


02.1.2017


Mr. Rahatullah, Brother of appellant and Mr. Muhammad Shoaib, ADO alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Requested for adjournment as counsel for the appellant is not in attendance. To come up for rejoinder and final hearing on 03.05.2017 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

03.05.2017

None present on behalf of the appellant. Mr. Muhammad Shoaib, ADO alongwith Mian Amir Qadar, Deputy Attorney for the respondents also present. Notice be issued to appellant and her counsel for rejoinder and arguments for 06.09.2017 before D.B at Camp Court Swat.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat

06.09.2017

None is present on behalf of the appellant. Mr. Muhammad Zubair, District Attorney alongwith Muhammd Shoaib, ADO for the official respondents and clerk of counsel for private respondent No. 6 present. Called several times till last hours of the court, but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.



Member


Chairman
Camp Court, Swat

ANNOUNCED
06.09.2017

07.12.2015

None present for appellant. Mr. Nasrullah, ADEO
alongwith Assistant A.G for official respondents No.1 to 4
and Mr. Fazal Rehman, husband of private respondent No.5
present. Para-wise comments on behalf of official respon-
dents No.1 to 4 submitted while private respondent No.5
has already submitted written statement. Cost of Rs.1000/-
could not be paid as none present on behalf of the appellant.
The appeal is assigned to D.B for rejeinder and final
hearing as well as payment of cost of Rs.1000/- for 4.4.2016
at camp court Swat.


Chairman
Camp Court Swat

04.04.2016

Counsel for the appellant and Mr. Aqeel, Asstt.
alongwith Mr. Anwarul Haq, GP for the respondents present.
Due to non-availability of D.B arguments could not be heard. To
come up for final hearing before D.B on 06.09.2016 at Camp
Court, Swat.


Chairman
Camp court, Swat.

06.09.2016

None for the appellant, Mr. Muhammad Shoaib, ADO
alongwith Mr. Muhammad Zubair, Sr.GP for the official respondents
and clerk of counsel for private respondent No. 6 present. Notice be
issued to appellant and her counsel. To come up for final hearing
before the D.B on 02.1.2017 at camp court, Swat.


Member


Chairman
Camp Court, Swat

6. 1.6.2015

None present for appellant. Mr. Tariq, ADO along with Mr. Anwar-ul-Haq, GP for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Wakalat Nama submitted.

Requested for adjournment. To come up for written reply/comments on 3.8.2015 at camp court Swat.


Chairman
Camp Court Swat

7. 3.8.2015

None present for appellant. Mr. Noor Muhammad, ADO along with Mr. Muhammad Zubair, Sr. GP for official respondents No. 1 to 4 and private respondent No. 5 in person present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 5.10.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

5.10.2015

None present for appellant. Mr. Nasrullah, ADO along with Mr. Muhammad Zubair, Sr. GP for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Written reply by private respondent No. 5 submitted while request was made on behalf of official respondents No. 1 to 4 despite last opportunity granted to them on the previous date of hearing. One more opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by official respondents No. 1 to 4 from their own pockets. To come up for written reply/comments on behalf of official respondents No. 1 to 4 and cost on 7.12.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

11.03.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as SDM in GGHS Osakai District Dir Lower for more than five years and was entitled to be posted against the newly created post at GGHS Shamshi Khan. That she was so recommended as evident from orders dated 5.6.2014 on the application of appellant (Annexure-A page-10) but despite her entitlement for serving for a considerable longer period outside, Mst. Shamim Begum, respondent No. 5, was adjusted against the said post despite the fact that she was not deserving to be posted having short length of stay in comparison to that of the appellant. That the appellant preferred departmental appeal against the said order on 19.9.2014 followed by service appeal on 14.11.2014 which was considered premature and returned and then resubmitted on 30.1.2015.

That the impugned order in favour of respondent No. 5 is discriminatory and liable to be set aside.

Point urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply on 4.5.2015 before S.B. The appeal pertains to territorial limits of Swat and as such to be heard at Camp court Swat.


Chairman

5. 4.5.2015

Mr. Rahatullah, brother of the appellant, on behalf of the appellant present. Security and process fee have not been deposited. Directed to deposit the same within three days, where-after notices be issued to the respondents for 01.6.2015 at camp court Swat.

Appellant Deposited
Security & Process Fee



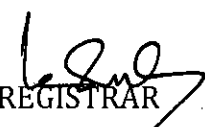



Chairman
Camp Court Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 77/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30.01.2015	<p>The appeal of Mst. Wasilat Begum resubmitted today by Mr. Malik Muhammad Ajmal Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to Bench <u>II</u> for preliminary hearing to be put up thereon <u>02-02-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	02.2.2015	<p>None is available on behalf of the appellant. Notice be issued to appellant and his counsel. To come up for preliminary hearing on 11.3.2015.</p> <p style="text-align: right;"> MEMBER</p>


This is an appeal filed by Mst. Wasilat Begum today on 14/11/2014 against the order dated 27.08.2014 against which she preferred/made a departmental appeal on 19.09.2014 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- The law under which appeal is filed is not mentioned.
- 2- Copy of impugned order dated 27.8.2014 is not attached with the appeal which may be placed on it.

No. 1630 /ST,


Dt. 18-11-2014


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

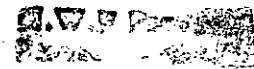
Mr. Malik Muhammad Ajmal Khan Adv. Pesh.

Respected Sir

Re-Submitted after removal of

deficiencies 

15-01-015



77
30/11/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 78 /2015

Mst. Wasilat Begum. Appellant

Versus

Secretary to Govt. of KPK (E&SE) & others. . . . Respondents

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal		1-4
2.	Affidavit		5
3.	Petition for Suspension & Affidavit		6-7
4.	Addresses of the parties		8-9
5.	Copy of the application	"A"	10-12
6.	Wakalatnama		13

Through Appellant


Malik Muhammad Ajmal Khan


Arbab Yasir A. Khan

&


Akhunzada Asad Iqbal
Advocates, Peshawar.

Dated: 14.11.2014

Wasilat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 78 /2015

~~1367~~
14-11-2014

Mst. Wasilat Begum W/o Fakhr-ud-Din.

R/o Shamshi Khan Talash, Tehsil Timergara, District Lower Dir at present working/ posted as Senior Drawing Master Govt. Girls High School Osakai, Tehsil Adenzai, District Lower Dir. Appellant

Versus

1. Secretary to Government of Khyber Pakhtunkhwa (Elementary & Secondary Education) Department at Civil Secretariat, Peshawar.
2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa at its Directorate Dabgari Gardens, Peshawar.
3. Executive District Officer (Elementary & Secondary Education), Dir Lower at Timergara.
4. District Education Officer (Female), District Dir Lower at Timergara.

5. Shamim Begum W/o Fazl-ur-Rehman

R/o Khat Kalay, Ziarat Talash, Tehsil Timergara, Dir Lower at present Senior Drawing Master Govt. Girls High School, Shamshi Khan. Respondents

Ke-submitted to-~~the~~
and filed.

W. Wasilat
30/11/15

W. Wasilat

4/54 of the STA 1974

APPEAL / AGAINST THE IMPUGNED ORDER DATED 27.08.2014 BY VIRTUE OF WHICH RESPONDENT NO.4 WAS TRANSFERRED FROM GGHS HAYA SERAI TO GGHS SHAMSHI KHAN AS S.D.M INSTEAD OF THE APPELLANT AND HIS PETITION FOR THE SAID POST DATED 05.06.2014 WAS NOT ACCEPTED.

PRAYER: On acceptance the instant appeal, the impugned order mentioned above may very graciously be cancelled / withdrawn and the appellant be transferred to GGHS Shamshi Khan on the basis of her application dated 05.06.2014 or otherwise.

Respectfully Sheweth:

The appellant humbly submits as under:

1. That the appellant was initially appointed as Drawing Master in the year 2001 at GGMS Odigram wherein she served for 8 long years, whereafter was transferred to GGHS Osakai, Tehsil Adenzai, District Lower Dir in the year 2009 and since then working at the same school.

W. Ishtiaq

2. That the appellant moved many petitions before the concerned respondents for her adjustment/ transfer being a married woman, but no heed was paid nor those were considered in any form or shape.
3. That when process of upgradation was under consideration of GGMS Shamshi Khan, the appellant once again started her endless efforts through an oral as well as written application with the reasons mentioned therein, but it was considered like her earlier petitions. (Copy of the application is attached as annexure "A").
4. That when the said application was not considered, the appellant moved a departmental representation before respondent No.2, which too, has not been considered so far, hence the instant appeal within time on the following amongst other;

G R O U N D S:

- A. That the appellant having more service than the private respondent, therefore, senior to her, as well as more out station service, on this score alone she is entitled to be transferred to GGHS Shamshi Khan.
- B. That the policy on the subject is also in field in a shape of Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lecturers, Instructors & Doctors) Regulatory Act, 2011, but even this Act has not been taken into consideration by the respondents and garbing their illegal acts/ omissions under their service umbrella.

Wislal

- C. That the acts/ omissions on the part of the respondents are malafide, because this malafide is floating on the surface of the whole record. Moreover, the appellant even applied before the upgradation of the said school, but no result.
- D. That the duration of the private respondent's service as a DM and even as SDM is less than the duration of the appellant. Moreover, the out station service of the respondent is very short as compared to the appellant.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the appellant's application dated 05.06.2014 may very graciously be accepted and the transfer order dated 27.08.2014 of the private respondent may very kindly be declared as illegal, without lawful authority and jurisdiction, based on favouritism and nepotism etc.

Through Appellant



Malik Muhammad Ajmal Khan



Arbab Yasir A. Khan

&



Akhuzada Asad Iqbal
Advocates, Peshawar

Dated: 14.11.2014

Wislal
Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2014

Mst. Wasilat Begum.Appellant

Versus

Secretary to Govt. of KPK (E&SE) & others. . . . Respondents

AFFIDAVIT

I, Mst. Wasilat Begum W/o Fakhr-ud-Din, Senior Drawing Master GGHS Osakai, Tehsil Adenzai, District Lower Dir, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Wasilat
DEPONENT

ATTESTED

Mian Sibghat Ullah Shah
Advocate
OATH COMMISSIONER
High Court Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M.No._____/2014

In

S.A.No._____/2014

Mst. Wasilat Begum.Petitioner/Appellant

Versus

Secretary to Govt. of KPK (E&SE) & others. ... Respondents

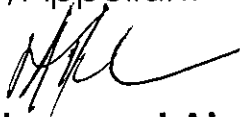


PETITION FOR SUSPENSION OF THE
OPERATION OF THE IMPUGNED ORDER
DATED 27.08.2014 TILL THE FINAL
DECISION OF THE MAIN APPEAL.

Respectfully Sheweth:

1. That the petitioner/ appellant has filed the enclosed appeal, but no date has yet been fixed so far.
2. That all the three ingredients, like strong prima facie case, balance of convenience and irreparable loss are best inclined in favour of the petitioner against the respondents.
3. That the grounds taken in the main appeal may very kindly be considered as part and parcel of the instant petition.

@Wlsd


It is, therefore, most humbly prayed that on acceptance of the instant petition, the operation of the impugned order date 27.08.2014 may very graciously be suspended till the final decision of the main appeal.

Through
 Petitioner/Appellant

Malik Muhammad Ajmal Khan

Arbab Yasir A. Khan
 &

Akhunzada Asad Iqbal
 Advocates, Peshawar

Dated: 14.11.2014

AFFIDAVIT

I, Mst. Wasilat Begum W/o Fakhr-ud-Din, Senior Drawing Master GGHS Osakai, Tehsil Adenzai, District Lower Dir, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Petition** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.


ATTESTED
 Mian Shafiq Ullah Shah
 Advocate
 OATH COMMISSIONER
 High Court Peshawar


 DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2014

Mst. Wasilat Begum.Appellant

Versus

Secretary to Govt. of KPK (E&SE) & others. ... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mst. Wasilat Begum W/o Fakhr-ud-Din
R/o Shamshi Khan Talash, Tehsil Timergara, District Lower
Dir at present working/ posted as Senior Drawing Master
Govt. Girls High School Osakai, Tehsil Adenzai, District
Lower Dir.

RESPONDENTS:

1. Secretary to Government of Khyber Pakhtunkhwa
(Elementary & Secondary Education) Department at
Civil Secretariat, Peshawar.
2. Director (Elementary & Secondary Education),
Khyber Pakhtunkhwa at its Directorate Dabgari
Gardens, Peshawar.

Wasilat

3. Executive District Officer (Elementary & Secondary Education), Dir Lower at Timergara.
4. District Education Officer (Female), District Dir Lower at Timergara.
5. Shamim Begum W/o Fazl-ur-Rehman
R/o Khat Kalay, Ziarat Talash, Tehsil Timergara, Dir Lower at present Senior Drawing Master Govt. Girls High School, Shamshi Khan.

Through Appellant



Malik Muhammad Ajmal Khan



Arbab Yasir A. Khan

&



Akhunzada Asad Iqbal
Advocates, Peshawar

Dated: 14.11.2014

@W'slat

گورنمنٹ جنرل ڈسٹرکٹ ایجوکیشن آفیسر (سکول اینڈ ٹیچنگ) ضلع دربارہ

Mr. Ghad 85

ام کیس نمبر
[Signature]

درخواست برائے تبادلہ
99HS اوسکی تا 99HS شخصی خان

صفا خالی!

08-08-2009

خودبانہ گزارش ہے کہ میں آٹھ آگسٹ دو ہزار نو سے 99HS اوسکی میں بحیثیت SDM اپنی ڈیوٹی انجام دیتی آرہی ہوں۔ اس سے پہلے میں دوراً فتادہ مقام 99MS اور ڈیگرم میں اپنی ڈیوٹی نبھا چکی ہوں جو تقریباً آٹھ سال کا عرصہ بنتا ہے۔ وہاں سے تبادلے کیلئے میں نے بار بار درخواستیں دی تھیں تاہم حقدار ہونے کے باوجود مجھے مقامی خالی پوسٹ پر تبادلے کے بجائے دوراً فتادہ غیر مقامی سٹیٹس 99HS اوسکی (تفصیل ادینزٹی) ٹرانسفر کیا گیا۔ اب چونکہ 99MS شخصی خان اپ گریڈ ہونا متوقع ہے۔ جس کے لیے ان اُسٹانیوں نے بھی تبادلے کیلئے درخواستیں جمع کی ہیں جو حال ہی میں مذکورہ سکول سے ٹرانسفر ہو کر واپس آنے کی خواہشمند ہیں جو مجھ سے ٹینیور کے لحاظ سے جونیئر ہیں جنہوں نے پہلے بھی میری حق تلفی کی ہیں ضابطہ والا اہیل کوئی سیاسی رسائی نہیں ہے اور نہ ہی وقت کے طاقتور خدایوں سے لڑنے کی طاقت ہے صرف انصاف دینے اور دلانے کے حق میں ہوں لہذا آپ سے انصاف کی توقع ہے۔

لہذا مجھے مذکورہ متعین پوسٹ پر ٹرانسفر کر کے انصاف کو عملی جامہ پہنا کر شکور فرماویں

40
Mtg Minisla

~~DF OF
Dir Lower
Please transfer against
vacant post~~
[Signature]

درخواست کنندہ
وصلیت بیگم
99HS سکول اوسکی
حوض 05-06-014

@silat

ETC
[Signature]

To

The Director Elementary and Secondary
Education Khyber Pukhtun Khuwa at
Peshawar.

**Subject: Departmental Appeal against the Impugned Order Dated:
05-06-2014 of District Education Officer (f) Dir Lower, where by the
application of the appellant has been turn down without necessary
action.**

Respected Sir,

It is stated that The applicant is serving as a drawing master BPS 16 Government Girls High School Osakai since august, 08, 2009.

The applicant filed an application before the district education officer female dir lower at Timergara dated: 05-06-2014 for the transferred from the above mentioned school to the nearby and local station GGMS Shamshi Khan recently been upgraded by government. The concerned officer without taking necessary action according to the rules and regulation didn't consider the application of the applicant. so appeal in hand submits on the following grounds.

- i) That the appellant has been appointed in your honorable education department on dated: 01-01-2004 as a drawing master (F) at Rehan Pur station dir lower.
- ii) That the appellant has been transferred /station to osakai high school tehsil adenzai dir lower on dated: 08-08-2009, an outreach station away 45 km from the residence of the appellant and since then the appellant is honestly and accordingly performing her duties at the said school.
- iii) That the appellant being tired and disturb of long and time consuming travelling, submitted an application on dated: 05-06-2014 to the education department dir lower to be station on humanitarian bases to be transferred to a nearest school as out station services not only

C.T.G.
M/K

affecting the life of the appellant but as well causing a mental agony to her domestic and family life. Copy of the application annexure "A".

- iv) That recently the government has upgraded the status of Government Middle School Shamshi Khan Talash Dir lower to Government Girls High School Shamshi Khan, which is the local station of the Appellant /applicant.
- v) That being entitled and deserving to be stationed /transferred to the newly upgraded school on the grounds.
 - (a) Being local,
 - (b) Having more tenure of service,
 - (c) And more out station service,
 - (d) As well the first to submits application to be transferred and stationed to the upgraded school the education department neglect the application of the appellant and being deserve to be transferred to the above mentioned school, transferred another female name Shamem Begum Wife of Fazal Rehman Residence of Khat Kaly Ziarat Talash who transferred to Haya Seri GGHS on dated: **02-05-2013** and to the disputed Shamshi Khan Girls High School on dated: **27-08-2014** having less tenure of service and less outreach service which is against the policy of transfer in education department violating seniority and more out station services.
- vi) That the appellant expect justice from the appellate your honorable appellate ^{forum} court and hope that the appellant will be compensated the wrong done against her by the education department dir lower.

Date: 19-09-2014

Wasilat

Appellant Wasilat Begum Wife of
Fakhro Uddin Residence of Shamsi
Khan Talash Dir Lower

ETC
MPL

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DIR LOWERS AT TIMERGARA.

13



OFFICE ORDER

MSt: Shamim Begum SDM of GGHS Haya Serai is hereby transfer to GGHS Shamim Khan against newly created post in the interest of public service with effect from the date of taking over charge.

Note:

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

(ZAIBUN NISA)
DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA

Endst. No. 2570-72

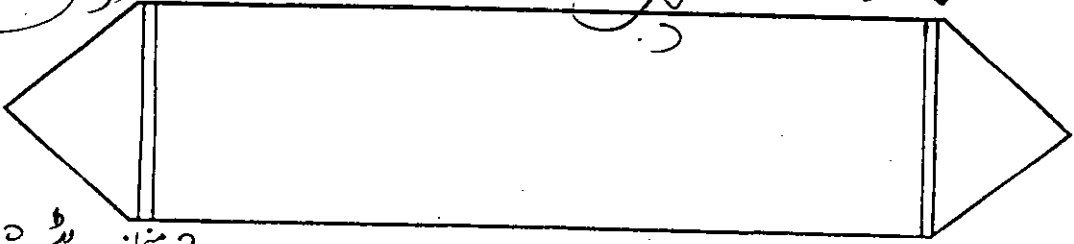
Dated Timergara the 27/8/2014.

Copy of the above is forward to:

1. Distt: Account Officer Dir Lower.
2. The Headmistress concerned.
3. The Official concerned


DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA

بعدالت فہرٹوں کو اس کے بعد



موزخہ
مقدمہ
دعویٰ
جرم

مساہ و صلہ بہم ذریعہ بنام
فہرٹوں کو اس کے بعد

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دیکھ صاحب کو راضی نامہ کرنے و تقرر حالت فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 14 ماہ نومبر 2014

بمقام کے لئے منظور ہے۔

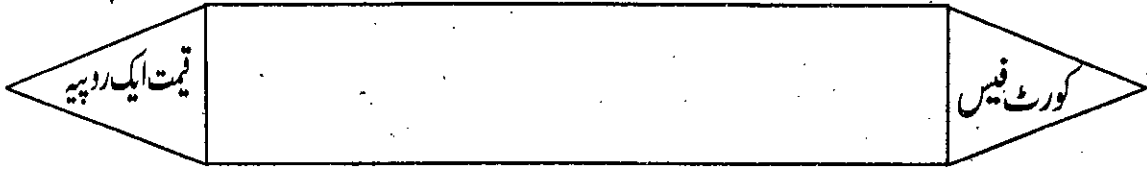
Attested
Accepted

ML

Asif

Wakil
وصیت بیگم

بعدالت حساب سرویس ٹریڈنگ سوسائٹی



مورخہ 1-6-15
 مقدمہ ایپل
 دعویٰ
 جرم

۲۰۱۵ء منجانب
 Respondent
 No. 5
 مسزہ وصالہ بیگم بنام شمیم بیگم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام ~~موسسہ وصالہ بیگم~~ اہمال نواب اور ~~موسسہ وصالہ بیگم~~ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایے 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 ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

المرقوم ۶ ماہ ۲۰۱۵ء

واہ شاہد العبد

کے لئے منظور ہے

بتام سوار

شمیم بیگم سلڈن صل علی زبارت مالاش تمیزہ فلاح لودیر

المسجد النبوي الشريف

1-5-12
بسم الله الرحمن الرحيم

الحمد لله رب العالمين

الحمد لله رب العالمين
والصلاة والسلام على سيدنا محمد وآله الطيبين الطاهرين

الحمد لله رب العالمين

الحمد لله رب العالمين

الحمد لله رب العالمين

MOST IMMEDIATE / COURT CASE

Registered

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NO.SO (Lit) E&SED/1-3/14/SA # 1376 & 78/14/Mst: Shagufta Bibi & Other.
Dated Peshawar, the 27-11-2015.

To

The Disitric Education Officer (F),
Elementary & Secondary Education,
Dir Lower.

(01) *As*
27/11/15

Subject: **COUNTERSIGNATURE OF PARAWISE COMMENTS.**

I am directed to refer to the subject noted above and to enclose herewith Joint Parawise comments (in original) in Service Appeal NO. 1376 & 78/2014¹⁵-in R/O Mst: Shagufta Bibi, GGPS, Laram Ouch & Waseelat Begum District Dir Lower duly signed by the Secretary E&SE, Department for further necessary action at your end.

Encl: (as above)

Endst: of even No. & date.

Copy is forwarded to the PS to Secretary E&SE, Department.

SECTION OFFICER (LITIGATION-II)

SECTION OFFICER (LITIGATION-II)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
(CAMP COURT SWAT)

In Re: Service Appeal No 78/2015

Mst: Wasilat Begum.....(Appellant)

V E R S U S

Secretary Government of KPK and others.....(Respondents)

I N D E X

S. NO	DESCRIPTION	ANNEX	PAGE
1.	Written statement with affidavit		1-4
2.	Written reply with with affidavit		5-6
3.	<i>EDO office order</i>	"A"	6-7
4.	<i>Transfer order</i>	"B"	7-8
5.	<i>Course certificate</i>	"C"	8-9
6.			

Respondent No 5.
(Mst: Shamim *Begum* *Min*)

Through:

(AJMAN NAWAB)
Advocate,
High Court, Peshawar
Cell # 0343-9112953

Ajman Nawab

Dated: -28-08-2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
(CAMP COURT SWAT)

In Re: Service Appeal No 78/2015

Mst: Wasilat Begum.....(Appellant)

V E R S U S

Secretary Government of KPK and others.....(Respondents)

WRITTEN STATEMENT ON BEHALF OF RESPONDENT NO 5

Respectfully Sheweth:-

The Respondent No 5 humbly submits as under:-

PRELIMINARY OBJECTIONS:-

- A) The Appellant has no locus standi or cause of action to file the instant appeal.
- B) The Appellant has not come to this Honourable Tribunal with clean hands.
- C) The Appellant has validly been transferred and no illegality has taken place at all.
- D) That no mala-fide has surfaced anywhere during the posting and transfer orders.
- E) This Honourable Tribunal has got no jurisdiction to entertain the instant appeal.

ON FACTS:-

- 1) Para No 1 is subject to proof. However, it is submitted that Odigram is the parental village of the Appellant and before her marriage, obviously she was with her parents at Odigram; so she was posted for those 08 years in her own village. Thereafter she was transferred to Osakai, which is village in close vicinity of her husband's village, just at a distance of roughly 2/3 miles; so again well in home station so no mala-fide has ever been faced anywhere.
- 2) Para No 2 subject to proof. However, posting and transfer on one owns sweet will is not a right or privilege of the civil servant, nor can be claimed as such.
- 3) Para No 3 subject to proof. However, posting and transfer on one owns sweet will is not a right or privilege of the civil servant, nor can be claimed as such.
- 4) Para No 4 subject to proof. However, posting and transfer on one owns sweet will is not a right or privilege of the civil servant, nor can be claimed as such.

GROUNDS:-

- A) Ground A is subject to proof. However, this is no ground for claiming right to transfer.
- B) Ground B is incorrect. The transfer of the appellant is well according to the law cited.

- C) Ground C is incorrect, hence denied. No mala-fide has been pointed out by appellant at all, nor the same exists at all.
- D) Ground D is subject to proof. However, it is submitted that the Appellant has never remained out station.

It is, therefore, humbly prayed that the appeal of the Appellant be dismissed with special costs, being devoid of any merit and substance.

Respondent No 5
(Mst: Shamim Begum *Begum* *Shamim*)

Through:

(AJMAN NAWAB) *Ajman Nawab*
Advocate,
High Court, Peshawar

Dated: -28-08-2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
(CAMP COURT SWAT)

In Re: Service Appeal-No 78/2015

Mst: Wasilat Begum.....(Appellant)

V E R S U S

Secretary Government of KPK and others.....(Respondents)

AFFIDAVIT

I, *Mst: Shamim Ara* W/O *Fazal Rehman* R/O *khat Kallay*,
Ziarat Talash Tehsil Taimergara District Lower Dir, (presently
Drawing Master at Government Girl High School Shamshi Khan),
do hereby solemnly affirm on oath that all the contents of this
written statement are true and correct to the best of my
knowledge and belief and nothing has been concealed OR
withheld from this Honourable Court.

DEPONENT

(*Mst: Shamim Begum*) *Mst*

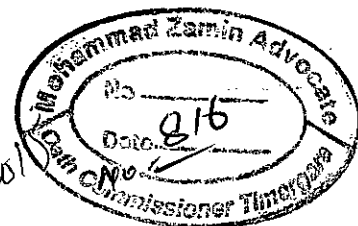
ATTESTED

Identified by:-

Ajman Nawab

(AJMAN NAWAB)
Advocate
High Court, Peshawar

Ajman Nawab
3/10/2015



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
(CAMP COURT SWAT)

In Re: Service Appeal No 78/2015

Mst: Wasilat Begum.....(Appellant)

V E R S U S

Secretary Government of KPK and others.....(Respondents)

WRITTEN REPLY ON BEHALF OF RESPONDENT NO 5

Respectfully Sheweth:-

- 1) Para No 1 needs no comments.
- 2) Para No 2 is incorrect, hence denied.
- 3) Para No 3 needs no comments.

It is, therefore, humbly prayed that the application of the Applicant be dismissed with special costs, being devised of any merit and substance.

Respondent No 5

(Mst: Shamim Begum)

Through:

Ajman Nawab

(AJMAN NAWAB)

Advocate,

High Court, Peshawar

Dated: -28-08-2015 -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
(CAMP COURT SWAT)

In Re: Service Appeal No 78/2015

Mst: Wasilat Begum.....(Appellant)

V E R S U S

Secretary Government of KPK and others.....(Respondents)

AFFIDAVIT

I, *Mst: Shamim Ara* W/O *Fazal Rehman* R/O *khat Kallay*,
Ziarat Talash Tehsil Taimergara District Lower Dir, (presently
Drawing Master at Government Girl High School Shamshi Khan),
do hereby solemnly affirm on oath that all the contents of this
written reply are true and correct to the best of my knowledge
and belief and nothing has been concealed OR withheld from this
Honourable Court.

DEPONENT ✓
(Mst: *Shamim Begum*) *Shi*

Identified by:-

Ajman Nawab

(AJMAN NAWAB)
Advocate
High Court, Peshawar

Attested
3/10/2015

ATTESTED



(7) n

OFFICE OF THE EXECUTIVE DISTT. OFFICER (S&L) DIR LOWER AT TIMERGARA.

OFFICE ORDER.

Consequent upon the approval accorded by the Distt./Departmental Recruitment Committee, in its Meeting held on 10-12/12/2003 the following candidates are hereby appointed as Drawing Mistresses (on Batch-Wise Basis) in the schools noted against their names on contract basis in BPS No. 9(2410-145-6760) plus usual allowances as admissible under the rules from the date of taking over charge, subject to the following terms & conditions.

Sr. No.	Name/Father, s Name, and address.	Session.	S.No in, M/List./ M/Posit.	Name of School.	Remarks.
1.	Fakhria D/O Sultan Ahmad R/O Ouch.	25.4.2000	1/43.60	GGHS.Munda.	A.V/Post
2.	Saleha Yousaf D/O M. Hazrat Yousaf R/O Zaimdara.	25.4.2000	2/39.59	GGMS.Zaimdara.	-do-
3.	Shamim Begum D/O Munjawar, R/O, Talash.	25.4.2000	3/38.36	GGMS.Qazi Abad.	-do-
4.	Falak Naz D/O Sher Khan, R/O, Cham S/Bagh.	31.3.2002	4/51.23	GGHS.Samar Bagh.	-do-
5.	Robina Zaman D/O, Amir Zaman R/O, Shawa.	31.3.2002	5/43.17	GGMS.Shawa.	-do-
6.	Rafiqa D/O, Dost Mohd, R/O, Sarai Bala.	31.3.2002	6/35.26	GGMS.Sarai Bala.	-do-
7.	Naheed D/O, M.Inayatullah, R/O.Mandish.	5.5.2003	7/52.69	GGMS.Mandish.	-do-
8.	Saima Naz D/O Bakht Biland R/O, Tharai.	5.5.2003	8/45.63	GGMS.Khazana.	-do-
9.	Aisha Bibi D/O Gul Zada, R/O Balambat.	5.5.2003	9/44.46	GGHS.Haji Abad.	-do-
10.	Aisha Begum D/O Abdur Razaq R/O Danwa.	5.5.2003	10/43.77	GGMS.Danwa.	-do-
11.	Hamish Bahar D/O Nasirul Haq R/O Odigram.	5.5.2003	11/42.85	GGMS.Odigram.	-do-
12.	Wasilat D/O Abdur Rashid R/O Odigram.	5.5.2003	12/42.04	GGMS.Rehan Pur.	-do-
13.	Shabnam Zarin D/O Sultan Zarin R/O Khungai.	5.5.2003	13/42.96	GGCMS.Timergara.	-do-
14.	Zeenat Jehan D/O Sher Bahadar R/O Moranai.	5.5.2003	14/41.23	GGMS.Kadh.	-do-
15.	Atia Naz D/O Faqir Mohd R/O Amlook Dara.	5.5.2003	15/37.65	GGHS.Koto.	-do-

TERMS AND CONDITIONS:-

1. Charge Report should be submitted to all concerned.
2. Their appointment is purely on temporary basis and liable to termination at any time without any notice. In case leaving the service, they are required to submit one month prior notice, or deposited one month pay in Govt. Treasury in lieu thereof.
3. Their age may not exceeds 35 and below 18 years.
4. They are directed to take over charge w.e. from 1.3.2004.
5. They are required to produce Health & Age Certificate from the Civil Surgeon Dir Lower.
6. The D.D.O is directed to check their original documents and verify from the Institutions concerned.

7. The D.D.O is directed to obtain Agreement deed duly signed by the official concerned in the presence of two witnesses and keep on record.
8. Their contract period shall be for three years, which will be renewed by the Department, subject to the satisfaction of the Department from the official concerned.
9. No T.A/D.A is allowed.

(ZARAWAR KHAN)
Executive Distt:Officer,
(S&L)Distt:Dir(Lower).

Endst:No. 24345-63 /Dated T/Gara the 31 /12/2003.

Copy of the above is forwarded to:-

- 1). The Distt:Co-Ordination Officer Dir Lower.
- 2). The Distt:Accounts Officer Dir Lower at Timergara.
- 3). The Principals/Head Mistresses concerned;
- 4). (1-15) The candidates concerned.

Executive Distt:Officer,
(S&L) Distt: Dir (L),
at Timergara.

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) DIR LOWERS AT TIMERGARA.

OFFICE ORDER

MSt: Shamim Begum SDM of GGHS Haya Serai is hereby transfer to GGHS Sham Khan against newly created post in the interest of public service with effect from the date of taking over charge.

Note:

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

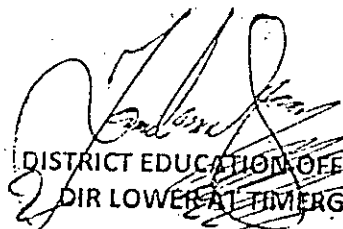
(ZAIBUN NISA)
DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA

Endst. No. 2570-72

Dated Timergara the 27 8/2014.

Copy of the above is forward to:

1. Distt: Account Officer Dir Lower.
2. The Headmistress concerned.
3. The Official concerned


DISTRICT EDUCATION OFFICER (F)
DIR LOWER AT TIMERGARA

Order with effect from 01/9/14

(9)

Govt: College of Education for Elementary Teachers


(Women) DARGAI
MALAKAND AGENCY

PROVISIONAL CERTIFICATE

COURSE D.H. (ANNUAL)
Session 1978-79

1. Name of Trainee Shamsim Begum, Roll No. 475
2. Father's Name Manjavar.
3. Date of Birth 12.11.1979 (Twelfth November NE Seventy Nine)
4. Resident of V/I.O. Talash Dir Fayan, Distt: Dir.
5. Quota of District under selected for training Open: Dir.
6. Examination passed D.H.
7. Marks Obtained 691 Out of 1000
8. Grade / Division Ist: Division.
9. Date of Declaration of the Result 25.04.2000
10. Moral Character Good.

(I wish her good luck)


Principal
Govt: Elementary College
(Women) Dargai Malakand Agency