

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
MUHAMMAD AKBAR KHAN... MEMBER (Executive)

Service Appeal No. 7239/2020

Date of presentation of Appeal.....11.06.2020
Date of Hearing.....07.05.2024
Date of Decision.....07.05.2024

**Mst. Aneela, Senior PST (BPS-14) Government Girls Primary School
Police Colony, Tehsil and District, PeshawarAppellants**

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary Education E&SE Directorate G.T Road Firdous Peshawar.
3. Sub-Divisional Education Officer (Female) Town-III, Peshawar.
.....(**Respondents**)


Present:

Mr. Tariq Kamal, Advocate.....For the appellant
Mr. Asif Masood Ali Shah, Deputy District AttorneyFor respondents

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**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 TO
THE EFFECT THAT ENTRY MADE AT PAGE NO. 19
OF THE SERVICE BOOK OF THE APPELLANT MAY
PLEASE BE DECLARED ILLEGAL AND AGAINST
THE NORMS OF JUSTICE.**

JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: According to the appeal, the appellant was appointed as Primary School Teacher (BPS-07) vide Notification dated 16.10.2004 and vide order dated 05.06.2006, the post of Primary School Teacher was up-graded from BPS-07 to BPS-09 with effect from 26.10.2004 and later further up-graded from BPS-09 to BPS-12 with effect from 02.12.2012. The appellant was promoted to the



post of PSHT (BPS-14) vide Notification dated 22.10.2013, however, Sub-Divisional Education Officer (Female) Town-III, Peshawar recorded entry at page No. 19 of the service book of the appellant by placing her seniority at the bottom of seniority list of PSTs (BPS-12). Feeling aggrieved, the appellant filed departmental appeal on 29.01.2020, which was not responded, hence the appellant filed the instant service appeal on 11.06.2020 for redressal of her grievance on the ground that the impugned entry recorded at page No. 19 of her service book was illegal, illogical and arbitrary in nature as well as the impugned entry was made without any reason or government notification.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned but they failed to file written reply/comments despite being given them several opportunities, hence placed ex-parte vide order dated 23.05.2023.

3. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order (s).

4. We have heard the arguments of learned counsel for the appellants as well as learned Deputy District Attorney for the respondents and have perused the record.

5. A perusal of the record would reveal that vide order dated 16.10.2004, the appellant was appointed as Primary School Teacher (BPS-07) in District Mardan. The appellant was promoted from the post of PST (BPS-12) to the post of PSHT (BPS-14) vide Notification dated

Service Appeal No.7239/2020 titled "Mst. Aneela versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar and others", decided on 07.05.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

22.10.2013. The appellant was transferred from District Mardan to District Peshawar vide order dated 26.12.2013. The appellant has impugned the entry recorded in her service book at page No. 19, whereby she was placed at the bottom of seniority list of PSTs, however, neither order of any authority of any date has been challenged by the appellant through this appeal nor the same has been placed on file by either side. Moreover, there is no denying the fact that as per Inter District Posting/Transfer Policy of the Provincial Government, a person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre, therefore, on transfer of the appellant from District Mardan to District Peshawar, she was rightly placed at the bottom of the seniority list.

6. Consequently, the appeal in hand stands dismissed. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 07th day of May, 2024.*



KALIM ARSHAD KHAN
Chairman




MUHAMMAD AKBAR KHAN
Member (Executive)


Service Appeal No. 7239/2020 titled "Mst. Aneela Vs. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others".

ORDER

07th May, 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.
2. Vide our judgment of today placed on file, the appeal in hand stands dismissed. Costs shall follow the event. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 07th day of May, 2024.*


(Muhammad Akbar Khan)
Member (Executive)


(Kalim Arshad Khan)
Chairman