Form- A FORM OF ORDER SHEET

Court of	
Case No	1136/ 2019

ı	.Case No	1136/2019
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	. 3
1-	12/09/2019	The appeal of Mst. Shaheeda Rahim resubmitted today by Mr. Muhammad Aftab Qadir Advocate may be entered in the Institution
		Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-	13/09/19	This case is entrusted to S. Bench for preliminary hearing to be put up there on 26 09 2019.
		CHAIRMÁN
- 1	26.09.2019	Counsel for the appellant present.
		Learned counsel, when confronted with the prayer
		contained in the memorandum of appeal, requests for withdrawal of the appeal with the option to file a fresh one
		in accordance with law.
		Disposed of as such. File be consigned to record room. Chairman
•		·
,		Announced: 26.09.2019
· .		
. 1		
-1		·
	·	

Completion

The appeal of Mst. Shaheeda Rahim w/o Jelani Khan r/o Kasai Tehsil Salarzai Raghgan District Bajuar received today i.e. on 25.07.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
 - 2- Addresses of respondent No. 4 and 6 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
 - 3- Copies of appointment and promotion orders mentioned in the para-1 of the memo of appeal are not attached with the appeal which may be placed on it.
- 4- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1353 /S.T,

Dt. 3/- 7 /2019.

CIVED AND PARTIES REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M.Aftab Qaiser Adv. Pesh.

Si complete with in all Respect

Please put up before the cont.

M. (A) 18/9/068

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Service Appeal No . 1136 /2019	
Shahida	Appellant
VERSUS	
Govt of KpK	. Respondent

INDEX

SI. No.	Description of documents	Annex	Pages
1.	Copy OF appeal		1-4
2.	Affidavit		5-a
3.	Address of parties		5-b
4.	Copy of CNIC		6
5.	Copy of appointment order 3/5/1992		6-a
6.	Copy of transfer order		7-a ,
7	Copy of application		7-b
8	Copy of applications		8-12 ·
9	Copy of letter		13
10	Copy of application		14
12	Vakalat Namma		15

Through

Affab Gaiser Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. <u>1136</u> /2019

Khyher Pakhtulika Sorvice Primmut

Diary No. 1046

Dates 25/7/2019

Shaheda RahimW/o Jelani Khan

R/o Kasai Tehsil Salarzai, Raghgan District Bajaur

.....Appellant

VERSUS

- 1. Govt. of KPK through Secretary Education Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 2. District Education Officer, Bajaur
- 3. Director Education Newly Marged District KPK, Peshawar
- 4. Miss Khair Un Nisa, Head Mistress Govt. Girls Primary School, (GGPS), College Colony Khar Bajaur
- 5. District Accountant Officer Bajaur
- 6. Miss Ishrat Begum W/o Hayat Khan, Village Haji Lawang, GGPS Lal Gul Banda, Bajaur

.....Respondents

Fledto-day

APPEAL UNDER SECTION 4 OF THE SERVICES TRIBUNAL ACT

1974 AGAINST THE IMPUGNED

Re-submitted to -day TRANSFER ORDER DATED

19/12/2018 WHEREBY

RESPONDENT NO.2 HAS



UNLAWFULLY TRANSFERRED
RESPONDENT NO.6 FROM GGPS
LAL GUL BANDA TO GGPS
COLLEGE COLONY KHAR
BAJAUR

Prayer in Appeal:

On acceptance of this appeal, the impugned order dated 19/12/2018 may very graciously be set aside and respondent No.6 may kindly be restored bak to the GGPS Lal Gul Banda in the large interest of justice.

Respectfully Sheweth:

- 1. That appellant was appointed as PST in the year 1993 and was promoted to BPS-15, since the appellant is serving the department at her best of ability. (Copy of appointment and promotion order is Annexure-A)
- 2. That the appellant served the department without any complaint on her ability.
- 3. That the appellant has served more than 25 years of job in GGPS Salarzai Bajaur which is for away to her home. She know that on



08/04/2019 on GGPS College Colony one post is now vacant but now she is surprised where she know that this post was fill up illegal and unlawfully on 19/12/2018.

- 4. That aggrieved by the order appellant preferred departmental appeal to the respondent No.3 but with no response. (Copy of departmental appeal is Annexure-B)
- 5. That appellant is aggrieved from the order of respondents with no other remedy hence approached this Honourable Tribunal on the following amongst other grounds:

GROUNDS:

- A. That on considering of the appeal by the respondent against the impugned transfer order is unwarranted and illegal.
- B. That the appellant has served the department at the best of his ability but even that respondent No.3, illegally transferred the respondent No.6.
- C. That since respondent No.6 has not completed the tenure therefore, the impugned order to the extent of respondent No.6 is not sustainable.



- D. That the impugned order of transfer was made to the post which was not at that time when such order was made.
- E. That the impugned transfer was made with malafide intention because it was made prior to the retirement of Mst. Haroon Nisa.
- F. That the appellant be allowed to add/rely upon other grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned transfer order dated 19/12/2018 to the extent of respondent No.6 may kindly be set aside and she be posted back to GGPS Lal Gul Banda in the large interest of justice.

Through

Date: <u>2</u>/<u>7</u>/2019

Appeliant

Muhammad Aftab Qaisar Advocate, High Court, Peshawar

TRIBUNAL PESHAWAR

Service Appeal No.	_/2019	•	-
Shahida Rahim		· · · · · · · · · · · · · · · · · · ·	Appellants
	VERSUS		
Govt. of Khyber Pukhtunkhw	а		Respondents

<u>AFFIDAVIT</u>

🕴 I, shahida Rahim w/o

Rahim (PST ,GGPS) R/O Kassi

Salarsai Distrect Bajaor , do hereby solemnly affirm and declared on Oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Court.

Identified by

Deponent

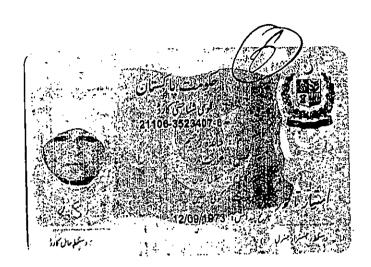
Advocate Peshawar

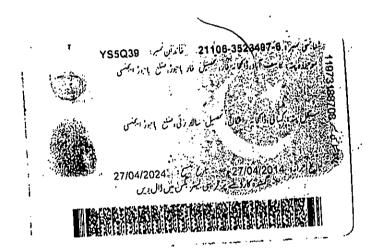
21106-3523407-6

5-b

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Serv	rice Appeal No/2019
Shal	heda Rahim Appellant
	VERSUS
Gov	t. of KPK and othersRespondents
	ADDRESSES OF PARTIES
<u>APP</u>	ELLANT
R/o	heda RahimW/o Jelani Khan Kasai Tehsil Salarzai, Raghgan District Bajaur PONDENTS
1.	Govt. of KPK through Secretary Education Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2.	District Education Officer, Bajaur
3.	Director Education Newly Marged District KPK, Peshawar
4.	Miss Khair Un Nisa, Head Mistress Govt. Girls Primary School, (GGPS), College Colony Khar Bajaur
5.	District Accountant Officer Bajaur
6.	Miss Ishrat Begum W/o Hayat Khan, Village Haji Lawang, GGPS Lal Gul Banda, Bajaur
Date:	Through Muhammad Aftab Qaisar Advocate, High Court, Peshawar





VEDULATION SPLEATING TO THE TOTAL SPREATURE SP

是是是我们的,我们就是我们的时候就是我们的时候就是我们的时候,我们就是我们的时候,我们就是我们的时候,我们是一个时候,我们是一个时候,我们是一个时候,这种是一个一个时候,也是一个一个时候,我们也是我们的时候,我们是一个时候,我们是一个时候,我们是一个时候,我们是一个时候,我们是一个时候,我们也是一个时候,我们也是一个时候,我们也是一个时候,我们也是一个时候,我们也是

as approved by the Director of Education (MARA) you, seek over the following appointments/innounce of Purple carried and in the following ordered in the Schools nated against on b to the interest of public service with effect from their terms of the contrast.

the num canaldrive will placed in the num canaldrive will placed in the number of description the deless.

S. 34.	11 - 130	<u>. ت باری</u>	10.031C		C SP N		357	Remoderation.	1
٦.			ម្រាស់ ស្រា ស្រាស់	'⇔;, ,	tre to	1793	, Same is	Agelari Variati	
2.		اد داده از		70	-40-) t	TAIL ARL	អ្នកនេះ	. '* ;
	isa		i di tran i	i./⊅	-년 1~		- .1₫−	÷3.4.*	• }
V.1.	Je i li		अध∃्यार्थि		· c-	7 4	Tuarit-gir l	_30	<u> </u>
v5.	dot a	t :! i i i	in. Talle	·. /2	* u		_±0-	Vier .	, . . ,
: .		i .	,4 • .d.,	7 T C1	Toother	i ,,	r lije	fightrod I'C to:	Ted not.
· ·	· 🖰 · · · ·	* ·		11	7-11-	, 1	ingress.	-1:-	

professional teach net he as material

in the uniquent is ellosed to say a signed are easily as in purely or it along the transfer in the regulation and riviews amplesting rencound. The deat of the control of the posts of a real to the test of the control of t

or. Militantion, units of Bimib Control like of the section of the

the contraction of the properties of the contraction of the contractio on Airea.

all 0 03 The Endis

dopy of the move to forwarded for information and section to thes

Director of Education (PAGA) Mass, Poshewar. 1:

All the Gend Teacher Concorned. 2-7.

8-14. All Condidates concerned. 15-16. A.A.D.O. (Female) & Pay Clerk of the Local Conden.

5. A. Jen/4

VERHOX PARCATION OF LOS. OLIAK ZAT AGORCY AT HANTU.

Better Copy 6-A

OFFICE OF THE AGENCY EDUCATION OFFICER ORAKZAI AGENCY AT HANGU

APPOINTMENT/TRANSFERS:

As approved by the Director of Education (FATA) NWFP, Peshawar the following appointments/transfers of female candidates/PTC are hereby ordered in the schools noted against each in the interest of public service with effect from their taking over charges.

The new candidates will placed in the BPS-7 @ Rs.1095/- per Month fixed plus usual allowances as admissible under the Rules.

O 3T-	Name of candidates	From	To	Remarks
<u>S.No.</u> 1.	Miss Noore Arab D/o Noor Hussain	Candidate	GGPS, Sarids	Against Vacant post
2.	Miss Hashmat Banoo D/o	-do-	Gal Ali Khel	-do-
3.	Saif ul Rehman Miss Naheed Akhtar D/o	-do-	-do-	-do-
4.	Taj Muhammad Miss Mehnaz Gul Do Siraj ud Din	-do-	Toorkanri	-do-
5.	Miss Shahida Rahim D/o Rahim Shah	-do-	-do-	Vice S.No.6
6.	Miss Matlub Rana	GGPS Toorkanri	Ghilje	Against Vacant post
7.	Miss Neelofar	Talai	Sheraz Garhi	-do-

Notes:

Charges reports in duplicate should be submitted to this office.

No TA/DA & transfer grant is allowed to anyone.

3. Their appointments are being made purely on temporarily basis and are liable to termination at any time without notice and without assigning reasons. In case they wishes to resign the posts they shall have to give one month prior notice forfeit one month's pay in lieu thereof.

4. The original qualification, date of birth & domicile certificate should be checked before they are handed over charge of the post and attested copies thereof be kept

on the record.

5. They should produce their Health Age certificate from the Agency Surgeon, Orakzai Agency at Hangu.

6. They should not be handed over charge of the post if they are below 18 years or

above 30 years of age.

7. In case they are failed to assumed charge within two weeks their vacancies should be reported to this office. Sd/-

AGENCY EDUCATION OFFICER ORAKZAI AGENCY AT HANGU

Endst. No.1530-1545/PTC

dated 03 May 1992

Copy of the above is forwarded for information and necessary action to the:

- Director of Education (FATA), NWFP, Peshawar 1.
- All the Head Teacher concerned. 2-7
- All candidates concerned. 8-14
- A.A.E.O, (Female) & Pay clerk of the local office. 15-16

S.A. Jan/

Sd/-

AGENCY EDUCATION OFFICER ORAKZAI AGENCY AT HANGU

ETUCATION (FATA), H.W.F.P PESHAWAR. (

TRANSFER.

Shewal

Kanai (Orakzai Agency: BPS to Govt: Girls F in the intrest of Pull taking over charge, re

MSt: Shehim: Rahim PTC Govt: Girls Primary School Toor hereby transferred on her own pay and Ty School Salarzai Kasi (Bajour Agency) Survice with effect from date of her ist a vacant FTC post.

Note:-

- Charge repo
- 2. TA/DA and t.
- 3. Her Senior list of Ph

should be submitted to all concerned.

for grant is not allowed.

.ill be placed at the bottom of the seniority Bajour Agency.

> (Dr. Sher Alam Khan) Director of Education PATA, N.W.F.P Peshawar.

Endst: NO

Copy Sorutal

Agency Ein-

Agency Ed.

P.A to D.L.

I AE/PIC/Dated Pesh: the

to the:-

 $i)_{\epsilon}$

on Officer. (Bajour Agency) at Khar.

on Officer (Orakzai Agency) at Hangu.

Director of Education

OFFICE OF THE DIRECTOR OF EDUCATION (FATA), NWFP PESHAWAR

TRANSFER

Mst. Shahida Rahim PTC Govt. Girls Primary School Toor Kanai (Orakzai Agency) is hereby transferred on her own pay and BPS to Govt. Girls Primary School Salarzai Kasi (Bajour Agency) in the interest of public Service with effect from date of her taking over charge, against a vacant PTC post.

Note:

- 1. Charge report should be submitted to all concerned.
- 2. TA/DA and transfer grant is not allowed.
- 3. Her seniority will be placed at the bottom of the seniority list of PTC Bajour Agency.

Sd/-xxxx (Dr. Sher Alam Khan) Director of Education FATA, NWFP, Peshawar

Endst. No.11242-44 II AEPTC/Dated Pesh: the 25/04/93

Copy forwarded to the:-

- 1. Agency Education Officer, (Bajour Agency) at Khar.
- 2. Agency Education Officer (Orakzai Agency) at Hangu
- 3. P.A to D.E. (FATA)

Sd/-xxxx Director of Education FATA, NWFP, Peshawar Districe Education Officer Bajaw at Khar

N- 2074 dt 19/12/2018

Transfer order

Transferred to Grosps college colony that on his own pay and scale in the interest of public Service Note 10, No TAIDA allowed (2) Necessary entries should be made in their S/book

pated 2010 Endast No copy, of the above is forwarded to the sublication Education newly mersed district KPK peshawar (2) Distric Accounts officer Basaux. 3) Accountat of the rocal office (4) Official concerned.

Alexed tobe true

رمت عاب مراكر يكر أف الحوكيشن قبائلي ا مناع دا) اف در توالت برائع بمدردانه نحور عالی الماس مع کرسائل (1993 لای ۱۹۹۶) میلارزی من رئيل أرستاني هارون الشاء PSIS ، PST هادير (1909 ريط) گريمون والي مع رور لعن عنا عمر رسكي مساتو ميجول فرائد فر الما الم عامان ي عرف كالمان عمد كذارش كياى بالم مركوره اجركا دأسمته روك اور مربط في بنياد بنر مذكوره بوسط بممرى دلم عرمات ما در وماض -DD (5) [B) 2 2 Jawl 32, By Unit (8 6) P1. Pat yling with Con D Stay tenure of well (1) 12 July & Masper (1) 12 July Wally (1) July الم و مال تا مره و P.S.T مرة م الزادى مه الزادى مه الرادي ما المره المراد المر Afweted

orging in the reint of the Costs ! Olgie Ban Relexation & July 1) 00/3/4/20 m 12/20 (2018) , 2000 m (2) 1/6/20 159 search (25 Bps) (25 Bps) (25 Bps him) مذاه و مسکول مری گورسے اور می اور وزالق کے انجام دہی میں دشواری ہے۔ دکو تک میں ی گورے نزدیک PST 2/19/8/14 cm Jamos grind 2/9/2 roles مالی مولی سکون وکونکم تبادلے پر یا نسری ہے کہرا U-16 Ban Relaxation 23 200 1/2 0 10 by 1 الهادلوم 52. Late English Chaps. PSI (-) OND (-) Dollar of de Chaps. PSI (-

المان عنوال: (على الموران في الموران في المعالم المعنى الله المعنى المعنى الله المعنى الله المعنى المعنى الله المعنى الله المعنى ا عباب عالی! مؤدمالم الماس به ارسائل (۱۹۹۵ لعر ۱۹۹۶ العرف سلاوری با جوژهین مؤدمالم الماس به ارسائل (۱۹۹۱ لعر ۱۹۹۶ میک مرد میکدا مرد کارگر مع به ف آجم، 15 على عبد خدمات مراني دى داى باي سكن مذكوره سكول مرى كوس كانى دور سے جو نکہ میری گورے نزدمک کا بہ کا لونی کا ماہ کا لونی کا ماہ ماہ واقع کے اور اس میں رہز ہوسط کی بنیادیر میری تبادلم و فعالین تو DEO عادی در تورست بر (ADECE) کم منیادیر 2) 39.90/3/6/ Sg. consider per policy/merit 1 2/505. Bul Sury ماورج الازم والم عشرت بي في psi عشرت بي في اورسكول ميم اللي نقي اورسكول ماور) الا مرائی کراها کر ارستول عوالم الله به مهال مین دن است و کورو کارتی رسی کرد رس دوسرا وزط کما تو مذکوره اور آن ای نورن فرائد فر آدد در سال ای ایم ۱۹۱۳ درج تفا- رمناب والا! حررانا) ایان لا دوسط ۱۱۴ بر او ۱۹۱۱ و مالی يهو عالم ليكن رس برار (در 18 ه | ١١١٩ كو يهو چكاله -مناب والا! بورس فراس از درك خرافی عدمارد) فو مقط ما ب و درس ا اور 28مار، کو اس میں اس و تکواکری نو شرفائی سوئی کر رائ حفتہ کے اندر اس میں ویورف داخل کیا جائے۔ لیکن اس ریکوردگری کے کنٹر کیٹن میں غیر خروری تاخید نیونی اور بھر انکواکری درور طی در فر کرے میں لیت ولعل سے کا نیا گیا۔ جنا۔ والا! يونكم مين بي رس الكوائري مين البي وَيِن في سَكِن نه جوسے كوئي رنوراط لی لئ اور نه میری فاعل ان وری لئ صند نتیج می بقول D. T. O Malored

الوالري و لورك مرى حق مين بمين بد -برام ما مان کا فرمت میں گزاریق کے کسب سے بھے مذکورہ رادر کو منہ و م اصطل کریں کیونکہ یہ غدقانونی لا اور جب السؤله ولله ي الله على أنظ علي تو لرله كرى مربط كى بنياد لير مذكوره سلول کو میری تمادله کرس -

نا به وَمَان شاهِره رحم Gaps , PSHT مني فها الورْ تُعُول برك اطلاع:

() سیکریٹری رجوکیشن KPK KPK (2) جيف سيكريشرى KPK

Alterted

كرون عناب والريك العائرى النه لسكندرى المحولية ن K و العائد الى العائرى النه لسكندرى المحولية ن K و العائد الم المراكب المراكبة عور

با جوڑ میں آ. جو سی عرب میں خدما سر بحاری رہی ہے اور مذکوره سکول میری گوسط کافی دور می اور نوالف ۱۷ کا) ۱۷ - on - 1/2 - 0 6 an حناب والا! ميري توكى نزدنك ١٩٩٥ كالج كالوفى واقع به اور رس مين رتب أستاني جا دون النساء p.s.T سكس 15 مين 8 البرل رواحد کوریشا کر مور والی مد اور لعفی عنا هردستی سا تعرفیل الرائسو راناجا هند بس من الراش كات الم مزوره عنا جمركا راست روئے اور میرف كى بنیاد بر مذوره روسف بر مرى تمادل ك احكاماً حمادر فعالين. مربط کی بنیاد ہم میری حق کھواسولے سے Stay tenure (W 26 1) (2) ہوم سٹنن کے بنیاد ہم (3) سیاؤس پالیسی کی بنیاد ہم (4) دمھ کا سکس کے بنیاد ہم العادلف

العاديوم العاديم آ. ج. العاديم المعالي التعالى المعالى التعالى المعالى التعالى المعالى المعال

400E (MMD)

Affected



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar PH No. 091-9210389, 9210938, 9210437, 9210957, 9210468



Fax 091-9210936

No. 3666 /E-6.	,	Dated S	<u>3_/</u> 2019.
То			
The District Ba	ct Education Officer, ijaur.	No control of the con	्रें स्व
	TION FOR TRANSP	ER.	
Memo:-		<u></u>	
l am dire	cted to refer to the	subject noted above ar	nd to enclose
herewith an application	· ·		
Salarsai District Bajaur f		445	
Jaiaisai District Dajatri i	or concideration as		
Encl: A.A.			. :
		Bu	v n
		Deputy Director (E	stt.)26/02/11
		Merged District	part)
Endst: No.		Dated Pesh: the	<i>[</i> 2019.
Copy to:-		· • • · · · · · · · · · · · · · · · · ·	•
Copy to			•
1. PA to Director, E&S			
2. Applicant concerne	0.		
•			-
		Deputy Director (Es Merged District	tt;)
		Micigan Spinor	•

1813/801a

APP MOT DESTROY

Alberta

الماس له كرسائل 1993 مع عود كاكستى مين آی پوسٹ ہے فالفل سمانجا) دیارہی ہے اور مذکورہ سكول مرى كولى مست دور سے _ يونك مرى كارك قريد عرها كا كم كالوي واقع مع اورانس من الك أنساني هادون الناء ا در ال المامة رسائر بون والى ب اور كم عنا هم رس كما تو ير ميري في لنتاك اور ميري Stay territe كدسال لنتاك العادلة 1 بكاتا به ومان ستا هده رجيم آ. دج، فعهاي

Allerter

7636 باركونسل اليوى ايش نمبر<u>: ١٩٥٥ - الما - الما</u> پشاور بارایسوی ایت ن^خ رابط نمبر: <u>کا 7 0300 - 3000</u>

PPPella سىماةِ شابى رحيم ۔ نورنمنٹ اَف کجی کے

مقدمه مندرجہ عنوان بالا میں اپن طرف ہے واسطے ہیروی وجواب دہی کا روائی متعلقہ آن مقام <u>لمذاور کیا محد آفتا میم الزرلن مسال به</u> کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدہ کی کل کاروائی کا کامل اختیار ہوگا ، نیز وکیل صاحب کو راضی نامه کرنے وتقر ر ثالث و فیصله بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہرقتم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا ،نیز بصورت عدم بیردی یا ڈگری کیطرفہ یا اپیل کی برآ مدگی اورمنسوخی ، نیز دائر کرنے اپیل مگرانی ونظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدہ مذکورہ کے کل یا جزوی . کاروائی کے واسطے اور وکیل یا مختار قانونی کو اینے ہمراہ یا اینے بجائے تقر رکا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہو ل کے اور اس کا ساختہ یر داختہ منظور و قبول ہو گا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدہ کے سبب سے ہوگا کوئی تاریخ پیثی مقام دورہ یا حد سے باہر ہوتو وکیل صاحب یابند نہ ہوں گے کہ پیروی مذکورہ کریں ،لہذا وکالت نامہ لکھ دیا تارکہ سند رہے

Attesta. نو ٹ:اس وکالت نامہ کی فوٹو کا بی نا قابل قبول ہوگی۔

Accepted