/o Amrud Khan R/o Mohalla Guli Bagh , Garyala Tehsil & District Mardan, on behalf of the appellant, solemnly affirm and declare on oath that the contents of the application in hand are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble court.

Deponent



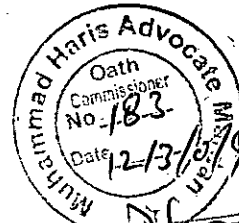
16101-1457240-7

Identified by _____



Dawlat Khan Mohmand
Advocate High Court
& Distt. Courts Mardan

Dawlat Khan Mohmand Advocate



(18)

Annex A

OFFICE OF THE DISTRICT EDUCATION OFFICER, MARDAN
P.O. BOX NO. 103 MARDAN
E-mail Address: sdnmardand@education.gov.pk

PROMOTION ADJUSTMENT NOTIFICATION

Consequent upon the Promotion Order vide this office's Endorsement No. 1244-G / Dated Mardan the 06-07-2018, the following Primary School Head Teachers (BPS-15) are hereby adjusted to the schools as mentioned against each as per policy and in the best interest of public service with immediate effect:

S No	Sen No	Name of Teacher	Father Name	BPS	Present School/ Place of Duty	Place of Adjustment
1	54	ATANIA KAUSAR	CARGOON	15	KHAN EGGA	GGPS Haveli Shah (Lundkhvora)
2	72	HAMFEEDA BEGUM	ABDUL HABIB	15	BAGHOADA NO. 1	GGPS Ghant Shah (Lundkhvora)
3	79	REHAMAH BEGUM	JOHAR ZAMAN	15	AZIMBEL HOTTI	GGPS Ghant Shah (Lundkhvora)
4	116	MARJAT	SANAUDDIN	15	CITY NO. 1	GGPS Ghant Shah (Lundkhvora)
5	158	LARA	SADAR KHAN	15	NALA PAR HOTTI	GGPS Ghant Shah (Lundkhvora)
6	151	AFSANA BEGUM	ABDULLAH	15	MALICASA	GGPS Ghant Shah (Lundkhvora)
7	156	MARJAT	MUHAMMAD HASSAN	15	MALICASA	GGPS Ghant Shah (Lundkhvora)
8	230	SADIA HARVEEN	HAJI QAMAR DIN	15	MALICASA	GGPS Ghant Shah (Lundkhvora)
9	271	BREHAT BEGUM	IZZAT KHAN	15	BAGHOADA NO. 1	GGPS Ghant Shah (Lundkhvora)
10	38	ALMAS	SAID AHMAD	15	SARAY KUROOJA	GGPS Taha Banda (Rustam)
11	364	ROZINA BIBI	JAMSHAD BAGHA	15	CITY NO. 1	GGPS Taha Banda (Rustam)
12	385	SHAMIDA ASMAT	ASMAT ULLAH	15	SHEIKH MAL TOON	GGPS Abdul Qadir Kaly
13	396	ISMAT ARA	GHULAM SARWAR	15	BAGHOADA NO. 1	GGPS Akbar Abad
14	408	RAKSHAHUL BEGUM	AMIR ZAQA	15	KHAN PUR	GGPS Feroz Abad
15	472	MARYAM SAKAR	SADAR KHAN	15	NALA PAR HOTTI	GGPS Gull Kandar
16	606	SHARIFA	ABDUL KADEER	15	AZIMBEL HOTTI	GGPS Jinnah Khan
17	619	GULSHAN BEGUM	NISAR AHMAD	15	KATELANG	GGPS Kadanj
18	627	FARIDA NAI	QAMADAR KHAN	15	SHARIF HILL	GGPS Khairpur Khan Khungwa
19	681	FATSEEN NAZ	SULTAN MUHAMMAD	15	SHEIKH MAL TOON	GGPS Bulawa Khungwa
20	684	GILSHAD BEGUM	GUL RUSH	15	AZIMBEL HOTTI	GGPS Gull Kandar
21	693	WASBUL BEGUM	FAZLI WAHIDUDDIN	15	SAEED ABAD	GGPS Akbar Abad (Lundkhvora)
22	702	SHEHNAZ ARA	KHUSHAL KHAN	15	LUNDKHVORA I	GGPS Haveli Shah (Lundkhvora)
23	724	FAMILLA BEGUM	FAZLI AKRAM	15	BALTI SARIAN	GGPS Haveli Shah (Lundkhvora)
24	795	GIFAZLA	SADAR KHAN	15	AZIMBEL HOTTI	GGPS Haveli Shah (Lundkhvora)
25	857	HALIMA BIBI	AKBAR KHAN	15	KOTI NO. 1	GGPS Ghant Shah (Lundkhvora)
26	893	FARIDA BEGUM	MUHAMMAD HANIF	15	BAGHOADA NO. 3	GGPS Haveli Shah (Lundkhvora)
27	905	FARIDA BEGUM	BARNTAMAR SHAH	15	BAGHOADA NO. 3	GGPS Haveli Shah (Lundkhvora)
28	927	FARIDA BEGUM	FARAZ KHAN	15	JALAMOTI	GGPS Haveli Shah (Lundkhvora)
29	928	REHANA KHAN	ULHAN GILL	15	BAGHOADA NO. 3	GGPS Haveli Shah (Lundkhvora)
30	940	MUSUMAM	MUHAMMAD JAVID	15	KHAN EGGA	GGPS Haveli Shah (Lundkhvora)

Attested
Dawlat Khan
Dawlat Khan Mohmand
Advocate High Court
At Dist: Courts Mardan

Dawlat Khan Mohamud
 Advocate High Court
 At U. at Courts Mardan

Mardan
 Mardan

DISTRICT EDUCATION OFFICER,
 FEMALE MARDAN

1. The Director Of Elementary & Secondary Education, Khyber Pakhtunkhwa
2. The Deputy Commissioner, Mardan
3. District Monitoring Officer Mardan
4. District Accounts Office Mardan
5. ADPO Concerned
6. ADPO Primary Establishment Local Office
7. Teachers Concerned
8. Master File.

Copy forwarded to the:

Dated Mardan the 28/12/2018
 Endro No. 2222/5

(SAMIYA QIYAM)
 DISTRICT EDUCATION OFFICER,
 FEMALE MARDAN

Note: Special No. 12, Mrs. Anis D/O Jaid Ahmad, with serial No. 23, the wife of Jaid Ahmad, is a resident of Mardan. She has a son named Jaid Ahmad, who is a student of the Government Boys' High School, Mardan. The wife of Jaid Ahmad is a resident of Mardan. The wife of Jaid Ahmad is a resident of Mardan.

31	10035	ISHMAT	SHAMIA SULTAN	15	15	SHAMIA SULTAN	15035
32	10035	SHAMIA SULTAN	SHAMIA SULTAN	15	15	SHAMIA SULTAN	15035
33	1004	NASIM BEGUM	NASIM BEGUM	15	15	NASIM BEGUM	1504
34	1004	BINA JAHAN	BINA JAHAN	15	15	BINA JAHAN	1504
35	1129	ZARINA	MRS QADAR	15	15	ZARINA	1129
36	1130	ZAHRA	RAZIA QADAR	15	15	ZAHRA	1130
37	1151	BALASH	MUNA KHAN	15	15	BALASH	1151
38	1169	SHARIFA NAZ	MOHSIN KHAN	15	15	SHARIFA NAZ	1169
39	1175	KLIA DALAL	YOUSUF JALAL	15	15	KLIA DALAL	1175
40	1186	TABASSUM SIKANDAR	SIKANDAR KHAN	15	15	TABASSUM SIKANDAR	1186
41	1189	ZAINAB JAMIL	MUHAMMAD JAMIL	15	15	ZAINAB JAMIL	1189
42	1190	NEELOFAR	MIRAJULI	15	15	NEELOFAR	1190
43	1265	BEENA	GULAM MUHAMMAD	15	15	BEENA	1265
44	1218	SHABEEN AKHTAR	SHABEEN ZAFA	15	15	SHABEEN AKHTAR	1218
45	1251	ZAFQAR BEGUM	ZAFQAR KHAN	15	15	ZAFQAR BEGUM	1251
46	1261	KALTOOM BIDI	MUHAMMAD ZAFQAR	15	15	KALTOOM BIDI	1261
47	1276	ZAGHA PARVEN	ZAGHA KHAN	15	15	ZAGHA PARVEN	1276

Email Address: mardan@education.gov.pk, mardan@education.gov.pk

PHONE/FAX NO. 0957-9330150

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MARDAN



6

6

OFFICE OF THE DISTRICT EDUCATION OFFICE/FEMALE MARDAN

PHONE/FAX NO

EMAIL ADDRESS

PROMOTION ADJUSTMENT NOTIFICATION

Consequent upon the Promotion Order vide this office Endorsement NO. 1244-G /Dated Mardan the 06-02-2018 ,the following Primary School Head Teachers (BPS -15) are hereby adjusted to the schools as mentioned against each as policy and in the best interest of public service with immediate effect.

Aliya
Arshad
Durrat Khatun Mohiuddin
Advocate High Court
Distt. Courts Mardan

S/No	Sen No	Name of Teacher	Father Name	BPS	Present School/ Place of Duty	Place of Adjustment
1	96	ATANIA KAUSAR	ZARGOON	15	MIAN ESSA	GGPS GUROL SHAH (LONDKHWAR)
2	72	HAMEED BEGUM	ABDULHABIB	15	BAGHDAD NO.1	GGPS GNANI SHULKH NO.III
3	79	FEHMIDA BEGUM	JOHAR ZAMAN	15	ALI KHEL HOTI	GGPS YOUSAF KALI (TORU NO.1)
4	126	NARGAS	ANAUDDING	15	CITY NO.1	GGPS KHUDAY NOOR KALAY MARDAN
5	158	LAILA	SADAR KHAN	15	NALA PAR HOTI	GGPS SHAD ALI KHAN
6	191	AFSANA BEGUM	ABDULLAH	15	MIAN ESSA	ANWAR KHAN KALLI (SHERGARH)
7	196	NADIA	MUHAMMAD RASSAN	15	GUJJAR GARHI	GGPS UMDAD TAKHTBHAI
8	230	SAJIDA PARVEEN	HAJIQAMARDIN	15	BAGHDADA NO.1	GGPS KHALID ABAD GUJARAT
9	271	ZEENAT BEGUM	IZZAT SHAH	15	SAIRAY KOROONA	GGPS TORABANOO (RUSTAM)
10	381	ALMAS	SAID AHMAD	15	CITY NO.2	GGPS FAZAL KALI
11	385	ROZINA BIBI	JAMSHAI D BACHA	15	SHEIKH MALTOON	GGPS ABDUL QADA KALAY
12	389	SHAHIDA ASMAT	ASMAT ULLAH	15	BAGHDADA NO.1	GGPS AKBAR ABAD
13	396	ISMAT ARA	GHULAMSARWAR	15	KHAN PUR	GGPS FARZAND ABAD
14	408	RAKSHANDA BEGUM	AMMIR ZADA	15	NALA PAR HOTI	GGPS OAKL KONDAR
15	472	MARYAM SADAR	SADAR KHAN	15	AZI KHIL HOTI	GGPS JANAS KHAS
16	606	SHAISTA	ABDUL KADEER	15	KATLANG	GGPS KATLANG
17	619	GULSHAN BEGUM	NISAR AHMAD	15	SHAM GUNJ	GGPS KHULSRAMKHAN KORONA
18	627	FARIDA NAZ	BAHADAR KHAN	15	SHEIKH MALTOON	GGPS BAJAWRO



						KORONA
19	681	TAHSEENA NAZ	SULTAN MUHAMMAD	15	AZI KHEL HOTI	GGPS DAKKI KANDAR
20	684	DILSHAD BEGUM	GUL RESH	15	SAEED ABAD	GGPS KHALID ABAD (LUNDKHWAR)
21	693	WASEEL BEGUM	FAZLI WADOOD	15	LUNDKHWAR.I	GGPS RAY MAHAL NO.2 (GHERGARH)
22	702	SHOUKAT ARA	KHUSHAL KHAN	15	BAGHEARAM	GGPS ANALBAIG
23	724	FAJALLA BEGUM	FAZLI AKBAR	15	AZI KHEL HOTI	GGPS HIJAB GUL KALI (TORU MARD)
24	795	GHAZALA	SADAR KHAN	15	HOTI NO.1	GGPS GUMBAT NO.4
25	858	HALIMA BIBI	AKBAR KHAN	15	BAGHDADA NO.2	GGPS KANDI SHARIL KHEL
26	898	FARIDA BEGUM	MUHAMMAD ORAIZ	15	BAGHDADA NO.2	GGPS SULAIG ABAD
27	909	SADAQT BEGUM	BAKHTAWAR SHAH	15	JALANDAR	GGPS NAMGANDO
28	922	FARZANA NAZ	FAZAL RAHIM	15	BABU MOHALLA	GGPS NOSHAD KALI
29	928	REHIMA USMAN	USMAN GUL	15	EID GAH	GGPS RUSTAM
30	940	NAZLI JAVID	MUHAMMAD JAVID	15	KHAIR ABAD	GGPS NANG ABAD RUSTAM
31	1038	ISHRAT	MUHAMMAD PHULAIL	15	GADAI SHAH	GGPS QAJEER BANDA
32	1083	SHAHABAN SULTANA	SULTAN MUHAMMAD	15	AKO DHERI	GGPS SULTAN MEMBAR KALI
33	1104	NASRIN BEGUM	KHAN BAHADAR	15	LANDAKAI	GGPS NARI SURANG
34	1106	ROBINA JOHAR	JOHAR KHAN	15	PAR HOTI NO.2	GGPS QIBLO PALO
35	1129	ZARSANIA	MIR QADAR	15	JALANDAR	GGPS GAODMOOHI
36	1150	ZAKIA NAZ	FAZLI GHAFOOR	15	MIAN KHAN	GGPS MIAN KHAN
37	1154	BALQAISH	MUNIR KHAN	15	JAMAL GARHI 1	GGPS SPO GHONDAY
38	1169	SHAKILA NAZ	MOHIB ULLAH KHAN	15	MATHA JADEED	GGPS NO.1 LAKOANI
39	1175	ALIA JALAL	YOUNAS JALAL	15	SHAHBAZ GARHI-3	GGPS KANDI BAGA KHEL
40	1186	TABASSUM SIKANDAR	SIKANDAR KHAN	15	GARYALA KHAS	GGPS HUSSAI GARYALA
41	1189	ZAINAB JAMIL	MUHAMMAD JAMIL	15	QAMAR ABAD PARKHO	GGPS AALI KALI
42	1190	NEELOFAR	IKRAM ULLAH	15	SHAMSHAD ABAD	GGPS GARGAR TORO MAIRA
43	1245	SEEMA	GHULAM MUHAMMAD	15	LABOUR COLONY	GGPS SHAH BAIG
44	1248	SHAHEEN AKHTAR	RAHEEM ZADA	15	MIAN KHAN	GGPS BAROLA BABOZI

Handwritten signatures and stamps:
Attested
Muhammad Khalid
Muhammad Khalid
Muhammad Khalid
Muhammad Khalid
Muhammad Khalid

13

45	1251	SAIFOORA BEGUM	ANWAR KHAN	15	SARO SHAH2	GGPS HAIDAR KHAN KALI
46	1261	KALSOOM BIBI	MUHAMMAD ZAMAN	15	CHIRAGH DIN KALI	GGPS KARAN KHAN DANDE
47	1270	SAEEDA PARVEEN	SHER ALAM KHAN	15	JALALA	GGPS NOOR ABAD

Note: At serial No. 10, Mst. Almas D/O Said Ahmad , with Senrioty No. 381, she will perform at her current station, and will assume Head-Teachership of GGPS Fazal Kali, on 29.03.2018, following the expected retirement of Mst. Musarat Yasmeen , PSHT GGPS Fazal Kali on 20.03.2018.

(SAMINA GHANI)

DISTRICT EDUCATION OFFICER,
FEMAL MARDAN

Endst. No 2232/9 Dated Mardan the 28/2/2018

Copy forwarded to the:

1. The Director of Elementary & Secondary Education , Khyber Pakhtunkhwa
2. The Deputy Commissioner, Mardan
3. District Monitoring Officer Mardan
4. District Accounts Office Mardan
5. SDEO Concerned
6. ADEO Primary Establishment Local Office
7. Teachers concerned
8. Maset File

DISTRICT EDUCATION OFFICER
FEMAL MARDAN

At the Law
Amal Khan
Dawlat Khan Mohammadi
Advocate High Court
At Distt. Courts Mardan

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: emismardan_deofemale@Yahoo.com

Amek B (13)

TRANSFER ORDER

The undersigned is pleased to transfer the following PSHTs, on administrative ground, against the schools as mentioned below, in their own pay and scales, with the immediate effect, in the best interest of public service:

Name of Teacher	Desig:	Current Station	New Station	Remarks
Mst Zeenat Jamal	PSHT (BPS:15)	GGPS Garhyala Khas	GGPS Garhyala Bala	On Administrative Ground
Mst Shakila Akhtar	PSHT (BPS:15)	GGPS Garhyala Bala	GGPS Hussai Garhyala	On Administrative Ground
Mst Tabassum Sikandar	PSHT (BPS:15)	Under transfer to GGPS Hussai Garhyala	GGPS Jalal	On Administrative Ground

No. TA/DA is allowed

Charge Report should be submitted to all concerned.

(Samina Ghani)
DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.

Andst. No. 3453-57 /Transfer File dated Mardan the 5/4 /2018

Copy forwarded to the:-

1. The Deputy Commissioner Mardan
2. District Monitoring Officer (IMU) Mardan
3. District Account Officer Mardan.
4. SDO (Female) Mardan
5. Head Mistresses Concerned.
6. Officials Concerned.

S. Ghani
DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.

Attested
Amek B
Dawlat Khan Mohiuddin
Advocate High Court
M Dist. Courts Mardan

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) MARDAN

Phone: 0937-9230150 Fax No: 0937-9230634

Email Address: emismardan_deofemale@yahoo.com

KPES

MEMORANDUM

The undersigned is pleased to make the following amendment in this Office Order bearing Endst. No. 3453-57, Transfer File Dated Mardan, the 05/04/2018, in the best interest of public service with immediate effect.

No.	Name of Teacher	Designation	Current Station	New Station	Remarks
01	Mst. Zeenat Jamal	PSHT BPS-15	Under transfer to GGPS Garyalla Bala	GGPS Garyalla Khass	Retained at GGPS Garyalla khass
02	Mst. Shakila Akhtar	PSHT BPS-15	Under transfer to GGPS Hussai Garyalla	GGPS Hussai	Functionalization of the Newly Established School
03	Mst. Tabassum Sikandar	PSHT BPS-15	Under transfer to GGPS Jalal	GGPS Garyalla Bala	Against at Sr. 01

Note: No TA/DA is allowed.

Change Form to be submitted to all concerned.

^{sd}
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

Endst No. 4261/66 / Transfer File dated Mardan the 26/4 /2018

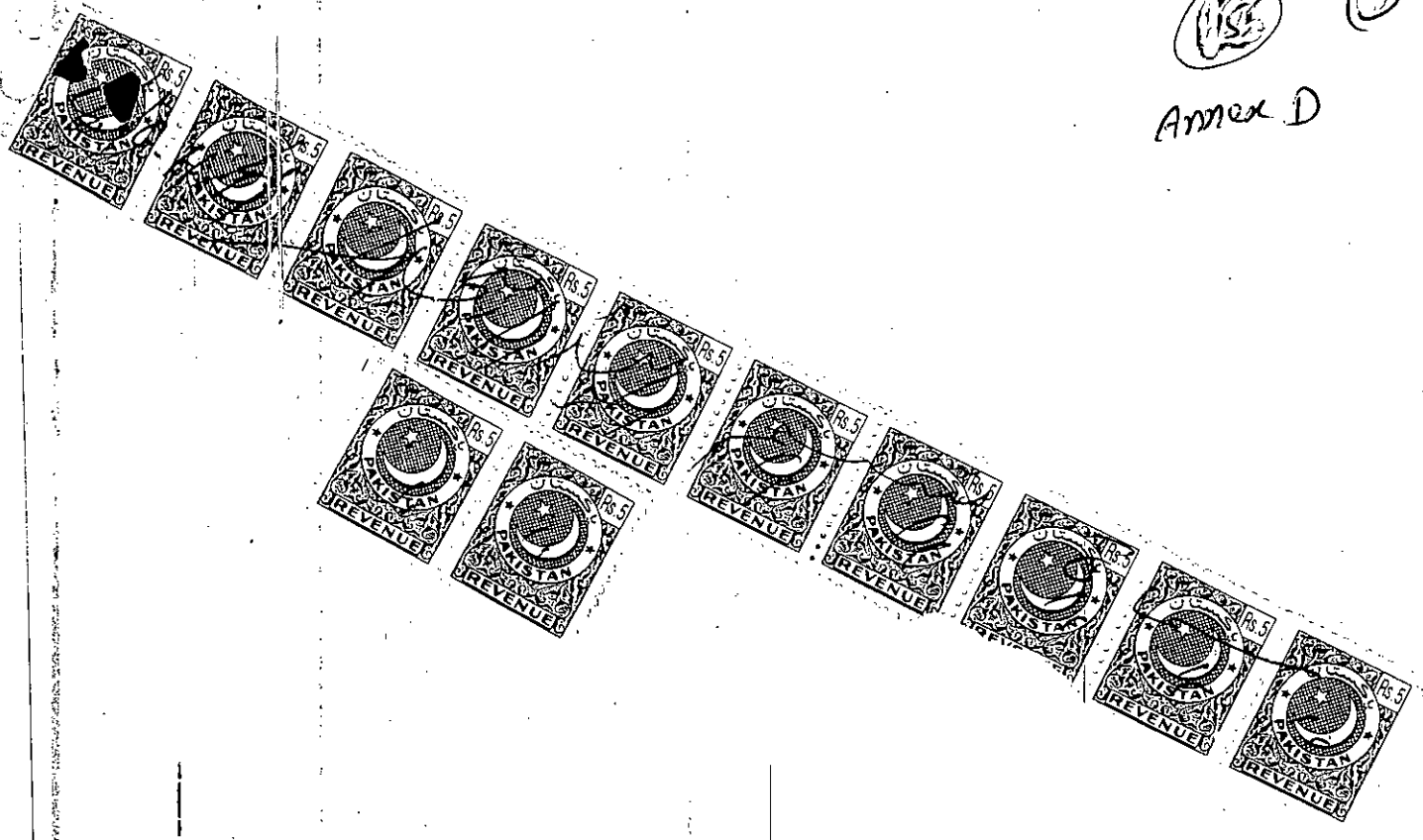
Copy to the:-

1. Deputy Commissioner Mardan
2. District Monitoring Officer (IMU) Mardan
3. District Account Officer Mardan
4. SDEO (F) Mardan
5. Head Mistresses Concerned.
6. Officials concerned.

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

[Signature]
Attest
[Signature]
Advocate High Court
At Dist. Courts Mardan

Annex D



Affidavit

We the folks of the village Husai Garyala Akbar Abad Solemnly affirm and declare on oath that Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad is a dedicated and dutiful teacher and we wish her to perform her duty in the above said school. Because due to her dedication and good teaching method our children are improving after a long time. If Mst. Tabassum Sikandar has been transferred to another school the student will bear irreparable loss and their future will be ruined.

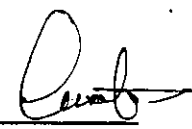
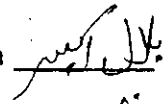
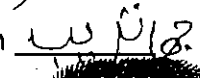
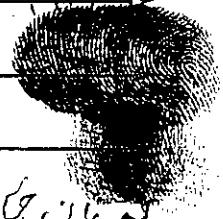
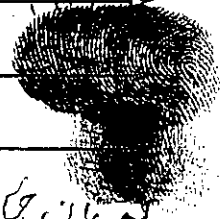
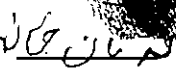
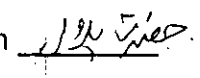
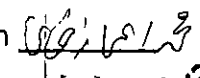
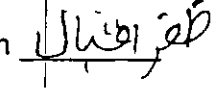
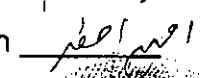





Deponents

1. Name Nawaz Munnir CNIC 16101-237772-5 Sign [Signature]
2. Name KESWAR TAJ CNIC 16101-1279722-5 Sign [Fingerprint]
3. Name FAZAL MAHMUD CNIC 16101-6540363-1 Sign [Signature]
4. Name HUSAINULHAQ CNIC 16101-4391321-3 Sign [Signature]
5. Name FATEMA HUSAIN CNIC 16101-289050-9 Sign [Signature]
6. Name M. AKIF CNIC 16101-7037855-5 Sign [Signature]
7. Name ISHAQ ALI CNIC 16101-6188629-1 Sign [Signature]
8. Name AMTAD ALI CNIC 16101-5386451-7 Sign [Signature]
9. Name M. AYAZ CNIC 16101-48296-1 Sign [Signature]
10. Name IBRAHEM CNIC 16101-6887146-1 Sign [Signature]

Attested
[Signature]

(23)

(16)

- 11. Name HABEBURAHMAN CNIC 17201-271416-1 Sign 
- 12. Name BELAL AKBAR CNIC 16101-4075079-5 Sign 
- 13. Name JEHANZAI B CNIC 16101-1155703-5 Sign 
- 14. Name SAJAD CNIC 16101-1132605-1 Sign 
- 15. Name MUHTIYAR M CNIC 16101-0407525-9 Sign 
- 16. Name ADNAN KHAN CNIC 16101-8802863-5 Sign 
- 17. Name KHAZRAT BELAL CNIC 16101-7457052-5 Sign 
- 18. Name M. IJAZ KHAN CNIC 16101-1714697-7 Sign 
- 19. Name ZAFAR TOBAL CNIC 16101-3352851-7 Sign 
- 20. Name AMBER ASGAR CNIC 16101-1237724-9 Sign 
- 21. Name M. SABIR CNIC 16101-6235151-9 Sign 
- 22. Name UMAR SAID CNIC 16101-1237738-1 Sign 
- 23. Name TWAB SAID CNIC 16101-4284560-9 Sign 
- 24. Name SHEER M CNIC 16101-1531940-9 Sign 
- 25. Name GUL BACHA CNIC 16101-8473689-3 Sign 



Attested
Gulal Khan

Advocate High Court
At Dist Court

08-5-2018

1/5/18

SHANKAR
HEAD MISTRESS
KIPS GARHALL
BALA

1/5/18

Handwritten text in Hindi, likely a letter or report, containing several lines of cursive script. The text is partially obscured by a vertical line and some markings.

4

Handwritten signature or initials, possibly "Amx" or similar, with a circular stamp or mark above it.

Handwritten mark or signature at the bottom right corner.

Before the Khayber Pakhtun Khwa Services Tribunal, Peshawar

Service Appeal No: 977/2018

7158
9/8/18

Mst: Tabbassum Sikandar


V/s

The Director Education, KPK etc

Respectfully Sheweth,

That the instant appeal bearing No as mentioned above, order, dated 08.08.2018, along with appeal copies received, already fixed for hearing on 13.08.2018, but the appellant, being abroad, performing Hajj, so, whenever, she comes back to Pakistan, the undersigned will call both parties to office for hearing, and if the appellant and respondent No.4 agree to mutual transfer, then the department will have no objection, so the matter will be resolved mutually. Copy of N.O.C of respondent No.4 already received and place on file.

dated:09.08.2018


DEO (F) MARDAN

Respondent No: 2

District Education
officer (Female)
Mardan

Attested


Dawlat Khan Mohmand
Advocate High Court
A. Q. No. 10, P. O. Mardan

Before the Khayber Pakhtun Khwa Services Tribunal, Peshawar

Service Appeal No977/ 2018

Mst: Tabbassum Sikandar (appellant)

V/S

The Director Education, KPK etc (Respondents

Appeal U/S of the K.P.K, Service Tribunal Act 1974

Respectfully Sheweth,

1. That the instant appeal is pending before this honorable court .
2. that respondent no 2 already issued letter no 7158 dated 09/08/2018 if both the parties appellant and respondent no 4 agreed on mutual transfer then respondent no 2 have no objection .(letter is attached as annex A)
3. That respondent no 2 Called appellant and respondent No.4 to his office on 4/9/2018 and record their statement, both appellant and respondent No.4 agreed on mutual transfer, so respondent No. 2 issued transfer order on 4/9/2018 and the matter was resolved. (transfer order is annexure B)

In view of the above facts it is, therefore, requested that respondent NO.2 has no objection, if the instant appeal withdraw by the appellant or decreed in the interest of public service.

Dated 11/9/2018

Respondent No. 2

[Signature]
District Education Officer
(Female), Mardan.

[Signature]
[Signature]
Dawlat Khan Mohammadi
Advocate High Court
At Distt. Courts Mardan

To
The Hon'ble Director Education Department
Peshawar, Khyber Pakhtun Khwa

Subject: Departmental appeal against the impugned transfer orders Dated: 05/04/2018 from GGPS, Galyara Husai, Akbar Abad to Jalal Rustam and 26/4/2018 from GGPS Jalal to Galyara Bala, whereby the appellant was transferred continuously from one place to another, while the impugned orders were not dispatched to the appellant which is not maintainable and may please be declare null and void and the order dated 28/2/2017 may please be kept intact.

Respected Sir,

The appellant states as under:

Facts

1. That the appellant was transferred from GGPS Garyala Khas to Garyala Husai via order dated 28/2/2018. (Order is annexed)
2. That immediately another order was issued on 5/4/2018 through which the appellant was transferred from the above mentioned school to GGPS Husai Akbarabad to Jalal Rustam and the same order was followed by another impugned order dated 26/4/2018 from Jalal Rustam to GGPS Garyala Bala. (Order is annexed)
3. That the impugned orders dated 5/4/2018 & 26/4/2018 were issued but never intimated to the appellant. Which is against law, prevailing rules and facts.
4. That the appellant performed her duty according to the order dated 28/2/2018 in the same school and never have neglected her duty. And the people of the locality are satisfied with the teaching method of the appellant and are ready to enhance affidavit about her dedication and dutifulness. Even the future of the students is at verge if a dedicated teacher has been retransferred. As after long time a dedicated teacher has been arrived in this school.
5. That the department did not performed their duty and never have informed the appellant about the orders issued on the above mentioned Dates and the appellant was informed by the another teacher on 6/5/2018 about the orders.
6. That the appellant has performed her duty for 11 years in the GGPS Garyala bala and was transferred to Garyala Khas and it was the order of the department.
7. That from Garyala Khas the appellant was transferred by the department to Husai , Akbar abad according to the promotion rules and policies of the

DSD (E/Mand)
P17
and at the moment
it is a good practice
to be kept intact.

Director
Elementary & Secondary Educ
Khyber Pakhtun Khwa Peshawar

19/5/18
Attested
Mudalim
Durrani
Advocate High Court
At Dist: Courts Mardan



- their duty in their village Council or Union Council on the basis of seniority already present in the said school.
8. That now a days the chief election commissioner of Pakistan as for as provincial commissioner already issued notification not to transfer/adjust or appoint the civil servants. So the district education officer, female Mardan is not justified and authorized to issued the orders. Hence the order of the concern DEO female Mardan is illegal, against law, prevailing rules and facts.
 9. That the DEO female Mardan is totally issued all these orders on political basis with malafide intentions and played a dangerous game with the future of the students and show her efficiency to the political parties to received their blessings and the law did not permit her to do so.
 10. That the department has issued 3 continuous transfer orders in two months. The last two orders or not competent while the order issued date 28/2/2018 is competent one and maintainable. The rest orders date 5/4/2018 and 26/4/2018 is not maintainable in the eye of law.
 11. That the appellatant may not be transferred on the basis of any order which is illegal, against law and prevailing rules.

It is, therefore, humbly submitted that the appellatant may not be transferred from the said school, salary may not be stopped/ceased, any legal/departmental action may please not be taken against the appellatant. Any other remedy according to law may please be grant to the appellatant.

.....Dated 7/5/2018

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad
 P.S.H.T. Appellant
 G.G.P.S Hussai Akbar Abad
 Mardan

Affidavit:

It, is, solemnly affirm and declare on oath that the contents of the appeal in hand are true and correct and nothing has been concealed.



Attest
 Advocate High Court
 At Dist: Courts Mardan

BEFORE THE KHYBER PAKHTON KHWA SERVICES TRIBUNAL PESHAWARService Appeal No. 977 /2018

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Appellant

**VERSUS**

1) The Director Education Department Government Peshawar, Khyber Pakhtun Khwa

2) District Education Officer Female Mardan

3) SDEO Mardan

3) Mst. Shakeela ,Head Teacher R/o P.S HT GGPS Garyala Bala

Respondents

Appeal U/S 4 of Khyber Pakhtun Khwa Service Tribunal 1974, against impugned transfer orders of Director Education Department & DEO female Mardan Dated: 05/04/2018 from GGPS, Galyara Husai, Akbar Abad to Jalal, Rustam and 26/4/2018 from GGPS Jalal to Galyara Bala, whereby the appellant was transferred continuously from one place to another, due to malafide intention, while the impugned orders were not dispatched to the appellant which is not maintainable and may please be declare null and void and the order dated 28/2/2017 may please be kept intact till the final disposal of this case.

ATTESTED



 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Respectfully Sheweth:**Grounds of Appeal:**

1. That the appellant is a government school head teacher PBS 15 and was transferred to GGPS Garyala Husai Akbar Abad on 28/2/2018.
2. That after the above mentioned order immediately after one month another transfer order was proclaimed by DEO Mardan on 5/4/2018 but the order in question was not intimated to the appellant.

3. That suddenly on 26/4/2018 a third order was issued but still the appellant was not informed about her transfer in written but was verbally told the appellant to join GGPS Garyala Bala, where already the appellant performed her duty for 11 years.
4. That orders dated 5/4/2018 and 26/4/2018 of DEO female Mardan beside malafide intention are incorrect, not according to law and are not maintainable in the eye of law. Providing the rules and policy.
5. That the petitioner filed a departmental appeal which was heard but provide no remedy to the appellant. (copies are annexed)
6. That the appellant filed a writ petition before the Peshawar High court Peshawar and the Hon'ble Peshawar High court Peshawar directed the appellant to file the petition before the Khyber Pakhtunkhwa Services Tribunal. (Copy of the writ Petition is annexed)
7. That the District Education officer female Mardan and the Director Education officer told the appellant that his transfer order has been reversed but on one pretext or the other they are not handing over the order to the appellant.
8. That the appellant was transferred from GGPS Garyala Khas to Garyala Husai via order dated 28/2/2018. (Order is annexed)
9. That immediately another order was issued on 5/4/2018 through which the appellant was transferred from the above mentioned school to GGPS Husai Akbarabad to Jalal Rustam and the same order was followed by another impugned order dated 26/4/2018 from Jalal Rustam to GGPS Garyala Bala. (Order is annexed)
10. That the impugned orders dated 5/4/2018 & 26/4/2018 were issued with malafide intention but never intimated to the appellant. Which is against law, prevailing rules, policy of government and facts.
11. That the appellant performed her duty according to the order dated 28/2/2018 in the same school and never have neglected her duty. And the people of the locality are satisfied with the teaching method of the appellant and are ready to enhance affidavit about her dedication and dutifulness. Even the future of the students is at verge if a dedicated teacher has been retransferred. As after long time a dedicated teacher has been arrived in this school.
12. That the department did not performed their duty and verbally informed the appellant about the orders issued on the above mentioned Dates to join GGPS Garyala Bala and the appellant received the information by the another teacher on 6/5/2018 about the orders. Which is illegal and liable to be declared null and void.

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

13. That the appellant has performed her duty for 11 years in the GGPS Garyala bala and was transferred to Garyala Khas and it was the order of the department.
14. That from Garyala Khas the appellant was transferred by the department to Husai , Akbar abad according to the promotion rules and policies of the provincial Government. That the promoted teacher should perform their duty in their village Council or Union Council on the basis of seniority already present in the said school.
15. That now a days the chief election commissioner of Pakistan as for as provincial election commissioner already directed not to transfer/adjust or appoint the civil servants. So the district education officer, female Mardan is not justified and authorized to issue the orders. Hence the order of the concern DEO female Mardan is illegal, against law, prevailing rules and facts.
16. That the DEO female Mardan is totally issued all these orders on political basis with malafide intentions and played a dangerous game with the future of the students and show her efficiency to the political parties to received their blessings and the law did not permit her to do so.
17. That the department has issued 3 continuous transfer orders in two months. The last two orders or not competent while the order issued date 28/2/2018 is competent one and maintainable. The rest of orders dated 5/4/2018 and 26/4/2018 is not maintainable in the eye of law.
18. That the appellant may not be transferred on the basis of any order which is illegal, against law and prevailing rules.
19. That Respondent No.4 has no loss in declaring the impugned orders dated 5/4/2018 and 26/4/2018 null and void. While she has clearly mentioned in her statement that she has no objection to perform her duty in the the school she is posted right now. The statement of Respondent No. 4 is in favor of bright future of the students and not to disturb the study of the students. (Statement of respondent No. 3 is annexed)
20. That the appellant approached and file an application before the director KPK and the director KPK directed the DEO female to resolve the problem of the appellant but the DEO female did not act upon the direction of the director KPK to resolve the grievances of the appellant.
21. That people of the locality of both side have protested against the transfer orders of their respective teacher and demanded that the orders in question to be declare null and void.
22. That Service Tribunal was dysfunction due to absentia of chairman so the departmental appeal cannot be filed. So the appellant instituted before the Peshawar High court Peshawar. But now as the Services Tribunal is functional so the petitioner has been directed to file the same before the Services Tribunal.
23. That the appellant is going for pilgrimage so this appeal has been filed before the time.

ATTESTED

EXAMINER
Cyber Pakhtunkhwa
Service Tribunal
Peshawar

Prayer

It is, therefore, humbly submitted that to set aside the transfer orders, salary may not be stopped/ceased, any legal/departmental action may please not be taken against the appellant. Any other adverse petition may not be taken against the appellant. Any other remedy according to law may please be grant to the appellant.

.....Dated 2/7/2018

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Appellant

Through

Signature
Dawlat Khan Mohmand
B.A.L.L.B.
ADVOCATE
Distt: Courts Mardan

Affidavit:

I, Alamzeb S/o Amrud Khan R/o Mohalla Guli Bagh, Garyala Tehsil & District Mardan, on behalf of the appellant, solemnly affirm and declare on oath that the contents of the petition in hand are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble court.

Deponent

Signature *

CNIC 16101-1457240-7

ATTESTED
Signature
Khadimullah
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTON KHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. _____/2018

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Appellant

VERSUS

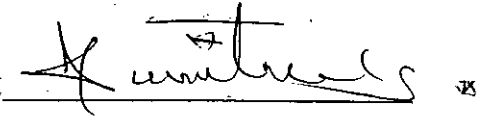
1) The Director Education Department Government Peshawar, Khyber
Pakhtun Khwa

Respondents

Affidavit

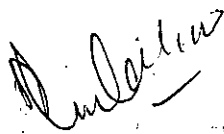
I, Alamzeb S/o Amrud Khan R/o Mohalla Guli Bagh , Garyala Tehsil & District Mardan, on behalf of the appellant, solemnly affirm and declare on oath that the contents of the petition in hand are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble court.

Deponent



CNIC 16101-1457240-7

Verified by



NOTARIZED
TESTED
 CHAIRMAN
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar



BEFORE THE KHYBER PAKHTON KHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. _____/2018

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Applicant

VERSUS

1)The Director Education Department Government Peshawar, Khyber Pakhtun Khwa

Respondents

Application for mandatory injunction against the impugned transfer orders Dated: 05/04/2018 from GGPS, Galyara Husai, Akbar Abad to Jalal, Rustam and 26/4/2018 from GGPS Jalal to Galyara Bala, whereby the applicant was transferred continuously from one place to another with malafide intention and on political basis, while the impugned orders were not dispatched to the applicant which is not maintainable and may please be declare null and void and the order dated 28/2/2017 may please be kept intact. Whereby to restrain the respondents 1 to 3 from stopping/ceasing the salary, transferring on the basis of any illegal order, and any act which is ineffective upon the rights of the appellatant.

Respected Sir,

The Appellant submits as under:

1. That appellatant got good prima facie case in her favour.
2. That balance of convenience is in favor of applicant.
3. That if the status quo has not been issued in favor of the applicant the applicant and the students will bear irreparable loss while in ordering the status quo the respondents bear no loss.

So, it is therefore, very humbly submitted that mandatory injunction against the impugned transfer orders Dated: 05/04/2018 from GGPS, Galyara Husai, Akbar Abad to Jalal, Rustam and 26/4/2018 from GGPS Jalal to Galyara Bala, whereby the appellatant was transferred continuously from one place to another with malafide intention and on political basis, while the impugned orders were not dispatched to the appellatant which is not maintainable and may please be declare null and void and the order dated 28/2/2017

ATTESTED

CLERK
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

may please be kept intact. Whereby to restrain the respondents 1 to 3 from stopping/ceasing the salary, transferring on the basis of any illegal order, and any act which is ineffective upon the rights of the appellatant.

Dated 2/7/2018

Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad

Applicant *[Signature]*
Dawlat Khan Mohmand Advocate
District Court Mardan

Through

Affidavit:

I, Alamzeb S/o Amrud Khan R/o Mohalla Guli Bagh , Garyala Tehsil & District Mardan, on behalf of the appellatant, solemnly affirm and declare on oath that the contents of the petition in hand are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble court.

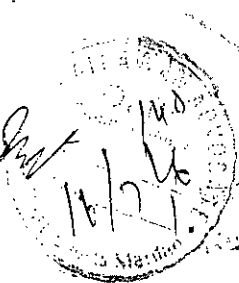
Deponent *[Signature]*

CNIC 16101-1457240-7

Verified by *[Signature]*
Dawlat Khan Mohmand Advocate
District Court Mardan

High Court at district court Mardan

Certified to be true copy
RECEIVED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



Date of Presentation of Application: 28-11-18
Number of Words: 4000
Copying Fee: 22-00
Urgent: 22-00
Total: 22-00
Name of Copyist: *[Signature]*
Date of Completion of Copy: 29-11-18
Date of Delivery of Copy: 29-11-18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE**TRIBUNAL PESHAWAR**

Mst. Tabassum Sikadar resident of PST GGPS Husai Garala Akbar Abad.

Appellant

VS

- 1- The Director Education Department Government Peshawar, Khyber Pakhtunkhwa.
- 2- District Education Officer Female Mardan.
- 3- SDEO Mardan.
- 4- Mst. Sakeela, head Teacher, resident of P.S.H.T GGPS Garala Bala, Mardan.

Respondents

Appeal U/S 4 of the Khyber Pakhtunkhwa, Service Tribunal Act 1974

Subject: - Cognovits on behalf of Respondent No.04.

Respectfully Sheweth,

PARA WISE REPLY

- 1- Para No. 01, is admitted as correct.
- 2- Para No. 02, is also admitted as correct.
- 3- Para No. 03, is also admitted as correct, the respondent No.04, submitted her application, wherein she has shown her willingness to perform her duties, as directed by the concern officials. (Copy of the letter is attached as annexure "A")
- 4- Para No. 04, is also admitted as correct, the respondent No.04, has no concern, with the same.
- 5- Para No. 05, needs no reply. As the said Para is not related with the respondent No.04.
- 6- Para No. 06, needs no reply.

ATTESTED

(Signature)
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

- 7- Para No. 07, is also admitted as correct.
- 8- Para No. 08, is also admitted as correct.
- 9- Para No. 09, is also admitted as correct.
- 10- Para No. 10, is also admitted as correct.
- 11- Para No. 11, is also admitted as correct.
- 12- Para No. 12, is also admitted as correct.
- 13- Para No. 13, needs no reply. As the said Para is not related with the respondent No.04.
- 14- Para No. 14, is also admitted as correct.
- 15- Para No. 15, needs no reply.
- 16- Para No. 16, is also admitted as correct.
- 17- Para No. 17, is also admitted as correct.
- 18- Para No. 18, is also admitted as correct.
- 19- Para No. 19, is also admitted as correct, the said transfer orders has been, substituted with another Mutual transfer order vide Letter No. Endst 7710-13, dated Mardan the 04-09-2018, whereby, the respondent No.04, has acquiesced to it, (Copy of the letter is attached as annexure "B")
- 20- Para No. 20, needs no reply.
- 21- Para No. 21, is also admitted as correct.
- 22- Para No. 22, is also admitted as correct.
- 23- Para No. 23, needs no reply.

In view of these facts it is most humbly prayed that the Appeal of the Appellant may kindly be accepted as prayed for, on the basis of the aforesaid facts and circumstances.

RESPONDENT No4,

TROUGH

Sh. A.

Sh. Sultan
SHUAIB SULTAN
 Advocate High Court
 District Mardan

ATTESTED
[Signature]
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

SHUAIB SULTAN ADVOCATE

Shuaib Sultan
SHUAIB SULTAN
Advocate High Court
District Courts Mardan

Dated 06-09-2018

Affidavit

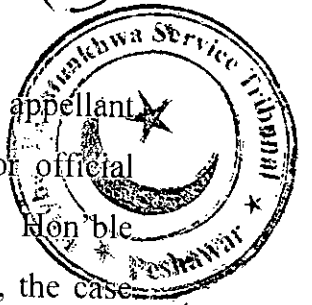
I, Mst. Sakeela, Defendant No.03, do hereby state on solemn affirmation that the contents of the instant Cognovits/ reply are true correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Shuaib As
DEPONENT



SAID ANWAR KHAN
Advocate
Said Anwar Khan
ATTESTED
No 2366 Date 14-9-18
Judicial Public Office Mardan

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



02.11.2018

Husband of the appellant, on behalf of the appellant present. Mr. Usman Ghani, District Attorney for official respondents present. Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 23.11.2018.

[Signature]
Reader

23.11.2018

Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present.

In the present service appeal the appellant has made impugned the transfer/posting orders dated 05.04.2018 and dated 26.04.2018.

Both the learned counsel for the appellant and learned Assistant Advocate General pointed out that on 04.09.2018 during the pendency of the present service appeal, fresh order regarding transfer and posting of the appellant has been issued. Learned counsel for the appellant admitted that in view of the fresh posting/transfer order dated 04.09.2018 as mentioned above the grievance of the appellant has been redressed.

In view of above the present service appeal has become infructuous and as such the same is hereby dismissed. No order as to costs. File be consigned to the record room.

[Signature]
Member

[Signature]
Member

ANNOUNCED
23.11.2018

Certified to be true copy
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application: 28-11-18
Number of Words: 1650
Copying Fee: 10.00
Urgent:
Total: 10.00
Name of Copyist: *[Signature]*
Date of Completion of Copy: 29-11-18
Date of Delivery of Copy: 29-11-18

13.08.2018

Counsel for the appellant and Mr. Riaz Pinda Khel, Assistant AG for official respondents present. Private respondent No. 4 is not in attendance despite service. Fresh notice be issued to private respondents for attendance. In the instant case the appellant was transferred from Government Girl Primary School Jalal to Govt. Girl Primary School Garyal Bala, from her own Union Council to another Union Council against the Transfer/posting Regulatory Act 2011. Therefore status quo be maintained till next date To come up for attendance of respondent No. 4 on 04.09.2018 before SB.

M.A.
(Muhammad Amin Khan Kundi)
Member

04.09.2018

Appellant with counsel presents. Private respondent No.4 present. None present on behalf of official respondents, they be noticed for 17.09.2018. To come up for written reply/comments on the date fixed before S.B.

M.A.
(Muhammad Amin Kundi)
Member

17.09.2018

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply on behalf of private respondent no.4 submitted. Case to come up for arguments on 02.11.2018 before D.B.

ATTESTED

A.H.
(Ahmad Hassan)
Member

M.A.
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

08.08.2018

Counsel for the appellant Mst. Tabassm Sikandar present.

Preliminary arguments heard. It was contented by the learned counsel for the appellant that the appellant was transferred from Government Girl Primary School Jalal to Govt. Girls Primary School Garyal Bala, Vide order dated 26.04.2018. It was further contented that the normal tenure as per transferred posting policy is two years but the appellant was transferred before her normal tenure. It was further contented that as per transferred posting policy the appellant was to be transferred to her own UC, but the respondent department has transferred her to another UC. Therefore the impugned order is illegal contention.

Points raised need consideration. The present appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 13.08.2018 before S.B

Counsel for the appellant has also submitted application of interim relief. Notices of the same also be issued to respondents for reply and arguments on the date fixed.

M Amin
Muhammad Amin Khan Kundi
Member

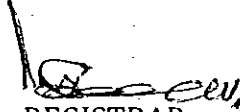


Appellant Deposited
Security & Process Fee
[Signature]

ATTESTED
[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 977 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/08/2018 8-8-18	The appeal of Mst. Tabassum Sikandar resubmitted today by Mr. Dawlat Khan Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR 8/8/18
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>8-8-18</u> .  CHAIRMAN
		ATTESTED  EXAMINER Khyber Pakhtunkhwa Service Tribunal, Peshawar



**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN**

MUTUAL TRANSFER.

Mutual Transfer of the following PSHTs is hereby ordered on their own pay and Grade to the school noted against each in the interest of public service with immediate effect.

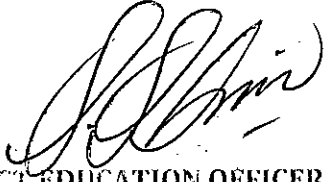
S.No	Name & Designation	BPS	From	To
1	Mst: Tabassum Sikandar, PSHT	15	GGPS, Garyala Bala	GGPS, Hussai Akbar Abad
2	Mst: Shakila Akhtar, PSHT	15	GGPS, Hussai Akbar Abad	GGPS, Garyala Bala

**(SHABNAM SHEREEN)
DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.**

Endst. No. 7710-13 /Dated Mardan the 4/9 /2018

Copy forwarded to the:-

1. SDEO (F) Mardan.
2. District Comptroller of Accounts Mardan.
3. DMO Mardan.
4. Head Mistress Concerned.


**DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN**

(37)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address:-emismardand_deofemale @Yahoo.com

OFFICE ORDER

Mst: Tabassum Sikandar, PSHT, GGPS, Hussai Akbar Abad Mardan is hereby transferred on administrative ground to GGPS, Ghazi Baba (Katlang) in her own pay and scale, against vacant post in the interest of public service with immediate effect.

Note: No. TA/DA is allowed

Charge report should be submitted to all concerned.

(SOFIA TABASSUM)
DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.

Endst. No. 10584-86 Dated Mardan the 24/11 /2018

Copy forwarded to the:-

1. District Account Officer Mardan.
2. SDEO (Female) Mardan/Katlang.
3. Head Teacher Concerned.
4. Personal File.


DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.

To

The Hon'ble Director Education Department

Peshawar, Khyber Pakhtun Khwa

Subject: Departmental appeal against the impugned transfer orders Dated: 05/04/2018 from GGPS, Galyara Husai, Akbar Abad to Jalal, Rustam and 26/4/2018 from GGPS Jalal to Galyara Bala, Galyara Bala to Husai Dated 4/9/2018 and from Husai to GGPS Ghazi Baba Katlang whereby the appellant was transferred continuously from one place to another, while the impugned orders were not dispatched to the appellant which is not maintainable and may please be declare null and void and the order dated 28/2/2017 and Date 4/9/2018 may please be kept intact.

Respected Sir,

The appellant states as under:

Facts

1. That the appellant was transferred from GGPS Garyala Khas to Garyala Husai via order dated 28/2/2018. (Order is annexed A)
2. That immediately another order was issued on 5/4/2018 through which the appellant was transferred from the above mentioned school to GGPS Husai Akbarabad to Jalal Rustam and the same order was followed by another impugned order dated 26/4/2018 from Jalal Rustam to GGPS Garyala Bala. (Order is annexed B)
3. That the impugned orders dated 5/4/2018 & 26/4/2018 were issued but never intimated to the appellant. Which is against law, prevailing rules and facts. Order is annexed C.
4. That the appellant performed her duty according to the order dated 28/2/2018 in the same school and never have neglected her duty. And the people of the locality are satisfied with the teaching method of the appellant and are ready to enhance affidavit about her dedication and dutifulness. Even the future of the students is at verge if a dedicated teacher has been retransferred. As after long time a dedicated teacher has been arrived in this school. Mst. Shakila the teacher has also given her affidavit where she has admitted that she has not any objection regarding the transfer. While the department has also admitted the same in written. Affidavits are annexed D.
5. That the department did not performed their duty and never have informed the appellant about the orders issued on the above mentioned Dates and the appellant was informed by the another teacher on 6/5/2018 about the orders.

6. That the appellant has performed her duty for 11 years in the GGPS Garyala bala and was transferred to Garyala Khas and it was the order of the department.
7. That from Garyala Khas the appellant was transferred by the department to Husai , Akbar abad according to the promotion rules and policies of the provincial Government policy. That the promoted teacher should perform their duty in their village Council or Union Council on the basis of seniority already present in the said school.
8. That the chief election commissioner of Pakistan as for as provincial commissioner had issued notification not to transfer/adjust or appoint the civil servants. So the district education officer, female Mardan was not justified and authorized to issue the orders. Hence the order of the concern DEO female Mardan is illegal, against law, prevailing rules and facts.
9. That the DEO female Mardan is totally issued all these orders on political basis with malafide intentions and played a dangerous game with the future of the students and show her efficiency to the political parties to received their blessings and the law did not permit her to do so.
10. That the department has issued 3 continuous transfer orders in two months. The last two orders or not competent while the order issued date 28/2/2018 is competent one and maintainable. The rest orders date 5/4/2018 and 26/4/2018 is not maintainable in the eye of law.
11. That the appellant being aggrieved of the transfer orders filed a service appeal before the Khyber Pakhton Khwa Services tribunal on 2/7/2018. Copy of which is annexure E.
12. That the department admitted, revised and declared all the orders null and void on 23/11/2018 before the KPK Services Tribunal and issued a fresh order on 4/9/2018. Where the petitioner was transferred from Garyala bala to Husai. Copy of the order of KPK Services Tribunal and transfer order is annexed F.
13. That again on 24/11/2018 the very next day of the court order, the department malafidely, illegally and against the rules another order whereby the petitioner was transferred from Husai to GGPS Ghazi baba Katlang. Which is not maintainable and is liable to be set aside.
14. That the appellant may not be transferred on the basis of any order which is illegal, against law and prevailing rules.

It is, therefore, humbly submitted that the appellant may not be transferred from the said school, salary may not be stopped/ceased, any

legal/departmental action may please not be taken against the appellant.
Any other remedy according to law may please be grant to the appellant.

.....Dated 3/12/2018

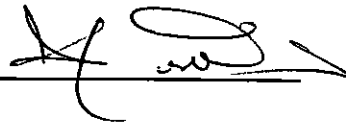


Mst. Tabassum Sikandar R/o P.S HT GGPS Husai Garyala Akbar Abad
Appellant

Affidavit:

I, solemnly affirm and declare on oath that the contents of the appeal in hand are true and correct to the best of my knowledge and nothing has been concealed.

Deponent



Mst. Tabbasume

مورخہ 15 مارچ 2019ء منجانب: سائل /
 مقدمہ بعنوان: حسرت تبسم سکندر بنام: ڈاکٹر سید ارشد حسین و سہیل
 مقدمہ نمبر: رجوعہ
 نوعیت مقدمہ: سروس ریسٹریکشن
 مقدمہ علت نمبر: مورخہ
 جرم: تھانہ

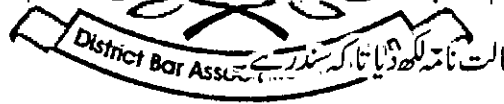


باعث تحریر آنکہ



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

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقرر کی ثالث و فیصلہ برحلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زبردفعہ (2) 12 ض و درخواست برآمد برآمدگی و سرسبزی مقدمہ، درخواست برآمد منسوخی کاروائی و ڈگری یکطرفہ دائر کرنے جواب، جواب الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق ذراں پر دستخط وغیرہ کرنے کا اختیار ہوگا۔ اپیل، اپیل دراپیل، نگرانی، نظر ثانی، رٹ و عذر داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت ضرورت مذکورہ کے عمل یا جزوی کاروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہونا یا حد سے باہر ہونا یا بیمار ہونا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سندریں



المرقوم: 10-3-2019

مقام کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کو نوکالی ناقابل قبول ہوگی۔

Advocate I.D:

Bar Council

bc - 10 - 6328

Bar Association

Mardan

Contact #:

0314-9615861

Attested & Accepted

Dawlat Khatun Mohammad
 Advocate High Court
 At Distt. Courts Mardan

صفا تبسم سکندر زویہ عالم زبیب قورمیش ٹریبونل سروس ریسٹریکشن

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No: 361/2019

PESHAWAR

Mst.Tabassum Sikandar (PSHT) R/O GGPS Husai Garyala, Akbar Abad Mardan.
(Appellant)

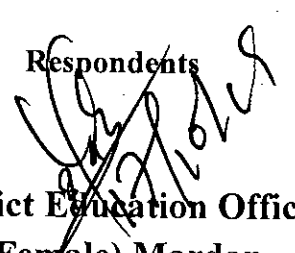
Versus

The Director (Elementary & Secondary) Education KPK Peshawar & Others
(Respondents)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with affidavit		01	04
2	Copy of Transfer Oder	A	05	--

Respondents


District Education Officer
(Female) Mardan

Dated: 17/10/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No: 361/2019

PESHAWAR

Mst.Tabassum Sikandar (PSHT) R/O GGPS Husai Garyala, Akbar Abad Mardan.
(Appellant)

Versus

The Director (Elementary & Secondary) Education KPK Peshawar & Others
(Respondents)

Para Wise Comments on Behalf of Respondents No 1 to 3

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is incompetent in its present form, hence liable to be dismissed.
3. That the instant appeal is badly time barred.
4. That the instant appeal is **not maintainable**, hence the appeal is liable to be dismissed.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is estopped by his own conduct.
7. That the appellant is **transferred** from GGPS Hussai Akbar Abad Mardan is hereby transferred on administrative ground to GGPS Ghazi Baba (katlang) Mardan vide No 10584-86 dated 24-11-2018.

(Copy of transfer Order is as Annexure A)

8. That the Competent Authority (Respondent No 2) U/S 10 of Civil Servant Act 1973 is in empowered to transfer any civil servant from one place to another at any time, in exigencies of service Or on administrative ground. Civil Servant having been transferred on administrative ground, such order was not in violation of the transfer policy.
9. That the respondent has not issued transfer order on malafide and ulterior motive, therefore, not necessary that in transfer order detail must be given

because transfer order, which is passed in the discretion of the respondent (Competent Authority), cannot be challenged in routine.

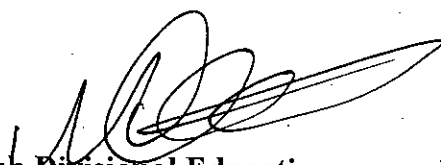
10. That the appellant is liable to be transfer anywhere in exigencies of service, **having no vested right of his choice for a specific place.**

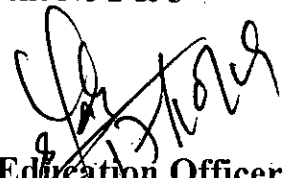
FACTS:

1. Para No 1.is incorrect, baseless, against facts as the appellant and other PSHT (Teachers) are hereby adjusted to the schools as mentioned in the said order vide No 2232/G, Dated 28-02-2018, hence denied.
2. Para No 2 is incorrect, baseless ,and against facts, as the appellant is hereby transferred from GGPS Hussai Garyala Rustum to GGPS jalal Rustum on administrative ground, and the appellant has transferred from GGPS jalal to GGPS Garyala Bala in the best interest of public service, hence denied.
3. Para No 3 is incorrect, baseless, and against facts, as the respondent No 02 were issued orders dated 05-04-2018 and 26-04-2018 and copy to the PSHT (appellant) and other Officials, hence denied.
4. Para No 4 is incorrect, baseless, and against facts, as the appellant performed her duty according to the order dated 28-02-2018 which is showing the negligence and Misconduct of the appellant because the appellant was transferred from GGPS Hussai Akbar Abad to GGPS, Ghazi Baba (katlang) dated 24-11-2018 on administrative ground, but the appellant has not obeyed any order of the respondent and the appellant has performed duty her own choice for specific school, hence denied.
5. Para No 5 is incorrect, baseless, and against facts, as the respondent No 02 were issued orders dated 05-04-2018 and 26-04-2018 and copy to the PSHT (appellant) and other Officials, hence denied.
6. Para No 6 pertains to record, however the appellant has completed his tenure in the said school, hence needs comments.
7. Para No7 pertains to record, hence needs no comments.
8. Para No 8 is incorrect, baseless, and against facts, as the respondents being a responsible Government Officer acted in according to law and rules. The said transfer order dated 24-11-2018 is issued on administrative ground which is not violation of the rule and regulation, hence denied.

9. Para No 9 is incorrect, baseless, and against facts, as the respondents issued all orders in the interest public service and to save the precious and valuable time, education of the students, because the appellant is disobedient, Careless, and irresponsible **Servant** in the respondent department, hence denied.
10. Para No 10 is incorrect, baseless, and against facts, as the respondents being a responsible Government Officer acted in according to law and rules. The said transfer order dated 24-11-2018 is issued on administrative ground which is not violation of the rule and regulation, hence denied.
11. Para No 11 pertains to record, hence needs no comments.
12. Para No 12 is incorrect and reply is in the above paras, hence denied.
13. Para No 13 is incorrect, baseless, and against facts, as the respondent has not issued transfer order on malafide and ulterior motive, there therefore, not necessary that in transfer order detail must be given because transfer order which is passed in the discretion of the respondent (Competent Authority), cannot be challenged in routine hence denied.
14. Para No 14 is baseless, and against facts, as the That the Competent Authority (Respondent No 2) U/S 10 of Civil Servant Act 1973 is in empowered to transfer any civil servant from one place to another at any time, in exigencies of service or on administrative ground. Civil Servant having been transferred on administrative ground, such order was not in violation of the transfer policy. Therefore, the appellant is liable to be transfer anywhere in exigencies of service, having no vested right of his choice for a specific place.
15. Para No 15 pertains to record, hence needs no comments

It is therefore humbly prayed that in the light of above facts, the service appeal may please be dismissed with cost.


Sub Divisional Education
Officer (Female) Mardan

Respondents No 1, on behalf
of
Respondent No 2 & 3

District Education Officer
(Female) Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No: 361/2019

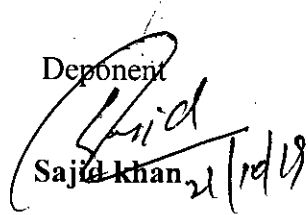
Mst.Tabassum Sikandar (PSHT) R/O GGPS Husai Garyala, Akbar Abad Mardan.
(Appellant)

Versus

The Director (Elementary & Secondary) Education KPK Peshawar & Others
(Respondents)

AFFIDAVIT

I, Mr Sajid khan Legal Advisor Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted by Respondents No 1 to 3 are true to the best of my knowledge and belief and nothing has been concealed from this Honorable

Deponent

Sajid Khan 21/11/19

16101-6005318-5

Annex A

5

137

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: emismardand_deofemale @Yahoo.com

OFFICE ORDER

Mst: Tabassum Sikandar, PSHT, GGPS, Hussai Akbar Abad Mardan is hereby transferred on administrative ground to GGPS, Ghazi Baba (Katlang) in her own pay and scale, against vacant post in the Interest of public service with immediate effect.

Note: No. TA/DA is allowed

Charge report should be submitted to all concerned.

(SOFIA TABASSUM)
DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.

Endst. No. 10584-86 Dated Mardan the 24/11 /2018

Copy forwarded to the:-

1. District Account Officer Mardan.
2. SDEO (Female) Mardan/Katlang.
3. Head Teacher Concerned.
4. Personal File.


DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No.361/2019

Mst. Tabasum Sikandar Resident of P.S HT Husai Garyala Akbar Abad.
.....Appellant

VERSUS

1. The Director Education Department Govt of Khyber Puhtoonkhwa.
2. District Education Officer.
3. SDEO Mardan..... **Respondents**

REJOINDER ON BEHALF OF APPELLANT

Respected Sir,

Preliminary Objection:

All Preliminary Objections are misconceived,incorrect. Denied.

On Facts:

Paras 1 to 15.

- 1- Para No.01 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 2- Para No.02 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied. While the para No.02 of the appeal is based on real fact.
- 3- Para No.03 of the reply is concoct, incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 4- Para No.04 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 5- Para No.05 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.

- 6- Para No.06 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 7- Para No.07 needs no reply.
- 8- Para No.08 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 9- Para No.09 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 10- Para No.10 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 11- Para No.11 needs no reply.
- 12- Para No.12, in incorrect hence denied.
- 13- Para No.09 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 14- Para No.09 of the reply is incorrect, wrong, illegal against the law and facts of the case , hence denied.
- 15- Para No.11 needs no reply.

It is therefore humbly requested that appeal may please be accepted and the appellant may no be transferred from said school, and her salary may not be stopped / ceased, and any illegal departmental action any not be taken against her

Any other relief deemed fit may also be graciously granted please.

Dated: 15 / 11 /2019

Appellant

Through

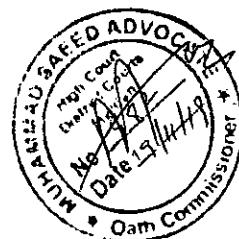
AFFIDAVIT

I, Mst. Tabasum Sikandar Resident of P.S HT Husai Garyala Akbar Abad, do hereby solemnly affirm that the contents of Rejoinder are true and correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'able Tribunal.

Deponent

Tabasum
 Dawlat Khan Mohmand
 Advr
 At Dist. Courts Multan

Tabasum





**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN**

EMAIL: emismardan_deofemale@yahoo.com PHONE # 0937-9230150



OFFICE ORDER:

The transfer order of Mst; Tabassum Sikandar PSHT, GGPS Hussai Akbar Abad vide Endst No: 10584-86 dated 24-11-2018 is hereby withdrawn in the interest of public service from the date of its issuance.

(FARZANA SARDAR)
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

Endst: No: 4881/G Dated: 09/11/2020.

Copy to:-

1. District Account Officer, Mardan.
2. SDEO (Female) Rustam.
3. ASDEOs Concerned.
4. Official Concerned.

DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN