

30.01.2018

Counsel for the appellant present and Addl: AG
alongwith Barkat Ali, Assistant & Riaz Ahmad, Assistant for the
respondents present.

Counsel for the appellant wants to withdraw the
present appeal, which is dismissed as withdrawn. File be consigned
to the record room.


Member

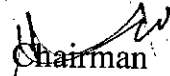

Chairman
Camp Court, Swat

ANNOUNCED
30.01.2018

07.12.2017

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Saeed, SS for the official respondents present. Counsel for the appellant is not in attendance. Last opportunity granted. To come up for arguments on 02.01.2018 before the D.B.


Member


Chairman

02.01.2018

Counsel for the appellant and Addl. AG alongwith

Camp court, Swat

Muhammad Saeed, SS for the respondents present. Representative of the department had on the last date assure the appellant for her adjustment but today the representative is not appeared in the court. Learned AAG seeks time for making the presence of the departmental representative. Granted. To come up for arguments on 04.01.2018 before D.B at camp court, Swat.

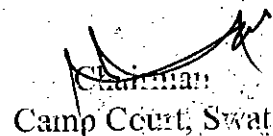

Member


Chairman
Camp Court, Swat

04.01.2018

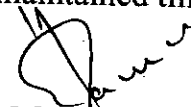
Counsel for the appellant and Addl. AG alongwith Mst. Shamima, DEO (F) for the respondents present. Learned counsel for the appellant requested for adjournment. Last opportunity granted. To come up for arguments on 30.01.2018 before D.B at camp court, Swat.


Member


Chairman
Camp Court, Swat

09.11.2017

Husband of the appellant and Addl. AG alongwith Muhammad Saeed, SS for the respondents present. Requested for adjournment as senior counsel for the appellant is busy in Darul Qaza, Swat in three cases at S.No. 6 of the motion case and 8 & 9 of the arguments cases and cannot attend this Tribunal today. The cause list of Darul Qaza is also placed on file. . Last opportunity is given to the appellant and in case of failure to argue the case on the next date, status quo shall be deemed to have been vacated. To come up for arguments on 04.12.2017 before the D.B at camp court, Swat. Staus quo be maintained till the date fixed. ~~Amjad~~


Member


Chairman
Camp Court, Swat

04.12.2017

Junior to counsel for the appellant present. Mr. Kabir Ullah Khatta, Learned Additional AG for the respondents present. Junior to counsel for the appellant seeks adjournment as his senior counsel is not available. Adjourned. To come up for arguments on 07.12.2017 before D.B at Camp Court, Swat.


MEMBER


CHAIRMAN
Camp Court, Swat

Service Appeal No. 661/2016

11 05.07.2017 Counsel for the appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. Last chance is given. To come up for rejoinder and arguments on 04.09.2017 before D.B at Camp Court, Swat. Status-quo be maintained.


Member


Chairman
Camp Court, Swat

05.09.2017 Since 4th September, 2017 has been declared as public holiday on account of Eidul Azha, therefore, case is adjourned to 02.10.2017 for the same at camp court, Swat. Notices be issued to the parties for the date fixed.


Chairman
Camp court, Swat.

02.10.2017 Counsel for the appellant and Mr. Anwarul Haq, Deputy District Attorney alongwith Muhammad Ishaq, Senior Clerk for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for final hearing on 09.11.2018 before the D.B at camp court, Swat. Status quo be maintained till the date fixed.


Member


Chairman
Camp court, Swat

05.04.2017


Husband of the appellant present. Mr. Usman Ghani, Assistant alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents also present. Husband of the appellant requested for adjournment on the ground that learned counsel for the appellant is not available. Adjourned. To come up for rejoinder and arguments on 03.05.2017 before D.B at Camp Court Swat. Status-quo be maintained.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat.

03.05.2017

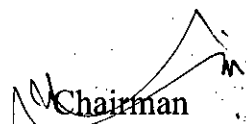
Counsel for the appellant present. Mian Amir Qadar, Deputy Attorney for the respondents also present. Due to incomplete bench arguments could not be heard. To come up for rejoinder and arguments on 04.07.2017 before D.B at Camp Court Swat. Status-quo be maintained.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat

04.07.2017

Husband of the appellant, on behalf of the appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. Husband of the appellant requested for adjournment as counsel for the appellant is not present today. Adjourned. To come up for rejoinder and final hearing on tomorrow i.e 05.07.2017 before D.B at camp court, Swat. Status-quo be maintained.

Member


Chairman
Camp Court, Swat

661/2016

10.11.2016

Agent of counsel for the appellant and Mr. Usman Ghani, Assistant alongwith Mian Amir Qadar, GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 02.01.2017 at camp court, Swat. Status quo be maintained.



Chairman

Camp court, Swat

02.1.2017

Counsel for the appellant and Mr. Muhammad Zubair, Sr.GP for the respondents present. Counsel for the appellant requested for adjournment. Adjourned for rejoinder and final hearing for 07.03.2017 before D.B at camp court, Swat. Status quo be maintained,.



Member


Chairman
Camp court, Swat

07.03.2017

Counsel for the appellant and Usman Ghani, Assistant alongwith Mr. Muhammad Zubair, Senior Government Pleader for the respondents present. Rejoinder submitted. Counsel for the appellant requested for adjournment. To come up for final hearing for 05.04.2017 before the D.B at camp court, Swat. Status quo be maintained.


Member


Chairman
Camp court, Swat

Appeal No. 661/2016
Humera Jabeen vs Govt

13.7.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Arabic Teacher BPS-15 at Govt. Girls High School Amankot, Swat and on promotion to BPS-16 transferred from the said school to Govt. Girls Middle School, Ala Abad vide impugned order dated 27.04.2016 where-against she preferred departmental appeal on 02.5.2016 which was rejected on 21.5.2016 and hence the instant service appeal on 20.06.2016.

That the impugned order is in violation of posting on promotion policy highlighted in the guidelines circular bearing endst. Dated 18.1.2016 as the appellant was to be posted in High or Higher Secondary School. That the appellant has not yet relinquished charge of the post.

Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 08.09.2016 before S.B at camp court Swat. Status quo be maintained.

Appellant Deposited
Security & Process Fee


Chairman
Camp Court, Swat

08.09.2016

Counsel for the appellant and Mr. Muhammad Ishaq, Senior Clerk alongwith Mian Amir Qadar, GP for the official respondents present. Requested for adjournment. To come up for written reply/comments on 10.11.2016 before S.B at camp court, Swat. Status quo be maintained.




Chairman
Camp Court, Swat.

Handwritten text at the top of the page, including "Form-A" and "FORM OF ORDER SHEET".

FORM OF ORDER SHEET

Court of _____

Case No. 661/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/06/2016	<p>The appeal of Mst. Humera Jabeen presented today by Mr. Qazi Farid Ahmad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	21-6-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on. <u>13-07-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.

Service Appeal No. 661 /2016

Humera Jabeen..... (Appellant)


VERSUS

The District Education Officer (Female) District Swat.
..... (Respondents)

S. No.	Description of Documents	Annexure	Page No.
1.	Memo of Appeal		1-3
2.	Stay Application and Affidavit		4-5
3.	Correct addresses		6
4.	Copy of Office Order dated 27/4/2016	A	7-8
5.	Education Departmental Policy	B	9-10
6.	Copy of Departmental Appeal and Copy of Rejection Departmental Appeal	C & D	11-12
7.	Vakalat Name		13-14


Appellant

Through


Qazi Farid Ahmad
Advocate Swat

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.

Service Appeal No. 661 /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 648

Dated 20-6-2016

Humera Jabeen Arabic Teacher Govt: Girls High School
Amankot Swat.

(Appellant)

VERSUS

- 1) The District Education Officer (Female) District Swat.
- 2) The Director Elementary & Secondary Education KPK Peshawar.
- 3) Govt: of KPK through Secretary Education Elementary & Secondary Education KPK Civil Secretariat Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 27/4/2016 and 21/5/2016 passed by Respondent No.1 to the extent of transferred of the appellant. Where by the appellant has been transferred from Government Girls High School Amankot Swat to Govt: Girls Middle School Ala Abad Tehsil Charbagh Swat in violation of the existing provincial Govt: Education policy.

PRAYER IN APPEAL.

On the acceptance of this Service appeal by rescinding the impugned Office Order dated 27/4/2016 and 21/5/2016 pertaining to the appellant and by allowing her to continue to serve in the existing school i.e. Govt: Girls High School Amankot Swat with cost and all the benefits due.

Filed to day
[Signature]
Registrar - 6/6

RESPECTFULLY SHEWETH.

- 1- While posting of the appellant from Govt: Girls High School Amankot Swat to Govt: Middle Ala Bad Teshil Charbagh Swat has been dis-located without any reason and badly violated the existing education policy though the appellant shown at S. No.11, SAT, BPS-16 (Copy annexed as annesure-"A").

2

- 2- That the appellant has been performing her duties honesty and punctuality for the reason above she was declared best teacher in the year 2015 and awarded in the shape of cash prize of Rs,50,000/-.
- 3- That the respondent No.1 has issued the impugned office order where clearly written that **the following Arabic Teachers BPS-15 are hereby promoted to the post of Senior Arabic Teacher BPS-16 on regular basis under the existing education policy of provincial government.**
- 4- That in the above mentioned policy has clearly written that a BPS-15 Arabic Teachers would be posted in the Meddle School and BPS-16 Senior Arabic Teachers would be posted in the High School, but now the respondent No.1 has denied from her office order mentioned above. (Copy annexed as annexure-B).
- 5- The appellant had filed departmental appeal against the impugned office order with the request to allow her to continue in the existing school GGHS Amankot Swat and wish to be heard in person, but the respondent No.1 rejected the departmental appeal of the appellant without hearing her and not touched the others paras of the appeal and also not denied from the best performance and cash award. (Copy annexed as annexure-C & D).
- 6- That the impugned office orders are against the existing education policy of provincial government and violation of the principles of equity and justice, calling for interference by the Honorable Service Tribunal.

GROUNDS OF APPEAL.

- A. That the appellant has not been treated in accordance with law her right secured and guaranteed under law have been badly violated.
- B. That the appellant has not given fair opportunity of personal hearing thus her has been condemned unheard.
- C. That the appellant has not been treated in accordance with law nor given proper, fair and meaningful opportunity to defend herself Moreover detail departmental appeal submitted by appellant in her defence were also not considered and instead to call her for personal hearing rejection of departmental appeal is against the well established and well settled Principles of Natural Justice.

3

- D. That the appellant was not provided a copy of the seniority list of Arabic Teacher were demanded in the departmental appeal which is held mandatory by the Superior Courts in case of rejection of departmental appeal.
- E. That the facts and grounds mentioned in the departmental appeal of the appellant may also be read as integral part of the instant appeal.
- F. That the appellant seeks the permission of this Honourable Tribunal to relay on additional grounds at the time of hearing of this appeal.

It is therefore, humbly prayed that on the acceptance of this appeal the impugned office order dated 27/4/2016 and 21/5/2016 to the extent of transferred of the appellant passed by respondent No.1 may please be set aside and the appellant may be allow to continue in the existing school i.e. Govt: Girls High School Amankot Swat.


Appellant

Through



Qazi Farid Ahmad
Advocate Swat

4

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.

Service Appeal No. _____/2016

Humera Jabeen Arabic Teacher Govt: Girls High School
Amankot Swat.

(Appellant)

VERSUS

The District Education Officer (Female) District Swat and
others.

(Respondents)

Application for the suspension of the impugned
office order dated 27.4.2016 and 21.5.2016 to
the extent of transferred from Govt: Girls High
School Amankot Swat to Govt: Girls Middle
School Ala Bad Swat restraining the
respondents from dislocate appellant.

Respectfully Submitted

- 1- That the appellant has filed the titled appeal in this Honourable Tribunal in which no date of hearing is fixed so far.
- 2- That facts and ground mentioned in the accompanied appeal may be read as integral part of this application.
- 3- That the applicant has got a good prima facie case and there is likelihood of its success.
- 4- That the applicant would be great suffer and inconvenience in case the orders are not suspended.
- 5- That it will also serve the interest of justice if the order impugned is suspended till the final decision of the appeal.

5

It is therefore, prayed that on acceptance of this application the operation of the impugned office order dated 27.4.2016 and 21.5.2016 passed by the respondent No.I, to the extent of transferred of appellant may please be suspended and the respondents may please be restrained from the dislocation of appellant.

Alker
Appellant

Through

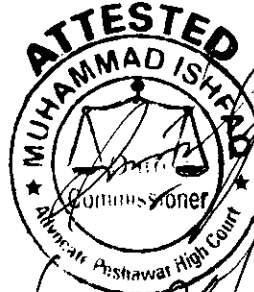
FA

Qazi Farid Ahmad
Advocate Swat

AFFIDAVIT

I, Humera Jabeen Arabic Teacher Govt: Girls High School Amankot Swat, do hereby solemnly affirm and declare on oath that the contents of the titled appeal as well as application are true and correct to the best of my knowledge and believe that nothing has been kept back or concealed from this honourable Tribunal.

Alker
DEPONENT



24.6/16

6

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.

Service Appeal No. _____/2016

Humera Jabeen.....(Appellant)

VERSUS

The District Education Officer (Female) District Swat.
.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Humera Jabeen Arabic Teacher Govt: Girls High School
Amankot Swat.

RESPONDENT

- 1) The District Education Officer (Female) District Swat.
- 2) The Director Elementary & Secondary Education KPK
Pesahwar.
- 3) Govt: of KPK through Secretary Education Elementary
& Secondary Education KPK Civil Secretariat
Peshawar.


Appellant

Through



Qazi Farid Ahmad
Advocate Swat

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT**AT SAIDU SHARIF**

Cell #: 0946-9240440

OFFICE ORDER

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No. SO(B&A)I-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No. SO(FR)/ED/10-22 dated 16.07.2012, & Director E&SE Khyber Pakhtunkhwa Peshawar office Endst: No.3411-3416/F.No.I/Promo/SAT B-16 dated Pesh: the 19/04/2016, the following A.T BPS :15 are hereby promoted to the post of Senior A.T BPS :16 (Rs.12910-1035-43960) plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial Government, in Teaching cadre on the terms and condition given below with effect from 19/04/2016 and further posted in the school noted against each.

S.#	Name	Present School	Place of posting	Remarks
1/9	Jamila, SAT, B-16	GGHSS Kabal	GGHSS Kabal	A.V Post of SAT-B-16
2/15	Faima, SAT, B-16	GGMS A/Abad Barana	GGHS Amankot	V.S.No 11
3/17	Nasreen Bibi, SAT, B-16	GGHS Kalakalay	GGHS Kalakalay	A.V Post of SAT B-16
4/34	Nagina Jabbar, SAT, B-16	GGHSS Udigram	GGHSS Udigram	--do--
5/37	Safia Bibi, SAT, B-16	GGHS Sirsinai	GGHS Sirsinai	--do--
6/55	Nahced Fazal, SAT, B-16	GGMS Ala Abad	GGHS Shaheen Abad	V.S.No.9
7/63	Abida, SAT, B-16	GGMS I/Abad Deolai	GGHS Zara Khela	V.S.No.13
8/72	Lubna Sherin, SAT, B-16	GGMS Shakardara	GGHS Barikot	A.V Post, B-16
9.	Farzana Sherin, SAT, B-16	GGHS Shaheen Abad	GGHS Babo	V.S.No.10
10.	Zahida, A.T, B-15	GGHS Babo	GGMS A/Abad Barana	V.S.No.2
11	Humaira Jabeen, SAT, B-16	GGHS Amankot	GGMS Ala Abad	V.S.No.6
12	Sadia, SAT, B-16	GGHS Sakhra	GGHSS No. 1/S/Stuarif	A.V Post
13	Sajida Parveen Gul, AT, B-15	GGHS Zara Khela	GGMS Dedawar	--do--

8

TERMS & CONDITIONS

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of mis-conduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their inter-service seniority on lower post will remain intact.
6. No T.A/DA is allowed for joining her duty.
7. They will give under taking to this effect to be recorded in their service book, to the effect that if any over payment is made to her in light this order will be recovered and if she wrongly promoted she will be reversed.
8. In case of any deficiency/misreporting found in Academic/Professional documents in respect of the above officials, their promotion shall stand cancelled automatically.

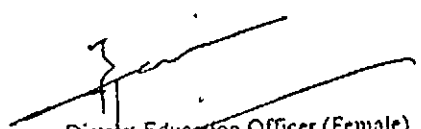
(SHAMIM AKHTAR)
 District Education Officer (Female)
 Swat at Saidu Sharif.

8969-74
 Endst. _____ / Upgradation

Dated. 27/06 /2016

Copy forwarded for information and necessary action to:-

1. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar, with Reference to his office No. cited above.
2. The District Accounts Officer Swat at Saidu Sharif.
3. The Budget & Accounts Officer local office.
4. The Principal/Headmistress Concerned
5. Official/Officer concerned.
6. P.A to DEO (F) local office.


 District Education Officer (Female)
 Swat at Saidu Sharif.

UG:

ANNEXURE : B (9)



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9201369, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936 . 0800-33857
No. 2411-358A // Promotion / Estab
Dated Peshawar the 28/01/2013.

To
All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject:- Guidelines for Posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSHT B-15, Oari B-12 to B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.

Memo: I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and on Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted as under:-

Up gradation of Posts in Primary Schools (Female) After Rationalization @ 1-40 ratio											
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization							
				SST B-16	CT B-15	PSHT B-15	SPST B-15	PST B-12	NO	Collar	Chow
1	25288	GGPMS A (JICA)	208	1	2	0	2	3	1	1	1
2	25048	GGPMS B (JICA)	306	1	2	0	2	6	1	1	1
3	25143	GGCMS C	173	1	0	0	2	3	1	1	1
4	30056	GGPS D	100	0	0	1	0	3	0	0	1
5	25224	GGPS E	110	0	0	1	1	1	0	0	1
6	25244	GGPS F	160	0	0	1	1	2	0	0	1
7	25277	GGPS G	198	0	0	1	1	3	0	0	1
8	25221	GGPS H	240	0	0	1	2	3	0	0	1
9	32912	GGPS I	285	0	0	1	2	4	0	0	1
10	25097	GGPS J	320	0	0	1	2	5	0	0	1
11	25138	GGPS K	360	0	0	1	2	6	0	0	1
12	32606	GGPS L	400	0	0	1	3	6	0	0	1
13	32720	GGPS M	440	0	0	1	3	7	0	0	1
			3250	3	4	10	23	50	3	3	13

Up gradation of Posts in Primary Schools (Male) After Rationalization @ 1-40 ratio							
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSHT B-15	SPST B-15	PST B-12	Chow
1	30056	GPS A	50	1	2	1	1
2	25224	GPS B	110	1	1	1	1
3	25244	GPS C	160	1	1	2	1
4	25277	GPS D	198	1	1	3	1

S.No / Name / Qualification

P.S.
28/01/2013

10

1	22721	GPS E	240				
2	32012	GPS F					
3	23007	GPS G	285	1	2	3	1
4	25138	GPS H	320	1	2	4	1
5	32606	GPS I	360	1	2	5	1
6	35278	GPS J	400	1	2	6	1
Total			1400	1	3	6	1
			256.7	10	17	38	10

1187
1380
175
172
171

Note:-

1. Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15.
2. There will be no post of PSHT B-15 & SPST B-14 in MPS.
3. No of posts of PSHT B-15, SPST B-14 & PST B-12 will not exceed the directly communicated sanctioned posts.

Posting on Promotion

4. On Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted in the same UCs Subject to the provisions of sanctioned post.
5. Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.
6. In their promotion order it should be mentioned that their Inter-se-Seniority on lower post will remain intact.
7. If anyone forego promotion, Entry to this effect may be made if his/her Service book.
8. Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

I am further directed to further clarify that:

1. On promotion Qari B-12 to the post of Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools
2. 1/3 Qari B-12 posts will be upgraded to Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16 in High and Higher Secondary Schools only in Elementary and Secondary Education Department at District Level.
3. No post of CT B-15, PET B-15, AT B-15, DM B-15, TT-15, will be upgraded to B-16 in Middle Schools.
4. Senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16, Senior TT B-16 (According to the Seniority list), may be retained in the schools of their present posting and junior most may be transferred to other schools.

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Sl. No. / File No. / A-88/KC/S.list : Dated Peshawar the 18/01/2013.
Copies forwarded for information and necessary action to the:-
1. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/ File

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

ANNEXURE: C (11)

To,

The Worthy District Education Officer,
Female District Swat at Saidu Sharif.

THROUGH PROPER CHANNEL

Subject: - APPEAL AGAINST OFFICE ORDER DATED 27/4/2016 REGARDING TRANSFER ORDER.

R/Madam,

It is humbly submitted that:-

- 1) That I am transferred from Govt: Girls High School Amankot Swat to Govt:Girls Middle School Ala Bad through the above mentioned office order.
- 2) That I am performing my duties in Govt: Girls High School Amankot Swat till to date with honesty and punctually a single explanation has not been called by my superior officers for non performance of duty or any other negligence for reference I would like to brought in your kind notice that I was declared in the year 2015 as best teacher and awarded in the shape of cash prize of Rs.50000/-.
- 3) That today on 29/04/2016 I have come to know through some reliable sources that your goodself issued my transfer order from Govt: Girls High School Amankot Swat to Govt: Girls Middle School Ala Bad and posted my predecessor namely Mis.Fatima AT from GGMS A/Abad Barama and subsequently posted one Mis.Zahida AT B-15 at GGMS Ala Bad Barama which is clear violation of the existing policy but I don't know why me transferred/posted out of station i.e. GGMS Ala Bad despite in above mentioned office order I am declare as senior Arabic Teacher B-16.
- 4) That after thoroughly study the above office order that the following concluding para are clearly written therein that "**the following A.T BPS-15 are hereby promoted to the post of Senior A.T BPS-16**" (copy enclosed for ready reference). If I am promoted to BPS-16 so why I posted in Middle school which is against the existing government policy as well as show my name at **S.No.11 BPS-16** which create ambiguity here may kindly be clarify me about my promotion as well.

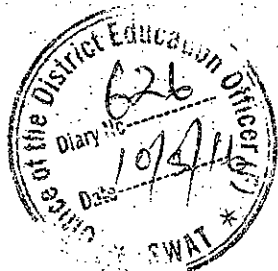
In view of the above exposition it is humbly prayed that the office order dated 27/04/2016 may be review and let me to continue in the existing school i.e. GGHS Amankot Swat or posted me at any nearest school as well as a copy of the seniority list of Arabic Teacher may kindly be granted for my record and further necessary action for which I shall be highly obliged and will pray for your long life and prosperity.

Dated: 21/5/2016

38
wounded in original
favourable consideration
which to be hear me in person, please.

Head Mistress,
Govt. Girl-16 School,
Amankot Swat

Dated : 02/05/2016



Your Obediently,

Humer Jabeen
21/5/2016
HUMER JABEEN
ARABIC TEACHER
GGHS AMANKOT SWAT.

Copy forwarded to the:-

- 1) The Director Elementary & School Education Khyber Pakhtunkhwa Peshawar.
- 2) The District Account Officer Swat at Saidu Sharif.
- 3) Head Mistress GGHS Amankot Swat.

Attachment For favour of information and further necessary action with reference to
BDO F Swat endst: No.8969-74/Upgradation dated 27.04.2016, please

ANNEXURE : D

12

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF.

No. 544 /Humaira Jabeen/AT

Dated. 21/05 /2016.

To

Mrs; Humaira Jabeen, A.T, GGMS Ala Abad.

Subject: - APPEAL AGAINST OFFICE ORDER DATED 27/4/2016 REGARDING TRANSFER ORDER

Memo:-

Reference your Appeal No. 438/dated 2/5/2016 and received in this office on 10/05/2016 on the subject noted above.

You have been transferred from GGHS Amankot to GGMS Ala Abad being a junior in circle Mingora/saidu sharif and also working in BPS 15 per policy of the Education Department, hence your appeal is rejected, as the post of A.T has been up graded to S.A.T, B-16. *of the said school.*

As per written B-16 against your name at S.No. 11 in promotion order of A.T was erroneously, which has been corrected as you are not eligible for promotion due to not honored M.A. (Arabic) Examination.


You are once again directed to take over charge at GGMS Ala Abad immediately under intimation to all concerned.


DISTRICT EDUCATION OFFICER
(FEMALE) SWAT AT SAIDU SHARIF

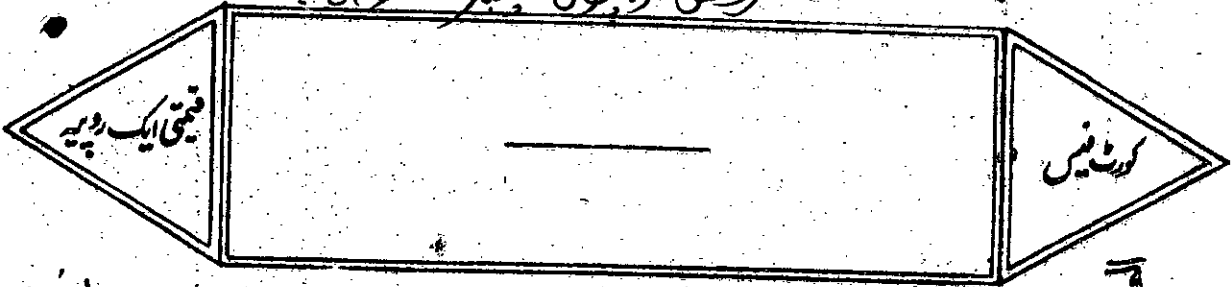
Endst: No. _____

Copy to the:-

1. Headmistress, GGHS Amankot, swat with the remarks that the teacher concerned may be relieved immediately and direct her to take over charge at GGMS Ala Abad.
2. Headmistress, GGMS Ala Abad Swat with reference to her application, dated 4/5/2016.


DISTRICT EDUCATION OFFICER
(FEMALE) SWAT AT SAIDU SHARIF

باعت خریداری کے لئے سروس ٹریڈنگ کمپنی پرائیویٹ لمیٹڈ



موزوں 20 ماہ جون
 مقدمہ صاحبہ حمیدہ بیگم
 دعویٰ سروس ٹریڈنگ کمپنی پرائیویٹ لمیٹڈ
 جرم

باعت خریداری

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی مکمل
 کارروائی متعلقہ آن مقام لہذا کے لئے کافی فریڈ امرالڈ و لکھنے، مزہ امیر گلاب
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحبہ موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحبہ کو کرنے راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست قسم کی تصدیق
 نہ اس پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا ایلی کی برآمدگی اور سونپی
 نیز وائیکونے اپنی نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکورہ
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار
 ہوگا۔ اور صاحبہ مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجاہ التوائے مقدمہ کے سبب سے ہوگا
 اس کے مستحق وکیل صاحبہ موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر
 کوئی تاخیر پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحبہ پابند نہ ہوں گے کہ پیروی مذکورہ
 کریں۔ لہذا ذاکالت نامہ لکھ دیا کہ سند رہے۔

عمر حمیدہ بیگم
امیر گلاب

Accepted by

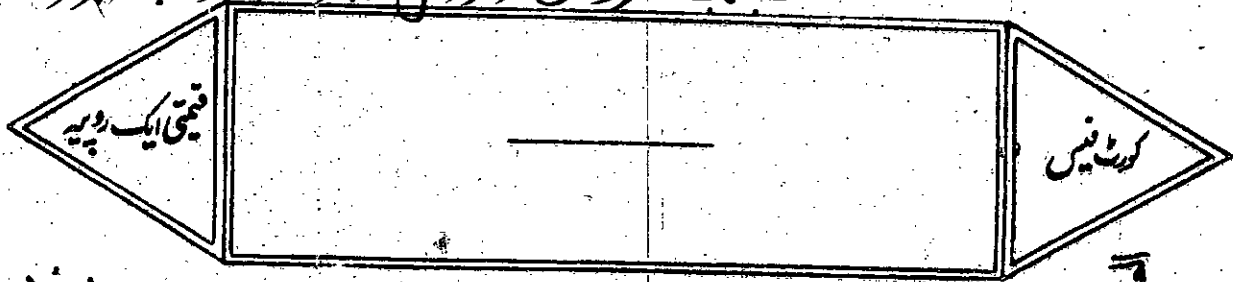
المرقوم 20 جون 2016ء

Farid Ahmed Advocate

سروس ٹریڈنگ کمپنی کے لئے منظور ہے۔

Accepted by
Farid Ahmed
Hamba Amir Gulab
Advocate

بعدالت جناب سرورس لٹریچرل سبیز کنونشن خواہ لٹلور



موزہ ۲۰ ماہ جون
مقدمہ مسماہ حمیرا جبین بنام ڈسٹرکٹ ایجوکیشن سوسائٹی وغیرہ
دعویٰ (سرورس لٹریچرل سبیز کنونشن)

باعث تحریر آئی

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل
کارروائی متعلقہ آن مقام لٹریچرل سبیز کنونشن کے لئے حسن علی عابد اور ڈاکٹر علی
وکیل صاحب کے لئے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کے لئے راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب وہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست قہریم کی تصدیق
نہ اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمدگی اور سوشلی
نیز وائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکورہ
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سافٹ
پر واختہ منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجاہ التوائے مقدمہ کے سبب سے ہوگا
اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز تقیاً و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر
کوئی تاحیح پیشی مقام دورہ پر ہوا یا وہ سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ
کریں۔ لہذا ذاکالت نامہ لکھ دیا کہ سند ہے۔

حان بک انڈی اور

مسماہ حمیرا جبین ایبلانٹ

Accepted By

Mohaimin Ali Abid
Advocate

لٹریچرل سبیز کنونشن کے لئے منظور ہے۔

فونڈ
۲۰ جون ۲۰۰۶

Accepted

Humaira
Aimal Khom Barkanali
Adv. Pesh.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

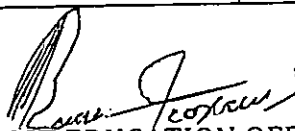
Service Appeal No 661 of 2016

Humera Jabeen Arabic Teacher Govt. Girls High School Amankot Swat.....Appellant

VERSUS

1. The District Education Officer (Female) District Swat.
2. The Director, Elementary & Secondary Education Khyber-Pakhtunkhwa Peshawar
3. The Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar.....Respondents

S. No	Description	Annexures	Page No
1.	Para-wise Comments	---	1-2
2.	Affidavit	---	3
3.	Promotion Order	A	4-5
4.	Corrigendum	B	6
5.	Order Sheet	---	7


DISTRICT EDUCATION OFFICER (F)
SWAT AT SAIDU SHARIF

(3)

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No 661 of 2016

Humera Jabeen Arabic Teacher Govt. Girls High School Amankot Swat.....Appellant

VERSUS

1. The District Education Officer (Female) District Swat.
2. The Director, Elementary & Secondary Education Khyber-Pakhtunkhwa Peshawar
3. The Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar.....Respondents

Para-wise Comments on Behalf of the Respondents No 1, 2 & 3

Respectfully she with

Preliminary Objections

1. That the appellant has no cause of action / locus standi.
2. That the appellant has not come to this honorable Tribunal with clean hands.
3. That the appellant has filed the instant appeal just to pressurize the respondents.
4. That the instant appeal is against the prevailing law and rules.
5. That the appellant has filed the instant appeal on malafide motives.
6. That the appellant has concealed the material facts from this honorable Tribunal.

FACTS

1. That the Para No. 1 is incorrect and not admitted. Thirteen number of AT teachers B-15 have been promoted to SAT Post B-16 vide No 8969-74 dated 27-04-2016 **(Order as Annexure A)** in this promotion order the name of appellant was included erroneously on Serial No.11 while she was not eligible for promotion due to less qualification required for promotion i.e. M.A Arabic in 2nd Division or Shahadatul Alamia with SSC 2nd Division from Wafaqul al Madaris / Tanzeemul Madaris as per promotion policy based on seniority cum fitness but she do not any have any one of them. Her present qualification is BA plus Arabic Honor.. Thus the name of the appellant was withdrawn from promotion order & issued a corrigendum for rectification vide No.9080-83 dated 29-04-2016, **(Corrigendum as Annexure B)**. It is further added that the post of AT B-15 at GGHS Amankot has been upgraded to S-AT B-16 & the petitioner is not entitle to perform the

2
3
duty against the mentioned post, therefore, she was transferred/adjusted at nearest station GGMS Alabad being B-15 Arabic Teacher.

2. That the Para No. 2 pertains to the personal matters of the appellant hence needs no comments.
3. That the Para No. 3 is incorrect that appellant being B-15 has been adjusted at GGMS Alabad according to the existing Education Policy.
4. That the Para No. 4 is incorrect and repetition of the above Para No. 2.
5. That the Para No. 5 is incorrect not admitted as the respondent No. 1 have not violated / denied the existing Education Policy.
6. That the Para No. 6 is incorrect and not admitted as detail has shown in Para No.1.

GROUND

- a) That the para No. (a) is incorrect and not admitted as the respondent No. 1 has not violated any rules and regulations.
- b) That the Para No.(b) is incorrect. The appeal of the appellant has been rejected by the appellate committee due to less qualification and she was not eligible for promotion to the post of S-AT B-16.
- c) That the para No (c) is the repetition of the above paras hence need no comments.

It is therefore, requested that the instant appeal of the appellant may be dismissed with cost in favor of the respondents.

Respondent No.1

District Education Officer (F)
Swat at Saidu Sharif

Respondent No.2

Director
Elementary & Secondary Education
Dept. Khyber Pakhtunkhwa Peshawar

Respondent No.3

SECRETARY
Govt. of Khyber Pakhtunkhwa E&SED
PESHAWAR



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No 661 of 2016

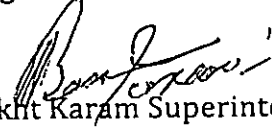
Humera Jabeen Arabic Teacher Govt. Girls High School Amankot Swat.....Appellant

VERSUS

1. The District Education Officer (Female) District Swat.
2. The Director, Elementary & Secondary Education Khyber-Pakhtunkhwa Peshawar
3. The Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar.....Respondents

AFFIDAVIT.

I Bakht Karam Superintendent office of the District Education Officer (Female) Swat do hereby solemnly affirm and declare on oath on behalf of the respondent No 1,2 and 3 that the contents of the comments are true and correct to the best of my knowledge and belief and nothing has been kept secret from this august court.


Bakht Karam Superintendent
O/O THE DEO (F) SWAT

6

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SWAT AT SAIDU SHARIF.

CORRIGENDUM

Please read A.T, BPS No. 15, instead of S.A.T BPS No. 16 against the name of Mst: Humaira Jabeen at S.No. 11, order issued vide this office Endst: No. 8969-74/dated 27/04/2016.

(SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER
(FEMALE) SWAT AT SAIDU SHARIF.

Endst: No. 9080-83 /Humaira Jabeen/AT


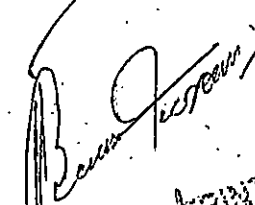
Dated. 29/4/ /2016

Copy to the:-

1. District Education Officer Swat at Saidu Sharif.
2. Budget & Accounts Officer local office.
3. Headmistress , GGMS Ala Abad.
4. Teacher Concerned.


DISTRICT EDUCATION OFFICER
(FEMALE) SWAT AT SAIDU SHARIF.

UG



SUPERINTENDENT
DISTRICT EDUCATION OFFICER
DISTRICT SWAT

Appeal No- 661/2016
Humera Jabeen vs Govt.

(7)

13.7.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Arabic Teacher BPS-15 at Govt. Girls High School Amankot, Swat and on promotion to BPS-16 transferred from the said school to Govt. Girls Middle School, Ala Abad vide impugned order dated 27.04.2016 where-against she preferred departmental appeal on 02.5.2016 which was rejected on 21.5.2016 and hence the instant service appeal on 20.06.2016.

That the impugned order is in violation of posting on promotion policy highlighted in the guidelines circular bearing cndst. Dated 18.1.2016 as the appellant was to be posted in High or Higher Secondary School. That the appellant has not yet relinquished charge of the post.

Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 08.09.2016 before S.B at camp court Swat. Status quo be maintained.

Appellant Deposited
Security & Process Fee

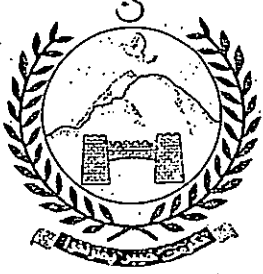
ATTESTED

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sd
Chairman



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

Endst. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA) Khyber Pakhtunkhwa, Peshawar.

10.	Arabic Teacher (AT) (BPS-15).	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris: or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or</p> <p>(ii) Second Class Master's Degree in Arabic from a recognized University.</p>	20 to 35 years.	By initial recruitment
11.	Theology Teacher (TT) (BPS-15).	<p>(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or</p> <p>(ii) Second Class Master's Degree in Islamiyat from a recognized University.</p>	20 to 35 years.	<p>(a) Seventy-five per cent by initial recruitment; and</p> <p>(b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher:</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
12.	Senior Qari (BPS -15).			By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment.
13.	Certified Teacher (General) (BPS-15).	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	(a) Forty per cent by initial recruitment; and

8. The Director Curriculum & Teachers Education Abbottabad.
9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
11. The Deputy Director Database (EMIS) E&SE Department.
12. All District Coordination Officers in Khyber Pakhtunkhwa.
13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers in FATA.
15. All Agency Education Officers in FATA.
16. P.S to Governor, Khyber Pakhtunkhwa.
17. P.S to Chief Minister, Khyber Pakhtunkhwa.
18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Minister E&SE Khyber Pakhtunkhwa Peshawar.
20. PS to Secretary E&SE Department.
21. Master File.

Section Officer (Primary)

				<p>(iv) one per cent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3; and</p> <p>(v) one per cent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and</p> <p>(b) fifty per cent by initial recruitment.</p>
2.	Senior Arabic Teacher (SAT) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
3.	Senior Theology Teacher (STT) (B-16).			By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
4.	Senior Certified Teacher (SCT)(General) (BPS-16).			By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.



Service Appeal No. 661 /2016

Dated 20-6-2016

Humera Jabeen Arabic Teacher Govt: Girls High School
Amankot Swat.

(Appellant)

VERSUS

- 1) The District Education Officer (Female) District Swat.
- 2) The Director Elementary & Secondary Education KPK Pesahwar.
- 3) Govt: of KPK through Secretary Education Elementary & Secondary Education KPK Civil Secretariat Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 27/4/2016 and 21/5/2016 passed by Respondent No.1 to the extent of transferred of the appellant. Where by the appellant has been transferred from Government Girls High School Amankot Swat to Govt: Girls Middle School Ala Abad Tehsil Charbagh Swat in violation of the existing provincial Govt: Education policy.

PRAYER IN APPEAL.

On the acceptance of this Service appeal by rescinding the impugned Office Order dated 27/4/2016 and 21/5/2016 pertaining to the appellant and by allowing her to continue to serve in the existing school i.e. Govt: Girls High School Amankot Swat with cost and all the benefits due.

Filed to-day
[Signature]
Registrar - 6/6

RESPECTFULLY SHEWETH.

- 1- While posting of the appellant from Govt: Girls High School Amankot Swat to Govt: Middle Ala Bad Teshil Charbagh Swat has been dis-located without any reason and badly violated the existing education policy though the appellant shown at S. No.11, SAT, BPS-16 (Copy annexed as annesure-"A").

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.

Service Appeal No. 661 /2016

Humera Jabeen..... (Appellant)

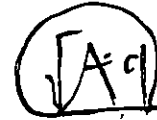
VERSUS

The District Education Officer (Female) District Swat.
..... (Respondents)

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1.	Memo of Appeal		1-3
2.	Stay Application and Affidavit		4-5
3.	Correct addresses		6
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5.	Education Departmental Policy	B	9-10
6.	Copy of Departmental Appeal and Copy of Rejection Departmental Appeal	C & D	11-12
7.	Vakalat Nama		13-14


Appellant

Through



Qazi Farid Ahmad
Advocate Swat

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.

Service Appeal No. _____/2016

Humera Jabeen Arabic Teacher Govt: Girls High School
Amankot Swat.

(Appellant)

VERSUS

- 1) The District Education Officer (Female) District Swat.
- 2) The Director Elementary & Secondary Education KPK
Pesahwar.
- 3) Govt: of KPK through Secretary Education Elementary
& Secondary Education KPK Civil Secretariat
Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 27/4/2016 and 21/5/2016 passed by Respondent No.1 to the extent of transferred of the appellant. Where by the appellant has been transferred from Government Girls High School Amankot Swat to Govt: Girls Middle School Ala Abad Tehsil Charbagh Swat in violation of the existing provincial Govt: Education policy.

PRAYER IN APPEAL.

On the acceptance of this Service appeal by rescinding the impugned Office Order dated 27/4/2016 and 21/5/2016 pertaining to the appellant and by allowing her to continue to serve in the existing school i.e. Govt: Girls High School Amankot Swat with cost and all the benefits due.

RESPECTFULLY SHEWETH.

- 1- While posting of the appellant from Govt: Girls High School Amankot Swat to Govt: Middle Ala Bad Teshil Charbagh Swat has been dis-located without any reason and badly violated the existing education policy though the appellant shown at S. No.11, SAT, BPS-16 (Copy annexed as annesure-"A").

(2)

- 2- That the appellant has been performing her duties honesty and punctuality for the reason above she was declared best teacher in the year 2015 and awarded in the shape of cash prize of Rs,50,000/- ✓
- 3- That the respondent No.1 has issued the impugned office order where clearly written that **the following Arabic Teachers BPS-15 are hereby promoted to the post of Senior Arabic Teacher BPS-16 on regular basis under the existing education policy of provincial government.**
- 4- That in the above mentioned policy has clearly written that a BPS-15 Arabic Teachers would be posted in the Middle School and BPS-16 Senior Arabic Teachers would be posted in the High School, but now the respondent No.1 has denied from her office order mentioned above. (Copy annexed as annexure-B).
- 5- The appellant had filed departmental appeal against the impugned office order with the request to allow her to continue in the existing school GGHS Amankot Swat and wish to be heard in person, but the respondent No.1 rejected the departmental appeal of the appellant without hearing her and not touched the others paras of the appeal and also not denied from the best performance and cash award. (Copy annexed as annexure-C & D).
- 6- That the impugned office orders are against the existing education policy of provincial government and violation of the principles of equity and justice, calling for interference by the Honorable Service Tribunal.

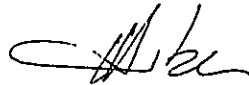
GROUND OF APPEAL.

- A. That the appellant has not been treated in accordance with law her right secured and guaranteed under law have been badly violated.
- B. That the appellant has not given fair opportunity of personal hearing thus her has been condemned unheard.
- C. That the appellant has not been treated in accordance with law nor given proper, fair and meaningful opportunity to defend herself Moreover detail departmental appeal submitted by appellant in her defence were also not considered and instead to call her for personal hearing rejection of departmental appeal is against the well established and well settled Principles of Natural Justice.

(3)

- D. That the appellant was not provided a copy of the seniority list of Arabic Teacher were demanded in the departmental appeal which is held mandatory by the Superior Courts in case of rejection of departmental appeal.
- E. That the facts and grounds mentioned in the departmental appeal of the appellant may also be read as integral part of the instant appeal.
- F. That the appellant seeks the permission of this Honourable Tribunal to relay on additional grounds at the time of hearing of this appeal.

It is therefore, humbly prayed that on the acceptance of this appeal the impugned office order dated 27/4/2016 and 21/5/2016 to the extent of transferred of the appellant passed by respondent No.1 may please be set aside and the appellant may be allow to continue in the existing school i.e. Govt: Girls High School Amankot Swat.



Appellant

Through



Qazi Farid Ahmad
Advocate Swat

(4)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.

Service Appeal No. _____/2016

Humera Jabeen Arabic Teacher Govt: Girls High School
Amankot Swat.

(Appellant)

VERSUS

The District Education Officer (Female) District Swat and
others.

(Respondents)

Application for the suspension of the impugned
office order dated 27.4.2016 and 21.5.2016 to
the extent of transferred from Govt: Girls High
School Amankot Swat to Govt: Girls Middle
School Ala Bad Swat restraining the
respondents from dislocate appellant.

Respectfully Submitted

- 1- That the appellant has filed the titled appeal in this Honourable Tribunal in which no date of hearing is fixed so far.
- 2- That facts and ground mentioned in the accompanied appeal may be read as integral part of this application.
- 3- That the applicant has got a good prima facie case and there is likelihood of its success.
- 4- That the applicant would be great suffer and inconvenience in case the orders are not suspended.
- 5- That it will also serve the interest of justice if the order impugned is suspended till the final decision of the appeal.

(5)

It is therefore, prayed that on acceptance of this application the operation of the impugned office order dated 27.4.2016 and 21.5.2016 passed by the respondent No.I, to the extent of transferred of appellant may please be suspended and the respondents may please be restrained from the dislocation of appellant.


Appellant

Through


Qazi Farid Ahmad
Advocate Swat

AFFIDAVIT

I, Humera Jabeen Arabic Teacher Govt: Girls High School Amankot Swat, do hereby solemnly affirm and declare on oath that the contents of the titled appeal as well as application are true and correct to the best of my knowledge and believe that nothing has been kept back or concealed from this honourable Tribunal.


DEPONENT

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHUTNKHWA PESHAWAR.

Service Appeal No. _____/2016

Humera Jabeen.....(Appellant)

VERSUS

The District Education Officer (Female) District Swat.
.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Humera Jabeen Arabic Teacher Govt: Girls High School
Amankot Swat.

RESPONDENT

- 1) The District Education Officer (Female) District Swat.
- 2) The Director Elementary & Secondary Education KPK
Pesahwar.
- 3) Govt: of KPK through Secretary Education Elementary
& Secondary Education KPK Civil Secretariat
Peshawar.


Appellant

Through

Qazi Farid Ahmad
Advocate Swat

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA.

SERVICE APPEAL NO . 661 OF 2016.

Humera Jabeen Arabic Teacher Govt: Girls High School Amankot Swat

(Appellant).

VERSUS

4. The District Education Officer (Female) District Swat.
5. The Director, Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar .
6. The Govt, of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar

(Respondents).

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S.No.	Description of documents	Annexure	Page No.
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2	Verified DMC in MA Arabic	"A"	3



Appellant

Through



Qazi Farid Ahmad Advocate.

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA.

SERVICE APPEAL NO . 661 OF 2016.

Humera Jabeen Arabic Teacher Govt: Girls High School Amankot Swat

(Appellant).

VERSUS

1. The District Education Officer (Female) District Swat.
2. The Director, Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar .
3. The Govt, of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar

(Respondents).

Rejoinder of the parawise comments of respondent No .1, 2 & 3.

As the preliminary objections taken by the respondents are incorrect and illegal hence will be argued at the time of arguments.

1. Para No. I is incorrect and not admitted. The appellant is qualified teacher and having master degree in Arabic with good 2nd division from University of Swat **copy of verified DMC is annex- as annexure –A.** Further more no corrigendum has been issued by the respondent No.1 till the institution of the service appeal before the Honourable Service Tribunal Khyber Pakhtunkhwa, even not indicate in the rejection of departmental appeal, it seems the same was issued later on by malafide intention. As for as the issue of qualification is concerned it is clarified above. The Government Girls Middle School Alabad is not a near station from the house of the appellant. The above school is at the distance of about 17 KM and it is very difficult especially for female Government Servant. If the respondent No.I really intended to give was relief to the appellant in the shape of transfer, so why not appellant posted/transferred to the Govt: Girls Middle School Barama (Haji BaBa Mingora) vacated by her predecessor.
2. Para No.2 is incorrect and not admitted. The matters do not come within the preview of the personal matter of the appellant. She was nominated by the Education Department as best teacher and awarded Rs.50 thousand in the shape of cash award for the best performance in the SSC Result 2015.

2

3. Para No.3 is incorrect and not admitted. It is crystal clear from the office order of the respondent No.I dated 27.4.2016 that the appellant was called as Senior Arabic Teacher BPS-16 for numerous times and no corrigendum was issued in this regard till the institution of the service appeal in the Service Tribunal Khyber Pakhtunkhwa.
4. Para No.4 is incorrect and not admitted. In this regard explanation has already been given in the para No.2.
5. Para No.5 is incorrect and not admitted. The respondent No.I has violated the existing education policy as the appellant fulfilled the requirements as mentioned in the policy.
6. Para No. 6 is incorrect and not admitted. Detail explanation has already been given in the para No.I.
- A) Para "A" to "C" of the grounds of the written reply are incorrect because the grounds which are already taken in the grounds of appeal are comprehensive and in this regard the explanation has already been given in the above mentioned paras, therefore, the grounds of appeal may be read as part of this rejoinder

► That any other grounds may be argued at the time of arguments.

It therefore humbly prayed that the comments/written reply on the behalf of respondent may kindly be discarded.



Humera Jabeen
Arabic Teacher Govt: Girls High
School Amankot Swat....**Appellant**

Through



Qazi Farid Ahmad Advocate.

3

Annexure - A

DETAILED MARKS CERTIFICATE

1561

Registration No. UOS1310600781

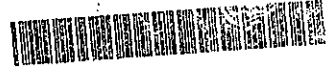
Name: Humera Jabeen

Father's Name: Khona Gul

Address: C.O Shams House Moh: Miangano Chum Village & P.O S.Sharf Swat

District: Swat (Female)

Roll No. 111024 M.A (Arabic) Previous & Final Annual Examination 2016 (Compant)



Subject Name	Max: Marks	Marks Obtained	Remarks
Paper-I Applied Grammar	100	44	Passed
Paper-II Essay Writing Conversation & Translation	100	41	Passed
Paper-III Prose (Classical & Modern)	100	48	Passed
Paper-IV Poetry (Classical & Modern)	100	37	Passed
Paper-V Rhetoric	100	40	Passed
M.A Final Result	600	354	
Total:		1100	584

Subject Pass Percentage: 40 (Theory & Practical Separately), Aggregate Pass Percentage: 45

Examination was passed in parts.

Examinations held from 16-08-2016 to 09-09-2016

Result declared on: 19-11-2016

Errors & omissions are subject to subsequent rectification.

Prepared by:

Checked by:

Issued on: 05-12-2016

Result Verified & Found Correct

Dealing Clerk.

Countersigned

28/12/16
Ass't: Controller (Secretary)
University of Swat

Controller of Examinations