

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C. M. No _____/2024

In

Service Appeal No 613 /2024

Nadia Rasheed.....Appellant

V E R S U S

Director & Others.....Respondents

APPLICATION FOR FIXATION OF TITLED SERVICE APPEAL AT
PRINCIPAL SEAT OF THIS HONORABLE TRIBUNAL AT
PESHAWAR.

Respectfully Submitted:-

1. That the above titled appeal is being filed today, in which no date of hearing has been fixed so far.
2. That the relevant contesting respondents as well as the Counsel of the appellant are seated at Peshawar hence the applicant requests for fixation of the titled Service Appeal at principal seat of this honorable Tribunal at Peshawar.
3. That the rules on the subject are also very much clear which favors fixation of Service Appeals at the convenience of the parties.
4. That there is no bar on fixation of titled Service appeal at principal seat of this honorable Tribunal which would rather cause convenience to the parties.

It is therefore prayed that on acceptance of this application, the titled Service Appeal, may kindly be fixed at the Principal seat of this honorable Tribunal at Peshawar.

Dated:-23-04-2024

Through


Appellant

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan,

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Nadia Raheem VS Government

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Fuzal Shah respondent</u>		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	/	
3	Whether appeal is within time?	/	
4	Whether the enactment under which the appeal is filed mentioned?	/	
5	Whether the enactment under which the appeal is filed is correct?	/	
6	Whether affidavit is appended?	/	
7	Whether affidavit is duly attested by competent oath commissioner?	/	
8	Whether Appeal / Annexures are properly paged?	/	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	/	
10	Whether annexures are legible?	/	
11	Whether annexures are attested?	/	
12	Whether copies of annexures are readable/ clear?	/	
13	Whether copy of appeal is delivered to AG/ DAG?	/	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	/	
15	Whether number of referred cases given are correct?	/	
16	Whether appeal contains cutting / overwriting?		/
17	Whether list of books has been provided at the end of the appeal?	/	
18	Whether case relate to this Court?	/	
19	Whether requisite number of spare copies are attached?	/	
20	Whether complete spare copy is filed in separate file cover?	/	
21	Whether addresses of parties given are complete?	/	
22	Whether index filed?	/	
23	Whether index is correct?	/	
24	Whether security and process fee deposited? On _____	/	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:- Fuzal Shah respondent AS

Signature:- [Signature]

Dated:- 23-4-2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 613 /2024

Nadia Rasheed.....Appellant


V E R S U S

Director & Others.....Respondents

INDEX

S No	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-3
2.	Application for suspension of impugned Order with Affidavit		4
3.	Copies of Office Orders dated 22-09-2023, Office Order dated 28-09-2023 & Charge Report	A, B & C	5-9
4.	Copy of Office Order dated 03-10-2023, Inquiry Report & Letter dated 06-10-2023	D, E & F	10-14
5.	Copy of Appeal & Office Order dated 27-03-2024	G & H	15-17
6.	Vakalat Nama		18

Dated:-23-04-2024

Appellant
Through

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan,

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 613/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12358

Dated 23/4/24

Nadia Rasheed, Certified Teacher (BPS-15), Govt. Girls Middle School,
Gharyal, District Mansehra.Appellant

V E R S U S

1. Director, Elementary & Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Female), Mansehra.
3. Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education, Govt. of Khyber Pakhtunkhwa, Peshawar.
4. Asma Fazal, Certified Teacher (BPS-15), Govt. Girls High School, Khaith Sahrish, District Mansehra.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE OFFICE ORDER DATED 27-03-2024 WHEREBY ON ACCEPTANCE OF DEPARTMENTAL APPEAL OF RESPONDENT NO 4, OFFICE ORDER ISSUED VIDE ENDST. NO 1321-25 DATED 22-09-2023 HAS BEEN WITHDRAWN.

PRAYER:-

On acceptance of this appeal the impugned Office Order dated 27-03-2024, may kindly be set aside and the appellant may kindly be allowed to perform her duties at Govt. Girls Middle School, Gharyal, District Mansehra

Respectfully Submitted:-

1. That the appellant was initially appointed as Certified Teacher (BPS-15) in July 2021 and was posted to Govt. Girls High School Shamdhara and since appointment the appellant performed her duties with honesty and full devotion and to the entire satisfaction of her high ups.
2. That the appellant was transferred to Govt. Girls Middle School, Gharyal, Mansehra vide Office Order dated 22-09-2023 which was withheld vide Office Order of even date and was restored vide Office Order dated 28-09-2023. **(Copies of Office Orders dated 22-09-2023, Office Order dated 28-09-2023 & Charge Report is enclosed as Annexure A, B & C).**
3. That respondent No 4 was transferred from Govt. Girls High School Kaith Sarash to Govt. Girls Middle School, Gharyal, District Mansehra, illegally by respondent No 3 vide Office

Filed to-day

Registrar

Order dated 03-10-2023 however she was not relieved by the Incharge of the previous School, as she had earlier used fake Stamp and signature of the Incharge of the School and an inquiry was conducted against her on the stated allegations, so the Incharge of School approached respondent No 2 for the verification of Order dated 03-10-2023 and seeking guidance as to whether respondent No 4 be relieved or not vide Letter dated 06-10-2023. Similarly respondent No 4 also did not assume charge of her post at Govt. Girls Middle School, Gharyal. **(Copy of Office Order dated 03-10-2023, Inquiry Report & Letter dated 06-10-2023 is enclosed as Annexure D, E & F).**

4. That respondent No 4 filed appeal dated 29-02-2024 before respondent No 1, upon which to the utter shock and dismay, the transfer Order of the appellant dated 22-09-2023 was withdrawn vide Office Order dated 27-03-2024. **(Copy of Appeal & Office Order dated 27-03-2024 is enclosed as Annexure G & H).**
5. That the impugned Office Order dated 27-03-2024 is against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND:-

- A. That the impugned Office Order is illegal, unlawful, without lawful authority and void ab-initio.
- B. That the appellant is not treated in accordance with law and rules on the subject which being her fundamental right as per Article 4, 10 and 25 of the Constitution and law of the land.
- C. That the impugned Office Order is per-mature as the appellant was transferred to Govt. Girls Middle School, Gharyal on 22-09-2023 and her transferred Order has been withdrawn just after about six months and on this score alone the impugned Office Order is liable to be set at naught.
- D. That the impugned Order smacks malice, as the transfer order of respondent No 4 was issued by respondent No 3 which was beyond his authority and same is the case of impugned Office Order.
- E. That the impugned Office Order is in violation of transfer posting policy of the provincial Govt. as the same is neither in public interest nor in exigency of service, hence too liable to be struck down.

F. That the impugned Order is not speaking Order as per Section 24 of the General Clauses Act and as too not tenable in the eyes of law.

G. That the appellant is victimized for no omission or commission on her part.

H. That the appellant seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

It is therefore prayed, that appeal of the appellant, may kindly be accepted as prayed for.

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for, may also be granted in favor of the appellant.

Dated:-23-04-2024

[Signature]
Appellant

Through

[Signature]
Fazal Shah Mohmand,
Advocate,
Supreme Court of Pakistan,
& *[Signature]*
Ibad Ur Rehman Khalil,

[Signature]
Baseer Ahmad Shah
Advocates Peshawar

LIST OF BOOKS:

- 1. Constitution 1973.
- 2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

[Signature]
ADVOCATE

AFFIDAVIT

I, Nadia Rasheed, Certified Teacher (BPS-15), Govt. Girls Middle School, Gharyal, District Mansehra, (the appellant) do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



[Signature]
DEPONENT

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

Nadia Rasheed.....Appellant

V E R S U S

Director & Others.....Respondents

APPLICATION FOR THE SUSPENSION OF IMPUGNED OFFICE
ORDER DATED 27-03-2024, TILL THE FINAL DISPOSAL OF
TITLED APPEAL.

Respectfully Submitted:-

1. That the above titled appeal is being filed today, in which no date of hearing has been fixed so far.
2. That the facts and grounds of appeal may kindly be considered as integral part of this application.
3. That the applicant/appellant has got good prima facie case and is sanguine of its success.
4. That the balance of convenience also lies in favor of the applicant/appellant.
5. That the applicant/appellant is still holding the charge of her post and if the impugned order is not suspended the applicant/appellant will suffer irreparable loss.

It is therefore prayed that on acceptance of this application, the impugned Office Order dated 27-03-2024, may kindly be suspended till the final disposal of the titled appeal.

Dated:-23-04-2024

Through

Appellant



**Fazal Shah Mohmand
Advocate,**

Supreme Court of Pakistan,



AFFIDAVIT

I, Nadia Rasheed, Certified Teacher (BPS-15), Govt. Girls Middle School, Gharyal, District Mansehra, , (the appellant) do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

ATTESTED

DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

22/11/23

- 1. District Monitoring Officer Mansehra.
- 2. District Accounts Officer Mansehra.
- 3. Headmistress concerned.
- 4. Official concerned.
- 5. Office File.

Dated 22/11/2023

Ends: No. 1321-25 / Estt: Branch

(Rehana Yasmin)
DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

- 1. Charge report should be submitted to all concerned.
- 2. No TA/DA etc is allowed.

Note:-

Mst. Nadia Rashed CT Govt. Girls High School Shandhra is hereby transfer to Govt. Girls Middle School Chagal Manshra on his own pay and grade in the interest of public service with immediate effect.

OFFICE ORDER



de@manshra.gov.pk (+92) 0997-390035



MANSEHRA

DISTRICT EDUCATION OFFICE (FEMALE)



5

ATTESTED

DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA

1. The District Monitoring Officer Manshra.
2. The District Accounts Officer Manshra.
3. Head Mistress Concerned.
4. Official concerned.
5. Office file.

Copy forwarded to:-

Order No. 1356-68

Date: 22 / 09-2023.

(Richana Yasmeen)
DISTRICT EDUCATION OFFICE
(FEMALE) MANSEHRA

You are hereby directed to resume their duty at previous station.

Note:-

The office order issued under Endst No 1321-25/Estt: branch Dated 22.09.2023, is hereby withheld till the further decision in the interest of public service with immediate effect.

OFFICE ORDER

Information & Photo.com

0972190013

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA



6

(7) B



**OFFICE OF THE DISTRICT EDUCATION OFFICE
(FEMALE) MANSEHRA**



@ deo/mansehra@yahoo.com



0997390035

OFFICE ORDER

The office order issued under Endst: No 1321-25/ Estt: branch Dated 22.09.2023, is hereby re-instate in the best interest of public service with immediate effect.

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

-sd-
DISTRICT EDUCATION OFFICE
(FEMALE) MANSEHRA

Endst: No 1376-80.

Dated: 28 / 10 / 2023.

Copy forwarded to:-

1. The District Monitoring officer Mansehra.
2. The District Accounts Officer Mansehra.
3. Head Mistress Concerned.
4. Official concerned.
5. Office file.

16/28/9/23
DISTRICT EDUCATION OFFICE
(FEMALE) MANSEHRA

ATTESTED

C

(8) C

CHARGE REPORT

In compliance with the office order issued under ENDST No: 1321-25 Dated: 22-9-2023 vide DEO (F) Mansehra the charge of vacant CT post has been handed over to NADIA RASHEED on 28-10-2023

The process of assigning duties and other record has also been completed.

Signature of relieving

Post: CT (vacant)

Station: GGMS Gharyal

Dated:

ENDST. No: 1321-25 Dated: 22-9-2023

Copy forwarded to DEO (F) Mansehra for necessary action please.

Call
28-10-2023
Head Mistress
GGMS Gharyal
Mansehra
GGMS Gharyal

ATTACHED

9

RELIEVING LETTER

In pursuance of the order issued by office of Director E&SE KPK vide Endst. No. 1321-25 Dated: 27.10.2023 Miss NADIA RASHEED (CT) GGHS Shamdhara is hereby relieved from her service and directed to report to DEO (F) Mansehra for further adjustment.

ATTESTED

Signature of Head Mistress

GGHS Shamdhara

[Handwritten Signature]
HEAD MISTRESS
GGHS Shamdhara
Mansehra

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA'S Hostel, Civil Secretariat Peshawar
Phone No. 091-9223587



Dated Peshawar the 3rd October, 2023

OFFICE ORDER

No. SO/P/DE/SS/ED/2-1/Transfer/Asma Fazal/2023.

Mst. Asma Fazal C.T GHS

Khan Sahitsh District Manshera is hereby transferred and posted at GHS Charyala District Manshera against the vacant post with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT.

Encl. No. & Date as above.
Copy forwarded to:-

1. The District Education Officer (F) Manshera.
2. The District Account Officer, Manshera
3. Principal/Headmistress concerned
4. Teacher concerned.
5. Master file.

[Handwritten Signature]
SECTION OFFICER (PRIMARY/HEALTH)

[Handwritten Signature]
ATTACHED

10
D

To

The District Education Officer (Female)
Mansehra.

(11)

E

Subject: INQUIRY REPORT REGARDING MISS USE OF SIGNATURE AND STAMP
OF HEAD/INCHARGE OF GGHS KHAIT SIRASH.

1. NATURE OF THE COMPLAINT

As per report of Head Mistress of GGHS Khait Sirash, Miss Asma Fazal (CT) used signature and stamp on application for transfer from school without the permission of Incharge.

2. NATURE OF THE ENQUIRY:

Descriptive Survey and document analysis.

3. OBJECTIVES:

THE OBJECTIVES OF THE ENQUIRY WERE:

- A. To inquire about when and why she used signature and stamp/ background history
- B. Document evidence.

4. PROCEEDINGS:

On Wednesday 3 May 2023, Miss Asma Fazal arrived with document proof that she did not used signature and stamp of her incharge, she said that, she submitted application for transfer in March and books collection and distribution work started in April. According to incharge she used stamp give to her for books collection, as she was focal person of books. Miss Asma also provide evidence of register on which day/date she was on duty for books collection on Saturday 6th May 2023. After that incharge of the school Miss: Shakeela Anjum arrived with her evidences she said that teacher was a focal person of books and HRIS first, she entered incorrect data on HRIS portal and I took action against her and taken charge from her. Then one day a unknown person entered in our school, as Miss Asma Fazal opened gate for him, she provides me proofs for that with written witness from staff members. She said that I called explanation and Miss Asma Fazal excuses and written stamp paper and apologise me that next time I must be careful. I also checked the attendance register copies and order book and all relevant documents of both.

5. FINDINGS:

MAJOR FINDING OF THE INQUIRY ARE:

- A. Miss: Asma Fazal is appointed on the post of CT and she completed her tenure in this school, also she worked in this school since 5 years
- B. She and her Incharge provided 3 applications, having different signature, Stamps and remarks.
- C. Both have no witness because staff members refused for witness, they said this work is not done in front of them, so, they all are not willing to give any type of declaration.
- D. Incharge of the school provides all evidences against Miss: Asma Fazal before and after given application for transfer.

6. CONCLUSION:

THE FOLLOWING WERE THE CONCLUSION OF THE INQUIRY:

- A. Miss: Asma Fazal has performed her duties regularly from her date of appointment.
- B. Miss Asma Fazal appointed in this school, completed her tenure and work still now after regularization.

ATTESTED

- C. Evidences provided by both shows that, on application different stamps was used and Incharge submitted every document under her letter head pad to office.
- D. As, according to the Incharge if she is still working in this school then it is not good for both of them. She broke her trust and now she is not willing to assign any duty to her.
- E. According to Miss: Asma Fazal, Incharge has planned first and then she signed and stamp differently on every application as she has personal clash with her.
- F. Incharge provides me wrong information that she is the only teacher who works in the post of CT.

7. SUGGESTION & RECOMMENDATION:

- A. An official warning letter may be issued to Miss Asma Fazal (CT) GGHS Khait Sirash to remain vigilant and avoid un-authorized work in future.
- B. As, it is suggested that she may be transferred because if she is still working in this school then it is not good for both of them due to miss trust and also for the environment of the school.

Inquiry Officer Mst: Izba Nawaz

[Handwritten Signature]
ATTESTED

ATTESTED

Handwritten signature and stamp: "HEAD MASTER" and "SCHOOL" with a date "20/10/2023".

Handwritten text: "بسم اللہ الرحمن الرحیم" (In the name of Allah, the Most Gracious, the Most Merciful)

Handwritten text: "وہابی" (Wahabi)

Handwritten text: "مدرسہ اسلامیہ" (Islamic School) and "بسم اللہ الرحمن الرحیم" (In the name of Allah, the Most Gracious, the Most Merciful)

Handwritten number: (14)

بجٹ مہنگہ سبب رائر کیٹرس صاحبہ پبلک سروس اینڈ سیکنڈری ایجوکیشن KPESE پشاور

جناب عالیہ

مودبانہ گزارش ہے۔ کہ سائلہ گورنمنٹ گرلز ہائی سکول کھیت سرائی میں 23 جنوری 2019 سے CT پوسٹ پر تعینات تھی۔ 22 مارچ 2023 کو ڈیل سکول گزیالہ میں CT کی خالی آسامی پر تبادلے کی درخواست جمع کروائی۔ زنانہ مانسہرہ میں کئی تاخیری حربے استعمال کرنے کے بعد بھی درخواست پر کوئی خاطر خواہ جواب نہ ملا اور بعد ازاں 5 ماہ کی تاخیر کے بعد یہ کہ کر ٹال دیا گیا کہ آڈر پشاور سے ہوں گے 29 اگست 2023 کو پوسٹنگ ٹرانسفر لیٹر اور بعد ازاں RELAX BAN لیٹر بھی جاری کیا گیا۔ جس پر عمل درآمد نہ ہوا۔ دوبارہ پشاور آفس سے 13 اکتوبر 2023 کو آڈر جاری ہوا۔ جس پر Incharge نے عمل درآمد نہ کیا اور سائلہ کی service book روک دی۔ اور تنخواہ بند کرادی۔

۱۔ میری تنخواہ روکواہی ہے۔ اور مجھے غیر حاضر کیا جاتا رہا۔

۲۔ 28 اکتوبر کو UDEO نے previous date میں ایک غیر قانونی آڈر کر کے ایک اور ٹیچر جس کا Tenure بھی 3 سال پورا نہیں بھیج دیا۔

۳۔ بعد ازاں DC کے پاس درخواست جمع کرنے پر DEO مانسہرہ نے ٹال مٹول سے کام لیا اور ایک اور Bogus آرڈر کیا جسکو دفتر ہذا سے وصول نہیں کیا۔

۴۔ برائے کرم میرے تمام مسائل کو حل کیا جائے۔ سائلہ تاحیات آپکی مشکور ہوگی اور آپکی بلند اقبالی کے لیے دعا کوار ہے گی۔

الذی اعزہ

27/11/2024

اتماہ فضل (CT)

گورنمنٹ گرلز ہائی سکول گزیالہ 03229005957

ADD: (CT)

Sup H

N)

29/11/24

1829
29/11/24

ATTESTED

CS CamScanner

ATTACHED

Assistant Director (Female)
E&SE Khyber Pakhtunkhwa

Copy of the above is forwarded to the
PA to Director E&SE KPR Peshawar.

Index No

Assistant Director (Female)
E&SE Khyber Pakhtunkhwa

detail report views/comments to this Directorate to proceed further into the matter.

of appeal to Dist. Asst. Commr. E&SE Khyber Pakhtunkhwa and to ask you to submit

I am directed to refer to the subject cited above and to enclose herewith

Attn:

Subject

APPEAL

The District Education Officer,
(Female) Mianshin

*Reading corrected
provide detail
do not know exact
date*

Dated Peshawar the 13.3.2024

No. 271 of No. 156 of Appeal/Mianshin

18

17

A



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

The Appellate Authority has been pleased to withdraw the office order in r/o Mst. Nadia Rasheed CT B-15 issued by DEO Female Manshara vide No. 1321-25 dated 22.9.2023 with immediate effect under Appellate Rules, 1986, in the interest of public service.

**Director
Elementary & Secondary
Education Khyber Pakhtunkhwa**

3459-62

Endst: No. _____ /F.No.18/Vol-I/F/G.Transfer Peshawar the 27/03/2024

Copy for information to the:-

1. District Education Officer (Female) Manshara.
2. District Account Officer Manshara.
3. Teacher concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa.
5. M/ile.

**Assistant Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa.**

27/03/2024

ATTESTED

Handwritten signatures and initials at the top of the page.

Nadia Rasheed
13101-2651151-8
Handwritten name in Urdu: نادیا رشید

مقام

23
2024
Handwritten numbers and dates.

Main body of handwritten text in Urdu, appearing to be a letter or report. The text is dense and covers most of the page's width.

امتیاز کی

مقام
تاریخ
مقدمہ
موضوع

Handwritten notes or signatures on the right side of the page.

Handwritten text inside a large arrow-shaped box pointing to the right.

تعمیرات

Handwritten mark or signature at the bottom center of the page.