


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 440/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/03/2024	<p>The appeal of Mst. Shahmshad Bibi presented today by Mr. Khaled Mahmood Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 15.04.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE HONORABLE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWA

Service Appeal No. 440 /2024

Mst. Shamshad Bibi

Petitioner

VERSUS

Chief Secretary Khyber Pakhtukhwa Peshawar etc .

Respondents

APPLICATION FOR FIXATION OF ABOVE TITLED  
SERVICE APPEAL AT CAMP COURT DI KHAN.

Respectfully sheweth:

Counsel for appellant submits as under:-

1. That above titled service appeal is being filed before this Honorable Tribunal.
2. That appellant challenged the transfer order dated 05-12-2023 regarding the post of SDEO (Female) Pahar Pur District DI Khan.
3. That above titled appeal relates to DI Khan Jurisdiction.

It is therefore requested that above titled service appeal may be fixed at Camp Court DI Khan for hearing.

Yours Humble Appellant

Mst Shamshad Bibi

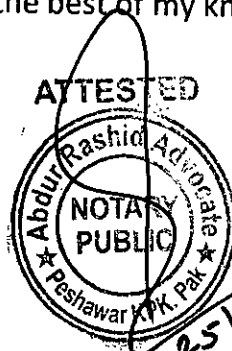
Through Counsel

Dated: 25/3/2024

Khalid Mahmood,  
Advocate High Court..

AFFIDAVIT

I, Khalid Mehmoood Advocate High Court Counsel for, the petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this CM are correct and true to the best of my knowledge.



Deponent

1261-8684087-1

25/3/2024

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

Service Appeal No. **440** /2024

Mst. Shamshad Bibi, Sub Divisional Education  
Officer (female) Tehsil Paharpur, District D.I.Khan,  
presently working as SDEO (Female) Ghani Khel, Lakki Marwat

Petitioner

VERSUS

1. Chief Secretary Khyber Pakhtukhwa Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.
3. Sonia Nawaz, SDEO(F) Tank, presently working as SDEO(F) Paharpur.

Respondents

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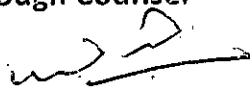
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Yours Humble Appellant

(Mist shamsad bibi)  
Through Counsel

Dated: 18/3/2024

  
Khalid Mahmood  
Advocate High Court  
Stationed at DIKhan  
03364330001

(1)

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

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Service Appeal No. 440 /2024

Mst. Shamshad Bibi, Sub Divisional Education  
Officer (female) Tehsil Paharpur, District D.I.Khan,  
Presently working as SDEO (Female) Ghani, Khel, Lakki Marwat

Petitioner

VERSUS

1. Chief Secretary Khyber Pakhtukhwa Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.
3. Sonia Nawaz, SDEO(F) Tank, presently working as SDEO(F) Paharpur.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT -1974 AGAINST THE NOTIFICATION  
NO.SO(MC)E&SED/4-16/2023/PT/ASDEOs DATED 05.12.2023, ISSUED BY  
RESPONDENT NO.2

PRAYERS

On acceptance of this service appeal, the official respondent may kindly be directed to cancel the impugned notification bearing No.SO(MC)E&SED/4-16/2023/PT/ASDEOs dated 05.12.2023, be declared as void ib-initio, without lawful authority, against the norms of natural justice and ineffective upon the rights of appellant and posting of appellant as SDEO(F) Paharpur may kindly be restored in the best interest of justice.

Respectfully Sheweth,

Concise Facts

1. That Appellant was posted as SDEO (F) Paharpur and Respondent No.1 after completing two years as SDEO(F) Paharpur was posted as SDEO(F) Tank vide notification dated 07.10.2021 (**Annexure-A**) and appellant was again transferred as SDEO(F) Tank and Respondent reposted as SDEO(F) Paharpur within three months vide notification dated 12.01.2022, (**Annexure-B**).
2. That against the Notification dated 12.01.2022, Appellant filed service Appeal No. 137 of 2022 before this Honourable Tribunal. On fixation of the case, the Honorable Tribunal suspended the Notification dated 12.01.2022 on 31.01.2022 and fixed for reply on 24.02.2022 (**Annexure-C**), but respondent did not complied the order of Honorable Tribunal and posted Mst. Samina Shehnaz as SDEO (F) Paharpur vide notification dated 21.12.2022 in place of Appellant and on 22.02.2022 withdrawn the said notification (**Annexure-D**).
3. That respondent implemented the order of Honorable Tribunal Dated 31.01.2022 on 22.02.2022 for just two days till 24.02.2022 (**Annexure-E**).
4. That after 24.2.2022 respondents violated the order dated 31.1.2022 and private respondent (Sonia Nawaz) continued to hold the office of SDEO Paharpur (**Annexure-F & F1**) and due to retirement of Honorable Chairman Service Tribunal, the Honorable Service Tribunal was dysfunctional, therefore aggrieved from act of respondents, petitioner filed CM petition No 195-D/2022 in Peshawar High Court Bench DIKhan and vide order dated 08.03.2023 of Honorable Court disposed of (**Annexure-G**).
5. That Appellant once again filed writ petition no 161-D/2022 before Honorable Peshawar High Court DIKhan Bench and vide order dated 15.03.2022 Honorable Court disposed of (**Annexure-H**) meaning by Appellant was not permitted to hold the post of SDEO(F) Paharpur by the respondents from 12.01.2022 to 17.03.2022 i.e. more than 2 months.
6. That after having heard the appellant counsel at great length vide judgment dated: 30.09.2022 passed by this Hon'ble Tribunal, the

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Notification dated 12.01.2022 was set-aside/ cancelled and thereby appeal of the Appellant was accepted (**Annexure-I**).

7. That in utter disregard of the Judgment, again posted the Appellant as OSD (report to directorate) vide notification dated 26.05.2023 (**Annexure-J**), aggrieved from this, Appellant filed execution petition no 493/2023 before the Honorable Tribunal and respondent cancelled the notification dated: 26.05.2023 vide notification dated 21.08.2023 (**Annexure K**) submitted before the Honorable Tribunal on 24.08.2023 (**Annexure-L**) i.e., after 3 months.
8. That during the performing of duties of Appellant, respondent No: 1 (Sonia Nawaz) was again transferred in place of Appellant vide impugned notification No: 05.12.2023 as alleged in compliance of judgment of Service Tribunal dated: 03.11.2023 in Service Appeal No: 1403/2023 titled "Noreen Saba & others VS Govt of KPK" (**Annexure-M**), however Sonia Nawaz has already been served as SDEO (F) Paharpur more than 2 years.
9. That in Appeal No.1403/2022, Sonia Nawaz was transferred from SDEO Tank to Directorate vide Notification dated 09.06.2022 (**Annexure-N**) and Noreen Saba SDEO (Female) was transferred from SDEO Kohistan to SDEO Tank vide Notification dated 10.06.2022, (**Annexure-N1**) the notification dated 09.06.2022 was withdrawn vide Notification dated 27.06.2022, in which Noreen Saba SDEO (Female) was posted as SDEO (Female) Hangu and Sonia Nawaz was retained as SDEO (Female) Tank (**Annexure-N2**). the Notification dated 27.06.2022 was challenged by Noreen Saba SDEO (Female) before the Honorable Service Tribunal vide Appeal No.1403/2022, titled Noreen Saba SDEO (Female) versus Sonia Nawaz & Others (**Annexure-N3**), in which she wants to post as SDEO (Female) Tank.
10. That in Appeal No.1441/2023, Sonia Nawaz SDEO (Female) was transferred from SDEO Tank to SDEO Paroa and subsequently Nighat Shaheen SDEO (Female) was posted from SDEO Paroa to SDEO Tank vide Notification dated 20.03.2023 (**Annexure-O**), same notification was withdrawn vide Notification dated 22.03.2023 (**Annexure-O1**). Notification dated 22.03.2023 was challenged by

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Sonia Nawaz before Honorable Service Tribunal vide Appeal No.1441/2023 titled Sonia Nawaz versus Nighat Shaheen & Others, (Annexure-O2) in which she wants to remain as SDEO (Female) Paroa.

**Note: That both appeals was disposed-off vide judgement dated 13.11.2023, in service appeal No.1403/2022 & 1401/2023 (Annexure-P). It is pertinent to mention here that in both service appeals No. 1441/2023 & 1403/2023 disputes was between the posts of SDEO (Female) Tank, SDEO (Female) Paroa & SDEO (Female) Hangu**

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11. That it is pertinent to mention here that in Service Appeal No: 1403/2022 and No.1441/2023 vide order dated: 13.11.2023 there was no direction about Appellant, however in Service Appeal No: 1403/ 2022 where Sonia Nawaz was respondent & connected Appeal No: 1442/2023, where Sonia Nawaz was Appellant and dispute was among three SDEO (F) i.e. Mst. Nighat Shaheen, Mst. Sonia Nawaz & Noreen Saba for the post of SEDO (F) Paroa, SDEO (F) Tank & SEDO (F) Hangu but respondent utter disregard of Judgment dated: 30.09.2022 displace the Appellant and posted the Sonia Nawaz as SDEO (F) Paharpur instead of Paroa and some other Sobia SDEO(F) DIKhan was posted as SDEO(F) Paroa.

12. **That the tenures of SDEOs in impugned Notification dated 05.12.2023 was:-**

- i. Nighat Shaheen SDEO (Female) remained as SDEO (Female) Paroa (2 years & 8 months) from 12.04.2021 to 05.12.2023 and presently posted as SDEO (Female) Tank.
- ii. Sonia Nawaz SDEO (Female) remained as SDEO (Tank) (01 year & 11 months) from 07.10.2021 to 12.01.2022 & April 2022 to 05.12.2023 & presently posted as SDEO (Female) Paharpur, which also previously spent more than two years as SDEO (Female) Paharpur, DIKhan.



- iii. **Noreen Saba SDEO (Female)** remained as SDEO (Female) Hangu (01 year & 05 months) from 27.06.2022 to 05.12.2023 & presently posted as SDEO (Female) Jandola.
- iv. **Sobia Tabassum SDEO (Female)** remained as SDEO (Female) DIKhan (02 years & 05 months) from 14.07.2021 to 05.12.2023 & presently posted as SDEO (Female) Paroa DIKhan.
- v. **Samina Shahnaz SDEO (Female)** remained as SDEO (Female) Jandola (11 months) from after 30.09.2022 to 26.05.2023 & 21.08.2023 to 05.12.2023, & presently posted as SDEO (Female) DIKhan.
- vi. **Shamshad Bibi SDEO (Female) (Petitioner)** remained as SDEO (Female) Paharpur (01 year & 08 months) from 07.10.2021 to 12.01.2022, 01.04.2022 to 26.05.2023 & 21.08.2023 to 05.12.2023, & presently posted as SDEO (Female) Ghaznikhel Lakki Marwat.

Although the longer tenure at District DIKhan as under:-

- 1. Nighat Shaheen SDEO (Female) 2 years & 08 months.
- 2. Sobia Tabassum SDEO (Female) 02 years & 5 months.
- 3. Shamshad Bibi SDEO (Female) 01 year & 08 months.

- 13. That thereafter the appellant submitted Department appeal/ representation on 09.12.2023, through postal service vide No.RGL-117395986. (Annexure-Q&Q1).
- 14. That as the representation filed by the appellant have not been rejected/ accepted and remain undecided, the appellant approached to this Honorable Tribunal for redressal of her grievances, inter alia on the following grounds.

**GROUND S**

- a. That this Honorable Tribunal never directed to issue the impugned order and thus the respondents misinterpreted the order of this Honorable Tribunal dated 13.11.2023 and on this sole ground the impugned order may kindly be set-aside.

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b. That the Judgment dated 30.09.2022 in the subject service Appeal is self-contained wherein was specifically stated that "As a sequel to the above the service appeal is allowed with the direction to the respondent department to allow the appellant to continue on her present station of posting till completion of her normal tenure. The appeal is accepted in above terms." but direction of this Hon'ble Tribunal has not yet been fully and wholly implemented.

c. That the judgment dated 30.09.2022 in the main service appeal of this Tribunal is self-explanatory, simple and clear and it did not require any further interpretation. But respondents tactfully, illegally and unlawfully twisted the same on technical grounds to smash the essence of judgment in order to sabotage the rights of petitioner. As, Quoties in verbis nulla est ambiguitas, ibi nulla expositione contra verba fienda est which means "so long as there is no ambiguity in the words, there should be no interpretation contrary to the words" therefore, respondents have no lawful authority to go beyond the specific verdict of the ibid judgment.

d. That the successive transfers of the petitioner to various stations within a span of one and half year are against the posting/transfer policy of the Provincial Government, which indicated that a Government servant should not be transferred, in ordinary circumstances, prior to completion of a period of three years at one place of posting. In this backdrop, the wisdom may also be derived from the judgment of Hon'ble Supreme Court 2011 P L C (C.S.) 935(Supreme Court of Pakistan), whereby it is held that;-

----- S. 30 (3) ---- Constitution of Pakistan Art.212(3)-

-Successive Transfer -- Respondent was patwari who was transferred to three stations within a span of eight month--- Service Tribunal accepted appeal filed by respondent patwari and set aside his transfer orders --- Validity --- Successive transfer of respondent to three stations within a span of eight months, were against posting/transfer policy of

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Provincial Government, which indicated that a government servant should not be transferred in ordinary circumstances, prior to completion of a period of three years at one place of posting --- Transfer order of respondent was passed during ban period, prematurely under political influence, as copy of the same was sent to private secretary to Provincial Minister for Revenue --- Tenure of posting of and officer or official of Government to a District Government was provided in S.30(3) of North-West Frontier Province Local Government Ordinance, 2001, as three years but any officer could be transferred earlier due to exigency of service or in public interest to an individual grievance and no substantial question of law of public importance was involved warrant interference by Supreme Court under Art.212 (3) of the Constitution--- Supreme Court did not find any illegality or infirmity in the Judgment passed by Service Tribunal so as to justify interference by Supreme Court under Art.221(3) of the Constitution---Petition was dismissed.

- 3/
- e. That it is imperative to highlight that the respondents, in sheer violation of Rules and policy in vogue by the Government of Khyber Pakhtunkhwa, have posted the respondent No: 8 to Tehsil Paharpur DIKhan who were not obliged to do so for the reason the petitioner has not completed the normal tenure of service at the incumbent position. In fact, the petitioner has no political legs to stand upon to make her transfer and posting according to her wish and whims, that's why, exploited at the hands of respondent despite having decision in her favour.
- f. That it is pertinent to mention here that the respondent have used this Honorable Tribunal for their own wish and whim, because there was no any direction in order dated: 13.11.2023 in Service Appeal No: 1403/2022 regarding petitioner and nor

was petitioner disputed in Service Appeal No: 1403/2022 as well as 1441/2023.

- g. That the impugned transfer order issued by the respondent is illegal unlawful and against the natural justice as well as violation of fundamental rights, therefore, the impugned transfer order is liable to be set-aside.
- h. That Counsel of the petitioner may please be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that on acceptance this appeal, the official respondents may kindly be directed to cancel the impugned transfer order bearing endst.\_NO.SO(MC)E&SED/4-16/2023/PT/ASDEOs DATED 05.12.2023, issued by respondent no.2 be declared as void ab-initio without lawful authority, against the norms of natural justice and ineffective upon the rights of appellant.

Yours humble Appellant  
Through Counsel

Khalid Mahmood  
Advocate High Court  
D.I.Khan

Dated: 18/3/2024

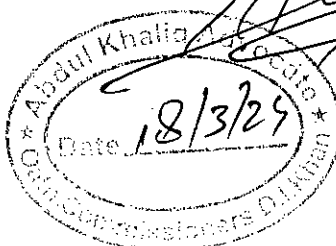
**AFFIDAVIT**

I, **Mst Shamshad Bibi**, Sub Divisional Education Officer (female), Education Department, D.I.Khan, the petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this **Service Appeal** are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above petition is false and nothing material has been deliberately concealed.

Dated:

Identified by Counsel:

Khalid Mahmood AHC



Deponent

12101-4389262-8

(9)

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

---

Service Appeal No. /2024

**Mst. Shamshad Bibi, Sub Divisional Education  
Officer (female) Tehsil Paharpur, District D.I.Khan,  
presently working as SDEO (Female) Ghani Khel, Lakki Marwat**

Petitioner

VERSUS

1. Chief Secretary Khyber Pakhtukhwa Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secretary Education Department, Peshawar.
3. Sonia Nawaz, SDEO(F) Tank, presently working as SDEO(F) Paharpur.

Respondents

APPLICATION WITH THE REQUEST TO SUSPEND THE OPERATION OF  
IMPUGNED NOTIFICATION DATED 05.12.2023 TO THE EXTENT OF SONIA  
NAWAZ SDEO, WHEREBY, THE RESPONDENT NO: 1 (SONIA NAWAZ) WAS  
POSTED AS SDEO (FEMALE) TEHSIL PAHARPUR TILL DECISION OF THE  
INSTANT SERVICE APPEAL.

Respectfully Sheweth,

1. That above titled service appeal is being filed before this Tribunal and the grounds of same may please be considered as an integral part of the subject CM.
2. That this Honorable Tribunal never directed to issue the impugned order and thus the respondents misinterpreted the order of this Honorable Tribunal dated 13.11.2023 and on this sole ground the impugned order may kindly be set-aside.
3. That the Appellant has not yet completed her ordinary tenure of the service and posting of respondent No: 1 (Sonia Nawaz) through impugned Notification is based on malafide and is due to the political

victimization, and also there are no compelling circumstances for the impugned posting of respondent before completion of ordinary tenure of Appellant rather the respondents in defiance of the judgment of this Tribunal, issued the said Notification.

4. That posting of respondent No.1 to the Tehsil Paharpur District DIKhan is the outcome of political influence and the same was only to oblige the political figures of the area. Appellant is having no political backing that's why he is victimize at the hands of respondent. Thus, grant of interim relief as prayed for would be in the best interest of justice. It is, therefore, humbly prayed that on acceptance of the present CM for suspension of impugned Notification as prayed for, the respondent may please be directed to suspend the operation of impugned Notification dated: 05.12.2023 to extent of Sonia Nawaz, till decision of the subject Service Appeal, and in the meanwhile, may please be ordered to be maintained.

Yours Humble Appellant

  
Mst Shamshad Bibi

Through Counsel

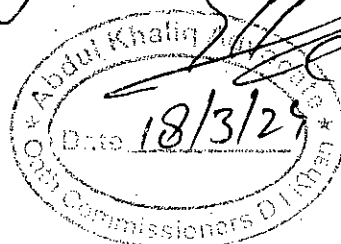
Dated: 18/3/2024

  
Khalid Mahmood,  
Advocate High Court.

### AFFIDAVIT

I, Mst Shamshad Bibi, Sub Divisional Education Officer (female), Education Department, D.I.Khan, the petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this CM are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above petition is false and nothing material has been deliberately concealed.

Identified by Counsel:  
Khalid Mahmood,  
Advocate High Court



Deponent

12101-4389262-8



GOVERNMENT  
ELEMENTARY AND  
BLOCK-"A" OPPOSITE



KHYBER PAKHTUNKHWA  
EDUCATION DEPARTMENT  
Civil Secretariat Peshawar

Dated Peshawar the, October 07<sup>th</sup>, 2021

**NOTIFICATION**

No. SO(S/F) E&SED/4-16/2021/POSTING/TRANSFERS/MC: The Competent authority in compliance with the decision of the Provincial Cabinet, is pleased to order the posting/transfers of the following Sub Divisional Education Officers (SDEOs BS-17) of the Elementary & Education Department, Khyber Pakhtunkhwa, in the public interest, with immediate effects:-

Sr. No	Name & designation	From	To
1.	Mst. Shahida Parveen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Peshawar Town-IV vice No-15.	Sub Divisional Education Officer (Female) Tangi Charsadda
2.	Mst. Zeenat Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Tangi Charsadda	Sub Divisional Education Officer (Female) Town-I Peshawar
3.	Mst. Maryam Rashid SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Town-I Peshawar	Sub Divisional Education Officer (Female) Jehangira Nowshera
4.	Mst. Syeda Nasra Azam SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Jehangira Nowshera	Sub Divisional Education Officer (Female) Lower Tanawal Abbottabad
5.	Mst. Naila Naz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Swabi	Sub Divisional Education Officer (Female) Chitral Lower
6.	Mst. Munirah Jamil SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Chitral Lower	Sub Divisional Education Officer (Female) Torkhow Mulkiow Chitral Upper
7.	Mst. Aifa Dabi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Torkhow Mulkiow Chitral Upper	Sub Divisional Education Officer (Female) Soa Kohistan Upper AVP
8.	Mst. Nancy Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Topi Swabi	Sub Divisional Education Officer (Female) Haripur
9.	Mst. Surilya Taj SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Haripur	Sub Divisional Education Officer (Female) Pabbi Nowshera
10.	Mst. Nazia Anjum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Pabbi Nowshera	Sub Divisional Education Officer (Female) Dalakot Manshera
11.	Mst. Aduola Rani SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Dalakot Manshera	Sub Divisional Education Officer (Female) Ghazi Haripur
12.	Mst. Sanees Bano SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Ghazi Haripur	Sub Divisional Education Officer (Female) Darband Manshera
13.	Mst. Sajida Sakhi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Darband Manshera	Sub Divisional Education Officer (Female) Pattan Kohistan Lower AVP
14.	Mst. Fozia Parveen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Sorai Naurang Lakki Marwat	Sub Divisional Education Officer (Female) Takhli Nusrati Karak

*Handwritten notes and signatures on the left margin.*

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 071-9223384

Handwritten marks and scribbles in the top right corner.

15.	Mst. Shahnaz Begum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Takhti Nusrati Karak	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.
16.	Mst. Bibi Anifa SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Mansehra	Sub Divisional Education Officer (Female) Serai Naurang Lakki Marwat.
17.	Mst. Mehar Sani SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Gaggra Buner.	Sub Divisional Education Officer (Female) Havellian Abbottabad.
18.	Mst. Farhat Yasmeen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Karak	Sub Divisional Education Officer (Female) Takhti Nusrati Karak.
19.	Mst. Bibi Aysha Naz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lower Tanawal Abbottabad.	Sub Divisional Education Officer (Female) Karak
20.	Mst. Malak Taja SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Mardan.	Sub Divisional Education Officer (Female) Adezai Dir Lower.
21.	Mst. Shabnam Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Adezai Dir Lower.	Sub Divisional Education Officer (Female) Timgara Dir Lower.
22.	Mst. Shaheen Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Battagram	Sub Divisional Education Officer (Female) Kalkot Dir Upper AVP.
23.	Mst. Shamshad Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Tank	Sub Divisional Education Officer (Female) Pharpur Di Khan
24.	Mst. Sonia Nawaz SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Pharpur Di Khan	Sub Divisional Education Officer (Female) Tank
25.	Mst. Naheed Fazal SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Abbottabad.	Sub Divisional Education Officer (Female) Sheringale Dir Upper AVP.
26.	Mst. Anisa Jamshed SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lora Abbottabad.	Sub Divisional Education Officer (Female) Kumbhar Dir Lower.
27.	Mst. Nageena Bibi SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Havellian Abbottabad.	Sub Divisional Education Officer (Female) Kundai Kohistan Upper AVP.
28.	Mst. Zahida Khanum SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Lakki Marwat.	Sub Divisional Education Officer (Female) Alal, Battagram AVP.
29.	Mst. Nazma Shaheen SDEO (Female BS-17)	Sub Divisional Education Officer (Female) Khanpur Haripur	Sub Divisional Education Officer (Female) Barawal Dir Upper AVP.
30.	Mst. Sobia Tabassum (MC BS-17)	Sub Divisional Education Officer (Female) Di Khan	Sub Divisional Education Officer (Female) Domel Bannu.
31.	Mst. Farhat Yasmeen (MC BS-17)	Sub Divisional Education Officer (Female) Domel Bannu.	Sub Divisional Education Officer (Female) Di Khan.
32.	Mst. Rizwana Pari (MC BS-17)	Sub Divisional Education Officer (Female) Khadu Khol Buner	Sub Divisional Education Officer (Female) Karak

Handwritten notes and signatures on the left side of the page, including the name 'Mst. Anifa' and other illegible scribbles.

ATTESTED

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan





**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**  
**Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar**  
 Phone No. 091-9223588

13

33.	Mst. Shagufta Noreen (MC BS-17)	Assistant Director, Directorate of E&SE KP	Sub Divisional Education Officer (Female) Garhi Kapoora, Mardan AVP.
34.	Mst. Naseem Bukhari (MC BS-17)	Waiting for posting in Directorate of E&SE KP	Sub Divisional Education Officer (Female) Khyber AVP.
35.	Mst. Azra Afridi, ASDO (BS16)	Assistant Sub-Divisional Education Officer (Female) Daggar Buner	Sub Divisional Education Officer (Female) Dagga Buner in OPS.
36.	Mst. Salma ASDEO (BS-16)	Assistant Sub-Divisional Education Officer (Female) Balkhela	Sub Divisional Education Officer (Female) Thana Baizai Malakand in OPS.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA**  
**E&SE DEPARTMENT**

Endst: of Even No & date

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department with the request to upload the posting/transfer notification on the official website of the department.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Master file.

Attested

**ATTESTED**

**KHALID MEHMOOD**  
 Advocate High Court  
 Stationed at D.I.Khan

*(Signature)*  
 (HAFEEZ UR REHMAN SHAH)  
 SECTION OFFICER (SCHOOLS FEMALE)

**ATTESTED**

**KHALID MEHMOOD**  
 Advocate High Court  
 Stationed at D.I.Khan

2022  
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GOVERNMENT OF KHYBER  
ELEMENTARY AND SECONDARY ED  
Block "A" Opposite MPA's Hostel, C

KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT  
Peshawar

Dated Peshawar the January 12<sup>th</sup> 2022

**NOTIFICATION**

**NO: SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC:** The Competent Authority  
pleased to order the posting/transfer of the following Management Cadre  
Officers of Elementary & Secondary Education, Khyber Pakhtunkhwa with  
immediate effect, in the public interest: -

Sr. No	Name & designation	From	To
1	Mst. Shamsbad Bibi (MC BS-17)	SDEO (Female) Pharpur DI Khan	SDEO (Female) Tank (Vice No-2)
2	Mst. Sonia Nawaz (MC BS-17)	SDEO (Female) Tank	SDEO (Female) Pharpur DI.Khan (Vice No-1)

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Under No. & date:

Copy forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) DI Khan and Tank.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers DI Khan and Tank.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officers concerned
8. Master file.

(HAFEEZ-UR-REHMAN SHAH)  
SECTION OFFICER (Management Cadre)

ATTESTED

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan


31.01.2022

33  
Counsel for the appellant is present. Preliminary arguments have been heard.




Learned counsel for the appellant contends that after completion of two years tenure as SDEO (F) Tank, vide notification dated 07.10.2021, she was transferred to SDEO (F) Paharpur D.I.Khan. Just after three months, she was again transferred to the post of SDEO(F) Tank and private respondent No. 8 was transferred against the post of appellant, vide impugned notification dated 12.01.2022. Learned counsel further contends that the impugned Notification is premature and against the posting/transfer policy of the Provincial Government. He further contends that the husband of appellant is serving in Elementary & Secondary Education Department as CT Teacher at District D.I.Khan, hence the impugned order is also against the Spouse Policy of the Government. Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 24.02.2022 at Camp Court D.I.Khan.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Alongwith the appeal, the appellant has also submitted an application for suspension of the operation of impugned Notification dated 12.01.2022. Notice of application be given to the respondents for the date fixed. The operation of impugned Notification dated 12.01.2022 is suspended till date fixed.

ATTESTED

  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

  
Chairman


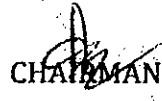

(16)

Form-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 137/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/01/2022	<p>The appeal of Mst. Shamshad Bibi presented today by Mr. Khaled Mehmood Sagar 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-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on _____.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;"> <b>ATTESTED</b>        Date of Presentation of Application <u>31-01-2022</u>        Number of Pages <u>1200</u>        Number of Exhibits <u>16</u>        Number of Affidavits <u>4</u>        Number of Witnesses <u>20</u>        Name of Counselor <u>SA</u>        Date of Issuance of Copy <u>31-01-2022</u>        Date of Delivery of Copy <u>31-01-2022</u> </p> <p style="text-align: center;"> <b>ATTESTED</b>    <b>KHALID MEHMOOD</b>        Advocate High Court        Station _____     </p>



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone No. 091-9231588

Dated Peshawar the February 22<sup>nd</sup>, 2022

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC:**

This Department's Notification of even number dated 21-02-2022 regarding posting/transfer of Mst. Shamshad Bibi (MC BS-17) and Mst. Samina Shahnaz (MC BS-17) from SDEO (Female) Tank, Munda Dir Lower is hereby withdrawn *ab-initio*.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

**Endst: of even No.& date:**

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) Dir Lower, Tank and South Waziristan.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers Dir Lower, Tank and South Waziristan.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Master file.

*Junaid Shah* 22/2/22

(JUNAID SHAH)

SECTION OFFICER (Management Cadre)

*Khalid Mehmood*  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

ATTESTED

*Khalid Mehmood*  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

THE SUBSTITUTED WITH THE NOTIFICATION I

THE SAME NUMBER AND DATE



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
(Phone No: 091-923333)

AKK  
**E**  
**18**

Dated Peshawar the February 22<sup>nd</sup>, 2022

**NOTIFICATION**

**NO. SO(MC)E&SE/4/16/POSTING/TRANSFER/MC:** This Department's Notification of even number dated 12-01-2022 regarding posting/transfer of Mst. Sharnshad Bibi (MC BS-17) and Mst. Sonia Nawaz (MC BS-17) from the post of SDEO (Female) Pharpur DI Khan and SDEO (Female) Tank is hereby suspended in light of the Khyber Pakhtunkhwa Service Tribunal Order sheet dated 31-01-2022 in Service Appeal No. 137/2022 till date fixed (24-02-2022).

**SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA**  
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers (Female) DI Khan and Tank.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. District Accounts Officers DI Khan and Tank.
7. Section Officer (Litigation-II) E&SE Department with the direction to pursue the case in KP Service Tribunal Peshawar till final decision.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Master file.

*[Handwritten signature]*  
24/2

*[Handwritten signature]*  
24/2/22  
**(JUNAID SHAH)**  
SECTION OFFICER (Management Cadre)

**ATTESTED**

*[Handwritten signature]*  
**HALID MEHMOOD**  
Advocate High Court  
Stationed at D.I. Khan

**ATTESTED**

*[Handwritten signature]*  
**HALID MEHMOOD**  
Advocate High Court  
Stationed at D.I. Khan



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) D.I.KHAN

Ph: 0966-9280133, emisfdikhan@gmail.com

AM4:-(F)

19

No. \_\_\_\_\_

Dated D.I.Khan the 14/02/2022

To

Mst. Sonia Nawaz  
SDEO (F) Paharpur

Subject:

SUSPENSION OF TRANSFER ORDER DATED 12-01-2022 IN SERVICE  
APPEAL No. 1372022 BEFORE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA

Memo:

With reference to court order passed on 31-01-2022 on the above cited subject.

Mst. Shamshad Begum filed a petition against her transfer order and the Honorable Service Tribunal suspended her transfer order, but you have not compliance the said court order. Now this office received a notice from Ahmad Ali (Advocate Supreme Court) on behalf of Mst. Shamshad Begum for contempt petition against Govt. of Khyber Pakhtunkhwa.

The undersigned being a competent authority is hereby relieved of from your duty as the court suspend your order. You are hereby directed to hand over the charge to Mst. Shamshad Begum immediately with Govt. vehicle under intimation to this office.

DISTRICT EDUCATION OFFICER  
(FEMALE) D.I.KHAN

Ends No. 1436-40

Copy to the:

1. Secretary to Govt. of Khyber Pakhtunkhwa Peshawar Elementary & Secondary Education Peshawar.
2. District Accounts Officer D.I.Khan
3. District Monitoring Officer (EMA) D.I.Khan
4. District Education Officer (Female) Tank
5. Mst. Shamshad Begum, Petitioner.

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

DISTRICT EDUCATION OFFICER  
(FEMALE) D.I.KHAN

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

Shamshed bly  
Govt UPK

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**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (F) TANK**

Telephone Nos. 011-510280  
Fax No. 011-510280  
E-mail: [deod@kpk.gov.pk](mailto:deod@kpk.gov.pk)  
Website: [www.kpk.gov.pk](http://www.kpk.gov.pk)

No. 1752

Dated Tank the 11/03/2022

To  
The Sonia Nawaz (Respondent no. 8)  
Sub-Divisional Education Officer  
(Female) Tank

Subject: **ENSURE YOUR ATTENDANCE AT YOUR DUTY STATION**

Memorandum  
It is to inform you that you have left the station without providing any legal/ official documents to the undersigned which show your inefficiency in your services due to which the numerous official works are being suffered/ interrupted.

You are therefore, directed to ensure your attendance on your duty station. In case of failure, strict disciplinary action will be initiated as per Govt rules.

District Education Officer  
(Female) Tank

Endst: No. 1753-59

Copy to the:-

1. PS to Secretary E&SE Govt of Khyber Pakhtunkhwa Peshawar
2. PA to Director E&SE Khyber Pakhtunkhwa Peshawar
3. Deputy Commissioner Tank for necessary action please
4. Deputy Directress (Female) E&SE Khyber Pakhtunkhwa Peshawar
5. Deputy Directress (Estab) E&SE Khyber Pakhtunkhwa Peshawar
6. District Education Officer (Female) Dera Ismail Khan
7. Office File

ATTESTED

*[Signature]*  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

ATTESTED

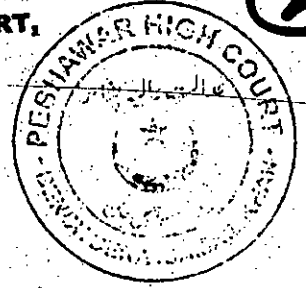
*[Signature]*  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

*[Signature]*  
District Education Officer  
(Female) Tank



Amr: (G) 21

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
D.I.KHAN BENCH**



Civil. Misc. No. 195 /2022 in  
Service Appeal No. 137 of 2022  
[pending in Service Tribunal]

Mst. Shamsad Bibi, SDEO (Female) Paharpur, Education  
Department, D.I.Khan.

Petitioner

Filed today 10/5/22

Advt. Registrar  
02/3/22

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, to Government of Khyber Pakhtunkhwa Elementary & Secondary education Department, Peshawar
3. Secretary, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
4. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (Female), D.I.Khan.
6. District Education Officer (Female) Tank.
7. District Account Officer, D.I.Khan.
8. Mst. Sonia Nawaz, SDEO, (Female), Tank

Respondents

*Address of the parties are suffice as state above  
for the purpose of service.*

*Yours humble Petitioner  
Through Counsel*

Ahmad Ali  
Advocate Supreme Court

ATTESTED

EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

11/03/2022

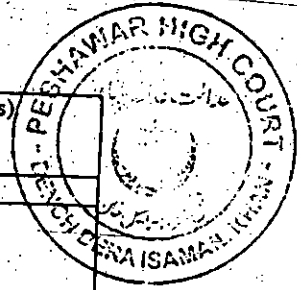
CM NO.195-2022

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

**PESHAWAR HIGH COURT, D.I.KHAN BENCH**

**FORM OF ORDER SHEET**



Date of Order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
08.3.2022	<p><u>C.M No. 195-D/2022</u></p> <p><b>Present:</b> Mr. Ahmad Ali Khan, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p><b>MUHAMMAD FAHEEM WALLI J.-</b> Through the instant Civil Misc No. 195-D/2022, the petitioner seeks that the charge assumption report submitted by Ms. Sonia Nawaz for the post of SDEO (female) Paharpur, D.I.Khan which was accepted by District Education Officer, (Female), D.I.Khan vide letter dated 01.3.2022 and thereby handing over relevant documents and vehicle vide letter dated 04.3.2022 may kindly be suspended.</p> <p>2. Heard. Record perused.</p> <p>3. On perusal of the record, it transpires that Service Appeal No. 137 of 2022 is pending before Service Tribunal Khyber Pakhtunkhwa Peshawar and in this regard, petitioner annexed copies of appeal alongwith its enclosures with this petition. During the course of arguments, learned counsel for the petitioner mainly stressed that due to retirement of Chairman, Service Tribunal, Khyber Pakhtunkhwa Peshawar, the Service Tribunal has become dis-functional, therefore, need was felt to file instant C:M before this Court having no other efficacious remedy. True, the Service Tribunal Khyber</p>

*[Handwritten mark]*

ATTESTED

EXAMINOR

Peshawar High Court Bench, Dera Ismail Khan

11/03/2022

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

~~1/6~~

23

Pakhtunkhwa Peshawar is not performing functions due to retirement of its Chairman, but this Court cannot assume the powers of Service Tribunal while invoking its original jurisdiction and since the petitioner/applicant has already filed her service appeal before the Service Tribunal and got interim relief therein which has reportedly been violated by the concerned department, taking benefits of the Tribunal being disfunctional. There are certain other remedies available for enforcement of the order of the Tribunal without seeking the interference of this Court and the petitioner may do so, if he so advised.

4. In view of above, this petition (C.M) is disposed of accordingly.

Announced  
Dt: 08.3.2022

*M. Faheem*  
JUDGE

ATTESTED

EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

11/02/2022

(S.B)

Hon'ble Mr. Justice Muhammad Faheem Wali

Hasnain\*

*Office  
1/6*

ATTESTED

*Khalid Mehmood*

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

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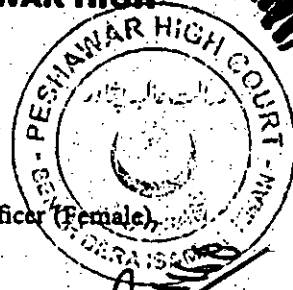
(H)

(24)

**BEFORE THE HONOURABLE THE PESHAWAR HIGH COURT, D.I.KHAN BENCH**

W.P.No. 161 - D/2022

Mst. Shamshad Bibi, Sub-Divisional Education Officer (Female),  
Tehsil Paharpur, Dera Ismail Khan.



(Petitioner)

Filed today  
Abul Registrar

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, to Government of Khyber Pakhtunkhwa Elementary & Secondary education Department, Peshawar
3. Secretary, Elementary & Secondary education Department, Khyber Pakhtunkhwa, Peshawar.
4. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (Female), D.I.Khan.
6. District Education Officer (Female) Tank.
7. District Account Officer, D.I.Khan.
8. Mst. Sonia Nawaz, SDEO, (Female), Tank

(Respondents)

ATTESTED

EXAMINOR

Peshawar High Court Bench,  
Dera Ismail Khan.

16/03/2022

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

WP No.161-D of 2022 (Grounds)

25

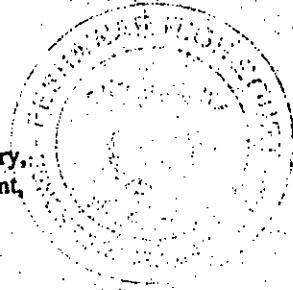
**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH**  
(Judicial Department)

Writ Petition No.161-D of 2022 with  
C.M.Nos.215 & 216-D of 2022

Mst. Shamshad Bibi

Versus

Govt: of Khyber Pakhtunkhwa through Secretary,  
Elementary & Secondary Education Department,  
Peshawar and others



**JUDGMENT**

For petitioner: Mr. Ahmad Ali Khan, Advocate.

For respondents: Mr. Adnan Ali, Asstt: A.G and Wilayat Ali  
Khan Gandapur, Advocate.

Date of hearing 15.3.2022

IJAZ ANWAR, J.- Same judgment as in W.P.No.160-D of 2022  
(Muhammad Iqbal. Vs: Govt: of Khyber Pakhtunkhwa through  
Chief Secretary, Khyber Pakhtunkhwa and others).

Announced  
Dt: 15.3.2022  
Habib

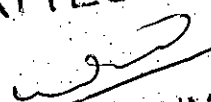
17/03

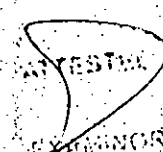
24  
JUDGE

  
JUDGE

(DB)  
Hon'ble Mr. Justice Ijaz Anwar  
Hon'ble Mr. Justice Muhammad Faheem Wali

**ATTESTED**

  
**KHALID MEHMOOD**  
Advocate High Court  
Stationed at D.I.Khan

  
Peshawar High Court Bench,  
D.I. Khan

18/03/2022

26

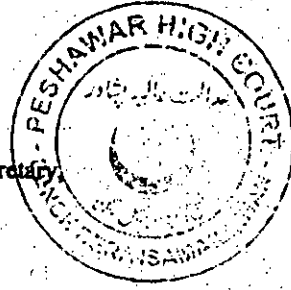
**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH**  
(Judicial Department)

Writ Petition No.160-D of 2022 with  
C.M.Nos.213 & 214-D of 2022

Mahmood Iqbal

*Versus*

Govt. of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa and others



**JUDGMENT**

For petitioner: Mr. Ahmad Ali Khan, Advocate.  
For respondents: Mr. Adnan Ali, Asstt. A.G and Malik  
Hidayatullah Malana, Advocate.  
Date of hearing: 15.3.2022

IJAZ ANWAR, J.- Through this single judgment, we intend to dispose of instant W.P.No.160-D of 2022 and connected Writ Petitions No.161-D of 2022 and 162-D of 2022 as identical question is involved in all the three petitions.

2. The facts forming the background of the instant petitions are that petitioners in all the three petitions had earlier filed Service Appeals against their transfer orders before the Honourable Khyber Pakhtunkhwa Service Tribunal, Peshawar and as an interim relief, the orders issued vide Notifications dated 03.01.2022, 04.01.2022 and 12.01.2022 were suspended till 24.02.2022, however in view of the retirement of the incumbent Chairman, the Khyber Pakhtunkhwa Service Tribunal, Peshawar became non-functional and as such the respondents are again bent upon relieving the petitioners.

3. Both the parties heard at length.

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

ATTESTED

EXAMINER  
Peshawar High Court Bench  
D.I. Khan

18/03/2022

27

4. We are of the view that since the impugned orders of transfer have already been impugned before the Khyber Pakhtunkhwa Service Tribunal, Peshawar, as such, any discussion on merits of the case would prejudice the case of either party. However, in view of the judgment of august Supreme Court of Pakistan in the case of Raja Talat Mahmood, Vs. Ismat Ehtishamul Haq (NLR 2000 Civil 4) since the stay orders have not been specifically vacated but in view of the vacancy of the Chairman of the Tribunal the same have not been extended, as such, unless specifically vacated, the interim orders dated 31.01.2022 granted by the Khyber Pakhtunkhwa Service Tribunal, Peshawar shall remain in field.

5. With regard to objection pertaining to the bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, suffice it to say that it shall not be applicable to the case in hand in view of the fact that presently the Tribunal is not functional and the petitioners cannot be left remediless.

6. With the above clarification, all the three petitions stand disposed of.

Announced  
DI: 15.3.2022.  
Habib

17/03

JUDGE  
JUDGE

(DB)  
Hon'ble Mr. Justice Ijaz Anwar  
Hon'ble Mr. Justice Muhammad Faeem Wali

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

ATTESTED

Khyber Pakhtunkhwa High Court Peshawar

18/03/2022

Amex: ~~(S)~~

Amex ~~(I)~~ 28



Service Appeal No.137/2022 titled "Shamshad Bibi-vs-Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar and others" decided on 30.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Salah-Ud-Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Dera Ismail Khan.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR CAMP COURT D.I.KHAN.**

SCANNED  
KPST  
Peshawar

BEFORE: KALIM ARSHAD KHAN --- CHAIRMAN  
SALAH UD DIN --- MEMBER(J)

Service Appeal No.137/2022

Mst. Shamshad Bibi, SDO (Female) Paharpur, Education Department, D.I.Khan.

.....(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Chief Secretary, to government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.
3. Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
4. Director Education, Department (E&SE) Khyber Pakhtunkhwa Peshawar.
5. District Education Officer (Female), Dera Ismail Khan.
6. District Education Officer (Female), Tank.
7. District Account Officer, D.I.Khan.
8. Mst. Sonia Nawaz, SDO, (Female), Tank.

.....(Respondents)

Present:

Mr. Ahmad Ali,  
Advocate.....For appellant.

Mr. Muhammad Azeel Butt,  
Additional Advocate General.....For official respondents.

Mr. Noman Ali Bukhari,  
Advocate.....For private respondent No.8

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

Date of Institution.....	31.01.2022
Date of Hearing.....	30.09.2022
Date of Decision.....	30.09.2022

ATTESTED

*(Signature)*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED AGAINST THE IMPUGNED NOTIFICATION BEARING NO. SO (MC)/E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 12.01.2022 WHEREBY THE APPELLANT WAS

*(Signature)*



29

Service Appeal No.137/2022 filed "Shamshad Bibi vs Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar and others", decided on 30.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Sabir Uddin, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Dara Isro Khan.

TRANSFERRED TO DISTRICT TANK WHEREAS RESPONDENT NO.8 ON THE BASIS OF FAVORITISM, WAS BROUGHT TO PAHARPUR, D.I.KHAN IN VIOLATION OF LAW, RULES AND POLICY IN VOGUE BY THE PROVINCIAL GOVERNMENT.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Facts, to the extent necessary, are that the appellant is serving as Sub-Divisional Education Officer (SDEO) (Female) in the Education Department, Khyber Pakhtunkhwa and previously, she was posted as such at Munda, District Dir Lower vide notification dated 21.02.2019; that vide notification dated 09.08.2019, the petitioner was transferred from the post of SDEO(F) Munda Dir Lower to the post of SDEO(F) Tank; that thereafter on 07.10.2021, the appellant was transferred from the post of SDEO(F) Tank to the post of SDEO(F) Paharpur, District D.I.Khan; that, just after three months of transfer of the appellant to Paharpur, D.I.Khan, the respondents issued another impugned transfer notification dated 12.01.2022, vide which the appellant was transferred back to District Tank whereas private respondent No.8 was transferred in her place at Paharpur District D.I.Khan; that the appellant felt herself aggrieved from the order dated 12.01.2022 and filed departmental appeal, which was not responded and the appellant then filed this appeal in this Tribunal.

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing reply/comments mainly on the grounds that under section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, every civil servant was able to serve anywhere within or outside the province; that the

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ATTESTED  
*[Signature]*  
Secretary  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*Service Appeal No 137/2022 titled "Shamshad Bibi vs Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar and others", decided on 31.09.2023 by Division Bench comprising Kollin Arshad Khan, Chairman, and Sa'ad-Ud-Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Dera Ismail Khan.*

impugned order was acted upon, therefore, the appeal had rendered infructuous; that the private respondent No.8 was posted back to Paharpur on acceptance of her representation and totally on humanitarian grounds. The defence setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant, learned Additional Advocate General for official the respondents and counsel for private respondent No.8.

04. Learned counsel for the appellant argued that the appellant was transferred back to the District Tank and consequent thereof respondent No.8, on the basis of favoritism, was brought back to the Paharpur D.J.Khan is against the law, rules and regulations framed there-under, thus is not maintainable and is liable to be declared void ab-initio. Learned counsel further argued that the impugned transfer order is pre-mature and against the posting/transfer policy of the Provincial Government. He contended that the impugned order is based on malafide and is due to the political victimization. At the end he requested that the impugned order is set aside the appellant might be allowed to complete her normal tenure as per policy.

05. Learned Additional Advocate General contradicted the arguments of learned counsel for the appellant and raised preliminary objection on the maintainability of the service appeal under Section- of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. He further stated that as per Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, every civil servant shall be liable to serve anywhere within or outside the province. He requested that the appeal might be dismissed with cost.

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.J.Khan

ATTESTED

K. J. KHAN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Service Appeal No 137/2022 titled "Shamshad Bibi vs Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar and others" decided on 30.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Saich- Ud-Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Comp Court Dera Ismail Khan.

06. Learned counsel for private respondent No.8 submits that the instant appeal is not maintainable under Section-4 of the Service Tribunal Act 1974 on the ground that the statutory period of ninety days was not lapsed, hence premature which should be rejected. He further contended that the appellant has been treated in accordance with law and rules, therefore, the instant appeal is being devoid of merit might be dismissed.

07. In order to streamline and regulate the postings and transfers of the Civil Servants, the Government of Khyber Pakhtunkhwa introduced a posting/transfer policy. Main conditions of the same relevant to the instant appeal are as under:-

*i. All the postings /transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.*

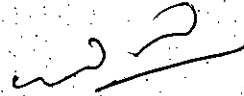
*iv. The normal tenure of posting shall be three years subject to the condition that for the officers /officials posted in unattractive areas, the tenure shall be two years and for hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.*

08. It is observed at the very outset that the reply of the official respondents has urged that the private respondent No.8 was transferred back on humanitarian grounds on acceptance of her departmental representation but neither such humanitarian ground was explained nor any public interest or exigency was stated in the reply of the respondents in transferring back the private respondent No.8.


09. The posting and transfer policy specifically fixes the normal tenure for the civil servants. In the case in hand it is two years but just in three months

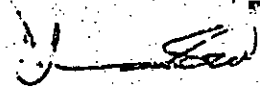
of the transfer of the appellant she was re-transferred to the previous place of posting without allowing her to complete normal tenure as per the Government's own decision found in the above policy.

ATTESTED

  
HALID MEHMOOD  
Advocate High Court  
Residing at D.I. Khan

ATTESTED

  
KALIM ARSHAD KHAN  
Chairman  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



Service Appeal No 137/2022 titled "Shamshad Bibi vs Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar and others", decided on 30.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Sahib Uddin, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Dera Ismail Khan.

10. Tenure was originally created to give teachers academic freedom. Civil Servants do not have stability of tenure, particularly and especially in the Education Department where transfers and postings are made frequently at the whims and fancies of the executive head for political and other considerations, and not in the public interest; a fixed minimum tenure would not only enable Civil Servants to achieve their professional targets, but also help them function as effective instruments of public policy; repeated shuffling/transfer of officers is deleterious to good governance; minimum assured service tenure ensures efficient service delivery, and increased efficiency; and Civil Servants can also prioritize various social and economic measures intended to implement for the poor and marginalized sections of society.

11. In 2018 S C M R 1411 titled "Khan Muhammad Versus Chief Secretary, Government of Balochistan Quetta and others", the august Supreme Court of Pakistan was pleased to have found as under:--

"18. Under section 10 of the Act a civil servant cannot insist to be posted or transferred to a particular post but this does not mean that a civil servant can be made to serve under a subordinate. Moreover, while section 10 does not prescribe a minimum period during which a civil servant must serve at his post it does not mean that the Government without assigning any reason can move a civil servant from the place he was posted to after a month or subject the civil servant to repeated postings in a short period of time because this would amount to punishing him. Such postings also adversely affect the public interest and result in the wastage of scarce resources and constitute bad governance.

19. The Rules designate certain posts as 'tenure posts' (rule 22 read with Schedule IV of the Rules) and prescribe a period of three years for an incumbent to serve on such posts. Such prescribed tenure may therefore be categorized as the ideal duration for which a civil servant should serve at a particular post. The post of Divisional Director however is not a tenure post but the principle of serving for a particular duration at this post should be followed. In the present case the petitioner was posted for a little over a month when he was again posted. Any civil servant posted to a particular post requires some time to familiarize himself with the workings of the office and the

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KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

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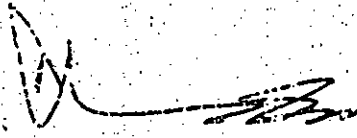
Service Appeal No 137/2022 titled "Shamshad Bibi vs Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar and others" decided on 30.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Saif- Ull-Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Camp Court Dera Ismail Khan.

requirements of the post whereafter he will be best placed to acquit himself of the responsibilities of the post. However, a one month posting, as in the case of the petitioner, would not serve the interest of the people."

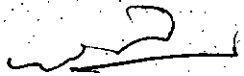
12. The upshot of the above discussion is that impugned order dated 07.10.2021 was not issued in public interest or exigencies of service and as such is not tenable in the eyes of law. Pre-mature transfer is clear violation of Clause I and IV of Posting and Transfer Policy notified by the provincial government. It is also violative of instructions circulated vide letter dated 27.02.2013 pertaining to tenure in posting/transfer. Ordinary tenure for posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons. It should be recorded in writing and are judicially reviewable.

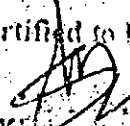
13. As a sequel to the above, the service appeal is allowed with the directions to the respondent-department to allow the appellant to continue on her present station of posting till completion of her normal tenure. The appeal is allowed in the above terms, Costs shall follow the event. Consign.


14. Pronounced in open Court at Camp Court D.I. Khan and given under our hands and the seal of the Tribunal on 15<sup>th</sup> day of September, 2022.

  
KALIM ARSHAD KHAN  
Chairman  
Camp Court D.I. Khan

ATTESTED

  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

Certified to be true copy  
  
SAIF ULL-DIN  
Member Judicial  
Camp Court D.I. Khan

  
SAIF ULL-DIN  
Member Judicial  
Camp Court D.I. Khan



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9210626

Dated 26<sup>th</sup> May, 2023.

**NOTIFICATION**

NO. SO(MC)E&SED/4-16/2023/Posting/Transfer/MC/DIK: The following postings/ transfers are hereby ordered with immediate effect, in the best public interest:-

Sr. No	Name & Designation	From	To	Remarks
1	Samina Shahnaz MC BS-17	SDEO Female Jandola Tank	SDEO Female Paharpur D.I Khan	V.S No 2
2	Shamshad Bibi MC BS-17	SDEO Female Paharpur Dikhan	Report to Directorate of E&SE	V.S No 4
3	Noor Khadija MC BS-17	SDEO (Female) Wana South Waziristan	SDEO (Female) Daraband Kalan D.I.Khan	V.S No 1
4	Shamim Akhtar MC BS-17	SDEO (Female) Daraband Kalan D.I.Khan	SDEO Female Jandola Tank	V.S No 1

2. No TA/DA is allowed.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT.

Endst: of even No. & date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officer (Female) D.I.Khan.
5. District Accounts Officers D.I.Khan.
6. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

111/26-5-2023  
IMRAN ZAMAN

SECTION OFFICER (Management Cadre)

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

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KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan



ANEX  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9210626

(K) (35)

Dated: 21<sup>st</sup> August, 2023

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2023/Posting/Transfer/MC/DIK**: Consequent upon the Execution of Petition No. 493/2023 in Service Appeal No. 137/2022 filed by Mst. Shamshad Bibi Vs Govt of Khyber Pakhtunkhwa: This Department's Notification of even number dated 26-05-2023 regarding posting / transfer Notification to the extent of Mst. Shamshad Bibi (MC BS-17), appearing at Sr. No-2 is hereby withdrawn/Cancelled.

2. No TA/DA is allowed.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the:-

1. Registrar Service Tribunal Khyber Pakhtunkhwa
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. Section Officer (Lit-II) E&SE Department.
5. District Education Officer (Female) D.I.Khan.
6. District Accounts Officers D.I.Khan.
7. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

114

IMRAN ZAMAN  
SECTION OFFICER (Management Cadre)

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

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KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Execution Petition No. 493/2023

Date of institution ..... 14.07.2023

Mst. Shamsah Bibi, Sub-Divisional Executive Officer (Female) Tehsil Paharpur, District D.I.Khan.

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and 06 others.

**ORDER**  
24.08.2023

Mr. Khalid Mehmood, Advocate for the petitioner present. Mr. Amjid Ali, Section Officer (Litigation) and Mr. Muhammad Faheem, Assistant along with Mr. Muhammad Jan, District Attorney for the respondents present.

Representatives of the respondents produced Notification No. SO(MC)E&SED/4-16/2023/Posting/Transfer/MC/DIK dated 21.08.2023 and stated Notification dated 26.05.2023 regarding posting/transfer Notification to the extent of petitioner has been withdrawn/cancelled, therefore, the execution petition in hand may be filed. Copy of the said Notification handed over to learned counsel for the petitioner, who after going through the same stated at the bar that as the grievance of the petitioner has been redressed, therefore, the execution petition in hand may be filed without further proceedings. In this respect, written endorsement of learned counsel for the petitioner obtained at the margin of order sheet.

In view of the above, the execution petition in hand stands filed being implemented. Parties are left to bear their own costs. File be consigned to the record room.

**ATTESTED**

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

**ANNOUNCED**  
24.08.2023

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

1000 - 18/2023  
Khalid Mehmood Adv.





Annex (M) 37

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**  
**Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar**  
**Phone No. 091-9210626**

Dated: 5<sup>th</sup> December, 2023

**NO.SO (MC) E&SED/4-16/2023/PT/ASDEOs** In light of Service Tribunal Judgment dated 03.11.2023 in Service Appeal No. 1403/2023, the following posting/ transfer of SDEOs are hereby ordered with immediate effect, in the best public interest.

S#	Name	From	To	Remarks
1	Mst. Nighat Shaheen (MC BS-17)	SDEO (F) Parova D.I.Khan	SDEO (F) Tank	V.S.No.2
2	Mst. Sonia Nawaz (MC BS-17)	SDEO (F) Tank	SDEO (F) Paharpur D.I.Khan	V.S.No.6
3	Noreen Saba (MC BS-17)	SDEO (F) Hangu.	SDEO (F) Jandola Tank	V.S.No5
<b>CONSEQUENTIAL POSTING/ TRANSFER</b>				
4	Mst. Sobia Tabassum (MC BS-17)	SDEO (F) D.I.Khan	SDEO (F) Parova D.I.Khan	V.S.No.1
5	Mst. Samina Shehnaz (MC BS-17)	SDEO (F) Jandola Tank	SDEO (F) D.I.Khan	V.S.No.4
6	Shamshad Bibi (MC BS-17)	SDEO (F) Paharpur D.I.Khan	SDEO (F) Ghazni Khel Lakki Marwat	AVP

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA**  
**E&SE DEPARTMENT**

**Endst: of even No.& date:**

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Female) concerned.
5. District Accounts Officer concerned.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

ATTESTED

*[Signature]*  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

111 / 5-12-2023  
(IMRAN ZAMAN)  
SECTION OFFICER (Management Cadre)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block 'A' Opposite MPA's Hostel, Civil Secretariat Peshawar  
PHONE No. (011) 231 588

Dated Peshawar the June 09<sup>th</sup>, 2022

**NOTIFICATION**

NO. SO(MC)ESSEDIA-182021/POSTING/TRANSFER/MC: Mst. Sonia Nawaz (MC BS-17) SDEO (Female) Tank is hereby transferred and directed to immediately report to Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa.

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**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA**  
E&SE DEPARTMENT

Ends: of even No. & date:

Copy forwarded for information to the: -

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
- 3. District Education Officer (Female) Tank.
- 4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
- 5. District Accounts Officer Tank.
- 6. PS to Minister E&SE Khyber Pakhtunkhwa.
- 7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 8. Officer concerned.
- 9. Master file.

**ATTESTED**

*[Signature]*  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

Handwritten notes: "Copied to" and "bi new copy".  
*[Signature]*

(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadre)

**ATTESTED**

*[Signature]*  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

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 28/6/2022  
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
 PRIMARY AND SECONDARY EDUCATION DEPARTMENT  
 Block "A" Opposite MPA's Hotel, Civil Secretariat Peshawar  
 Peshawar, PAKISTAN

Dated Peshawar the June 10<sup>th</sup>, 2022

**CORRIGENDUM**

**NO. 10/MC/BS/ED/10/2022/PT/POSTING/TRANSFER/MC:** In partial modification of this Department's Notification of even number dated 30-05-2022, the following posting / transfers are hereby ordered, in the best public interest:-

Sr. No.	Name and designation	Under transfer as	New place of posting
1	Mr. Wali ur Rahman (MC BS-17)	SDEO (Male) Alai Dalgogram	SDEO (Male) Barawal Bandi, Dir Upper (AVP)
2	Mr. Saib Zamin Bhatti (MC BS-17)	SDEO (Male) Nawugal, District Bajaur	SDEO (Male) Khwazakhela, Swat (AVP) District
3	Mrs. Neroon Sohn (MC BS-17)	SDEO (Female) Harhan Bacha, Kohistan Upper	SDEO (Female) Tank (AVP)

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
 E&SE DEPARTMENT

**EMAIL of even No. & date:**

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Dalgogram, Bajaur and Tank.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers, Dalgogram, Bajaur and Tank.
6. PS to Minister, E&SE, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

*Signature*  
 10.6.22  
 (NASEER ABBAS KHALIL)  
 SECTION OFFICER (Management Cadre)

ATTESTED

KHALID MEHMOOD  
 Advocate High Court  
 Stationed at D.I. Khan

ATTESTED

*Signature*  
 KHALID MEHMOOD  
 Advocate High Court  
 Stationed at D.I. Khan

**BETTER COPY**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
Elementary and Secondary Education Department  
Block "A" opposite MPA's Hostel Civil secretariat  
Phone No. 091-9223588

MC-2 (N2) 40

Dated: Peshawar June 27<sup>th</sup> 2022

**NOTIFICATION:**

**NO. SO(MC)E&SED/4-16/POSTING/ TRANSFER / MC:** in compliance with the order sheet of Khyber Pakhtunkhwa service tribunal (camp court DIKhan) dated 31/01/2022 in service appeal no 137/2022 titled Shamshad Bibi SDEO (Female) VS Government of Khyber Pakhtunkhwa and others, this departments Notification of even No. and dated 09/06/2022 regarding posting / transfer of Mst. Sonia Nawaz (MCBS-17) from the post of SDO(Female) Tank is hereby withdrawn ab-initio.

Consequent upon the above, Mst. Noreen Saba (MC BS-17) SDEO (Female) Tank is hereby transferred and posted as SDEO (Female) Hangu against the vacant post in the best public interest.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT**


Endst: of Even No. & Date:

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female) DIKhan, Tank and Hangu.
5. Director EMIS, E&SE Department with the request to upload the same on the official Website of the department.
6. District Accounts Officer DIKhan, Tank and Hangu.
7. Section Officer (Litigation-II) E&SE Department with the direction to pursue the case in KP Service Tribunal Peshawar till final decision.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Master File.

(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadre)

ATTESTED

  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

(2)      AN-4(N3)      ~~15~~      ~~16~~

(42)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT DERA ISMAIL KHAN.**

Service Appeal No. 1403 /2022

✓ **Nasreen Saba**, daughter of Abdul Sattar Resident of Tank, Peshawar working as Sub Divisional Education Officer (Female) in Education Department.

.....**Appellant**  
Khyber Pakhtunkhwa Service Tribunal

**VERSUS**

Diary No. 1149

Dated 27-9-2022

1. Government of Khyber Pakhtunkhwa, through Chief Minister Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Elementary & Secondary Education, KP, Peshawar.
4. Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
5. Director EMIS, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
6. Section Officer (Management Cadre) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
7. District Account Officer, Tank.
8. District Account Officer, Hangu.
9. District Education Officer (Female) District Tank.
10. Sonia Nawaz, S.D.E.O (Female) District Tank.

.....**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974.**

**PRAYER:-**

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE OFFICIAL RESPONDENTS MAY KINDLY BE DIRECTED TO CANCEL THE IMPUGNED TRANSFER ORDER BEARING ENDST; NO. SO(MC)E&SED/4-16/POSTING/TRANSFER/MC DATED 09/06/2022 BE DECLARED AS VOID AB-INITIO, WITHOUT LAWFUL AUTHORITY, AGAINST THE NORMS OF NATURAL JUSTICE AND INEFFECTIVE UPON THE RIGHTS OF APPELLANT AND THE TRANSFER OF RESPONDENT NO. 10 TO THE DIRECTOR OF ELEMENTARY EDUCATION KHYBER PAKHTUNKHWA BEARING ENDST; NO. SO(MC)E&SED/4-16/POSTING/TRANSFER/MC DATED 09/06/2022 MAY KINDLY BE UPHELD AND ORDER BEARING NO. SO(MC)E&SED/4-16/2022/PT/POSTING/

Filed to-day

Registrar

27/9/2022

ATTACHED

KH  
Court  
Dera Ismail Khan

(W)

(43)

~~(1)~~

TRANSFER/MC DATED 10/06/2022 MAY KINDLY BE  
RESTORED IN THE BEST INTEREST OF JUSTICE.


Note:- The addresses of the parties given above are sufficient for the purpose of service.

Respectfully Sheweth;

Appellant through counsel humbly submits and request as under:-

1. That the appellant is permanently residing at District Tank.
2. That the District Education Officer (Female) District Tank submitted complaint to the respondent No. 3 (Worthy Secretary E & SE) to the effect that unethical attitude of respondent No. 10. Copy of complaint is enclosed as Annexure "A".
3. That thereafter, the respondent No. 3 issued the notification bearing Endst; No. SO(MC)E&SED/4-16/POSTING/ TRANSFER/MC DATED 09/06/2022, the respondent No. 10 (Sonia Nawaz) was transferred and directed to immediately report to Directorate of E & SE KP, Peshawar due to the unethical attitude of SDEO(F) Tank / Respondent No. 10. Copy of order dated 09/06/2022 is enclosed as Annexure "B".
4. That actually the appellant was serving as SDEO(F) Urban Basha, Kohistan Upper through Order Endst; No. SO(MC)E&SED/4-16/2022/PT/MC-17/PROMOTION dated 30/05/2022, under the change circumstances of unethical behavior of the respondent No. 10, the then appellant was transferred to the District Tank against vacant post vide order dated 10/06/2022, because, the respondent No. 10 was transferred and directed to immediately report to directorate of E & SE KP Peshawar vide order dated 09/06/2022. Copies of order dated 30/05/2022 and 10/06/2022 are enclosed as Annexure "C & D".

ATTESTED

  
KHALID ALI KHAN  
Advocate High Court  
Sd/- Khalid Ali Khan

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5. That thereafter, the appellant took the charge on the post of SDEO(F) Tank in the incumbency of District Education Officer (F) Tank. Copy of charge report is enclosed as Annexure "E".

6. That during the performing of duties, the appellant was again transferred on the post of SDEO(F) Hangu through impugned order bearing Endst. No. SO(MC)E&SED/4-16/POSTING/TRANSFER/MC dated 27/06/2022 as alleged in the compliance of order sheet of Khyber Pakhtunkhwa Service Tribunal (Camp Court DIKhan) dated 31/01/2022 (in Service appeal No. 137/2022, titled "Shamshad Bibi SDEO (F) VS Govt. of KPK etc"). Copy of order dated 27/06/2022 is enclosed as Annexure "F".

7. That thereafter, the appellant submitted departmental appeal / representation on 29/06/2022. The representation unanswered till filling the instant appeal. Copy of department appeal / representation is enclosed as Annexure "G".

8. That as the representation filed by the appellant had not been rejected / accepted and remain undecided, the appellant approached to this Honourable Tribunal for redressal of her grievances, inter alia, on the following grounds:-

GROUNDS:-

I. That the impugned order is against law, facts and circumstances of the case and had been issued without lawful authority.

II. That this Honourable Tribunal never directed to issue the impugned order and thus the respondents misinterpreted the order of this Honourable Tribunal dated 31/01/2022 and on this sole ground the impugned order may kindly

ATTESTED

KHANID M. M. J. D.  
Advocate High Court  
Sialkot D.I. Khan

be set aside. Copy of other sheets are enclosed as  
Annexure "H"

III. That the respondents not considered the available record during issuance of impugned order dated 25/06/2022 because the private respondent No. 10 was made OSD due to unethical behavior of the private respondent No. 10 and the appellant was posted against the vacant post.

IV. That the impugned order is against the principle of law, services rules and policy and is not in commencement of the ESTA Code and is not sustainable in the eyes of law.

V. That the respondents not considered this aspect of the case that the appellant has not completed the tenure as so envisage in the service rules and policy.

VI. That the impugned transfer order issued by the respondent is illegal unlawful and against the natural justice as well as violation of fundamental rights, therefore, the impugned transfer order is liable to be set a side.

VII. That act of the official respondent is without jurisdiction based on mala-fide, hence liable to be declaring as null and void by this Honourable Tribunal.

That counsel for the appellant may please be allowed to raise additional grounds during the advocates High Court course of arguments.

D. Khan

IT IS, THEREFORE, HUMBLY PRAYED THAT ON ACCEPTANCE THIS APPEAL, THE OFFICIAL RESPONDENTS MAY KINDLY BE DIRECTED TO CANCEL THE IMPUGNED TRANSFER ORDER BEARING ENDST, NO. SO(MC)E&SED/4. 16/POSTING/ TRANSFER/MC DATED



27/06/2022 BE DECLARED AS VOID AB-INITIO, WITHOUT LAWFUL AUTHORITY, AGAINST THE NORMS OF NATURAL JUSTICE AND INEFFECTIVE UPON THE RIGHTS OF APPELLANT AND THE TRANSFER OF RESPONDENT NO. 10 TO THE DIRECTOR OF ELEMENTARY EDUCATION KHYBER PAKHUNKHWA BEARING ENDST; NO. SO(MC)E&SED/4-16/POSTING/ TRANSFER/MC DATED 09/06/2022 MAY KINDLY BE UPHELD AND ORDER BEARING NO. SO(MC)E&SED/4-16/2022/RT/POSTING/ TRANSFER/MC DATED 10/06/2022 MAY KINDLY BE RESTORED IN THE BEST INTEREST OF JUSTICE.

Your Humble Appellant

Noreen Saba  
Through Counsel

Dated 22/09/2022

Sheikh Iftikhar Ul Haq  
Advocate High Court  
Dera Ismail Khan

**AFFIDAVIT:-**

I, **Noreen Saba** daughter of Abdul Sattar Resident of Tank, Presently working as Sub Divisional Education Officer (Female) in Education Department, the appellant, do hereby solemnly affirm and declare on oath, that contents of the above said service appeal are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Tribunal.

Deponent

Witnessed by  
Khalid Mehmood  
Advocate High Court

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan



BETTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION  
DEPARTMENT

Dated: 20<sup>th</sup> March, 2023

NOTIFICATION:

NO. SO(MC)E&SED/4-16/2022/POSTING/ TRANSFER / MC: The following posting/ transfer are hereby ordered with immediate effect in the best public interest:-

Sr No.	Name of Officer	Present Station	Proposed Station	Remarks
1	Mst. Sonia Nawaz MC BS-17	SDJO (Female) Tank	SDEO (Female) Parova DIKhan.	VS No.2
2	Nighat Shaheen MC BS-17	SDEO (Female) Parova DIKhan	SDEO (Female) Tank	VS No.1

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of Even No. & Date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official Website of the department.
4. District Education Officer (Female) DIKhan, Tank/ DIKhan
5. District Accounts Officer DIKhan, Tank/ DIKhan.
6. Additional Director General (Election-1) Election Commission of Pakistan Islamabad.
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Master File.

(IMRAN ZAMAN)  
SECTION OFFICER (Management Cadre)

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

WOS 3/2

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

20/3/2023  
Dated: 20<sup>th</sup> March, 2023

NO. EDN/CIE/EDM-16/2022/Posting/Transfer/MC: The following posting/transfer  
is hereby ordered with immediate effect, in the best public interest:

No.	Name of officer	Present Station	Proposed Station	Remarks
1	Mrs. Sonia Nazam MC BS-17	SDEO (Female) Tank	SDEO (Female) Parova D.I.Khan	V.S No. 2
2	Nighat Shaheen MC BS-17	SDEO (Female) Parova D.I.Khan	SDEO (Female) Tank	V.S No. 1

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Order of even No. & date:

Copy forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the name on the official website of the department.
4. District Education Officers (Female) Tank/D.I.Khan
5. District Accounts Officers Tank/D.I.Khan.
6. Additional Director General (Election-1) Election Commission of Pakistan, Islamabad.
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. (Master file)

(PIRAN ZAMAN)  
SECTION OFFICER (Management Cell)

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

**BETTER COPY**

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

Dated: 22<sup>nd</sup> March, 2023

**NOTIFICATION:**

**NO. SO(MC)E&SED/4-16/2022/POSTING/ TRANSFER / MC:** This Departments Notification Number dated 20.03.2023 regarding posting/ transfer of SDEOs (Female) DIKhan and Tank is hereby withdraw/ cancel.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT**


Endst: of Even No. & Date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official Website of the department.
4. District Education Officer (Female) DIKhan, Tank/ DIKhan
5. District Accounts Officer DIKhan, Tank/ DIKhan.
6. Additional Director General (Election-1) Election Commission of Pakistan Islamabad.
7. FS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Master File.

**(IMRAN ZAMAN)  
SECTION OFFICER (Management Cadre)**

**ATTESTED**

  
**KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan**

*withdwn No 3*

*(Handwritten marks and signatures)*

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

Dated 22<sup>nd</sup> March

**RE: E&SE/D/4-16/2022/Posting/Transfer/MC/:** This Department's Notification No. 4-16/2022/Posting/Transfer/MC/ dated 20-03-2023 regarding posting/transfer of SDEOS (Female) Peshawar and Tank is hereby withdrawn/cancelled.

*Page 10*

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA,  
E&SE DEPARTMENT**

**Copy No. & date:**

For information to the:-

- 1. Assistant General, Khyber Pakhtunkhwa, Peshawar.
- 2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
- 3. Director EMIS, E&SE Department with the request to upload the same on the official website of the Department.
- 4. All Education Officers (Female) Tank/D.I.Khan.
- 5. All Accounts Officers Tank/D.I.Khan.
- 6. Director General (Election) Election Commission of Pakistan, Islamabad.
- 7. PS-2 Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 8. Master file.

*(Handwritten signature)*

*(Handwritten signature and date)*

**(IMRAN ZAMAN)  
SECTION OFFICER (Management Cadre)**

**ATTESTED**

*(Handwritten signature)*  
**KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan**

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**KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan**

Attest O  
P  
M  
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR**

Service Appeal No. 144/2023

✓ Mst. Sonia Nawaz, Sub Divisional Education Officer (F) Tank, District Tank.

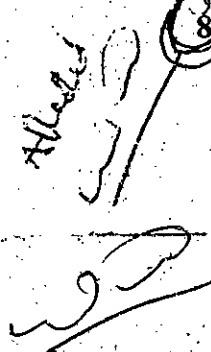
.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, to Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.
4. Director, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.
5. District Education Officer (Female), Dera Ismail Khan.
6. District Education Officer (Female), Tank.
7. District Account Officer, Dera Ismail Khan.
8. Nighat Shaheen, SDEO (F), Paroa District Dera Ismail Khan.

.....Respondent

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT 974, AGAINST THE  
NOTIFICATION BEARING NO. SO(MC)E&SED/4-  
16/2022/POSTING/TRANSFER/MC/ DATED 22/03/2023,  
ISSUED BY THE RESPONDENT NO.3.

*Attested*  
  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

PRAYER:

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE OFFICIAL RESPONDENTS MAY KINDLY BE DIRECTED TO CANCEL THE IMPUGNED WITHDRAWAL ORDER BEARING NO. SO(MC)E&SED/16/2022/POSTING/TRANSFER/MC/ DATED 22/03/2023 BE DECLARED VOID AB-INITIO WITHOUT LAWFUL AUTHORITY, AGAINST THE NORMS OF NATURAL JUSTICE AND INEFFECTIVE UPON THE RIGHTS OF APPELLANTS AND THE TRANSFER NOTIFICATION BEARING NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC/ DATED 20/03/2023 MAY KINDLY BE RESTORED IN THE BEST INTEREST OF JUSTICE.

Note: The addresses of the parties given above are sufficient for the purpose of services.

Respectfully Sheweth,

ATTESTED

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan

(52)  
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1. That the appellant is permanently residing at District Dera Ismail Khan and is serving in the Education Department in management cadre (BPS-17).
2. That vide Notification NO. SO(S/F)E&SED/4-16/2021/POSTING/TRANSFER/MC: DATED 07/10/2021 (Annexure-A), the appellant was transferred from (SDEO) Female Paharpur, District Dera Ismail Khan to (SDEO) Female Tank and thereafter vide Notification NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC/: DATED 14/03/2023 (Annexure-B) she stood posted as (SDEO) Female, Tehsil Dera Ismail Khan and relieved from the post of (SDEO) Female Tank vide Letter No. 1933-41 Dated 16-03-2023 (Annexure-C) and accordingly appellant assumed the charge of (SDEO) Female Dera Ismail Khan vide Certificate of Transfer of charge dated 16-03-2023 (Annexure-D) and after the passage of 02 days, the above mentioned order was withdrawn/cancelled vide Notification NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC/: DATED 17/03/2023 without any cogent reason (Annexure-E)

3. That vide Notification NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC/: DATED 20/03/2023 (Annexure-F), the appellant stood again posted as SDEO (Female) Paroa, Dera Ismail Khan

4. That the Respondent No.8 which was previously posted as (SDEO) Female Paroa, Dera Ismail Khan vide Notification dated 12-04-2021 (Annexure-G) upon completion of her normal tenure stood transferred from (SDEO) Female Paroa, Dera Ismail Khan to (SDEO) Female Tank (already Annexed as Annexure-F) and after the passage of 02 days, the above-mentioned Notification dated 20-03-2023 was withdrawn/cancelled vide notification dated 22.03.2023(Annexure-H).

In this way, the transfer of appellant was over turned within 02 days of his arrival/charge report, just due to the facts that Respondent No.8 is having blessings of the political figures and she after her transfer ob from Dera Ismail Khan went back to Dera Ismail Khan on 22-03-2023 and hence a great injustice has been done to the appellant.

ATTESTED

5. That thereafter, the appellant submitted departmental appeal/representation on 30-03-2023(Annexure-I). The representation filled by the appellant had not been rejected/accepted and remain undecided till filing of service appeal, the appellant approach to this Honorable Tribunal for redressal of her grievances.

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

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**GROUNDS:**

- i. That the impugned Notification NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC/DATED 22/03/2023 is the outcome of mala-fide, result of political victimization, without jurisdiction, without lawful authority and having no binding effect upon rights of appellant.
- ii. That appellant has been made a rolling stone by official respondent just because of the fact that she is not having any political backing.

Firstly the appellant was posted to SDEO (Female) Dera Ismail Khan vide Notification NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC/DATED 14/03/2023 and after the passage of 02 days, the above order was withdrawn/cancelled vide Notification dated 17-03-2023.

Secondly, the appellant vide notification dated 20-03-2023 posted to SDEO (Female) Paroa, Dera Ismail Khan after 6 days of earlier order.

Thirdly, just within one day of her posting and taking over the charge as SDEO (Female) Paroa D.I.Khan, once again stood cancelled/withdrawn vide impugned notification dated 22.03.2023.

As against this, the respondent No 8 was transferred from Paroa D.I.Khan to Tank after completion of her normal tenure, and now she got her posting at Paroa D.I.Khan at the cost of rights of appellant. Hence appellant cannot be made a rolling stone for the benefits of respondent No 8.

- iii. That impugned withdrawal notification is not in the public interest whether in the interest of respondent no 8 only. Hence, a great injustice is being done to the appellant.

Impugned notification has been issued to oblige the political figure of area and therefore the same is having no legal sanctity and not worth to be maintained.

That public officers and public functionaries are bound to obey the laws, rules, procedures and being a public servant they are required to serve the public and it is not in their duties to bow before the politicians. Impugned notification dated 22.03.2023 is therefore a nullity in the eyes of law and rights of appellant are required to be protected from the influence of political figures.

- vi. That it has been held by the superior courts that when the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied except for compelling reasons, which

are recorded in writing and are judicially reviewable. On this score too, impugned notification dated 22.03.2023 is liable to be cancelled and

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KHALID NEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

KHALID NEHMOOD  
Advocate High Court  
Stationed at D.I.Khan

**ATTESTED**

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KHALID NEHMOOD  
Advocate High Court  
Stationed at D.I.Khan



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- vii. That impugned notification after 2 days of posting of appellant as SDEO (Female) Paroa is based on malafide and is due to political victimization, based on favoritism and also there are no compelling circumstances for impugned notification of appellant before completion of her ordinary tenure.
- viii. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned notification dated 22.03.2023 may kindly be cancelled and as result thereof the posting of appellant as SDEO (Female) Paroa D.I.Kha vide notification dated 20.03.2023, may kindly be restored.

Dated: 5/7/2023

*[Handwritten Signature]*

Appellant  
Through Counsel

*[Handwritten Signature]*

Ahmad Ali Khan ASC

&

Khalid Mahmood

Advocate High Court

Stationed at D.I.Khan

*[Handwritten Signature]*  
KHALID MAHMOOD  
Advocate High Court  
Stationed at D.I.Khan

**AFFIDAVIT**

I, Sonia Nawaz, SDEO (Female) Tank, appellant do hereby solemnly affirm and declare on oath that all the Para-wise contents of this appeal are true and correct to the best of my knowledge and nothing has been concealed deliberately from this Honorable Court.

Deponent

*[Handwritten Signature]*

12101-0904860-5

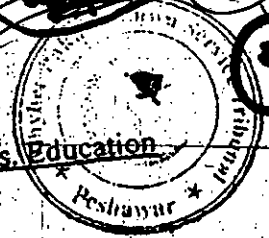
**ATTESTED**

Identified by Counsel

*[Handwritten Signature]*  
KHALID MAHMOOD  
Advocate High Court  
Stationed at D.I.Khan



Annex P



Service Appeal No. 1403/2023 titled 'Noreen Saba & other Vs. Education Department'

R  
2023 Kalim Arshad Khan, Chairman: Learned counsel for the appellant present.

Mr. Habib Anwar, Additional Advocate General for the official respondents present. Mr. Motasim Billah Shah, Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education (respondent No.2) is present in person. Mr. Ahmad Ali Khan, Advocate present on behalf of private respondent No.10 through video link from D.I.Khan and for the appellant in appeal No.1441/2023.

2. Through this single order, we are going to decide this appeal as well as connected Appeal No.1441/2023 titled 'Sonia Nawaz Vs. Education Department' as both are almost interdependent and thus, can conveniently be decided together.

3. At the very outset, respondent No.2 i.e. Secretary Elementary & Secondary Education Department, has informed the Tribunal that the posts, against which the private parties are litigating, are provincial cadre posts. However, in view of the fact that the private parties are ladies, therefore, the

ATTESTED

*[Signature]*  
KHALID MENMOOD  
Advocate High Court  
Stationed at D.I.Khan

department takes all care that they could be accommodated nearer to their home stations. The Secretary further offered that let the matter might be sent to the department, where, he will make all the private parties sit together and he would issue an appropriate order of posting of private parties having regard to the abode, tenure provided in the posting/transfer policy as well as exigency of services and public interest, to which, the learned counsel for the private parties did not object. Therefore, we dispose of these appeals by

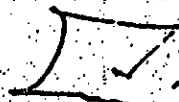
*[Signature]*  
KHALID MENMOOD  
Advocate High Court  
Stationed at D.I.Khan

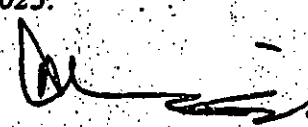
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*[Signatures]*

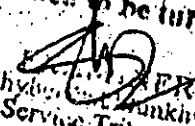
Elementary & Secondary Education Department Khyber Pakhtunkhwa for appropriate action at his end, within 30 days from today. (Copy of this order be placed on file of connected appeal No.1441/2023 titled 'Noreen Saba Vs. Education Department'). Consign.

4. Pronounced in open Court at Peshawar and given under our hand and seal of the Tribunal on this 13<sup>th</sup> day of November, 2023.

  
(Salah-Ud-Din)  
Member (Judicial)

  
(Kalim Arshad Khan)  
Chairman

Certified to be true copy

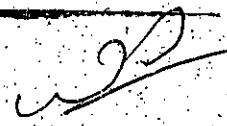
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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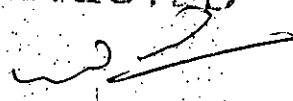
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27  
10/-  
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15/-

22/11/23  
22/11/23

  
KHALID MERMOOD  
Advocate High Court  
Stationed at D.I. Khan

ATTESTED

  
KHALID MERMOOD  
Advocate High Court  
Stationed at D.I. Khan

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Amey (A)  
(57)

To,

The chief Secretary  
Khyber Pakhtunkhwa  
Peshawar

SUBJECT:-

APPEAL AGAINST NOTIFICATION DATED: 05-12-2023 IN WHICH APPELLANT WAS TRANSFERRED FROM THE POST OF SDEO (FEMALE) PAHARPUR TO SDEO FEMALE GHAZNI KHEL LAKKI MARWAT IN UTTER THIS REGARDS OF JUDGMENT DATED: 30-09-2023 IN SERVICE APPEAL NO.137/2022 TITLED SHAMSHAD BIBI VS GOVT. OF KPK & FURTHERMORE THESE TRANSEERS WERE SHOWN IN COMPLIANCE OF SERVICE TRIBUNAL ORDER DATED 13-11-2023 IN SERVICE APPEAL NO.1403/2022.

Respectfully Sheweth,

Appellant submits as under:-

Concise Facts

1. That appellant was posted as SDEO (F) Paharpur vide notification dated 07.10.2021 and was transferred vide notification dated 12.01.2022 against which the appellant filed service Appeal No.137 of 2022 before this Honourable Tribunal. On fixation of the case, after having heard the appellant/ appellant at great length vide judgment dated: 30.09.2022 passed by this Hon'ble Tribunal, the Notification dated 12.01.2022 was set-aside/cancelled and thereby appeal of the appellant was accepted.
2. That on 31.01.2022, Honorable Tribunal suspended the notification dated 12.01.2022 and fixed for reply on 24.02.2022 but respondent did not complied the order of Honorable Tribunal and posted Mst. Samina Shehnaz as SDEO Paharpur vide notification dated 21.12.2022 in place of appellant and on 22.02.2022 withdrawn the said notification.

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Stationed at G.I. Khan

3. That respondent implemented the order of Honorable Tribunal Dated 31.01.2022 on 22.02.2022 for just two days till 24.02.2022.
4. That after 24.2.2022 respondents violated the order dated 31.1.2022 and private respondent (Sonia Nawaz) continued to hold the office of SDEO Paharpur, and due to retirement of Honorable Chairman Service Tribunal, the Honorable Service Tribunal was dysfunctional, therefore aggrieved from act of respondents, appellant filed CM petition No 195-D/2022 in Peshawar High Court Bench DIKhan and vide order dated 08.03.2023 of Honorable Court disposed of.
5. That appellant once again filed writ petition no 161-D/2022 before Honorable Peshawar High Court DIKhan Bench and vide order dated 15.03.2022 Honorable Court disposed of meaning by appellant was not permitted to hold the post of SDEO(F) Paharpur by the respondents from 12.01.2022 to 17.03.2022 i.e. more than 2 months.
6. That in utter disregard of the Judgment, again posted the appellant as OSD (report to directorate) vide notification dated 26.05.2023, aggrieved from this, appellant filed execution petition no 493/2023 before the Honorable Tribunal and respondent cancelled the notification dated: 26.05.2023 vide notification dated 21.08.2023, submitted before the Honorable Tribunal on 24.08.2023, i.e., after 3 months.
7. That once again (Sonia Nawaz) was transferred in place of appellant vide impugned notification No: 05.12.2023 as alleged in compliance of judgment of Service Tribunal dated: 03.11.2023 in Service Appeal No: 1403/2023 titled "Noreen Saba & others VS Govt of KPK" however Sonia Nawaz has already served as SDEO (F) Paharpur more than 2 Years. Copy of notification dated: 05-12-2023 & Judgment dated: 13-11-2023 in service appeal 1403/2022 are (Annexed as A & B)

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Stationed at DIKhan

8.

That it is pertinent to mention here that in Service Appeal No: 1403/2022 vide order dated: 13.11.2023 there was no direction about appellant, however in Service Appeal No: 1403/ 2022 where Sonia Nawaz was respondent & connected Appeal No: 1442/2023, where Sonia Nawaz was appellant and dispute was among three SDEO (F) i.e. Mst. Nighat Shaheen, Mst. Sonia Nawaz & Noreen Saba for the post of SEDO (F) Paroa, SDEO (F) Tank & SEDO (F) Hangu but respondent utter disregard of Judgment dated: 30.09.2022 displace the appellant and posted the Sonia Nawaz as SDEO (F) Paharpur instead of Paroa. *Amr cad*

9.

That normal tenure is 3 years but appellant was permitted as SDEO (F) Paharpur one year and 9 months only.

10.

It is pertinent to mention that appellant is in promotion zone from SDEO (BPS-17) to DDO (BPS-18) and at Serial No.06 as well as and placed at serial # 01 in district DIKhan which PSB will be conducted within near future.

11.

That it is far-fetched to mention here that despite clear and well explained judgment in favour of petitioner, the respondents/Department without any lawful reason have lurk in hesitation to fully implement the judgment of this Hon'ble Court, rather violated the essence and validation of the judgment whereas the law prohibit them to do as such, but the department/ respondents in careless manner, flatly denying the judgment of this Tribunal and in-respect of which, they may be dealt with in accordance with law viz to comply with the subject judgment.

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Advocate High Court  
Stationed at D.I.Khan

12.

That the judgment dated 30.09.2022 in *service appeal*, the Department / respondents have not complied so far in true essence and spirit, despite various resorts of appellant to the Secretary Education, Peshawar / Competent authority, rather issued impugned Notification dated: 05.12.2023 by posting the same respondent No: 8 (Sonia Nawaz) as SDEO (F) Paharpur DIKhan in utter disregard of the judgment

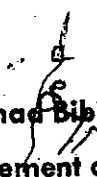
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of this Hon'ble Tribunal, therefore, the appellant approaches this Honourable Tribunal for implementation of judgment dated 30.09.2022 on inter-alia the following grounds.

13. That it is pertinent to mention here that the respondent have used this Honorable Tribunal for their own wish and whim, because there was no any direction in order dated: 13.11.2023 in Service Appeal No: 1403/2022 regarding appellant and nor was appellant disputed in Service Appeal No: 1403/2022 as well as 1441/2023.

It is therefore, humbly prayed that in light of above facts my transferred from SDEO (Female) Paharpur to SDEO (Female) Ghazni Khel Lakki Marwat may kindly be cancelled.

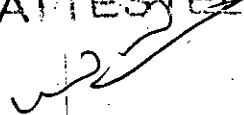
Yours humble Appellant

  
Shamshad Bibi SDEO (F)  
Management cadre  
Education Department  
KPK, Peshawar, Under  
Transfer from SDEO (F)  
Paharpur District DIKhan

Mob # 0348-0933385

Dated: 09-12-2023

ATTESTED

  
KHALID MAHMOOD  
Advocate High Court  
Stationed at D.I. Khan

Annex (21)  
(61)

No 1089 RGL117395986 (21)  
Rs. 105

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[Signature]  
KHALID MEHMOOD  
Advocate High Court  
Stationed at D.I. Khan



KHALID MEHMOOD

Advocate

bc-15-5415

Date of issue: October 2020

Valid upto: October 2023



Secretary  
KP Bar Council

کورٹ فیس

بعدالت جناب خیر بخش خواہ سرور ٹی وی اور  
منجانب ایملانٹ  
شہزاد بی بی نام گویشن ۱۵۸  
دعوی یا جرم  
تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا بعنوان میں اپنی طرف واسطے بیروی اور جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام جسے ہم مل کے  
حالیہ طور پر درجہ اول کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب  
موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف  
اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے  
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ  
ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ  
دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا نکتانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخلہ صاحب موصوف مثل کردہ  
ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجرائے ڈگری و نظر ثانی و اپیل عمرانی و ہرجم درخواست پر دخل و تصرف کرنے کا  
بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہرجم کا رویہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر نفاذ یا راضی نامہ و فیصلہ بر  
حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل عمرانی و ہرجم  
مقدمہ یا منسوخی ڈگری کی طرف یا درخواست حکم انتہائی یا تفریق یا گرفتاری اپیل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا اسکی طیغہ عتقاد بیروی کا اختیار ہوگا  
اور تمام ساختہ پر داخلہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ دیا اسکے کسی جزو  
کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا عمرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا بیزنٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو  
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانب التوا ہو چکا، وہ صاحب  
موصوف لاحق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی  
صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے

مورخہ ۱۸ مارچ ۲۰۲۳ء

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Accepted  
03304336001

شہزاد بی بی ایملانٹ  
11201-4389262-8