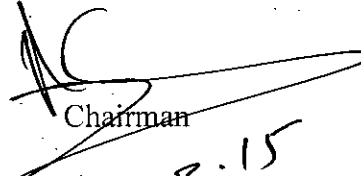


26.03.2015

Counsel for the appellant present. Learned counsel for the appellant requested for withdrawal of appeal which, according to him, has become infructuous. Dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
26.03.2015


Chairman
26.03.15

Reader Note:

10.11.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 28.11.2014 for preliminary hearing.


Reader

Reader Note:

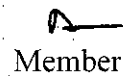
28.11.2014

No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned to 17.02.2015 for the same.


Reader

17.02.2015



Clerk of counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 26.03.2015


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1162 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/09/2014	<p>The appeal of Mst. Ishrat Begum presented today by Mr. Rehmanullah Shah Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	26-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 10-11-2014.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

S. Appeal No. 162/2014

Mst. ISHRAT BEGUM

QARIA, GOVT GIRLS HIGH SCHOOL, SHAWA/ KHANPUR, DIR LOWER

APPELLANT

VERSUS

DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER & OTHERS

RESPONDENTS

INDEX OF DOCUMENTS

S/NO	DOCUMENTS	ANNEXURE	PAGES
1	Grounds of Appeal, Stay Application & Affidavit		01 - 05
2	Addresses of the Parties		06
3	Appellant's payroll	A	07
5	Copy Office order	B & C	08 - 09
7	Office orders	"D - F"	10 - 12
8	Departmental Representation/ Appeal and letter	"G"	13
	Wakalatnama		

Appellant

Through:



Rehman Ullah Shah, Atiq Ur Rehman & Ibrahim Shah

MA, LLM

Advocates

Ibn e Abdullah Law Associates

11 Azam Tower University Road, Peshawar

Phone & Fax # 091- 570 2021

www.ibneabdullah.com

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1162 /2014

Mst. ISHRAT BEGUM

QARIA, GOVT GIRLS HIGH SCHOOL, KHANPUR, DIR LOWER

APPELLANT

VERSUS

1. DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER

2. DIRECTOR (E & S EDUCATION) KHYBER PAKHTUNKHWA, PESHAWAR

RESPONDENTS

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act,

1974 directing the Respondents to adjust Appellant at nearest duty

station as envisaged in policy for primary school teachers by the

Government of Khyber Pakhtunkhawa from time to time in the best

interest of public

Respectfully submitted as under.

Brief facts of the case are as follows:

1. That the appellant is presently posted as "Qari" at Government Girls High School, Shawa/ Khanpur, Tehsil Adenzai, District Dir Lower. She is serving the department with zeal and zest and is a dedicated teacher having almost serving the department since long. During this period, no complaint or whatsoever has been preferred against the appellant.

{Copy of the Payroll is annexed as "A"}

2. That through office order dated 02/05/ 2014, the office order in respect of transfer of the appellant on 28/ 02/ 2014 was withdrawn, where she was transferred to GGHS Jango, District Dir Lower against newly created post.

{Copies of the orders are annexed as "B & C"}

3. That this was not the only transferred order which was withdrawn by the Respondents, but time and again, this practice was adopted to torture the appellant by transferring and then cancelling/withdrawal the orders. This

is evident from the letter dated 03/11/2011 where she was directed to work at GGHS Chakdara, Dir Lower till the up gradation of the GGMS Serai, Ramora, Dir Lower.

{Copy of the order is annexed as "D"}

4. Similarly, on 30/06/2011, she was transferred from GGHS Shawa to GGHS Khanpur, Dir Lower vide its order No. 13078-87.

{Copy of the Office order is appended herewith as Annexure "E"}

5. The issue of transfer of appellant never stopped; on 12/11/2010 she was transferred to and was directed to take over the charge at GGHS Mia Brangola, Dir Lower.

{Copy of the office order is annexed as "F"}

6. That the appellant preferred Departmental appeal against the order dated May 02, 2014, where her transfer order was suspended.

{Copy of the Departmental Appeal is annexed as "G"}

7. The above order was cancelled on the basis that the said vacant post has to be filled in through NTS, that's why, her order was cancelled.

8. That appellant has been ignored since date of her representation before Respondent No. 1. In response to the said representation, but no warm shoulder has been given to the representation of the Appellant.

9. That the appellant time and again approached Respondent No. 1 for consideration of the departmental representation/ appeal, but the same has not been decided/ considered within the statutory period but till date no positive response is offered by the respondents.

10. That the appellant approaches this Hon'ble Tribunal for redress, inter-alia on the following:

GROUNDS.

- A. That the appellant is entitled to be considered for transfer to the nearest station as per policy of the Khyber Pakhtun Khwa {Elementary and Secondary Education} applicable to the Appellant.


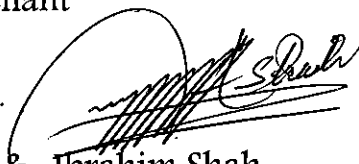
- B. That numerous teachers in the respondents- department similarly placed Teachers have been allowed and adjusted/ transferred to the nearest and local duty station, but the request/ representation of the appellant has not been considered. Hence, the appellant is also entitled to a similar treatment without being discriminated under the law.
- C. That negligence lies on the part of Respondents and not on the part of the appellant. Hence appellant may not be panelized.
- D. That the appellant's case for the subject matter has been pending with the department since long and the respondents do strive to protract the same for no valid reason but to vex the appellant, hence, the indulgence of this Tribunal is need of the situation to curtail the agony of the appellant.
- E. That the respondents are following the principle of nepotism and favoritism which is clear violation of Article 4 and 25 of the Constitution of Islamic republic of Pakistan.
- F. That the appellant reserves his right to urge further grounds with leave of the tribunal at the time of arguments or when the stance of the Respondents comes in black in white.

It is, therefore, humbly prayed that on acceptance of this appeal this Honourable Tribunal may be pleased to make appropriate orders/directives to the respondents for consider the appellant's case for transfer in the nearest area/ locality in the best interest of justice. And the order dated 02/05/ 2014 may graciously be declared as void.

Any other remedy to which the appellant is found fit in law, justice and equity may also be awarded.


Appellant

Through:


Rehman Ullah Shah & 
Ibrahim Shah
MA, LLM
Advocates

Ibn e Abdullah Law Associates
11 Azam Tower University Road, Peshawar
Phone & Fax # 091- 570 2021
www.ibneabdullah.com

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Mst. ISHRAT BEGUM

QARIA, GOVT GIRLS HIGH SCHOOL, KHANPUR, DIR LOWER

APPELLANT

VERSUS

1. DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER.

2. DIRECTOR (E & S EDUCATION) KHYBER PAKHTUNKHWA, PESHAWAR

RESPONDENTS

AFFIDAVIT

I, Advocate Ibrahim Shah, on behalf of my client and as per information received from client, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

Deponent


Ibrahim Shah

Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Mst. ISHRAT BEGUM

APPELLANT

VERSUS

DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER & OTHERS

RESPONDENTS

APPLICATION FOR SUSPENSION OF THE ORDER DATED 02/05/2014

Respectfully submitted as under:

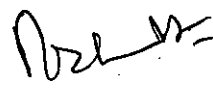
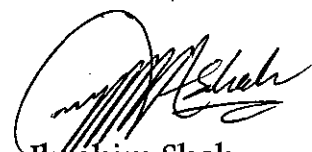
1. This application may graciously be considered as integral part of the main appeal.
2. That the appellant has a very good prima facie case and is a success of its decision in favour of the appellant.
3. That the balance of convenience also lies on the part of the appellant.
4. That in case the above dated order is not suspended the appellant would suffer irreparable loss.

It is, therefore, humbly prayed that on acceptance of this instant application, the order date May 02, 2014 may graciously be suspended.

Any other remedy to which the appellant is found fit in law, justice and equity may also be awarded.


Appellant

Through:

 
Rehman Ullah Shah & Ibrahim Shah

MA, LLM

Advocates

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Mst. ISHRAT BEGUM

QARIA, GOVT GIRLS HIGH SCHOOL, SHAWA/ KHANPUR, DIR LOWER

_____ APPELLANT

VERSUS

DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER & OTHERS

_____ RESPONDENTS

MEMO OF ADDRESSES

APPELLANT.

Mst. ISHRAT BEGUM

QARIA, GOVT GIRLS HIGH SCHOOL, SHAWA/ KHANPUR, DIR LOWER

RESPONDENTS.

1. DISTRICT EDUCATION OFFICER (FEMALE) AT TIMERGARA, DIR LOWER
2. DIRECTOR (E&S) KPK AT DABGARI GARDEN, PESHAWAR


Appellant

Through:

Advocates

Dir at Timargar

SN: 18

Pers #: 00403050 Buckle:
Name: ISHRAT BEGUM
Dsg.: QARI
CNIC No. 1530222942364
GPF Interest Applied

P Sec: 001 Month: March 2014
DA7131 -Head Mistress GGHS Khanpur
Min: Education Schools
NTN:
GPF #:
Old #:

12 Vocational Temporary

DA7131

PAYS AND ALLOWANCES:

0001-Basic Pay	9,000.00
1000-House Rent Allowance	1,306.00
1210-Convey Allowance 2005	2,720.00
1300-Medical Allowance	1,000.00
1923-UAA-OTHER 20%(1-15)	1,000.00
1948-Adhoc Allowance 2010@ 50%	2,255.00
1970-Adhoc Relief Allow 2011	676.00
2118-Adhoc Relief Allow (2012)	1,800.00
2148-15% Adhoc Relief All-2013	1,350.00
Gross Pay and Allowances	21,107.00

DEDUCTIONS:

GPF Balance	13,990.00	Subrc:	1,160.00
3501-Benevolent Fund			180.00
3511-Addl Group Insurance			13.00
3604-Group Insurance			115.00
3990-Emp. Edu. Fund KPK			100.00

Total Deductions 1,568.00

19,539.00

D. O. B
16.04.1982
06 Years 07 Months 012 Days

LFP Quota:
THE BANK OF KHYBER TTHE BANK OF KHYBER T
PLS 7119-3

ATTESTED
M. Shale

District Education Officer (F) Dir Lower

④
Annex "B"



PH No. 0945-9250083,

E-mail emisdirlower@yahoo.com

OFFICE ORDER

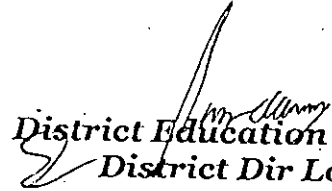
Transfer order issued vides this office endstt no 326-29 dated 28/02/2014 in r/o Ishrat Begam Qaria is here by withdrawn.

(Muhammad Ibrahim)
District Education Officer (F)
District Dir Lower

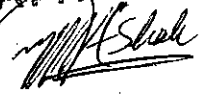
Endst. No. 994-97 Dated Timergara the 09/05/2014

Copy of the above is forwarded to:

1. The District Accounts Officer Dir Lower.
2. The Headmistress concernd.
3. The Offcails concernd.


District Education Officer (F)
District Dir Lower

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER.
OFFICE ORDER.

Mst;Ishrat Begum Qaria GGHS Kharipur is hereby transferred to GGHS Jango agains newly created post , in the interest of public service with immediate effect in relaxation of ban.

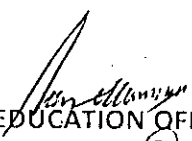

Note;-1.NO.TA:DA is allowed.

2. Charge report should be submitted to all concerned.

(Muhammad Ibrahim)
DISTT:EDUCATION OFFICER
(M&F)DIR LOWER

Endst;No, 326-29 /Dated Timergara the 28/2/2014

- Copy for information to;-
- 1.The District Accounts Officer Dir Lower.
 - 2.The Headmistresses concerned.
 - 3.The Mistress concerned.


DISTT:EDUCATION OFFICER
(M&F)DIR LOWER 

ATTESTED


OFFICE OF THE EXECUTIVE DISTT. OFFICER (E&SE) DIR LOWER AT T/GARA
OFFICE ORDER

As order by the Minister for Livestock, Dairy Development and cooperation Khyber Pakhtunkhawa Peshawar the following female Qarias are hereby transferred to the School noted against each in the interest of public service with immediate effect.

S/No	Name & Desig:	From	To	Remarks
1.	Saima Begum Qari	GGHS Khanpur	GGHS GGHS Shawa	Vice S.No.2
2.	Ishrat Begum Qari	GGHS Shawa	GGHS Khanpur	Vice S.No.1

Note: 1. S.No.2 is directed to work at GGHSS Chakdara till the upgradation of GGMS Serai Ramora
2. Charge report should be submitted to all concerned.

(MUHAMMAD IBRAHIM)
EXECUTIVE DISTT. OFFICER
(E&SE) DIR LOWER AT T/GARA

Endst: No 18653-56/

Dated Timergara 03 / 11 /2011

Copy Forwarded to:

1. The Distt, Accounts Officer Dir Lower at Timergara.
2. P/S to Minister for Livestock, Dairy Development Cooperation Khyber-Pakhtunkhawa Peshawar.
3. The Principal GGHSS Chakdara.
4. The Headmistress GGHS Shawa, Khanpur.

EXECUTIVE DISTT. OFFICER
(E&SE) DIR LOWER AT T/GARA

ATTESTED
[Signature]

Annex E

OFFICE OF THE EXECUTIVE DISTT: OFFICER (E&SE) DIR LOWER AT TIMERGA RA
OFFICE ORDER

The Following Female Qaria are hereby transferred to the School noted against each on her own pay and grade in the interest of public service with effect from the date of taking over charge.

S.No.	Name & Desig:	From	To	Remarks
1.	Saima Begum Qari	GGHS Khanpur	GGHS Shawa	Vice S.No.2
2.	Ishrat Begum Qari	GGHS Shawa	GGHS Khan pur	Vice S.No.1

.....

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

(MUHAMMAD IBRAHIM)
EXECUTIVE DISTT: OFFICER
(E&SE) DIR LOWER AT TIMERGA RA.

Endst:No. 12078-8T
Copy forwarded to the:-

dated 30/6/2011

~~xxxskstiraxcmuntxofficexrxDirxLkxerxatixT/gara.~~

1. Director ~~rx~~(E&SE)Khybar Pakhtunkhwa Peshawar w/r to his Telephonic direction dated 30/6/2011.
2. Distt: Account Officer Dir Lower at T/gara.
3. Headmistress GGHS Shawa and & Khanpur.
4. The Mistresses concerned.

Muhammad Ibrahim
EXECUTIVE DISTT: OFFICER
(E&SE) DIR LOWER AT TIMERGARA.

ATTESTED
M. S. Latif

l

Office of the Executive District Officer Elem & Secy EDW Dir Lower.
OFFICE ORDER:

The following teachers are hereby transferred to the schools mentioned against each in the interest of public with immediate effect.

S/No.	Name & Designation with school	To	Remarks
1.	Mst Yasrat Begum GHS Shawa	GHS Khas Brangela	A/V/Post
2.	Mst Saika Saeed GHS Khanpur	GHS Shawa	Vicou 1
3.	Mst Ulfat Begum GHS Laalyal	GHS Khanpur	" -2

note:- The parties cited above are directed to take over the charge in schools as transferred.
No TA/DA is allowed.
Charge reports should be submitted to all concerned.

MR SAHEB KHAN
EXECUTIVE DISTRICT OFFICER,
ELEM & SECY EDW DIR LOWER.

Headst No: 12268-761 Dated Timargara the 12/11/2010
Copy for information to:-

1. The District Co-Ordination Officer Dir Lowero
2. The District Accounts Officer Dir Lowero
3. 5. The Head Mistresses concerned.
6. 3 The parties concerned.

[Signature]
EXECUTIVE DISTRICT OFFICER,
ELEM & SECY EDW DIR LOWERO

ATTESTED

[Signature]

کدیت صاف ڈائریکٹریٹ، ایگمنٹری اسٹیٹ سینڈویچ ریگولیشن اور خیر کنٹریبوٹو

مناظرہ در خواست آن ڈیپارٹمنٹ آف ایڈمنسٹریٹو آرڈرز

① N.O. 12269-76 dt. 12/11/2010 ② No. 13078-87 dt. 30/6/2011

③ No. 18653-56 dt. 2/11/2011 ④ No. 994-97 dt. 2/5/2014

صاف مالی -

تجربہ ہے کہ مندرجہ بالا آرڈرز کے ذریعے فروم کا تادم

کے بار گورنمنٹ ٹرننگ کی مکمل سٹوہ سے روک لی ہے۔ جسے خلیفہ مندرجہ

نہ بہ وقت آپیلیٹ کی ہے۔ جس پر لکھن اوقات عذر کی بنا پر

کے آرڈرز کو سٹوہ کے لئے ہے۔ لیکن آؤٹیا، فروم کا تادم

گورنمنٹ ٹرننگ کی مکمل فائبر سے GHS کے سٹوہ کو حال پوسٹ

پر کر دیا گیا۔ لیکن آرڈر نوے) لیکن ایک مرتبہ جو بیان

کر دیا گیا۔ کہ مندرجہ مکمل کا پوسٹ NTAS کو دیا گیا ہے۔

اور اس کے ساتھ فروم کا آرڈر With Draw کے لئے ہے۔

آرڈر نوے) کے لئے آرڈر میں کیا گیا ہے۔ اس کے علاوہ

میں نے اس کے لئے زمانہ اسٹانڈ کی صورت سے فروم کا تادم

GHS کے سٹوہ یا GHS کے سٹوہ پر دوبارہ ڈاک فروم کیا گیا

الفاظ و کیا گیا۔ (رحمہ آرڈرز کے سٹوہ آرڈرز آپیلیٹ

سینک ہیں) عین نواریت ہو گیا۔ جسے 3/8

3/8 2014

پلیٹ -

Diary No. 1377
dt. 3/8/2014

ATTESTED
[Signature]