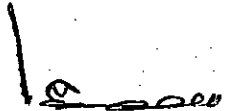



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 957/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2019	<p>The appeal of Mst. Gul Sanga presented today by Mr. Israr ud Din 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 24/7/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08-08-2019</u></p> <p style="text-align: right;">CHAIRMAN</p>  <p>08.08.2019</p> <p>Counsel for the appellant present.</p> <p>Learned counsel for the appellant requests for withdrawal of instant appeal with the permission to file fresh one, if need be.</p> <p>Order accordingly.</p> <p style="text-align: right;"> Chairman</p> <p style="text-align: center;"><u>ANNOUNCED</u> 08.08.2019</p>

*imp order?*

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR.**

Service Appeal No. 957/2019

Gul Sanga .....(Appellant)

**VERSUS**

District Education Officer (Female) District Mohmand and  
others.....(Respondents)

**I N D E X**


S.No.	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the parties		8
4.	Copy of CNIC	A	9
5.	Copies of appointment order and Pay Slip	B & B-1	10-11
6.	Copy of appointment order, Pay Slip, transfer/arrival order and CNIC	C, D, E & E-1	12-16
7.	Copy of application with letter	F & F-1	17-18
8.	Copies of Writ Petition and order dated 13/06/2019	G	19-21
9.	Power of attorney		22-23
10.	Court Fee Wakalatnama		24
11.			

Appellant

Through

Dated: 05/07/2019

  
Israr ud Din

&  
  
**Muhammad Anwar Mohmand**  
Advocates High Court,  
Peshawar.  
Cell No. 0345-5997922

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. 957/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1027

Dated 24/7/19

Gul Sanga Wife of Nuratullah Khan R/o Hayat Abad, House  
No. 343, Street No. 10, Sector F-7, Peshawar.....(Appellant)

**VERSUS**

1. District Education Officer (Female) District Mohmand.
2. District Education Officer (Female) District Peshawar.
3. Director Elementary and Secondary Education, Khyber  
Pakhtunkhwa, G.T. Road, Hashtnagri, Peshawar
4. Government of Khyber Pakhtunkhwa through Secretary,  
Elementary and Secondary Education, Civil Secretariat,  
Peshawar.....(Respondents)

Filed to-day

**APPEAL UNDER SECTION 4 OF KHYBER  
PUKHTUNKHWA SERVICE TRIBUNAL ACT  
1974.**

Registrar  
24/7/19

**Prayer in appeal:**

On acceptance of this Service Appeal, the  
appellant may kindly be transferred from District  
Mohmand to District Peshawar under the wedlock/  
spouse policy.

**Respectfully Sheweth:**

Brief facts giving rise to the instant Writ Petition are  
as under:

1. That the appellant is law abiding citizen of Pakistan and belong to a respectable family and permanently residing at Hayatabad, District Peshawar. (Copy of CNIC is attached as annexure "A").
2. That appellant was appointed on 05/11/1994 in the respondent department and is presently serving at TT Teacher BPS-15 at (GGPS) Government Girls Primary School Hunar Kali, Kamali Upper Mohmand. (Copies of appointment order and Pay Slip are as annexure "B" & "B-1").
3. That husband of the appellant Nusratullah is serving as a Security Incharge (BPS-13) in Government of Khyber Pakhtunkhwa Population Welfare Department Office of the District Population Welfare Officer, House No. 17, Sector J-I, Phase-2, Hayatabad Peshawar, and they are also residing at Hayat Abad, Peshawar. (Copy of appointment order, Pay Slip transfer order and CNIC as annexure "C", "D", "E" & "E-1" respectively).
4. That the appellant moved an application dated 04/02/2019 to respondent No. 2 to transfer the

same from District Mohmand to District Peshawar, but no order has been passed till date. (Copy of application with letter are attached as annexure "F" & "F-1").

5. That appellant filed Writ Petition No. 3170-P/2019 before the Hon'ble Peshawar High Court, Peshawar, but the above said Writ Petition was dismissed in limine, with the order that the petitioner would be at liberty to approach the proper forum for redressal of her grievance vide order dated 13/06/2019. (Copies of Writ Petition and order dated 13/06/2019 are attached as annexure "G").

Now the appellant being aggrieved from discriminate treatment of respondents approached this Hon'ble Tribunal for redressal of her grievances, on the following grounds, inter-alia:

**GROUND:**

- A. That the appellant has 5 children all are school going, and appellant had to travel more than 200 Kilometers everyday which is impossible for her to

same from District Mohmand to District Peshawar, but no order has been passed till date. (Copy of application with letter are attached as annexure "F" & "F-1").

5. That appellant filed Writ Petition No. 3170-P/2019 before the Hon'ble Peshawar High Court, Peshawar, but the above said Writ Petition was dismissed in limine, with the order that the petitioner would be at liberty to approach the proper forum for redressal of her grievance vide order dated 13/06/2019. (Copies of Writ Petition and order dated 13/06/2019 are attached as annexure "G").

Now the appellant being aggrieved from discriminate treatment of respondents approached this Hon'ble Tribunal for redressal of her grievances, on the following grounds, inter-alia:

**GROUND:**

- A. That the appellant has 5 children all are school going, and appellant had to travel more than 200 Kilometers everyday which is impossible for her to

travel on a daily basis in order to fulfill their duties as a teacher, mother and wife respectively.

B. That the appellant not been treated by the respondents in accordance with law, rules, regulations and policy on the subject and thus respondents violated Article, 35, 38 of the Constitution of Islamic Republic of Pakistan, 1973.

C. That under Article 35 and 38 of the Constitution of Islamic Republic of Pakistan, 1973, the state is under obligation to protect the marriage the family the mother and the children to secure the will being of the citizen of Pakistan.

D. That under the wedlock/spouse policy of the Government of Khyber Pakhtunkhwa as provided for under Section 10 of the NWFP Civil Servant Act 1973 (hereinafter referred to as "CSA") and reproduced in Chapter-II Clause-16 of the Establishment Code of Government of Khyber Pakhtunkhwa. (Revised Edition 2011) (Hereinafter to as Esta Code) it is provided.

POSTING/ TRANSFER- POLICY OF THE  
PROVINCIAL GOVERNMENT:

(i). All posting/transfer shall be strictly in the public interest and shall not be abused/ misused to victimized the Government Servant.

(ix). Regarding the posting of husband/wife both in Provincial Services efforts where possible would be made to post such persons at one station subject to public interest.

E. That the Superior Courts have repeatedly held that if the husband and wife are posted in different cities, the same would surely cause mental distress to both of them with to consequences which both will not only be injurious to them and the public exchequer but could also impair their efficiency in discharge of official functions.

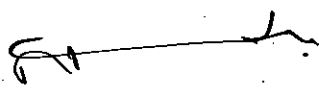
F. That some other grounds may be adduced during the course of arguments with kind permission of this Hon'ble Court.

It is, therefore, prayed that on acceptance of this Service Appeal, the appellant may kindly be



transfer from District Mohmand to District Peshawar.

Along with any other relief which this Hon'ble Court deems just and appropriate in the circumstances of the case, not specifically asked for may also be awarded/granted in favour of appellant against respondents.



Appellant

Through



**Israr ud Din**

Dated: 15/07/2019

& ~~Anwar~~  
**Muhammad Anwar Mohmand**  
Advocates High Court,  
Peshawar.

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2019

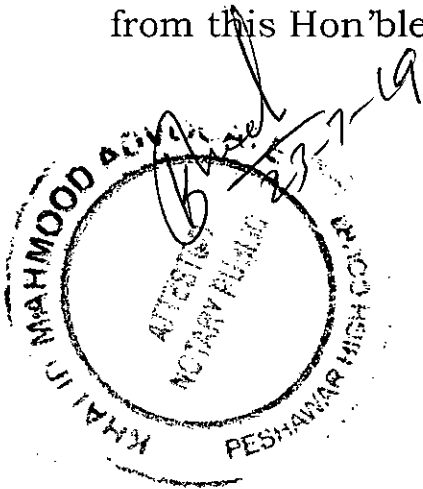
Gul Sanga .....(Appellant)

**VERSUS**

District Education Officer (Female) District Mohmand and others.....(Respondents)

**AFFIDAVIT**

I, Nasrat Ullah Khan S/o Mir Ahmad Khan R/o Hayat Abad, House No. 343, Street No. 10, Sector F-7, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*[Signature]*  
**DEPONENT**  
CNIC: 61101-6549085-5  
Cell No. 0334-5500363

(8A)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. \_\_\_\_\_/2019

Gul Sanga .....(Appellant)

**VERSUS**

District Education Officer (Female) District Mohmand and  
others.....(Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Gul Sanga Wife of Nuratullah Khan R/o Hayat Abad, House  
No. 343, Street No. 10, Sector F-7, Peshawar.

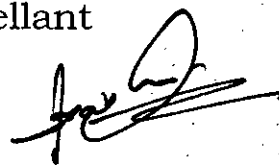
**RESPONDENTS:**

1. District Education Officer (Female) District Mohmand.
2. District Education Officer (Female) District Peshawar.
3. Director Elementary and Secondary Education, Khyber  
Pakhtunkhwa, G.T. Road, Hashtnagri, Peshawar
4. Government of Khyber Pakhtunkhwa through Secretary,  
Elementary and Secondary Education, Civil Secretariat,  
Peshawar.



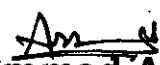
Appellant

Through



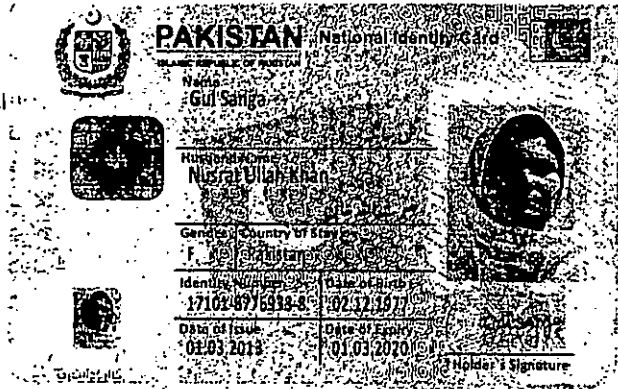
**Israr ud Din**

Dated: 15/07/2019

&   
**Muhammad Anwar Mohmand**  
Advocates High Court,  
Peshawar.

9

Annex - A



ATTESTED



Annex B 10

OFFICE OF THE AGENCY EDUCATION OFFICER MOHMAND AGENCY GHALLANAI  
APPOINTMENT

The following Female Candidates are hereby appointed against Theology Teacher Post in RPS No. 7 (Rs: 1480-81-2695) plus usual allowances with effect from the date of their taking over charge in the interest of public service.

Sr. No.	Name/Father Name	Posted at	Remarks
1)	Abada Khanum D/O Babadar Khan	GGPS, Ali Zaman Kor	Against Newly created TT Post
2)	Rashida Khanum D/O Khanzada Khan	GGPS, Kamali	edec
3)	Naheed Begum, D/O Zahir	GGPS, Lal War Shani Khals	edec
4)	Gul Sanga D/O Mohd Mastan	GGPS, Hunar Killi, Kamali	edec Ghazi Begum, 5/11/94
5)	Laila D/O Mohd Mastan	GGPS, Bare Khals	edec
6)	Shamim Parveen, D/O Faiz Ullah Khan	GGPS, Masood Ghulam Habib	edec
7)	Melofar D/O Shahbaz Khan	GGPS, Ziarat Masood	edec
8)	Perwain D/O Gul Tano	GGPS, Ghazi Beg (Doran)	edec
9)	Basmina Begum D/O Gultan Mohd	GGPS, Mirai Kor	Against Vacant TT Post
10)	Tasmina Begum D/O Toor Khan	GGPS, Gorgoral	edec
11)	Surifat Begum, D/O Daftarsiten	GGPS, Qandari (Aslam Kor)	Against Newly created Post
12)	Nizakat D/O Morsaleen	GGPS, Ucha Jawar	edec
13)	Fatma Bibi, D/O Noor Aslam Khan	GGPS, Masood (Malak Zarin)	edec
14)	Razia Haddo, D/O Habib Ullah	GGPS, Mansoor Kor	Against Vacant TT Post
15)	Mahnaz Begum, D/O Hawar Shah	GGPS, Sagi (Fazli Mula)	Against Newly created Post
16)	Zaibun Nisa D/O Mohammad Khan	GGPS, Darwazgale	edec
17)	Fozina D/O Mukarram Khan	GGPS, Asghar Kor	edec

Terms/Conditions

- 1) The appointment is made on temporary basis and liable to termination at any time without any notice and assigning any reasons.
- 2) They will be produced their original certificates before taking over charges.
- 3) Health and Age certificate should be produced from the Agency Surgeon Ghallanai.
- 4) Charge reports should be submitted to all concerned.
- 5) They shall not be handed over charge of the post if they are above of 30 Years or below of 18 Years.

(Mohammad Roshan Khan Wazir),  
Agency Education Officer,  
Mohmand Agency at Ghallanai

Ends: No. 12238-67 Dated 5/11/94 1994  
Copy forwarded for information to:

- 1) Secretary to Chief Minister NWFP, Peshawar
- 2) MHA Mohmand Agency
- 3) Senator Mohmand Agency
- 4) Political Agent Mohmand Ghallanai
- 5) Director of Education (FATA) NWFP, Peshawar
- 6-16) Candidates Concerned
- 17) AEO (Female) at Ekka Ghunde
- 18) Pay clerk Concerned
- 19) Accountant Local Officer.



Mohammad Roshan  
Agency Education Officer,  
Mohmand Agency at Ghallanai

ATTESTED

SN:1 GHALANAI

Pers #: 00102948 Buckle:  
 Name: GUL SANGA  
 THEOLOGY TEACHER  
 CNIC No. 0013977683203  
 GPF Interest Applied  
 15 Active Temporary

P Sec:001 Month:May 2019  
 MG0005 -Agency Education Officer M  
 Min. Of K.A & N.A & S.F.R  
 NTN:  
 GPF #: 3239  
 Old #:

PAYS AND ALLOWANCES:		MG0005	-16
0001-Basic Pay		34,740.00	
1000-House Rent Allowance		2,349.00	
1210-Convey Allowance 2005		2,856.00	
1300-Medical Allowance		1,500.00	
1528-Unattractive Area Allow		1,000.00	
2148-15% Adhoc Relief All-2013		642.00	
2199-Adhoc Relief Allow @10%		426.00	
2211-Adhoc Relief All 2016 10%		2,695.00	
2224-Adhoc Relief All 2017 10%		3,474.00	
Gross Pay and Allowances		53,156.00	
DEDUCTIONS:			
IT Payable	19.98 Deducted	230.00	TAX: (3609)
GPF Balance	320,716.00		Subrc: 2,890.00
3441-E. E. F (Exchange)			100.00
3701-Benevolent Fund(Exchange)			600.00
3705-R. Ben & Death Comp(Exch)			600.00

Total Deductions 4,210.00  
 48,946.00

D. O. B. 01.01.1974 LFP Quota:  
 25 Years 05 Months 001 Days THE BANK OF KHYBER CIVIL SECRETARIAT PE  
 05416-01

GHALANAI

SN:2  
 Pers #: 00102868 Buckle:  
 Name: GUL SANGA  
 THEOLOGY TEACHER  
 CNIC No. 0013977683203  
 GPF Interest Applied  
 15 Active Temporary

P Sec:001 Month:May 2019  
 MG0005 -Agency Education Office  
 Min. Of K.A & N.A & S.F.R  
 NTN:  
 GPF #: 3239  
 Old #:

PAYS AND ALLOWANCES:		MG0005	-16
2247-Adhoc Relief All 2018 10%		3,474.00	
Gross Pay and Allowances 53,156.00			
DEDUCTIONS:			
IT Payable	19.98 Deducted	230.00	TAX: (3609)
GPF Balance	320,716.00		Subrc: 2,890.00
3441-E. E. F (Exchange)			100.00
3701-Benevolent Fund(Exchange)			600.00
3705-R. Ben & Death Comp(Exch)			600.00

Total Deductions 4,210.00  
 48,946.00

D. O. B. 01.01.1974 LFP Quota:  
 25 Years 05 Months 001 Days THE BANK OF KHYBER CIVIL SECRETARIAT PE  
 05416-01

Annex B1 (11)

ATTENDED

Anexure ~~10~~ C

19

Government of NWFP  
Directorate General Population Welfare  
Post Box No. 235

FC Trust Building Sunehri Masjid Road, Peshawar Cantt: Ph: # 091-9211536-38

Dated Peshawar the 24/5/2008.

**OFFICE ORDER**

F.No.1 (2)/95-2007/Admn-Vol-XI: - With approval of the competent authority the following posting/transfer of Projectionists (BPS-12) are hereby ordered in public interest with immediate effect and till further order.

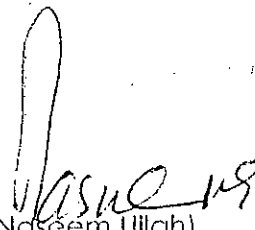
S.No	Name	From	To	Remarks
1 ✓	Mr. Nusrat Ullah	DPW Office, Haripur	DPW Office, Peshawar	Vice No.2
2.	Mr. Tahseen Mehmood Qureshi	DPW Office, Peshawar	DPW Office, Haripur	Vice No:1

(Director General)  
Population Welfare Deptt:

Copy forwarded to the:-

1. Accountant General, NWFP, Peshawar.
2. PS to Secretary, Govt. of NWFP, Population Welfare Deptt:  
Peshawar
3. PS to Minister for Population Welfare, NWFP.
4. PS to Director General, Population Welfare Deptt; NWFP, PHQR;  
Peshawar.
5. District Population Welfare Officers, Haripur and Peshawar.
6. District Accounts Officer, Haripur.
7. ✓ Officials concerned for compliance.
8. Master File.

**ATTESTED**

  
(Naseem Ullah)  
Assistant Director (Admn)

101

P/F



Annex ~~ED~~ 13 (15)

Government of NWFP,  
Population Welfare Department,  
Office of the District Population Welfare Officer,  
St-2 Hashtnagar House Jehangirabad Jamrud Rd Peshawar.

F.No.1 (1)/2007-Admn:

Dated, Peshawar, the 30 / June, 2008.

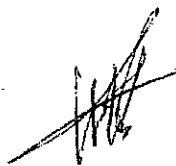
OFFICE ORDER

In pursuance of Director General, PWD, NWFP, Peshawar Office Order F.No.1 (2)/95-2007/Admn-Vol-XI dated 24-05-2008 and consequent upon the submission of the Arrival report of Mr. Nusrat Ullah, Projectionist, (BPS-12) w.e.f. 27-05-2008(F.N), he is hereby taken on staff strength of this District Office Peshawar from the date of arrival i.e. 27-05-2008.

Distt: Population Welfare Officer,  
Peshawar.

Copy to:-

1. Director General, PWD, NWFP, Peshawar for information please.
2. Accountant General, NWFP, Peshawar for information please.
3. Accountant (Local) for information & n/action.
4. Mr.Nusrat Ullah, Projectionist, for information please.
5. Storekeeper for information please.
6. P.file.

  
Distt: Population Welfare Officer,  
Peshawar.

**ATTESTED**

For Court Case Area E 14

ISLAMIC REPUBLIC OF PAKISTAN  
National Identity Card

Nasrat Ullah Khan

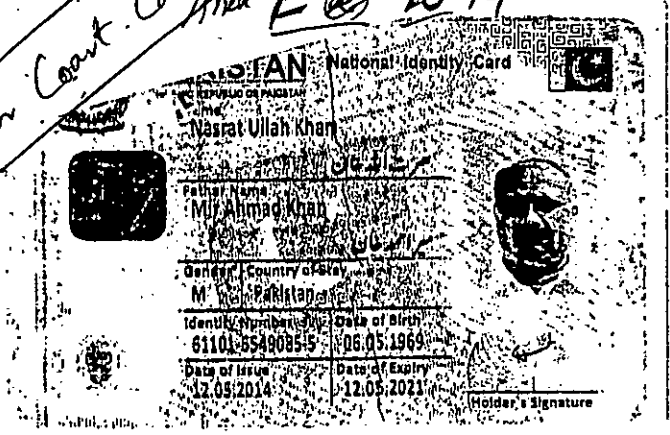
Holder's Name: Mr. Ahmad Khan

Gender: Country of Stay: M Pakistan

Identity Number: 61101-5549085-5 Date of Birth: 06.05.1969

Date of Issue: 12.05.2014 Date of Expiry: 12.05.2021


Holder's Signature



ATTESTED

(14-A)

61101-654908



101601051905  
139-91-225747

Registrar General of Pakistan

آئندہ کارروائیوں پر قریبی ایڈریس میں ڈال دیں

**ATTESTED**

Annex (E I) 15

Government of NWFP,  
Population Welfare Department  
Office of the District Population Welfare Officer,  
House No. 17 Sector J-1 Phase II Hayatabad, Peshawar.

F.No.1 (1)/2008-Admn

Dated, Peshawar, the 9 /10/ 2009.

Subject: - **OFFICE ORDER**

As decided in a meeting at District Headquarter dated 2/10/2009, in order to strengthen the security of the office Mr. Nusratullah, projectionist of this office is assigned the duty of security incharge of this office with immediate effect and till further order.

District Population Welfare officer  
Peshawar

Copy forwarded to the:-

1. Mr. Nasratullah Projectionist for information & compliance please.
2. All officers for information please.
3. All officials for information please.

District Population Welfare officer  
Peshawar

**ATTESTED**

16

Anz - E-3

S#: 1 Peshawar Dist. P Sec:004 Month:May 2019  
 Peshawa PW6491 -Population Welfare  
 Pers #: 00282740 Buckle: POPULATION WELFARE  
 PESHAW

Name: NUSRATTAULLAH KHAN NTN:  
 SENIOR CLERK GPF #: JM HR000171  
 CNIC No.6110165490855 Old #:  
 GPF Interest Applied  
 13 Vocational Permanent PW6491

PAYS AND ALLOWANCES:

0001-Basic Pay	35,260.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1985-Health Professional Allow	11,040.00
2148-15% Adhoc Relief All-2013	775.00
2199-Adhoc Relief Allow @10%	546.00
2211-Adhoc Relief All 2016 10%	2,777.00
2224-Adhoc Relief All 2017 10%	3,526.00
2247-Adhoc Relief All 2018 10%	3,526.00
5876-Adj Housing Subsidy Allow	5,520.00

Gross Pay and Allowances 67,326.00

DEDUCTIONS:

IT Payable 82.48 Deducted 918.00	TAX: (3609) 83.00
GPF Balance 323,884.00	Subrc: 2,400.00
3501-Benevolent Fund	600.00
4004-R. Benefits & Death Comp:	1,052.00

Total Deductions 4,135.00

63,191.00

D.O.B 06.05.1969 LFP Quota: 4  
 Campus, P HABIB BANK LIMITED University  
 24 Years 02 Months 004 Days 04040034877303

**ATTESTED**

Annexure (F) 17

To,

The Director,  
Elementary & Secondary Education,  
KPK, Peshawar.

Subject: - **REQUEST FOR TRANSFER TO PESHAWAR UNDER THE WEDLOCK/SPOUSE POLICY**

It is stated that I am presently serving as a T.T Teacher BPS-15 stations at GGPS, Hunar Kali, Kamali Upper Mohmand since 1994, and my husband also a Government Servent has been working with the Population Welfare Department, KPK, Peshawar since 1995.

I have 05 Children and all of them are attending school in Hayatabad Peshawar and are unable to relocate due to their studies/education. I have had to travel more than 160 kms everyday, to and from work.

Under **Article 35** of the constitution of the Islamic Republic of Pakistan, 1973, (Hereinafter referred to as "**the constitution**") it is the solemn duty of the state of protects the marriage, the family, and the child. Moreover, by virtue of **Article 38** of the constitution, the state is also obliged to secure the well-being of the people of the country.

That it is apt to state that under the "Wedlock/spouse Policy" of the Government of KPK, as provided for under section 10 of the NWFP Civil Servents Act, 1973 (hereinafter referred to as "**CSA**") and reproduced in chapter-II, Clause 16 of the Establishment Code of Government of KPK (Revised Edition 2011) (hereinafter referred to as "**Esta Code**"). That to avoid any socio-economic problems to my family and the hardships faced by the me and my husband, in government Service, due to posting at different duty-stations, the Education Department may accept subject to availability to the same post in the same BPS.

In view of the above it is requested that I may be transferred to Peshawar please.

*Gulsanga*

**Mrs. Gul Sanga w/o Nusrat Ullah Khan**

R/o House No. 343, Street No. 10, Sector F-7,

Phase VI, Hayatabad, Peshawar.

Cell No. 0334-5500363

Referred to S.O  
Female (P)  
on 4/2/19

**ATTESTED**

Annex F-1 (18)



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

No. SO(PE)/2-1/General Transfer/Posting/2019

Dated: Peshawar the 08.02.2019

To,

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - **REQUEST FOR TRANSFER TO PESHAWAR UNDER THE WEDLOCK /  
SPOUSE POLICY**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of an application bearing No. 2067 dated 04.02.2019 alongwith connected documents in respect of Gul Sanga W/o Nusrat Ullah Khan, GGPS Hunar Kali, Kamali Upper Mohamad, for further necessary action as per rules/policy, please.

Yours Faithfully,

Encl: as above.

**SECTION OFFICER (PRIMARY)**

**Endstt: of even Number & Date:**

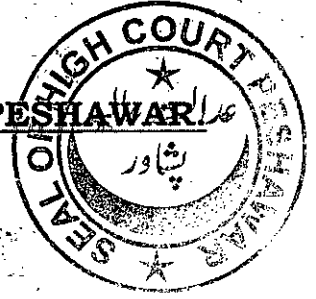
Copy to the:-

1. The DEO (Female), Tribal District Mohmand, for similar necessary action.
2. PS to Secretary, E&SE Department, Peshawar.

**SECTION OFFICER (PRIMARY)**

**ATTESTED**

Annex G (19) 15



**BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR**

Writ Petition No. \_\_\_\_\_/2019

Gul Sanga Wife of Nuratullah Khan R/o Hayat Abad, House No. 343, Street No. 10, Sector F-7, Peshawar.....(Petitioner)

**VERSUS**

1. District Education Officer (Female) District Mohmand.
2. District Education Officer (Female) District Peshawar.
3. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, G.T. Road, Hashtnagri, Peshawar
4. Government of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary Education, Civil Secretariat, Peshawar.....(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF  
THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973.**

**Prayer:**

On acceptance of this Writ Petition, the petitioner may kindly be transferred from District Mohmand to District Peshawar under the wedlock/spouse policy.

**Respectfully Sheweth:**

Brief facts giving rise to the instant Writ Petition are as under:

1. That the petitioner is law abiding citizen of Pakistan and belong to a respectable family and permanently

**ATTESTED**  
  
**EXAMINER**





**PESHAWAR HIGH COURT, PESHAWAR.**

**ORDER SHEET**

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge(s)
1	2
13.6.2019.	<p><b><u>W.P NO. 3170-P/2019.</u></b></p> <p><b>Present:</b> M/S Israr ud Din &amp; Muhammad Anwar, Advocates, for the petitioner.</p> <p>*****</p> <p><b><u>ROOH UL AMIN KHAN J.-</u></b> The petitioner Mst. Gul Sanga, by invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeks an appropriate writ directing the respondents to transfer her from District Mohmand to District Peshawar under the spouse policy.</p> <p>2. Arguments of learned counsel for the petitioner heard in <i>limine</i> and record perused.</p> <p>3. Since the matter of transfer of a civil servant squarely falls within terms and conditions of a civil servant, therefore, cannot be agitated in writ jurisdiction in view of the bar contained in Article 212 of the constitution 1973. When so we do not feel persuaded to admit this writ petition to regular hearing, which would amount to an exercise in futility and wastage of court's time.</p> <p>For the reasons discussed above, this writ petition being without any substance is dismissed in <i>limine</i>,</p>

*Rooh ul Amin*

**ATTESTED**  
*[Signature]*  
**EXAMINER**

however, the petitioner would be at liberty to approach the proper forum for redressal of her grievance.

Announced.  
Dt. 13.6.2019.

*Roohi Sami*  
JUDGE

*AD*  
JUDGE

CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Authorised Under Article 8.7 of  
The Qanun-e-Shahadat Order 1984

17 JUN 2019

No. .... 23287

Date of Presentation of Application. .... 17/6/19

No of Pages .... 03

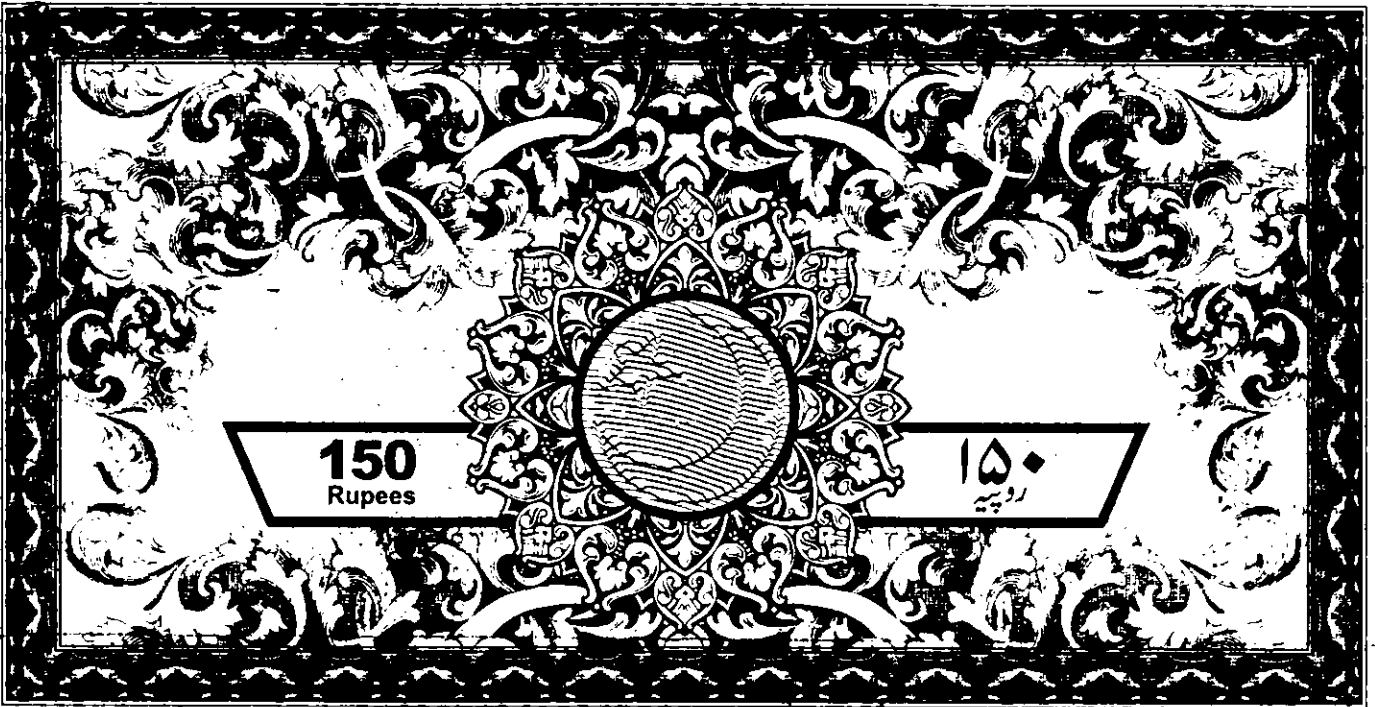
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Received By. .... *[Signature]*



مختار نام خاص بابت پیروی مقدمہ  
 بعدالت منابہ اصبر اچھو گوان سروس ٹریڈنگ کمپنی پرائیویٹ لمیٹڈ  
 گل سائڈ (بنا) E DO Drott مارکیٹ وغیرہ  
 مقدمہ بہ عنوان (Respondant)

میاں گل سائڈ (میں) اختیار دہندہ بذریعہ تحریر شدہ مقرر ہوئے۔

مقدمہ میں من اختیار دہندہ کی حیثیت ایملیٹس کی ہے چونکہ یہ لڑوہ نہیں ہے۔ من مقرر مقدمہ ہذا کی پیروی سے  
 قاصر ہوں اس لئے بدیں وقت سہی خانہ دہندہ کی طرف سے کو اپنی جانب سے مختار خاص مقرر کر کے اختیار دیتا ہوں

کہ مختار موصوف من اختیار دہندہ کی جانب سے میری موجودگی میں مقدمہ بعنوان بالا میں جملہ کارروائی بذات خود وہ  
 دستخط خود سر انجام دیوے، درخواست گزارے، نقولات مقدمہ حاصل کرے۔ تائید، تردید و تصدیق کرے، جواب دعویٰ و  
 اقبالی دعویٰ، وغیرہ پیش کرے ثالث مقرر کرے، راضی نامہ کرے راضی نامہ پیش کرے، گواہان پیش کرے، اپیل کرے  
 نگرانی کرے، نظر ثانی کرے، دیکل یا بیرسٹر مقرر کرے غرضیکہ من جن جگہوں پر میری ذات و دستخطوں کی ضرورت پڑے  
 مختار خاص موصوف کا جملہ داخے و پرداخے مثل کردہ کہ ذات و خاص کے مجھے مثل خود قبول و منظور ہوگا لہذا اختیار نامہ خاص رو  
 برد سے گواہان حاشیہ سند تحریر شدہ۔  
 الزام: 2019-7-23

ادبدا اختیار شدہ  
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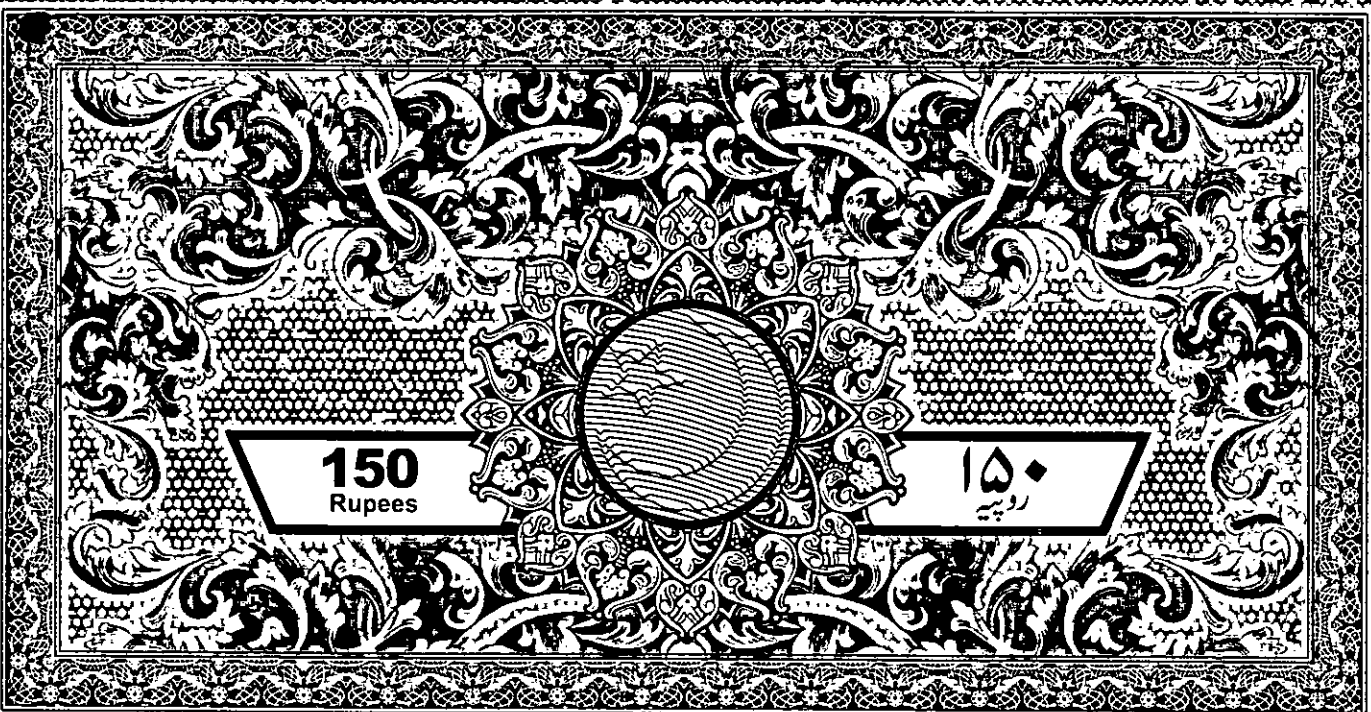
گواہ نمبر ۲۔ سید کامر مہدی ولد مہدی خان

گواہ نمبر ۱۔ سید کامر مہدی ولد مہدی خان

شناختی کارڈ نمبر ۱۷۳۰۱-۳۷۳۷۵۱۱

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گواہ نمبر ۱۔ دینواز ولد غلام حسین  
 گواہ نمبر ۲۔ کوہاٹ روڈ شاہ پور  
 شناختی کارڈ نمبر 7201-7238  
 181-1  
 KHALID MAHMUD  
 17101



مختیار نامہ

ڈی جی ڈی  
سید وحید  
ایڈووکیٹ

گھل سائڈ  
ایڈووکیٹ

سرور علی

KHALID MAHYMOOD ADVOCATE  
ATTORNEY AT LAW  
NOTARY PUBLIC  
PESHAWAR HIGH COURT  
22-7-19

صاحب جسٹس احتوائی سروس ٹریبونل سٹار

2، پنجاب

DEO Officer

ڈسٹرکٹ مہمند

مفسرہ  
(سیانڈس)

عمل سائنڈ

بنام

(ایڈووکیٹس)

موزع  
مقدم  
دعویٰ  
نمبر

باعث تحریر آنگہ

ایڈووکیٹس آف  
16

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ  
آج کے مقام پر **پشاور** کیلئے **محمد الخور محمد** اسرار الدین ایڈووکیٹ محمد نسیم ایڈووکیٹس آف  
مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رضی نامہ کرنے و تقریر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
باعتدال ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی اور منسوخی  
نیز دائر کرنے اپیل عمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سہولت  
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و مہر جات التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

محمد الخور محمد  
محمد نسیم

المرنوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

العید \_\_\_\_\_ واہ العید \_\_\_\_\_

ATTESTED  
Attested and  
Accepted

ستار

(Signature)

(Signature)

18