

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 937/2019

Date of Institution ... 17.07.2019

Date of Decision ... 06.11.2019

Mst. Khurshid Ahmad, PSHT (BPS-16), GGPS Nar Sahibdad Maidad Khel, Lakki Marwat. ... (Appellant)

VERSUS

The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and three other. ... (Respondents)

MR. NOOR MUHAMMAD KHATTAK,
Advocate

--- For appellant.

MR. ZIAULLAH,
Deputy District Attorney

--- For respondents no. 1 to 3.

MR. TAIMUR ALI KHAN,
Advocate

--- For respondent no.4.

MR. AHMAD HASSAN
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS:

02. Learned counsel for the appellant argued that as an employee of the Elementary and Secondary Education Department, she was posted as PSHT (BPS-15) at GGPS, Nar Sahibdad Maidad Khel, Lakki Marwat. That while in service private respondent no. 4 was declared surplus also posted in the above school vide order dated 07.12.2016. Having been declared surplus the said respondent was transferred from GGPS Nar Sahibdad Maidad Khel, Lakki Marwat to GGPS Pasani Ayazkhel vide order dated 18.03.2018. However, this order was cancelled on the

request of above respondent through political interference vide order dated 02.04.2018. Resultantly, the appellant was transferred to GGPS, Pasani Ayazkhel vide order dated 02.04.2018. That respondents realizing their mistake cancelled the above order on 18.04.2018 but the same was again cancelled on 28.04.2018. That the appellant, feeling aggrieved from order dated 28.04.2018, filed departmental appeal on 02.05.2018 which was accepted and order dated 18.03.2018 was restored through order dated 10.05.2018. Later, on the instructions of District Nazim Lakki Marwat the aforementioned order was cancelled on 25.10.2018.

03. It compelled the appellant to file writ petition no. 1044-B/2018 in Peshawar High Court Bannu Bench and directions were conveyed vide order dated 22.01.2019 to treat the writ petition as departmental appeal and be decided in accordance with law and rules. As a sequel to above, respondent no.2 cancelled order dated 25.10.2018 through order dated 14.02.2019. Through another notification dated 21.02.2019, whereby notification dated 14.02.2019 was canceled thus restoring order dated 25.10.2018. Feeling aggrieved, the appellant preferred departmental appeal on 20.03.2019 and thereafter filed writ petition no. 514-B/2019, which was dismissed for want of jurisdiction vide order dated 14.05.2019. Successive transfer orders issued by the respondents after brief intervals were sheer violation of rules and policies issued by the Provincial Government in this behalf. These orders being devoid of any merit/justification smacked of the malafide on the part of the respondents.

04. Learned DDA argued that the present service appeal had become infructuous after order dated 21.02.2019 complied with by the appellant. As a result of this order, she was relieved from the school and necessary entry to this effect was also made in the logbook. Moreover, the present appellant had misled this Tribunal by concealing facts. Action was taken in accordance with law and rules. Moreover, the

relief to them. It was a sheer display of force by both the parties in which writ of the

appellant had completed normal tenure at the place of her previous posting. Transfer order was issued in the public interest.

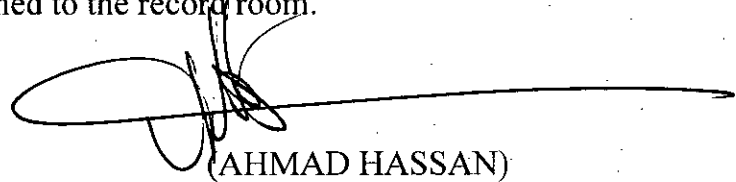
05. Learned counsel for private respondent no.4 argued that the appellant remained posted at GGPS, Nar Sahibdad Maidad Khel, Lakki Marwat for more than fifteen years, whereas her client spent most of the time of her service in hard areas. Upon her request/appeal, she was posted at GGPS, Nar Sahibdad Maidad Khel, Lakki Marwat. The appellant also completed tenure at the place of her previous posting and also exerted political pressure to get posting of her choice. She was instrumental in getting transfer orders cancelled issued by the respondents from time to time. According to Section-10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 a civil servant is liable to serve anywhere in the province and cannot claim a posting of his/her choice.

CONCLUSION:

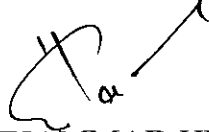
06. In the present service appeal respondent no.3 within a span of one year issued frequent transfer orders, which led to tug of war between the appellant and private respondent no.4. The record placed before us revealed that through these orders many female teachers were transferred to various stations but none of them challenged these orders except the two mentioned above. It further confirmed that respondent no.4 instead of acting according to law and rules preferred to bow before undue pressure exerted by both the parties from various corners. To her understanding, it was the only way of survival even if you had to flout government rules/policies. There is no denying the fact that both the appellant and private respondent no.4 have already completed normal tenure at the place of their previous postings. The present tussle resulting in successive transfers of both the officials cannot be taken as an excuse/pretext/ground of premature transfer and to extend any relief to them. It was a sheer display of force by both the parties in which writ of the

official respondent no.3 was badly compromised. The only solution of the matter is to post both the appellant and private respondent no.4 to some other station, so that this sorry state of affairs is brought to an end. Some other teachers may be posted at GGPS, Nar Sahibdad Maidad Khel, Lakki Marwat and GGPS Pasani Ayazkhel.

07. Foregoing in view, the appeal is dismissed and the respondents are directed to post both the appellant and private respondent no.4 at some other stations. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
Member



(MUHAMMAD HMAID MUGHAL)
Member

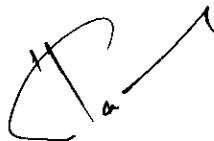
ANNOUNCED
06.11.2019

Order

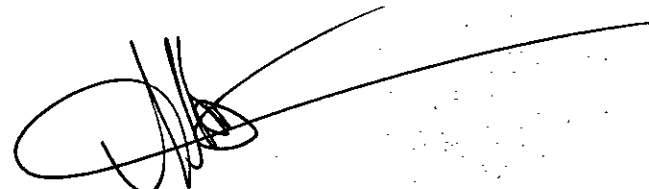
06.11.2019 Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Muhammad Nazir, ADEO for official respondents no. 1 to 3 and counsel for private respondent no.4 present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is dismissed and the respondents are directed to post both the appellant and private respondent no.4 at some other stations. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
06.11.2019



(Muhammad Hamid Mughal)
Member



(Ahmad Hassan)
Member

03.10.2019

Junior counsel for the appellant, Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nazir, ADEO for official respondents and counsel for private respondent No. 4 present.

Written replies of behalf of respondent submitted which are placed on record. The appeal is posted to D.B for arguments for 18.10.2019. The appellant may submit rejoinder within fortnight, if so advised.


CHAIRMAN

18.10.2019

Junior to counsel for the appellant present. Asst: AG alongwith Mr. M. Nazir, ADO for official respondents and counsel for private respondent no.4 present. Junior to counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 04.11.2019 before D.B.


Member


Member

04.11.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Nazeer ADEO for official respondents present. Learned counsel private respondent No.4 also present. Learned counsel for the appellant seeks adjournment. Being posting transfer case, adjourned for a short date. To come up for arguments on 06.11.2019 before D.B.


Member


Member

23.08.2019

Counsel for the appellant and Addl. AG alongwith Nazir Ahmad, ADEO for official respondents present. None is present on behalf of private respondent No. 4.

Representative of official respondents requests for time. Fresh notice be issued to respondent No. 4 through registered post. Adjourned to 06.09.2019 on which the respondents shall submit their respective reply/parawise comments.


Chairman

06.09.2019

Junior to counsel for the appellant, Mr. Usman Ghani District Attorney for the official respondents and husband of private respondent No. 4 present.

Learned District Attorney is required to ensure attendance of the representatives of official respondents and submission of written reply/comments on the next date.

To come up for written reply/comments of all the respondents on 19.09.2019 before S.B.


Chairman

19.09.2019

Counsel for the appellant, Addl. AG alongwith Nazir Ahmad, ADEO for official respondents present. Mr. Taimur Ali Advocate on behalf of respondent No. 4 also present and submitted Wakalatnama in his favour.

Respondents seek further time for submission of written reply. Last opportunity is granted to the respondents for submission of requisite reply/comments on 03.10.2019 before S.B.


Chairman


30.07.2019

Counsel for the appellant present.

Contends that on 02.04.2018, the transfer order of appellant to GGPS, Passani Ayaz Khan was issued purportedly as per directions of the high ups. The said order was cancelled on 18.04.2018 and was again restored on 28.04.2018. Upon the submission of departmental appeal, the respondents withdrew the order dated 18.04.2018 on 10.05.2018, however, on 25.10.2018 all the transfer orders issued from 01.05.2018 were cancelled but upon the wishes of District Nazim, District Government Lakki Marwat. Thereafter in pursuance to the disposal of writ petition no. 1044-P/2018 submitted by the appellant, the order of transfer to GGPS Passani Ayaz Khan was cancelled on 14.02.2019, however, on 21.02.2019 cancellation order was once again recalled. It is the contention of learned counsel that the chequered history of impugned transfers on the part of the respondents is due to political influence which is violative of paragraphs-2 and 4 of Posting/Transfer Policy of the Provincial Government. The impugned transfer, therefore, is not legally sustainable.

In view of the available record and arguments of learned counsel, 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 23.08.2019 before S.B. In the circumstances of the case it is considered appropriate that the respondent no.3 shall personally appear to explain her position in issuing successive orders of transfer.

The appeal is accompanied by an application for suspension of operation of the impugned order dated 21.02.2019. Notice of the application be also given to the respondents for next date. In the meanwhile, the operation of order dated 21.02.2019 shall remain suspended, if not already complied with.


Appellant Deposited
Security & Process Fee



20/7/19


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 937/19

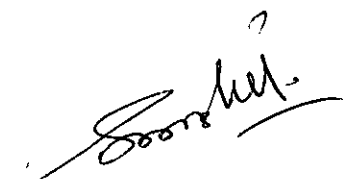
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/07/2019	<p>The appeal of Mst: Khurshid Ahmed resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24/07/19	<p>This case is entrusted to SB for preliminary hearing to be put up there on <u>30/07/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mst: Khurshid Ahmad received to-day i.e. on 17-07-2019 is incomplete on the following score, which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- The affidavit is not attached with appeal which may be placed on it.

No. 1235 /S.T.

Dt. 19-7- /2019.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak,
Adv, Peshawar.

Note:

Sis,

The appeal in hand may be
put up before the bench.


22/7/2019.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 937 /2019

KHURSHID AHMAD

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Stay application	4.
3.	Order dated 07.12.2016	A	5- 6.
4.	Order dated 18.3.2018	B	7.
5.	Order dated 02.04.2018	C	8.
6.	Orders	D & E	9- 10.
7.	Departmental appeal	F	11.
8.	Orders	G	12- 13.
9.	Writ petition & judgment	H & I	14- 19.
10.	Order dated 14.2.2019	J	20.
11.	Impugned Notification	K	21.
12.	Departmental appeal	L	22.
13.	Writ petition	M	23- 27.
14.	Transfer/posting policy	N	28- 30.
15.	Vakalat nama	31.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 937 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1004

Dated 17/7/19

Mst: Khurshid Ahmad, PSHT (BPS-16),
GGPS Nar Sahibabad Maidad Khel, Lakki Marwat.....**APPELLANT**

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- ✓2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- ✓3- The District Education Officer (F), Lakki Marwat.
- 4- Mst: Razia Sultana, PSHT GGPS Passani Ayaz, Lakki Marwat under transfer to GGPS Nar Sahibabad, Maidad Khel, Lakki Marwat.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 21.02.2019 WHEREBY THE ORDER DATED 14.02.2019 WAS CANCELLED BY THE RESPONDENTS AND RESTORED THE TRANSFER ORDER DATED 25.10.2018 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 21.02.2019 may very kindly be set aside and the order dated 14.02.2019 may be restored. That the respondents may further please be directed not transfer the appellant from GGPS Nar Sahibdad, Maidad Kheil. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of respondent Department and is serving the respondent Department as PSHT (BPS-15) quite efficiently and up to the entire satisfaction of her superiors.
- 2- That lastly the appellant was transferred/posted as PSHT (BPS-15) at GGPS Nar Sahibdad, maidad Kheil, Lakki Marwat. That during service the private respondent No.3 being surplus was also posted in the said school where the appellant was posted vide order dated 07.12.2016. Copy of the order is attached as annexure **A.**
- 3- That being surplus the private respondent vide was transferred/posted from GGPS Nar Sahibabad Maidad Khel to GGPS

Filed to Registrar
17/7/19

Passani Ayaz Khan vide order dated 18.3.2018. Copy of the order is attached as annexure **B.**

4- That the private respondent being influential cancelled her transfer order dated 18.3.2018 through political interference vide order dated 02/04/2018 and as such in result the appellant was made scapegoat by transferring her to GGPS Passani Ayaz Khan. Copy of the order dated 02.04.2018 is attached as annexure **C.**

5- That the respondents after realizing the mistake cancelled the order dated 2.4.2018 vide order dated 18.04.2018 the order dated 02.04.2018 was cancelled which was once again cancelled vide order dated 28.04.2018 and restore the order dated 02.04.2018. Copies of the orders are attached as annexure.....**D & E.**

6- That appellant feeling aggrieved from the order dated 28.04.2018 filed Departmental appeal which was accepted and the order dated 18.03.2018 was restored vide order dated 10.05.2018 but astonishingly the same was once again cancelled on the directions of the District Nazim, District Lakki Marwat vide order dated 25.10.2018. Copies of the Departmental appeal & orders are attached as annexure.....**F & G.**

7- That appellant feeling aggrieved filed writ petition No. 1044/2018 before the Peshawar High Court Bannu Bench which was treated as Departmental appeal and sent to the respondents for consideration in accordance with law and rules vide judgment/order dated 22.01.2019. That in light of the directions of Hon'ble High Court the respondent Department issued order dated 14.04.2019 and cancelled the previous order dated 25.10.2018. Copies of the writ petition, Judgment & order dated 14.2.2019 are attached as annexure.....**H, I & J.**

8- That astonishingly the respondent No.1 issued another Notification dated 21.2.2019 whereby the order dated 14.2.2019 has been withdrawn and restore the order dated 25.10.2019. That appellant feeling aggrieved filed Departmental appeal and subsequently filed writ petition No.514/2019 which was withdrawn vide dated 14.5.2019 to approach the proper forum i.e. Service Tribunal. That appellant waited for ninety days but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copies of the notification, Departmental appeal and writ petition are attached as annexure.....**K, L & N.**

GROUND:

A- That the impugned Notification dated 21.02.2019 issued by the respondent No.1 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned Notification dated 21.02.2019.

D- That the impugned Notification dated 21.02.2019 is violative of Clause-I, II of the transfer/posting policy promulgated by the Government of Khyber Pakhtunkhwa. Copy of the transfer/posting policy is attached as annexure.....O.

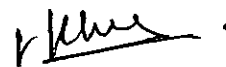
E- That the impugned transfer order dated 21.2.2019 is politically motivated which is not tenable in the eye of law and the same is liable to be set aside.

F- That the impugned Notification dated 21.02.2019 has not been passed in interest of public interest nor in exigencies of public service, hence not tenable and liable to be set aside.

G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

Dated: 16.07.2019

APPELLANT



MST: KHURSHID AHMAD

THROUGH:



NOOR MOHAMMAD KHATTAK

&



MIR ZAMAN SAFI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO _____/2019

MST: KHURSHID AHMAD VS EDUCATION DEPTT:

APPLICATION FOR SUSPENTION OF OPERATION
OF IMPUGNED ORDER DATED 21.02.2019 TILL
THE DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 21.02.2019 whereby the order dated 14.02.2019 was cancelled by the respondent No.2.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore, humbly prayed that on acceptance of this application the impugned transfer order dated 21.02.2019 may very kindly be suspended till disposal of this appeal.

APPELLANT


KHURSHID AHMAD

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT.

OFFICE ORDER:-

As proposed by SDEO (F)/ASDEO (F) circle concerned, the transfer orders of the following PSHT/SPST/PST (Female) against vacant post/on need basis, is hereby ordered on their own pay and grade in the interest of public service.

A - (B)

S.No	Name & Desig:	From	To	Reason	Remarks
01	Fahmida, PSST	GGPS Langer Khel Hindal No. 1	GGPS Wanda Lughman	---do---	---do---
02	Javeda, SPST	GGPS Shamoni Khattak No.2	GGPS Kotka Salim	---do---	---do---
03	Janar Bibi, PST	GGPS Landiwah Sher Dilla Jan	GGPS Landiwah Nabi Shah	---do---	---do---
04	Gulnawar Jana, PST	GGPS Kotka Salim	GGPS Shamoni Khattak No. 2	---do---	---do---
05	Shamshad PSHT	GGPS No. 3 Kheru Khel Pacca	GGPS Warghar Pezu	---do---	---do---
06	Asmat Amin, PST	GGPS Jhang Khel No. 4	GGCMS Abba Khel	---do---	---do---
07	Umar Jana, PSHT	GGPS Warghar Pezu	GGPS No. 3 Kheru Khel Pacca	---do---	---do---
08	Shahida Bibi,	GGPS Khoidad Khel	GGPS Wanda Langer Khel	---do---	---do---
9	Khalida Shaheen PSHT	GGPS Wanda Kalan	GGPS Wana Shahab Khel No. 4	---do---	---do---
10	Rizwana, PST	GGPS Dadi wala	GGPS Kachi Kamar	---do---	---do---
11	Kaloom Bibi, SPST	GGPS Pakra Khel Thal No. 1	GGPS Railway Junction	---do---	---do---
12	Farah, SPST	GGPS Pahr Khel Thal No.2	GGPS Wanda Shanidu	---do---	---do---
13	Shakila, SPST	GGPS Langer Khel Hindal	GGPS Wanda Gati	---do---	---do---
14	Abida Nahid,	GGPS Ghazi Khel No. 1	GGPS Warghar Pezu	---do---	---do---
15	Safia Sultana,	GGPS Jhang Khel No. 2	GGPS Jhang Khel No. 3	---do---	---do---
16	Mehar un Nisa, PST	GGPS Mela Shahab Khel	GGPS Attash Michan Khel	---do---	---do---
17	Robina SPST	GGPS Behram Khel No. 1	GGPS Tari Khel No. 1	---do---	---do---
18	Yaseena Bibi,	GGPS Ghazni Khel No. 2	GGPS Sher Afzal Ghazni Khel	---do---	---do---
19	Zainab, SPST	GGPS Wanda Shamdu	GGCMS Abba Khel	---do---	---do---
20	Hadia Rauf, PST	GGCMS Dallo Khel	GGPS Kaka Khel No. 1	---do---	---do---
21	Taslim Bano	GGPS Hamid Abad Lakki	GGPS Abba Khel No. 7	---do---	---do---
22	Sajda Bibi, PST	GGPS Gulbaz Dehqan	GGCMS Abba Khel	---do---	---do---
23	Farida	GGPS Gulbaz Dehqan	GGPS Toor Lawang Khel No. 1	---do---	---do---
24	Rukhsana Bibi, PST	GGPS Tajazai No. 2	GGPS Ghoraka Saeed Khel	---do---	---do---
25	Amna SPST	GGPS Saeed Khel	GGPS Bega Tajazai	---do---	---do---
26	Shazia Naureen	GGPS Ghazni Khel No. 4	GGPS Tabi Murad No. 4	---do---	---do---
27	Faruana Nawab, PST	GGPS Tajazai No. 2	GGPS Goraka Dilasa Shah	---do---	---do---
28	Fozia PST	GGPS Abba Khel No. 2	GGPS Kaka Khel No. 2	---do---	---do---
29	Zubaida Bibi	GGPS Ghazni Khel No. 1	GGPS Mir Hazar Khanzad Khel	---do---	---do---
30	Bibi Hajra	GGPS Toti Abad	GGPS Wanda Kuttana	---do---	---do---
31	Zaitoon Bibi, PST	GGPS Mela Mandra Khel No. 2	GGPS Mela Mandra Khel No. 1	---do---	---do---
32	Naheed Akhtar	GGPS Daulati No. 2	GGPS Ahmad Khel	---do---	---do---
33	Sakina Bibi	GGCMS Land Ahmad Khel	GGPS Achu Khel	---do---	---do---
34	Tasleem Bibi, PST	GGPS Textile Mills	GGPS Nar Faqir Masoom	---do---	---do---
35	Tamkin Ilahi, SPST	GGPS Serai Naurang	GGPS Kala Manjiwala	---do---	---do---
36	Shahista Jabeen, PSHT	GGPS Sara Darga	GGPS Sugar Mills	---do---	---do---
37	Robina Shaheen, PSHT	GGPS Darakai Alam Shah Khel	GGPS Bazi Khel	---do---	---do---
38	Khurshid Talal, PSHT	GGCMS Gandi Umar Chikar	GGPS Jamil Khan Takhti Khel	---do---	Due to school merged
39	Safina Bibi, PSHT	GGPS Sara Darga	GGPS Yar Muhammad Began	---do---	---do---
40	Musarat Parveen	GGPS Abdullah Jan Bettani	GGPS Ayubia Tajori	---do---	---do---
41	Inam un Nisa	GGPS Ayaz Kila	GGPS Bachkan Ahmadzai	---do---	---do---
42	Saima Tasleem	GGPS Nar Sorab Sing	GGPS Moin ud Din Tajori	---do---	---do---
43	Rashid Akhtar	GGPS Nar Kala Khan	GGPS Amir Nawaz Tajori	---do---	---do---
44	Farhida Mateen	GGPS Hafiz Mala Khel	GGCMS Gandi Umar Chikar	---do---	---do---
45	Zahida Parveen	GGPS Lughal Manjiwala	GGPS Ahmadzai Kila	---do---	---do---
46	Gulshan Ara	GGPS Hamid Abad	GGPS Mina Khel	---do---	---do---
47	Kausar Parveen	GGPS Mina Khel	GGPS Hamid Abad	---do---	---do---
48	Amna Begum, PSHT	GGPS Railway Junction	GGPS Saeed Khel	---do---	---do---
49	Zeenat Bibi, PST	GGPS Abba Khel No 1	GGPS Khushail Adamzai	---do---	---do---
50	Gulraiz Tabassum, PSHT	GGPS Jhang Khel	GGPS Railway Junction	---do---	---do---

51	Razia Sultana	GGPS Tajori No. 1	GGPS Nar Sahibdad Maidad Khel	---do---	Entz to school merged
52	Muimona	GGPS Abbu Khel No. 5	GGPS Dalto Khel	---do---	---do---
53	Rifat Kalsoom, PSHT	GGPS Wanda Barkhi	GGPS Mirhazar Khanzad Khel	Double (15)	Return to Org: Sch: (6)
54	Razia Begum	GGPS Jhang Khel No. 3	GGPS Zangi Khel No. 3	V.P	Need Base
55	Hussan Pari, PSHT	GGPS M. Yar Suleiman Khel	GGCMS Nar Ujam Garh	Till the arrival of previous Head	---do---
56	Rukhsana Bibi, PST	GGPS Daraki Alam Shah Khel	GGPS Nar Saman ADanzai	A.V.P	---do---
57	Hasina, PST	GGPS Asmat Abad	GGPS Kaka Khel No. 3	---do---	---do---
58	Safina Saif, PSHT	GGPS Shahbaz Khel No. 1	GGPS No. 4 Jhang Khel	---do---	---do---
59	Jamila, PSHT	GGPS No. 4 Jhang Khel	GGPS Shahbaz Khel No. 1	---do---	---do---
60	Zaneet Ara, PST	GGPS Daulat Khel No.1	GGPS Ahmad Abad Lukki	---do---	---do---

NOTE:- Charge report should be submitted to all concerned.

District Education Officer
(Female) Lakki Marwat

Endst: No. 4506-12 Dated. 07-12-2016

Copy to the:-

1. Deputy Commissioner Lakki Marwat.
2. District Nazim Lakki Marwat.
3. Sub-Divisional Education Officer (Female) Serai Naurang/Lakki Marwat.
4. District Monitoring Officer Lakki Marwat.
5. ASDEO (F) circle concerned.
6. Head Teachers concerned schools.
7. Master File.

District Education Officer
(Female) Lakki Marwat

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT

OFFICE ORDER:-

As per report of Enquiry officer/proposed by SDEO (F) Serai Naurang, transfer order issued vide this office lndst: No. 1737-40 dated: 14-03-2018 is hereby cancelled and the following amendment is made as under.

S.No	Name & Desig	From	To	Remarks
1	Yasmin, PSHT	GGPS Textile Mills	GGPS Shah Tora Takhti Khel	Under complaint
2	Husan Pari, PSHT	Textile Mills	GGPS Nar Faqir Masoom	Under complaint
3	Rashida, PSHT	GGCMS Nar Kala Khan	GGPS Shagi Ghulam Rasool	Surplus
4	Razia Sultana, PSHT	GGPS Nar Sahibdad Maidad Khel	GGPS Passani Ayaz Khan	Surplus
5	Saima Tasnim, PSHT	GGCMS Gandhi Umar Chikar No.1	GGPS Moin ud Din Tajori	Surplus
6	Ifat Naureen, PST	GGPS Textile Mills	GGPS No. 1 Mitho Ghazni Khel	Under complaint
7	Zartaj, PST	GGPS No. 1 Mitho Ghazni Khel	GGPS Textile Mills	V.S.No. 06
8	Farzana Bibi, PST	GGPS Textile Mills	GGPS No. 2 Mitho Ghazni Khel	Under complaint
9	Safina PST	GGPS No. 2 Mitho Ghazni Khel	GGPS Textile Mills	V.S.No. 08
10	Tasleem Bibi, PST	GGPS Textile Mills	GGPS Kotka Zar Wali Khan	Under complaint
11	Altuf Begum, PSHT	GGPS Raza Khan Adamzai	GGPS Textile Mills	A.V.01
12	Ishrat Rehana, PSHT	GGPS Bachkan Ahmadzai	GGPS Raza Khan Adamzai	V.S.No. 11

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

Endst: No. 1783-86 Dated. 18/3/18

District Education Officer
(Female)Lakki Marwat

Copy to the:-

1. SDEO (F) Semi Naurang.
2. District Monitoring Officer Lakki Marwat.
3. Head Teacher/ASDEO (F) circle concerned.
4. M/File.

District Education Officer
(Female)Lakki Marwat

[Signature]
17/3/18

17910
C-8

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT.

OFFICE ORDER:-

As directed by the High ups Mst. Razia Sultana PSHT GGPS Nar Sahibdad Maidad Khel under transfer to GGPS Passani Ayaz vide order No. 1783-86 dated: 18-03-2018 is hereby cancelled and Mst. Khurshid Ahmad PSHT GGPS Nar Sahibdad Maidad Khel is hereby transferred to GGPS Passany Ayaz Khan due to long tenure.

- NOTE:-
1. Charge report should be submitted to all concerned.
 2. No F/DA is allowed.

District Education Officer
(Female) Lakki Marwat

Endst: No.

1455-59

Dated.

2/4/18

Copy to the:-

1. Sub-Divisional Education Officer (Female) Serai Naurang.
2. District Monitoring Officer Lakki Marwat.
3. ASDEO (F) circle concerned.
4. Head Teachers concerned schools.
5. Master File.

District Education Officer
(Female) Lakki Marwat

2/4/18

8

D - 29

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT

OFFICE ORDER:-

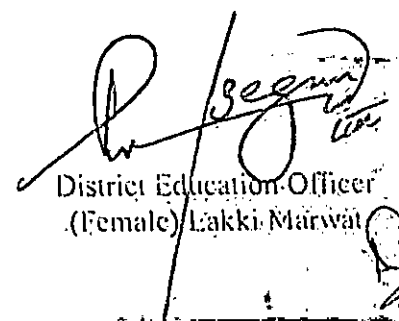
Transfer order issued vide this office Endst: No. 1455-59 dated: 02-04-2018 is hereby cancelled and Order No. 1783-86 dated: 18-03-2018 is still stand.

District Education Officer
(Female) Lakki Marwat

No. 1902-05 Dated. 18-4-2018

Copy to the:-

1. SDEO (F) Serai Naurang.
2. District Monitoring Officer Lakki Marwat.
3. Head Teacher/ASDEO (F) circle concerned.
4. Office file.


District Education Officer
(Female) Lakki Marwat



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT.

OFFICE ORDER:-

The cancellation order issued vide this office Endst No. 1902-05 dated 18-04-2018 is hereby restored and this office order No. 1455-59 Dated 02-04-2018 is still stand.

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

District Education Officer
(Female) Lakki Marwat

Endst: No. 2116-20

Dated. 28/4/18

Copy to the:-

1. Sub-Divisional Education Officer (Female) Lakki Marwat / *Srinivasa*
2. District Monitoring Officer Lakki Marwat.
3. ASDEO (F) circle concerned.
4. Head Teachers concerned schools.
5. Master File.

Beena
District Education Officer
(Female) Lakki Marwat

محفوظات دلاستان ڈائریٹر صاحب آف ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول

۱۱

عنوان: اپیل نمبر ۱۱۱۱۱۱۱۱ ڈائریٹر صاحب آف ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول
۱۱

ضام عالی

سائیکل ریسٹوریشن کے بارے میں (۱) حد سائیکل ریسٹوریشن کے بارے میں PSHT فورسٹری ایجنسی کے ذریعے

ناراضیوں کے بارے میں اپیل نمبر ۱۱۱۱۱۱۱۱ ڈائریٹر صاحب آف ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول

(۲) سائیکل ریسٹوریشن کے بارے میں PSHT سرٹیفکیٹ کے بارے میں ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول
میں ہوئی۔ ریڈری: ۱۷۸۳-۸۶ / ۱۸.۳.۰۱۸

(۳) نا معلوم وجوہات کی بنا پر سائیکل ریسٹوریشن کے بارے میں ریڈری: ۱۴۵۵-۵۹ / ۲.۴.۰۱۸

گورنمنٹ ٹریننگ کالج، سول ناراضیوں کے بارے میں ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول
کو ۱۷۸۳-۸۶ / ۱۸.۳.۰۱۸

(۴) جناب دلا سرٹیفکیٹ کے بارے میں ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول
کو ۱۷۸۳-۸۶ / ۱۸.۳.۰۱۸

(۵) عالی جاگہ سائیکل ریسٹوریشن کے بارے میں ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول
کو ۱۷۸۳-۸۶ / ۱۸.۳.۰۱۸

(۶) سائیکل ریسٹوریشن کے بارے میں ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول
کو ۱۷۸۳-۸۶ / ۱۸.۳.۰۱۸

اپیل نمبر ۱۱۱۱۱۱۱۱ ڈائریٹر صاحب آف ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول
کو ۱۷۸۳-۸۶ / ۱۸.۳.۰۱۸

اپیل نمبر ۱۱۱۱۱۱۱۱ ڈائریٹر صاحب آف ایجوکیشن ایلمنٹری اینڈ سینڈری اسکول
کو ۱۷۸۳-۸۶ / ۱۸.۳.۰۱۸

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT

G-12

OFFICE ORDER:-

As desired by the Director Elementary & Secondary Education Khyber Pakhtunkhwa, the office order issued vide this office under Endst: No. 1783-86 dated: 18-03-2018 is hereby restored & No. 1902-05 dated: 18-04-2018 is hereby with draw the interest of public service.

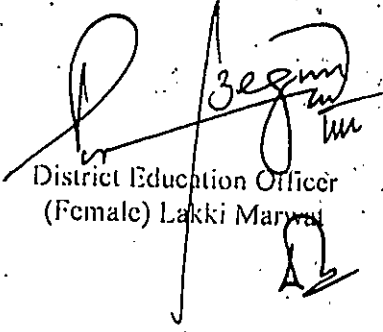
No. 2362-66

Dated. 10-05-18

District Education Officer
(Female) Lakki Marwat

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. SDEO (F) Serai Naurang.
3. District Monitoring Officer Lakki Marwat.
4. Head Teacher/ASDEO (F) circle concerned.
5. Office file.


District Education Officer
(Female) Lakki Marwat



Office of The District Education Officer
Female Lakki Marwat

Ph: (0969)538080

email: deoflakki@gmail.com

13

OFFICE ORDER

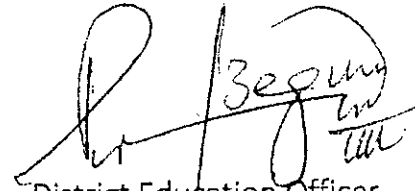
As desired by District Nazim District Govt Lakki Marwat transfer/posting orders of teachers issued by this office from 1st May 2018 till date are hereby cancelled with immediate effect.

Endst No. 4517-19
Copy to the:

1. Director E&S KPK Peshawar
2. Deputy Commissioner Lakki Marwat
- ✓ 3. District Nazim Lakki Marwat
4. SDEO (F) Sorani Naizang.
5. SDEO (F) Lakki Marwat.

District Education Officer
Female Lakki Marwat

Dated 25-10-2018


District Education Officer
Female Lakki Marwat



BEFORE THE PESHAWAR HIGH COURT BENCH BANNU

WP No. 1044-B 2018

Mrs Khurshida W/o Alyas r/o Saraie Nowrag Tehsil Saraie Nowrag & District Lakki.

.....(Petitioner)

VERSUS

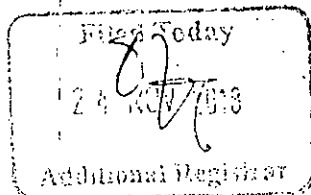
1. Govt. of KPK through Secretary Education KPK, Peshawar.
2. Director Education (E&S) KPK, Peshawar.
3. District Education officer (E&S) Female, District Lakki.
4. S D O (E&S) female, Lakki.
5. Deputy Commissioner Lakki.
6. District Account Officer District Lakki.

.....(Respondents)

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

Respectfully Sheweth:

1. That, petitioner was born of the parent's village, who are resident of Naurang and as such her parents had made her domicile certificate of the same locality.
2. That the petitioner serving in Education Department as PST post in Government primary School. Finding herself eligible and un criteria, petitioner also obey her duty regularly.
3. That the respondent No.3 issued transfer orders of the following PSHT/SPST/PST (Female) against the vacant post/on need of basis on dated 07/12/2016.
4. That the Mrs. Rezia Sultana join duty in GGPS Tajori No;1 to GGPS Sahidad on basis of this surplus order dated 07/12/2018.
5. That the Said Mrs. Rezia was not interested obey her duty in the GPS Shahidad, respondent No.3 give show cause notes and also write report in Log Book.



ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

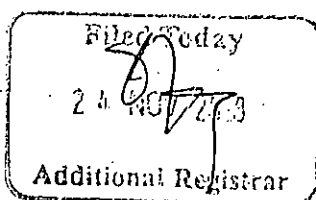
6. That According to the rule regulation of Education Department Surplus is only against the vacant post/on need of basis. But the Respondent No.3 transfer the petitioner to other school and adjust the Mrs Rezia on petitioner post illegal and wrongful.
7. That on the direction of respondent No.2 issued letter 1902-05 dated 18/04/2018 to respondent about the illegal act and respondent No.3 have cancelled the illegal transfer order on letter No.2116-20 on dated 23/04/2018.
8. That the respondent No.3 again issued transfer/posting order of the teachers as per desired of District Nazim District Govt Lakki Marwat on 1st May 2018 till date and cancelled all past order. Being aggrieved from the said abeyance, the petitioner seeks intervention of this honorable court into the matter on following grounds:-

6. That, the following are the documents on which petitioner places his reliance:

- i. Copies of affidavit, copy of surplus order, copy of transfer cancellation orders "A" & B".
- ii. Copies of Nazim order copy of log book order, are annexed herewith as Annexure "C & D".

Grounds:-

- (A) That the Transfer of the petitioner is an act and omission of the respondent, and Coram non-judice, without any basis, hence of no legal consequences and unconstitutional, ultra vires of the constitution and consequently been illegal and of no legal effect, contrary to one of the cardinal principal of natural justice.



ATTESTED

EXAMINER
Peshawar High Court
Banna Bench

16

- (B) That the petitioner has been discriminated and treated against the Law, rules and regulation thus deprived of equal protection of Law which is mandated by Articles 4 and 25 of the constitution of Pakistan 1973.
- (C) That due to the employ and poverty prevailing in the country and when the employment has become the sole source of earning the livelihood therefore, on this touchstone employment has assumed the status of a fundamental right which cannot be taken away in such an arbitrary and capricious manner.
- (D) That equality of the citizens of Pakistan is guaranteed by the Constitution and all are entitled to equal protection of Law.
- (E) That the petitioner is only earning hand of his entire family and there is no other source of income.
- (F) That the petitioner, being local of the area is "best among the bests" for the said post but the respondents have badly failed to follow this criterion so the Transfer of the respondent No. 3 is the result of nepotism and favoritism and illegal one, hence not tenable in the eyes of Law.
- (G) That on prior permission of this Honorable Court, any additional ground may be taken, if any, during the court of arguments.

hu

For the aforesaid reasons, it is, therefore, humbly prayed that on acceptance of instant petition, this Honorable Court may very graciously be pleased to issue an appropriate writ/ directions to the respondents to cancel transfer order No. 4517-19 dated 25-10-2018 of the petitioner as District, being local and duly qualified and eligible one.

Filed Today
 24 NOV 2018
 Additional Registrar

[Signature]

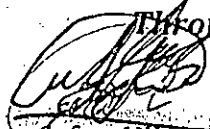
ATTESTED
 EXAMINER
 District High Court
 Wana Bench

4
Any other remedy which deems fit by this Honorable Court may also be granted in favor of the petitioner

17

Dated: 14-11-2018


Petitioner

Through

Irfan Ullah Khattak
Advocate High Court

Interim Relief

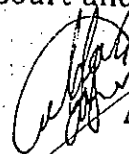
By way of interim relief to cancel transfer order No. 4517-19 dated 25-10-2018 of the petitioner till the final disposal of this writ petition.

Petitioner

Through

Irfan Ullah Khattak
Advocate High Court


Certificate


It is certified that no such writ petition has previously been submitted by petitioner before this Hon'ble Court and the same is well in the jurisdiction of the divisional bench.


Advocate,

List of Books

- 1. The Constitution Of Islamic Republic Of Pakistan, 1973.
- 2. Any other book as per need.

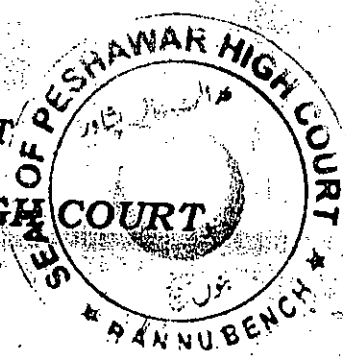

Advocate,

Filed Today
24/11/2018

Additional Registrar

REGISTERED
EX-CHEQUER
HONORABLE HIGH COURT
DISTRICT BANDA

1-18

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT
BANNU BENCH.



(Judicial Department)

W.P No. 1044-B of 2018.

Mst: Khursheeda Vs. Govt: of KP etc:

JUDGMENT

Date of hearing 22/01/2019.

Appellant-Petitioner By Imranullah Khallak A/s.

Respondent /

SHAKEEL AHMAD, J.--- Through this constitutional petition filed U/A- 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has challenged the validity of transfer order dated 25.10.2018.

2. Admittedly, the petitioner is serving as Primary School Teacher in Education Department as civil servant. When the learned counsel for the petitioner was confronted with Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, he stated

ATTESTED

Imranullah (D.B) Justice Muhammad Nasir Mahfooz and Justice Shakeel Ahmad

EXAMINER
Peshawar High Court
Bannu Bench

19

at the bar that he would not press the instant petition provided the same is treated as departmental appeal and sent to the competent authority for disposal.

3. In view of the above, this petition is treated as departmental appeal and sent to the Director Education (E&S) Khyber Pakhtunkhwa Peshawar (respondent No.2) for consideration and decision in accordance with law. The needful be done within a period of fortnight, after receipt of this order.

Announced.
22.01.2019.

Sd/Justice Muhammad Nasir Mahfooz, J
Sd/Justice Shakeel Ahmad, J

~~GENERATED TO BE TENSE COPY~~

Examiner

Peshawar High Court Bannu Bench
Authorised Under Article 87 of
the Qanun-e-Shahadat Order 1984

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BETTER COPY OF PAGE-20

DIRECTORATE OF ELEMNTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER.

The transfer order in respect of Mst. Khurshida PST GGPS Passani Ayaz Khan District Lakki Marwat issued by DEO (F) Lakki Marwat vide Endorsement No. 4517-19 dated 25-10-2018 is hereby cancelled in the light of decision of the Honorable Peshawar High Court Bannu Bench.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

Endst: No. 3342-46/F.No.353/(F)/Appeal Lakki Dated Peshawar the 14/2/2019
Copy forwarded.

J. (20)

DIRECTORATE OF ELEMENTARY & SECONDART EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER.

The transfer order in respect of Mst Khurshida PST GGPS
Lakki Marwat issued by DEO (F) Lakki Marwat vide
Endorsement No 4517-19 dated 25-10-2018 is hereby cancelled in the light of decision
of the Honorable Peshawar High Court Bannu Bench.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

332-46

Endst No. F No. 353/(F)/ Appeal Lakki Dated Peshawar the 14/2/2019
Copy for information to the -

- 1 District Education Officer (Female) Lakki Marwat
- 2 District Account Officer Lakki Marwat
- 3 SDEO(F) concerned.
- 4 Teacher concerned.
- 5 PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa
- 6 M. File

Deputy Director Female
Elementary & Secondary Education
Khyber Pakhtunkhwa

14/2/14

BETTER COPY OF PAGE-21

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION

The transfer order in respect of Mst. Khurshida PST GGPS Passani Ayaz Khan District Lakki issued vide this office Notification No. 3342-46 dated 14-2-2019 is hereby cancelled and Notification issued vide Endst: No.4517-19 dated 25-10-2018 is hereby stand.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

Endst: No. 4455-58/353/F/Appeal Lakki Dated Peshawar the 21/2/2019
Copy forwarded.

Handwritten notes at the top of the page, including a circled number 22 (L-22) on the right side.

Handwritten text in the upper middle section, possibly a date or reference number: 21/02/2019.

Main body of handwritten text, appearing to be a list or detailed notes. It includes several dates such as 25/10/2018, 21/2/2019, and 20/3/2019, along with various illegible handwritten words and phrases.

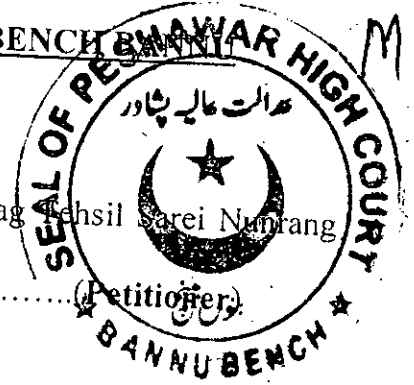
Handwritten signature or name 'IS Ahmad' and a date '20/03/2019' at the bottom left of the page.

Handwritten text at the very bottom of the page, including the acronym 'PSMAT' and other illegible characters.

BEFORE THE PESHAWAR HIGH COURT BENCH

WP No. Sl4-B2019

Miss Khurshid Ahamd w/o Ilyas r/o Sarai Nowrag Tehsil Sarei Nurang
& District Lakki.



VERSUS

1. Govt: of KPK through Secretary Education KPK, Peshawar.
2. Director Education (E&S) KPK, Peshawar.
3. District Education officer (E&S) Female, District Lakki.
4. S D O (E&S) female, Lakki.
5. Deputy Commissioner Lakki.
6. District Account Officer District Lakki.

.....(Respondents)

NOTE: Addresses of the parties given above are sufficient for the purpose of service.

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

Respectfully Sheweth:

1. That, petitioner was born of the parent's village, who are resident of Naurang and as such her parents had made her domicile certificate of the same locality.
2. That the petitioner serving in Education Department as PST post in Government per ambry School Nor Shaib Dad Midad Khel Lakki. Finding herself eligible and un criteria, petitioner also obey her duty regularly.
3. That the respondent issued transfer orders of the following PSHT/SPST/PST (Female) against the vacant post/on need of basis on dated 07/12/2016.
4. That the Mrs. Rezia Sultana join duty in GGPS Tajori No;1 to GGPS Sahibdad on basis of this surplus order dated 07/12/2018.
5. That the Said Mrs. Rezia not come to school for obey her duty, respondent No;6 give show cause notes and also write report in Log

Filed Today

30 APR 2019 Book

Additional Registrar

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

40

24

6. That According to the rule regulation of Education Department Surplus is only against the vacant post/on need of basis. But the Respondent No; transfer the petitioner to other school and adjust the Mrs Rezia on petitioner post illegal and wrongful.
7. That on the direction of respondent No; issued letter 1902-05 dated 18/04/2018 to respondent about the illegal act and respondent No; have cancelled the illegal transfer order on letter No2116-20 on dated 28/04/2018.
8. That the respondent No; again issued transfer/posting order of the teachers as per desired of District Nazim District Govt Lakki Marwat on 1st May 2018 till date and cancelled all past order. Being aggrieved from the said abeyance, the petitioner seeks intervention of this honorable court into the matter on following grounds:-
9. That the petitioner filed one of the writ petition No.1044-B/2018 before this Hon'able Court which was decided on dated 22-01-2019 on the direction of Hon'able Court directions to the respondents No.2 Director Education E&S Khyber Pakhtunkhawa Peshawar for consideration and decision according with law vide order dated 22-01-2019. (Copy annexed as annexure "A")
10. That the respondent No.2 comply order of this Hon'able Court the transfer of petitioner cancelled on dated 14-02-2019. (Copy annexed as annexure "B")
11. That on the basis of political influence the transferred order dated 14-02-2019 again re-cancelled on dated 21-02-2019. (Copy annexed as annexure "C")
12. the following are the documents on which petitioner places his reliance:

- i. Copies of affidavit, copy of surplus order, copy of transfer cancellation order "D" "E" "F".
- ii. Copies of Nazim order copy "G"

Filed Today
30 APR 2019
Additional Registrar
Grounds

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

(A) That the Transfer of the petitioner is an act and omission of the respondent, and coram non-judice, without any basis, hence of no legal consequences and

28

28

unconstitutional, ultra vires of the constitution and consequently been illegal and of no legal effect, contrary to one of the cardinal principal of natural justice.

- (B) That the petitioner has been discriminated and treated against the Law, rules and regulation thus deprived of equal protection of Law which is mandated by Articles 4 and 25 of the constitution of Pakistan 1973.
- (C) That due to the un-employment and poverty prevailing in the country and when the employment has become the sole source of earning the livelihood therefore, on this touchstone employment has assumed the status of a fundamental right which cannot be taken away in such an arbitrary and capricious manner.
- (D) That equality of the citizens of Pakistan is guaranteed by the Constitution and all are entitled to equal protection of Law.
- (E) That the petitioner is only earning hand of his entire family and there is no other source of income.
- (F) That the petitioner, being local of the area is "**best among the bests**" for the said post but the respondents have badly failed to follow this criterion so the Transfer of the respondent No. 6 is the result of nepotism and favoritism and illegal one, hence not tenable in the eyes of Law.
- (G) That on prior permission of this Honorable Court, any additional ground may be taken, if any, during the court of arguments.

hm

ATTESTED
EXAMINER
Peshawar High Court
any Bannu Bench

Filed Today
3 APR 2019
Additional Registrar

For the aforesaid reasons, it is, therefore, humbly prayed that on acceptance of instant petition, this Honorable Court may very graciously be pleased to issue an directions to the respondents No.2 to cancel

transfer order No.4455-58 dated 21-02-2019 of the petitioner, being local and duly qualified and eligible one.

Any other remedy which deems fit by this Honorable Court may also be granted in favor of the petitioner.

Petitioner

Through

Irfan Ullah Khattak
Advocate High Court

INTERIM RELIEF

By way of interim relief this Hon'able Court may kindly be suspended the transfer order letter No. 4455-58 dated 21-02-2019.

Certificate

It is certified that no such writ petition has previously been submitted by petitioner before this Hon'ble Court and the same is well in the jurisdiction of the divisional bench.

Advocate,

List of Books

1. The Constitution Of Islamic Republic Of Pakistan, 1973.
2. Any other book as per need.

Advocate,

ATTESTED

EXAMINER
Peshawar High Court
Banna Bench

Filed Today

31 APR 2019

Registrar

27

PESHAWAR HIGH COURT,
BANNU BENCH.

FORM 'A'
FORM OF ORDER SHEET



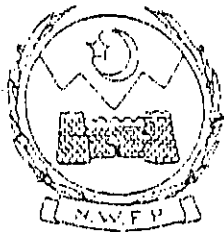
Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
14.5.2019	<p><u>W.P No.514-B of 2019.</u> Present: Mr. Irfan Ullah Khattak Advocate for the petitioner. *** MUHAMMAD NASIR MAHFOOZ, J.--- After hearing learned counsel for the petitioner at some length, he expressed his willingness to withdraw the instant writ petition, in order to avail the remedy of appeal before the Service Tribunal. Hence, the instant writ petition stands dismissed as withdrawn.</p> <p>Announced 14.5.2019.</p> <p style="text-align: right;">Sd/Justice Muhammad Nasir Mahfooz, J Sd/Justice Shakeel Ahmad, j</p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY <i>[Signature]</i> Examiner Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Order 1984</p>

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GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

²While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- 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 the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

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1 Para-1(x) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/V/61-VI, dated 7-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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~~58~~
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- x) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

ATTESTED
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- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

30

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

Authority: Letter No: SOR-1/IE&AD/1-4/2003 dated 24-6-2003.

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It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Mst: Khursheed Ahmad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Khursheed Ahmad

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2019

Khursheed Ahmad
CLIENT

N.M. Khattak
ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&
M. Zaman Saif
MIR ZAMAN SAIF
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Mobile No.0345-9383141

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ایڈوکیٹ:

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

مخائب:	دعوی:
رضیہ سلطانہ لا رسید منٹ ۱۹۹۴	علاقہ نمبر: ۹۳۷/۲۰۱۹
خورشید العینام محکمہ تعلیم	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ مقام
آن مقام لیشاور کیلئے ہیموٹیل خان اور اسد محمود کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند سے

المقوم:

گواہ شد

مقام

مقام

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Razia sultana

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 937/2019

**MST: KHURSHEED AHMAD
VERSUS
EDUCATION DEPARTMENT, ETC**

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No. 2&3

Index

S/No	Subject	Annexure	Page No
1	Written reply / comments along with affidavit	-----	1-5
2	Replication along with affidavit	----	6-7
3	Log Book	A	8-13
4	Order dated: 03-05-2019	B	14
5	Order dated: 11-07-2019	C	15
6	Authority Letter of ADEO (F) litigation		16

**DIRECTOR (E & S)
KHYBER PAKHTON KHWA,
PESHAWAR. Respondent No. 2**

**DISTRICT
EDUCATION OFFICER(F)
LAKKI MARWAT.
Respondent No. 3**

Dated: ___-09-2019 Through

**A.A.G
KPK Service Tribunal
Peshawar**

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 937/2019

MST: KHURSHEED AHMAD

VERSUS

EDUCATION DEPARTMENT, ETC

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No. 2&3

Respectfully Sheweth,

The Respondents No-2 & 3 humbly submits as under:

PRELIMINARY OBJECTIONS:

1. That the appeal is badly time barred.
2. That the appellant has got no locus-standi to file the instant appeal.
3. That the appellant has not come to this tribunal with clean hands.
4. That the appeal is not maintainable in the present from and also in the present circumstances.
5. That the appellant has concealed some material facts from this Hon'ble Tribunal.
6. That the appellant has filed the instant appeal just to pressurized the respondents.
7. That the appeal is against the facts, rules and laws.
8. That the appellant is precluded and estopped from filing the instant appeal due to his own conduct.
9. That the instant appeal became infructuous as the appellant have been relieved from the G.G.P.S Nar Sahibdad Maidad Khel, which is evident from the log book and orders dated: 03-05-2019 and 11-07-2019. (Copy of Log book and orders are Annexure- A to C)
10. That according to the clause-XIV policy annexed N by the appellant the limitation for appeal was 7 days from the transfer orders which was not complied by the appellant, moreover the above said clause also provided the

grounds for filling appeal against transfer / posting which are reproduced below:-

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.**
- ii) Serious and grave personal (humanitarian) grounds.**

But no such ground exist in the instant case.

11. That the appeal in hand is not verified by the appellant.
12. The appellant through bald assertions trying to get sympathies of the Hon'ble Tribunal as she is failed to provide any material through which it can be ascertained that the transfer orders were made due to political influence.

FACTS:

1. That Para No-1 replied as that the para to the extent of the employment is correct but the appellant has used political influence to stay / hold the position in the G.G.P.S Nar Sahibdad Maidad Khel for more than 15 years, so she was transferred from the G.G.P.S Nar Sahibdad Maidad Khel due to long tenure.
2. That Para No-2 is replied as that the appellant was firstly transfer to the G.G.P.S Nar Sahibdad Maidad Khel in 2002 and due to political influence / connection she stayed posted in the said school till March 2011 but after 5 months in October 2011 she again used her political influence / connection and was again transferred to the G.G.P.S Nar Sahibdad Maidad Khel and since then appellant was posted in the said school until 02-04-2018 she was transfer due to the long tenure. While the private respondent's transfer is concerned she was transferred in the said school on 07-12-2016 and didn't complete her normal tenure according to the clause-IV of transfer policy annexed and relied by appellant.
3. That Para No-3 is correct. But the private respondent No.4 was mistakenly transferred from the said school because her normal tenure according to the transfer / posting rules was not completed in the GGPS Nar Sahibdad Maidad Khel Lakki Marwat.
4. That Para No-4 is incorrect. No such political or any other type of influence was used for cancelling the transfer order of private respondent. As it is stated in the above para, the normal tenure of private respondent i.e three years was

not completed, so her transfer orders were cancelled and the appellant was transferred from the said school due to long tenure which is evident from the record.

5. That Para-5 of the appeal is incorrect to the extent of realizing mistake, appellant is concealing actual facts. The appellant used influence to cancel the orders of her transfer, but later on actual mistake was corrected through order dated 28-04-2018 by sustaining the transfer orders of appellant due to long tenure.
6. In the reply of Para No-6 it is submitted that in the public interest the order dated 25-10-2018 was issued. It is pertinent to mention that the order dated 25-10-2018 was not only for / against appellant's transfer orders but it was general order for all the teacher's posted / transferred from 1st May 2018 to 25-10-2018.
7. In the reply of Para No-7 is submitted that the appellant's writ petition was converted to departmental appeal but actual facts were concealed from the respondent No. 2 and order dated 14-02-2019 was obtained. As actually the order dated 25-10-2018 was issued regarding all teachers / employees transferred / posted from 1st May 2018 to 25-10-2018.
8. That Para No-8 is replied as, that as the order dated 25-10-2018 was regarding all teachers and employees transferred from 1st may 2018 to 25 October 2018, so the cancellation of such order would affect many transfer and postings, due to this fact the cancellation order dated 14-02-2019 was canceled in the public interest through order dated: 21-02-2019.

GROUND:

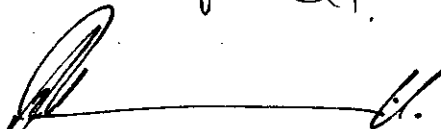
- (A). That Para No. A is incorrect, hence expressly denied.
Basically the order dated: 21-02-2019 were made in accordance with law and policy of the Govt. and in the public interest.
- (B). That Para No. B is incorrect, hence expressly denied. The appellant was treated in accordance with law, neither any constitutional right nor any vested right of the appellant was violated. As according to the transfer / posting policy annexed by the appellant i.e (Annexure-N) the normal tenure for the public servant is three years but the appellant served / stayed in the disputed school / post for more than 15 years but on the other side the private respondent's tenure in the said school was less than 2 years so that is why the appellant was transferred from the GGPS Nar Sahibdad Maidad Khel.
- (C). That Para No. C is incorrect, hence expressly denied. That neither any malafide is behind the said order nor the respondent department acted in arbitrary manner, the transfer of appellant were made in accordance with Govt. Policy

keeping in view the long tenure of the appellant on disputed station / School and the order dated 21-02-2019 was made in the public interest.

- (D). That Para No. D is incorrect, hence expressly denied. That the Notification dated 21-02-2019 was issued in the best interest of public as mentioned above.
- (E). That Para No. E & F are incorrect, hence expressly denied. The order dated 21-02-2019 was made just in the public interest, as it is also mentioned above that the order dated 25-10-2018 was made regarding all teacher's / employees transferred / posted by respondent No.3 from 1st May 2018 to 25-10-2018, so cancelling such order would affect other employees and teachers, that is why the order dated: 14-02-2019 cancelling the order dated: 25-10-2018 was canceled through order dated 21-02-2019.
- (F). That respondents may be allowed to raise / advance additional ground at the time of arguments.

It is therefore most humbly prayed that this Hon'ble Tribunal may very graciously be pleased to dismiss the instant appeal with cost.

Ammed
DIRECTOR (E & S) E.
KHYBER PAKHTON KHWA,
PESHAWAR. Respondent No. 2

for *Ammed*

DISTRICT
EDUCATION OFFICER(F)
LAKKI MARWAT.
Respondent No. 3

Dated: ___-09-2019 **Through**

A.A.G
KPK Service Tribunal
Peshawar

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 937/2019

MST: KHURSHEED AHMAD

VERSUS

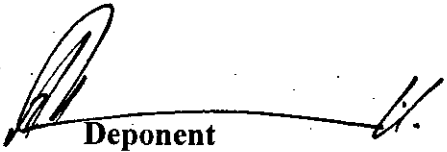
EDUCATION DEPARTMENT, ETC

WRITTEN REPLY ON BEHALF OF RESPONDENTS No. 2&3

Affidavit

I, **District Education Officer (Female)** Lakki Marwat, do hereby solemnly affirm and declare upon oath that the contents of written reply / comments are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Honorable Court.

**Identified By:
A.A.G
KP, Service Tribunal
Peshawar.**


Deponent

D.E.O (F) Lakki Marwat.

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 937/2019

MST: KHURSHEED AHMAD

VERSUS

EDUCATION DEPARTMENT, ETC

WRITTEN REPLY ON BEHALF OF RESPONDENTS No. 2&3

Respectfully Sheweth:

The Respondent No. 2 & 3 submits as under:

Preliminary Objections:

1. The petitioner/appellant has got no cause to file such like petition.
2. The petitioner/appellant has not come to this Hon'ble Court with clean hands.
3. The petition is not verified, hence no sanctity is available to the same.
4. The present petition is filed with malicious intent, just to harass the replying respondent.
5. That the instant application became infructuous as the order dated: 21-02-2019 was complied with as evident from log book and orders dated: 03-05-2019 and 11-07-2019.

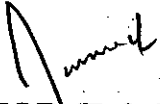
Factual Objections:


- A. Paras No.1 of the application is irrelevant, hence needs no reply.
- B. Para No.2 & 3 of the petition is incorrect, wrong, unjustified, false, fictitious and the same is the result of misconception, hence expressly denied. Infact the instant application became infructuous as the appellant was relived of said school, which is evident from the log book and orders mentioned above, hence she is not entitled to any relief what so ever, as

main appeal become infructuous. Further the present petition has been filed by the present petitioner/appellant just to deceive the Hon'ble Tribunal by advancing mis-leading facts before the learned Tribunal, hence the present petition is liable to be dismissed with order of special compensatory costs.

- C. In reply to para No. 4 it is submitted that the written comments and its supportive documents may kindly be considered as an integral part of this reply.

IT IS THEREFORE HUMBLY REQUESTED THAT IN THE LIGHT OF ABOVE LEGAL AND FACTUAL POINTS THE SUBJECT APPLICATION MAY GRACIOUSLY BE DISMISSED WITH ORDER OF COSTS.


DIRECTOR (E & S)
KHYBER PAKHTON KHWA,
PESHAWAR. Respondent No. 2


DISTRICT
EDUCATION OFFICER (F)
LAKKI MARWAT.
Respondent No. 3

Dated: __-09-2019

Through

A.A.G
KPK Service Tribunal
Peshawar

Affidavit

It is certified upon oath that the contents of the written reply/replication are correct to the best of my knowledge and nothing has been kept concealed intentionally from this Hon'ble Court.

Deponent.
District Education Officer (F)

8 لاگ بک (حصہ دوم)

رپورٹ کی روشنی میں سکول
انتھارٹی نے جو کارروائی کی۔

رائے / رپورٹ معائنہ

آج مورخہ 17/11/18
 کو سکول لہذا کاغذ لکھا گیا۔
 موقعہ در تمام اسٹاف جو خود لکھا
 دیکھوں کی تعداد ابتدائی کم لکھی
 بیان ہم دو سید سید کے
 در میان clash ہے۔ جس کے
 D.E.O آہنی کو رپورٹ لکھا
 گیا ہے۔
 اب بیان رہیں سلطان کے
 ساتھ جو جو ہیں وہ بیان
 خارج / سید سید ہیں۔
 اور میں خود سید لکھ
 سید سید کی جانب سے کم فوراً
 خارج اور تمام ایگارد

رپورٹ کی روشنی میں سکول
انتھارٹی نے جو کارروائی کی۔

رائے / رپورٹ معائنہ

میں اس ضمنی کے حوالے کر رہی
اور ان سے Receipt

لے کر
میں خواہش کروا رہی ہوں

کی حالت ہے کہ ان کے اردو

Passani Ayaz
Lakki Marwat

سے وہ Absent ہے

کی جا نہیں آئی۔ امید ہے اس سے

دن کے اندر وہاں خارج ہونے کی

یہ ایک کی حالت ہے۔

بشرطی کی حالت ہے۔

Statement کو جو رہا ہے

حتمال میں لکھا جائے گا۔

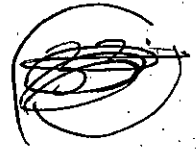
17/11/18
S.D.E.O (F)
Seral Naurang

ASDEO (F)
Lakki Marwat
17/11/18

سوانح ایگزیکٹو کی سہولت

لاگ بک

(حصہ دوم)



رپورٹ کی روشنی میں سکول
انتھارٹی نے جو کارروائی کی۔

رائے / رپورٹ معائنہ

آج عراج 20/12/18 کو 44PS

نارنگا صاحبہ اور دیگر اہل کاروں کا

مذمت کیا

صوبہ پر تمام سٹاف موجود تھا۔

PSHT جو رپورٹیں جمع کروانے کی جا رہی

ہے۔ ان میں وہ ایسے ایسے رپورٹیں شامل

44PS کی آٹھ ماہی خانہ عراج

کے ہیں۔ عور و تمام رپورٹیں جمع

PSHT رہیں۔ سلطانہ کے حوالے

کریں۔

ASDEO (F) Circle
Gandhi Khan Khel
Serai Naurang

20/12/18

بائل

(حصہ دوم)

لاگ بک

10

25

رپورٹ کی روشنی میں سکول
اتھارٹی نے جو کارروائی کی۔

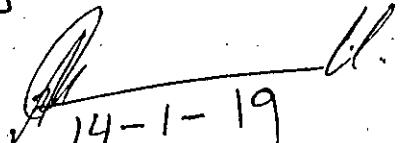
رائے / رپورٹ معائنہ

Khurshaed Ahmad
You are directed
to hand over the
cheaque book to
Razia Sultana,
Otherwise strict
disciplinary action
will be taken against
You. SDEO & ASDEO
are also directed
to adjust Khurshaed
in other School. As
she is creating

رپورٹ کی روشنی میں سکول
انتھارٹی نے جو کارروائی کی۔

رائے / رپورٹ معائنہ

hurdles to the under-
signed office &
also due to her school
atmosphere is
deteriorated day
by day.


14-1-19
Distt: Education Officer
(Female) Lakk Marwat



لاگ بک (حصہ دوم)

رپورٹ کی روشنی میں سکول
انتظامی نے جو کارروائی کی۔

رائے / رپورٹ معائنہ

آج پیر 28/03/19 کو
سکول خندا کا مہزبان کو

میں اس ضمن میں

مہزبان کے طور پر مزاحمت کی

گئی ہے اور آڈیو تاپوں سے

میں اور یہاں کی وہاں خارج ہیں۔

اور میں خود شہداء کو فی الفور

دستی آبیہ خان سے خارج لینے کی ہدایت کی

گئی ہے اور اسی طرح الیورٹ دو دن کے

انداز وقتہ خندا کا مہزبان اور وہاں

[Handwritten signature]

absent
S.D.E.O (FI)
Serai Naurang

ایک ہی نیا سا کیٹا جو میں اس ضمن میں

رائے / رپورٹ معائنہ

رپورٹ کی روشنی میں سکول
انتھارٹی نے جو کارروائی کی۔

آج مورخہ 26/4/19 کو
 PS 94 کا راجہ صاحب اور صاحب
 کا سامنے سٹریٹ گیا تھا۔
 PS 471 صاحب سلطانہ کے اردو
 میں حضورت محمد کے بارے
 میں پوچھا گیا۔ حضورت صاحبہ نے
 کہا کہ وہ نہیں امدادی کے
 سے لگتے تھے۔
 موجود تھا۔ اس کے مطالبے پر
 گیا۔ کہیں جا رہے ہیں نہ۔
 پچھلے دنوں کے کارروائی
 کس نہ۔

بہاں پر راجہ صاحب سلطانہ کے اردو
 PS 471 حضورت صاحبہ کے
 مطالبے کے مطابق ایک دن کے
 94 کے بارے میں جاری ہے

12

لاگ بک (حصہ دوم)

رپورٹ کی روشنی میں سکول
انتظامی نے جو کارروائی کی۔

رائے / رپورٹ معائنہ

آفس میں جاری رپورٹ
جمع کریں۔ ورنہ وہ یہاں
غیر حاضر گھوڑی جائیگی۔
PSTAT رہنے سلطانہ کو جانگ
کی جائیگی کہ فوراً
مکہ سوں کو وہ یہاں کریں
ہو تمہارا موجود تھا

M/8
ASDEO (F) Circle
Gandi Khan Khel
Serai Naurang

26/4/19

لاک بک (حصہ دوم)

رائے / رپورٹ معائنہ

رپورٹ کی روشنی میں سکول
اتھارٹی نے جو کارروائی کی

آج مورخہ گورنمنٹ ٹرنز پر ایشی
سکول نار صاحب دار کا اجازت
ورث کیا۔ ورث کا وقت میں
رہنہ سلطان PSHAT اور میں علیہ
PST موجود تھیں۔ گڈس فور موجود
میں رہنہ اور علیہ فلڈ کر رہے تھے
میں موجود تھیں
سکول میں فور
ڈائننگ روم کی حالت
کے بجائے پیمانے کی سکول میں آئی
تھی اور اسی طرح سے حافظی
لکائی تھی جس دن فائبر فینڈ
میں اس دن آج کل آئی۔ آج کا
مطلب ہے کہ وہ لاہور اور لوہوں
کے وطن کی ہے۔ فون ریکارڈ
کے طور پر وہ کو بہتر اور
تھی۔ انسانی یہ ہے کہ وہ
نہیں رہے۔ انسانی یہ ہے کہ وہ

لاگ بک (حصہ دوم)

رپورٹ کی روشنی میں سکول
اتھارٹی نے جو کارروائی کی۔

رائے / رپورٹ معائنہ

6 اسکولوں میں اہلکے خطاطی کا
اور ایک تعلیمی جوڑے پمپخانہ
ہے۔ اس کے لیے اس طرح سے اہلکے
خطاطی اور پمپخانہ
حصہ اول جمع کرنے کے لیے
تہ تیغی کے لیے کام کر رہے ہیں۔

26/1/2019
VSSOM Bannu



B
(14)

**Office of The District Education Officer
Female Lakki Marwat**

Ph: (0969)538080

email: deoflakki@gmail.com

OFFICE ORDER

Reference notification issued by Deputy Director Establishment (F) Khyber Pakhtunkhwa Peshawar bearing Endst No. 4455-58/353/F/Appeal Lakki Dated Peshawar the 21/02/2019, Ms Khurshid Begum PST, presently serving at GGPS Nar Sahibdad Maidad Khel is hereby relieved of her duties from the said school. She is directed to resume her duties at GGPS Passani Ayaz Khan with immediate effect. In case of non-compliance, the teacher concerned will be treated under E&D Rule 2011.

District Education Officer
Female Lakki Marwat

Endst No. 1152 SA Dated 23/8/19

copy to the:

1. Director E&S Education Khyber Pakhtunkhwa Peshawar
2. SDEO (F) Serai Naurang with directions to ensure the relieving of said teacher
3. ASDEO (F) circle Serai Naurang
4. Head teacher GGPS Nar Sahibdad Maidad Khel
5. Head teacher GGPS Passani Ayaz KHAN

District Education Officer
Female Lakki Marwat

15

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (FEMALE) SERAI NAURANG

No. _____

Dated. _____ 2019

OFFICE ORDER

Reference Notification issued by Deputy Director Establishment (Female) Khyber Pakhtunkhwa Peshawar Bearing Endst No. 4455-58/ 353/F/ Appeal Lakki Dated Peshawar the 21-02-2019 as well as DEO (F) lakki No.1652-56 Dated 03-05-2019, Mst Khurshid Begum PST Presently Serving at GGPS Nar Sahib dad Maidad Khel has already been relieved of her duties from GGPS Nar Sahib dad Maidad Khel in the above quoted reference of DEO (F) Lakki ; so you are once again directed to compliance the order and took over charge at GGPS Passani Ayaz Khan at once , your charge report in this regard should be reached to this office within three days after the receipt of this latter , in case of non-compliance your name will be referred to higher authority for strictly action under E&D rules 2001 , against you.

Sub Divisional Education Officer
(Female) Serai Naurang

Endst No. 804-0

Dated. 11/7/ 2019

- 1- District Education Officer (F) Lakki Marwat w/r to her office no & Date cited above
- 2- ASDEO concerned for information and necessary action please
- 3- Head teachers concerned for compliance.

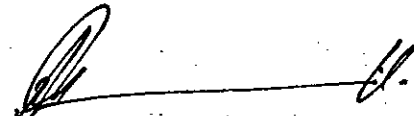
Sub Divisional Education Officer
(Female) Serai Naurang

16

OFFICE OF THE DISTRICT EDUCATION FEMALE LAKKI MARWAT

AUTHORITY

It is certified that Mr. Muhammad Nazir A.D.E.O (F) (Litigation) is hereby authorized to submit written reply / comments and replication in Service appeal No. 937/2019 titled Mst Khurshed Ahmad VS Education Department ETC in Khyber Pakhtunkhwa Service Tribunal Court Peshawar.



**District Education Officer (F)
Lakki Marwat**

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

Service Appeal No. 937/2019

Khursheed Ahmad

VS

Education Deptt:

.....
REPLY ON BEHALF OF RESPONDENTS NO.4

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTION:

1. The appeal has no cause of action & locus standi to file the instant appeal.
2. The appellant has been estopped by his own conduct to file the appeal.
3. The appellant has not come to this Honourable Tribunal with clean hands.
4. The appellant has concealed some material facts from this august Tribunal
5. That the impugned order was passed in public interest and under section 10 of the Civil Servant Act 1973, the appellant is liable to serve anywhere.

FACTS:

1. Pertain to the record.
2. Incorrect. The appellant had posted/stayed in the GGPS Nar Sahibdad for more than 15 years, while the private respondent No.4 has spent most of her tenure in hard areas and her application she was posted in GGPS Nar Sahibdad as the school was merged.
3. Pertain to record.
4. Incorrect. Private respondent No.4 has spent most of her tenure in hard areas and on the application of the appellant her posting transfer was cancelled as the appellant has spent most of his tenure in GGPS Nar Sahibdad. Moreover the appellant is influential as she has spent most of his tenure in GGPS Nar Sahibdad, while the private respondent No.4 spent most of her tenure in hard areas and as she not completed her normal tenure therefore her transfer order was cancelled and the appellant was transferred from the said school due to long tenure.

5. Incorrect. The appellant used influence to cancel the orders of her transfer, but later on actual mistake was corrected through order dated 28.04.2018 by sustaining the transfer order of the appellant due to her long tenure.
6. Incorrect. The appellant used influence to cancel her transfer through order dated 10.05.2018. moreover the order dated 25.10.2018 was not only for/ against the appellant, but it was a general order for all teacher's posted/transferred from 1st May 2018 to 25.10.2018.
7. Para 7 does not concern to private respondent No.4.
8. The respondent department passed the order dated 21.02.2019 due to the reason that as the order dated 25.10.2018 was general order regarding all teachers transferred/posted from 1st May 2018 to 25.10.2018, so the cancellation of such order would effect many transfer and posting and due to this reason, the order dated 14.02.2019 was withdrawn and restored the order dated 25.10.2019 through order dated 21.02.2019 in the public interest. Moreover the appellant has no cause of action to file the instant appeal as per section-10 of the Civil Servant Act 1973, the appellant is liable to serve anywhere as posted by competent authority.

GROUNDS:-


- A- Incorrect. The impugned transfer order is according to law and facts, norms of justice and material on record, therefore liable to be maintained.
- B- Incorrect. As per Section-10 of Civil Servant Act 1973, every civil servant shall be liable to serve anywhere posted by the competent, hence the respondents not violated any Article of the Constitution of Pakistan. Moreover the appellant served/posted in GGPS Nar Sahibdad for more than 15 years and on hand the respondent No.4 has spent more his tenure in far flung hard area and has also not completed her normal tenure at GGPS Nar Sahiabdad, that why the appellant was transferred from GGPS Nar Sahibdad.
- C- Incorrect. The respondents acted in accordance with law and rules by passing the impugned transfer order dated 21.02.2019.
- D- Incorrect. The appellant is bound to serve anywhere posted by the competent authority under section-10 of the Civil Servant Act-1973 and the respondent did not violate any clause of posting transfer policy. Moreover policy cannot prevail over Act.

E- Incorrect. The impugned order dated 21.02.2019 was passed in public interest as it is mentioned above that the order dated 25.10.2018 was general order regarding all teachers transferred/posted from 1st May 2018 to 25.10.2018, so the cancellation of such order would effect many transfer and posting and due to this reason, the order dated 14.02.2019 was withdrawn and restored the order dated 25.10.2019 through order dated 21.02.2019 in the public interest.

F- Incorrect. As replied in Para-E of the grounds above.

G- The respondent No.4 also seeks permission to advance other grounds and proof at the time of hearing.

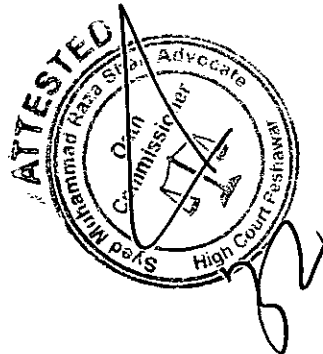
It is, therefore, most humbly prayed that the appeal of the appellant may be dismissed being devoid of merit.

Respondent NO.4
THROUGH: 
TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of reply of respondent No.4 are true and correct to the best of my knowledge and belief.


DEPONENT



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

Service Appeal No. 937/2019

Khursheed Ahmad

VS

Education Deptt:

REPLY TO APPLICATION ON BEHALF OF RESPONDENTS NO.4

RESPECTFULLY SHEWETH:

1. No comments.
2. The order dated 14.02.2019 was withdrawn and restored the order dated 25.10.2019 through order dated 21.02.2019 in the public interest, as the order dated 25.10.2018 was general order regarding all teachers transferred/posted from 1st May 2018 to 25.10.2018, so the cancellation of such order would affect many transfer and posting.
3. Incorrect. All the three ingredients are in the favour of the respondent No.4.
4. That the written reply in appeal may kindly be considered as integral part of this reply.

It is therefore most humbly prayed that the application may kindly be dismissed as the application has already been infructuous because the appellant and respondent No.4 have took their charges on their post.

RESPONDENT NO.4
THROUGH:


**TAIMUR ALI KHAN
ADVOCATE HIGH COURT**

AFFIDAVIT

It is affirmed and declared that the contents of reply to application on behalf of respondent No.4 are true and correct to the best of my knowledge and belief.




DEPONENT

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 2006 /ST

Dated 14 / 11 / 2019

To


The Director E&SE
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 937/2019, MST. KHURSHID AHMAD.

I am directed to forward herewith a certified copy of Judgement dated 06.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.