

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 125/2016

Date of Institution... 03.02.2016

Date of decision... 07.07.2017

Mst. Nincy Begum SST (G) GGHS Yousafi District Swabi

... (Appellant)

Versus

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa G.T Road Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary (E&SE) Education Secretariats Peshawar.
3. District Education Officer (Female) District Swabi.
4. District Accounts Officer District Swabi.
5. Mst. Shehnaz SST GGHS Yousafi, Swabi.

.... (Respondents)

MR. MUHAMMAD ARIF JAN,
Advocate

... For appellant.

MR. USMAN GHANI,
District Attorney

... For official respondents No. 1 to 4.

MR. GUL ZEB KHAN,

... MEMBER (EXECUTIVE)

MR. MUHAMMAD HAMID MUGHAL,

... MEMBER (JUDICIAL)

JUDGMENT

GUL ZEB KHAN, MEMBER:- The appellant Mst Nincy Begum, through instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 has impugned the order dated 27.10.2015 passed by the respondent no. 1 whereby the appellant was transferred/adjusted to GGHS Ambar Swabi. Against the impugned order dated 27.10.2015, the appellant filed a departmental appeal on

02.11.2015 which was not responded within the statutory period of 90 days and hence the instant service appeal.

2. Facts of the present appeal are that the appellant was initially appointed in the management cadre as ASDEO through Public Service Commission and was posted at circle Thand Koi Sub-Division Swabi. Subsequently, she filed an application before respondent No. 1 for her transfer to the teaching cadre due to some unavoidable circumstances and domestic problems. She was thereafter transferred from the post of ASDEO (F) circle Thand Koi District Swabi on her own request and adjusted against the vacant post of SST (G) at GGHS Yousafi District Swabi vide order dated 09.10.2015. Vide order dated 27.10.2015 the appellant was again transferred from GGHS Yousafi to GGHS Ambar Swabi and Respondent No. 5 was posted in her place. That feeling aggrieved from the said impugned order dated 27.10.2015, the appellant filed a departmental appeal 02.11.2015 which was not responded within the stipulated period, hence, the present service appeal on 03.02.2016.

3. The learned counsel for the appellant argued that the impugned order dated 27.10.2015 was illegal, unlawful, without lawful authority and needs to be set-aside as the Respondent No. 1 in the first instance considered the genuine domestic problems of the appellant and transferred her vide order dated 09.10.2015 at GGHS Yousafi District Swabi, but subsequently the Respondent No. 1, vide order dated 27.10.2015, again transferred her to GGHS Ambar Swabi just for accommodating the private respondent no. 5 namely Mst. Shehnaz due to political influence, which was against the norms of justice. This transfer order is not only against the posting/transfer policy, but also premature as she has not completed three years tenure. Learned counsel for the appellant further argued that there was no complaint against the appellant and the impugned transfer order dated 27.10.2015 was passed against the appellant as a penalty. Besides the salary of the appellant was also stopped by the

Respondents for compelling her to withdraw her case. Learned counsel for the appellant prayed that on acceptance of the instant appeal, the impugned order dated 27.10.2015 passed by Respondent No. 1 may be set-aside and the appellant may graciously be allowed to continue her duties at GGHS Yousafi Swabi and the salaries of the appellant may also be ordered to be released accordingly.

4. On the other hand, the learned Deputy District Attorney for official Respondents No. 1 to 4 argued that the impugned transfer order dated 27.10.2015 was legally correct and liable to be maintained and the instant appeal was based on malafide intention just to put extra pressure on the Respondents for gaining illegal service benefits against SST (General) post. She was already favoured by the department by transferring her on her own request and personal grounds from management cadre to teaching cadre. He further argued that transfer & posting is the discretionary powers of the competent authority and in view of Section-10 of the Government of Khyber Pakhtunkhwa Civil Servants Act, 1973 a civil servant could be transferred anywhere in the province. Learned District Attorney prayed for dismissal of service appeal.

5. We have heard the arguments of learned counsel for the appellant as well as learned District Attorney for official Respondents No. 1 to 4 and have gone through the record available on file.

6. Perusal of the record reveals that the appellant herself submitted an application on 05.10.2015 for transferred from Thand Koi Sub-Division Swabi to GGHS Yousafi District Swabi which was acceded to and the Respondent No. 1 vide order dated 09.10.2015 transferred her from Thand Koi Sub-Division Swabi (Management Cadre) and adjusted at GGHS Yousafi District Swabi (Teaching Cadre). There is no documentary proof regarding any political pressure from any quarter for accommodating the private Respondent No. 5 namely Mst. Shehnaz vide order dated 27.10.2015 issued by the Respondent No. 1. This Tribunal observed that by now, the

normal tenure of the post is almost completed. According to Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 a civil servant could be transferred anywhere in the province as it is the prerogative of the Government to transfer a civil servant to a place where his/her services were mostly required and no civil servant is permitted to work at his/her own choice of station.

7. In view of the foregoing, this Tribunal holds that the appellant has failed to make out any cogent reasons justifying the Tribunal interference in the matter. The appeal in hand is accordingly dismissed with the direction to department to make out fresh posting/transfer order in accordance with the policy in the best public interest. No order as to cost. File be consigned to the record room.

ANNOUNCED

07.07.2017

Hamid

(MUHAMMAD HAMID MUGHAL)
MEMBER

Gul Zeb Khan
(GUL ZEB KHAN)
MEMBER

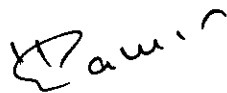
Order

12. 07.07.2017

Learned counsel for the appellant, Learned District Attorney for the respondent present. Vide separate judgment of today of this Tribunal placed on file, the present appeal in hand is dismissed with the direction to department to make out fresh posting/transfer order in accordance with the policy in the best public interest. No order as to cost. File be consigned to the record room.

ANNOUNCED

07.07.2017

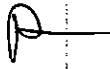


(Muhammad Hamid Mughal)
Member


(Gul Zeb Khan)
Member

30.11.2016

Mr. Muhammad Saddique, husband of the appellant, on behalf of the appellant and Additional AG for respondents present. Rejoinder not submitted and requested for adjournment. Last opportunity granted to file rejoinder. To come up for rejoinder and arguments on 31.3.17 before D.B.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

31.03.2017

Counsel for the appellant an Addl: AG for respondents present. Rejoinder submitted. To come up for arguments on 03.07.2017 before D.B.



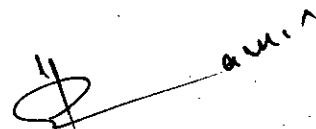
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER



(AHMAD HASSAN)
MEMBER

03.07.2017

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Arguments heard. To come up for final order on 07.07.2017 before D.B.



(Muhammad Hamid Mughal)
Member



(Gul Zeb Khan)
Member

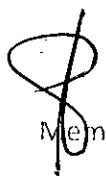
26.05.2016

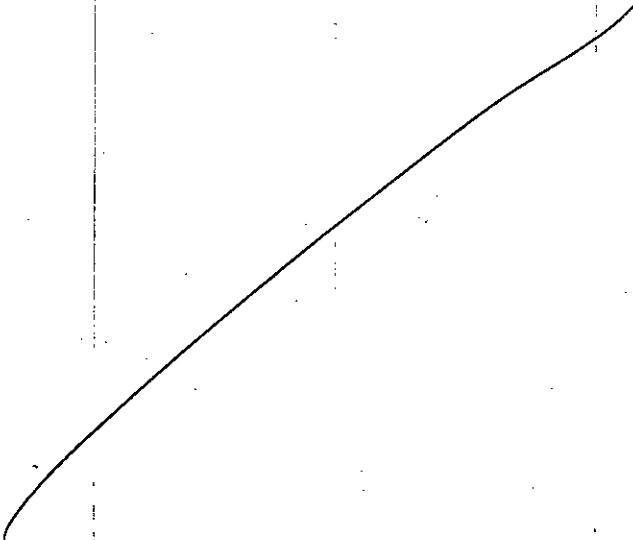
Counsel for the appellant and Mr. Hameedur Rahman, A.D alongwith Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is further extended subject to cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost on 08.08.2016 before S.B.


Chairman

08.08.2016

Counsel for the appellant and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for official respondents No. 1 to 4 present. None present on behalf of private respondent No. 5. Proceeded ex-parte. Written reply on behalf of official respondents No. 1 to 3 submitted. The learned Additional AG relies on the written reply submitted by respondents No. 1 to 3 on behalf of respondent No. 4. Cost of Rs. 1000/- also paid and receipt thereof obtained from learned counsel for the appellant. To come up for rejoinder and arguments on 30.11.2016 before D.B.


Member



02.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as ASDEO at Swabi when transferred on her own request vide order dated 9.10.2015 to GGHS Yousafi Swabi. That surprisingly vide impugned order dated 27.10.2015 appellant was adjusted at GGHS Ambar Swabi where-against she preferred departmental appeal on 2.11.2015 wherein no comments were furnished by the competent authority despite repeated directions by the appellate authority and, after lapse of statutory period, appellant constrained to prefer the instant appeal.

That the appellant was transferred to GGHS Yousafi Swabi against the position of SST (General) keeping in view her domestic issues and as such further transfer orders of the appellant vide order 27.10.2015 are against facts and not tenable in the eye of law.

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 29.3.2016 before S.B. Notice of stay application be also issued for the date fixed.

Appellant Deposited
Security Process Fee


Chairman

29.03.2016

None present for appellant. M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Assistant A.G for official respondents No. 1 to 4 present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 26.5.2016 before S.B.


Chairman

19.02.2016

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing before SB on 24/2/2016


MEMBER

24.02.2016




Counsel for the appellant present. The learned Member (Judicial) is on official tour to D.I.Khan, therefore, the case is adjourned to 02.03.2016 for preliminary hearing.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 125/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.02.2016	<p>The appeal of Mrst. Nincy Begum presented today by Mr. Muhammad Arif Jan 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 S. Bench for preliminary hearing to be put up thereon <u>16-2-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	16.02.2016	<p>Counsel for the appellant present. Requested for adjournment. Adjourned for preliminary hearing to 19.2.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal no. 125/2016

Mst Nincy Begum.....Appellant

VERSUS

Director (E&S) Education and othersRespondents

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5.	Copy of application	A	11
6.	Copy of letter dated 7-10-2015	B	12
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10.	Copies of letters dated 5-11-2015 & 18-12-2015	F & G	18-19
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Appellant

Through



Muhammad Arif Jan

Advocate, Peshawar

Office:

Office No.210 Al-Mumtaz Hotel G.T.
Road Peshawar.

Cell:

0333-2212213

Date: 3/2/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No.....125...../2016

H.W.F. Province
Service Tribunal
Diary No. 80
Dated 03-2-2016

Mst. Nancy Begum SST (G) GGHS Yousafi District Swabi.....Appellant

VERSUS

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa G.T Road Peshawar.
2. Govt, of Khyber Pakhtunkhwa through Secretary (E&S) Education Secretariats Peshawar.
3. District Education Officer (F) District Swabi.
4. District Accounts Officer Swabi District Swabi.
5. Mst Shehnaz SST GGHS Yousafi Swabi.....Respondents.

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 27-10-2015 PASSED BY RESPONDENT NO-1 WHEREBY THE APPELLANT WAS TRANSFERRED/ADJUSTED TO GGHS AMBAR SWABI WHILE SHE WAS UNDER TRANSFER TO GGHS YOUSAFI SWABI.

PRAYER IN APPEAL:

On acceptance of the instant appeal the impugned order dated 27-10-2015 passed by respondent No-1 may kindly be set-aside and the

3/2/16

appellant may very graciously be allowed to keep and continue her duties at GGHS Yousafi District Swabi.

Any other relief which deems fit and not specifically asked for may also be allowed in favor of appellant against respondents.

Respectfully Sheweth:

1. That the appellant was appointed as ASDEO through Public Service Commission and was posted at circle Thand Koi sub division Swabi.
2. That the appellant filed an application before respondent No-1 regarding her transfer due to some un avoidable circumstances and domestic problems.(Copy of application is attached as Annex-A).
3. That keeping in view the genuine domestic problem of the appellant, the respondent No-3 forwarded the letter mentioning therein the availability of vacant post to respondent No-1for further necessary action. (Copy of letter dated 7-10-2015 is attached as Annex-B).
4. That the appellant was transferred/ adjusted from ASDEO(F) circle Thand Koi District Swabi against the vacant post of SST(G) at GGHS Yousafi District Swabi vide order dated 9-10-

2015 passed by respondent No-1.(Copy of order dated 9-10-2015 is attached as Annex-C).

5. That the appellant was transferred again from GGHS Yousafi to GGHS Ambar Swabi just for to accommodate respondent No-5, which is un-fair and illegal act of the respondents. (Copy of order dated 27-10-2015 is attached as Annex-D).
6. That being aggrieved the appellant preferred a departmental appeal before respondent N0-2, regarding her grievances.(Copy of appeal is attached as Annex-E)
7. That respondent No-2 directed respondent No-1 for submission a detail report within three days through most immediate office letter dated 5-11-2015(Copy of letter dated 5-11-2015 is attached as Annex-F).
8. That due to non compliance, another letter was addressed to respondent No-1 by respondent No-2 on the subject matter but no response was made till date. *(Copy of letter is attached as Annex-G)*
9. That the appellant being lady approached to the respondents concerned but all in vain.

10. That the appellant having no other remedy except to file the instant appeal on the following amongst other grounds;

GROUND:

- A. That the office order dated 27-10-2015 passed by respondents No-1 (hereinafter impugned) is patently illegal, unlawful, without lawful authority, of no legal effect hence be set aside and the appellant may kindly be allowed to keep and continue her duties at GGHS Yousafi Swabi.
- B. That the appellant having a genuine domestic problem which was properly considered by the respondent No-1 hence knowingly all the facts and again issuing a transfer order against the appellant is nothing but just to harass or humiliate a female civil servant moreover the illegal acts of the respondent No-1 is also amounts to abuse of law and needs consideration of this Hon'ble Tribunal.
- C. That the respondent No-2 is also bound down by law, rules and regulations governing the subject matter to consider the lawful grievances of the appellant and to dispose of the appeal but the respondent No-2 also badly failed to provide justice to the appellant.
- D. That the respondent No-2 also well aware of the facts mentioned above but due to some political pressure, the appellant was kept in circle amongst the two offices.

(5)

E. That there is no any complaint or inquiry from the department or public is pending against the appellant in any court of law or at any forum but the appellant always worked honestly and to the entire satisfaction of her superior.

F. That the respondents also ignored the genuine domestic problems of the appellant while passing the impugned order.

G. That the impugned orders are based on political influence and does not commensurate with the facts and circumstance of the case moreover, the protected rights of the appellant have also been ignored and discriminated and the appellant being deservable in all respect and was posted against the vacant post but the impugned order is only to support, facilitate and accommodate respondent No-5 which is against the norms of justice.

H. That the appellant was further tortured by the respondents for stoppages the salaries only for the reason to compel her for withdrawal of the case against them.


I. That any other grounds which have not been mention may also be permitted to raise at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned order dated 27-10-2015 passed by respondent No-1 may kindly be set-aside and the appellant may graciously be allowed to keep and continue her duties at GGHS

(6)

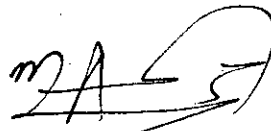
Yousafi Swabi and the salaries of the appellant may kindly be orderd to release and continue.

Any other relief which deems fit and not specifically asked for may also be allowed in favor of appellant against respondents.


Appellant

Through

Dated: 3/2/2016


Muhammad Arif Jan
Advocate, Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Mst. Nancy Begum.....Appellant

VERSUS

Director (E&S) Education and othersRespondents

AFFIDAVIT

I, Mst. Nancy Begum SST(G)GGHS Yousafi District Swabi, do hereby solemnly affirm and declare that the contents of the **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Nancy Begum
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Mst. Nincy Begum.....Appellant

VERSUS

Director (E&S) Education and othersRespondents

ADDRESSES OF PARTIES

APPELLANT:

Mst. Nincy Begum SST(G)GGHS Yousafi District Swabi.

RESPONDENTS

1. Director, Elementary and Secondary Education Khyber Pakhtunkhwa G.T Road Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary (E&S) Education Secretariats Peshawar
3. District Education Officer (F) District Swabi.
4. District Accounts Officer Swabi District Swabi
5. Mst Shehnaz SST GGHS Yousafi Swabi.

Appellant

Through

Date: 31/2/2016


Muhammad Arif Jan
Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Ms. Nancy BegumAppellant

VERSUS

Director (E&S) Education and othersRespondents

APPLICATION FOR SUSPENSION OF THE OFFICE ORDER DATED 27-10-2015 PASSED BY RESPONDENT NO-1 TILL FINAL DISPOSAL OF THE MAIN

APPEAL.

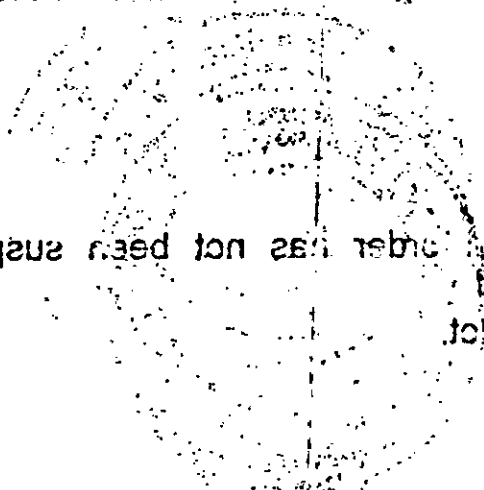
Respectfully Sheweth;

1. That the appellant file the enclosed appeal before this Honble Court where in no date has yet been fixed.

2. That the appellant has a good arguable case and clear hope of success.

3. That all the three ingredients like strong prima facie case, balance of convenience and irreparable loss are in favor of the appellant against the respondents.

4. That if the impugned order has not been suspended, then the appellant will suffer a lot.



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5. That the appellant is also suffered from stoppage of salaries and are facing a lot of troubles.

It is, therefore, most humbly prayed that the operation of the impugned order dated 27-10-2015 passed by respondent No-1 may graciously be suspended till final disposal of the main appeal and mean while the salaries of the appellant may also be released in the best interest of justice.

Nancy Begum

Appellant

Through

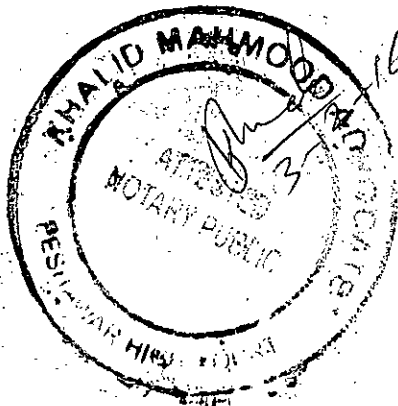
M.A.J.

Muhammad Arif Jan
Advocate, Peshawar

Date: 3/2/2016

AFFIDAVIT

I, Mst. Nancy Begum SST(G)GGHS Yousafi District Swabi, do hereby solemnly affirm and declare that the contents of the **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Nancy Begum

DEPONENT

محفوظ حساب داسٹر بلگر ایڈیٹری اسٹر سٹریٹری اگوشن جسٹو ڈوان سافر

مخبروں درخواست مراد تبدیلی

2015 - 10 - 05

حدا عالی

گزارش پیش محفوظ اوزر ہے کہ میں مسماہ نیسی بیگم ASDEO سے دو تین ہواں
سرکل ٹنڈر کوئی میں اپنی فریق سراجام دے رہی ہوں مہری تقرری بلگر سڑوں کوشن

۲۱ موزم ۱۹/۲۰۱۱ ASDEO سوئی تھی میں نے اسہالی امانداری سے
اپنی ڈوبی سراجام دی ہے لیکن اب گولو حالات کی وجہ سے ASDEO کی

حالت مزید جاری رکھنے میں کافی مشکلات ہے اس لیے آپ صحابان سے

التماس کرتی ہوں کہ گورنمنٹ ٹولہ پائی سکول توسیعی میں SST کی اسامی

حالی ہے لہذا مہری تبدیلی ASDEO کی ووٹ سے نکل کر مہری تبدیلی سے

تاک مہری گولو حالات کھل پورے اور اپنی نوکری کو بھی جاری

رکھیں

لہذا آپ صحابان مہربانی کر کے مہری تبدیلی کے احکامات

مبارک فرمائیں

Attest

العالمی

(A)

نیسی بیگم ASDEO سے دو تین ہواں
سرکل ٹنڈر کوئی

Amen - B

12



DISTRICT EDUCATION OFFICE (FEMALE) SWABI

(Office phone Fax No 0938280339, emisfswabi@yahoo.com)

Swabi No 2782 Dated 07 / 10 / 2015

To

The Director
Elementary and Secondary Education
Khyber Pakhtunkhwa

Subject: - **APPLICATION FOR TRANSFER FROM MANAGEMENT CADRE TO TEACHING CADRE**

Memo:

Enclosed please find herewith the original application along with bond/undertaking in respect of Mst: Nancy Begum ADEO (Circle) regarding transfer from management cadre to teaching cadre for favorable consideration please.

As the post of newly created of SST (G) is lying vacant at GGHS Yousafi.

Enclosed as above

District Education Officer
921-Female Swabi

Adhered

Ameer C

13

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

NOTIFICATION

Consequent upon approval of the competent authority Mst. Nancy Begum ASDEO(F) Circle Thandkoi District Swabi is hereby transfer/adjusted against the vacant SST(General) post at GGHS Yousafi District Swabi in her own pay and BPS in the interest of public service with immediate effect.

Note:-

- 1- She will not claim any kind of absorption against the SST post. Her terms and conditions of service will remain intact and her seniority will remain in management cadre.
- 2- Charge report should be submitted to all concerned.
- 3- No TA/DA is allowed.

**Director
Elementary & Secondary
Education
Khyber Pakhtunkhwa Peshawar**

Endst.No. 1521-22 /F.No.09/Vol.I/A-17/SST/F/KPK

Dated Peshawar the 9/10 /2015

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) Swabi w/r to her No.2783 dated 07-10-2015.
- 2- District Accounts Officer, Swabi
- 3- Sub Divisional Education Officer (F) Swabi
- 4- Principal / Headmistress concerned
- 5- Teacher concerned
- 6- PA to Director (E&SE) Local Office.
- 7- Master file.

[Signature]
Deputy Director Establishment(F)
(E&SE)/Khyber Pakhtunkhwa,

/Noor/15

[Signature]
[Signature]

Ambar-D

14

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

NOTIFICATION

Consequent upon the approval given by the competent authority the following SST(Female) are hereby transferred in their own pay and BPS with effect from their taking over charge.

S.No	Name & Designation	From	To/adjusted	Remarks
1	Mst.Nancy Begum ASDEO (Management cader)	Under transfer to GGHS Yousafi Swabi against SST(G) post.	GGHS Ambar Swabi.	Vice S.No.2
2	Mst.Shehnaz SST	GGHS Ambar Swabi	GGHS Yousafi Swabi	Vice S.No.1

Note:-

- 1- Charge report should be submitted to all concerned.
- 2- No TA/DA is allowed.
- 3- S.No.1 will not claim any kind of obserption against the SST post. Her term and condition of service will remain intace in her serniority in Management cadre.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Endst.No. 4734-37 /F.No.09/Vol.I/A-17/SST/F/Transfer/KPK

Dated Peshawar the 27-10 /2015

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) Swabi
- 2- District Accounts Officer, Swabi
- 3- Principal / Headmistress concerned
- 7- SST (F) concerned
- 8- PA to Director (E&SE) Local Office.
- 9- Master file.

/Noor/15

[Signature]
**Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,**
[Signature]

[Signature]

[Signature]

Amx E (15)

**BEFORE THE HON'BLE SECRETARY ELEMENTARY AND
SECONDARY EDUCATION, KHYBER PAKHTUNKHWA,
PESHAWAR.**

**DEPARTMENTAL APPEAL AGAINST THE ORDER
DATED 27/10/2015 PASSED BY DIRECTOR
ELEMENTARY AND SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.**

Respected Sir.

The appellant humbly submits as under:

1. That the appellant filed an application before the Director Elementary and Secondary Education K.P.K, in respect of her transfer on some domestic problems. (Copy of application is attached).
2. That the District Education Officer (F), Swabi also responded to the Director E&S Education through a letter dated 07/10/2015 in respect of availability of newly created post of SST (G). (Copy of letter dated 07/10/2015 is attached).
3. That keeping in view the domestic problems and also availability of newly created post, the Director E&S Education transferred the appellant against the vacant post as SST (G) at G.G.H.S, Yousafi,

**Govt of Khyber Pakhtunkhwa
Elementary & Secondary
Education Department**

Sd/-
21/11/15

District Swabi vide order dated 09/10/2015. (Copy of order dated 09/10/2015 is attached).

4. That astonishingly the Director E&S Education again transferred the appellant to G.G.H.S, Ambar, District Swabi on 27/10/2015. (Copy of order dated 27/10/2015 is attached).
5. That the impugned order of Director E&S Education is patently illegal, unlawful, without lawful authority and also against the existing rules and policies.
6. That there is no any complaint, inquiry and explanation whatsoever been pending against the appellant, but infact the order dated 09/10/2015 of Director E&S Education was against the newly created vacant post.
7. That the appellant submitted her arrival report and the present impugned order is a premature one as she has not completed the tenure of 3 years in the said school, thus the impugned order be declared illegal and to be set aside.
8. That the present G.G.H.S Ambar, Swabi, is too much faraway from the house of appellant and the continuation of her duty will creates more and more problems.

It is, therefore, most humbly submitted, that the impugned order dated 27/10/2015 may kindly be set aside and the order dated 09/10/2015 may graciously be maintained, in the best interest of justice.

INTERIM RELIEF:

By way of interim relief, the operation of the impugned order dated 27/10/2015 may kindly be suspended, till the final decision of the instant appeal.

Appellant

Through

Dated: 02/11/2015

Nancy Begum
Mst. Nancy Begum
SST (G) GGHS Yousfi
District Swabi.

Attested
[Signature]



Amended - F (18)

Most Immediate

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

No. SO(PE)E&SED/9-4/SST/2013
Dated Peshawar the 05-10-2015

To,

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject:-

**DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 27/10/2015
PASSED BY DIRECTOR ELEMENTARY AND SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.**

I am directed to refer to the subject noted above and to enclose herewith a copy of an application dated 02-11-2015, alongwith relevant documents in respect of Mst. Nancy Bagum, SST (G) GGHS Yousfi, district Swabi and to state that examine the case and submit a detail report within three (03) days, as desired by the Competent Authority to proceed further in the matter.

Encl: As Above:

—sd—
SECTION OFFICER (PRIMARY)

End: of even number & date:

Copy to:

1. The District Education Officer (Female), District Swabi, for similar action.
2. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
3. Mst. Nancy Bagum, SST (G) GGHS Yousfi, district Swabi.

SECTION OFFICER (PRIMARY)

Attested
[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO(PE)E&SED/9-4/SST/2013

Dated Peshawar the 18-12-2015

To,

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject:- DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 27/10/2015
PASSED BY DIRECTOR ELEMENTARY AND SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR.

Dear Sir,

I am directed to refer to your letter No. 73/F.No.9/A-17/SST/F/KPK/Vol.I dated 01-12-2015, on the subject noted above and to request that your comments in the matter may kindly be furnished as to who is more deserving of the two ^{ladies} to be posted in GGHS Yousafi, Swabi, keeping in view of the prevailing policy of the government.

Yours faithfully,

Encl: As Above:

SECTION OFFICER (PRIMARY)

End: of even number & date:

Copy to:

1. The District Education Officer (Female), District Swabi, for similar action.
2. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
3. Mst. Nancy Bagum, SST (G) GGHS Yousfi, district Swabi.

SECTION OFFICER (PRIMARY)

WAKALATNAMA

20

IN The Honble Khyber Pakhtunkhwa Service Tribunal
Re

Mst Nancy Begum

(Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

DEO^(S) Swabi & others

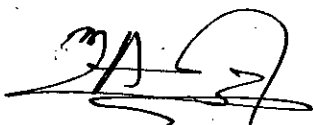
(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

Case Svc. Appeal 2016

I/we, Mst Nancy Begum do hereby appoint and constitute Muhammad Arif Jan Advocate High Court, Peshawar, to appear, Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S



Muhammad Arif Jan
Advocate, High Court, Peshawar.
Office No. 6, 1st Floor
Pabbi Medical Centre, G.T. Road
Peshawar.
Mobile: 0333-2212213

Nancy Begum


Before the Honble Chairman KP Sec T
Pas

Ms. Nincing y Edu

Receipt.

I the under signed Counsel
for the Appellant received the
Cost of Rs-1000 from the Receipt
to day.

8/10/18


M. Arif Jan
Advt. Pas

BEFORE THE HON'BLE KYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM No-----/2016

IN

SERVICE APPEAL NO:125/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 885

Dated 18-8-16

Mst Nincy Begum

VERSUS

Secretary (E & SE) and others

APPLICATION FOR THE RELEASE AND PAY THE
MONTHLY SALARIES OF THE APPELLANT WHICH
HAS ILLEGALLY AND WRONGLY BEEN STOPPED BY
THE RESPONDENTS SINCE, NOV, 2015 TILL HER
RETIREMENT.

Respectfully Sheweth;

- 1- That the above titled appeal is pending adjudication before this Hon'ble Court and is fixed for 30-11-2016.
- 2- That the salaries of the appellant have wrongly and illegally been stopped by the respondents since, November, 2015 till date without any reason and justification.
- 3- That the appellant performing her duties with full devotions and to the entire satisfaction of her superiors at GGHS Yousafi Swabi till date.

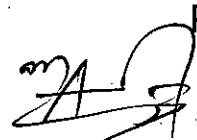
- 4- That the respondents are / were duty bound to act in accordance with law and not to harass or humiliate the innocent lady employee in any manner moreover the stoppage of the salaries of appellant on the only score / ground of misconduct is quite illegal and is unjustifiable excuse.
- 5- That the respondents are also duty bound to pay and release the monthly salaries of the appellant as there is/was no enquiry whatsoever been pending before any competent authority / Court.
- 6- That the act of the respondents is amounts to abuse of Law and is against the fundamental rights which are guaranteed in the Constitution of Islamic Republic of Pakistan 1973 as well as protected by the Apex Court.
- 7- That any other grounds which has not been mentioned may also be permitted to raise at a time of hearing.

It is therefore most humbly prayed that on acceptance of instant application, the respondents may graciously be directed to release and pay the monthly salaries along with all other incentives to the appellant since November, 2015 till her retirement from service.

Any other relief which has not been specifically asked for and is fit in the circumstances may also be allowed in favor of the appellant against the respondents.

Dated: 15/08/2016

Through



Petitioner

Muhammad Arif Jan

Advocate, Peshawar.

**BEFORE THE HON'BLE KYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

CM No-----/2016

IN

SERVICE APPEAL NO-125/2016

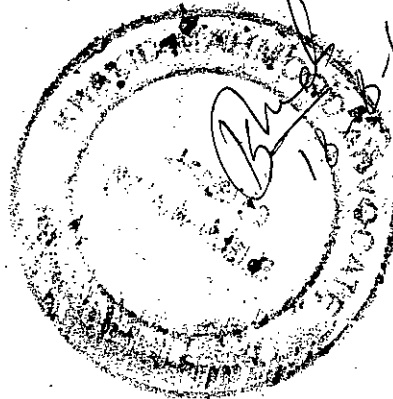
Mst Nincy Begum

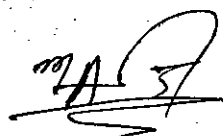
VERSUS

Secretary (E & SE) and others

AFFIDAVIT

I, Muhammad Arif Jan Advocate Peshawar as per information of my client do hereby solemnly affirm and declare that the contents of the **Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




ADVOCATE

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1741 /ST

Dated 24 / 7 / 2017

To


The Director E&SE,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 125/2016, MST. NINCY BEGUM.

I am directed to forward herewith a certified copy of Judgement dated 7.07.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M.No. _____/2017

IN

S.A.No.125/2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 100

Dated 13-2-17

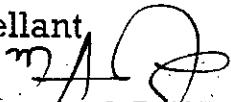
Mst. Nincy BegumVersus.....Secretary Education etc

APPLICATION FOR FIXATION OF EARLY DATE OF HEARING
IN THE TITLED APPEAL

Respectfully Sheweth:

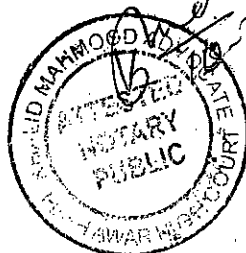
1. That the titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for 31.03.2017.
2. That the appellant filed a Misc; application for the release and pay of the monthly salaries, which is pending adjudication and the appellant is the only bread winner of his whole family are facing financial troubles, moreover, she is regularly performing his duties, but since November 2016 her salary has been stopped by the respondents without any reason and justification.

It is, therefore, most humbly prayed that in the best interest of justice and keeping in view the poor financial status of the appellant an early date of hearing may kindly be fixed in the titled appeal.

Appellant
Through 
Muhammad Arif Jan
Advocate Peshawar

Affidavit

I, do hereby affirm and declare as per instruction of my client that the contents of instant application are true and correct and nothing has been concealed from his Hon'ble Court.




Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M.No. _____/2017

IN

S.A.No.125/2016

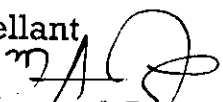
Mst. Nincy BegumVersus.....Secretary Education etc

APPLICATION FOR FIXATION OF EARLY DATE OF HEARING
IN THE TITLED APPEAL

Respectfully Sheweth:

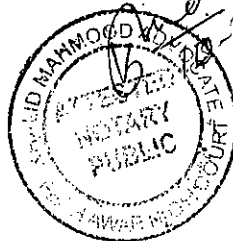
1. That the titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for 31.03.2017.
2. That the appellant filed a Misc; application for the release and pay of the monthly salaries, which is pending adjudication and the appellant is the only bread winner of his whole family are facing financial troubles, moreover, she is regularly performing his duties, but since November 2016 her salary has been stopped by the respondents without any reason and justification.

It is, therefore, most humbly prayed that in the best interest of justice and keeping in view the poor financial status of the appellant an early date of hearing may kindly be fixed in the titled appeal.

Appellant
Through 
Muhammad Arif Jan
Advocate Peshawar

Affidavit

I, do hereby affirm and declare as per instruction of my client that the contents of instant application are true and correct and nothing has been concealed from his Hon'ble Court.




Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M.No. _____/2017

IN

S.A.No.125/2016

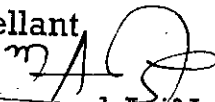
Mst. Nincy BegumVersus.....Secretary Education etc

APPLICATION FOR FIXATION OF EARLY DATE OF HEARING
IN THE TITLED APPEAL

Respectfully Sheweth:

1. That the titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for 31.03.2017.
2. That the appellant filed a Misc; application for the release and pay of the monthly salaries, which is pending adjudication and the appellant is the only bread winner of his whole family are facing financial troubles, moreover, she is regularly performing his duties, but since November 2016 her salary has been stopped by the respondents without any reason and justification.

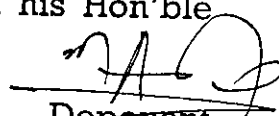
It is, therefore, most humbly prayed that in the best interest of justice and keeping in view the poor financial status of the appellant an early date of hearing may kindly be fixed in the titled appeal.

Appellant
Through 
Muhammad Arif Jan
Advocate Peshawar

Affidavit

I, do hereby affirm and declare as per instruction of my client that the contents of instant application are true and correct and nothing has been concealed from his Hon'ble Court.




Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M.No. _____/2017

IN

S.A.No.125/2016

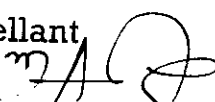
Mst. Nincy BegumVersus.....Secretary Education etc

APPLICATION FOR FIXATION OF EARLY DATE OF HEARING
IN THE TITLED APPEAL

Respectfully Sheweth:

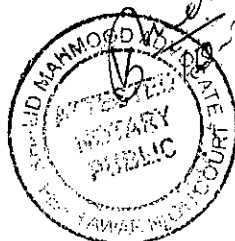
1. That the titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for 31.03.2017.
2. That the appellant filed a Misc; application for the release and pay of the monthly salaries, which is pending adjudication and the appellant is the only bread winner of his whole family are facing financial troubles, moreover, she is regularly performing his duties, but since November 2016 her salary has been stopped by the respondents without any reason and justification.

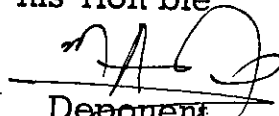
It is, therefore, most humbly prayed that in the best interest of justice and keeping in view the poor financial status of the appellant an early date of hearing may kindly be fixed in the titled appeal.

Appellant
Through 
Muhammad Arif Jan
Advocate Peshawar

Affidavit

I, do hereby affirm and declare as per instruction of my client that the contents of instant application are true and correct and nothing has been concealed from his Hon'ble Court.




Deponent

36

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 125/2016

Nincy Begum SST(G) GGHS Yousafi, District Swabi.

....Appellant.

VERSUS

Secretary (E&SE)Department, Khyber Pakhtunkhwa & others.Respondents

PARAWISE COMMENTS ON& FOR BEHALF OF RESPONDENTS No:1-3.

Respectfully Sheweth :-

The Respondents submit as under :-

Preliminary Objections

- 1 That the Appellant has got no cause of action / locus standi .
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant Service Appeal is based on malafide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief she has sought from this Honorable Tribunal .
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits against SST(G) post.
- 9 That the instant Service Appeal is not maintainable in its present form.
- 10 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 11 That the instant Service Appeal is barred by law.
- 12 That the Appellant is not competent to file the instant appeal against the Respondents.
- 13 That the impugned Transfer order dated 27/10/2015 is legally competent & is liable to be maintained in favour of the Respondents.
- 14 That the Transfer & posting is the discretionary powers of the competent authority.

35

ON FACTS

- 1 That Para-1 needs no comments, being pertains to the Service Record of the Appellant.
- 2 That Para-2 is correct to the extent that the Appellant has filed an application dated 05/10/2015 to the Respondent No: 1, seeking her transfer from the ASDEO District Swabi, Post to GGHS Yousafi, District Swabi, which has been endorsed vide letter dated 07/10/2015 by the DEO(F) Swabi to the Respondent No:1 & upon the same, the appellant has been adjusted vide Notification dated 09/10/2015, at GGHS Yousafi against the SST(G) post, issued by the Dy: Directress E&SE (E&SE) Department, KPK (copies of the same are annexed as Annexures A,B & C).
- 3 That Para-3 is correct to the extent that the appellant has been transferred & adjusted at GGHS Yousafi, District Swabi vide office order dated 07/10/2015(copy of the said order is Annexure-D).
- 4 That Para-4 needs no comments. Detailed reply of this Para has already been given in Paras 2&3 of the instant reply.
- 5 That Para-5 is correct to the extent that the appellant has been adjusted against the SST(G) post at GGHS Ambar, District Swabi vide impugned Notification dated 27/10/2015, under S-10 of Civil Servants Act, 1973, issued by the Respondent No: 1 in the interest of public service(Copy of the said is annexed as Annexure-D).
- 6 That Para-6 is correct. Hence needs no comments.
- 7 That Para-7 is also correct. Hence needs no comments.
- 8 That Para-8 is incorrect & misleading on the grounds that official correspondence between the Respondent No: 1 & 2 is a routine matter and does not accrued any legal & vested right of the Appellant regarding cancellation of the impugned order dated 27/10/2015.
- 9 That Para-9 is incorrect on the grounds that the impugned order / Notification is legally competent, hence her plea was not being entertained by the Respondent Department.
- 10 That Para-10 is legal. However, the Respondents submit on the following grounds inter alia:-

GROUNDS

- A Incorrect & denied. The impugned Notification / order dated 27/10/2015, was issued within legal sphere & is liable to be maintained in favour of the Respondents in the interest of natural justice.
- B Incorrect & denied. The appellant has been treated as per law, rules & policy in the instant matter vide Notification dated 27/10/2015 issued by the Respondent No: 1, whereas rest of the Para relates to the domestic problems of the appellant.
- C Incorrect & denied. The Detailed reply of this grounds has to been given in the foregoing Paras. Hence needs no comments.
- D Incorrect & denied. Detailed reply been given above.
- E Incorrect & denied. The Respondent Department has acted as per law, rules & Policy in the instant case, which resulted in the issuance of the impugned Notification dated 27/10/2015.
- F Incorrect & denied. Detailed reply has been given above.
- G Incorrect & denied. The statement of the appellant is baseless as no cogent & reliable proof has been brought into the notice of the competent authority regarding Political pressure in the instant case by the appellant.

- H Incorrect & denied. However, the appellant has been found guilty of misconduct on charges of not obeying legal & lawful orders by the appellant.
- I Legal. However, the Respondents seek leave of this Honorable Tribunal to submit additional grounds & record at the time of arguments.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal with cost in favor of the Respondent Department.

Handwritten signature and date: 21/6/2016
Secretary
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondent No: 1)

Handwritten signature and date: 21/6/2016
Director
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondents No: 1 & 3)

AFFIDAVIT

I Khaista Rehman Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

Handwritten signature
 Deponent

Ames - B



12

8

DISTRICT EDUCATION OFFICE (FEMALE) SWABI

(Office phone Fax No 0938280339, emisfswabi@yahoo.com)

Swabi No 2782 Dated 07/10/2015

To

The Director
Elementary and Secondary Education
Khyber Pakhtunkhwa

Subject: - APPLICATION FOR TRANSFER FROM MANAGEMENT CADRE TO TEACHING CADRE

Memo:

Enclosed please find herewith the original application along with bond/undertaking in respect of Mst: Nancy Begum ADEO (Circle) regarding transfer from management cadre to teaching cadre for favorable consideration please.
As the post of newly created of SST (G) is lying vacant at GGHS Yousafi.

Enclosed as above

District Education Officer
921-Female Swabi

Attested

Ameer C

13

7

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

NOTIFICATION

Consequent upon approval of the competent authority Mst. Nancy Begum ASDEO(F)Circle Thandkoi District Swabi is hereby transfer/adjusted against the vacant SST(General) post at GGHS Yousafi District Swabi in her own pay and BPS in the interest of public service with immediate effect.

Note:-

- 1- She will not claim any kind of absorption against the SST post. Her terms and conditions of service will remain intact and her seniority will remain in management cadre.
- 2- Charge report should be submitted to all concerned.
- 3- No TA/DA is allowed.

**Director
Elementary & Secondary
Education
Khyber Pakhtunkhwa Peshawar**

Endst.No. 1521-22 /F.No.09/Vol.I/A-17/SST/F/KPK

Dated Peshawar the 9/10 /2015

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) Swabi w/r to her No.2783 dated 07-10-2015.
- 2- District Accounts Officer, Swabi
- 3- Sub Divisional Education Officer (F) Swabi
- 4- Principal / Headmistress concerned
- 5- Teacher concerned
- 6- PA to Director (E&SE) Local Office.
- 7- Master file.

**Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,**

/Noor/15

Attested
[Signature]

Ames - D

14

6

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

NOTIFICATION

Consequent upon the approval given by the competent authority the following SST(Female) are hereby transferred in their own pay and BPS with effect from their taking over charge.

S.No	Name & Designation	From	To/adjusted	Remarks
1	Mst.Nancy Begum ASDEO (Management cader)	Under transfer to GGHS Yousafi Swabi against SST(G) post.	GGHS Ambar Swabi	Vice S.No.2
2	Mst.Shehnaz SST	GGHS Ambar Swabi	GGHS Yousafi Swabi	Vice S.No.1

Note:-

- 1- Charge report should be submitted to all concerned.
- 2- No TA/DA is allowed.
- 3- S.No.1 will not claim any kind of objection against the SST post. Her term and condition of service will remain intact in her seniority in Management cadre.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Endst.No. 6736-37 /F.No.09/Vol.I/A-17/SST/F/Transfer/KPK

Dated Peshawar the 27-10-2015

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) Swabi
- 2- District Accounts Officer, Swabi
- 3- Principal / Headmistress concerned
- 7- SST (F) concerned
- 8- PA to Director (E&SE) Local Office.
- 9- Master file.

/Noor/15

[Signature]
**Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,**
[Signature]

[Signature]

[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

In Re;
S.A.No.125/016

Nincy Begum.....Appellant
V/S
Secretary Education and othersRespondents

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth

The preliminary objections raised by answering respondents are erroneous and frivolous, having no factual and legal backing. The appellant has got a very prima-facie case and locus standi. The appellant has rightly been transferred keeping in view her application regarding her domestic problem and the impugned order is nothing, but to harass or humiliate the appellant being a lady, which is illegal and unlawful, hence needs consideration of this Hon'ble Tribunal.

Misleading and misconceived objections has been raised for the sake of more objections only. The objections so raised by the respondents are nothing but to callus attempt to side the main issue.

FACTS:

- 1) Para-1 of the comments is correct, hence needs no reply.

- 2) Para-2 of the comments is also correct.
- 3) Para-3 of the comments is also correct.
- 4) Para-4 of the comments is admitted as correct, because no any comments have been mentioned.
- 5) Para-5 is also correct, the appellant has been adjusted against the vacant post at GGHS Yousafi, but through the impugned order, just to facilitate respondent No.5, the appellant was transferred with the premature order to GGHS Amber Swabi, which is unfair and unjustified.
- 6) Para-6 is correct, hence needs no reply.
- 7) Para-7 is correct, hence needs no reply.
- 8) Para-8 of the comments is incorrect, while that of the appeal is correct, which is evident from the attached documents. Moreover, the respondents are duty bound to pass any order in respect of grievances of the appellant.
- 9) Para-9 of the comments is incorrect, while that of main appeal is correct.
- 10) Para-10 of the comments is legal, hence needs no reply.

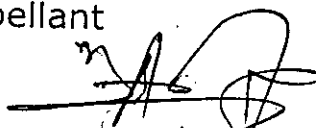
GROUNDS

Grounds A to I are incorrect, misleading, misconceived against the facts and circumstances, the unsatisfactory reply of the respondents will not absolve them from the legal and lawful right of transfer of the appellant, which is absolutely on the compensate ground keeping in view her

domestic problem and further the appellant was adjusted against a vacant post, then the impugned order is for nothing but to facilitate and accommodate respondent No.5 through a Political influence and interference, which is evident from the record attached and this act of the respondents is quite illegal, unlawful and unjustified, hence needs consideration of this Hon'ble Tribunal. Furthermore, the appellant regularly performing her duties at GGHS Yousafi, since her arrival till date, but the respondents attached her salaries and this act of the respondents is against the law, rules and regulations governing the subject matter.

It is, therefore, humbly prayed that, on acceptance of this rejoinder the comments filed by respondents may kindly be declared as illegal and against the facts & circumstances and the appeal of the appellant may kindly be allowed as prayed for.

Appellant
Through



Muhammad Arif Jan
Advocate High Court
Peshawar

I, do hereby affirm and declare as per instruction of my client that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Deponent

