

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	17.12.2019	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT CAMP COURT ABBOTTABAD</u></p> <p style="text-align: center;"><u>Appeal No. 880/2019</u></p> <p style="text-align: center;">Date of Institution ... 04.07.2019 Date of Decision ... 17.12.2019 -----</p> <p style="text-align: center;">Mst. Hajira Bibi wife of Abdullah, resident of Bazar, P.O Ranolia Jijal, Tehsil Pattan, District Kohistan. -----Appellant</p> <p style="text-align: center;"><u>Versus</u></p> <p style="text-align: center;">Government of Khyber Pakhtunkhwa, through Secretary Education Peshawar & others. -----Respondents</p> <p style="text-align: center;">Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain ShahMember (E)</p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u>Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present.</p> <p>2. The appellant was appointed as PST and was posted at Govt. Girls Primary School, Bela Mani Khel Union Council Ranolia, Tehsil Pattan District Kohistan. The husband of the appellant namely Mr. Abdullah is serving as EPI Technician (MP) in Union Council Bankand since 21.12.2012. The appellant was later on transferred/posted in Govt. Girls Primary School Union School Bankad on the basis of Spouse Policy vide order dated 29.12.2018 by respondent No.3. On 07.02.2019 respondent No.4 cancelled the posting order of the appellant on the verbal direction of the respondent No.3. Moreover the salary of the appellant was also stopped by the respondents. After knowing about the stoppage of the salary the appellant became aware about the order of dated 07.02.2019. The appellant preferred the departmental representation before the respondent No.3 on 14.03.2019 which was not replied hence the instant service appeal filed with the prayer that on acceptance of the service</p>

appeal the impugned order issued by respondent No.4 and withholding of monthly salary by respondents pleased be declared as wrong, illegal, against the law and facts, arbitrary and without any legal, lawful authority may be set aside and the order dated 29.12.2018 may please be restored and respondents be directed to release the pay/salary of the appellant.

3. The learned counsel for the appellant argued on the basis of above facts, and stated that the impugned order is illegal, in violation of the tenure policy and issued by respondent No.4 who was not empowered to issue such order without any reason except malafide and bad intention. Further contended that the appellant was transferred to GGPS, Bankat village on the basis of Spouse Policy of the government. He further stress upon the point that the issuance of the impugned order without legal and valid justification, devoid of any legal or moral strength to sustain before the legal adjudication and pass through the touch stone of law and constitution. Further contended that withholding of the monthly salary of the appellant without any legal proceedings or any order of the court can only be caused by malafide intentions and personal vendetta. The learned counsel for the appellant relied upon the judgment of the Hon'ble Peshawar High Court; Bannu Bench reported as 2017 PLC (C.S) noted 14. He further pleaded on the above grounds the impugned order may be set aside and the respondent authority may be directed to provide relief as per prayer in the memo of the service appeal.

4. Despite the directions of this Tribunal the respondent authority failed to submit Para-wise comments in response to the instant service appeal however the learned Deputy District Attorney despite having no authentic support from the respondent on the facts and rational of the points raised by the appellant in the service appeal could not argued except the provision under Section 10 of the Civil Servant Act, 1973

regarding the competency of the competent authority to decide the Posting Transfer of the Civil Servant. This Tribunal confronted the representative of the respondents regarding the failure of contesting the case by the respondent but he could not satisfy this Tribunal.

6. Arguments heard. File perused.

7. After the detailed scrutiny of the documents, record on file, and arguments of learned counsel for the appellant, this Tribunal has noted that the appellant was posted on 29.12.2018 on the transferred from GGPS Bela Mani khel to GGPS Bankat village on the basis of spouse policy and this order was cancelled by the incompetent authority i.e. respondent No.4 on 07.02.2019 without completion of the tenure and in violation of the provision of the tenure in the Posting Transfer Policy of the Government as well as the Spouse Policy hence the appeal is accepted and the impugned order dated 07.02.2019 is set aside and the respondent are directed to pay the salary to the appellant without any deduction. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi)

Member
Camp Court Abbottabad



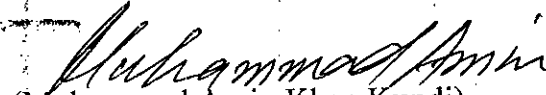
(Hussain Shah)
Member
Camp Court Abbottabad

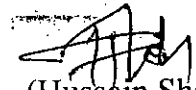
ANNOUNCED

17.12.2019

17.12.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is accepted and the impugned order dated 07.02.2019 is set aside and the respondent are directed to pay the salary to the appellant without any deduction. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad


(Hussain Shah)
Member
Camp Court Abbottabad

ANNOUNCED

17.12.2019

22.10.2019

Appellant not present. Counsel for the appellant not present. Mr. Usman Ghani, District Attorney present. Mr. Rahim Dad, ADEO for the respondents present and seeks time to furnish reply/comments. Granted. To come up for written reply/comments on 21.11.2019 S.B at Camp Court, Abbottabad.

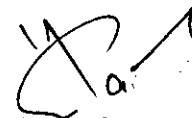


Member
Camp court, A/Abad

21.11.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith representative Rahim Dad ADO present. Written reply not submitted by the respondents. Representative of the respondent department seek time to furnish the same. Learned counsel for the appellant however stressed upon the early disposal for the present service appeal being transfer posting case.

In view of the circumstances of the case, the instant service appeal is posted for further proceedings before D.B. The respondents may also submit their reply/comments before the D.B on the next date fixed as 17.12.2019 at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

23.08.2019

Learned counsel for the appellant present. Preliminary arguments heard.

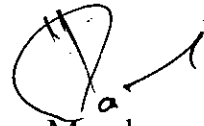
The appellant (PST) has filed the present service appeal being aggrieved against the order dated 07.02.2019 whereby the order dated 29.12.2018 of her transfer from GGPS Bela Mani Khail to GGPS Bankad Village was cancelled.

Points raised need consideration. The present service 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 19.09.2019 before S.B at Camp Court, Abbottabad.

Annexed with the memo of the present service appeal, is an application for interim relief/release of monthly salary. Notice of the said application be also issued to the respondents for the date fixed.

Appellant Deposited
Security & Process Fee

26/8/19



Member
Camp Court, A/Abad

19.09.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Rahim Dad, ADEO for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 22.10.2019 for written reply/comments before S.B at Camp Court Abbottabad.

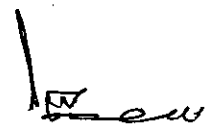



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 880/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04.07.2019	<p>The appeal of Mst. Hajira Bibi presented today by Mr. Muhammad Noor 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 417/18</p>
2	18-7-19	<p>This case is entrusted to Touring S. Bench Abbottabad for preliminary hearing to be put up there on <u>23-08-2019</u></p> <p style="text-align: right;">Member </p>

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

Service Appeal No. 880 /2019

Mst. Hajira Bibi wife of Abdullah, resident of Bazar, P.O Ranolia Jijal,
Tehsil Pattan, District Kohistan.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Education Peshawar &
Others.

...RESPONDENTS

SERVICE APPEAL

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1.	Service appeal along with affidavit	1 to 10	
2.	Suspension application alongwith affidavit	11 to 12	
3.	Copy of appointment order	13	"A"
4.	Copy of service certificate of the husband of the appellant	14	"B"
5.	Copy of office order dated 29/12/2018	15	"C"
6.	Copy of the impugned order dated 07/02/2019	16	"D"
7.	Copy of application/ departmental representation	17,18	"E"
8.	Wakalatnama	19	

...APPELLANT

Dated: 04/07 /2019

Through


(MUHAMMAD NOOR)

&

(SHARIF KHAN)

Advocates High Court, Abbottabad

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA
PAKHTUNKHWA, PESHAWAR

Diary No. 923

Dated 4-7-2019

Service Appeal No. 880 /2019

Mst. Hajira Bibi wife of Abdullah, resident of Bazar, P.O Ranolia Jijal,
 Tehsil Pattan, District Kohistan.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Education Peshawar.
2. Director Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Kohistan.
4. Sub-Divisional Education Officer (Female) Pattan, Lower Kohistan.

...RESPONDENTS

Filed
 Review
 today 4/7/2019.

SERVICE APPEAL UNDER SECTION 4 OF
 KPK SERVICE TRIBUNAL ACT, 1974,
 AGAINST THE OFFICE ORDER BEARING
 ENDST. NO. 843-46/F.NO.25/(F) TEACHER
 TRANSFER DATED 07/02/2019, WHEREBY
 THE TRANSFER ORDER OF THE
 APPELLANT BEARING NO. 2642-46, DATED
 29/12/2018 WAS CANCELLED ON SO-

CALLED VERBAL DIRECTIONS of
RESPONDENT NO. 3 AND WITHHOLDING OF
THE MONTHLY SALARY OF THE
APPELLANT BY THE RESPONDENTS W.E.F
FEBRUARY, 2019 ARE ILLEGAL, AGAINST
THE LAW AND FACT, ARBITRARY,
FANCIFUL, PERVERSE, WITHOUT LAWFUL,
BASED ON MALFIDE, AGAINST THE
RELEVANT LAW, RULES AND
REGULATIONS, HENCE LIABLE TO BE
STUCK DOWN.

PRAYER: ON ACCEPTANCE OF THE
INSTANT SERVICE APPEAL, IMPUGNED
ORDER PASSED BY RESPONDENT NO. 4
DATED 07/02/2019, ISSUED BY
RESPONDENTS AND WITHHOLDING OF
MONTHLY SALARY MAY GRACIOUSLY BE
DECLARED ~~AS~~ WRONG AND ILLEGAL,
AGAINST THE LAW AND FACT,
ARBITRARY, FANCIFUL, BASED ON
MALAFIDE, AGAINST THE RELEVANT LAW
RULES AND REGULATIONS, HENCE LIABLE
TO BE STRUCK DOWN AND OFFICE ORDER
BEARING NO. 2642/46, DATED 29/12/2018

MAY PLEASE BE RESTORED AND THE RESPONDENTS BE DIRECTED TO RELEASE THE PAY ~~of~~ MONTHLY SALARY OF THE APPELLANT REGULARLY. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth: -

That the facts forming the background of the instant service appeal are as follows;-

1. That the appellant was appointed as PST by the competent authority after fulfillment of all the legal and codal formalities and was posted at Govt. Girls Primary School, Bela Mani, Khel Union Council Ranolia, Tehsil Pattan, District Kohistan. Copy of appointment order is attached as Annexure "A".
2. That Husband of the appellant namely Mr. Abdullah is serving as EPI Technician (MP) in Union Council Bankad, since 21/12/2012.

Copy of service certificate of the husband of the appellant is annexed as Annexure "B".

3. That appellant was later on transferred/posted in Govt. Girls Primary School Union Council Bankad, on the basis of spouse policy vide office order bearing No. 2642/46, dated 29/12/2018. Copy of office order dated 29/12/2018 is annexed as Annexure "C".

4. That in compliance with the above mentioned order the appellant took over the charge of post and joined her new place of posting but without fulfillment of legal requirements and without completion of the tenure of the appellant, the transfer order dated 29/12/2018 ^{was} illegally and malafidely cancelled by the respondent No. 4 on the so-called verbal directions of the respondent NO. 3 vide impugned order No. 843-46, dated 07/02/2019. Copy of the impugned order dated 07/02/2019 is annexed as Annexure "D".



5. That the respondents not only illegally cancelled the order dated 29/12/2018 but also with-held/ stopped the salary of the appellant w.e.f February, 2019.
6. That on 07/03/2019 the appellant visited the concerned bank for withdrawal of her salary but amount of salary was not transferred in the account of appellant. Thereafter, appellant approached the Education Office, where she was informed that her earlier transfer order has been cancelled on 07/02/2019 and due to noncompliance of the order her monthly salary has been stopped.
7. That the appellant was not aware of the office order dated 07/02/2019 as the same was not communicated to the appellant.
8. That after obtaining the impugned order from Education Office the appellant submitted departmental representation before the respondent No. 3 on 14/03/2019 which is still pending and no reply has received till date. Copy of application/

departmental representation is annexed as Annexure "E".

9. Hence the service appeal is filed on the following amongst many others grounds;-

GROUNDS:-

- (a) That the impugned order dated 07/02/2019 issued by respondents and withholding of the monthly salary by the respondents is illegal, against the law and facts, without lawful authority, based on malafide, against the relevant law, rules and regulations, hence liable to be struck down.
- (b) That appellant was transferred to GGPS, Bankad Village on the basis of spouse policy introduced by the Govt. and the said order was in ^{the} best of public interest but the respondents illegally and malafidely canceled the said order without having any valid and legal justification.

- (c) That under the spouses policy if one spouse in Government Department was posted at one place and other spouse is posted at different place the said situation would definitely going to cause mental distress to both of them with the consequences which is not only injurious to them but to the public and Government Exchequer as well.
- (d) That the impugned order has been passed in sheer violation of the spouses policy and that too without giving any cogent legal and valid justification/ reason.
- (e) That as per law legal and valid justification are required to cancel any order but the case in hand, mere verbal directions were made basis for the cancellation of the order dated 29/12/2018 which speaks volume of malafide on the part of the respondents that they just to facilitate their blue eyed chaps have disturbed

the services of the appellant while passing the impugned order.

- (f) That withholding of the monthly salary of the appellant despite of the fact the appellant ^{is} still working on its place of posting vide order dated 29/12/2018 clearly shows revengeful acts of the respondents towards the appellant otherwise, circumstances of the case do not necessitate withholding/stoppage of the salary of the appellant.
- (g) That the impugned order is premature ~~and~~ nature ~~and~~ not sustainable on the strength of above said policy in this behalf.
- (h) That appellant had performed the respondents' department with great zeal and zest and never remained negligent in performance of her duties and the appellant has unblemished service career.

- (i) That other grounds shall be urged at the time of arguments.

It is, therefore, humbly prayed that, on acceptance of the instant service appeal, the impugned order issued by respondents and withholding of the monthly salary by respondents may please be declared as wrong, illegal, against the law and fact, arbitrary, fanciful, perverse without lawful authority, based on malafide, against the relevant law rules and regulations is liable to be struck down and office order bearing No. 2642-46, dated 29/12/2018 may please be restored and the respondents be directed to release/ pay salary of the appellant.

...APPELLANT

Through

Dated: 04/07/2019


(MUHAMMAD NOOR)

&

(SHARIF KHAN)

Advocates High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

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

Service Appeal No. _____/2019

Mst. Hajira Bibi wife of Abdullah, resident of Bazar, P.O Ranolia Jijal,
Tehsil Pattan, District Kohistan.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Education Peshawar &
Others.

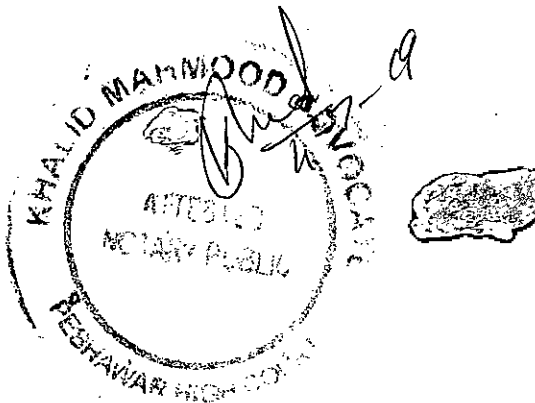
...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Mst. Hajira Bibi wife of Abdullah, resident of Bazar, P.O Ranolia Jijal,
Tehsil Pattan, District Kohistan, do hereby solemnly affirm and declare that
the contents of foregoing appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed therein from this
Honourable Tribunal.

Hajira
DEPONENT



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

Service Appeal No. _____/2019

Mst. Hajira Bibi wife of Abdullah, resident of Bazar, P.O Ranolia Jijal,
Tehsil Pattan, District Kohistan.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Education Peshawar &
Others.

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF THE
IMPUGNED ORDER DATED 07/02/2019
PASSED BY RESPONDENTS AND
RESTRAINING THE RESPONDENTS FROM
FORCIBLY TAKING CHARGE FROM
APPELLANT FROM GGPS BANKAD
VILLAGE AND RELEASE OF MONTHLY
SALARY OF THE APPELLANT TILL FINAL
DISPOSAL OF THE INSTANT SERVICE
APPEAL:

Respectfully Sheweth;-



1. That the titled service appeal is being filed before this Honourable Service Tribunal and contents of foregoing application may kindly be considered integral part of appeal.

2. That the respondents have withheld/ stopped the monthly salary of the appellant w.e.f February, 2019 till date and respondents ~~are~~ pressuring the appellant to comply with the impugned order.
3. That the appellant has good prima case and balance of convenience is also lies in favour of appellant.

It is, therefore most humbly prayed that operation of the impugned order dated 07/02/2019 passed by the respondents may please be suspended and respondent may be restrained from forcibly taking charge from appellant from GGPS Bankad village and respondents may also be directed to release the monthly salary of the appellant till final disposal of the instant service appeal.

...APPELLANT

Dated: 04/07/2019 Through


(MUHAMMAD NOOR)

&

(SHARIF KHAN)

Advocates High Court, Abbottabad

AFFIDAVIT:-

I, Mst. Hajira Bibi wife of Abdullah, resident of Bazar, P.O Ranolia Jijal, Tehsil Pattan, District Kohistan, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.




DEPONENT

13

Amir

CA



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN
Phone Fax 0995407225

APPOINTMENT

Consequent upon recommendation of the District Selection Committee and on the approval of the Competent authority appointment of the following candidates are hereby ordered against the post of PST, School based and 100% u/c wise merit and on the non availability of local qualified candidates, the candidates from the adjacent Districts in BPS-12 @ (Rs.7000-500-22000) fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, on the terms and condition given below and adjusted in the School mentioned against their name with effect from the date of taking over charge:-

S #	Roll No.	Name of Teacher	Her Name	H/O	Address	School Name	Score
1	8	Robina Bibi	Noor ul haq	Gabral	Tehsil Kaniya Distt; Kohistan	GGPS Bar Yanjool	100.3
2	22	Ruby Bibi	Hazrat Mian	Kota kot	Tehsil P. J. S. Distt; Kohistan	GGPS Dook B.Z	96.45
3	11	Shaheen	Hazrat Mian	Kota kot	Tehsil P. J. S. Distt; Kohistan	GGPS Dook B.Z	86.12
4	33	Hajra Bibi	Gulla khan	Jijal	Tehsil P. J. S. Distt; Kohistan	GGPS Bela Mani Khel	74.64
5	53	Angaz Parveen	Ghulam Muhammad	Shalkan Abad	Tehsil P. J. S. Distt; Kohistan	GGPS Madakhil Abad	72.37
6	42	Bibi Hanifa	Rustam	Kundal	Tehsil P. J. S. Distt; Kohistan	GGPS Bela Dubair	71.73
7	60	Shema	Abid Khan	Shalkan Abad	Tehsil P. J. S. Distt; Kohistan	GGPS Jareen Ranolla	61.08
8	58	Rahila Bibi	Mujahed	Batiara	Tehsil P. J. S. Distt; Kohistan	GGPS Amba Seroo	58.98
9	9	Zamina	Abdur Rasheed	Baryar	Tehsil D. S. Distt; Kohistan	GGPS Kimia Abad	54.11

TERMS & CONDITIONS

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year with effect from the date of issue.
4. They should not be handed over charge if she exceeds 35 years or 15 years & years of age. Age relaxation case may be submitted to the competent authority.
5. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DEO any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
6. Her services are liable to termination on one month's notice from either side. In case of resignation without notice her one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that her certificates are verified.
8. She should join her post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, her appointment will terminate automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent DHO Kohistan before taking over charge.
10. She will be governed by such rules and regulations as may be issued from time to time by the Govt.
11. Her services shall be terminated at any time, in case her performance is found unsatisfactory during her contract period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
12. Her appointment is made on School based, she will have to stay at the place of posting, and her services is not transferable to any other station.
13. Before handing over charge once again their document may be checked if they have not the required qualifications they may not be handed over charge.
14. Before handing over charge she will sign an agreement with the Department, otherwise this order will not be valid.

(Signature)
DISTRICT EDUCATION OFFICER,
(FEMALE) KOHISTAN

ATTESTED

(Signature)

(14)

Amud 6B

OFFICE OF THE DISTRICT HEALTH OFFICER KOHISTAN AT DASSU.

Phone No: 0998-407132 Fax No: 0998-407132

Mail Address: edohkhn@yahoo.com, edohkhn@gmail.com

No: 6093 /PF

Dated Kohistan the 30/08/2018

SERVICE CERTIFICATE.

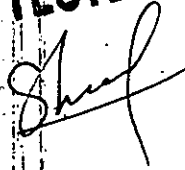
Certified that Mr. Abdullah EPI Technician (MP) BPS-12 attached to UC Bankad is working under the control of undersigned since 21-12-2011.



District Health Officer
Kohistan.

District Health
Officer Kohistan

ATTESTED



(15)

Amended "C"

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN.
Email, deo.female,kh@gmail.com

OFFICE ORDER.

As proposed by the Deputy District Education Officer (F) Kohistan and approved by the District Education Officer (F) Kohistan, the following Teachers are hereby transferred/adjusted in the schools noted against each on need basis in the interest of public service with immediate effect.

S/No	NAME	FROM	TO	Remarks
1	Mst. Rashida Jabeen, SST (G)	GGMS Ghazi Abad	GGMS Bela Dubair	Against Vacant Post
2	Mst. Farhal Khush, SST (G)	GGMS Guli Bagh	GGMS Ghazi Abad	Against Serial No, 01
3	Mst. Saiqa Akram, CT	GGMS Moreen, Bankad	GGMS Dubair Village	Against Vacant Post
4	Mst. Hajra Bibi, PST	GGPS Bela Mani Khail	GGPS Bankad Village	(Under Spouse Policy)

NOTE:

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

-sd-
District Education Officer
(Female) Kohistan.

E/No:- 4572-66 /Estab/Secy, DEC (F) KH: dated 29/12/2018.

Copy of the above is forwarded to-

1. The PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. The Deputy District Education Officer (F) Kohistan.
3. The District Accounts Officer Kohistan.
4. The District Monitoring Officer IMU Education Kohistan.
5. The Sub Divisional Education Officer (F) Pattan Kohistan.
6. Teacher concerned.

ATTESTED

Shafiq

12/12/18
Deputy District Education Officer
(Female) Kohistan.

16

Amul 4D



OFFICE OF THE
SUB-DIVISIONAL EDUCATION OFFICER (F)
PATTAN DISTT. KOHISTAN-LOWER

Email: theeducation@pafed.com

OFFICE ORDER

On verbal direction of the competent authority, in continuation of District Education Officer (F) Kohistan transfer/adjustment order No. 2642/46, date 29-12-2018.

Transfer/adjustment order in R/O Miss Hajira Bibi PST GGPS Bela Mani Khel to GGPS Bankad Village is hereby cancelled till further order in the interest of public service.


SUB-DIVISIONAL EDUCATION OFFICER
FEMALE PATTAN

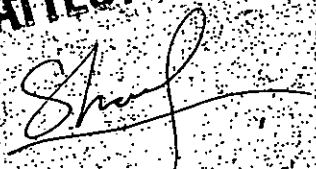
Endst. No: 343-46 // E.No. 25/ (F) Teachers transfer dated Pattan the 7/2/2019

Copy of the above is forwarded to:

1. The District Education Officer (F) Kohistan
2. The District Account Officer Kohistan
3. Head Mistress concerned
4. Official concerned
6. Master file.


SUB-DIVISIONAL EDUCATION OFFICER
FEMALE PATTAN

ATTESTED



عنوان 1 درخواست ملراء مفتوحی آفس آرڈر نمبر 46-843 مورخہ 29/12/2019
و Release فرم کے متخواہ

مناب عالی
درخواست ذیل میں ہے

- 1۔ یہ کہ سائلہ آجمناب کے زیر نام محکمہ تعلیم میں بطور PST اپنے فرائض سرانجام دے رہی ہے جو کہ سائلہ 9885 بیہ مالی فعل راولپنڈی میں لقیات میں ہے۔ جو کہ سائلہ لاہور میں محکمہ لکھنؤ میں ملزم ہے۔ جسکی ڈیپارٹمنٹ B#U بنڈہ میں بہت کی وجہ سے سائلہ نے درخواست دی ہے کہ سائلہ کو (Spouse Policy) کے تحت 9885 بنڈہ میں لقیات کیا جائے (نقل لفظ ہے)
- 2۔ یہ کہ سائلہ کی درخواستیں بحوالہ آفس آرڈر نمبر 46-2642 مورخہ 29/12/2019 سائلہ کو سائلہ (Spouse Policy) کے تحت 9885 بنڈہ گاؤں کیا گیا (نقل لفظ ہے)
- 3۔ یہ کہ سائلہ نے 9885 بنڈہ گاؤں میں جاریہ سبقتوں کا بعد اپنی ڈیپارٹمنٹ باقاعدگی سے سرانجام دے رہی ہے۔

4۔ یہ کہ جب سائلہ 7 مارچ 2019 کو اپنی متخواہ کمپنی کروانے بنڈہ کی تو معلوم ہوا کہ سائلہ کی متخواہ سائلہ کے افسانے میں نہیں آئے۔ جس پر سائلہ نے دفتر سے موصولہ کسی نوٹیفکیشن پر سائلہ کو دوبارہ بیہ مالی فعل کو اسنو کیا گیا ہے۔ جو کہ بروک آفس آرڈر نمبر 46-843 مورخہ 29/12/2019 کیا گیا ہے۔

ATTESTED


5- یہ کہ سائل کو مطلع ہے کہ رینجرز جیل باڑی میں سائل کا Spouse Policy کے تحت کیا گیا ہے۔
آرڈر کو مسترد کرنا سراسر غیر قانونی اور غیر آئینی ہے۔ کیونکہ ملک قانون
میں اور بیوی ایک ہی مقام پر ڈھونڈنے کے لئے مقرر ہے۔

6- یہ کہ مذکورہ والد آرڈر (SDEO(F)) میں لیا جا رہا ہے۔ جوہر بالکل Competent Authority
نہ ہے۔ اس لئے مذکورہ آرڈر سراسر غیر قانونی اور غیر آئینی ہے۔ جکی دعوے سے سائل
مذکورہ غیر قانونی آرڈر اور غیر آئینی آرڈر کو عملدرآمد کرنے کی پابندی نہ ہے۔ اور نہ
یہی اس بنیاد پر سائل ہی مقدمہ کی منتخواہ رکھ جائی ہے۔

7- یہ کہ SDEO(F) میں یہ ستر نے اچھا بیوی اور جائیداد کی خاطر یہ کرنے پر
اپنے قریبی لوگوں کو فونڈز کی خاطر سائل کو سزا دینا مسترد کر کے سائل کی صفائی کی ہے۔
جو کہ سائل کی بیویوں کو تھا۔ کہ وہ اپنے ستر کے قریب اپنی سرکاری ڈپٹی سربراہی اور

8- یہ کہ سائل کو مال یا قاعدہ کے ساتھ 99PS بنک اکاؤنٹ میں اپنی ڈپٹی سربراہی سے
سربراہی رکھی ہے۔ مگر سائل کی منتخواہ میں غیر قانونی طریقوں سے رکھی ہے

IDEO (Estb) Primary
Put up for
further n/action.

[Signature]
By: DEO(F) KA
5/3/2019

لیڈ آرڈر کا صحیح آرڈر نمبر 46-843 مورخہ 2/2/2019 کو منظور فرما کر
آرڈر نمبر 46-264 مورخہ 20/12/2018 کو بحال رکھا جائے اور سائل کو منتخواہ
Release ضمانت کا حکم صادر فرمایا جائے۔ مورخہ 14/3/2019

ATTESTED

حاجہ بی بی PST ڈائریکٹرز پرائمری سیکرٹری گاؤں
[Signature]

وکالت نامہ

بعدالت جناب سرسٹر سپرنٹنڈنٹ جیل خانہ لاہور

مبجانب اسلانت

صالحہ صاحبہ کی بنام حکومت جیل خانہ لاہور

دعویٰ یا جوڑم سرسٹر سپرنٹنڈنٹ جیل خانہ لاہور

منذرجہ بالا نشان میں اپنی طرف سے پیروی و جوابدہی بنام سرسٹر لطف خان / محمد زور احمد کو کسی

کی گورنٹ بدین شرط و کیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت

حاضر ہوتا ہوں گا اور بوقت پکار جانے پر وکیل صاحب موصوف کو اطلاع دیکر حاضر ہوں گا اگر کسی پیشی پر مظهر حاضر نہ ہوا اور

غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ منبذ

وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی

کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر بروز کچہری کے اوقات کے آگے یا

پہلے ہونے پر مظهر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے یا مختار نامہ و ایس کرنے

کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھے کلے ساختہ پر داخلہ صاحب مثل کردہ ذات خود منظور

قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز

ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا

روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سیر دثالتی و راضی نامہ و فیصلہ

برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ

درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیری

مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے

اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف

کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کر دیں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ

کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ

مورخہ 03 جولائی 2019ء

العبد العبد
Accepted
[Signature]

صالحہ صاحبہ کی بنام سرسٹر سپرنٹنڈنٹ جیل خانہ لاہور

11/11/19

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 272 /ST

Dated 28-01-2020


To

The Sub Divisional Education Officer Female,
Government of Khyber Pakhtunkhwa,
Pattan, Lower Kohistan.

Subject: - JUDGMENT IN APPEAL NO. 880/2019, MST. HAJIRA BIBI.

I am directed to forward herewith a certified copy of Judgement dated 17.12.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.