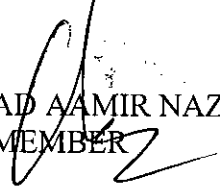


23.11.2016

Counsel for the appellant and Additional AG for official respondents No. 1 & 2 and counsel for private respondent No. 3 present. Learned counsel for the appellant submitted rejoinder, copy whereof handed over to learned Additional AG as well as counsel for the private respondent No. 3. To come up for arguments on 29.3.17 before D.B.



(ABDUL LATIF)
MEMBER



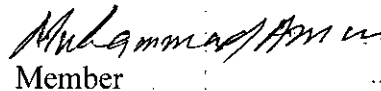
(MUHAMMAD AAMIR NAZIR)
MEMBER

29.03.2017

Counsel for appellant and Mr. Abdul Jameel, Junior Clerk alongwith Mr. Usman Ghani, Senior Government Pleader for respondents present. Learned counsel for appellant requested for withdrawal of appeal as the grievances of the appellant have been redressed. Dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED

29.03.2017


Member
Chairman

68/16

30.05.2016

Agent of counsel for the appellant, Mr. Hameedur Rahman AD alongwith Addl. AG for the official respondents No. 1 & 2 and counsel for private respondent No. 3 present. Written reply by private respondent No. 3 submitted while learned Addl. AG requested for further adjournment on behalf of official respondents No. 1 & 2 despite last opportunity. Last opportunity is further extended subject to payment of cost of Rs. 500/- which shall be borne by respondents No. 1 & 2 from their own pockets. To come up for written reply of official respondents No. 1 & 2 and cost on 28.07.2016 before S.B.


Chairman

28.07.2016

Clerk of counsel for the appellant, Mr. Abdul Jamil, AT for official respondents alongwith Addl. AG and private respondent No. 3 present. Written reply by respondents No. 1 & 2 submitted. Written reply by respondent No. 3 already submitted. Cost of Rs.500/- paid and receipt obtained thereof obtained. The appeal is assigned to D.B for rejoinder and final hearing for 23.11.2016.


Chairman

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

OFFICE ORDER.

The Adjustment/Promotion to the post of SST Post issued vide this Office order Endst **No.7242-G dated 24-08-2016** in the category of SST(G) in respect of the following SST is hereby posted / adjusted detail as given below, in the interest of public service.

| S# | Name of Mistress. | Under Promotion Adjustment as STT | Posted/adjusted at. |
|----|------------------------|--|--|
| 1 | Mst.Naheed Khatoon SST | GGHS Kotki. | GGHSS No1 Mardan against Sc. Post. |
| 2 | Farzana Kosar SST | GGHS Muhammad Wali Kaly Toru. | GGHSS Toru against Sc Post. |
| 3 | Saeeda Bibi SST | GGHSS Rustam. | GGHS Garhi Dolat Zai. |
| 4 | Ommi Kalsoom SST | GGHS Sherdil Khan Kily unde transfer to GGHS Kodinaka. | Retain at GGHS Sherdil Khan kily on her original post. |
| 5 | Ruquia Kosar SST | GGHS Charguli | GGHS Maho Dheri against Sc Post. |
| 6 | Tahira Ambreen SST | GGHS Dheri Katlang. | GGHS Kodinaka against SST(Sc) post |
| 7 | Bibi Asma.SST | GGHS Gumbat. | GGHS Muhammad Wali Kily Toru. Maira |
| 8 | Rukhsana Shahnaz. SST | GGHS Sher Dil Khan Kily | GGHS Baghada against SST Sc. Post. |
| 9 | Ishrat Jehan SST | GGHS Sanga | GGHS Takhat Bhai against newly up-graded High School. |
| 10 | Sabira Naseem. SST | GGHS Dako Baba | GGHS Takhat Bhai against newly up-graded High School |
| 11 | Naheed Anwar | GGHSS Rustam. | GGHS Hoti No.2 against SST Sc post. |

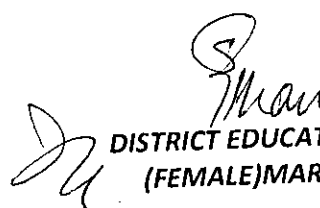
(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN.

Endost: No. 7588/9 / F. SST Adj:

Dated Mardan the 3/8 /2016.

Copy for information to the:-

1. Director (E&S) Education Khyber Pakhtun Khwa Peshawar.
2. District Accounts Officer Mardan.
3. Principals/Head Mistresses concerned.
4. DMO IMU Mardan.
5. Mistresses Concerned.


DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE), MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: cmismardandefemale@yahoo.com

SST
S

ADJUSTMENT ORDER.

Consequent upon the promotion for SCTs/CTs/SDMs/DMs/SATs /ATs/STTs /TTs/Senior Qaria /Qarias PSHTs/SPSTs/PSTs(Female) to SST (Bio-Chem:) SST(Phy/Maths),SST (G) BPS-16 vide Director of Elementary & Secondary Education Khyber Pakhton Khwa Peshawar Notification issued under Endst No.7216-22/ File No.2/Promotion SST B-16 Dated Peshawar the 07.08.2016 the following SST (Female) BPS-16 are hereby adjusted in the High/Higher School as noted against each from the date of issue of above Notification in the interest of public service on the terms and condition as noted below.

A.SST(Bio-Chm:)

| S.No | S.List | Name | Present place of duty | Adjusted at | Remarks |
|------|--------|------------|-----------------------|--------------|---------|
| 1. | 1920 | Rana Begum | GGPS, Gharib Abad | GGHS, Takkar | AVP |

B:SST(G)

| | | | | | |
|----|-----|-----------------------|-----------------------|--------------------------|----------|
| 1 | 75 | Robina Alam SCT | GGHS, Shamshad Abad | GGHS Bago Banda | AVP |
| 2 | 76 | Said Rukhtaj SCT | GGHSS, Hathain | GGHSS, Hathain | AVP |
| 3 | 78 | Nighat Anwar SCT | GGHSS, No.1.Mardan | GGHS, Shahdand Baba | AVP |
| 4 | 80 | Nasreen SCT | GGHS, Kass Koroona | GGHS, Kass Koroona | AVP |
| 5 | 81 | Roobi Andaleeb SCT | GGHS, Mohmand Mena | GGHS, Mohmand Mena | AVP |
| 6 | 82 | Nayyar Sultan SCT | GGHSS, Shahbaz Garhi | GGHS, Bhal Khan | AVP |
| 7 | 83 | Farkhanda Khatoon SCT | GGHSS, No.1.Mardan | GGHSS, Shahdand Baba | AVP |
| 8 | 84 | Asmat Ara SCT | GGHSS, Gujarat | GGHSS, Gujarat | AVP |
| 9 | 85 | Fallma Hussain SCT | GGHSS, No.1 Mardan | GGHS, Mayor | AVP |
| 10 | 86 | Naheeda Khatoon SCT | GGHSS, No.1 Mardan | GGHS, Kotki | AVP |
| 11 | 87 | Gul Zeba SCT | GGHS, Sher Garh | GGHSS, Hathain | AVP |
| 12 | 89 | Shagufta-Begum SCT | GGHSS, Shahbaz Garhi | GGHS, Bhal Khan | AVP |
| 13 | 90 | Ishrat Jehan SCT | GGHSS, Takht Bhai | GGHS, Sanga | AVP |
| 14 | 93 | Shafia Begum SCT | GGHS, Bakri Banda | GGHS, Babini | AVP |
| 15 | 95 | Nusrat Zia SCT | GGHSS, Baghicha Dheri | GGHSS, Baghicha Dheri | AVP |
| 16 | 96 | Neelam Naz SCT | GGHS, Bughdada | GGHS, Kodinaka | AVP |
| 17 | 99 | Fazeelat Begum SCT | GGHS, Sheikh Yousaf | GGHS, Sheikh Yousaf | AVP |
| 18 | 100 | Nazish Samreen SCT | GGHSS, Rustam Khel | GGHSS, Rustam Khel | AVP |
| 19 | 101 | Riasat Begum SCT | GGHSS, No.1.Mardan | GGHS, Kotki | AVP |
| 20 | 102 | Haseena Hameed SCT | GGHS, Khazana Dheri | GGHSS, Jandar Par | AVP |
| 21 | 103 | Naheed Anwar SCT | GGHS, Maho Dheri | GGHSS, Rustam | AVP |
| 22 | 104 | Zulfa Sarwat SCT | GGHS, Saro Shah | GGHS, Saro Shah | AVP |
| 23 | 106 | Robina Usman SCT | GGHS, Koper | GGHS, Koper | AVP |
| 24 | 107 | Nasira Begum SCT | GGHSS, No.1.Mardan | GGHS, Hoti No.2. | AVP |
| 25 | 108 | Robina Nazneen SCT | GGHS, Lund Khwar | GGHS, Lund Khwar | AVP |
| 26 | 110 | Mehrun Nisa SCT | GGHS, Lund Khwar | GGHS, Lund Khwar | AVP |
| 27 | 111 | Seema Karim SCT | GGHS, Koper | GGMS, Subadar kill | AVP |
| 28 | 113 | Ruqia Kausar SCT | GGHS, Maho Dheri | GGHS, Charguli | AVP |
| 29 | 114 | Azmat Iqbal SCT | GGHSS, No.1.Mardan | GGHS, Gaddar | AVP |
| 30 | 115 | Zakia Bibi SCT | GGHS, Chamrang | GGHS, Mohib Banda | VS.No.68 |
| 31 | 116 | Rashida Taj SCT | GGHS, Ganjai | GGHS, Sherdil Khan Kill | AVP |
| 32 | 117 | Rukhsana Shahnaz SCT | GGHS, Jandar Par | GGHS, Sherdil Khan Kill | AVP |
| 33 | 118 | Farzana Kausar SCT | GGHSS, Toru | GGHS, Muhammad Wali kili | AVP |
| 34 | 119 | Naheed Begum SCT | GGHSS, Shahbaz Garhi | GGHSS, Shahbaz Garhi | AVP |
| 35 | 120 | Lailun Nihar SCT | GGHSS, Toru | GGHSS, Toru | AVP |
| 36 | 6 | Momin Taj SAT | GGHS, Bago Banda | GGHS, Muhammad Wali kili | AVP |
| 37 | 7 | Naveeda Akhtar SAT | GGHS, Sher Garh | GGHS, Sher Garh | AVP |
| 38 | 11 | Subzia Rani SAT | GGHS, Bakhshali | GGHS, Cham dheri | AVP |
| 39 | 12 | Saeeda Hadi SAT | GGHS, Hoti No.2 | GGHS, Baba Kili | AVP |
| 40 | 18 | Shakila S Qaria | GGHS, Takker | GGMS, Mehtar ghundal | AVP |
| 41 | 19 | Asia Rahat S Qaria | GGHS, Gujar Garhi | GGHS, Mangah | AVP |
| 42 | 21 | Safia Begum S Qaria | GGHS, Jamal Garhi | GGCHMSS Katlang | AVP |

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: emismardandcofemale @Yahoo.com

| | | | | | |
|----|-----|--------------------|--------------------------|---------------------|-----|
| 43 | 11 | Semina SDM | GGHS, Maday baba | GGHS, Mady baba | AVP |
| 44 | 17 | Farkhanda SDM | GGHS, Jamal Garhi | GGHS, Jamal Garhi | AVP |
| 45 | 18 | Sabina Sardar SDM | GGHS, Jandar par | GGHS, Aslam korona | AVP |
| 46 | 22 | Tahira Ambreen SDM | GGHS, Maho Dheri | GGHS, Dheri katlong | AVP |
| 47 | 08 | Shazia Sumbal STT | GGHS, Kass Kor, | GGHS, Shankar Mahal | AVP |
| 48 | 13 | Zeenat Raziq STT | GGHSS, Rustam Khel | GGMS Daki gumbat | AVP |
| 49 | 16 | Robina Naz STT | GGHS, L/Khwar | GGHS, Lund khwar | AVP |
| 50 | 17 | Minhas STT | GGHS Chargull | GGHS Chargull | AVP |
| 51 | 68 | Zeenat Begum | GGPS, Baba Kili | GGHS, Baba Kili | AVP |
| 52 | 139 | Saeeda Bibi | GGPS, Muhabat Abad | GGHSS, Rustam | AVP |
| 53 | 173 | Dishad Begum | GGPS, Likpani No.1. | GGHS, Dheri likpani | AVP |
| 54 | 189 | Bibi Asma | GGPS, Toru No.2. | GGHS, Gumbat | AVP |
| 55 | 224 | Saeeda Anwar | GGPS, Khora Banda | GGMS Anar Baig | AVP |
| 56 | 290 | Nejma Begum | GGPS, Lund khwar 2. | GGHSS Ato | AVP |
| 57 | 394 | Naheed Begum | GGPS, Sattar abad | GGMS, Chagharzal | AVP |
| 58 | 426 | Nasreen Taj | GGPS, Machi | GGHS, Machi | AVP |
| 59 | 427 | Naseem | GGPS, Chargull | GGHS Kata khat | AVP |
| 60 | 433 | Naheed Begum | GGPS, Chamdheri | GGHS, Toot Killi | AVP |
| 61 | 472 | Zeenat Begum | GGPS, Takkar | GGHS, Jalala | AVP |
| 62 | 443 | Rajda Begum | GGPS, Yahya Jaddad | GGHS, Dheri katlong | AVP |
| 63 | 445 | Nadia Nawab | GGCMS, Sharif khan killi | GGHS, Saro shah | AVP |
| 64 | 446 | Javida | GGPS, Muzafar banda | GGHS, Lund Khwarh | AVP |
| | 452 | Noureen Begum | GGPS, Salak | GGHSS, Kati Garhi | AVP |

Consequential Posting/Transfer

| | | | |
|----|--|----------------------------------|----------|
| 65 | Nigar Akhtar SST (G), GGHS, Bago Banda | GGHS Mayar | ANCP |
| 66 | Hashmat Ara SST (G), GGHS Lund Khwarh | GGCMS Janga Barat Khel | AVP |
| 67 | Forzana SST(G), GGHS Bhal Khar | GGHS Zando Dheri | AVP |
| 68 | Ummi Kalsoom SST (G) GGHS Sherdil Khan Killi | GGHS Kodinaka | AVP |
| 69 | Shabana Bibi SST(G) working against SST(SC) post GGHS Akbar Abad | GGMS Fazle Qadar Korona Tor Dher | AVP |
| 70 | Alia Muslim SST(G) GGCMS Noshur Khan Banda | JICA Karim Abad | VS.No.71 |
| 71 | Dilraj Begum SST(G) JICA Karim Abad | GGHS Sanga Ahmad Gul Killi | AVP |
| 72 | Nusrat Parveen SST (G) GGHS Toot Killi | GGMS Narshak | AVP |

Terms and condition.

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their Service can be terminated at any time, in case his performance is found unsatisfactory during probation period in case of misconduct, She shall be preceded under the rules framed from time to time
4. Charge report should be submitted to all concerned.
5. Their inter District Seniority on lower post will remain intact.
6. No. TA/DA is allowed for joining his/her duty.
7. They will give on under taking to be recorded in their service book to the effect that if any over payment is to him in light this order will be recovered and if he is wrongly promoted he will be reversed.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN.

Dated Mardan the 24/8 /2016

Endst; No. 7242/9 /P.File

Copy forwarded for information and necessary action to the:-

1. Director (E&SE) Khyber Pakhtun khwa Peshawar
2. District Accounts office Mardan.
3. Principal /Head Mistress concerned
4. Official concerned.

(Signature)
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

28.1.2016

Counsel for the appellant present. Learned counsel for the appellant argued that vide impugned order dated 12.9.2015 appellant while serving as SST at GGHS Takht Bhai was retransferred to GGHSS Dako Baba where-against she preferred departmental appeal on 29.9.2015 which was not responded and hence the instant service appeal on 19.1.2016.

That earlier the appellant was posted in the said GGHSS Takht Bhai on 9.7.2015 by accepting her stance including the care of her special child but after the lapse of a period of one month the impugned transfer order was passed in disregard to the previous correspondence and orders favouring the appellant. That the impugned order is the outcome of political interference by District Nazim.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 13.4.2016 before S.B. Notice of stay application be also issued for the date fixed.

Appellant Deposited
Security & Process Fee


Chairman

13.4.2016



Counsel for the appellant, Asstt. A.G for the official respondents No.1&2 and counsel for private respondent No. 3 present. Power of attorney submitted. Requested for adjournment. Last opportunity granted. To come Written reply/comments on 30.05.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 68 /2016

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 19.01.2016 | <p>The appeal of Mst. Sabara Naseem presented today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p> |
| 2 | | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-1-16</u>.</p> <p> CHAIRMAN</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 68 /2016

Sabira Naseem..... Appellant

Versus

The Govt. of KPK and others.....Respondents

INDEX

| S.No. | Description of Documents | Date | Annex ure | Pages |
|-------|---|------------|--------------|-------|
| 1. | Memo of Service Appeal | | | 1-4 |
| 2. | Stay Application with Affidavit | | | 0-5 |
| 3. | Promotion order of appellant as SST | 30.10.2014 | A | 6-7 |
| 4. | Transfer order of appellant to GGSS Takht Bhai | 09.07.2015 | B | 0-8 |
| 5. | Cancellation order of order dated 09.07.2015 | 29.07.2015 | C | 0-9 |
| 6. | Adjustment order of Respondent No.3 | 29.07.2015 | D | 0-10 |
| 7. | Departmental Representation | 03.08.2015 | E | 0-11 |
| 8. | Application of appellant to the Commissioner | | F | 0-12 |
| 9. | Letter of Commissioner to Respt: No.2 | 05.08.2015 | G | 0-13 |
| 10. | Order constituting the Inquiry Committee | 10.08.2015 | H | 0-14 |
| 11. | Letter/Comments of Respondent No.2 | 06.08.2015 | I | 0-15 |
| 12. | Letter of explanation | 12.08.2015 | J | 0-16 |
| 13. | Restoration order | 13.08.2015 | K | 0-17 |
| 14. | Impugned order | 12.09.2015 | L | 0-18 |
| 15. | Departmental Representation | | M | 0-19 |
| 16. | Transfer/Posting Policy | | N | 20-22 |
| 17. | Office Memorandum in light of Judgment of august Supreme Court | 03.01.2013 | O | 23-24 |
| 18. | Disability Certificates alongwith Form -B and Service Certificate of appellant's spouse | | P | 25-28 |
| 19. | Posting order of Respondent No.3 at GGSS Gujrat against the wrong post of SST (Science) | 08.07.2013 | Q | 0-29 |
| 20. | Adjustment order of Respondent No.3 at GGSS Gujrat | 26.11.2014 | R | 0-30 |
| 21. | Order of Respondent No.3's detailment to GGHS Pir Abad, Takht Bhai | 27.11.2014 | S | 0-31 |
| 22. | Wakalat Nama | | | |

Appellant *S.N*

Through

Khaled Rahman

Advocate

Supreme Court of Pakistan

Cell # 0345-9337312

Dated: 18 /01/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 68 /2016

Mst. Sabira Naseem.

SST, GGHS Dako Baba, Mardan Appellant

Versus.

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

2. The District Education Officer (Female)
District Mardan.

3. Mst. Haleema Bili
SST, GGHS Takht Bhai, Mardan Respondents

M.W.P. Province
Service Tribunal
Diary No 51
Dated 19-1-2016

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED CANCELLATION ORDER DATED 12.09.2015 WHEREBY THE TRANSFER RESTORATION ORDER IN RESPECT OF THE APPELLANT TO GGHS TAKHT BHAI WAS UNLAWFULLY CANCELLED AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL APPEAL ON 29.09.2015 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned cancellation order dated 12.09.2015 issued by Respondent No.2 may graciously be set aside by restoring the order dated 13.08.2015 in respect of the appellant.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant joined the Education Department as C.T. in the year 1992, she was subsequently upgraded to the post of SCT and was then promoted to the post of SST vide order dated 30.10.2014 (*Annex:-A*) and adjusted at GGHS Dako Baba. Later on, a new post of SST (General) was sanctioned at GGHS Takht Bhai for transfer to which

the appellant submitted an application to Respondent No.2 who directed the appellant to obtain the permission from the concerned MPA whereafter vide order dated 09.07.2015 (*Annex:-B*) appellant was transferred to GGHSS Takht Bhai, Mardan against the newly sanctioned post.

2. That the transfer order *ibid*, was cancelled just after twenty days vide order dated 29.07.2015 (*Annex:-C*) in order to adjust Respondent No.3 in the said School who was accordingly adjusted therein vide order (*Annex:-D*) of the even date on the recommendation of the said MPA in violation of the law.
3. That the orders *ibid*, were challenged in departmental Representation (*Annex:-E*) before Respondent No.1 on 03.08.2015 who called for the Comments of Respondent No.2 and meanwhile appellant also submitted an application (*Annex:-F*) to the Commissioner, Mardan Division for appropriate action who accordingly vide letter dated 05.08.2015 (*Annex:-G*) forwarded the same to Respondent No.2 for appropriate action and also constituted an inquiry vide order dated 10.08.2015 (*Annex:-H*). The Respondent No.2 submitted her comments to Respondent No.1 vide letter dated 06.08.2015 (*Annex:-I*) explaining the position upon which explanation was called from her vide letter dated 12.08.2015 (*Annex:-J*) and she was also directed to decide the case purely on merit to provide justice to the concerned.
4. That accordingly Respondent No.2 vide office order dated 13.08.2015 (*Annex:-K*) restored the transfer order in respect of the appellant by cancelling the transfer order of Respondent No.3 purely on merit keeping in view the troubles of the appellant without any political consideration, however, Respondent No.3 then employing another channel procured the impugned order dated 12.09.2015 (*Annex:-L*) whereby the restoration order of the appellant to the disputed School was cancelled and she was again transferred to the same School in

violation of the law.

5. That the impugned order *ibid* was once again challenged before Respondent No.2 in departmental Representation (*Annex:-M*) on 29.09.2015 but the same was not disposed of within the Service Tribunal statutory period of 90 days, hence the instant appeal *inter-alia* on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That the impugned order is the result of political consideration and hence the same is nullity in the eye of law.
- C. That the impugned order is against the Tenure Policy and thus violative of the Transfer/Posting Policy (*Annex:-N*) issued by the Provincial Government as well as against the Judgment of the august Supreme Court of Pakistan circulated through O.M. dated 03.01.2013 (*Annex:-O*).
- D. That on availability of the vacancy in the disputed School, the appellant applied for the same and on humanitarian grounds as the appellant was looking after a special child alongwith her duties and her posting was at a distant School thus unmanageable, therefore, was transferred to the disputed School keeping in view her troubles purely on merit but the same was unlawfully cancelled in violation of the law which was maintained later on *vide* impugned order *ibid*. (Disability Certificates alongwith Form -B and Service Certificate of appellant's

spouse are *Annex:-P*).

- E. That Respondent No.3 was earlier posted at GGHSS Gujrat against the wrong post of SST (Science) as she being SST (General) as is evident from the order dated 08.07.2013 (*Annex:-Q*) wherefrom she was then adjusted at GGHSS Gujrat vide order dated 26.11.2014 (*Annex:-R*) and then detailed to GGHS Pir Abad, Takht Bhai, vide order dated 27.11.2014 (*Annex:-S*) and without completing her tenure she was transferred to the disputed School on 29.07.2015 after 7/8 months.
- F. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

S. M.
Appellant

Through

Khaled Rahman,
Advocate
Supreme Court of Pakistan

Dated: 18 / 01 / 2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2016

Sabira Naseem..... Appellant

Versus

The Govt. of KPK and others.....Respondents

Application for suspending the operation of the impugned order dated 12.09.2015 till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is being filed today which is yet to be fixed for hearing.
2. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/ appellant.
3. That the balance of convenience also lies in favour of applicant/appellant and in case the impugned order is not suspended the applicant/appellant will suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of this application, the operation of the impugned order dated 12.09.2015 may graciously be suspended till the final disposal of the main appeal.

S.N.
Applicant

Through

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Dated: 18/01/2016

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

S.N.
Applicant/Appellant

SST Adjustment

Annex "A" 6

(Khalid Khan) 29102014

District Education Officer (Female) Mardan



PH No. 09379230150

Fax 09379230150

E-mail emismardan-deo_female@yahoo.comAdjustment/Posting

Consequent upon, the services placed on the disposal of the undersigned vide Director (Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar bearing No. 3493-99/File.2/Promotion SST B-16 dated Peshawar the 28/10/2014, the adjustment/posting of the following SST-G/SST-Bio-Chem and SST-Physics-Maths are hereby ordered, on the same terms and conditions at the schools noted against each from the the date of their taking over charge.

| S. NO | S LIST NO. | NAME | FNAME | DESIG-NATION | SCHOOL | ADJUSTED AT | PROMOTED AS |
|-------|------------|------------------|------------------|--------------|-------------------------------|--------------------------|-------------|
| 1 | 3 | TAJ BIBI | SIRAJ MUHAMMAD | SCT | GGHS NO. 1 MARDAN | GGHS SHER DIL KHAN KILLI | SST-G |
| 2 | 7 | MUHTADIA | FAQIR MUHAMMAD | SCT | GGHSS R. JSTAM KHEL | GGHS SHANKAR MAHAL | SST-G |
| 3 | 3 | MISHAT BEGUM | FAZAL GHAFUOR | SCT | GGHSS TORU | GGHS BAGO BANDA | SST-G |
| 4 | 9 | FEHMIDA BEGUM | GHULAM NABBI | SCT | GGHSS TORU | GGMS BABA KILLI | SST-G |
| 5 | 13 | ZEENAT BEGUM | ABDUL KHALIL | SCT | GGHS KASS KOROONA | GGMS CHAGHARZAI | SST-G |
| 6 | 14 | SAJIDA FARID | MUHAMAMD FARID | SCT | GGHS NO. 1 MARDAN | GGMS SOBIDAR KILLI | SST-G |
| 7 | 16 | ZEENAT BIBI | FAQEER MUHAMMAD | SCT | GGHS BAGHICHA DHERI | GGHS CHAMRANG | SST-G |
| 8 | 17 | ZEENAT BEGUM | MUHAMMAD IBRAHIM | SCT | GGHS BAGHICHA DHERI | GGHS BAGHICHA DHERI | SST-G |
| 9 | 18 | ASMAT ARA | KHALI A RAHMAN | SCT | GGHS GUJAR GARHI | GGMS ARABI BANDA | SST-G |
| 10 | 19 | WAHEEDA BEGUM | MAROOF SHAH | SCT | GGHS NO.2 HOTI | GGHS G.D. ZAI | SST-G |
| 11 | 20 | NAHEED BEGUM | SAHIB ZADA | SCT | GGCMHS KATLANG | GGMS KUNJ | SST-G |
| 12 | 21 | NAHEED BEGUM | WALI KHAN | SCT | GGHS SHANKAR MAJIAL | GGHS DHERI KATLANG | SST-G |
| 13 | 23 | DUSHRA | MUHAMMAD UMMAR | SCT | GGHS SHAHBAZ GARHI | GGHS BHAI KHAN | SST-G |
| 14 | 25 | FARIDA RAHMAT | RAHMAT KHAN | SCT | GGCMHS BICKET GUNJ CANAL ROAD | GGHS BAKHSHALI | SST-G |
| 15 | 27 | SALBEMA BEGUM | ISRAR SHAH | SCT | GGCMHS BICKET GUNJ CANAL ROAD | GGMS MANGA DHERI | SST-G |
| 16 | 29 | MUKHTIAR NASRIN | HAZRAT JAMAL | SCT | GGHS MOHIBULLAH BANDA | GGHS MOHIBULLAH BANDA | SST-G |
| 17 | 30 | NAEEMA SHAH | ISRAR SHAH | SCT | GGCMHS BICKET GUNJ CANAL ROAD | GGHS QUDRAT KILLI | SST-G |
| 18 | 31 | NOOR JEHAN | ABDUL MALIK | SCT | GGHS NO.1 MARDAN | GGMS GULI BAGH | SST-G |
| 19 | 32 | SABIA BIBI | KISHWAR KHAN | SCT | GGHS NO. 2 HOTI | GGHS SOKAI | SST-G |
| 20 | 33 | PARVEEN | TAJ MOHAMMAD | SCT | GGHSS HATHIAN | GGMS TOR DHER | SST-G |
| 21 | 34 | SABIRA NASEEM | ABDUR RAUF | SCT | GGHSS TAKHT BHAI | GGHS DAKO BABA | SST-G |
| 22 | 35 | IRSHAD ZAKIR | ZAKIR ULLAJI | SCT | GGHS SHER GARH | GGMS JAFFAR KHAN KILLI | SST-G |
| 23 | 4 | SURRAYA KAUSAR | SYED QAMAR | SDM | GGHSS TORU | GGMS MUHAMMAD WALI KILLI | SST-G |
| 24 | 6 | TASLEEM AKHTAR | MANZOOR ILAHI | SDM | GGHS MAYAR | GGMS ANAR BAIG | SST-G |
| 25 | 5 | HUSSAN ARA | SARFARAZ | S.AT | GGHS LABOUR COLONY | GGHS CHAM DHERI | SST-G |
| 26 | 6 | SHAHIDA TABASSUM | ABDUL RAZIQ | S.AT | GGHS SHER GARH | GGMS DORYAL | SST-G |
| 27 | 6 | HAZISH | ABDUL MANAN | STT | GGHS TAKKAR | GGMS MEHTAR GHUNDAI | SST-G |
| 28 | 12 | KALSOOM BIBI | JAMSHID KHAN | QARI | GGHS NO. 1 MARDAN | GGMS SADIQ ABAJ | SST-G |
| 29 | 16 | PARVEEN AKHTAR | HUKMAT SHER | QARI | GGHS NO. 1 MARDAN | GGHS GUJRAT | SST-G |
| 30 | 21 | DILRAJ BEGUM | TALAB SHAH | PSHT | GGPS LUND KHWAR NO.1 | GGCMS DARAT KHELA | SST-G |

Attended to be
T. copy

A

SST Adjustment

(Khalid Khan) 29102014

| S.# | S.LIST NO. | NAME | FNAME | DESIGNATION | SCHOOL | ADJUSTED AT | PROMOTED AS |
|-----|------------|------------------|------------------------|-------------|----------------------------|--------------------------------|---------------|
| 31 | 29 | ILTIYAZ BEGUM | MUHAMMAD SALEEM | PSHT | GGPS G.D ZAI NO. 1 | GGMS G.D ZAI | SST-G |
| 32 | 99 | KOUSAR PARVEEN | SYED GHULAM HABI | PSHT | GGPS BAGHDADA | GGMS HAJI ABAD RUSTAM | SST-G |
| 33 | 150 | FARIDA NAZ | SHER ALI KHAN | PSHT | GGPS TAKKAR | GGHS AKBAR ABAD | SST-G |
| 34 | 151 | YAMIN ANWAR | MUHAMMAD ANWAR | PSHT | GGPS TAKHT BHAI NO. 2 | GGHS KOPAR | SST-G |
| 35 | 192 | RAHAT BEGUM | ABDUL SATTAR | PSHT | GGPS SHAH DHAND | GGHS KATLANG | SST-G |
| 36 | 220 | AMJUL AZIZ | HAFIZ SHER ZAMAN | PSHT | GGPS WARD NO. 1 TAKHT BHAI | GGMS NAWA KILLI T.BHAI | SST-G |
| 37 | 262 | NOOR HAYA | ROZI MUHAMMAD | PSHT | GGPS HATHIAN NO. 1 | GGMS LAJBAR KHAN (PARAS KILLI) | SST-G |
| 38 | 277 | ISHRAT KHURSHID | SYED MUHAMMAD KHURSHID | PSHT | GGPS SHAMAT PUR | GGHS KALA KHEL | SST-G |
| 39 | 279 | KHALIDA WARIS | WARIS KHAN | PSHT | GGPS GHALA DHER NO. 1 | GGMS INZARGAI | SST-G |
| 40 | 277 | GULNAZ | NOOR MUHAMMAD KHAN | PSHT | GGPS TORU NO. 3 | GGMS DAKKI MAQBOOL SHAH | SST-G |
| 41 | 312 | NAGHI AKHTAR | ZAHID | PSHT | GGPS NODEH TORU | GGHS BAGO BANDA | SST-G |
| 42 | 125 | ROMAN ZARI | MUHAMMAD NABBI | S.CT | GGHS NO. 1 MARDAN | GGHS G.I. ZAI | SST-BIO-CHEM |
| 43 | 129 | SHAGUFTA BEGUM | GUL REHMAN | S.CT | GGCMS KATLANG | GGHS MIAN KHAN | SST-BIO-CHEM |
| 44 | 146 | NAZNEEN | SAJF. UR-REHMAN | S.CT | GGHS KASS KOROONA | GGHS QUDRAT KILLI | SST-BIO-CHEM |
| 45 | 202 | ZAKIRA | IMAM BADSHAH | CT | GGHS MADAY BABA | GGHS PIR SADDI | SST-BIO-CHEM |
| 46 | 203 | SHABNAM ARA BIBI | SHAH PASAND KHAN | CT | GGHS QASMI | GGHS DHERI KATLANG | SST-BIO-CHEM |
| 47 | 219 | SHAKEELA BEGUM | LAL SAID | CT | GGMS NASEER KILLI | GGHS SHER DIL KHAN KILLI | SST-BIO-CHEM |
| 48 | 243 | NAGHMANA | ABDUL MALIK | CT | GGMS MUHIB BANDA | GGHS G.D ZAI | SST-BIO-CHEM |
| 49 | 263 | BUSHRA NAZ | KHAN BAHADAR | CT | GGHS QASMI | GGHS SHEKHANO BANDA | SST-BIO-CHEM |
| 50 | 52 | NASIRA BEGUM | ABDUL BAQI | DM | GGHSS TAKHT BHAI | GGHS DAKO BABA | SST-BIO-CHEM |
| 51 | 23 | SAIRA BANO | USMAN GHANI | QARI | GGHS JANDAR PAR | GGHS SHER DIL KHAN KILLI | SST-BIO-CHEM |
| 52 | 1387 | USMANIA | HABIB RASOOL | PST | GGPS SHAHI ABAD | GGHS PARKHO DIHERI | SST-BIO-CHEM |
| 53 | 1419 | SALMA ZIA | ZIA UL ISLAM | PST | GGPS CHEENA RUSTAM | GGHS MACHI | SST-BIO-CHEM |
| 54 | 1475 | RIAZ BEGUM | MOHAMMAD KHALIL | PST | GGPS SATTAR ABAD | GGHS SERJ BEHLOL | SST-BIO-CHEM |
| 55 | 1676 | SHAZIA BIBI | MUHAMMAD NISAR | PST | GGPS ZARKHITAB BANDA | GGHS BAKHSHALI | SST-BIO-CHEM |
| 56 | 157 | NIHAYAT BEGUM | HIRAT GUL | CT | GGMS SARI BEHLOL | GGHS JANDAR PAR | SST-PHY-MATHS |
| 57 | 245 | FARHEEN BIBI | ZAHOOOR KHAN | CT | GGMS ALAM GUNJ | GGHS QASMI | SST-PHY-MATHS |
| 58 | 265 | SHAZMA SHAH | MUKAMIL SHAH | CT | GGHS AKBAR ABAD | GGHS AKBAR ABAD | SST-PHY-MATHS |
| 59 | 20 | DURRE SHAHWAR | ABDUL MABOOD | QARI | GGHS KASS KOROONA | GGHS KASS KOROONA | SST-PHY-MATHS |
| 60 | 1421 | NAHEED BEGUM | IAKHITAWAR SHAH | PST | GGPS SAHIB ABAD | GGHSS SAWALDIHER | SST-PHY-MATHS |

Note: Charge Report should be submitted to all concer

(Dilshad Begum)
(District Education Officer) Female
Mardan

Endst: No. 6010/G / SST/ Dated Mardan the 30/10./2014.

Copy forwarded for information and necessary action to the:-

1. Director Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. Principals/Headmistresses concerned.
3. District Comptroller of Account Mardan
4. Official Concerned.
5. P/File

Attended to be
True Copy

(District Education Officer) Female
Mardan

Annex "B"

SABIRA NASEEM

8



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/ FAX NO. 0937-9230150

Email Address: Emismardab_deofemale@yahoo.com

ADJUSTMENT/TRASFER

Miss Sabira Naseem SST (G) GGHS, Dakho Baba Mardan is here by transfer to GGHS, Takht Bhai Mardan against NCP w.e.f. 01/07/2015 on her own pay & Grad BPS 16, in the interest if public service with immediate effect.

(Dilshad Begum)

District Education Officer

(Female) Mardan

Endst NO: 5568/G1

Dated: 09/7/2015

Copy forwarded to the:

- 01- P.S to secretary Finance Khyber Pukhtun Khwa Peshawar
- 02- Director Elementary & Secondary Education Khyber Pukhtun Khwa Peshawar.
- 03- Head Mistress/Principle Concerned.
- 04- District Account Officer Mardan.
- 05- Official Concerned.

District Education Officer

(Female) Mardan

Attested to be
True Copy

B

Annex "C"

SABIRA NASEEM

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

OFFICE ORDER

Transfer order in respect of Miss: Sabira Naseem SST
(G) GGHS, Dako Baba Mardan to GGHSS, Takht Bahi Endst NO: 5568/G
Dated 09/07/2015 is hereby cancelled with immediate effect in the
interest of public service.

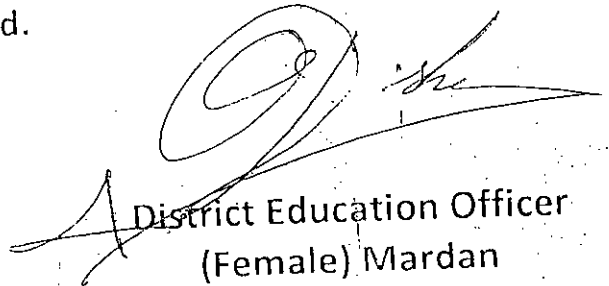
(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

Dated: 28/7/2015,

Endst NO: 5847-4/8

Copy forwarded to the:-

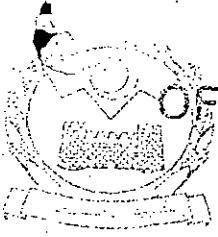
- 01- District Accounts Officer Mardan
- 02- Head Mistress Concerned.
- 03- Candidate concerned.


District Education Officer
(Female) Mardan

اس مارج ڈھلیم جو نی ڈھلیم اس مارج ڈھلیم جو نی ڈھلیم اس مارج ڈھلیم جو نی ڈھلیم

Attested to be
True Copy

c. 7



OFFICE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION,
MARDAN

PHONE No.0937-9230151 – FAX-9230151

EMAIL: EMISMARDAN@YAHOO.COM

Annex 'D'

10

Adjustment/ Transfer

Miss Haleema Bibi SST (G) GGHSS, Gujarat Mardan is hereby transferred to GGHSS Fakhi Bhai Mardan on her own pay and grade with immediate effect in the interest of public service.

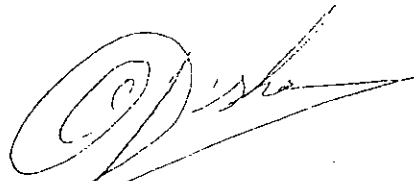
(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

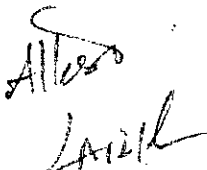
Enclst NO: 5850-57

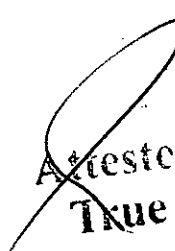
Dated: 29/7/2015.

Copy forwarded to the:-

- 01- District Accounts Officer Mardan
- 02- Head Mistress Concerned.
- 03- Candidate concerned.


District Education Officer
(Female) Mardan


ABDUL AZIZ
Director Physical Education
in Technical Education


Attested to be
True Copy

D

Annex K

11

DEOS

Mardan

Handwritten notes and signatures at the top of the page.

1. میرا نام سہارہ نسیم ہے میں اضلاع ... میں خواتین کونسل کے ...

2. نومبر 2019ء میں S.S.A کے سلسلے میں میں تیار کردہ درخواستیں ...

3. میرا ایک سینٹیل ... ہے۔ وہاں جانے سے میں تعلق میں ...

4. میرا ایک سینٹیل ... ہے۔ وہاں جانے سے میں تعلق میں ...

5. میرا ایک سینٹیل ... ہے۔ وہاں جانے سے میں تعلق میں ...

6. میرا ایک سینٹیل ... ہے۔ وہاں جانے سے میں تعلق میں ...

7. میرا ایک سینٹیل ... ہے۔ وہاں جانے سے میں تعلق میں ...

8. میرا ایک سینٹیل ... ہے۔ وہاں جانے سے میں تعلق میں ...



Signature and name of Abdul Aziz, Director of Physical Education.

Attested to be True Copy

F

گورنمنٹ ہائیڈرو پاور پراجیکٹ میں مردوں ڈیپارٹمنٹ مردان

ایم ایچ ایم ایچ کنسٹریکشن ٹرانسپورٹ ڈیپارٹمنٹ

Annex "F"

12

مناں عالی

ڈیپارٹمنٹ

میرٹھ اکتوبر 2014 میں SST پر موزوں سہیل سے میرا تبادلہ نوٹیفکیشن (انٹرنیٹ) ڈیکلار کیا گیا جو کہ مجھے ملے سے Backbone کا مسئلہ ہے وہاں جانے کا راستہ

انتہائی ضرورت سے جسکی وجہ سے میری اس تعلق سے فزیرالمانع ہوا

میرا ایک سبیل لکھا ہے وہاں جانے سے (سہیل) کو بھی متاثر ہونا پڑتا ہے۔

2013-07-01 سے نوٹیفکیشن (انٹرنیٹ) کو ریٹائر کیا گیا SST پوسٹ دیا گیا اور میرا

تبادلہ بھی ضروری کاغذات کی کارروائی کی گئی وہاں بیٹھ گیا لیکن 26 دن بعد حکم نامہ

میں نے وہاں سیاسی دباؤ کے تحت میرا ٹرانسپورٹ ڈیپارٹمنٹ کے ایس آر ڈی

DEO against vacant post

لیڈر آپ وہاں کی صورت سے استعفا دیا کہ میرے عمر میں کمرہ مسائل کے بنیاد پر میری درخواست

میرے تبادلہ کے حوالے سے DEO کے کو میرے آرڈر کی کاپی پیش کی گئی ہے اسکا جواب

صدارت سے منظور ہو گا

الگار لکھنؤ

Call No 03459357561

ڈیپارٹمنٹ ڈیپارٹمنٹ کے ایس آر ڈی کے حوالے سے ایس آر ڈی کے

31/8/15

Attested to be True Copy

Annex "B"

SABIRA NASEEM

OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

No. 5415 /DC(M)/PS/EA

Dated 5-08 2015

13

To: District Education Officer (Female)
Mardan.

Subject: APPLICATION FOR CANCELLATION OF TRANSFER ORDER

Please find enclosed herewith a copy of self explanatory application a/w its enclosures submitted by Mst. Sabira Naseem, SST on the subject noted above, requesting therein that she was transferred from GGHS Dako Baba Takht Bhai to GGHS Takht Bhai on 9.7.2015 but after 20 days the same order was cancelled, for further appropriate action/sympathetic consideration.


Deputy Commissioner
Mardan

No. & date even.

Copy to

1 Mst. Sabira Naseem, SST w/r to her request.


Deputy Commissioner
Mardan

Attested to be
True Copy

9

Annex "H"

SABIRA NASEEM

14

OFFICE OF THE
DEPUTY COMMISSIONER
MARDAN

Dated 10/8 /2014

OFFICE ORDER

Consequent upon a self explanatory complaint submitted by Sabira Naseem SST teacher, Education Department Mardan received through Commissioner, Mardan Division, Mardan's Complaint Cell vide No.1325/Sec/Com(M) dated 6.8.2015, Mr. Obaidullah, AAC-VII, Mardan is hereby appointed as Inquiry Officer to conduct inquiry into the matter and submit his report to the undersigned within 5-days, for onward submission to the higher-ups.


Deputy Commissioner
Mardan.

No. 2040 /DC (M)/PS.
Copy to:

1. Commissioner, Mardan Division, Mardan w/r to above.
2. Mr. Obaidullah, AAC-VII Mardan/ Inquiry Officer alongwith copy of above Complaint, for necessary action.


Deputy Commissioner
Mardan.


True Copy

H



SABIRA NASEEM

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: -emismardan_deofemale@Yahoo.com



To
The Director,
(E & SE) Khyber Pakhtunkhwa
Peshawar.

6033
6/8/15

15

Subject: D.O LETTER

Annex "I"

Dear Sir,

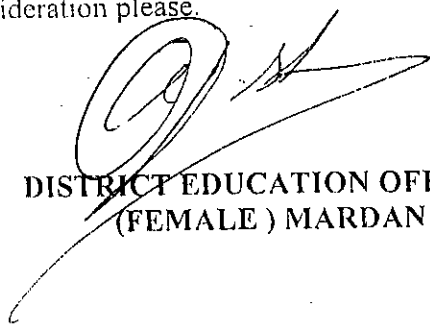
As per your humble office dairy No. 3547 dated 03/08/2015 regarding transfer of Mst. Sabira Naseem SST-G from GGHS Dako Baba to GGHS Takht Bhai.

It is worth to mention that on the recommendation of MPA concerned constituency, Mst. Sabira Naseem SST-G was transferred from GGHS Dako Baba to GGHS Takht Bhai vide this office letter No. 5568/G dated 09/07/2015 against newly created SST-G post.

Later on, again on the verbal direction and written recommendation of concerned MPA the same order was cancelled and he urged for the transfer of another teacher namely Mst. Haleema Bibi to GGHS Takht Bhai concerned.

Now Mst. Sabira Naseem SST-G has appealed for the restoration of order No. 5568 dated 09/07/2015. She has a special child needed extraordinary care and GGHS Takht Bhai is near to her residential area but it was not brought into my notice at that time.

Report is submitted for your kind consideration please.


DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

Attested to be
True Copy

1

SABIRA NASEEM

DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

NO. 2297 /F.No.09/Vol-I/SST/ KPK

DATED PESHAWAR THE: 12/8/2015.

To

The District Education Officer
(Female) Mardan

Annex "J"

16

Subject: - DO Letter/ Explanation

Memo:-

I am directed to refer to your letter No.6033 dated 6/8/2015 on the subject cited above and to call your explanation in the transfer case of Mst. Sabira Naseem SST (G) who was transferred from GGHS Dako Baba Mardan to GGHS Takhtbhai Mardan vide your Notification No.5568 dated 9/7/2015 and after twenty days you have cancelled the said transfer order vide No.5847-49 dated 29/7/2015 without any reasons, while at the same day another transfer order was issued by your Office against the said post vide No.5850-52 dated 29/7/2015 which shows negligence on your part.

You are therefore directed to explanation that why strict disciplinary action should not be initiated against you under E&D Rules 2011.

I am further directed to ask you to provide justice and ensure merit and decide the case purely on merit under intimation to this Directorate.

Your reply of the explanation should reach this Directorate within three days positively.

Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. _____

Copy to the:-

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

to be

J



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address:-cmisnardand_decofemale @Yahoo.com

SABIRA NASEEM

Annex "K"

17

OFFICE ORDER

The Transfer order in respect of Mst. Haleema Bibi SST (G) Government Girls Higher Secondary School Gujrat (Mardan) to Government Girls Higher Secondary School Takht. Bhai issued vide this office Endst. No. 5850-52 Transfer file Dated 29.07.2015 is hereby cancelled and the transfer order issued vide this office Endst. No.5568/G dated 09.07.2015, shall stand effective with immediate effect.

Note:-


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

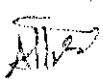
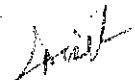
(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN.

Endst.No. 6176-79 SST, Transfer File, Dated Mardan the 13/8 /2015.

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pukhtun Khwa Peshawar.
2. Deputy Commissioner Mardan.
3. Principal/Head Mistress Concerned.
4. District Accounts Officer Mardan.
5. Master File


DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN
13/8



ABDUL AZIZ
Director, Physical Education
in Technical Education

Attested to be
True Copy

K

SABIRA NASEEM

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: cmismardand_deofemale @Yahoo.com

CANCELLATION.

Annex "L"

18

The Transfer order in respect of Mst. Sabira Naseem SST (G) Government Girls High School Dako Baba Takht Bhai (Mardan) to Government Girls Higher Secondary School Takht Bhai (Mardan), issued vide this office Endst. No. 6176-79 Transfer file Dated 13.08.2015 is hereby cancelled and the transfer order issued vide this office Endst. No. 5850-52 dated 29.07.2015, shall stand effective with immediate effect.

Note:-

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

(DILSHAD BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN.

Endst. No. 7023-27 /SST, Transfer File, Dated Mardan the, 12/8 /2015.

Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pukhtun Khwa Peshawar.
2. Deputy Commissioner Mardan.
3. Zilla Nazim Mardan.
4. Principal/Head Mistress Concerned.
5. District Accounts Officer Mardan.
6. Master File.

DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

ABDUL AZIZ
Director Physical Education
in Technical Education

Attested to be
True Copy

خدمت جناب ڈائریکٹر مہاراجہ انسٹیٹیوٹ آف ایجوکیشن، گلبرگ، لاہور

دوسری اپیل، نگران عالی، ٹرانسفر آرڈر
جناب عالی (19)

لذا میں نے دفتر ایجوکیشن میں دوسری اپیل کی ہے۔ میرا تبادلہ لائسنس سکول
دہلیو بلا سے لائسنس سکول خٹ بھائی کو 9/7/15 کو [against new created Post](#)
S.S.A (Cn) ہو گیا 20 دن بعد 29/7/15 کو یہ آرڈر لغو کر کے لائسنس لے کر دیا گیا اور اسی دن
حلیہ بھائی پتھر کائر ایجوکیشن سے اسی پوسٹ پر دیا گیا۔ اس وقت یہ پتھر آباد میں الٹ مشین پوسٹ
پر کام کر رہی تھی، میں نے اس لائسنس کے خلاف دفتر لدا میں اپیل کی، اور ڈی سی
مردان، سٹی ایم شہادت سہیل، سیکریٹری تعلیم کو اس اپیل کی کاپیاں ارسال کیں
ڈی سی سے مہاراجہ نے اس میں انوائٹری کا حکم دیا۔ اور A.A. عبداللہ کو انوائٹری انسپکٹر
مقرر کیا۔ اس کی رپورٹ اٹھی میں آئی، جبکہ دفتر لدا کی طرف سے سہیل کے
دلچسپ ٹیم کو یہ مسئلہ حل کرنے کے احکامات جاری ہوئے جس کے نتیجے میں

3 اگست 2015 کو میرا آرڈر بحال ہوا۔

(2) اب ایک ماہ بعد 12 ستمبر 2015 کو میرے آرڈر لائسنس لیا گیا۔ جبکہ اس دوران ناظم
اعلیٰ کی طرف سے تبادلے/لائسنس کے بارے میں لکھا تھا۔

(3) جناب عالی، میں ایک اسپیشل بجے کی ماں ہوں۔ دو دراز سکول میں ڈپٹی پرنسپل
اس کا معمول مہاتر ہوتا ہے (4) میرے شوہر مزدور آباد سکول میں آئی. ٹی ہیں، پتھر آباد
جانا بھی ایک سارہ ہوتا ہے (5) تمام امور بحال واقعہ کرنے کے بعد اب سے لڈیشن ہے،
میرے 12 ماہ کے پرنسپل کے دوران فور فرمائش اور آرڈر کی بحالی کے احکامات مہاراجہ
فرمائش متعلقہ فرمائش تسلیم

العارض

Dated 19/11/15
25/11/15

صالحہ نسیم

S.S.A (Cn)

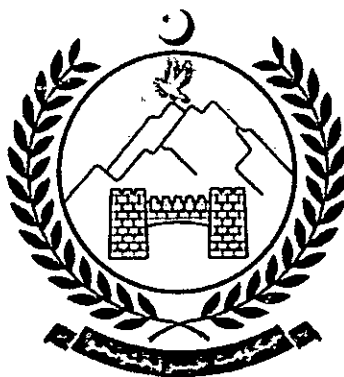
cell no. 035-9357561

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Annex N

20



ESTA CODE

**ESTABLISHMENT CODE KHYBER PAKHTUNKHWA
(REVISED EDITION) 2011**

**A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS
RELATING TO THE TERMS AND CONDITIONS
OF PROVINCIAL CIVIL SERVANTS**

Attested to be
True Copy

**COMPILED BY;
(O&M) SECTION
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

N

21

Posting and Transfer

Statutory Provision.

Section 10 of the NWFP Civil Servants Act, 1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

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) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) ⁷⁹[]

79

Para-1(v) 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/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rule 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.

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- vi) ⁸⁰While making posting/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. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. 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.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least 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 (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officers/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.
- xi) 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

80. Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010.

22

⁸¹DCOs 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 | Secretary of the Department concerned. |
| b) Within the Secretariat from one Department to another. | Chief secretary/Secretary Establishment. |
| 3. Officials up to the rank of Superintendent: | Secretary of the Department concerned. |
| a) Within the same Department | Secretary of the Department in consultation with Head of Attached Department concerned. |
| b) To and from an Attached Department | |
| c) Within the Secretariat from one Department to another | Secretary (Establishment) |

- 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.

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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.

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.

5. 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-VI/E&AD/1-4/2003 dated 24-6-2003).

23

No.F.1/11/2012-Lit-IV

Annex
Islamabad - the 3rd January, 2013.

OFFICE MEMORANDUM

SUBJECT: ORDER PASSED BY SUPREME COURT OF PAKISTAN IN CONST. PETITION NO.23/2012 FILED BY MS. ANITA TURAB AND OTHERS VS. FEDERATION OF PAKISTAN dated 18.10.2012

The undersigned is directed to refer to the subject cited above and to say that the Supreme Court of Pakistan has enunciated certain guiding principles for depoliticizing the public service vide its judgment dated 12-11-2012 passed in the subject case. The operative parts of the judgment given vide para-22 are reproduced as under:-

- i) Appointments, Removals and Promotions: Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- ii) Tenure, posting and transfer: When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.
- iii) Illegal orders: Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule-based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- iv) OSD: Officers should not be posted as OSD except for compelling reasons; which must be recorded in writing and are judicially reviewable. If at all an officer is to be posted as OSD, such posting should be for the minimum period possible and if there is a disciplinary inquiry going on against him, such inquiry must be completed at the earliest.

AN 2013
(A)

JAN 2013
(M)
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23/1/13
1/(MC-1)/3/(MC-11)
2-1/(NR-11)/(NR-11)
3/(NR-14)

08 JAN 2013

REGISTERED

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GOVERNMENT OF PAKISTAN
Cabinet Secretariat
ESTABLISHMENT DIVISION

No.F.1/11/2012-Lit-IV

Islamabad – the 3rd January, 2013.

OFFICE MEMORANDUM

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26

2. The Supreme Court has further recognized the need for ensuring that decision making in relation to tenure, appointment, removal, promotion and transfer remains ruled based and is not susceptible to arbitrariness or absolute and unfettered discretion.

3. In view of the foregoing, the following guidelines have been circulated vide Establishment Division's O.M.No.4/10/2012-E-2 dated 26th December, 2012 (copy enclosed) with the approval of competent authority for strict compliance of the Supreme Court orders, dated 12.11.2012 while passing any such orders relating to appointment, tenure and transfer of the officers in BS-17 to BS-22:-

- a) The normal tenure specified must be respected and may not be varied except for compelling reasons which should be recorded in writing and would be defensible if subjected to judicial scrutiny.
- b) The officer appointed on a post be allowed to earn at least one Annual Performance Evaluation Report.
- c) The officer should not be posted as OSD except for compelling reasons, usually for training, temporary inefficiency of extreme hardship and transit period for minimum possible time with the reasons to be recorded in writing.
- d) There is no space for unilateral surrender of the officers by Ministries/Divisions/Provincial Governments and they are requested to refrain from this practice. However, even if they intend to change the officer, matter may be taken up with the Establishment Division, in case of APUG and federal employees and with respective Provincial Departments dealing with service matters of the officer, for appropriate action.

4. Attention of all the Ministries/Divisions/Departments/Organizations is also invited to the existing provisions contained in the constitution of Pakistan, 1973, Rules of Business, 1973, Pakistan Penal Code, and Conduct Rules, 1964. The relevant extracts are as under:-

The Constitution of Islamic Republic of Pakistan 1973 In terms of article 240 of the 1973 Constitution the appointment to and the conditions of service of Pakistan are determined inter-alia through the Act of Parliament.

- “4. Right of individuals to be dealt with in accordance with law, etc.
- (1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.
 - (2) In particular:-
 - (a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;
 - (b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and
 - (c) no person shall be compelled to do that which the law does not require him to do”

“9. Security of person. No person shall be deprived of life or liberty save in accordance with law”

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20 JUN 2013

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Annex "P"

SABIRA NASEEM



25

GOVERNMENT OF KHYBER PAKHTOON KHWA
PROVINCIAL COUNCIL FOR THE REHABILITATION
DISABLED PERSON (PCRD)

APPLICATION FOR DISABILITY CERTIFICATE

Name Awwais Alam Khan Father Name Alam Sher Khan

Married / Unmarried Spouse - NIL -

Date of Birth 15-01-2001 NIC 16/02-2276434-3

Qualification - NIL - Type of Disability (physically / Visually / Mentally)

Nature of Disability Major Talley Retardation Cause of Disability By Birth

Type of Job - NIL - Source of Income Depend on father income (School Teacher)

Applied for NIC CARD / F-AID Phone No. 03459357567

Present Address #73rd Indian Colony P/O Road Talcht. Bher

Permanent Address " AS ABOVE "

Signature of the Applicant [Signature]

RECOMMENDATION OF THE ASSESSMENT BOARD

Applied is declared :
 Disabled / Not Disabled _____ Disability impairment mentally retarded
 Fit to work / not fit to work _____ Type of job advised (optional) No
 Referred to M.S.D. H.Q. Hospital Recommendation of Board :
Manda
 1. Recommendation FOR NIC CARD
 2. F-AID

CHAIRMAN

MEDICAL ASSESSMENT BOARD

Member

Member

Member

Member

PRINCIPAL
Technical and Vocational
Centre (B) Machan.

[Signature]
ABDUL AZIZ
Director Physical Educator
in Technical Education

[Signature]
Psychiatrist
Manda

[Signature]
True Copy

P
[Signature]



حکومت پاکستان
نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (وزارت داخلہ)
اتھارہ سال سے کم عمر بچوں کا سرٹیفکیٹ *

26

درخواست دہندہ کا نام: عالم شیر خان

16102-2276434-3

درخواست دہندہ کا شناختی کارڈ نمبر

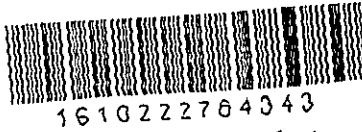
| سردار | بچے کا نام اور رجسٹریشن نمبر | والدہ کا نام اور شناختی کارڈ نمبر | جنس اور شہر | پیدائش کا صحت ایجنسی تاریخ پیدائش | معدن |
|-------|---------------------------------|-----------------------------------|-------------|--------------------------------------|-----------|
| 1 | عالم شیر خان 16102-0470659-3 | عالم شیر خان 16102-2276434-3 | لڑکا | تحت بھالی مردان 2001-01-15 | کوئی نمبر |
| 2 | عالم شیر خان 16102-0376609-3 | عالم شیر خان 16102-2276434-3 | لڑکا | تحت بھالی مردان 2002-03-15 | کوئی نمبر |
| 3 | عالم شیر خان 16102-1954264-8 | عالم شیر خان 16102-2276434-3 | لڑکی | تحت بھالی مردان 2006-06-06 | کوئی نمبر |

- 1- اس فیملی کے مندرجہ بالا اتھارہ سال سے کم عمر 3 بچے ایجنوں کا اندراج ہمارے ریکارڈ میں موجود ہے۔
- 2- درج شدہ بچے کی عمر اتھارہ سال ہوئے ہی شناختی کارڈ کے حصول کیلئے درخواست جمع کروائیں۔
- 3- اس سرٹیفکیٹ کو سنبھال کر دیکھیں کہ بچوں کے اتھارہ سال کی عمر کو پہنچنے پہ ایسی عمر ڈالنے کے حوالے سے شناختی کارڈ جاری کئے جائیں گے۔
- 4- نوڈ ایڈ ہے کا ذمہ داری طور پر اندراج کروائیں اور نیار رجسٹریشن سرٹیفکیٹ حاصل کریں۔
- 5- کوآف کی تبدیلی کی صورت میں نیار رجسٹریشن سرٹیفکیٹ حاصل کریں۔

امتیاز آجوز
دستخط رجسٹرار جنرل
تاریخ: 2014-09-30

ABDUL AZIZ
Director Physical Education
In Technical Education

گلی راجہ افضل امام کالونی پوسٹ آفس روڈ، تحت بھالی، ضلع مردان



سرٹیفکیٹ دہانہ لکھنے والوں کی نجات اور اسے کوآف ریکارڈ میں منسوخ کرنے کے لئے کارڈ نمبر 9101 اور آڈیو بیس نمبر 2000 دہانہ شہرت قابل قبول ہے۔

Attestation to be
True Copy

4770



Service Certificate

27

Certified that Mr Alam Sher Khan
SCT has been serving in the Education
Deptt since 12-08-1995.

Presently he is serving at G.H.S.S Mazdoor
Abad Takht Bhai since 01-09-2004.

PRINCIPAL
G.H.S.S Mazdoor Abad
Takht Bhai

ABDUL AZIZ
Director Physical Education
in Technical Education

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True Copy



GOVERNMENT OF KHYBER PAKHTOONKHA
 PROVINCIAL COUNCIL FOR THE REHABILITATION OF DISABLE PERSON (PCRD)
 OFFICE OF THE-DISTRICT OFFICER SOCIAL WELFARE DEPARTMENT
 MARDAN.



Dated 12-09-014 Reg: No. 00002280 / 2014 PCRD/K.P.(MR)

DISABILITY CERTIFICATE
 ASSISMENT BOARD FOR THE DISABLED PERSON

- 1. Name اوس علي خان
- 2. Father /Husband محمد علي خان
- 3. Married/un-married Married
- 4. Spouse - Nil -
- 5. Dated of Birth 15-1-2001
- 6. NIC - Nil -
- 7. Qualification - No -
- 8. Nature of Disability Mentally Retarded
- 9. Telephone No. 0345-9357561
- 10. Present Address گورنمنٹ ہائی اسکول، پلوہ، ماردان، خیبر پختونخوا۔
- 11. Perment Address - Main -
- 12. Recommendation of the Board Disability certificate.

Handwritten signature

District Officer / Secretary
 PCRD Mardan, Khyber Pakhtunkhwa.

80

ABDUL AZIZ
 Director Physical Education
 in Technical Education

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29

(20)

Annex Q

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.**

NOTIFICATION:

Mst. Haléema Bibi SST (Sc) GGHSS Gujrat District Mardan is hereby transferred/adjusted against the vacant post of SST (Sc) at GGHSS Takht Bhai Mardan in her own pay & BPS in the interest of public service with immediate effect.

- Note: -
1. Complainee report should be submitted to all concerned.
 2. No TA/DA etc are allowed.
 3. The DEO (F) concerned is directed to check her original service documents before making payment of salary.

**DIRECTOR
ELEMENTARY & SECY. EDUCATION
KHYBER PAKHTUNKHWA**

Endst: No. 1137-112 F.No.04/ A-17/SST (F) Transfer Mardan Dated Pesh: the 8/7 /2013

Copy of the above is to the:-

1. District Education Officer (F) Mardan.
2. District Accounts Officer Mardan.
3. Principal/Headmister concerned.
4. SST concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. M/File.

[Signature]
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Signature]
8/7/13

Attested to be
True Copy

Q
R



District Education Officer (Female) Mardan

CORREGENDUM/ADJUSTMENT.

Annex "R"

30

Please read GGHS, Takht Bahi Instead of GGHS, Dako Baba Takht Bahi in respect of Mst Nasira Begum D/O Abdul Baqi accruing at S.NO: 50 in the adjustment order of SST, G/Sc issued vide this office Endst NO:6010/G/SST/Dated 30/10/2014.

Mst, Haleema Bibi SST, (G) working on wrong post against SST, (Science) at GGHS, Takht Bahi, is hereby transfer / Adjusted on her own pay & grade at GGHS, Gujarat against Vacant SST, (G) post in the interest of public service.

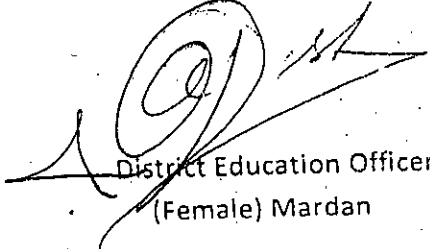
Charge report should be submitted to all concerned.

(Dilshat Begum)

District Education Officer
(Female) Mardan

Endst No: 6745-48 / Dated: 28/11/2014
Copy forwarded for information to the:

- 01- Director Elementary & Secondary Education Khyber Pakhtoon Khwa Peshawar
- 02- District Accounts Officer Mardan
- 03- Principal/Head Mistress concerned.
- 04- Teachers Concerned.


District Education Officer
(Female) Mardan

Attention to be
True Copy

R

S

Annex "S"

31

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address: emismardand_deofemale @Yahoo.com

Adjustment order


Mst Haleema SST.(G) GGHS, Gujrat Mardan is hereby allowed to work at GGHS, Pir Abad Takht Bai till the availability of the NTS, recommended SST.(General) candidate In the interest of public service.

(Dilshad Begum)

DISTRICT EDUCATION OFFICER,
FEMALE MARDAN.Endst NO: 6786-87 /P.F. Batool Fatima/SST(G)/Dated: 27/11/14

Copy forwarded to the:-

- 01- Accountant Local Office.
- 02- District Accounts Officer Mardan.


SST/Mistress
(General)
G.G.H.S. / Pir Abad Takht Bai


DISTRICT EDUCATION OFFICER,
FEMALE MARDAN


True Copy

S
T

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Sabira Naseem

Appellant(s)/Petitioner(s)

VERSUS

The Govt of KPK

and others

Respondent(s)

I/We Appellant do hereby appoint
Mr. Khaled Rehman, Advocate Supreme Court of Pakistan in the above
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

S.N.
Signature of Executants

Khaled Rehman,
Advocate,
Supreme Court of Pakistan

3-D, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458

بعدالت سپریم کورٹ

کورٹ فیس

مورخہ: 13 اپریل 2016ء منجانب ریسارٹ

مقدمہ: مسماہ صالحہ نسیم نام: ڈائریکٹر ایجوکیشن دہلی

دعویٰ: رسل

جرم: 21

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کا دعویٰ متعلقہ آن مقام (رسل) کے لئے لہجہ قانونی قرار کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 13 اپریل 2016ء

بد گواہ نشاندہ اللہ

بمقام: (رسل) کے لئے منظور ہے۔

Attested & Accepted

Jaasir

مسماہ صالحہ نسیم

D

Before The Hon'able Service Tribunal of KPK at Peshawar

Appeal No. 68 /2016

Mst. Sabir Naseem

.....Appellant

VERSUS

Director of Edn KPK Peshawar etc

..... Respondents

Subject:-

Reply on behalf of respondent No.3

Respectfully Sheweth:

Preliminary Objections:-

1. That appellant has got no cause of action to file instant appeal before this Hon'able Tribunal GGHS Takht Bhai in the year 1992 and served at the same school up to 30/10/2014. Due to her promotion from SCT to SST on 30/10/2014, she was transferred from GGHS Takht Bhai to GGHS Dako Baba, where she served only 10 months so, she cannot claim of her transfer as of right, which is violation of Sec: 10 of Civil Servant Act 1974.
2. That appellant not come to this Hon'able court with clean hands.
3. That now appellant is serving near the husband school, who is also serving as teacher in GHS Dako Baba, which easily conveyance of both spouses, which is situated at 4

kilometer from the home of appellant, hence appeal of appellant is not maintainable.

4. That appellant has not complied the Sec: 4 of the Service Tribunal Act 1974 so, appeal of appellant is not maintainable.

Facts:-

1. That para No.1 of the appeal of appellant is incorrect, denied.. Moreover, it is admitted facts, that appellant was appointed as CT teacher in GHSS Takht Bahi in the year of 1992 and she was promoted as a SCT teacher in the same school and served up to year 2014 more than 23 years in the same school and she was promoted from SCT to SST due to which appellant was transferred from GGHSS Takht Bhai to GGHS Dako baba which is on the distance of 4 KM from the home of appellant, but inspite of that appellant again used political influence that on the recommendation of MPA concerned appellant was re-transferred from GGHS Dako Baba to GGHSS Takht Bhai vide order dated 09/07/2015 after 9 months, which is illegal, against law and facts, these facts are admitted by appellant in his memo of appeal.
2. That para No.2 of appeal of appellant is incorrect, denied. Due to scrutinize of posts of SSTS teacher and adjustment of respondent NO.3 being surplus, respondent NO.3 was adjusted in GGHSS Takht Bhai and cancelled the transfer of appellant correctly as per law and rules and as per sec: 10 of KPK civil Servant Act 1973, appellant is bound to serve where is ordered.

3. That para No.3 of the appeal of appellant is incorrect, denied. Moreover, as per appeal rules 1986, in Education Department, DEO of E & SE KPK Peshawar is appellant authority so, worthy commissioner is not appellate authority in education so, representation of appeal is before without lawful, authority hence appeal of appellant is not maintainable and liable to be dismissed on this score alone.

4. That para nO.4 of appeal of appellant is incorrect, denied, Moreover, as per checking of schedule of teachers vacancies, , strength and availability of posts of teachers, respondent No.3 was over and above in strength of her school and appellant being at correct strength in her school, transfer order of appellant correctly cancelled and respondent No.3 who was over and above in her school was correctly transferred to GGHS takht Bhai against vacant post of SST which is legal procedure.

5. That para o.5 of appeal of appellant is incorrect, denied on the following grounds.

GROUND:-

- A. That ground A of appeal of appeal of appellant is incorrect, Moreover, as per proper procedure and adjustment of SST teacher against their post, appellant and respondent No.3 are adjusted vide impugned order

(4)

dated 12/9/2015 , which is the compliance of Sec: 10 of
the Service Tribunal Act 1974.

B. That ground "B" of appeal of appellant is incorrect,
denied, Moreover, appellant has used political influence
for passing of numerous transfer orders, which is evident
from para No.1 of appeal of appellant.

C. That ground "C" of the appeal of appellant is incorrect,
denied. Moreover, it is not vested right of appellant that
she would served for all period of service in one school
and she can not refused from transfer as per Sec: 10 of
the Service Tribunal Act.

D. That ground "D" of appeal of appellant is incorrect,
denied. Moreover, that husband of respondent No.3 is
serving as a constable in Peshawar Motor Way Police,
where, he is servant 24 hours and respondent No.3 being
female could not go alone from Takht Bhai to Gujrat
which is in distance of about 40 KM from her home,
while appellant and her husband both are serving in
Dako baba village and at the distance of 4 KM from her
home, which both spouses can easily convey to their
school Dako baba one vehicle which is drive by
appellant husband to take wife and husband to their
school, but for respondent No.3 it is very difficult to
approach to her duty about 40 KM from her home alone.

(Copy of service card respondent No.3 husband is
attaché das Annex: R-2).

5

E. That Ground "E" of appeal of appellant is incorrect, denied. Moreover, respondent No.3 has served 11 years out from her home station while appellant has served 24 years at her home station. (Copy of order is already attached as Annex: "A").

F. That Ground "F" of appeal of appellant is incorrect, denied.

It is, therefore, humbly prayed that appeal of appellant may please be dismissed with cost.

Respondent No.3

Trough counsel
Yaqoob Khan advocate High
Court at Dist: courts Mardan.

Dated 27/05/2016

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that all the contents of the reply mentioned above are true and correct to the best of my knowledge and belief and noting has been concealed from this Hon'able court.

Attested Deponent

27/5

OFFICE OF THE EXECUTIVE DISTT: OFFICER E/S EDUCATION MARDAN.

TRANSFER

Consequent upon the approval of the competent authority DCO Mardan approval No 9155-56 dated 31.7.2012. The following SET Mistresses are hereby transferred to the school noted against each:-

| <u>S.No.</u> | <u>Name of Official</u> | <u>School From</u> | <u>To</u> | <u>Remarks</u> |
|--------------|-------------------------|---------------------|------------------|----------------|
| . | Mst: Tabasum Naz SET | GGHSS Gujrat Mardan | GGHSS Sawal Dher | V.S.No 2 |
| . | Mst: Halima Bibi SET | GGHSS Sawal Dher | GGHSS Gujrat | V.S.No 1 |

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

(BAHADAR KHAN MARWAT)
EXECUTIVE DISTT: OFFICER
E/S EDUCATION MARDAN.

Endst: No 10989-91, dated 1/8/2012, 2012.

Copy to the:-

1. Principal GGHSS Gujrat Mardan.
2. Principal GGHSS Sawal Dher Mardan.
3. DAO Mardan.

[Signature]
EXECUTIVE DISTT: OFFICER
E/S EDUCATION MARDAN.

Attested
[Signature]

GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar 28-08-2009

②
②

NOTIFICATION.

No. SO(S)E&S/4-16/2009/Ms. Haleema Bibi. The competent authority is pleased to transfer Ms. Halima Bibi, SET (BS-16) GGHS Ibrahim Zai, Hangu and to post her as SET (BS-16) GGHS Sawal Dher, Mardan against the vacant post in the interest of public service, in relaxation of ban with immediate effect

2. No TA/DA is allowed.

SECRETARY

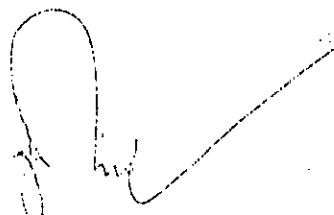
Ends of even No & Date

Copy of the above is forwarded for information to:-

- 1 Accountant General, NWFP, Peshawar.
- 2 The Director, Elementary and Secondary Education, NWFP, Peshawar
- 3 Executive District Officer Elementary & Secondary Education concerned.
- 4 District Accounts Officer concerned
- 5 Officer concerned.
- 6 P.S to Secretary to Govt. of NWFP.
- 7 Office order file.

Attested

Yusuf


(SYED AHMAD KHAN)
SECTION OFFICER (SCHOOLS)

(9) (2)

District Education Officer (Female) Mardan

CORREGENDUM/ADJUSTMENT.

Please read GGHS, Takht Bahi instead of GGHS, Dako Baba Takht Bahi in respect of Mst Nasira Begum D/O Abdul Baqi accruing at S.NO: 50 in the adjustment order of SST, G/Sc issued vide this office Endst NO:6010/G/SST/Dated 30/10/2014

Mst. Ha.eema Bibi SST.(G) working on wrong post against SST. (Science) at GGHS, Takht Bahi, is hereby transfer / Adjusted on her own pay & grade at GGHS, Gujarat against Vacant SST,(G) post in the interest of public service.

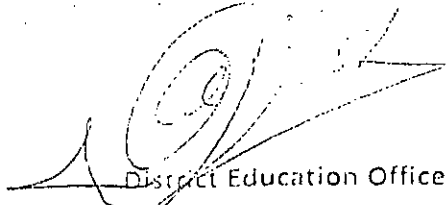
Charge report should be submitted to all concerned.

(District Begum)

District Education Officer
(Female) Mardan

E 7615-68
Endst No: _____ / Dated: 26/11/2014
Copy forwarded for information to the:

- 01- Director Elementary & Secondary Education KhyberPakhtoon Khwa Peshawar
- 02- District Accounts Officer Mardan
- 03- Principal/Head Mistress concerned.
- 04- Teachers Concerned.


District Education Officer
(Female) Mardan

Attested
Yusuf

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

10

NOTIFICATION.

Mst. Haleema Bibi SST (Se) GGISS Gujrat District Mardan is hereby transferred/adjusted against the vacant post of SST (Se) at GGISS Takht Bhai Mardan in her own pay & BPS in the interest of public service with immediate effect.

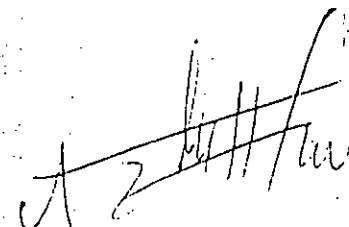
- Note: -
1. Complainece report should be submitted to all concerned.
 2. No TA/DA etc are allowed.
 3. The DEO (F) concerned is directed to check her original service documents before making payment of salary.

DIRECTOR
ELEMENTARY & SECY: EDUCATION
KHYBER PAKHTUNKHWA

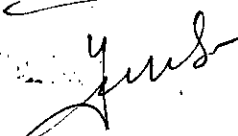
Endst: No. 1137-42 F.No.04/A-17/SST (F) Transfer Mardan Dated Pesh: the 8/7 /2013

Copy of the above is to the:-

1. District Education Officer (F) Mardan.
2. District Accounts Officer Mardan.
3. Principal/Headmister concerned.
4. SST concerned.
5. PA to Director (E.&SE) Khyber Pakhtunkhwa, Peshawar.
6. M/File.


Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

22/7/13

Attest


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 68/2016

Mst Sabira Naseem------(Petitioner)

VERSUS

Director of Elementary & Secondary & Others -----
(Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS:-

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the instant appeal is bad in its present form, hence incompetent and liable to be dismissed.
3. That the instant appeal is not maintainable in the eye of law.
4. That the instant appeal is badly time barred.
5. That the instant appeal is liable to be dismissed due to non-joinder and mis-joinder of unnecessary parties.
6. That the instant appeal is based on malafide and liable to be dismissed.
7. That the appellant has not come to this Honourable Tribunal with clean hand.
8. That the appellant concealed the material facts and kept this Honourable Court in dark.
9. That the appellant has estopped by her own conduct.
10. According to section 10 of Civil Servants Act 1973, "Every Civil servant be liable to serve anywhere within or outside the province".

ON FACTS

1. Para 1 pertains to record, to the extent of the service career and transfer is the part and parcel of the service and the whole sole discretionary power of the administration and transfer of the appellant dated 09-07-2015 was made on her application. Which is already appended as Annexure B with instant appeal.
2. Reply of Para 2 is that the respondent No.3 being the resident of the locality, approached the concerned to be transferred as the most deserving than the appellant and the application of the respondent No.3 was considered, hence denied.
3. Reply of Para 3 is that, that the appellant by feeling aggrieved from the cancellation order dated 29-07-2015 copy of which is already appended with the instant appeal as Annexure "C", tried every forum for her re-transferring to the GGHSS Takht Bhai, in response of which the answering respondent No.2 also submitted its written reply to respondent No.1 stated the genuine reasons thereon clearly, hence denied.
4. Reply of Para 4 is that the transfer of the appellant was restored dated 13-08-2015 copy of which is already appended as Annex K, due to which the respondent No.3 felt aggrieve and the tussle on the impugned post was again raised and the competent authority has to cancelled the transfer of the appellant and restored the transfer of the respondent No.3 in public interest and good faith, hence denied.
5. Para 5 is incorrect, baseless, against law & facts and the official proceedings has been made in good faith and in public interest.


GROUDS:-

- A. Para A is incorrect, baseless, against law and facts and the answering respondents being a responsible government officials, did quarterly within law and transfer as one of the is incident of the service, which is faced by the appellant, hence denied.
- B. Para B is incorrect, baseless, against law and facts, hence denied.
- C. Para C is related to rules and court verdict, hence no comments.
- D. Para D is incorrect and thoroughly explained in para 3 & 4 of the facts, above, hence denied.
- E. Para E, pertains to record and the transfer of the appellant has been made by competent authority in good faith and in public interest, hence denied.
- F. Para F, is incorrect and the transfer being part & parcel of the service has to face by every civil servant, hence denied.

Therefore it is humbly prayed that keeping in view the above mentioned facts, the instant appeal may kindly be dismissed with cost.

Respondent No.1 & 2

Through


District Education Officer
(Female) Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.61-2016

Sabira Naseem -----(Appellant)

VERSUS

The Govet of KPK & Others----- (Respondents)

Reply to Application for Suspending the operation of the order dated 12-09-2015

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause action and locus standi to file the instant application.
2. That the instant application is not maintainable in the eye of law.
3. That the instant application is badly time barred.
4. That instant application is bad in its present form, hence liable to be dismissed.
5. That instant application is liable to be dismissed due to non-joinder and mis-joinder of unnecessary parties.
6. That instant application is against Section 56 D of the SRA hence liable to be dismissed.

ON FACTS

1. Para 1 pertains to pleadings of the case, hence need no comments/ that replies of the facts alleged and grounds taken in the main body of written comments clearly indicated that the appellant has no primface case, hence denied.
2. That transfer being the incident of service, the balance of convince lies in favour of the respondents and transfer of the appellant has made in good faith and in public interest, disobedience of which the respondent with face irreparable loss, hence denied.

Therefore it is humbly prayed that keeping in view the above mentioned facts, the instant application may kindly be dismissed.

Dated: 13/4/16.

Respondents No. 1 & 2

Through


District Education Officer (F)

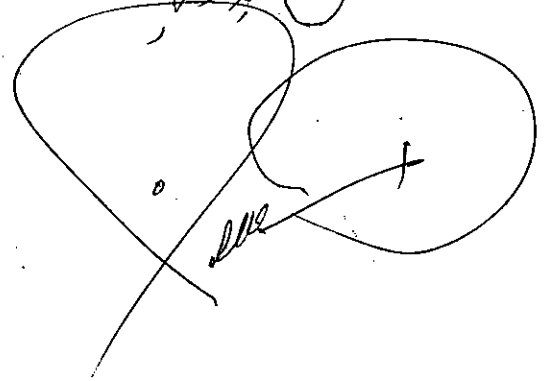
Mardan

شماره ۳۰۰۰
تاریخ

بیمه مقدار عنوان باال در مبلغ 500% و روی و لکون لکون

رسید شماره ۱۰۰

عالمی لکون لکون



Accepted
28.07.16.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service Appeal No. 68 /2016**

Mst. Sabira Naseem.....Appellant

Versus

The Director E&SE KP and others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO REPLY FILED BY RESPONDENTS NO.1&2.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. The appellant has got cause of action and for that matter locus standi to file the instant appeal which is in its correct form and shape. The appeal is within time with all the relevant parties properly added. The estoppels cannot be applied against the law.

Facts:

1. Reply to Para-1 of the appeal supports the contention of the appellant. The transfer of the appellant was made purely on merit on account of her entitlement.
2. Reply to Para-2 of the appeal also reaffirms the stance of the appellant regarding the cancellation of the transfer order on the basis of political influence.
3. Reply to Para-3 of the appeal is evasive which also amounts to admission under the law. Since injustice was done to the appellant, therefore, she had rightly approached the relevant quarters for seeking justice.

4. Reply to Para-4 of the appeal is misconceived. The answering Respondents should have withstood the political pressure and upheld the transfer order of the appellant but succumbed to the political pressure and passed the unlawful impugned order.
5. Reply to Para-1 of the appeal is incorrect hence denied.

Grounds:

- A. Reply to Ground-A of the appeal is incorrect hence denied. The impugned order is unlawful, illegal, against the principle of justice and fair-play.
- B-D. Replies to Grounds- B to D of the appeal are incorrect hence denied.
- E. Reply to Ground-E of the appeal is misconceived. The impugned order is not in good faith nor in the public interest but is the result of political self-aggrandizement.
- F. Reply to Ground-F of the appeal is incorrect hence denied.

It is, therefore, humbly prayed that the reply of answering Respondents No.1&2 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

Khaled Rahman
Advocate, Peshawar

Dated: 23 /11/2016

Verification

Verified as per instructions that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Counsel