

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

Service Appeal No. 2050/2023

Nusrat Muhammad D/O Muhammad Naeem at GGMS Malakand Bala Tehil
Balamabt District Dir Lower

Appellant

VERSUS

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
 2. Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
 3. District Education Officer Female Dir Lower. and one other
- Respondents

Index:

S.No	Description	Annexure	Page
1	Para wise comments		1-4
2	Affidavit		5
3	Authority Letter		6
4	Copy of the application of respondent No.4 for transfer to any nearest station is attached as "	"A"	7
5	Copy of the transfer order dated 04-04- 2023	"B"	8
	Copy of the withdrawal order dated 05-04- 04-05-2023	"C"	9

11-03-2024
S. B
Peshawar

District Education Officer (F)
Dir Lower
Respondent No.1

①

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PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS NO.1 to 3.

**Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth:-

Diary No. 11654

Preliminary Objections:-

Dated 07.03.2024

1. That the Appellant has got no cause of action to file the instant petition.
2. That The Appellant has concealed material facts from the honorable Tribunal.
3. That the Appellant has es-stopped due to her own conduct to file the present appeal.
4. That the Appellant has got no locus standi to file the appeal.
5. That the petition is not maintainable in present form.
6. That the petition is liable to be dismissed for mis-joinder of unnecessary and non-joinder of necessary parties.
7. That the Appellant being a civil servant must obey the directions/orders of the competent authority.

ON FACTS

- 1. Para -1 of the facts pertains to record.
- 2. Para -2 of the facts pertains to record.
- 3. Para -3 of the facts pertains to record.
- 4. Para-4 of the facts correct and further stated that as per application/ request of the appellant she was transferred from GMS Dag Gosam to GGHS Malakand accordingly.
- 5. Para-5 of the facts is correct details have been submitted in the above Para's.
- 6. Para -6 of the facts is incorrect, hence denied and further stated the appellant submitted an application for transfer from GGHS Malakand to GGHS Shatai, against the vacant post of AT-BPS 15, and her transfer order was issued vide order dated 04-04-2023 with the direction to the appellant that, she (the teacher at serial No.1) is directed to take over charge at the present school as and when the post vacated by Seema Gul (AT) GGHS Shatai in case of appointment as lecturer, meanwhile it was observed that another application in respect of Mst.Zainab Bibi respondent No.4 was pending for such post, thus being competent authority, the transfer order dated 04-04-2023 was withdrawn vide order dated 04-05-2023, because, the appellant was serving in the locality as well as prior to the transfer order dated 04-04-2023, she was transferred as per her request from GGHS Dag Gosam to GGHS Malakand, while the respondent No.4 was serving in far flung hard area since her appointment. Furthermore, stance of the appellant regarding taking over of charge in GGHS Shatai is also denied because her transfer order dated 04-04-2023, was withdrawn much before the taking over of the charge vide order dated 05-04-2023.


.(Copy of the application of respondent No.4 for transfer to any nearest station is attached as "A", Copy of the transfer order dated 04-04-2023 is attached as "B", Copy of the withdrawal order dated 05-04-2023 is attached as "C")

- 7. Para-7 of the facts is incorrect, details have been submitted in the Para-6 of the facts above.
- 8. Para-8 of the facts is correct and in response to the appeal of the appellant the office of the DEO Female Dir Lower was asked to resolve the issue as per rules/policy.
- 9. Para-9 of the facts is correct, and as per law the required data was provided to the appellant by the office of the DEO (F) Dir Lower.
- 10. Para-10 of the facts is incorrect, hence denied and further stated that no political influences nor any mala-fide action is involved, in fact the appellant was serving in his native village thus her transfer order was withdrawn, while the private respondent No.4 was serving since long in hard area, thus she was transferred accordingly.

GROUNDS

- i. Para "i" of the grounds is incorrect hence denied and further stated that respondent department always follows rules and policies in letter and spirit.
- ii. Para "ii" of the grounds is incorrect hence denied. The transfer order dated 04-05-2023, in respect of Mst Zinab Bibi (Respondent No.4) has been issued in the best interest of public/student's service.
- iii. Para "iii" of the grounds is incorrect hence denied. Details have been submitted in the foregoing para, s.
- iv. Para "iv" of the grounds is incorrect hence denied. Details have been submitted in the foregoing para, s.
- v. Para "E" is incorrect, and further stated that the appellant has already transfer from GGHS Dag Gosam to GGHS Malakand on her request.
- vi. Legal, however the respondent also seeks permission for additional grounds during arguments.

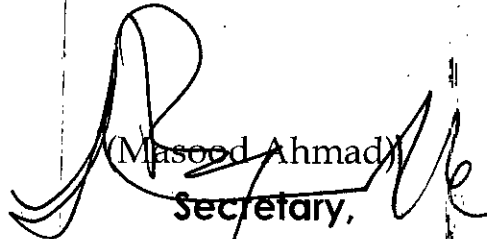
It is, therefore, humbly prayed that on acceptance of the above submission, the instant writ petition may very graciously be dismissed in favor of the answering respondents with cost.



(Mehrun Nisa)
District Education Officer (F)
Dir Lower
(Respondent No.1)



(Samina Altaf)
Director,
Elementary & Secondary Education Peshawar
Respondent No.2



(Masood Ahmad)
Secretary,
Elementary & Secondary Education Peshawar
Respondent No.3

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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Appellant

VERSUS

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- 3. District Education Officer Female Dir Lower and one other Respondents

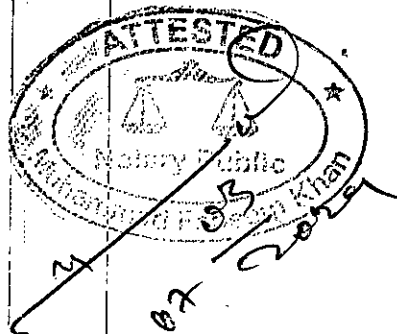
AFFIDAVIT.

I, Mehr un Nisa DEO (F) Dir Lower, do hereby solemnly affirm and state on oath that the whole contents of this comment are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte or nor their defense has been struck off.

M

Deponent



AUTHORITY LETTER

Mr. Muhammad Usman (ADEO) office of the DEO (F) Dir Lower, is hereby authorized for submitting of comments

In

Service Appeal No. 2050/2023,

Titled, Mist.Nusrat Muhammad Vs Government of KP and others, on behalf of the undersigned.



(Mehrun Nisa)
District Education Officer (F)
Malakand
(Respondent No.1)

بخت جناب رحمت ایک صاحب منسلک ایجنسی نٹری ایڈمکسیکویڈری ایجنسی کین نمبر کاتھوا

جناب مال

گزارش ہے کہ میں چار سال سے گزرا مل سکول ہانڈی میدان میں مرلی نمبر 15-BS پر کام کر رہی ہوں
میرا پہلا آرڈر (2019-03-1) کو سیریل نمبر 05 پر ہوا تھا (آرڈر لٹ ہے) جو کہ میرے گھر کے قریب تھا۔
میں میرا آرڈر (2019-04-23) کو گورنمنٹ گزراہائی سکول رحمان پور سے میدان گزرا مل سکول ہانڈی میں کیا گیا
(آرڈر لٹ ہے)۔ میری ساری فیملی پشاور میں رہائش پذیر ہے اور میں ہاؤس کے گھر میں رہتی ہوں اور ساتھ میں
ابن پر دینی مدرسہ میں بھی پڑھاتی ہوں میدان سے بلاجمنٹ آنا جانا میرے لئے انتہائی مشکل ہے جس کیلئے گاڑی
دالے آنے جانے کیلئے تقریباً 22 ہزار روپے لیتے ہے اور تقریباً 3 سے 4 گھنٹے ضائع ہو جاتے ہے اب ایک پوسٹ جو کہ
گورنمنٹ گزراہائی سکول شامی میں خالی ہو رہا ہے جس پر سیمگل ولد شیر رحمان کام کر رہی تھی جس کے اب نمبر
اسلامیات کیلئے ہائیر ایجوکیشن سے آرڈر ہوا ہے لہذا میرے پوسٹنگ گورنمنٹ گزراہائی سکول شامی میں کی جائے جو
کہ میرا جائز اور قانونی حق بنتا ہے جس کیلئے میں آپ کے دعاگوں اور شکور رہوں گی۔

034495184010
ممبر ایجنسی

DEO (F) Lower Div

Plz transfer on
v. Post

Rahmat Salam
For Elementary &
Secondary Education
Advisor to Chief Minister

Rahmat Salam Khattak
Advisor to Chief Minister
• For Elementary &
Secondary Education

الحاض

محمد زینب بی بی
زینب بی بی ولد رحیم شاہ

ملک آباد بلاجمنٹ ڈیسر لوئیر

بھائی (موبائل نمبر: 03459040243)

03449777600
SDBO

19/3/2023

22/3/23
میں ان

Attested
[Signature]



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



0945-9250083

DEO FEMALE DIR LOWER M - emsidedofemaledirlower@gmail.com

NEAR POLICE LINE, EDUCATION COMPLEX BALAMBAT TEHSIL TIMERGARA DISTRICT DIR LOWER.

OFFICE ORDER

The transfer of the following mistress is hereby ordered at the school noted against each in the interest of public service.

S.No	Name Of Teacher with Designation	From	To	Remarks
1	Nusrat Muhammad AT B-15	GGMS Malakand (B)	GGHSS Shatai	A.V.P
2	Zainab Bibi AT B-15	GGMS Ghwargai	GGMS Malakand (B)	A.V.P

Note:

- 1.No TA/DA is allowed.
- 2.Charge Report should be submitted to all concerned.
3. The Teacher at S.No.01 is directed to took over charge at the present schools as and when the post vacated by Seema Gul (AT) GGHSS Shatai in case of Appointment as Lecturer.

(SHAHEEN BEGUM)
DISTRICT EDUCATION OFFICER,
(F) DIR LOWER AT TIMERGARA

Endst: No; 1696-99

Dated Timergara the. 04/04/2023.

Copy of the above is forwarded to;

- 1.The District Account Officer Dir Lower.
- 2.The Principal/Head Mistress concerned.
- 3.The Teacher concerned.
- 4.Office Record.

5/4/2023
DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Attested
M. Sona



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



9

0945-9250083 060 FEMALE DIR LOWER M
NEAR POLICE LINE, EDUCATION COMPLEX DALAMRAY TENJIL, TIMERGARA DISTRICT DIR LOWER.

OFFICE ORDER.

transfer order issued under Endst: No. 1696-99 dated 04/04/2023, is hereby with-drown in the interest of public service.

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

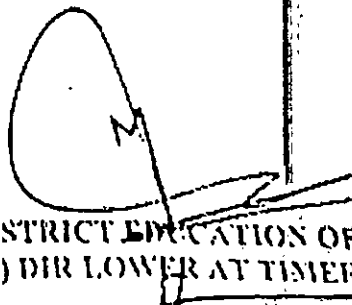
(MEIRUN NISA)
DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Endst: No: 2177-81

Dated Timergara the 04/10/2023.

Copy of the above is forwarded to:

1. The District Accounts Officer Dir Lower.
2. The Principal /Head Mistress Concerned.
3. The District Monitoring EMA Officer Dir Lower.
4. The Teacher concerned.
5. Office Record.


DISTRICT EDUCATION OFFICER
(F) DIR LOWER AT TIMERGARA

Attended
W. M.