

12.10.2017

Learned counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Since main appeal of the petitioner has been dismissed vide order dated 12.10.2017 hence the present application which is off shoot of the main appeal is also dismissed. No order as to costs. File be consigned to the record room.

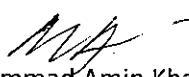


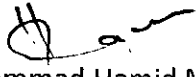
(Muhammad Amin Khan Kundi)  
Member

(Muhammad Hamid Mughal)  
Member

18.08.2017

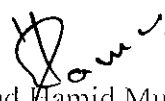
Counsel for the appellant present. Mr. Daud Jan, Superintendent alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. To come up for further proceedings on 12.09.2017 alongwith main appeal.

  
(Muhammad Amin Khan Kundi)  
Member (J)

  
(Muhammad Hamid Mughal)  
Member (J)

12.09.2017

Bench is incomplete. To come up alongwith main connected appeal on 29.09.2017 before D.B.

  
(Muhammad Hamid Mughal)  
Member

29.09.2017


Counsel for the appellant present. Mr Zia Ullah, Deputy District Attorney alongwith Mr. Daud Jan, Superintendent for the respondents present. To come up alongwith main connected appeal on 12.10.2017 before D.B.

(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

01.03.2017


Junior counsel for petitioner and Mr. Daud Jan, Superintendent alongwith Mr. Usman Ghani, Sr.GP for respondents present. Junior counsel for petitioner requested for adjournment as learned senior counsel for petitioner is busy in august Peshawar High Court. Adjournment granted. To come up for reply and arguments on application on 27.03.2017 before D.B alongwith main Service Appeal No. 591/2016. The restraint order shall continue.

  
(AHMAD HASSAN)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

27.03.2017

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. To come up for further proceedings alongwith main appeal on 08.05.2017 before the D.B.

  
Member

  
Chairman

8.05.2017

Clerk of counsel for the appellant and Addl. AG for the respondents present. Due to strike of the bar counsel for the appellant is not available. To come up for further proceedings alongwith main appeal for 18.8.2017 before D.B.

Member

Chairman

15.12.2016

Appellant with counsel and Additional AG for the respondents present. Learned Additional AG requested for adjournment. Request accepted. To come up for reply and arguments on application on 20.01.2017. The restraint order shall continue.

  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

20.01.2017

Appellant with counsel and Mr. Kabirullah Khattak, Assistant AG for respondents present. Learned Assistant AG requested for adjournment. To come up for reply and arguments on application on 17.02.2017 alongwith Service Appeal No. 591/2016. The restraint order shall continue.

  
(AHMAD HASSAN)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

17.02.2017

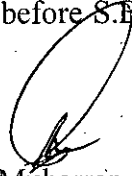
Petitioner with counsel and Mr. Daud jan, Superintendent alongwith Mr. Ziaullah, GP for respondents present. Learned Member (Judicial) Mr. Ishfaque Taj is on leave therefore, bench is incomplete. To come up for reply and arguments on application on 01.03.2017 before D.B alongwith main Service Appeal No. 591/2016. The restraint order shall continue.

  
(AHMAD HASSAN)  
MEMBER



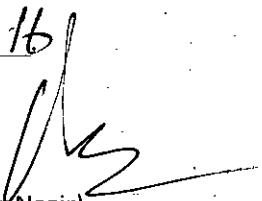
06.10.2016

As per direction of this Tribunal dated 06.10.2016 in case No. 591/2016 titled, Siraj Begum Vs Education, a separate case file for COC proceedings is opened. Put up before S.B for further orders.

  
Muharrar

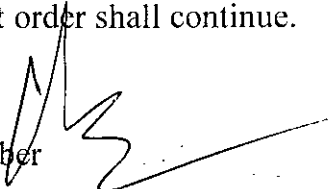
06.10.2016

Counsel for the petitioner and Mr. Murtaza Khan, Stenographer for respondent No. 1 alongwith Addl: AG present. Written reply on behalf of respondent No. 1 submitted. Representative of the respondents requested for adjournment to submit written reply for remaining respondents. Request accepted. To come up for written reply of remaining respondents on 15-11-16

  
(Muhammad Aamir Nazir)  
(Member)

15.11.2016

Counsel for the appellant and Assistant AG alongwith Daud Jan, Supdt. for the respondents present. Learned AAG requested for adjournment. To come up for reply and arguments on application on 15.12.2016. The restraint order shall continue.

  
Member

  
Chairman

IN THE COURT OF CHAIRMAN SERVICES TRIBUNAL, GOVT OF  
KPK, PESHAWAR

COC NO. \_\_\_\_\_/2016

IN

APPEAL NO. 591/2016

*Mst. Siraj Bibi wife of Syed Anwar Ali Shah resident of Qasim Nasti Kot, Para Chinar. Presently principal Govt. Girls High School, City No. 1, Para Chinar.*

... PETITIONER

VERSUS

1. *Hamid Ullah Jan, Director Education FATA, Fata Secretariat Directorate of Education Warsak Road, Peshawar.*
2. *Naveed Khan Deputy Director Education (Establishment) Directorate of Education Warsak Road, Peshawar.*
3. *Abid Azam Khan, Assistant Director Education (Establishment), Directorate of Education Warsak road, Peshawar.*
4. *Habib Ullah, Agency Education Officer, Kurram Agency Para Chinar.*
5. *Mst. Nousheen Ali, SST, Govt. Girls High School, City No. 1, Para Chinar.*

... RESPONDENTS

PETITION FOR INITIATING CONTEMPT OF COURT  
PROCEEDINGS AGAINST <sup>the</sup> RESPONDENTS, AND ALSO  
DIRECTING THE RESPONDENTS TO IMPLEMENT  
THE ORDER OF THIS HONOURABLE TRIBUNAL OF  
DATED 12/07/2016

SHEWETH,

1. That the petitioner has submitted an appeal no. 591/2016 titled Mst. Siraj Bibi VS Director Education FATA etc fixed for today i.e. 09/08/2016 for appearance of respondents;
2. That the petitioner has challenged the office order dated 30/05/2016 having Endst No. 6198-6203/A-12/Nousheen-I/C issued from the office of respondent no. 1 *in the main appeal.*
3. That this Honourable tribunal on 12/07/2016 after providing two opportunity to respondents for appearance, but the respondents remained absent, therefore, honorable Member of this respected tribunal passed detailed order on 12/07/2016, and in the last suspended the impugned official transfer order bearing Endst No. 6198-6203/A-12/Nousheen-I/C, dated 30/05/2016.
4. That vide order date 12/07/2016 the Honourable Tribunal came to the conclusion that the said impugned order is against the law, process, hence unlawful. (Copy of the order is attached).

5. That since <sup>dated</sup> 12/07/2016 the petitioner is not <sup>being</sup> handed over the charge by respondent no.5 with the connivance of respondents no.1 to 4.

6. That the entire respondents disregarded, disrespected and dishonored the order of this respectable tribunal of dated 12/07/2016 by not handing over the charge, and the services of the petitioner are still hanging in the mystery without any legal/lawful justifications. (affidavit attached).

7. That respondent no.5 with connivance of other respondents manipulated some fake documents regarding the charge of petitioner, which are <sup>the</sup> in back date, when she came in knowledge regarding the order dated 12/07/2016.

8. That respondent no.5 is in league with the remaining respondents, though the petitioner is the senior most government servant, this Honourable Court also passed a detailed speaking order within the parameter of law, and record, and suspended the impugned order dated 30/05/2016. But the entire respondents disregarded, therefore this petition is needed.

9. That other grounds and facts would be submitted at the time of hearing of this petition. (Affidavit attached).



It is, therefore, most humbly prayed that: -

Prayer →

A. On acceptance of this petition the contempt proceedings against respondents may kindly be initiated and be processed accordingly.

B. Directions may also be passed to respondents to implement the order of this Honourable Tribunal of dated 12/07/2016, and to hand over the charge to the petitioner, as per transfer order / notification no 3778-83, dated 31/03/2016, issued from the office of director Education FATA (Respondent no. 1) accordingly.

Petitioner

*Ajmal Zeb Khan*  
9/8/016.



KHANZADA AJMAL ZEB KHAN,  
Advocate, High Court Peshawar

Certificate:

Certified that no such like Contempt of court has earlier been filed before this Honourable Court.

*Ajmal Zeb Khan*  
Advocate

9/8/016.

IN THE COURT OF CHAIRMAN SERVICES TRIBUNAL, GOVT OF  
KPK, PESHAWAR

COC NO. \_\_\_\_\_ /2016

IN

APPEAL NO. 591/2016

Mst. Siraj Bibi

**VERSUS**

Hamid Ullah Jan et

AFFIDAVIT

I, Khanzada Ajmal Zeb Khan, Advocate, Supreme Court of Pakistan, do hereby affirm and declare that as per information conveyed to me by my client the contents of the instant COC petition are true and correct to the best of my knowledge and belief.

att = 9/8/16



ADVOCATE

*[Handwritten signature]*  
*[Handwritten signature]*  
9/8/16

IN THE COURT OF CHAIRMAN SERVICES TRIBUNAL, GOVT OF  
KPK, PESHAWAR

COC NO. \_\_\_\_\_/2016

IN

APPEAL NO. 591/2016

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3. Abid Azam Khan, Assistant Director Education (Establishment), Directorate of Education Warsak road, Peshawar.
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... RESPONDENTS

PETITION FOR INITIATING CONTEMPT OF COURT  
PROCEEDINGS AGAINST RESPONDENTS, AND ALSO  
DIRECTING THE RESPONDENTS TO IMPLEMENT  
THE ORDER OF THIS HONOURABLE TRIBUNAL OF  
DATED 12/07/2016

SHEWETH,

1. That the petitioner has submitted an appeal no. 591/2016 titled Mst. Siraj Bibi VS Director Education FA/A etc fixed for today i.e. 09/08/2016 for appearance of respondents

2. That the petitioner has challenged the office order dated 30/05/2016 having Endst No. 6198-6203/A-12/Nousheen-  
*no. 1 no. the main appeal.*

3. That this Honourable tribunal on 12/07/2016 after providing two opportunity to respondents for appearance, but the respondents remained absent, therefore, honorable Member of this respected tribunal passed detailed order on 12/07/2016, and in the last suspended the impugned official transfer order bearing Endst No. 6198-6203/A-12/Nousheen-I/C, dated 30/05/2016.

4. That vide order date 12/07/2016 the Honourable Tribunal came to the conclusion that the said impugned order is against the law, process, hence unlawful. (Copy of the order is attached).

5. That since <sup>dated</sup> 12/07/2016 the petitioner is not <sup>being</sup> handed over the charge by respondent no.5 with the connivance of respondents no.1 to 4.
6. That the entire respondents disregarded, disrespected and dishonored the order of this respectable tribunal of dated 12/07/2016 by not handing over the charge, and the services of the petitioner are still hanging in the mystery without any legal/lawful justifications. (affidavit attached).
7. That respondent no.5 with connivance of other respondents manipulated some fake documents regarding the charge of petitioner, which are <sup>the</sup> in back date, when she came in knowledge regarding the order dated 12/07/2016.
8. That respondent no.5 is in league with the remaining respondents, though the petitioner is the senior most government servant, this Honorable Court also passed a detailed speaking order within the parameter of law, and record, and suspended the impugned order dated 30/05/2016. But the entire respondents disregarded, therefore this petition is needed.
9. That other grounds and facts would be submitted at the time of hearing of this petition. (Affidavit attached).
- |

It is, therefore, most humbly prayed that:-

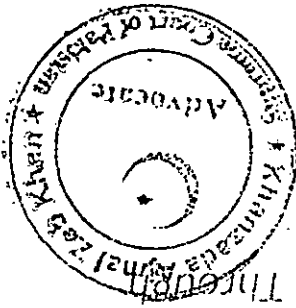
On acceptance of this petition the contempt proceedings against respondents may kindly be initiated and be processed accordingly.

Directions may also be passed to respondents to implement the order of this Honourable Tribunal of dated 12/07/2016, and to hand over the charge to the petitioner, as per transfer order / notification no 3778-83, dated 31/03/2016, issued from the office of director Education FATA (Respondent no.1 accordingly.

Petitioner

*[Handwritten signature]*  
9/8/2016

KHANZADA AJMAL ZEB KHAN,  
Advocate, High Court Peshawar



Certificate:

Certified that no such like Contempt of court has earlier been filed before this Honourable Court.

9/8/2016  
Advocate

*[Handwritten signature]*  
→

KPK, PESHAWAR

GOC NO. \_\_\_\_\_ /2016

IN

APPEAL NO. 591/2016

Mst. Siraj Bibi

VERSUS

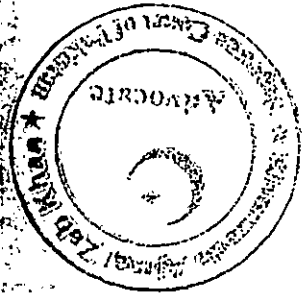
Hamid Ullah Jan etc

AFFIDAVIT

I, Khanzada Ajmal Zeb Khan, Advocate, Supreme Court of Pakistan, do hereby affirm and declare that as per information conveyed to me by my client the contents of the instant COC petition are true and correct to the best of my knowledge and belief.

ADVOCATE

*[Signature]*



*aff = 9/8/16*

*9/8/16*  
*[Signature]*

IN THE COURT OF CHAIRMAN SERVICES TRIBUNAL, GOVT OF  
KPK, PESHAWAR

COC NO. \_\_\_\_\_/2016

IN

APPEAL NO. 591/2016

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... RESPONDENTS



PETITION FOR INITIATING CONTEMPT OF COURT  
PROCEEDINGS AGAINST <sup>the</sup> RESPONDENTS, AND ALSO  
DIRECTING THE RESPONDENTS TO IMPLEMENT  
THE ORDER OF THIS HONOURABLE TRIBUNAL OF  
DATED 12/07/2016

SHEWETH;

1. That the petitioner has submitted an appeal no. 5911/2016 titled Mst. Siraj Bibi VS Director Education FATA etc fixed for today i.e. 09/08/2016 for appearance of respondents;
2. That the petitioner has challenged the office order dated 30/05/2016 having Endst No. 6198-6203/A-12/Nousheen-I/C issued from the office of respondent no. 1 *in the main appeal.*
3. That this Honourable tribunal on 12/07/2016 after providing two opportunity to respondents for appearance, but the respondents remained absent, therefore, honorable Member of this respected tribunal passed detailed order on 12/07/2016, and in the last suspended the impugned official transfer order bearing Endst No. 6198-6203/A-12/Nousheen-I/C, dated 30/05/2016.
4. That vide order date 12/07/2016 the Honourable Tribunal came to the conclusion that the said impugned order is against the law, process, hence unlawful. (Copy of the order is attached).

5. That since <sup>dated</sup> 12/07/2016 the petitioner is not <sup>being</sup> handed-over the charge by respondent no.5 with the connivance of respondents no.1 to 4.

6. That the entire respondents disregarded, disrespected and dishonored the order of this respectable tribunal of dated 12/07/2016 by not handing over the charge, and the services of the petitioner are still hanging in the mystery without any legal/lawful justifications. (affidavit attached).

7. That respondent no.5 with connivance of other respondents manipulated some fake documents regarding the charge of petitioner, which are <sup>the</sup> in back date, when she came in knowledge regarding the order dated 12/07/2016.

8. That respondent no.5 is in league with the remaining respondents, though the petitioner is the senior most government servant, this Honourable Court also passed a detailed speaking order within the parameter of law, and record, and suspended the impugned order dated 30/05/2016. But the entire respondents disregarded, therefore this petition is needed.

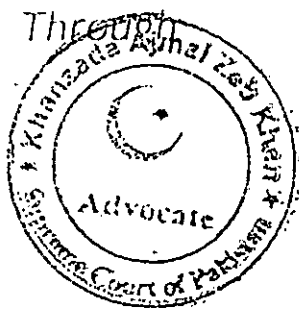
9. That other grounds and facts would be submitted at the time of hearing of this petition. (Affidavit attached).

It is, therefore, most humbly prayed that: -

*prayer* → A On acceptance of this petition the contempt proceedings against respondents may kindly be initiated and be processed accordingly.

B Directions may also be passed to respondents to implement the order of this Honourable Tribunal of dated 12/07/2016, and to hand over the charge to the petitioner, as per transfer order / notification no 3778-83, dated 31/03/2016, issued from the office of director Education FATA (Respondent no. 1) accordingly.

Petitioner



*Khanzada*  
*9/8/016*  
Khanzada Ajmal Zeb Khan,  
Advocate, High Court Peshawar

Certificate:

Certified that no such like Contempt of court has earlier been filed before this Honourable Court.

*[Signature]*  
Advocate

*9/8/016*

IN THE COURT OF CHAIRMAN SERVICES TRIBUNAL, GOVT OF

KPK, PESHAWAR

COC NO. \_\_\_\_\_ /2016

IN

APPEAL NO. 591/2016

Mst. Siraj Bibi

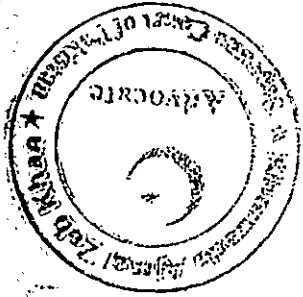
VERSUS

Hamid Ullah Jan et

AFFIDAVIT

I, Khanzada Aymal Zeb Khan, Advocate, Supreme Court of Pakistan, do hereby affirm and declare that as per information conveyed to me by my client the contents of the instant COC petition are true and correct to the best of my knowledge and belief.

att = 9/8/16



ADVOCATE

*[Handwritten signature]*

9/8/16  
*[Handwritten signature]*

IN THE COURT OF CHAIRMAN SERVICES TRIBUNAL, GOVT OF  
KPK, PESHAWAR

COC NO. \_\_\_\_\_/2016

IN

APPEAL NO. 591/2016

Mst. Siraj Bibi wife of Syed Anwar Ali Shah resident of Qasim Nasti Kot, Para Chinar. Presently principal Govt. Girls High School, City No.1, Para Chinar.

... PETITIONER

VERSUS

1. Hamid Ullah Jan, Director Education FAT, Fata Secretariat Directorate of Education Warsak Road, Peshawar.
2. Naveed Khan Deputy Director Education (Establishment) Directorate of Education Warsak Road, Peshawar.
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... RESPONDENTS

PETITION FOR INITIATING CONTEMPT OF COURT  
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DIRECTING THE RESPONDENTS TO IMPLEMENT  
THE ORDER OF THIS HONOURABLE TRIBUNAL OF  
DATED 12/07/2016

SHEWETH,

1. That the petitioner has submitted an appeal no. 591/2016 titled Mst. Siraj Bibi VS Director Education FATA etc fixed for today i.e. 09/08/2016 for appearance of respondents
2. That the petitioner has challenged the office order dated 30/05/2016 having Endst No. 6198-6203/A-12/Nousheen-I/C issued from the office of respondent no. 1 *in the main appeal.*
3. That this Honourable tribunal on 12/07/2016 after providing two opportunity to respondents for appearance, but the respondents remained absent, therefore, honorable Member of this respected tribunal passed detailed order on 12/07/2016, and in the last suspended the impugned official transfer order bearing Endst No. 6198-6203/A-12/Nousheen-I/C, dated 30/05/2016.
4. That vide order date 12/07/2016 the Honourable Tribunal came to the conclusion that the said impugned order is against the law, process, hence unlawful. (Copy of the order is attached).

5. That since <sup>dates</sup> 12/07/2016 the petitioner is not <sup>being</sup> handed over the charge by respondent no.5 with the connivance of respondents no.1 to 4.

6. That the entire respondents disregarded, disrespected and dishonored the order of this respectable tribunal of dated 12/07/2016 by not handing over the charge, and the services of the petitioner are still hanging in the mystery without any legal/lawful justifications. (affidavit attached).

7. That respondent no.5 with connivance of other respondents manipulated some fake documents regarding the charge of petitioner, which are <sup>at</sup> in back date, when she came in knowledge regarding the order dated 12/07/2016.

8. That respondent no.5 is in league with the remaining respondents, though the petitioner is the senior most government servant, this Honorable Court also passed a detailed speaking order within the parameter of law, and record, and suspended the impugned order dated 30/05/2016. But the entire respondents disregarded, therefore this petition is needed.

9. That other grounds and facts would be submitted at the time of hearing of this petition. (Affidavit attached).

It is, therefore, most humbly prayed that:-

A. On acceptance of this petition the contempt proceedings against respondents may kindly be initiated and be

processed accordingly.

B. Directions may also be passed to respondents to implement the order of this Honourable Tribunal of dated 12/07/2016, and to hand over the charge to the petitioner, as per transfer order / notification no 3778-83, dated 31/03/2016, issued from the office of director Education FATA (Respondent no.1 accordingly.

Petitioner

*[Handwritten signature]*  
9/8/2016

KHANZADA AJMAL ZEB KHAN,

Advocate, High Court Peshawar



Certificate:

Certified that no such like Contempt of Court has ever been filed before this Honourable Court.

9/8/2016  
*[Signature]*  
Advocate

*[Handwritten signature]*  
→



KPK, PESHAWAR

COC NO. \_\_\_\_\_/2016

IN

APPEAL NO. 591/2016

v. st. Siraj Bibi

VERSUS

Hamid Ullah Jan et

AFFIDAVIT

I, Khanzada Ajmal Zeb Khan, Advocate, Supreme Court of Pakistan, do hereby affirm and declare that as per information conveyed to me by my client the contents of the instant COC petition are true and correct to the best of my knowledge and belief.

9/8/16  
off = 2/8



ADVOCATE

*[Handwritten signature]*

*[Handwritten signature]*

9/8/16

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

COC No. \_\_\_\_\_/2016

In Service Appeal No: 591/2016

Siraj Bibi SST .....Appellant.

**VERSUS**

Hameed Ullah Jan, Director Education (FATA) and Others.....Respondents.

**Para-wise comments on behalf of respondent No: 1.**

**Respectfully Sheweth:**

**Preliminary Objection**

1. That the appellant has got no cause of action to file the instant application.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honorable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present application.
5. The application is based on malafide intention to pressurize the respondents.
6. That the instant COC application is devoid of merits.

**On Facts:**

1. Correct.
2. No comments.
3. Incorrect. Before 12.07.2016 no notice has been received from the Service tribunal by the respondents for appearance in the Honorable service tribunal.
4. No comments.
5. Pertain to record.
6. Incorrect. The respondents have not violated the order of Honorable tribunal. It is also clarified that the honorable Service Tribunal suspended the the impugned order till the date fixed i.e. 9.8.2016. After then the appellant remained on her original post of SST at GGHS Alam Sher being a teacher her official duty is teaching, while the post of Principal, GGHS Parachinar is of BPS-18 and official duty of the Principal is school administration. Therefore, the respondent No.5, was retained in the previous school being selected as a Headmistress in BPS-17 by Public Service Commission and in interest of Public Service.
7. Pertain to record.
8. As in para-6 above.
9. The respondent departments also seek permission to advance other grounds and proofs at the time of hearing.

It is, therefore, humbly prayed that the COC application may be dismissed being not maintainable, meritless and devoid of legal force.

Respondent No. 1.

  
Director Education FATA

AFFIDAVIT

I, Mr. Hamidullah Jan do hereby declare and affirm that the above reply is true and correct to the best of my Knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Respondent No. 1.

*Hamidullah Jan*  
Director Education FATA.