

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR CAMP COURT SWAT**

**Service Appeal No. 2290 / 2023**

**Mst: Shaista Begum D/O Qasim Ali**

**R/O Village Soora, Chamla Tehsil Mandanr District Buner ----- Appellant**

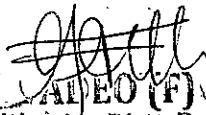
**VERSUS**

- 1. Govt: of Khyber Pakhtunkhwa through Secretary E & SE Khyber Pakhtunkhwa Peshawar.**
- 2. Director E & SE Khyber Pakhtunkhwa Peshawar.**
- 3. District Education Officer (Female) Buner at Daggar.**

----- Respondents

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ADEO (F)  
Litigation Distt: Buner

*23-07-2024*  
*06-03-2024*  
*Swat*  
*S. B.*

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP COURT SWAT**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11499

Dated 29-02-2024

**Service Appeal No. 2290/2023**

MST: Shaista Begum D/O Qasim Ali

R/O Village Soora, Chamla Tehsil Mandanr District Buner ----- Appellant

**VERSUS**

1. Govt: of Khyber Pakhtunkhwa through Secretary E & SE Khyber Pakhtunkhwa Peshawar.
2. Director E & SE Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Female) District Buner at Daggar

\_\_\_\_\_ Respondents

**PRELIMINARY OBJECTION**

1. That the instant appeal is badly barred by time and not maintainable, hence liable to be dismissed.
2. The appeal is not maintainable due to legal lacunas.
3. That due to mis joining and non-joining of the parties, the instant appeal is liable to be dismissed.
4. That the appellant has no cause of action to file the instant appeal.
5. That the appellant has concealed the facts from this honorable Service Tribunal hence the appeal is liable to dismissed.

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS**

**Respectfully she with**

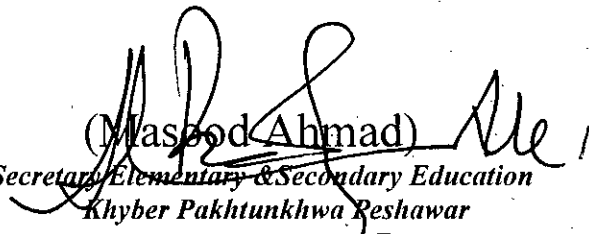
**The respondents submit as under:**


1. Pertain to record.
2. Agreed up to the extent that the appellant has been transferred to GGMS Badair but the post was already advertised through ETEA before her transfer. The appellant was transferred on dated 28-01-2022 while the post was advertised on 15-12-2021 (Vacancies detail and advertisement Attached as **Annexure-A** and transfer order of Appellant attached as **Annexure B.**)
3. **Incorrect hence denied.** As explained in Para No.2 of the comments that the said post was advertised through ETEA. The fresh appointee namely Miss. Kainat has not been transferred rather she has been appointed on the said advertised post being meritorious candidate upon the recommendation/Minutes/Directions issued by Grievances Redressal Committee. Hence the DEO (Female) Buner was left with no other option but to cancel the transfer of appellant being placed at wrong post. Appointment Order attached as **Annexure- C** and Grievances Redressal Committee (GRC) minutes as **Annexure-D** while cancellation order of appellant as **Annexure-E.**
4. **Incorrect hence denied.** As explained in Para No. 3 of the comments that the fresh appointee namely Miss. Kainat has not been transferred from other school but appointed on the advertised post and the respondent has not received any such application/appeal from the appellant.
5. **Incorrect hence denied.** Already explained in Para No.3 of the comments Moreover, no such application has been received from the appellant to the respondent.


**GROUND:**

- I. **Denied:** That this Para is not admitted and denied, the action and inaction of the Respondent is legal, lawful and constitutional.
  - II. **Denied:** That this Para No. 2 is not admitted and denied because the Respondent has not violated any such rules but has acted upon according to the rules and policy which ensure justice.
  - III. **Denied:** The cancellation order has been issued as per rules and none of the rules has been violated by Respondent.
  - IV. **Denied:** That this Para is not admitted and denied. The transfer order issued in respect of the appellant was not under E-Transfer policy so, it cannot be invoked.
  - V. **Denied:** The cancellation order is issued according to the relevant rules and policy.
  - VI. That the Respondent also seeks permission to raise additional grounds at the time of arguments.
6. As explained in Para 3 of the Para wise comments that the cancellation order in R/O appellant has been issued due to the appointment of fresh appointee namely Miss: kainat so the transfer order could not be restored. Moreover, no such application has been received from the appellant to the respondent.

It is, therefore, humbly prayed that the instant appeal may graciously be dismissed.

  
 (Masood Ahmad)  
 Secretary Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar  
 (Respondent No. 1)

  
 (SAMINA ALTAF)  
 Director Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar  
 (Respondent No. 2)

  
 (Haisa Gul)  
 District Education Officer  
 (Female) Buner  
 (Respondent No. 3)

(3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP COURT SWAT**

**Service Appeal No. 2290 / 2023**

Mst: Shaista Begum D/O Qasim Ali

R/O Village Soora, Chamla Tehsil Mandanr District Buner -----

Appellant

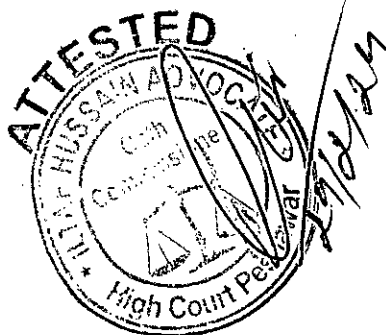
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2. Director E & SE Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) Buner at Daggar.

\_\_\_\_\_ Respondents

**AFFIDAVIT**

I Miss Hafsa Gul DEO (F) Buner do hereby solemnly affirm and declare that contents of the accompanying para wise comments are true and correct to the best of my knowledge and information and nothing has been concealed from this Honorable Service Tribunal. It is further stated on oath that the answering respondents have neither place exparte nor their defense struck off/cost.



  
DEPONENT



**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BUNER**

STATEMENT SHOWING THE SCHOOL WISE DETAIL OF FOLLOWING VACANT POSTS AS STOOD ON 11/11/2021

Sl. No.	ENIS CODE	Name of School	Union Council & Ward	CT B-15	DM B-15	PET B-15	AT B-15	TT B-15	PST B-15	Total
				F	F	F	F	F	F	
1	41390	GGMS GUMDAT	GUL BANDAI	1						1
2	41318	GGMS MARADU	SORAY			1				1
3	41142	GGMS BAIKHANAY	SORAY	1	1		1			3
4	39274	GGMS MANGAL THANA	SARWAI			1		1		2
5	40545	GGMS PAK BANR	KANDAR KATAY	1	1			1		3
6	37762	GGMS TANGORA	GUL BANDAI					1		1
7	39277	GGMS SHANGRA	PANDIR	1						1
8	NEW	GGMS BADAIR	NAWAGAI	1	1	1				3
9	NEW	GGMS SROO	CHINGLAI	1	1	1	1			4
10	24381	GGPS GIKARAI	ABA KHAIL						1	1
11	24366	GGPS BAZARGAI	ADA KHAIL						1	1
12	40541	GGPS HASSAN KHAIL BAZARGAY	ABA KHAIL						4	4
13	24430	GGCMS BAMPOKHA	ABA KHAIL						1	1
14	24401	GGPS KOHAY	ABA KHAIL						2	2
15	32552	GGPS NANSER	ADA KHAIL						4	4
16	24400	GGPS KINGER GALAI	ABA KHAIL						4	4
17	24383	GGCMS Hissar Tangai	DAGGAR						2	2
18	24384	GGPS Hissar	DAGGAR						1	1
19	24353	GGPS BAGRA	DAGGAR						1	1
20	24389	GGPS KALA KHELA	GADEZI						1	1
21	24348	GGPS ASHIEZO NAWAY KALAY	ELAI						2	2
22	24376	GGPMS JICA DAGGAR	ELAI						1	1
23	32551	GGPS MULA YOUSAF	KARAPA						1	1
24	24426	GGPS Shanay Naway Kalay	KARAPA						1	1
25	24367	GGPS BESHUNAI	MALAK PUR						2	2
26	32526	GGPS ELLUM	MALAK PUR						1	1
27	24410	GGPS MALAK PUR	MALAK PUR						1	1
28	24394	GGPS KATKALA	MALI KHAIL						1	1
29	32534	GGPS JOWAR NO.1	MALI KHAIL						1	1
30	24388	GGPS JOWAR NO.2	MALI KHAIL						1	1
31	24372	GGPS CHARAI	MALI KHAIL						1	1
32	24371	GGPS Char	MALI KHAIL						3	3
33	32554	GGPS PACHA KALAY NO.1	PACHA KALAY						1	1
34	32553	GGPS PACHA KALAY NO.2	PACHA KALAY						1	1
35	24364	GGPS BATAI	PACHA KALAY						1	1
36	24407	GGPS Laghara	PACHA KALAY						1	1
37	32569	GGPS TORWARSAK	TORWARSAK						1	1
38	37039	GGPS Jangara Torwarsak	TORWARSAK						1	1
39	39985	GGPS MIRZASAR	BATARA						1	1
40	24363	GGPS BATARA	BATARA						1	1
41	32542	GGPS Kua Shammal	BATARA						2	2
42	32532	GGPS Gumbat	GUL BANDAI						1	1

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**To Be Substituted with Same Endst: No. and Dated**  
**Revised**



OFFICE OF THE DISTRICT EDUCATION OFFICER  
 (FEMALE) DISTRICT BUNER  
 PHONE & FAX NO. 0939-510366  
 EMAIL: deofemalebuner@gmail.com



### **NOTIFICATION**

In pursuance of Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar letter No. SO (SM) E & SI/ 7-1 / 2021 / PT / General dated Peshawar 01-01-2022 and consequent upon the recommendations of District Transfer Committee Buner, the competent authority is pleased to order Mutual / General Transfer in respect of the following Teachers to the school noted against each on their own pay & scale in the best interest of public service.

S.No	Name of Teacher	Designation	From	To	Remarks
1	Kalloom Bibi	SST (B/C)	GGHSS Nogram	GGHS Kass Koroon	A.V.P
2	Iffat	SST (Gen)	GGHS Matwanai	GGMS Rega	<i>Order is hereby withdrawn</i>
3	Kalloom Bibi	CT	GGHSS Shalbandai	GGMS Bajkata	A.V.P
4	Sumaira Bibi	CT	GGMS Batai	GGMS Elai	A.V.P
5	Shaista	DM	GGHS Charorai	GGMS Badair	A.V.P
6	Sarwat	TT	GGHSS Jowar	GGMS Khanano Dherai	A.V.P
7	Uzma Rani	TT	GGMS Daggat	GGMS Badair	A.V.P
8	Shama Rahman	CT	GGMS Pak Banr	GGMS Tinawlo Dherai	subject to the arrival of other Teacher
9	Akhtarya Said	AT	GGMS Pak Banr	GGHSS Batanai	.....

*CTC*

#### **NOTE:**

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

**(SHAZIA NAWAZ)**

DISTRICT EDUCATION OFFICER (F)  
 DISTRICT BUNER

Endst: No. 3657-61 Dated 28/01/2022

Copy for information to the.

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Monitoring Officer (EMA) Buner.
3. District Accounts Officer Buner.
4. Principals / Head Mistresses Concerned.
5. Teachers Concerned

DISTRICT EDUCATION OFFICER (F)  
 DISTRICT BUNER



(7)

**OFFICE OF THE DISTRICT EDUCATION OFFICER**  
**(FEMALE) DISTRICT BUNIR**  
PHONE & FAX NO: 0939-510366  
E-Mail: deofemalebuner@gmail.com



**APPOINTMENT ORDER.**

In Continuation to the Advertisement dated 1.12.2021 and DSC held on 11.10.2022, the leftover Cases in the light of the meeting of the Grievances redressal Committee held on 13.6.2023 in addition to the writ Petition No.206-M/2023 under Title Faiza BiBi & other...VS...DEO (F) Buner, Departmental Selection Committee Meeting was held on 5.7.2023 and with its recommendation, the undersigned is pleased to order the following left over Next meritorious candidates as **Drawaing Master (DM) Female** in **OPEN Merit** purly on merit against Vacant Post on "**Adhoc**" and "**School Based**" on one year Contract in **BPS-15 (Rs.23920-198083320) @ Rs.23920/-Fixed** Plus usual Allowances as admissible to them under the rules and existing policy of the Government in Teaching Cadre on the terms and Conditions given below with effect from the date of taking over charge in the interest of Public Service.

S #	Roll No.	Name	Father Name	Residence	CNIC#	D.O.B	Score	School Name	Remarks
1	476315	Faiza BiBi	Abdul Ghawas	Karapa	15101-9761115-8	15/4/93	118.01	GGMS Baikhanay	AVP
2	476638	Kainat	Faiz Rasan	Kalpanai	15102-0564967-3	20/3/98	117.18	GGMS Badair	AVP

**TERMS & CONDITIONS:**

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned in duplicate.
3. Appointment is purly on temporarily on adhoc/contract basis initially for a period of one year with immediate effect.
4. They should not be handed over charge if their age exceed 35 years or below 19 years.
5. Appointment is subject to the condition that the Certificates, Degrees/documents must be verified from the concerned board/universities/institutions. If any one found producing bogus /forge/fake certificates/degrees, will be reported to the law enforcing agencies for further action.
6. If any meritorious candidate is deprived of appointment by this order, the appointment order of the lowest candidate in merit shall be withdrawan on acceptance of the appeal and adjustment order will be reviewed accordingly as per merit.
7. The Services are liable to termination on one month prior notice from either side. In case of resignation without notice their one month pay/allownces will be forfeited.
8. Their Pay shall not be drawan unless this office issue a certificate to the the effect that their documents have been verified.
9. They should join their Post within 15 days of the issuance of this odr. Their appointment shall automatically stand expired and no susequent appeal etc shall be entertained.
10. District Account Officer (DAO) Buner should release their salary on the production of duty certificate duly signed by the Head Mistress /DDO concerned and countersignd by this office.
11. Health and Age Certificate should be produced from the Medical Superintendent Concerned before taking over charge.
12. They will be Governed by such rules and regulations as may be issued from time to time by the Government.
13. Their Services will be terminated at any time, in case their performnace is found unsatisfactory during their contract period. In cse of misconduct, they will be proceeded undr the rules framed from time to time.
14. Their appointment is on adhoc /(School Based), they will have to serve at the place of posting and their services is (NON-TRANSFERABLE) to any other station/school.
15. Posting/Adjustment is the discretionary power of the appointing authority and no one has the right to claim for adjustment at any specific school.

(Contd....)



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16. Before handing over charge Headmistress concerned will check their documents. If they have not acquired the required qualification, they may not be handed over charge.
17. The appointee shall take nine months (09) mandatory training at RPDC (OLD RITE) or DPD (OLD PITE).
18. In case of regularization their inter-se-seniority shall be determined on the basis of their merit position and the date of taking over charge shall not effect their inter-se-seniority.
19. Errors and omission will be accepted for further rectification within the specified period.

(DR. SHAMIM AKHTAR)  
DISTRICT EDUCATION OFFICER(F)  
BUNIR

No. 2168-79

Dated 7/7 /2023

**Copy Forwarded for information and necessary action to the;**

1. Additional Advocate General Peshawar High Court Mingora Bench Darul Qaza Swat at Fizagat .
2. Director Elementary & Secondary Education khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Buner.
4. District Monitoring Officer / EMA, Buner.
5. District Account Officer Buner.
6. Medical Superintendent DHQ Hospital Buner.
7. ADEO(Secondary) Estt; local office.
8. Budget & Account Officer Local Office.
9. Superintendent local office.
10. Headmistress Concerned.
11. DEMIS Local Office.
12. Teachers Concerned.

(DR. SHAMIM AKHTAR)  
DISTRICT EDUCATION OFFICER(F)  
BUNIR

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## MINUTES OF THE MEETING OF GRIEVANCES REDRESSAL COMMITTEE

### DEO (FEMALE) BUNER

Agenda Item No.	S#	NAME OF THE PETITIONER / APPLICANT	WRIT PETITION & DEPARTMENTAL APPEALS	CLAIMS OF THE APPELLANTS / PRAYER	COMPETENT AUTHORITY	DECISION
4	01	Faiza Bibi D/O Abdul Ghawas	Appeal for justice	The applicant is seeking appointment against the post of Drawing Master (DM) with the plea that, the DEO appointed three candidate out of four advertised posts amongst those one candidate did not take charge of the said post, now the applicant being on 16 <sup>th</sup> merit position and top at the waiting list seeking appointment against the DM post.	DEO (F) Buner.	Appeal accepted. The Representative of DEO (F) office Mr. Muhammad Ali admitted that the applicant is on the top of merit list and the post is still vacant. Therefore the DEO is directed to issue appointment order within three days positively. The Director E&SE is also directed to conduct a fact finding inquiry in the matter and fix responsibility within 15 days.
5	02	Kainat	Appeal for justice	The applicant is seeking appointment against the post of Drawing Master (DM) with the plea that, the DEO appointed three candidate out of four advertised posts amongst those one candidate did not take charge of the said post, now the applicant being on 18 <sup>th</sup> merit position and top of the waiting list seeking appointment against the DM post.	DEO (F) Buner.	The representative of DEO (F) Buner explained that the applicant miss Kainat is 2 <sup>nd</sup> mandatories candidate after faiza at merit No. 12. The representative also admitted that DSC has been conducted and minutes have also been finalized. In these circumstances the DEO (F) is directed to issue her appointment orders within 03-days. The Director E&SE is also directed to conduct a fact finding inquiry in the matter and fix responsibility.

### DEO (M) CHARSAJDA

Agenda Item No.	S#	NAME OF THE PETITIONER / APPLICANT	WRIT PETITION & DEPARTMENTAL APPEALS	CLAIMS OF THE APPELLANTS / PRAYER	COMPETENT AUTHORITY	DECISION
6	01	Muhammad Afaq Zahid S/O late Zahid Jan.	W.P#198-P/23 Peshawar High Court, Peshawar judgment dated 21-02-23	The petitioner filed W.P before Peshawar High Court, Peshawar with the prayer that, "the petitioner may kindly be appointed as Class-IV on deceased son's quota". The Hon'ble Court passed the directions, "To place the case of petitioner before the Grievance Redressal Committee, for its disposal in accordance with the policy and	DEO (M) Charsajda.	Appeal accepted. The DEO concerned is directed to take up the case with ECP for issuing NOC. After getting the same the DEO shall issue appointment order under Section 10(4) of APT rules 1989 after observing all code formalities.

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### MINUTES OF THE MEETING OF GRIEVANCES REDRESSAL COMMITTEE

83	10	Rubi D/o Muhammad Zubair & others	Appeal for justice	The applicants are at S.No. 31 and 33 in merit list, and, stated that some candidate have bogus domicile in the top of merit list, hence requested to be considered for the post.	DEO (F) Peshawar	Regretted on the ground that the applicants stand at 31 & 33 in the merit list while there are total 29 vacancies, therefore, request of the applicant cannot be entertained at this stage
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MR. TAJ MUHAMMAD  
SECTION OFFICER (DARC)  
E&SE DEPARTMENT;

MR. NAVIED ULLAH SHAH  
DEPUTY SECRETARY (AMIN / LEGAL-I)  
E&SE DEPARTMENT;

Mr. ABUUL AKRAM  
ADDITIONAL SECRETARY (GENERAL)  
E&SE DEPARTMENT

CT C of



**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) DISTRICT BUNIR**  
PHONE & FAX NO: 0939-510366  
E-Mail: deofemalebuner@gmail.com



**OFFICE ORDER:-**

**Whereas:** Various posts advertised on 01-12-2021 including DM post for four vacancies in which two posts were filled & two were deferred & according to the vacancies published in advertisement two vacancies at GGMS Baikhanay & GGMS Badair were left for next meritorious candidates.

**Whereas:** The leftover two next meritorious candidates namely Mst: Faiza Bibi D/O Abdul Ghawas & Mst: Kainat D/O Faiz Rasan approached to Grievances Redressal committee in which meeting was held on 13-06-2023 & appeal of the candidates were accepted & direction issued to DEO (F) Buner for appointment while on the other hand the candidates approached to Hon: Peshawar High Court Mingora Bench Darul Qaza Swat in writ Petition No: 206-M/2023 for their appointment.

**Whereas:** Before appointment of these leftover candidates vacancies, already published in advertisement, scrutinized & it was pointed out that one the vacancy of DM at GGMS Badair has been filled due to transfer by then DEO (F) Buner Vide Notification under Enstt: No: 3657-61 Dated: 28-01-2022 & Mst: Shaista DM have already been transferred from GGHS Charorai to GGMS Badair (S. No: 05) which is against the rules and policy because already meritorious candidates were on waiting list & their cases were under trail before the appellate forum therefore, the transfer order is not justified according to the prevailing rules.

**Whereas:** To follow the decision & directions of the Grievances Redressal committee dated: 13-06-2023, was mandatory to follow in letter in spirit & the transfer order dated: 28-01-2022 needs to be cancelled for the purpose to adjust one of the left over candidate at GGMS Badair accordingly & Mst: Shaista DM needs to be returned to her original School i.e. GGHS Charorai which is still laying vacant.

In view of the above, the Undersigned Being Competent Authority CANCELLED transfer order under Enstt No: 3657-61 dated: 28-01-2022 in/r/o Mst: Shaista DM (S No: 05) cancelled with immediate effect.

(DR. SHAMIM AKHTAR)  
DISTRICT EDUCATION OFFICER (F)  
BUNER

Dated: 7/7/2023

No. 2159-67/1

**Copy Forwarded for information and necessary action to the;**

1. Director Elementary & Secondary Education khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Monitoring Officer / EMA, Buner.
4. District Account Officer Buner.
5. Budget & Account Officer Local Office.
6. Head Mistress GGHS Charorai with the direction to ensure compliance & submit report accordingly
7. Head Mistress GGMS Badair with the direction to receive the official concerned & submit report along with relieving chit immediately under intimation to this office.
8. DEMIS Local Office.
9. Teachers Concerned with the direction to ensure compliance of the order otherwise you will be considered absent at GGHS Charorai & you will be treated accordingly under E&D Rules 2011.

DISTRICT EDUCATION OFFICER (F)  
BUNER

12

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR CAMP COURT SWAT**

**Service Appeal No. 2290 /2023**

Mst: Shaista Begum D/O Qasim Ali

R/O Village Soora, Chamla Tehsil Mandanr District Buner ----- Appellant

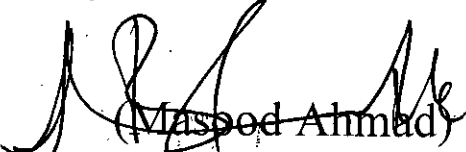
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2. Director E & SE Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Female) Buner at Daggar.

\_\_\_\_\_ Respondents

**AUTHORITY LETTER**


Mr. Iftikhar Ali ADEO Litigation of DEO (F) Buner is hereby authorized to submit the comments and attend the Honorable KPK Service Tribunal in service appeal No. 2290/2023 on behalf of respondent departments till the finalization and decision of the instant appeal.

  
(Masood Ahmad)  
*Secretary Elementary & Secondary Education*  
*Khyber PakhtunKhwa Peshawar*

(Respondent No. 1)

  
(SAMINA ALTAF)  
*Director Elementary & Secondary Education*  
*Khyber PakhtunKhwa Peshawar*

(Respondent No. 2)

  
(Hafsa Gul)  
*District Education Officer*  
*(Female) Buner*

(Respondent No. 3)