


29.04.2024 Mr. Khalid Mehmood, Advocate for the appellant present and produced judgment of the apex court as well as of this Tribunal and argued that in view of these judgments office objection dated 18.04.2024 might be removed. Upon query of this court that if he was in possession of these judgments on 18.04.2024 then why he had not produced the same before this Tribunal, he flared up, misbehaved and used threatening language by pressurizing the court. This behavior of learned counsel for the appellant is not being of professional lawyer but for the interest of justice office objection dated 18.04.2024 is removed in the light of judgment dated 27.04.2005 of apex court in civil appeal No. 500 & 501 of 2003 followed by service appeal No. 306/2023 handed down on 10.07.2023 wherein it is held that there is no provision of second appeal filed against the order passed by the appellate authority. Office is directed to entered it in the institution Register and file to come up for preliminary hearing on / /2024 before S.B.


(Rashida Bano)
Member (J)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

Service Appeal No. ⁶⁶⁴/2024

Nida Afreen

.....**APPELLANT**

VERSUS

Director, Elementary & Secondary Education Department, Peshawar Khyber
Pakhtunkhwa Peshawar and others

.....**Respondents**

APPLICATION FOR FIXATION
BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWARAT PRINCIPAL SEAT
PESHAWAR.

RESPECTFULLY SHEWETH,

1. That the above title service appeal is being filed before this Honorable Tribunal.
2. That the case relates to jurisdiction of camp court D.I.Khan but there was no chance for availability of court at DIKhan in near future.
3. That it is urgent matter and if not fixed at Principal seat Peshawar then petitioner will suffer Irreparable loss and petition will become infructuous.

It is, therefore, very humbly requested that keeping in view the above facts, above titled service appeal maybe fixed before Principal seat at Peshawar.

Dated: ²⁹4/2024


Appellant

Through Counsel
Khalid Mahmood
Advocate High Court D.I.Khan

Mob # 0336-4330001

Objection dated 18/04/2023 removed in light of judgement dated 27/04/2005 of supreme court in civil appeal Number 500/2003 & 501/2003 & judgement dated 10/07/2023 in service appeal number 306/2023 titled Liaqat Ali VS Secretary Irrigation department etc of this Honorable Tribunal (Judgements enclosed) and resubmitted for further proceeding.

Appellant


29/4/2024

Through Counsel
Khalid Mahmood Advocate
Stationed at DIKhan

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

S/C
F (28)

CA 3473/03

PRESENT:

Mr. Justice Faqir Muhammad Khokhar
Mr. Justice M. Javed Buttar

Civil Petitions No. 500 & 501-P/2003.
(On appeal from orders dated 14.6.2003 of
the NWFP Service Tribunal, Peshawar,
passed in Service Appeals No.223 & 224 2002)

Habib Ahmed. (in C.P.500-P/03)
Fazal Raziq (C.P.501-P/03)

Petitioners.

Versus

Presiding Officer, Revenue Appellate Court
No.3 and others.

Respondents.

For the petitioners: Mr Khushdil Khan, ASC.
Mr Zahir Qureshi, A.C.S.

For the respondents: Mr Jamil Hanif, A.C.S. & AOR.

No.1-2: Shah Jehan (Estt. Asst)

Date of hearing: 27.4.2005


ORDER:

CAC MUHAMMAD KHOKHAR J.C. - 1. Petitioners seeks leave to
appeal from orders dated 14.6.2003, passed by the NWFP Service Tribunal,
Peshawar, (hereinafter referred to as the Tribunal) in Service Appeals No.223 and
224 of 2002.

2. The petitioners felt aggrieved by order dated 25.2.2002 passed by
the appellate authority in respect of their place of seniority as *Patwaris*. They
preferred Service Appeals No.223 and 224 of 2002 there-against, which were
dismissed by the Tribunal, by the separate impugned orders dated 14.6.2003.

3. The learned counsel for the petitioners submitted that the order
which was called in question in appeal before the Tribunal, was itself an appellate
order passed by the departmental authority. Therefore, the Tribunal had taken an
erroneous view of the matter in dismissing the service appeals of the petitioners on
the ground that the departmental remedy had been exhausted.

ATTESTED


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


Secretary

The learned counsel for the respondents could not controvert the
ve-position.

5. We have heard the learned counsel for the parties and have also
perused the available record. We find that the respondents being aggrieved of the
original order of the departmental authority in respect of their seniority had availed
the remedy of appeal which was accepted by the appellate authority. It was against
the order of the appellate authority that the petitioners had preferred the service
appeals. In these circumstances, it could not be said that the departmental remedy
had not been exhausted. The impugned orders of the Tribunal are not sustainable
at law.

6. For the foregoing reasons, both these petitions are converted into
appeals and the same are allowed. The impugned orders dated 14.6.2003 of the
Tribunal are set aside. Consequently, the Service Appeals No.223 and 224 of 2002
of the petitioners shall be disposed of by the Tribunal afresh in accordance with
law. There shall be order as to costs.

Sd/- Fayyaz Muhammad Khokhar, J.

Sd/- M. Tameed Butt, J.

Copy

11.5.05



ATTESTED

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

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

**BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
FAREEHA PAUL ... MEMBER (Executive)**

Service Appeal No.306/2023

Date of presentation of Appeal.....24.11.2022
Date of Hearing.....10.07.2023
Date of Decision.....10.07.2023

**Liaqat Ali, Assistant (BPS-16), P&C Small Dams Division
Abbottabad.....Appellant**

Versus

1. **The Secretary to Government of Khyber Pakhtunkhwa Irrigation Department, Peshawar.**
2. **The Chief Engineer (SOUTH) Irrigation Department, Khyber Pakhtunkhwa, Peshawar.**
3. **Muhammad Arshad, Assistant O/o Chief Engineer Irrigation Office Peshawar.....(Respondents)**

Present:

Syed Noman Ali Bukhari, Advocate.....For the appellant

Mr. Fazal Shah Mohmand,
Additional Advocate General.....For official respondents

Mr. Arshad Khan Tanoli, Advocate.....For private respondent No.3

.....
**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED APPELLATE/FINAL
TRANSFER ORDER DATED 08.11.2022 whereby the
transfer order dated 28.10.2022 HAS BEEN
WITHDRAWN IN UTTER VIOLATION TO THE
TRANSFER AND POSTING POLICY, WHICH UNDER
THE LAW IS ILLEGAL AND VOID**

ATTESTED

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

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Facts of the case are that
appellant was performing his duties at Chief Engineer (South) Irrigation

Office Peshawar till 28.10.2022, whereby he was transferred to P&C Small Dams Division, Abbottabad at the place of private respondent No.3 and the private respondent No.3 was transferred in place of appellant i.e. office of Chief Engineer (South) Irrigation Peshawar; that the appellant submitted his arrival/charge report in compliance of order dated 28.10.2022 and quite astonishingly just after 11 days the transfer order dated 28.10.2022 was cancelled vide impugned order dated 08.11.2022 in response to departmental appeal filed by private respondent No.3; that feeling aggrieved, the appellant filed departmental appeal which was not responded, hence, the present service appeal.


02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

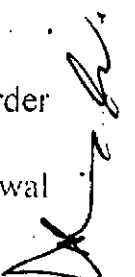
03. We have heard learned counsel for the appellants, learned Additional Advocate General for official respondents 1 and 2 and learned counsel for private respondent No. 3.

04. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Additional Advocate General and learned counsel for private respondent No.3 controverted the same by supporting the impugned order(s).

05. Case of the appellant is that, he was rightly transferred vide order dated 28.1.2022. he has preferred the instant appeal against the withdrawal

ATTESTED


KHALID MEHMOOD
Advocate High Court
Stationed at D.I.K. Kan



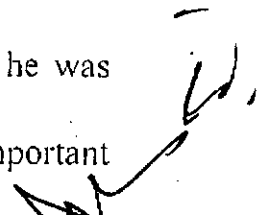
of transfer order dated 28.10.2022 which according to him had allegedly been withdrawn by respondent No.2 in utter violation of transfer/posting policy on the ground of pre-mature transfer. Learned counsel for the respondents argued that appeal in hand was incompetent and not maintainable because appellant had not availed departmental remedy by filing departmental appeal/representation. In our humble view, remedy of departmental appeal is provided against original order of departmental authority but in this case order impugned before us is passed by the appellate authority which can be challenged in service appeal before this Tribunal. Reliance is placed on civil petition No. 500 and 5001 page 2003, titled "Habib Ahmad versus Presiding Officer Revenue Appellate Court No.3 and others" decided on 27.04.2005 by august Supreme Court of Pakistan. Record further reveals that respondent No.3 challenged transfer/posting order dated

28.10.2022 by filing departmental appeal to respondent No.1 on 31.10.2022, on the ground of pre-mature transfer; the said representation of respondent No.3 was accepted vide impugned order dated 08.11.2022 passed by respondent No.2. The record transpires that vide office order dated 12.12.2019 respondent No.3 was transferred from Hydrology Irrigation Division Peshawar (SDA Hydrology Sub-Division, Abbottabad) to Small Dams P&D Division, Abbottabad whereas appellant was transferred from Budget Section, Chief Engineer (South) Office to SDA Hydrology Sub-Division, Abbottabad in place of respondent No.3. Respondent No.3 was posted to the Small Dams P&C Division, Abbottabad, the office from which he was transferred vide order dated 28.10.2022, which means that he was also posted there before transfer order dated 17.09.2021. It is also important

ATTESTED




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




to note here that appellant in his appeal categorically mentioned that respondent No.3 had spent almost ten years at Abbottabad station and appellant at Peshawar which was although denied but evasively which amounts to admission on the part of respondents. Although respondents No.1 and 2 mentioned the details about all the transfer/posting of appellant but had not given details of transfer/posting order of respondent No.3. Record is silent that vide which order, respondent No.3 was transferred and posted to Chief Engineer (South) office Irrigation Department Peshawar and whether said transfer order was pre-mature or not and if pre-mature than whether same was also challenged by respondent No.3 on the same ground of being pre-mature or not? Moreover, when respondent No.3 filed departmental appeal then respondents No. 1 and 2 were required to summon the appellant and provide him opportunity of being heard but appellant was not summoned. Therefore, the impugned order dated 08.11.2022 is not sustainable in the eyes of law. The appeal is thus allowed and the impugned order dated 08.11.2022 is set aside. Cost shall follow the event. Consign.

06. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 10th day of July, 2023.*

ATTESTED


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


KALIM ARSHAD KHAN
Chairman


FAREEHA PAUL
Member (Executive)

18.04.2023 1. Learned counsel for the appellant present.

2. My this order aimed to dispose of office objection that “copy of departmental appeal against the impugned order dated 28.02.2024 and its rejection order are not attached with the appeal.”

3. Learned counsel for the appellant argued that appellant challenged in the instant service appeal order dated 28.02.2024 vide which appeal filed by respondent No.3 against the posting/transfer order of the appellant to GGHS Hassu D.I.Khan dated 30.05.2023 was accepted and that order was withdrawn by respondent No. 1 who is appellate authority and in accordance with law/rules, no appeal lie against the appellate order, therefore she has not filed any departmental appeal and resultantly no order was passed upon it.

4. Record reveals that appellant filed instant service appeal under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, which read as;

“Any civil-servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him, prefer an appeal of the appeal having jurisdiction in the matter.”

In said section “A”, it is clearly mention that no appeal shall lie to Service Tribunal unless the aggrieved civil servant has preferred as



appeal or application for review or representation to a department authority and period of ninety days has been elapsed from the date.

Right of appeal or representation was provided in Section 22 of the Civil Servant Act 1973. Sub Section (2) of the same is relevant for deciding the controversy in hand, which read as;

“where no provision for appeal or review exists under the rules in respect of any order or class of orders, civil servant aggrieved by any such orders may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order.”

5. So, appellant will have to file representation to authority next above the authority, who made the order within 30 days of passing of impugned order and in absence of the same appeal could not be entertained. Objection sustained and appeal is returned to learned counsel for the appellant.

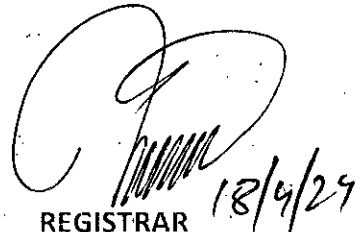

(RASHIDA BANO)
Member (J)

The appeal of Mst. Nida Afreen received today i.e on 18.04.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

Copy of departmental appeal against the impugned order dated 28.02.2024 and its rejection order are not attached with the appeal be placed on it.

No. 801 /S.T,

Dt. 18/04 /2024.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr. Khalid Mahmood Adv.
High Court D.I.Khan.

18/4/2024

Observation removed

- That Respond no 3 did appeal against order dated 30/5/2023 & order was withdrawn vide order dated 28/2/2024 by Respond no 1 (Appellant authority), there is no role for and appeal, copy of Appeal annexed as annexure B1, on page 9A with the order dated 28/2/2024.

Dated 18/4/2024

Thanks 
Khalid Mahmood AHC
Stationed at D.I.Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

Service Appeal No. ⁶¹⁴ /2024

Nida Afreen

.....APPELLANT

VERSUS

Director, Elementary & Secondary Education Department, Peshawar Khyber
Pakhtunkhwa Peshawar and others

.....Respondents

**APPLICATION FOR FIXATION
BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWARAT PRINCIPAL SEAT
PESHAWAR.**


RESPECTFULLY SHEWETH,

1. That the above title service appeal is being filed before this Honorable Tribunal.
2. That the case relates to jurisdiction of camp court D.I.Khan but there was no chance for availability of court at DIKhan in near future.
3. That it is urgent matter and if not fixed at Principal seat Peshawar then petitioner will suffer Irreparable loss and petition will become infructuous.

It is, therefore, very humbly requested that keeping in view the above facts, above titled service appeal maybe fixed before Principal seat at Peshawar.

Dated: 15/4/2024

Appellant

Through Counsel
Khalid Mahmood 
Advocate High Court D.I.Khan

Mob # 0336-4330001

AFFIDAVIT

I, Nida Afreen w/o. Muhammad Adnan, SST. (IT) Education Department DIKhan appellant do hereby solemnly affirm and declare on oath that all the Para-wise contents of this application are true and correct to the best of my knowledge and nothing has been concealed deliberately from this Honorable Court.

Identified by Counsel

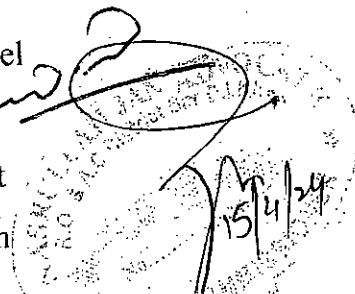
Khalid Mahmood
Advocate High Court

Stationed at DIKhan

Deponent


Nida Afreen

12101-3629541-8



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Nida Agha vs Director BASB etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>Counsel</u>		
2	Whether Counsel/Appellant/Respondent/Deponent has signed the requisite documents?	<input checked="" type="checkbox"/>	
3	Whether appeal is within time?	<input checked="" type="checkbox"/>	
4	Whether the enactment under which the appeal is filed mentioned?	<input checked="" type="checkbox"/>	
5	Whether the enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	
6	Whether affidavit is appended?	<input checked="" type="checkbox"/>	
7	Whether affidavit is duly attested by competent Oath Commissioner?	<input checked="" type="checkbox"/>	
8	Whether appeal/annexures are properly paged?	<input checked="" type="checkbox"/>	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?	<input checked="" type="checkbox"/>	
11	Whether annexures are attested?	<input checked="" type="checkbox"/>	
12	Whether copies of annexures are readable/clear?	<input checked="" type="checkbox"/>	
13	Whether copy of appeal is delivered to AG/DAG?	<input checked="" type="checkbox"/>	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	<input checked="" type="checkbox"/>	
15	Whether numbers of referred cases given are correct?	<input checked="" type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	
19	Whether requisite number of spare copies attached?	<input checked="" type="checkbox"/>	
20	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	
21	Whether addresses of parties given are complete?	<input checked="" type="checkbox"/>	
22	Whether index filed?	<input checked="" type="checkbox"/>	
23	Whether index is correct?	<input checked="" type="checkbox"/>	
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	<input checked="" type="checkbox"/>	
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/documentation as required in the above table have been fulfilled.

Name: Khalid Mohammad

Signature: [Signature]

Dated: 15/4/2024

sttc

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. ⁶¹⁴/2024

Nida Afreen w/o Muhammad Adnan Cost Saddozai R/O Mohallah Ghari
Saddozai DIKhan SST (IT) Education Department DIKhan.

.....**APPELLANT**

VERSUS

1. Director, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (F) DIKhan.
3. Mst. Qurat-ul-Ain SST (IT) GHHS Yarik DIKhan.

.....**Respondents**

INDEX

<i>S No.</i>	<i>Description of Documents</i>	<i>Annexure</i>	<i>Page Number</i>
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2.	CM with affidavit		4-5
3.	Copy of Order DATED 30.05.2023, Arrival Report dated 31.05.2023 & Certificate of Charge	A, A1 & A2	6-8
4.	Copy of Order DATED 28.02.2024 ^{e Dependent} appeal.	B & B ₁	9-9A
5.	Copy of Civil Suit with Stay Order	C & C1	10-13
6.	Copy of Condonation of delay application		14
7.	Vakalatnama		15

Yours Humble Appellant
(Mst Nida Afreen)
Through Counsel

Dated: 15/4/2024


Khalid Mahmood
Advocate High Court

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. ⁶¹⁴/2024

Nida Afreen w/o Muhammad Adnan Cost Saddozai R/O Mohallah Ghari
Saddozai DIKhan SST (IT) Education Department DIKhan.

.....*APPELLANT*

VERSUS

1. Director, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (F) DIKhan.
3. Mst. Qurat-ul-Ain SST (IT) GHHS Yarik DIKhan.

.....*Respondents*

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER
BEARING NO. 5348-51, DATED 28/02/2024, ISSUED BY THE
RESPONDENT NO.1.

PRAYER:

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE OFFICIAL REPENDENTS MAY KINDLY BE DIRECTED TO CANCEL THE IMPUGNED WITHDRAWAL ORDER BEARING NO. 5348-51 , DATED 28.02.2024 BE DECLARED AS VOID AB-INITIO WITHOUT LAWFUL AUTHORITY, AGAINST THE NORMS OF NATURAL JUSTICE AND INEFFECTIVE UPON THE RIGHTS OF APPELANTS AND THE TRANSFER NOTIFICATION BEARING NO. 7624-27 DATED 30/05/2023 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,

Appellant through council humbly submits and request as under.

1. That the appellant is permanently residing at District Dera Ismail Khan and is serving in the Education Department DIKhan as SST (IT) BS-16.
2. That Appellant was transferred from GGHS Rangpur Shumali to GGHS Hassa DIKhan vide Order NO. 7624-27, DATED 30.05.2023 against the vacant post in the interest of public service (Copy of order dated 30.05.2023, Arrival Report dated 31.05.2023 and Certificate of Charge dated 31.05.2023 are Annexure-A, A1 & A2).

- 2
3. That Order dated 30.05.2023 was withdrawn by Respondent No.1 (Appellant Authority), after ten months vide letter No.5348-51 dated 28.02.2024(Annexure-B).
 4. That Appellant also filed Civil Suit before the Civil Judge-IV DIKhan and honorable court granted stay in favor of Appellant (Copy of Civil Suit and Stay order (Annexure-C&C1)).
 5. That Appellant was transferred over turned within 10 months of her arrival/charge report, just due to the facts that Respondent No.3 is having blessings of the political figures and hence, a great injustice has been done to the appellant.
 6. That the appellant authority passed order dated 28-02-2024 illegally and the appellant approach to this Honorable Tribunal for redressal of her grievances, inter alia, on the following grounds.

GROUNDS:

- i. That the impugned Order NO. 5348-51, Dated 28.02.2024 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.
- iii. That impugned withdrawal notification is not in the public interest whether in the interest of respondent No.3 only. Hence, a great injustice is being done to the appellant.
- iv. That 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.
- v. 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 28.02.2024 is therefore 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 should be recorded in writing and are judicially reviewable. On this score too, the impugned order dated 28.02.2024 is liable to be cancelled and order dated 30.05.2023 maybe restored.
- vii. That impugned notification after 10 months of posting of appellant is based on malafide and is due to political victimization, based on favoritism and also there

are no compelling circumstances for impugned order of appellant before completion of her ordinary tenure.

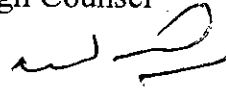
viii. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned order dated 28.02.2024 may kindly be cancelled and as result thereof the posting of appellantvide order dated 30.05.2023, may kindly be restored.

Dated: 15/4/2024

Appellant

Through Counsel



Khalid Mahmood

Advocate High Court

(Nida)

AFFIDAVIT

I, Nida Afreen w/o Muhammad Adnan, SST (IT) Education Department DIKhan 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

Identified by Counsel



Khalid Mahmood

Advocate High Court

(Nida)

12101-362954-8



(4)

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

CM Petition No. _____/2024

in

Service Appeal No. _____ of 2024

MstNida Afreen VS. Director E&SE Department of KPK Etc.

APPLICATION WITH THE REQUEST TO SUSPEND THE OPERATION OF IMPUGNED ORDER No.5348-51 , DATED 28.02.2024 ISSUED BY RESPONDENT NO. 1 (APPELLANT AUTHORITY), TILL FINAL DECISION OF SERVICE APPEAL AND IN THE MEANWHILE RESPONDENT MAY ALSO BE ABSATINED FROM TAKING ANY ACTION DETRIMENTAL TO THE SERVICE CAREER OF THE APPELLANT.

Respectfully Sheweth,

1. That a service appeal is being filed before this Tribunal and the grounds of same may please be considered as an integral part of the subject petition.
2. That the appellant has got a good promafacie case on law as well as on facts and there is every likelihood of the success of the service appeal. Hencebalance of convenience tilts in favor of appellant.
3. That the impugned withdrawal order is on the basis of nepotism and favoritism therefore in case of non-suspension of impugned notification, the appellant will suffer an irreparable loss.


It is, therefore, humbly prayed that on acceptance of the present CM petition, the operation of impugned Orderdated 28.02.2024 may please be suspended and respondents may please be desisted from taking any action detrimental to the service career of appellant till decision of service appeal.

Yours Humble Appellant

MstNida Afreen

Through Counsel

Dated: 15/4 /2024


Khalid Mahmood,
Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL,

KHYBER PAKHTUNKHWA

5

CM Petition No. _____/2024

in

Service Appeal No. _____ of 2024

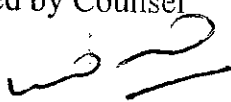
Mst Nida Afreen VS. Director E&SE Department of KPK Etc.

AFFIDAVIT

I, Nida Afreen w/o Muhammad Adnan, SST (IT) Education Department DI Khan 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

Identified by Counsel

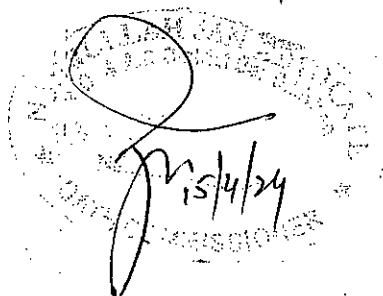


Khalid Mahmood

Advocate High Court

(Nida)

12101-3629541-8



Annex (A) 6



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

Ph: 0966-9280133

OFFICE ORDER:

Mst. Nida Afreen SST (IT) GGHS Rangpur Shumali DIKhan is hereby transferred to GGHS Nassa D.I.Khan against the vacant post in the interest of public service with immediate effect.

Note: Transfer order issued by this office vide Endst: No.6093-96 dated 14-04-2023 is hereby cancelled with immediate effect.

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

Ends No. 7624-23

Copy to the:

1. District Account Officer D.I.Khan.
2. Principal/Headmistress Concerned.
3. District Monitoring Officer D.I.Khan.
4. Teacher Concerned.

Attested

M. Nida
Principal
GGHS Nassa (Shumali)
D.I.KHAN

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

Dated D.I.Khan the 3 of 5/23 /2023

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

7

Anee (A)

OFFICE OF THE PRINCIPAL GGHS HASSA (SHUMALI) DIKHAN

To

The Principal,
GGHS Hassa Dikhan

Subject:- ARRIVAL REPORT:

Respected Madam,

In Compliance with the order of DEO (F) DIKhan
vide Endst. No 7624-27 Dated 30-05-2023.

I beg to submit my arrival report today on
31/05/2023 (FN). Please accepts my arrival report & obliged.

NISA AFREEN
SST (IT)
Dated. 31/05/2023

(Signature)
Principal
GGHS Hassa Dikhan

(Signature)
PRINCIPAL
GGHS HASSA DIKHAN
Principal
GGHS Hassa
Dera Ismail Khan

ATTESTED

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

Page (A2) 8

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the Fore Noon / Afternoon of this day, respectively made over/receive Charge of the Office Vide District Education Officer (Female) Dera Ismail Khan Endst No 7624-27 Dated 30/ 05/2023 .
2. Particular important secret and confidential documents handed over and noted on the reverse.

Signature of relived _____
 Government Servant
 Name: S.Sana Iftkhar.
 Designation: SST (IT)

Station: GGHS HASSA DIKHAN

Signature of reliving _____
 Government Servant
 Name: Nida Afreen
 Designation: _____

Date: _____

Endst No. _____

Dated : 31 / 05 / 2023

Copy of the above is forwarded to the

1. DEO (Female) DIKhan.
2. DAO, DIKhan
3. DMO DIKhan
4. Principal GGHS Rangpur (Shumali) DIKhan.
5. Official Concerned.

Attested

Mady
 Principal
 GGHS, Hassa (Shumali)
 DIKhan

Mady
 Principal
 GGHS, Hassa (Shumali)
 DIKhan

ATTESTED
Khalid
KHALID MEHMOOD
 Advocate High Court
 Station: DIKhan



**DIRECTORATE OF
EDUCATION KHYBER**

**PRIMARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

9

Ames (B)

NOTIFICATION

Consequent upon approval of the Competent Authority, under Appellate rules, 1986 the notification issued by District Education Officer (F) D.I.Khan Endst. No. 7624-27 Dated: 30-05-2023 in respect of Mst: Nida Afreen SST-IT GGHS Hassa D.I.Khan is hereby withdrawn with immediate effect in the best interest of public.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Endst.No 5348-51 / A-17/Within District Transfer/ Vol-03

Dated 28-2-2024

Copy of the above is forwarded to the:-

1. District Education Officer (Female) D.I.Khan.
2. District Accounts Officer D.I.Khan.
3. Mst: Nida Afreen SST-IT GGHS Hassa D.I.Khan
4. PA to Director (E&SE) Local Office
5. Master file.

[Handwritten Signature]
 Deputy Director Establishment (F)
 Elementary & Secondary Education
 Khyber Pakhtunkhwa Peshawar

ATTESTED

[Handwritten Signature]

KHALID AHMAD
Principal
Station of D.I.Khan

خدمت خداداد ڈائریٹریٹ جیسر پنجواہ (لشادہ)

Area

9

آڈر کنسٹریکشن (SSTIT) کی ویل Dik

(B)

گزارش ہے کہ میں مسی قریۃ العین (SSTIT) اس وقت گورنمنٹ گریجویٹ سکول یارک

میں اپنی ڈیوٹی سرانجام دہی ہوں۔ دوران ڈیوٹی بیماری کوچ کو حادثہ پیش آیا جسکی وجہ سے میری

دونوں ٹانگیں ٹوٹ گئی۔ اور میری درخواست پر اس وقت کی ڈی ای او میں نے یہ حکم صادر کیا

کہ میرا ٹرانسفر گورنمنٹ گریجویٹ سکول یارک سے گورنمنٹ گریجویٹ سکول حیدرآباد کر دیا

اس کے بعد میڈم سناہدہ کسری صاحبہ نے میرا آڈر کنسٹریکشن گریجویٹ سکول (SSTIT)

گورنمنٹ گریجویٹ سکول رڈ پور کا آڈر میری جگہ کر دیا اور میرا آڈر کنسٹریکشن گریجویٹ

میری آپ حضور سے موربانہ گزارش اور التماس ہے کہ میرے آڈر کو بحال

کیا جائے اور گریجویٹ سکول (SSTIT) کا آڈر کنسٹریکشن کیا جائے

تاریخ 28/02/24

العارض

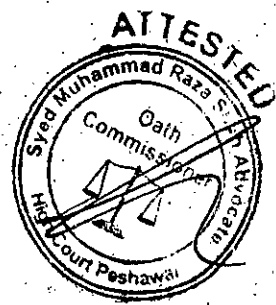
اسم

مسی قریۃ العین (SSTIT) گورنمنٹ گریجویٹ سکول یارک Dik

694
28-2-24

مقامی منسلک

۶۹



CS CamScanner

18 APR 2024

بعدالت جناب جج صاحب ڈیرہ اسماعیل خان



سال 2024ء

بمقدمہ دیوانی نمبر

مسماة نداء آفرین زوجہ محمد عدنان قوم سدوزئی سکنتہ محلہ گڑھی سدوزئی تحصیل و ضلع ڈیرہ اسماعیل خان مدعیہ

بنام

- ۱- مسماة قرة العین ایس، ایس، ٹی، آئی ٹی گورنمنٹ گرلز ہائی سکول یارک ڈیرہ اسماعیل خان۔
- ۲- ڈائریکٹر ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور۔
- ۳- ڈائریکٹر ایلیمنٹری ایجوکیشن خیبر پختونخواہ پشاور۔
- ۴- ڈی، ای، او بی میل ضلع ڈیرہ اسماعیل خان۔
- ۵- پرنسپل صاحبہ گورنمنٹ گرلز ہائی سکول حصہ ڈیرہ اسماعیل خان۔
- ۶- اکاؤنٹ آفیسر ضلع ڈیرہ اسماعیل خان۔

(مدعا علیہم)

Senior Civil Judge
Dera Ismail Khan
3-2024

بمقدمہ دیوانی نمبر

196/1 رجوعہ 9 24 3

دعویٰ استغراقیہ بدین ترادکہ من مدعیہ گورنمنٹ گرلز ہائی سکول رنگپور شمالی ضلع ڈیرہ اسماعیل خان سے بروئے لیٹر نمبر 7624-27 مورخہ 30/5/2023 ٹرانسفر ہو کر گورنمنٹ گرلز ہائی سکول حصہ ضلع ڈیرہ اسماعیل خان میں ارا بیول کر کے منظور ایس، ایس، ٹی اپنی ڈیوٹی انتہائی احسن طریقے سے سرانجام دیتی چلا آئی ہے اور من مدعیہ نے اپنے فرائض منصبی میں کبھی کسی قسم کی کوئی کوتاہی وغیرہ نہیں کی ہے۔ بلکہ نہایت خوش اسلوبی سے اپنی ڈیوٹی سرانجام دیتی چلی آئی ہے۔ جب کہ اس دوران کبھی کسی من مدعیہ کے خلاف کسی بھی قسم کی کوئی شکایت Method of teaching اور نہ ہی کوئی غیر اخلاقی عمل منظم کیا گیا ہے۔ جب کہ اب مدعا علیہا نمبر 1 نے دیگر مدعا علیہم کے ساتھ آپس میں ملی بھگت سے تراز کرتے ہوئے بروئے لیٹر نمبر 5348-51 مورخہ 28/2/2024 جاری کردہ منجانب مدعا علیہ نمبر 2 من مدعیہ کے ٹرانسفر لیٹر کو 10 ماہ کے لائگ پیریڈ کے بعد with draw کر دیا ہے۔ جو کہ کسی طور بھی بچوں غیر قانونی With draw جاری کرنے کا مجاز و حقدار نہ تھا۔ بدین وجہ مدعا علیہم کا یہ فعل سراسر غلط، خلاف قانون، خلاف انصاف، یعنی برساوش، بدینتی، بلا جواز، بلا اختیار ہے اور حقوق من مدعیہ پر غیر موثر ہے اور مدعا علیہم، من مدعیہ کے فرائض منصبی میں کسی بھی قسم کی رکاوٹ پیدا کرنے کی تفریح مع جملہ مراعات، بند کرنے، من مدعیہ کو اپنے فرائض منصبی سے روکنے یا کسی بھی طرح سے نخل و مزاحم ہونے وغیرہ کے ہرگز مجاز نہ ہیں۔ جو کہ مدعا علیہا نمبر 1 کے غلط بیانی و سیاسی اثر رسوخ و پشت پناہی کی بناء پر من مدعیہ کے خلاف بچوں احکامات غیر موثر رہیں گے۔ جو کہ برائے وقت روز، مدعا علیہا نمبر 1 افسران بالا کو اپیل دائر کرتی اور بعد از سلامت ہر دو فریقین مدعیہ و مدعا علیہا نمبر 1 مناسب احکامات صادر کئے جاتے۔ جو کہ کسی طور بھی

ATTESTED
Examiner



مدعی دوا کی تاکید بنام مدعا علیہم کہ وہ من مدعیہ بارے جاری کردہ لیٹر مذکورہ بالا کو فوری طور پر منسوخ
 With out proper procedure اور بغیر حق دفاع من مدعیہ مذکورہ لیٹر کی بناء پر من مدعیہ کے گورنمنٹ گریڈ ہائی سکول حصہ ڈیرہ اسماعیل خان
 میں ڈیوٹی سرانجام دینے میں رکاوٹ پیدا کرنے، روڑے اٹکانے، پریشور ڈالنے جیسے غیر قانونی، غیر اصولی افعال سرانجام
 دہی سے باز و ممنوع رہیں اور آئندہ بھی بچوں قسم مبینہ لیٹر جاری کرنے سے باز و ممنوع رہیں۔

جناب عالی! مدعی حسب ذیل عرض رہتا ہے۔

۱۔ یہ کہ من مدعیہ گورنمنٹ گریڈ ہائی سکول، رگپور شمالی ضلع ڈیرہ اسماعیل خان میں اپنی ڈیوٹی سرانجام دیتی چلی آئی اور
 بعدہ برائے لیٹر نمبر 27-7624 مورخہ 30/5/2023 ٹرانسفر ہو کر گورنمنٹ گریڈ ہائی سکول حصہ ضلع ڈیرہ اسماعیل خان
 میں ارائیول کر کے بطور ایس، ایس، ٹی اپنی ڈیوٹی انتہائی احسن طریقے سے سرانجام دیتی چلا آئی ہے اور من مدعیہ نے اپنے
 فرائض منصبی میں کبھی بھی کسی قسم کی کوئی کوتاہی وغیرہ نہیں کی ہے۔ بلکہ نہایت خوش اسلوبی سے اپنی ڈیوٹی سرانجام دیتی چلی
 آئی ہے۔

INVESTIGATION
 CIVIL SERVICE, Dera Ismail Khan

۲۔ یہ کہ من مدعیہ نے اپنے فرائض منصبی میں کبھی بھی کسی قسم کی کوئی کوتاہی وغیرہ نہیں کی ہے۔ بلکہ نہایت خوش اسلوبی
 سے اپنی ڈیوٹی سرانجام دیتی چلی آئی ہے۔ جب کہ اس دوران کبھی بھی من مدعیہ کے خلاف کسی بھی قسم کی کوئی شکایت
 Method of teaching اور نہ ہی کوئی غیر اخلاقی شکایت سکول انتظامیہ کو موصول نہیں ہوئی ہے۔

۳۔ یہ کہ اب مدعا علیہا نمبر 1 نے دیگر مدعا علیہم کے ساتھ آپس میں ملی بھگت و ساز باز کرتے ہوئے برائے لیٹر
 نمبر 51-5348 مورخہ 28/2/2024 جاری کردہ منجانب مدعا علیہ نمبر 3 من مدعیہ کے ٹرانسفر لیٹر کو 10 ماہ کے لاگ
 پیریڈ کے بعد with draw کر دیا ہے۔ جو کہ کسی طور بھی بچوں غیر قانونی With draw جاری کرنے کا مجاز و حقدار
 نہ تھا۔ بلکہ جب مدعا علیہم کا یہ فعل سراسر غلط، خلاف قانون، خلاف واقعات یعنی برسازشی، بد نیتی، بلا جواز، بلا اختیار ہے اور
 حقوق من مدعیہ پر غیر مؤثر ہے اور مدعا علیہم، من مدعیہ کے فرائض منصبی میں کسی بھی قسم کی رکاوٹ پیدا کرنے۔ تنخواہ مع جملہ
 مراعات بند کرنے، من مدعیہ کو اپنے فرائض منصبی سے روکنے یا کسی بھی طرح سے مغل و مزاحم ہونے وغیرہ کے ہرگز مجاز نہ
 ہیں۔ جو کہ مدعا علیہا نمبر 1 کے غلط بیانی و سیاسی اثر رسوخ و پشت پناہی کی بناء پر من مدعیہ کے خلاف بچوں احکامات غیر مؤثر
 رہیں گے۔ جو کہ بر مطابق روڈ مدعا علیہا نمبر 1 افسران بالا کو اپیل دائر کرتی اور بعد از سماعت ہر دو فریقین من مدعیہ و مدعا علیہا
 نمبر 1 مناسب احکامات بر مطابق میرٹ صادر کئے جاتے۔ جو کہ کسی طور بھی To the shot بچوں احکامات من مدعیہ پر
 غیر مؤثر ہیں۔ جو کہ قابل منسوخی ہیں (نقول لف ہیں)

غیر مؤثر ہیں۔ جو کہ قابل منسوخی ہیں (نقول لف ہیں)

ATTESTED
 District Judge



۴۔ یہ کہ من مدعیہ بیمار ہے اور Medical Leave پر ہے۔ جب کہ من مدعیہ جیل سے گورنمنٹ گزرنہائی کی درخواستیں بھیج کر اس سفر ہو کر آئی ہے۔ تب سے مدعا علیہا نمبر 1 نے من مدعیہ کی زندگی کو اجیرن بنا دیا ہے اور یہی انکار منسوخ استعمال کرتی چلی آرہی ہے اور زبردستی Metual Transfer پر مجبوری کرتی چلی آرہی ہے۔ جس کی مدعا علیہا نمبر 1 ہرگز مجاز نہ ہے۔ جب کہ مدعا علیہا نمبر 1 کے اس غلط فعل کی وجہ سے من مدعیہ شدید ذہنی و روحانی کوفت میں مبتلا ہے۔ جب کہ اندریں حالات میں اگر من مدعیہ کی ٹرانسفر کو منسوخ کر دیا گیا۔ تو من مدعیہ کو سروس میں ناقابل تلافی نقصان عظیم ہوگا۔ جب کہ من مدعیہ ہمراہ مدعا علیہا نمبر 1 ہر فورم پر جانے کو تیار ہے۔

۵۔ یہ کہ ہر چند مدعا علیہم کو کہا اور کہلوا یا گیا کہ وہ من مدعیہ کو جاری کردہ مبینہ لیٹر مذکورہ بالا کو فوری طور پر منسوخ کریں اور من مدعیہ کی تنخواہ و دیگر مراعات بند کرنے و فرائض منہبی میں کسی قسم کی رکاوٹ پیدا کرنے سے باز و ممنوع رہیں مگر وہ لیت لسل سے کام لیتے ہوئے اب عرصہ ایک یوم قبل سے صاف انکاری ہیں۔ اس لیے ضرورت داری دعویٰ کی ہے۔

NAMU
Civil Judge

۶۔ یہ کہ بنائے دعویٰ بمقام ضلع ڈیرہ اسماعیل خان اولاً از محاصمت مدعا علیہم و اب از انکار مدعا علیہم عرصہ ایک ہفتہ قبل سے پیدا ہوا۔ جو کہ دعویٰ ہذا اندر معیار دو اندر حدود اختیار و سماعت عدالت معزز ہے۔

۷۔ یہ کہ مالیت مقدمہ بغرض اختیار و سماعت و تعین کورٹ فیس بوجہ دعویٰ استقراریہ وغیرہ مبلغ 2000/- روپے مقرر ہے۔ جس پر کورٹ مبلغ 500/- روپے چسپاں ہے۔

لہذا استدعا ہے کہ دعویٰ مدعی حسب صراحت عنوان و تشریح
عرضی دعویٰ بحق مدعیہ برخلاف مدعا علیہم مع خرچہ مقدمہ ڈگری
صادر فرمایا جائے۔ مورخہ 09/03/2024

تصدیق بمقام ڈیرہ اسماعیل خان
باتقرار صالح بیان کیا ہے کہ جملہ مراتب عرضی دعویٰ
صحیح و درست ہے۔

العبد
ندا آفرین مدعیہ

العبد
ندا آفرین مدعیہ

(Ni)

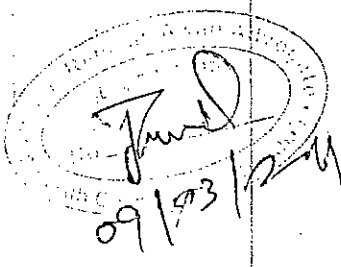
(Ni)

بیان حلفی

حلفاً بیان کیا ہے کہ جملہ مراتب عرضی دعویٰ میں کوئی بات
جھوٹ پر مبنی نہ ہے۔ اور کوئی امر مخفی یا پوشیدہ نہ ہے۔

العبد

ندا آفرین مدعیہ



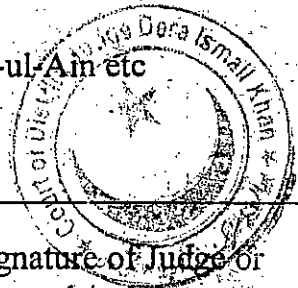
ATTESTED
Examiner
27/3/24

(Ni)

In The Court Of
INAM ULLAH MOHMAND CIVIL JUDGE-IV,
Dera Ismail Khan

App. 21
 (13)

Case No. _____
 Mst. Nida Afreen...VS...Mst. Qurat-ul-Am etc



Serial No / Date of Order	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel / where necessary.
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Or-----03
 09.03.2024

Plaintiff alongwith learned counsel present and admits the contents of the plaint coupled with temporary injunction application as true and correct. Be registered.

Counsel for the plaintiff requested for ad-interim relief.

Preliminary arguments to this effect heard and record perused.

From tentative assessment and perusal of available record annexed with the petition reveals that the plaintiff has arguable case for ad-interim injunction. Similarly, it is an equitable relief and the application is also supported by an affidavit, hence, status quo is granted for 14 days, subject to notice to the defendants and if my this order is not contrary to the orders of August superior courts. Notice be issued to defendants alongwith the photocopy of application. Plaintiff is directed to do the arguments on maintainability of case on the date already fixed.

File to come up for attendance of defendants and on 11-03-2024.

(INAM ULLAH MOHMAND)
 Civil Judge-IV, D.I. Khan
 Dera Ismail Khan

نذر اسحاق خان
 تمبر دہ اسحاق خان
 لا اے ج
 تمبر 6 9 24
 فیصلہ/پیشی 9 3 24
 198 / 1

General No. 4188
 Application received on 27/3/24
 Date of Copy 27/3/24
 Date of Del. 27/3/24
 No of Voucher 10
 Copy to 2
 Urgent 2
 Total Charge 27/3/24
 Name of Depost 27/3/24
 Copy Delivered Date 27/3/24
 Signature of Examiner 27/3/24

27/3/24

فریقین جو وکلاء ہیں۔ امروز جو رہنمائی و جو رہنمائی کے
 منہ سے مدعی علیہا میں آج داخل شدہ۔ میں درخواست
 اور آرڈر 111 اول 11 دفعہ میں پیش ہو کر شامل
 صل شدہ۔ سماعت کے تمام مدعی علیہ 2 تا 8 صل
 صورت 03/16/24 کے لئے جاری ہوئے۔ صل رہنے جواب دینے
 کے لئے ضروریات نامہ درج ہو کر پیش ہیں۔

11-03-24

INAMULLAH MOHMAM
 Civil Judge - IV, D.I. Khan

حاضر حسب سابق - اسٹریٹ جس صاحبہ رفعت انصاریہ

N - R

16-3-24

میں پرانے سابق کارروائی مورخہ 24-03-24

کو پیش ہو - 8

وکیل مدعیہ حاضر۔ وکیل مدعی علیہا حاضر۔ امروز
 مدعیہ وکالت نامہ و جو رہنمائی درخواست پیش کر کے صل
 صل شدہ۔ سماعت کے تمام مدعی علیہ 2 تا 8 صل
 صل پرانے میں درخواست صورتوں 04/24 کو پیش ہیں۔
 میں کلیمہ اثبات میں (14) نوم کی توسیع کی جا رہی ہے۔

26-03-24

INAMULLAH MOHMAM
 Civil Judge - IV, D.I. Khan

TESTER
 27

164

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. /2024

Nida Afreen

.....**APPELLANT**

VERSUS

Director, Elementary & Secondary Education Department, Peshawar Khyber
Pakhtunkhwa Peshawar and others

.....**Respondents**

APPLICATION FOR CONDONATION OF DELAY (IF ANY)


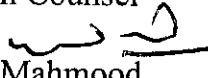
Respectfully sheweth

Appellant through counsel submits as under:

1. That above titled service appeal is being filed by appellant against the order dated 28-02-2024 of appellant authority.
2. That appellant got to know about these orders on 09-03-2024 and immediately challenged before civil court and subsequently civil court granted interim relief. It is pertinent to mention here that there was no camp court functioning in DIKhan in the months of March and April and there were eid holidays from 10th April to 14th April 2024 also.


Therefore this appeal is within time and if any delay occurred then maybe condoned.



Dated: 15/4 /2024

Appellant 
 Through Counsel

 Khalid Mahmood
 Advocate High Court

AFFIDAVIT

I, Nida Afreen w/o Muhammad Adnan, SST (IT) Education Department DIKhan 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.

Identified by Counsel

 Khalid Mahmood
 Advocate High Court
 Stationed at DIKhan

Deponent


 15/4/24 2101-3679541-8

KHALID MEHMOOD

Advocate
bc-15-5415
Date of issue: October 2020
Valid upto: October 2023



وکالت

Secretary
KP Bar Council

کورت فیس

بعدالت جناب خیر بخشو محی اہ سرورس سہول لکاور
مخانبہ ایڈوکیٹ
ندائتمرینا بنام خانبہ ایڈوکیٹ دوسر
دعوی یا جرم
تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف پاسٹ پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام
حالیہ عدالت درہنہ درہنہ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار حاصل رو برو عدالت حاضر ہوتا ہوں 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 پچھری کے علاوہ کسی جگہ یا پچھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہیروئی کرنے کے
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پچھری کے علاوہ کسی جگہ یا پچھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہیروئی کرنے کے ذمہ دار نہ
ہوں گے اور مقدمہ صدر پچھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پچھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ
دار یا اس کے وکیل کی معاوضہ کے ادا کرنے یا عتقانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ بجز کوکل سائڈ پر داخلہ صاحب موصوف مثل کردہ
ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراء کے ذمہ داری نظر ثانی اپیل گرانہ و ہر قسم درخواست پر دخل و تعددین کرنے کا
بھی اختیار ہوگا۔ اور کسی حکم یا ذمہ داری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر پٹائی یا راضی نامہ و فیصلے پر
حلف کرنے، و اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت ضرورت ہونے تاریخ پیشی مقدمہ مذکورہ ہیروئی از پچھری صدر ہیروئی مقدمہ مذکورہ نظر ثانی و اپیل و گرانہ و برآمدگی
مقدمہ یا منسوخی ذمہ داری کی طرف یا درخواست حکم حتمی یا قرقی یا قرقی یا اگر قرقی قبل از فیصلہ اجراء کے ذمہ داری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ محتاج ہیروئی کا اختیار ہوگا
اور تمام ساختہ پرواخذہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا گرانہ یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر سٹر 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 جانہ التزام پڑیگا، وہ صاحب
موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پورن فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی ہیروئی نہ کریں اور ایسی
صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

ہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
مورخہ 15 ماہ اپریل 2024

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

Accepted

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ندائتمرینا (ایڈوکیٹ)

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