




Form-A  
FORM OF ORDERSHEET

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

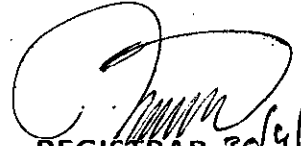
Case No. 615/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.05.2024	<p>As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on 06.5.2024.</p> <p style="text-align: right;"> REGISTRAR</p>

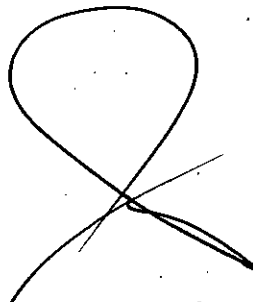
Respected Sir,

It is submitted that the present appeal was received on 26.04.2024, which was returned to the counsel for the appellant for removing objection (Flag-A). Today i.e. 29.04.2024 the learned counsel re-filed the appeal without removing the objection.

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

  
REGISTRAR 30/4/24

Worthy Chairman

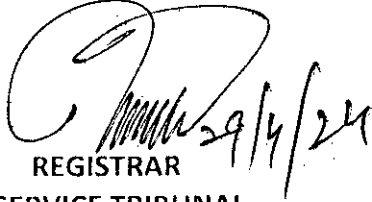
*objection  
raised*      *over ruled. Be*  
  
*02/05/24*

The appeal of Mst. Saima received today i.e. on 26.04.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexure-H of the appeal is illegible be replaced by legible/better one.

No. 915/S.T.

Dt. 29/4/2024.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Amin Ayub Adv.  
High Court Peshawar.

Respected Sir

Annexure "H" is readable please put up  
with honorable court.



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: *Ms. Saima*

CHECK LIST

*The Govt of K.P.K.*

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <i>M. A. men Khyber Pakht.</i>		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
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/respondent?	✓	
15	Whether numbers 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 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/documentation as required in the above table have been fulfilled.

Name: *M. A. men Khyber*

Signature: *[Signature]*

Dated: *26-07-2024*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 615 /2024

Mst. Saima.....Appellant

Versus

The Govt. of KPK & others ..... Respondents

I N D E X

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Appeal with Affidavit			1-7
2.	Notification whereby appellant was transferred to GGHS Mian Gujjar	05.03.2019	A	8-9
	Notification of posting of Respondent No.3	13.07.2021	B	10-11
3.	Notification of transfer of Appellant to GGHS Malogo, Peshawar	12.08.2022	C	12
4.	Notification of transfer of Respondent No.3 as Principal to GGHS Gulabad Jamrud, District Khyber	14.12.2021	D	13-14
5.	Notification/modification of transfer of appellant to GGHS Matta Palangzai, District Charsadda	20.12.2021	E	15
6.	Order of relieving of Dr. Salma Sami from GGHS Irrigation Colony, Peshawar	09.02.2022	F	16
7.	Service Appeal No.01/2022 filed by Respondent No.3		G	17-21
8.	Notification of general transfer whereby the post occupied by Appellant was not only shown vacant rather Respondent No.3 was transferred/posted to the same post	14.09.2022	H	22-25
9.	Application of Respondent No.3 wherein she stated that the post is not vacant	15.02.2022	I	26
10.	Order disposing of Service Appeal No.01/2022	13.03.2023	J	27
11.	Notification in light of the Tribunal order whereby appellant was transferred from GGHS Malogo, Peshawar and Respondent No.3 was adjusted on it.	17.04.2023	K	28
12.	Arrival Report of Respondent No.3 & relieving order of appellant	17.04.2023	L	29-30
13.	Application under Section 12(2) CPC	19.04.2023	M	31-33
14.	Order of the Tribunal suspending the Notification dated 17.04.2023	04.05.2023	N	34
15.	Letter of Accountant General asking for advice of the Secretary E&SE, KP	09.05.2023	O	35

S.No.	Description of Documents	Date	Annexure	Pages
16.	Letter of Secretary E&SE to Accountant General, KPK to release the salary of Dr. Salma Sami	19.05.2023	P	36
17.	Order of the Tribunal allowing Application under Section-12(2) C.P.C	10.07.2023	Q	37-38
18.	Amended Service Appeal No.01/2022 filed by respondent No.3		R	39-45
19.	Reply of appellant		S	46-49
20.	Order of the Tribunal giving time to the Department to resolve the issue	22.09.2023	T	50
21.	Judgment in Service Appeal No.01/2022 filed by Respondent No.3	02.10.2023	U	51-53
22.	Impugned Notification	24.11.2023	V	54
23.	Departmental Appeal	05.01.2024	W	55-56
24.	Posting/Transfer policy		X	57-60
25.	Wakalat Nama			61

Through

Appellant

Muhammad Amin Ayub

&

Muhammad Tariq Khan  
Advocates, High Court

17-B, Haroon Mansion  
Khyber Bazar, Peshawar  
Cell No. 0313.9040434

Dated: 26 /04/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 615 /2024


Mst. Saima,  
Principal, GGHSS Mian Gujjar, Peshawar..... Appellant

Versus

1. The Government of Khyber Pakhtunkhwa .  
through Chief Secretary,  
Civil Secretariat, Peshawar.
2. The Secretary,  
Govt. of Khyber Pakhtunkhwa  
Elementary & Secondary Education,  
Civil Secretariat, Peshawar.
3. Dr. Salma Sami,  
Principal, GGHSS Irrigation Colony, Peshawar  
Presently GGHSS Malogo, Peshawar. .... Respondents

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 12400  
Dated 26/4/24

**Filed to-day**

  
Registrar  
26/4/24

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 24.11.2023 COMMUNICATED ON 11.12.2023 WHEREBY THE NOTIFICATION DATED 17.04.2023 IN RESPECT OF RESPONDENT NO.3 WAS RESTORED AGAINST WHICH SHE PREFERRED DEPARTMENTAL APPEAL ON 05.01.2024 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

**PRAYER:**

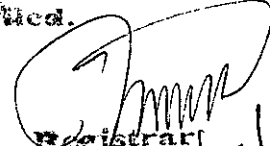
On acceptance of the instant appeal, the impugned Notification dated 24.11.2023 may graciously be set aside and appellant may be allowed to complete her tenure at GGHSS Malogo, District Peshawar.

Respectfully Sheweth,

**Facts giving rise to the present writ petition are as under:-**

1. That the appellant being employee of the Elementary and Secondary Education Department was earlier posted at GGHSS Mian Gujjar vide Notification dated 15.02.2019 who was later on appointed as Principal (BPS-18) vide Notification

Re-submitted to -day  
and filed.

  
Registrar  
2/5/24

dated 05.03.2019 (*Annex:-A*) and adjusted at the same School whereas Respondent No.3 was appointed against the post of Principal (BS-18) vide Notification dated 08.02.2021 and was posted as Principal GGHSS Nodih, District Nowshera vide Notification dated 13.07.2021 (*Annex:-B*) for actualization against the vacant post and then posted as Principal (BPS-19) GGHSS Irrigation Colony, Peshawar in own pay scale as stop gap arrangement.

2. **That** appellant served on the same post for about 04 years, and was subsequently transferred to GGHSS Malogo, Peshawar vide Notification dated 12.08.2022 (*Annex:-C*) against a vacant post of Principal (BPS-18) with immediate effect, in the public interest. Appellant took over the charge and started performing her duty whereas Respondent No.3 was transferred to GGHSS Gulabad Jamrud, District Khyber vide Notification dated 14.12.2021 (*Annex:-D*) which was modified and she was transferred to GGHSS Matta Palangzai, District Charsadda vide Notification dated 20.12.2021 (*Annex:-E*) and resultantly she was relieved vide relieving order dated 09.02.2022 (*Annex:-F*) However she being dissatisfied of the same, questioned the same in Service Appeal No.01/2022 (*Annex:-G*) before this Hon'ble Tribunal.
3. **That** during pendency of the Service Appeal, another general transfer Notification dated 14.09.2022 (*Annex:-H*) was issued wherein the post of the appellant was not only inadvertently shown to be vacant rather Respondent No.3 was transferred to it which was already occupied post. Since the post was not vacant therefore, Respondent No.3 submitted an application dated 15.02.2022 (*Annex:-I*) to the competent authority that the post is already filled by appellant.
4. **That** in the meanwhile the appeal filed by Respondent No.3 was disposed of on 13.03.2023 (*Annex:-J*) by this Hon'ble Tribunal with direction for the actualization of the Notification dated 14.09.2022. Pursuant to the decision *ibid*, a Notification dated 17.04.2023 (*Annex:-K*) was issued wherein appellant was prematurely transferred from GGHSS Malogo, Peshawar and reposted to GGHSS Mian Gujjar where she already served for about 4 years and eventually appellant was relieved from the post vide relieving order dated 19.04.2023 (*Annex:-L*).
5. **That** since the appellant was aggrieved as she was neither arrayed as a party in the case nor this Hon'ble Tribunal was apprised of the fact that the post in question was already occupied. Thus, appellant filed an application under Section-12(2) CPC on 19.04.2023 (*Annex:-M*) before this Hon'ble Tribunal and consequently the



Notification dated 17.04.2023 was suspended vide order dated 04.05.2023 (**Annex:-N**).

6. **That** in view of the suspension order *ibid*. Respondent No. 3 was required to have been relieved and the salary of the appellant was to be released but that was not done hence confusion arose with regard to salary of both the Officers. Thus the Accountant General, Khyber Pakhtunkhwa wrote a letter dated 09.05.2023 (**Annex:-O**) asking for the advice of the Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa as to whom the salary was to be paid. However, in utter defiance of the order of the Tribunal, the Secretary replied the Accountant General KPK vide letter dated 19.05.2023 (**Annex:-P**) to release the salary of the Respondent No.3 instead under the pretext that the Notification dated 17.04.2023 (already suspended) still holds the field.
7. **That** application of appellant under Section-12(2) C.P.C was later on allowed vide order dated 10.07.2023 (**Annex:-Q**) and this Hon'ble Tribunal's order dated 13.03.2023 *ibid* was set aside whereas amended appeal was directed to be filed by Respondent No.3 with appellant Mst. Saima as one of Respondents. At the end of the order the following observations were made;-

*The Learned counsel for the petitioner made a further request that till the disposal of appeal, the operation of orders shown to have been passed in compliance with the order dated 13.03.2023 might be suspended as there are anomalies created because of the order dated 14.09.2022. In this respect the respondent's representative present in the court is directed to resolve the matter and submit report on the next date".*

8. **That** afterwards amended Service Appeal No.01/2022 was filed by Respondent No.3 (**Annex:-R**) wherein a detailed reply was submitted by appellant (**Annex:-S**) and vide order dated 22.09.2023 (**Annex:-T**) the Department sought time from the Tribunal to resolve the issue between the parties and the case was adjourned to 02.10.2023 on which date, the Department produced a backdated Notification whereby on the basis of Tribunal order dated 04.05.2023 (incorrectly written as 05.05.2023), the Notification dated 17.04.2023 regarding the transfer of Respondent No.2 and appellant was held in abeyance.
9. **That** on the same date i.e. 02.10.2023 after hearing the parties, this Hon'ble Tribunal was pleased to dispose of the Appeal vide order dated 02.10.2023 (**Annex:-U**) in the following terms:-

*“Therefore, it is always expected from the authorities by the civil servants that they would be allowed to complete their normal tenure. Not only in this case but in all other such cases, we have seen that against that, no one can be posted against the post of his/her choice, As stated above, the order last in line i.e. of 17.04.2023, though, discussed in the order sheet dated 04.05.2023 and suspended vide the said order, yet is still in field, therefore anybody feeling aggrieved, of the order under which the civil servant is holding the post for another reason also that was not under challenge before the Tribunal. We expect that in order to avoid further unnecessary litigation, the departmental authorities would honour the tenure provided in their own posting/transfer policy and none of the parties should suffer otherwise than due course of policy.*

**4. The appeal is disposed of in the above terms. Consign.”**

10. **That** appellant was quiet hopeful that department would comply with the directions of the Service Tribunal but to the utter bewilderment another Impugned Notification dated 24.11.2023 (*Annex:-V*) communicated on 11.12.2023, was issued whereby the Notification dated 17.04.2023 in respect of the transfer and posting of Respondent No.3 was restored to GGHSS Malogo, Peshawar and restoring posting of the appellant to GGHSS Mian Gujar where she has already passed four years. Appellant being morally aggrieved of the same preferred a Departmental Appeal on 05.01.2024 (*Annex:-W*) but the same was not adjudicated within the statutory period of 90 days.
11. **That** as per Posting/Transfer policy of the Provincial Government (*Annex:-X*) *“All the posting/transfer shall be strictly in public interest and shall not be abused/misused to victimize the Government Servants”* It is further submitted that in the light of Posting/Transfer policy ibid the normal tenure of posting shall be *2 years*. The Superior Courts of the Country time and again held that the instructions of the Policy in vogue must be fulfilled and the civil servant must not be made a rolling stone by way of premature transfers. The Hon’ble Supreme Court of Pakistan in the case of *“Syed Mehmood Akhtar Nagvi and others ...VS... The Federation of Pakistan”* reported in PLD 2013 Supreme Court 195 has laid down the following principle regarding the tenure in posting/transfer:
- “Tenure, posting and transfer: when the ordinary tenure for posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied except for compelling reasons which should be recorded in writing and are judicially reviewable.”*
12. **That** whereafter, appellant filed an Execution Petition before this Hon’ble Tribunal for implementation the order dated 02.10.2023 but was directed to have invoked the jurisdiction of a proper forum.

13. **That** appellant, being aggrieved of the impugned Notification dated 24.11.2023 and the non-disposal of the Departmental Representation within the statutory period, files the instant Service Appeal this inter-alia on the following grounds:-

**Grounds:**

- A. **That** Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned office order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. **That** admittedly appellant was transferred from GGHSS Mian Gujjar after long span of time where she took over the charge and starting performing her duties but with the convince of the Respondent Department her post was shown to be vacant and in place of appellant Respondent No.2 was unlawfully transferred. It is further contended that this Hon'ble Tribunal was pleased to suspend the operation of the order dated 13.03.2023 vide order sheet dated 04.05.2023 but inspite of the same appellant was not allowed to perform her duties against the subject post. It is further asserted that the husband of the appellant namely Iqrar Shāh was the employee of the PTCL who got premature retirement on medical ground hence, appellant also he to look after the whole family like male member.
- C. **That** while issuing the impugned office order, the terms as per transfer/posting policy has not been respected. It is admitted position that the appellant has served on the previous place of posting for short span of time, therefore, it will not be wrong to add here appellant has been made a rolling stone by way of premature transfer which is clear violation of law, Rules and Policy. Reliance is placed on 2016 PLC (CS) 526, 2018 SCMR 1411 and 2016 PLC (CS) 526; the relevant Head Notes are as under:-

**2018 SCMR 1411**

*“---S. 10---Posting and transfer of civil servant---Minimum period of posting/transfer-- -While S. 10 of the Balochistan Civil Servants Act, 1974 did not prescribe a minimum period during which a civil servant must serve at his post, it did not mean that the Government without assigning any reason could move a civil servant from the place he was posted to after a month or subject the civil servant to repeated postings in a short period of time because that would amount to punishing him---Such postings also adversely affected the public interest and resulted in the wastage of scarce resources and constituted bad governance.”*

**2016 PLC (CS) 526**

*“---Transfer of employee---Mala fide---Effect---Two orders of transfer of employee were made within a span of a fortnight---*

*Validity---Employee (appellant) was not a government servant but was an employee of Local Government Board which was an autonomous body---Where a person complained of the violation of statutory rules or had challenged an order which was tainted with mala fides then constitutional petition was maintainable---Employee was ordered to be repatriated to an authority which had ceased to exist and had become defunct---Validity---Employee was not treated fairly, justly and equitably---Transfer of employee was not in the public interest or was not necessitated by an exigency or his services were not required for a particular post or for a particular station---Employee had been made an officer-on-special duty and had been left in the lurch---If courts of law countenanced and approved such exercise of authority then it would make a mockery of law and travesty of justice---Such acts of department would not give a message of hope to the honest and scrupulous persons and might tend to undermine their confidence---Employees of government or autonomous bodies were not to be made rolling stones---Impugned order passed by the department was declared to have been passed without lawful authority and of no legal effect and authority---Employee would continue to discharge his duties at the place where he was performing the same prior to his transfer-- Impugned order was set aside--- Constitutional petition was accepted in circumstances."*

D. **That** repeated instructions of the Federal as well as Provincial Governments have been trampled with impunity while it has been emphatically directed by both the Governments to shun such like practice of posting as the same is not only against the public interest, judgments of the Hon'ble Supreme Court of Pakistan but also results in heartburning and discrimination amongst officers but inspite of the same, the directions were not followed which is against the ethics of good governance and an act of insubordination.

E. **That** appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

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

Through

&

Muhammad Amin Ayub

Muhammad Tariq Khan  
Advocates, High Court

17-B, Haroon Mansion  
Khyber Bazar, Peshawar  
Cell No. 0313.9040434

Dated: 26 /04/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2024


Mst. Saima.....Appellant

Versus

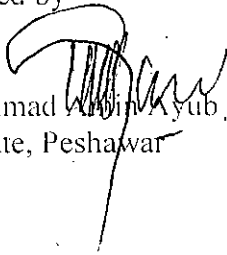
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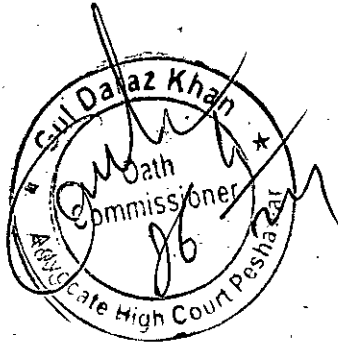
Affidavit

I, Mst. Saima, Principal GGHSS, Malogo, Peshawar do hereby solemnly affirm and declare on oath that the contents of this service appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.

  
Deponent

Identified by

  
Muhammad Amin Ayub,  
Advocate, Peshawar



7/11/19 A -8-



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**  
 Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
 Fax # 091-921419

**NOTIFICATION**

Dated Peshawar the March 5<sup>th</sup>, 2019

No. SO(S) SED/3-2/2019/Recruitment/Prin/V.Prin/DS-18/Female: Consequent upon the recommendations of the Khyber Pakhtunkhwa Public Service Commission Peshawar, the Competent Authority/ Chief Minister Khyber Pakhtunkhwa is pleased to appoint the following as Principal/Vice Principal (DS-18) (@Rs. 38350-2870-95750) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government and posted as mentioned in the list below:

S/N	Father's Name of Candidate	Domicile	As Proposed	Remarks
1	Abbeem D/O Syed Zakar	Abbottabad	Principal (DS-18) GGISS Dingi Haripur	Vice Sr. No. 81
2	Abbeem D/O Said	Mardan	Principal (DS-18) GGHS Dakhshali Mardan	A.V.P
3	Abbeem D/O Muhammad	Abbottabad	Vice Principal (DS-18) GGCHSS Abbottabad	Vice Sr. No. 82
4	Abbeem D/O Muhammad	Peshawar	Vice Principal (DS-18) GGHS University Town Peshawar	Vice Sr. No. 83
5	Abbeem Bibi D/O Manzoor	Kohat	Vice Principal (DS-18) GGHS Jungle Khel Kohat	Vice Sr. No. 84
6	Abbeem Bastir D/O Ahmad Bashir	Manshira	Principal (DS-18) GGISS Trangri Dala Manshira	A.V.P
7	Abbeem D/O Khairur Raman	Malakand	Principal (DS-18) GGISS Kot Malakand	A.V.P
8	Abbeem Nohed D/O Said	Mardan	Principal (DS-18) GGHS Koper Mardan	A.V.P
9	Abbeem Masood D/O Ahmad Masoud	Abbottabad	Principal (DS-18) GGISS Ghari Phulgrun Abbottabad	Vice Sr. No. 85
10	Abbeem Ara D/O Aman Ullah	Peshawar	Principal (DS-18) GGISS Wadpaga Peshawar	Vice Sr. No. 106
11	Abbeem D/O Muhammad	Peshawar	Principal (DS-18) GGISS Akbarpura Nowshera	Vice Sr. No. 87
12	Abbeem D/O Hamid Ilyas	Kohat	Principal (DS-18) GGISS KDA Kohat	Vice Sr. No. 88
13	Abbeem Nohed D/O Qazi Muhammad	Manshira	Principal (DS-18) GGHS Muradpur Manshira	A.V.P
14	Abbeem Nissa D/O Syed Qudrat	Abbottabad	Principal (DS-18) GGHS Bakote Abbottabad	A.V.P
15	Abbeem Waheed D/O Abdul Han	Korak	Principal (DS-18) GGHS Esak Chountra Korak	A.V.P
16	Abbeem Akhori D/O, Nazir	Peshawar	Principal (DS-18) GGHS Azakhel Payan Nowshera	Vice Sr. No. 89

*(Signature)*  
**ATTESTED**

17	Rifat Parveen D/O Abdul Goyum Khan	Abbotabad	Vice Principal (US-18) GCISS	Barfi Manzilera	No. 90	Vice Sr.
18	Sobia Jadoon D/O Muhammad Akbar Khan	Abbotabad	Vice Principal (US-18) GCISS	Kukul Abbotabad	No. 91	Vice Sr.
19	Sahna D/O Khulid Ur Rehman	Peshawar	Principal (US-18) GCISS	Mian Guler Peshawar	No. 91	Vice Sr.
20	Shabana Iqbal D/O Muhammad Iqbal	Karak	Principal (US-18) GCISS	Behzadi Chakur Kot Kohat	No. 92	Vice Sr.
21	Tawheed Bibi D/O Sarfaraz	Malakand	Principal (US-18) GCISS	Agra Malakand	No. 92	Vice Sr.
22	Rubina Gulzar D/O Muhammad Gulzar	Abbotabad	Principal (US-18) GCISS	Shahi Alwal Abbotabad	No. 93	Vice Sr.
23	Nasim Begum D/O Sher Bahadur	Shangla	Principal (US-18) GCISS	Chakisar Shangla	No. 93	Vice Sr.
24	Mehnaz Iqbal D/O Muhammad Iqbal Khan	Karak	Vice Principal (US-18) GCISS	Peshawar Peshawar	No. 96	Vice Sr.
25	Irum Shabeen D/O Lal Muhammad	Peshawar	Principal (US-18) GCISS	Sufaid Sung Peshawar	No. 96	Vice Sr.
26	Abida Irum D/O Ghulam Abbas	UDA	Principal (US-18) GCISS	Topi Swabi	No. 97	Vice Sr.
27	Saeeda Bano D/O Muhammad Anwar	Haripur	Principal (US-18) GCISS	Chapra Haripur	No. 94	Vice Sr.
28	Fozia Naz Begum D/O Azam Khan	Mardan	Principal (US-18) GCISS	Khanzama Dhert Mardan	No. 94	Vice Sr.
29	Rakshanda Mehtal D/O Mehtal Khan	Peshawar	Principal (US-18) GCISS	Shepao Charsada	No. 94	Vice Sr.
30	Kalsum Begum D/O Shahi Nawaz Khan	Karak	Principal (US-18) GCISS	Jhangli Karak	No. 94	Vice Sr.
31	Kaifa Naz D/O Ghulam Mujaba Khan	Abbotabad	Principal (US-18) GCISS	Berole Abbotabad	No. 94	Vice Sr.
32	Haseena Fida D/O Fida Muhammad	Peshawar	Principal (US-18) GCISS	Novshera Nizampur Novshera	No. 94	Vice Sr.
33	Scema Afridi D/O Abdul Mateen	Peshawar	Principal (US-18) GCISS	Behloia Charsada	No. 95	Vice Sr.
34	Mateen Javid D/O Muhammad Javid	Peshawar	Principal (US-18) GCISS	Phase-III Layalabad Peshawar	No. 86	Vice Sr.
35	Fahem Afshan D/O Mir Dad Khan	Novshera	Principal (US-18) GCISS	Dhert Khat Novshera	No. 86	Vice Sr.
36	Sadia Rahman D/O Ghulam Rahman	Mardan	Principal (US-18) GCISS	Mardan Chamsheer Mardan	No. 86	Vice Sr.
37	Shazia Ashraf D/O Muhammad Ashraf	Mansehra	Vice Principal (US-18) GCISS	Mansehra No. 1 Mansehra	No. 86	Vice Sr.
38	Saira Parveen D/O Khalid Khan	Abbotabad	Vice Principal (US-18) GCISS	Abbotabad Malikpura Abbotabad	No. 86	Vice Sr.
39	Saeeda Islam D/O Ismail Ud Din	Novshera	Principal (US-18) GCISS	Khatgl Pura Novshera	No. 86	Vice Sr.
40	Sadia Afshen D/O Nazir Ahmed	Abbotabad	Principal (US-18) GCISS	Trawra Mansehra	No. 86	Vice Sr.
41	Aisha Bibi D/O Ghulam Rahman	Mardan	Principal (US-18) GCISS	Mardan Landapur Mardan	No. 86	Vice Sr.

ATTESTED

Signature

Better copy

ANNEX B

GOVERNMENT OF KHYBER PAKHTUNKHWA  
Elementary and secondary education department

Dated Peshawar the July 13<sup>th</sup> 2021

Notification”

No. SO(S/F)/E&SE/4-16/2021/Salma Sami: consequent upon the appointment of Dr. Salma Sami (BS-18) vide notification of even number dated 08.02.2021. she is hereby posted as principal GGHSS Nodeh District Nowshera for actualization against the vacant post and subsequently posted/adjusted as principal (BS-19) GGHSS Irrigation Colony, Peshawar in her own pay and scale (as stop gap arrangement)

i. No. TA/DA is allowed.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even NO. & Date:

Copy forwarded for information to the:

1. Accountant Genera, Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Female) Nowshera
4. District Accounts Officer, Nowshera
5. Director EMIS, E&SE Department
6. PS to secretary, E&SE Department
7. Officer concerned.
8. Office order file.

(Hafeez ur Rehman Shah)

Section Officer (S/F)

ATTESTED

B



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH AND FAMILY WELFARE DEPARTMENT



Dated: Rawalpindi, the 13<sup>th</sup> July 2021

NOTIFICATION

NO. SORS/HS/SE/16/2021/Sanitation & Health  
Dr. Shujaat Hussain, Director of Health Services, Government of Khyber Pakhtunkhwa, Peshawar, has been directed to issue a notification regarding the closure of the Government Hospital, Peshawar, for the purpose of the construction of a new building. The closure is to be effective from the date of the notification and shall remain in force until further orders. The closure is to be without prejudice to the rights of the employees of the hospital and shall be subject to the provisions of the Government of Khyber Pakhtunkhwa (Public Service) Regulations, 1974, and the Government of Khyber Pakhtunkhwa (Public Service) Rules, 1974.

NOTED & APPROVED

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
(Health & Family Welfare)

For Information

For information of the Government of Khyber Pakhtunkhwa, Peshawar, and the Government of Khyber Pakhtunkhwa, Peshawar, the following information is being furnished: The Government Hospital, Peshawar, is to be closed for the purpose of the construction of a new building. The closure is to be effective from the date of the notification and shall remain in force until further orders. The closure is to be without prejudice to the rights of the employees of the hospital and shall be subject to the provisions of the Government of Khyber Pakhtunkhwa (Public Service) Regulations, 1974, and the Government of Khyber Pakhtunkhwa (Public Service) Rules, 1974.

ASSISTANT DIRECTOR  
GOVT. OF KHYBER PAKHTUNKHWA  
SECRETARIAT  
PESHAWAR

ATTESTED

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ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
BLOCK A OPPOSITE MPA'S HOSTEL, CIVIL SECRETARIAT PESHAWAR  
PHONE NO 091-9223588

Dated Peshawar August 12<sup>th</sup>, 2022

**NOTIFICATION**

NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer/36: Mst. Saima Principal (BS-18) is hereby transferred from GGHSS Mian Gujjar Peshawar and posted at GGHSS Mologo Peshawar, against the vacant post of Principal (BS-18) with immediate effect, in the public interest.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Female) Peshawar.
3. District Account Office Peshawar.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Secretary, E&SE Department.
6. Officers concerned.
7. Office order file.

MUHAMMAD FAIZAN ZEB  
SECTION OFFICER (S/F)

**ATTESTED**



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

Dated Peshawar the December 14<sup>th</sup>, 2021

**NOTIFICATION**

**NO. SO(SF)E&SED/4-16/2021/POSTING/TRANSFER/TC:** The Competent Authority, in light of the Judgment of the Khyber Pakhtunkhwa Service Tribunal Peshawar dated 25-06-2021 in Service Appeal No-10297/2020, is pleased to order the following posting / transfer, with immediate effect, in the public interest: -

Sr No	Name & designation	From	To
1.	Mst. Noshaba, Principal (BS-19)	GGHS Kernal Sher Khan Swabi.	Principal GGHS, Irrigation Colony, Warsak Road Peshawar (Vice No-2)
2.	Dr. Salma Sami, Principal (BS-18)	GGHS, Irrigation Colony, Warsak Road Peshawar	Principal GGHS Gulabad Jamrud, Khyber against the vacant post.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the: -

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

(SAMIRA MEHSOOD)  
SECTION OFFICER (SCHOOLS FEMALE)

ATTESTED

ATTESTED

-14-

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To

The Honourable Secretary to Govt. of Khyber Pakhtunkhwa  
Elementary and Secondary Education Department.

Subject:- NON AVAILABILITY OF POST FOR SERIAL NO. 2 IN NOTIFICATION NO. SO(S/F)  
E&SED/4-16/2021/POSTING/TRANSFER/TC, DATED 14.12.2021

R/Sir,

It is submitted for your kind information that above mentioned post is already occupied by Mrs. Tahira Naz, Principal BS-18 by Notification No. SO(S/F)E&SED/4-16/2021/Posting/Transfer/TC, dated 14.12.2021.

Therefore, I cannot take over charge at GGHS Irrigation Colony Warsak Road Peshawar. As there are other vacant posts of Principal BS-19 in District Peshawar therefore I may kindly be adjusted to one of the following vacant posts:-

1. GGHS Dabgari Banat Peshawar (Principal BS-19 ) will be retired on 31.12.2021
2. RPDC (F) Peshawar (Senior Instructor BS-19)
3. GGHS Civil Colony Peshawar (Principal BS-19).

4. GGHS Landi Arbab Peshawar  
I have no reservations on my adjustment.

Thanking you in anticipation.

Dated 16.12.2021

*Noushaba*  
(Mst: Noushaba)  
Principal BS-19  
GGHS KSK Swabi

Handwritten notes and signatures in the middle of the page, including "Received" and "As per" with various scribbles.

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**ATTESTED**

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

Phone No. 091-9223588

Dated Peshawar the December 20<sup>th</sup>, 2021

**NOTIFICATION**

**NO. SO(SF)E&SED/4-16/2021/POSTING/TRANSFER/TC:** In partial modification of this Department's Notification of even number dated 14-12-2021, the place of posting of Dr. Salma Sami Principal (BS-18) may be read as GGHS Matta Palangzai District Charsadda instead of GGHS Gulabad Jamrud District Khyber.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar, Swabi & Khyber.
4. District Accounts Officer Swabi & Khyber.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. Section Officer (Litigation-II), E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Mst. Tahira Naz Afridi Principals, GGHS Gulabad Jamrud, Khyber.
9. Principals, GGHS Matta Palangzai District Charsadda.
10. Officer concerned.

(SAMIRA MEHSOOD)  
SECTION OFFICER (SCHOOLS FEMALE)

**ATTESTED**



**GOVT. OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Email: [sectionofficeret@gmail.com](mailto:sectionofficeret@gmail.com)

091-9223588

Dated Peshawar, February 9<sup>th</sup>, 2022

**RELIEVING ORDER**


NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer/: Consequent upon the posting/transfer Notification dated 14.09.2022, Mst. Salma Sami Principal (BS-18) appearing at sr. No.44 is hereby relieved from GGHSS Irrigation Colony Peshawar from the post of Principal (BS-19).

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

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa for further necessary action.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department.
7. Officers/Official Concerned.
8. Office order file.

  
(SHAWANA HALEEM)  
SECTION OFFICER (S/F)

**ATTESTED**

17  
ANNEX "G"

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal No: 01/12021

Dr. Salma Sami principal GGHS, Irrigation Colony,  
Warsak Road, Peshawar

.....Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through chief Secretary, Civil Secretariat, Peshawar.
2. The ~~Secretary, Education~~ Section Officer (School Female) Khyber Pakhtunkhwa, Peshawar.
3. The Elementary & Secondary Education through Secretary Education, Civil Secretariat, Peshawar.
4. Principal GGHS Mst. Noshaba, Irrigation Colony, Warsak Road, Peshawar
5. Principal Tahira Naz GGHS Guiabad Jamrud Khyber

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
TRANSFER ORDER OF THE APPELLANT,  
WHEREBY SHE HAS BEEN TRANSFERRED,  
POSTED ILLEGALLY AND UNLAWFULLY.

**ATTESTED**

RESPECTFULLY SHEWETH:

Facts giving this present service appeal are as  
under;


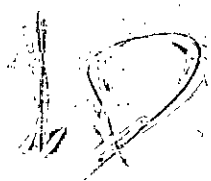
1. That the appellant is appointed/posted against the vacant post (BPS-18) on dated 08.02.2021 as a principal GGHS Nodeh District Nowhera vide notification NO SO. (S/F) E&SE 4-16-2021,

but the post was not available in District Nowshera subsequently posted/adjusted as principal (BPS-19) GGHS Irrigation Colony, Peshawar.

Copy of the dated 08.02.2021 order is attached as annexure "A"

2. That the respondent No. 1 to 3 vested too much time of the appellant in procedure for appointment in (BS-18) but the appellant continued her struggle for (BPS-18) and the respondent NO. 1 ignoring, but finally the appellant approached to provincial Mohtasib Khyber Pakhtunkhwa against the respondent No. 1 attitude, the then respondent No. 1 issue order of appointment to appellant against the vacant post (BS-18) vide notification NO. SO(S/F) E&SE 04.16.2021 in district Nowshera. (Application and order is attached as annexure B)
3. That the appellant taken over the charge against the vacant post as a principle (BPS-19) GGHS, irrigation Colony, Peshawar on dated 13<sup>th</sup> July 2021.
4. That the respondent No. 1 & 2 after five month issued another order dated 14<sup>th</sup> December 2021 vide notification No. SO(S/F) E&SED 04.16.2021 against the appellant to adjust respondent No. 4 and the appellant transfer/posted against the vacant post (BPS-18) as a principal GGHS Gulabad Jamrud Khyber, but the said post is yet not vacant because the said post is already

  
**ATTESTED**



occupied by Mst. Tahiranaz as a principal (BPS-18) in GGHS Gulabad Jamrud Khyber.

Copy of the order is attached as annexure "C"

5. That the respondent No. 4 moved an application to respondent No. 1 & 2 for non availability of post for serial No. 2 in notification No. SO(S/F) E&SED dated 04.16.2021 and the respondent No. 4 also mentioned vacant four posts in Peshawar which is already vacant for (BPS-19).  
(Copy of application is attached herewith as annexure "D")
6. That the respondent No. 1 & 2 illegally, wrongfully and unlawfully issued order against the appellant from District Peshawar to District Charsadda GGHS Matta Palangzai instead of GGHS Gulabad Jamrud District Khyber which is against the law and policy of service Act.  
Copies of order is attached as annexure "E")
7. That the appellant suit departmental appeal on dated 16.12.2021 but respondent ignored the application of the appellant and continue his order, the appellant also attached her husband posting/service certificate in Peshawar but in vain, then the appellant having no other remedy left, but to approach this Hon'ble court via instant service appeal, on the following grounds:  
(Copy of Service Certificate & department Application are attached as annexure F & G)

**GROUND:**

- A. That the appellant is permanent resident of Peshawar by domicile and her husband is also Professor of BPS-20 in IER Peshawar permanently, so the transfer of the appellant

**ATTESTED**

against the service rules and policy Act from district Peshawar to Charsadda.

- B. That the appellant did not fulfill/complete the tenure of the 3 years from the first appointment order in GGHS irrigation colony Peshawar, it is also against the law and rules of Service Act.
- C. That the respondent No. 4 give four option in her application of the vacant post in Peshawar which required for the eligibility of (BPS-19) and the said four mention posts are also vacant from long time in Peshawar without any posted and the respondent NO. 4 according to law should be transfer/posted in these vacant post instead of GGHS irrigation Colony, Peshawar.
- D. That the appellant is a female gender which not possible to travel in daily routine 60 km in public transport with so many problems like security, transport unavailability etc.
- E. That the respondent No. 1 & 2 bionomically transferring/posting the appellant from one place to another without any legally, lawfully reason which is clearly violation of the service Policy & Rules.
- F. That any other grounds will be furnished at the time of final arguments with the prior permission of this honorable tribunal

For the aforesaid reason, it is therefore, respectfully prayed, that on acceptance of this service appeal, this Hon'ble tribunal may kindly be please to declare the impugned

*[Handwritten signatures and marks]*

**ATTESTED**

order dated 20.12.2021 is illegal, unlawful  
coram-non iudice, malafide of no legal effect  
and also ineffective on the rights of the  
appellant, further the respondent No. 1 & 2  
may be directed to act in the matter in  
accordance with law and allow the appellant  
to perform her duty in Peshawar. //

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

**INTERIM RELIEF:**

By way of interim relief, the operation of the  
impugned order dated 20.12.2021 may kindly be  
suspended, till the decision of the present petition.

*Salwa*  
Appellant

Through

*MS*  
Muhammad Israr Khattak  
Advocate High Court

*[Handwritten signature]*

*21/11/23*

*25/11/23  
30/11/23*

*21/11/23  
21/11/23*

*[Handwritten signature]*

**ATTESTED**

ANNE H

22

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
BLOCK A OPPOSITE MPAS HOSTEL, CIVIL SECRETARIAT, PESHAWAR  
PHONE NO 091-9223588

Dated Peshawar, September 14<sup>th</sup>, 2022

NOTIFICATION

NO. SO/S/FE&SED/4-16/2022/Posting/Transfer/51: Upon their promotion vide notification No. SO/S/FE&SED/2-3/2022/Promotion dated: 20.04.2022 the following Teaching Cadre (BS-19) Officers are hereby posted against the post mentioned against each.

Sr. #	Name/ Designation	Present Posting	To	Remarks
1	Mst. Aalia Bano	GGHSS Dhamtor Abbottabad	GGHSS Sherwan Abbottabad	AVP of Principal (BS-19)
2	Mst. Tahira Tabassum	GGHSS Shahdani Baba Murdan	GGHSS Jalala Mardan	AVP of Principal (BS-19)
3	Mst. Saniya Kalsoon	GGHSS Lahor Swabi	GGHS Panjpir Swabi	Vice Sr. No. 12
4	Mst. Nofeen Akal	RPDC (Female) Peshawar	GGHS Prang Charsadda	AVP of Principal (BS-19)
5	Mst. Azra Begum	RPDC Malakand	RPDC Malakand	Against Sr. No. 45
6	Mst. Gul E Rana	GGHSS Jogiwara Peshawar	GGHS KSK Swabi	AVP of Principal (BS-19)
7	Mst. Aha Iqbal	GGHSS Chankani Peshawar	Shakar Dara Kohat	AVP of Principal (BS-19)
8	Mst. Ambarjeen Farman	GGHSS No. 2 D.I Khan	GGHSS Jandola Tank	AVP of Principal (BS-19)
9	Mst. Nusrat Parveen	GGHSS No. 6 D.I Khan	GGHSS Karak No. 1	AVP of Principal (BS-19)
10	Mst. Salima	GGHSS Toru Mardan	GGHSS Palai Malakand	AVP of Principal (BS-19)
11	Mst. Shabana Rehman	GGHS No. 1 Lakki Marwat	GGHSS No. 1 Serai Nurang Lakki Marwat	Vice Sr. No. 42
12	Mst. Zubaich Bibi	GGHSS Panjpir Swabi	GGHS Zaida Swabi	AVP of Principal (BS-19)
13	Mst. Feroza Sabeen	GGHSS University Town Peshawar	GGHSS Matta Palanzai Charsadda	AVP of Principal (BS-19)
14	Mst. Shabeena Shehrinaz	GGHS Fakhr Nasrati Karak	GGHS Chokara Karak	AVP of Principal (BS-19)

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**ATTESTED**

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
 BLOCK & DISTRICT OFFICE, CIVIL SECRETARIAT PESHAWAR  
 PHONE NO 091-9224588

15	Mst. Gul F. Rama Sidiq	GGHSS BSD Peshawar	GGHSS No.1 Hangu	AVP of Principal (BS-19)
16	Mst. Saeeda Tabassum	GGHSS Kotla Swabi	GGHSS Shewa Swabi	AVP of Principal (BS-19)
17	Mst. Bibi Amina	GGHSS Pakho Dheri Mardan	GGHSS Hathian Mardan	AVP of Principal (BS-19)
18	Mst. Bananas Begum	GGHSS Akora Khattak Nowshera	GGHSS Totakan Malakand	AVP of Principal (BS-19)
19	Mst. Yasmin Ara Bibi	GGHSS Shahdand Baba Mardan	GGHSS Rustom Mardan	AVP of Principal (BS-19)
20	Mst. Shamila Tabassum	GGHSS Naivala D.F Khan	GGHSS Ismaili Mama Khel Bannu	AVP of Principal (BS-19)
21	Mst. Jamila Begum	GGHSS Matkani Malakand	GGHSS Dheri Alladand Malakand	AVP of Principal (BS-19)
22	Mst. Shaista Kanwal	GGHSS Jungle Khel Kohat	GGHSS Gumbat Kohat	AVP of Principal (BS-19)
23	Mst. Irshad Begum	GGHSS No.4 Bannu City	GGHSS Bilawar Khan Bannu	AVP of Principal (BS-19)
24	Mst. Farah Deba	GGHSS Lahore Swabi	GGHSS Kalukhan Swabi	AVP of Principal (BS-19)
25	Mst. Farzana Yasmin	GGHSS Jungle Khel Kohat	GGHSS Qamar Zaman Mandew Bannu	AVP of Principal (BS-19)
26	Mst. Shaista Gul	GGHSS University Town Peshawar	GGHSS Mandani Charsadda	AVP of Principal (BS-19)
27	Mst. Romaisa Sadia	GGHSS Sahibzada Umar Khan Shaheed Peshawar	GGHSS Telkal Peshawar	AVP of Principal (BS-19)
28	Mst. Farhana	RPDC Swabi	GGHSS Kuunda Swabi	AVP of Principal (BS-19)
29	Mst. Sadaf Rehana Malik	GGHSS Comprehensive Abbottabad	GGHSS Siri Kot Haripur	AVP of Principal (BS-19)
30	Mst. Syeda Fayyaba	GGHSS Comprehensive Abbottabad	GGHSS Kot NajibUllah Haripur	AVP of Principal (BS-19)
31	Mst. Shagofia Khanam	GGHSS BSD Peshawar	GGHSS Titter Khel Lakki Marwat	AVP of Principal (BS-19)
32	Mst. Illat Begum	GGHSS Sahibzada Umar Khan Shaheed Peshawar	RPDC Peshawar	AVP of Principal (BS-19)

*M*

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**ATTESTED**

-24-

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
 BLOCK A OPPOSITE MPAS HOSTEL, CIVIL SECRETARIAT PESHAWAR  
 PHONE NO 991-9223588

35	Mst. Sughra Sadaf	DPD Peshawar	GGHSS Irrigation Colony Peshawar.	Vice Sr. 44
35	Mst. Nigral Hussain	GGHSS Gadhil Haidarulla Manshera	GGHSS Thadli Khurd Manshera	Vice Sr. No. 41
35	Mst. Samra Danish	DCTE Abbottabad	GGHSS Badakot	AVP of Principal (BS-19)
36	Mst. Roshan Ara	GGHSS Ningolai Swat	GGHSS Malta Swat	AVP of Principal (BS-19)
37	Mst. Ishrat Jabeen	GGHSS BSD Peshawar	GGHSS Jamrud Khyber	Vice Sr. No. 43
38	Mst. Robina Farooq	GGHSS Dhamtor Abbottabad	GGHSS KTS Sector No. 2 Haripur	AVP of Principal (BS-19)
38	Mst. Zub Jehan	GGHSS Chankam Peshawar	GGHSS Saidu No. 1 Swat	AVP of Principal (BS-19)
40	Mst. Shela Nauman	GGHSS University Town Peshawar	GGHSS Koper Malakand	AVP of Principal (BS-19)

**CONSEQUENTIAL POSTING**

41	Mst. Fehmida Malik, Principal (BS-18) working against the post of (BS-19) in OPS	GGHSS Thadli Khurd Manshera	GGHSS Darband Manshera	AVP of Principal (BS-18)
42	Mst. Shahana Nooren, (BS-18)	GGHSS Semra Naurang Lakki Marwat	GGHSS No. 06 D.I Khan	Vice Sr. No. 09
43	Samra Noor, Principal (BS-18)	GGHSS Jamrud Khyber	DPD Peshawar	Vice Sr. No. 33
44	Dr. Salma Sami Principal (BS-18)	GGHSS Irrigation Colony	GGHSS Malogi, Peshawar	AVP of Principal (BS-18)
45	Dr. Dil Ara Begum Principal (BS-19)	Instructor (BS-19), RPDC, Malakand (Female)	RPDC (Female) Malakand (BS-20)	Against Vacant Post of Principal (BS-20) in OPS.

**ATTESTED**

-25-

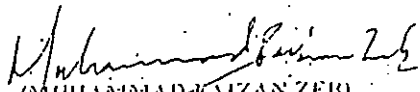
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
BLOCK A OPPOSITE MPA'S HOSTEL, CIVIL SECRETARIAT PESHAWAR  
PHONE NO 091-9223588

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

Indst. of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. CSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female) concerned.
5. District Account Officer, concerned.
6. Director EMIS, E&SE Department for uploading at official website at the earliest.
7. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department.
9. PA to Additional Secretary, E&SE Department.
10. Other Officials Concerned.
11. Office order file.

  
(MUHAMMAD FAIZAN ZEB)  
SECTION OFFICER (S/P)

**ATTESTED**

ANNEX I - 26

To

The Secretary  
Elementary and Secondary Education  
Department KPK

Subject:- Transfer Consequential/Posting.

Reference your good office order NO.SO(SF)E&SED/4-16/2022/Posting/Transfer/51: Dated Peshawar, September 14<sup>th</sup>, 2022

I have been transferred to GGHSS Malogo, Peshawar on the post of Principal (BS-18). I reported my arrival in the respective school here I have been aware that the post has already been occupied/ Filled by Mst, Saima Principal (BS-18 vide your notification NO.SO(SF)E&SED/4-16/2022/Posting/Transfer/ 36: Dated Peshawar August 12<sup>th</sup>, 2022: (her office order DDO Ship copy annexed as reference)

Therefore it is requested kindly adjust me on my present post i.e. in GGHSS Malogo Peshawar.

Yours Sincerely:

*Salma*  
15/9/22

Dr, Salma Sami (Principal)  
GGHS Irrigation Colony Peshawar

Encls  
As above :

SECRETARY DIARY  
No. 2927  
Dated 15/9/2022

**ATTESTED**

7



-27-  
ANKER J



08.02.2023

Learned counsel for the appellant present. Mr. Uzair Azam Khan, Additional Advocate General for the official respondents and Private Respondent No. 5 in person present.

SCANNED  
FIRST  
Peshawar

Mrs. Rozina Rehman, Learned Member (J) is on leave today, therefore, case is adjourned to 13.03.2023 for arguments before the D.B.

(FAREEHA PAUL)  
Member (E)

13<sup>th</sup> March, 2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for official respondent No. 1 to 3 and learned counsel for private respondent No. 4 present.

2. The record reflects that one Mst. Sughra Sadaf had submitted an application for her impleadment in this appeal on the strength of Transfer Notification dated 14.09.2022, copy annexed with the application. In the said Notification, the appellant was shown to have been transferred against vacant post of Principal (BPS-18) at GGHSS Malogi Peshawar. When confronted with the situation, learned counsel for the appellant submits that if a direction is given to the respondents that posting/transfer Notification issued 14.09.2022 should be actualized, he would not press this appeal. Order accordingly. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13<sup>th</sup> day of March, 2023.

Secretary to the Tribunal  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(Salah Ud Din)  
Member (Judicial)

(Signature)

(Kalim Arshad Khan)  
Chairman

ATTESTED



**GOVT. OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Email: [sectionofficersf@gmail.com](mailto:sectionofficersf@gmail.com)

091-9223588

Dated Peshawar the April 17<sup>th</sup>, 2023

**NOTIFICATION**

NO.SO(S/F)E&SED/4-16/2023/Posting/Transfer: In compliance with Khyber Pakhtunkhwa Service Tribunal Peshawar's Judgment dated 14.09.2022, the following postings/transfers are hereby ordered, with immediate effect.

Sr. #	Name/ Designation	From	To	Remarks
1	Mst. Salma Sami Principal (BS-18)	Under transfer	GGHSS Malogo Peshawar	Vice sr. No. 01
2	Mst. Saima Principal (BS-18)	GGHSS Malogo Peshawar	GGHSS Mian Gujar Peshawar	Vice sr. No. 03
3	Mst. Seema Afridi Principal (BS-18)	GGHSS Mian Gujar Peshawar	GGHSS Sahibzada Umer Khan Peshawar	AVP of SSS Home- Economics (BS-18)

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

Endst: of even No.& date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department.
7. Officers/Official concerned.
8. Office order file.


(SHAWANA HALEEM)  
SECTION OFFICER (SIF)

**ATTESTED**

-29-  
ANW&U

ARRIVAL REPORT


In compliance of Elementary & Secondary Education notification NO.SO(S/F)E&SED/4-16/2023/Posting/Transfer dated 17.04.2023 I, Dr. Salma Sami arrived at GGHSS Malogo Peshawar on 17.04.2023.

  
Dr. Salma Sami  
Principal (BS-18)

Copy forwarded to;

1. Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
2. Accountant General Khyber Pakhtunkhwa.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
4. District Education Officer (F) Peshawar.
5. School concerned.

I, Mst. Saima Principal GGHSS Malogo,  
received arrival report of Mst. Salma Sami  
according notification NO.SO(S/F)E&SED/4-16/2023/  
posting/Transfer dated 17.04.2023.

  
PRINCIPAL  
(M.A Eng M.Ed)  
GGHSS Malogo Peshawar.  
17/04/23

  
**ATTESTED**



**GOVT. OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**  
Email: [eeos@pk.gov.pk](mailto:eeos@pk.gov.pk)  
001-0223800

Dated Peshawar, April 10<sup>th</sup>, 2023

**RELIEVING ORDER**

NO. SO(S/F)E&SED/4-10/2023(Pooling/Transfer): Consequent upon the pooling/transfer Notification dated 17.04.2023, Mr. Balma Principal (BS-18) is hereby relieved from GCHSS Malogo Peshawar from the post of Principal (BS-18).

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

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa for further necessary action.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar.
4. Director EMIS, E&SE Department for uploading at official website at the earliest.
5. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department.
7. Officers/Official Concerned.
8. Office order file.

*(Signature)*  
**(SHAWANA HALEEM)**  
**SECTION OFFICER (S/F)**

*(Signature)*

*(Signature)*

**ATTESTED**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

ANNEX M<sup>n</sup> - 31-1

MISC: APPLICATION No. 257 /2023  
IN  
S.A No. 01/2022

Mst Saima,  
Principal, GGHS, Mologo Peshawar..... Applicant

VERSUS

1. Dr. Salma Sami  
Principal GGHS, Irrigation Colony,  
Warsak Road, Peshawar.
2. The Chief Secretary  
Govt. of Khyber Pakhtunkhwa  
Civil Secretariat, Peshawar.
3. The Secretary  
Education Officer (Female)  
Khyber Pakhtunkhwa, Peshawar
4. The Secretary  
Elementary & Secondary Education  
Civil Secretariat, Peshawar.
5. Ms. Noshaba  
Principal GGHS Irrigation Colony,  
Warsak Road, Peshawar.
6. Ms. Tahira Naz  
Principal GGHS, Gulabda,  
Jumrad Khyber..... Respondent

Application U/S 12(2) CPC for setting aside the Judgment/Order of this Hon'ble Tribunal dated 13.03.2023 passed in Service Appeal No.01/2022 being procured by Respondent on the basis of misrepresentation and fraud.

Respectfully Sheweth,

Facts giving rise to the present application are as under:-

1. That Respondent No.1 had filed Service Appeal No.01/2022 (Annex:-A) before this Hon'ble Tribunal by assailing the posting/transfer order dated 20.12.2021 (Annex:-B) which was admitted to full hearing. Replies were sought from the Respondents, which were accordingly submitted (Annex:-C).

ATTESTED

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2. That applicant is the senior-most Officer of the Department in Grade-18, who vide Notification dated 12.08.2022 (*Annex:-D*) was transferred from GGHS Mian Gujjar Peshawar to GGHS Malogo Peshawar, against the vacant post of Principal (BPS-18) with immediate effect, in the public interest. Applicant complied with the order and submitted Charge Report.
3. That during pendency of Service Appeal No.01.2022 of Respondent No.1 before this Hon'ble Tribunal she was inadvertently/mistakenly transferred from GGHS Irrigation Colony to GGHS Malogo/at the place of applicant, vide Notification dated 14.09.2022 (*Annex:-E*), where Respondent No.1 approached for charge assumption but she was apprised that the subject post had already been occupied/filled by applicant.
4. That the Respondent No.1 deliberately failed to bring material facts into the Notice of the Hon'ble Tribunal in that the applicant being necessary party was not arrayed in the panel of Respondents. Respondent No.1 knew that the post has already been filled by the applicant vide applications (*Annex:-F*) and obtained the impugned judgment/order dated 13.03.2023 (*Annex:-G*) of this Hon'ble Tribunal and took unlawful directions by suppressing the material facts to actualize the transfer order dated 14.09.2022 and place Respondent No.1 at the place of posting of applicant.
5. That the element of misrepresentation and fraud on the part Respondent No.1 is quite apparent on the face of the record and she was supposed to bring into the notice of the Hon'ble Tribunal the updated position on the subject matter but failed to do so. Moreover, requirements of Rule-6 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 have not been complied with.

For the aforesaid reasons, it is therefore respectfully prayed, that on acceptance of this application, this Hon'ble Tribunal may kindly be pleased to recall the impugned judgment/order dated 13.03.2023 and by restoring Appeal of Respondent No.1 and decide the same on merits after adverting the stance of the applicant and providing her opportunity of defence.

**ATTESTED**

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to applicant.

Through

Applicant  
*[Signature]*

Khaled Rahman  
Advocate,  
Supreme Court of Pakistan

Dated: 19/04/2023

*[Signature]*

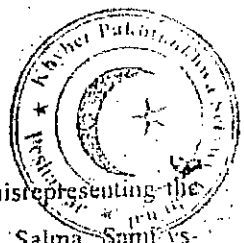
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21-11-23

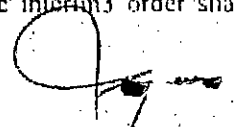
*[Signature]*  
**ATTESTED**

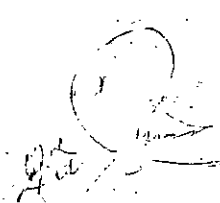
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ANNEX N



4<sup>th</sup> May, 2023

1. Learned counsel for the petitioner submits that while misrepresenting the facts by the parties in appeal No. 01/2022 titled "Dr. Salma Sami vs. Government of Khyber Pakhtunkhwa" a notification dated 14.09.2022 was produced before the Tribunal constraining it to pass an order in view thereof and in the said notification the appellant of the said appeal named Dr. Salma Sami was shown to have been posted at GGHSS Malogo Peshawar against the post of Principal which too was shown to be lying vacant whereas in compliance with an earlier notification No. SO(S/F)E&SED/4-16/2022/posting/Transfer/36 dated 12.08.2022 the petitioner Mst. Saima had already been working on the post of Principal GGHSS Malogo Peshawar and thus the post was not vacant but even then it was shown to be vacant in the notification of 14.09.2022 which fact was also evident from a letter at page-28 addressed to the Secretary (I&SF) Peshawar wherein respondent No.1 Dr. Salma Sami had informed the Secretary that the post was already occupied by Mst. Saima. Learned counsel for the petitioner further referred to the Civil Miscellaneous application for suspending the operation of notification dated 17.04.2023 vide which some transfers were made but with the statement that the transfer order was being made in compliance with the judgment of this Tribunal dated 14.09.2022 and the petitioner Mst. Saima was transferred from GGHSS Malogo Peshawar to GGHSS Mian Gujjar while respondent No1 was posted at GGHSS Malogo Peshawar. The subsequent notification of 17.04.2023 prima facie supports the contention of the learned counsel for the petitioner that the order dated 14.09.2022 passed by this Tribunal was a result of some misrepresentation made by the parties. Therefore, we would like to issue notice to the respondents to submit a detailed reply on 18.05.2023 before S.B. In the mean time operation of notification dated 17.04.2023 is suspended. P.P given to the petitioner. The respondents be summoned through TCS, the expenses of which be deposited by the petitioner within two days filing which the interim order shall cease to have affected.

  
(Kalim Arshad Khan)  
Chairman

  
Atiq  
\*Atiq Shah, P.P.\*  
Certified true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application \_\_\_\_\_  
Number of Pages Page 2  
Copy Fee 10/-  
Urgent 5/5  
Date of Delivery of Copy 05-05-23  
**ATTESTED**

**ATTESTED**





Office of the  
**Accountant General**  
Khyber Pakhtunkhwa  
Fort Road Peshawar

No. AG-KP/PR-02/P. Fil/Sughra Sadaf)  
To

Dated: 09.05.2023

The Secretary to Government of KP  
E&SE Deptt.  
Peshawar.

Subject: **RELEASE OF PAY FOR THE MONTH OF FEBRUARY, 2023**

I am directed to refer to your office Notification No.SO(S/F)E&SED/4-16/2023/ Dated 17.04.2023 and relieving order No.SO(S/F)E&SED/4-16/2023/posting transfer Dated 19.04.2023 regarding relieving of Mst Saima from GHSS Malogo Peshawar and posting of Mst Salma Sami as Principal.

In this regard the Principal concern submitted an application along with Service Tribunal Order copy in appeal No 257/2023 order Dated 04/05.2023 (copy attached ) in which the referred order dated 17.04.2023 is suspended (Copy attached).

Being an administrative Department, it is requested to look into the matter/ court order and this office may please be guide for allowing salary to one of the officer (as there is only one post of principal ) and also declaration of DDO Ship of the School.

Currently the salary of Mst Saima has not been stopped and the case of Mst Salma Sami has been submitted to this office for starting of pay for the month of May, 2023.

Copy to the:

- 1) DEO (F) Peshawar.
- 2) Principal GHSS Malogo Peshawar.
- 3) Dr. Salma Sami.

ACCOUNTS OFFICER (PR-02)

ACCOUNTS OFFICER (PR-02)

**ATTESTED**

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ANNEX P



**GOVT. OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**  
Email: [eeoffice@kpk.gov.pk](mailto:eeoffice@kpk.gov.pk)

001-9223588

Dated Peshawar, the May 1<sup>st</sup>, 2023

No. SO(SF) E&SED/4-10/PT/2023

To

Accountant General  
Khyber Pakhtunkhwa,  
2-Fort Road Peshawar.

SUBJECT: RELEASE OF PAY FOR THE MONTH OF FEBRUARY, 2023

I am directed to refer to your letter No. AG-KP/PR-02/P.Fil/Sughra Sadaf dated 09.05.2023 on the subject noted above and to state that this Department vide Notification dated 17.04.2023 have posted Mst. Salma Sami at GGHS Malogo Peshawar and Mst. Salma at GGHS Mian Gujar Peshawar and the same notification is intact yet.

Therefore, it is requested that salary of the Principals may be processed accordingly till further order, please.

(SHAWANA HALEEM)  
SECTION OFFICER (SIF)

Endst: of even No. & Date:

Copy forwarded for information to: PS to Secretary E&SE Department.

SECTION OFFICER (SIF)

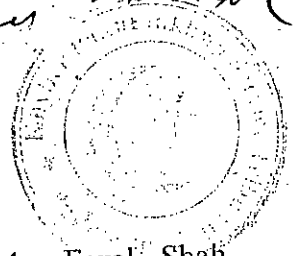
**ATTESTED**

R/R

Appeal No. 1/2022, Salma Sami

-37-  
ANNEX Q

Petition No. 257/2023U/S 12(2) CPC



10<sup>th</sup> July, 2023 1. Learned counsel for the petitioner present. Mr. Fazal Shah

Mohmand, Additional Advocate General alongwith Mr. Fahim Khan, Assistant for official respondents No. 2, 3 and 4 and counsel for private respondent No. 1 present while private respondent No.5 and 6 have already been placed ex-parte.


2. When confronted with the situation that the order dated 14.09.2022 produced before the Tribunal on 13.03.2023, the learned counsel for the appellant in the main appeal had submitted that if a direction was given to the respondents to actualize posting/transfer notification dated 14.09.2022, he would not press the appeal and the appeal was accordingly decided. While the notification dated 14.09.2022, showed the post of Principal, GGHSS Malogo Peshawar as vacant and Dr. Salma Sami was posted there-against but the petitioner, Mst. Saima, contended that she had already been occupying the post of the Principal, GGHSS Malogo Peshawar vide notification dated 12.08.2022 and that was not vacant as wrongly shown by the department, to which learned counsel for private respondent has very fairly and frankly submitted that the notification of the petitioner Mst. Saima was already on the file and the factum of her posting was also brought in the notice of Tribunal at that time but that was not somehow or the other properly taken notice of at that time. The learned counsel for private respondent has further informed that there was another lady named Sughra Sadaf whose impleadment application was on the file and the mention of such fact was also found in the order sheet dated 13.03.2023 but she has not been made party so far. He submitted that if the


Application under 12(2) of the CPC was accepted and order dated 13.3.2023 was set aside then Sughra Sadaf also needed to be impleaded.

ATTESTED

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3. As the factum of the order dated 12.08.2022 pertaining to posting of the petitioner Mst. Saima against the post of Principal, GGHS Malogo, Peshawar could not be discussed or taken notice by the Tribunal at the relevant point of time i.e. on 13.03.2023 and because of that some disturbance has been created, compelling the petitioner to file this petition, therefore, let the appeal be decided on merits and while allowing this application we set aside the order 13.03.2023 direct the appellant of the main appeal to array the petitioner as party, similarly the applicant Sughra Sadaf, whose right may also be affected because of the transfer orders, shall also be arrayed as respondent. To come up on 14.07.2023 before D.B. Notice be issued to Sughra Sadaf. The appellant Salma Sami shall file amended appeal within two days. P.P given to the parties. The learned counsel for the petitioner made a further request that till the disposal of appeal, the operation of orders shown to have been passed in compliance with the order dated 13.03.2023 might be suspended as there are anomalies created because of the order dated 14.09.2022. In this respect the respondents representative present in the court is directed to resolve the matter and submit report on the next date.


  
 (Fabeena Paul)  
 Member (Executive)


  
 (Kalim Arshad Khan)  
 Chairman

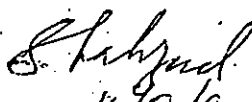
10/07/23

\*Adnan Shah\*

**ATTESTED**

  
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ANNEX R

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BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Annex "T"

Amended Service Appeal No. 1 /2022

**Dr. Salma Sami**

Principal GGHS, Malogi, Peshawar..... Appellant

**Versus**

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Section Officer (School Female) Khyber Pakhtunkhwa, Peshawar.
- 3) Elementary and Secondary Education through Secretary Education, Civil Secretariat, Peshawar.
- 4) Mst. Noshaba, Ex. Principal GGHS, Irrigation Colony, Warsak Road, Peshawar.
- 5) Mst. Tahira Naz, Principal GGHS Gul Abad, Khyber.
- 6) Mst. Sughra Sadaf, GGHS Irrigation Colony, Peshawar.
- 7) Mst. Saima, GGHS Mian Gujar Peshawar..... Respondents

**AMENDED** Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned transfer order dated 20.12.2021 of the appellant, whereby she has been illegally and unlawfully transfer and posted.

**Respectfully Sheweth;**

Brief facts giving rise to the instant amended service appeal are as under:-

- 1) That the appellant is a naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family of District Peshawar.

**ATTESTED**

- 2) That the respondents No.1 to 3 vested too much time of the appellant in procedure for appointment in (BS-18) but the appellant continued her struggle for (BS-18) and the respondent No.1 ignoring, but finally the appellant approached to provincial Mohtasib Khyber Pakhtunkhwa against the respondent No.1 attitude, the then respondent No.1 issued order of appointment to appellant against the vacant post (BS-18) vide notification No.SO (S/F) E&SE 04.16.2021 in District Nowshera. (Application and order are attached as Annexure "A").
- 3) That the appellant is appointed/ posted against the vacant post (BPS-18) on dated 08.02.2021 as a principal GGHS Nodeh District Nowshera vide notification No.SO (S/F) E&SE 4-16-2021, but the post was not available in District Nowshera subsequently posted/ adjusted as principal (BPS-19) GGHS irrigation colony, Peshawar in her own pay and scale (as stopgap arrangement and the appellant taken over the charge against the vacant post as a principal (BPS-19) GGHS, irrigation colony, Peshawar on dated 13<sup>th</sup> July, 2021. (Copy of the order dated 08.02.2021 is attached as Annexure "B").
- 4) That the respondents No.1 and 2 after five months issued another order dated 14.12.2021 vide notification No.SO (S/F) E&SE 04.16.2021 against the appellant to adjust respondent No.4 and the appellant was transferred/ posted against the vacant post (BPS-18) as a principal GGHS Gulabad Jamrud, District Khyber, but the said post is yet not vacant because the said post is already occupied by Mst.Tahira Naz as a principal (BPS-18) in GGHS Gulabad, Jamrud, District Khyber. (Copy of order is attached as Annexure "C").
- 5) That after information to appellant through respondent No.5 the said post is not vacant but accepted by me from

**ATTESTED**

dated 08.05.2021 vide order of No.SO(SF) E&SED (4.16.2021 posting/ transfer/ TC dated 07.05.2021 then the appellant moved application along with respondent No.5 posted order to respondents No.1,3 and requested for cancellation the transfer order of appellant against this occupied post. Meanwhile the respondent No.4 moved an application to respondents No.1 and 2 for non-availability of vacant post for serial No.2 in notification No.SO (S/F) E&SED 04.16.2021 and the respondent No.4 also mentioned vacant four posts in Peshawar, which is already vacant for (BPS-19). (Copy of application is attached herewith as Annexure "D").

6) That the respondents No.1 to 3 illegally, wrongfully and unlawfully issued another order against the appellant from District Peshawar to District Charsadda GGHS Matta Palangzai instead of GGHS Gulabad Jamrud District Khyber which is against the law is challenged by appellant. (Copy of order is attached as Annexure "E").

7) That during the pendency of this amended service appeal respondents No.1 to 3 issued order dated 14.09.2022 and transferred the appellant from irrigation colony to Malogi Peshawar against the vacant post but actually the post was already occupied by respondent No.6 so the transfer of appellant by respondents No.1 to 3 was clearly base upon dishonesty and malafide because respondents No.1 to 3 issued order dated 12.08.2022 in favour of respondent No.6 before one mother from the general order dated 14.09.2022. (Copy of order is attached as Annexure "F").

8) That after the arrival of appellant to Malogi Peshawar, respondent No.6 denied to give charge over this post then appellant again informed the respondents No.1 to 3 through application that the said transfer post is not vacant and appellant submitted application along with

**ATTESTED**

arrival report to respondents No.1 to 3 and the arrival report also received by appellant from respondent No.6 but respondent No.6 never challenged this general order in any form. (Copy of application and arrival report is Annexure "G").

9) That respondents No.1 to 3 not resolved the matter of appellant rather issued another relieving order dated 09.02.2022 and the appellant forcibly relieved from irrigation colony and not forced/ compel respondent No.6 to give charge over the transferred post to appellant but the respondent remained silent and the appellant hanging in the air. (Copy of relieving order is Annexure "H").

10) That finally this Service Tribunal order dated 13.03.2023 and directed the respondents to actualize the general order dated 14.09.2022 when they acted upon an order of hon'ble Tribunal and respondents actualized the order and transferred the respondent No.6 from Malogi Peshawar to Mian Gujar Peshawar then respondent No.6 in the result of this order filed 12(2) against the appellant, after the acceptance of 12(2) application of the respondent No.6, this hon'ble Service Tribunal ordered and directed the appellant to amend the service appeal and implead the respondent No.6 and 7 which is impleaded in the instant service appeal. (Copy of order dated 10.07.2023 is attached as Annexure "I").

11) That before amendment the appellant filed departmental appeal on 16.12.2021 but respondent ignored the application of the appellant and continue his order, the appellant also attached her husband posting/ service certificate in Peshawar each and every things but in vain, then the appellant having no other remedy left, but to

ATTESTED



approach this Hon'ble Court via instant amended appeal, on the following grounds. (Copies of service certificate and departmental appeal are attached as Annexure "J and K").

GROUND FOR APPEAL:

- a) That the appellant is permanent resident of Peshawar by domicile and her husband is also professor of BPS-20 in IER Peshawar permanently, so the transfer of the appellant is against the service rules and policy Act from District Peshawar to Charsadda.
- b) That the appellant did not fulfill/ complete the tenure of 3 years from the first appointment order in GGHS Irrigation Colony, Peshawar, it is also against the law and rules of Service Act.
- c) That the respondent No.4 gave four options in her application of the vacant post in Peshawar which were BPS-19 and the said four mentioned posts are also vacant from long time in Peshawar without any posted and the respondent No.4 according to law and requirement be transferred/ posted in these vacant post.
- d) That the appellant is a female gender which not possible to travel in daily routine 60 km in public transport with so many problems like security, transport unavailability etc.
- e) That the respondents No.1 to 3 bionomically transferring/ posting the appellant from one place to another without any legal and lawful reasons, which is clearly violation of the Service Policy and Rules.
- f) That any other grounds will be furnished at the time of final arguments with the prior permission of this Hon'ble Court.

  
**ATTESTED**

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For the aforesaid reasons, it is therefore, respectfully prayed that on acceptance of this Amended Service Appeal, this Hon'ble Tribunal may be pleased to kindly set aside the impugned order dated 20.12.2021, which is illegal, unlawful, coram-non-judice, mala fide and of no legal effect and also ineffective on the rights of appellant, further the respondents No.1 to 3 may be directed to actualized the order dated 14.09.2022 accordance with law and allow the appellant to perform her duty in Peshawar.

Any other relief, which has not been specifically asked for and to whom the appellant is found entitled may also be granted.

Appellant

Through

**Muhammad Israr Khattak**  
Advocate High Court

*original Appeal*  
*Incorrect general order while*  
*Abstract was*  
*view of 57*

**ATTESTED**



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BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Amended Service Appeal No. \_\_\_\_\_/2023

IN

S.A.No. \_\_\_\_\_/2021

**Dr.Salma Sami** ..... Appellant

Versus

Govt. of K.P through Chief Secretary & others..... Respondents

**AFFIDAVIT**

I, **Dr.Salma Sami** w/o Hafiz Muhammad Inamullah r/o Lahori Gate, Flat No.85, Mohallah Umar Farooq, Sheikh Abad, Peshawar, Principal GGHS, Malogi, Peshawar (appellant) do hereby affirm and declare on oath that the contents of the **Amended Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

CNIC No.16202-6959804-6

**ATTESTED**

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ANNEX 5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 01/2022

Dr. Salma Sami.....Appellant

Versus

The Govt. of Khyber Pakhtunkhwa and others.....Respondents

---

REPLY ON BEHALF OF RESPONDENT NO.7 (MST. SAIMA)

---

Respectfully Sheweth,

**Preliminary Objections:**

- I. That the appellant has got no cause of action and locus standi to file the appeal in hand.
- II. That the appellant is estopped by his own conduct to file the instant appeal.
- III. That the appeal in hand is time barred.
- V. That the appellant has not approached the Hon'ble Tribunal with clean hands. As a matter of facts he has concealed material facts from the Hon'ble tribunal rendering the appeal in hand not maintainable.
- VII. That every Civil Servant is liable to be transferred anywhere within the Province as per the mandate of Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the policies being subservient to the parent statute cannot override the same.
- VIII. That the Answering Respondent was appointed as Principal on 05.03.2019 and posted to GGHS Mian Gujar vide order dated 15.02.2019. Mian Gujar as far-Ilung area from the home of the Answering Respondent. After remaining there for almost double tenure she was transferred vide Notification dated 12.08.2022

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(Annex:Reply/1) to GGHSS Mologo, Peshawar after 4 years duration. During the pendency of the instant appeal a General Notification dated 14.09.2022 (Page-18 of the Service Appeal) was issued whereby the post of Answering Respondent was shown to be vacant and thus the appellant was transferred to it. As the post was not vacant therefore, when the appellant came to know she filed an application (Page-22 of the Appeal) before the Respondent No.02 mentioning the fact that the post is not vacant. The appellant by misrepresenting before the Tribunal got order of the Tribunal on 13.03.2023 (Annex:Reply/2) whereby it was ordered that the Notification dated 14.09.2022 be actualized. It was never brought into the notice of the Court that the Answering Respondent was holding the post and thus application under Section 12(2) CPC was filed which was later on allowed vide order dated 10.07.2023 (Annex:Reply/3) and the order dated 13.03.2023 was set aside. On the basis of the Tribunal Order *ibid* vide order dated 17.04.2023 the Answering Respondent (Annex:Reply/4). The Answering Respondent was illegally relieved from the post vide relieving order dated 10.04.2023 (Annex:Reply/5) but in the meanwhile the Tribunal vide order dated 04.05.2023 (Annex:Reply/6) suspended the order dated 17.04.2023 *ibid*. Since both the Answering Respondent and the appellant stood attached to the same post therefore, the issue of salary arose between them. The Accountant General Khyber Pakhtunkhwa vide letter dated 09.05.2023 (Annex:Reply/7) ask for the advice of Respondent No.2 bringing in his notice the issue raised in circumstances of the case, however, in utter defiance of the order of the Tribunal Respondent No.2 requested the Accountant General Khyber Pakhtunkhwa vide letter dated 19.05.2023 (Annex:Reply/8) to release the salary of the appellant instead under the pretext that the Notification dated 17.04.2023 *ibid* still holds the field while in fact the same was suspended by the Tribunal.

Reply to Facts:

1. Needs no reply.
2. Correct to the extent of appointment of the appellant as Principal BPS-18 08.02.2021 and her posting to GGHSS Nodeh District Nowshera and adjusted against the post of Principal BPS-19 GGHSS irrigation Colony, Peshawar as a stop gap arrangement in on pay scale vide Notification dated 13.07.2021
3. Needs no reply.

ATTESTED

4. Not relating to the Answering Respondents. However, neither post at irrigation Colony was found vacant nor that of Gul abad, Jamrud Khyber and interestingly the post of the appellant was also not vacant where she was transferred.
5. Not relating to the answering Respondent hence not replied.
6. Correct to the extent of transfer of the appellant to GGHSS Mata Palangzai District Charsadda but the appellant also failed to comply with the order due to her insubordinate nature.
7. Correctly admitted that the appellant was transferred to the post of the appellant vide Notification dated 14.09.2022 whereas the post was not vacant and wrongly mentioned as vacant in the order.
8. Not relating to the Answering Respondent hence no reply.
9. Not relating to the Answering Respondent hence no reply needed.
10. Correct to the extent of acceptance of 12(2) CPC application of the Answering Respondent.
11. Needs no reply.

Reply to Grounds:

- A. Not relevant to the Answering Respondent in as much as she has already served for 4 years at GGHSS Mian Gujar and then transferred to GGHSS Malogo, Peshawar.
- B. Not concerning the Answering Respondent, However, the Answering Respondent has also not completed her tenure at GGHSS Malogo as she was transferred there to on 12.08.2022.
- C. Not concerning the Answering Respondent hence needs no reply.
- D. Not admitted. The Answering Respondent is also female and has served for 4 years in a distant place that is GGHSS Mian Gujar. Being Civil Servant she is liable to be transferred anywhere within District Peshawar, the station of her spouse.

  
**ATTESTED**

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- E. Needs no reply.
- F. The Answering Respondent will also add some additional Grounds.

The prayer of the appellant is incorrect and she has illegal added a prayer not taken in the initial prayer that the appointment Notification dated 14.09.2022 may be actualized. With regard to the posting of the Answering Respondent at GGHSS Malogo, Peshawar the appellant has got not cause of action and her appeal to that extent is not sustainable.

B

Respondent No.07  
(Mst. Saima)

Through

Khaled Rahman,  
&  
Muhammad Amin  
&  
Muhammad Ghazanfar Ali  
Advocates, Peshawar.

Dated: 29/08/2023

Counter Affidavit

I, Khaled Rahman, Advocate, as per instruction of my client, do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

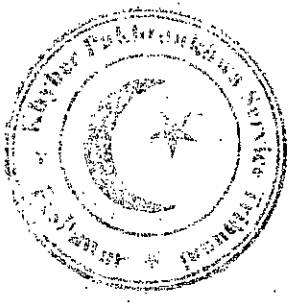
Deponent  
*[Signature]*

**ATTESTED**

*[Handwritten signature]*  
29/8/23

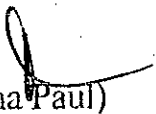
Appeal No. 01/2022 ANNEX T-50-  
Sabina Sami vs. Asif Masood Ali Shah


22.09.2023



Learned counsel for the appellant present. Mr. Faheem Ullah, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents. No. 1 to 3 present. Mr. Mir Zaman Safi, Advocate for private respondent No. 6 present. Mr. Khalid Rahman, Advocate for private respondent No. 7 also present.

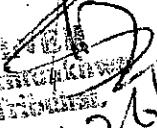
Representative of official respondents stated at the bar that a week time may be granted for resolving of the issue in question. Adjourned. To come up for arguments on 02.10.2023 before the D.B. Parcha Peshi given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

Certified to be true copy

  
26/9/23  
Kyber Pakhtunkhwa  
Science Tribunal  
Peshawar

Date of Presentation of Application 26/9/23  
Number of Words 1 P  
Copying Fee 5/-  
Urgent 5/-  
Total 10/-  
Name of Copies:  
Date of Completion of 26/9/23  
Date of 26/9/23

  
**ATTESTED**



Service Appeal No.01/2022 - SI-

Dr. Salma Sami Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil  
Secretariat, Peshawar and 6 others

**ORDER**

2<sup>nd</sup> Oct. 2023.

**Kalim Arshad Khan, Chairman:** Learned counsel for the appellant, Mr. Asad Ali Khan, Assistant Advocate General for the official respondents and private respondents No.6 & 7 present through their counsel and have been heard.

2. According to the memo and grounds of appeal, the appellant was transferred and posted against the post of Principal GGHS Gul Abad Jamrud, District Khyber but that post was already stated to be occupied by one Mst. Tahira Naz, where-after, the transfer order was modified and vide impugned order dated 20.12.2021, the appellant was transferred to GGHS Matta Palangzai, District Charsadda instead of GGHS Gul Abad Jamrud, District Khyber. Aggrieved of the said order, the appellant had initially filed representation and then this appeal. During the pendency of appeal, one Mst. Sughra Sadaf submitted an application for impleadment in the appeal on the strength of another transfer Notification dated 14.09.2022, wherein, the appellant Dr. Salma Sami was shown to have been transferred against the vacant post of Principal GGHSS Malogi. The learned counsel for the appellant did not press the appeal saying that a direction might be given to the respondents to actualize transfer Notification dated 14.09.2022, whereby appellant was shown to have been transferred against the vacant post at of Principal at GGHSS Malogi. On such development, the appeal was decided. Where-after, Mst. Saima submitted application under section-12(2) of the CPC,

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1908 with the contention that although, the order of transfer dated 14.09.2022 showed the post of Principal GGHSS Malogi as vacant but actually that was not vacant and was already occupied by the applicant Mst. Saima, who was posted there vide Notification dated 12.08.2022. Notice of the application was given to the other side and after hearing parties, the application U/S 12(2) CPC, 1908 was accepted, thereby setting aside the order dated 13.03.2023, whereby, appeal of Dr. Salma Sami was disposed of with the direction that her posting against the post of Principal Malogi be actualized. What the department did was that it issued another Notification dated 17.04.2023, which was shown to have been passed in compliance with the judgment of this Tribunal and date of the judgment was shown in Notification to be 14.09.2022. We observe with very serious concern that neither the Tribunal had given any direction to issue a notification nor there is any order of 14.09.2022 passed by the Tribunal in this regard. Once before, we had directed the Education Department not to use the name of the Tribunal while issuing any order when no such direction is given by the Tribunal. Be that as it may, the Notification dated 17.04.2023 was issued and is said to be still in the filed. On the previous date, i.e. 22.09.2023, representative of the official respondents sought time for resolution of the issue but today, a copy of letter dated 28.09.2023 was produced with a statement at the bar that the matter was negotiated between the parties but Mst. Saima, Principal had requested that the case was in the Tribunal, therefore, the Court should decide that.


3.) Postings and transfers is the sole prerogative of the authority under Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the Tribunal least interferes in such discretion of the authority unless there is some deviation from


**ATTESTED**

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the rules, policies, Act/or some malice or political motivation. In this case, both the ladies i.e. Dr. Salma Sami and Mst. Saima are aggrieved from their transfers on the sole ground of premature transfers. The Government has notified a posting/transfer policy, wherein a specific tenure has been given for service of a civil servant at a particular post. Therefore, it is always expected from the authorities by the civil servants that they would be allowed to complete their normal tenure. Not only in this case but in all other such cases, we have seen that the concerned authorities are not honoring their own posting/transfer policy. As against that, no one can be posted against the post of his/her choice. As stated above, the order last in line i.e. of 17.04.2023, though, discussed in the order sheet dated 04.05.2023 and suspended vide the said order, yet is still in the field, therefore, anybody feeling aggrieved, of the order dated 17.04.2023, may trace his/her steps to proper course against the order under which the civil servant is holding the post for another reason also that that was not under challenge before the tribunal. We expect that in order to avoid further unnecessary litigation, the departmental authorities would honour the tenure provided in their own posting/transfer Policy and none of the parties should suffer otherwise than due course of policy.

4. The appeal is disposed of in the above terms. Consign.
5. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 2<sup>nd</sup> day of October, 2023.*

  
(Muhammad Akbar Khan)  
Member(Executive)

  
(Kalim Arshad Khan)  
Chairman

**ATTESTED**

*Handwritten notes and stamps in the bottom right corner, including a date stamp '20/10/23'.*



**GOVT. OF KHYBER PAKHTUNKHWA**

**ELEMENTARY & SECONDARY EDUCATION**

**DEPARTMENT**

**Email: [sectionofficersf@gmail.com](mailto:sectionofficersf@gmail.com)**

**091-9223588**

**Dated Peshawar November 24<sup>th</sup>, 2023**

*Approved ✓ S4-*

**NOTIFICATION**

**NO.SO(S/F)E&SED/4-16/2023/Posting/Transfer/:** This Department's Notification of even No. dated 17.04.2023 in respect of Mst. Saima and Mst. Salma Sami Principal is hereby restored, in the best public interest.

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

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

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers (Female), Peshawar.
5. Director EMIS, E&SE Department for uploading at official website at the earliest.
6. PS to Secretary, E&SE Department.
7. Principals concerned.
8. Office order file.

*Received to-day on 11/12/23  
at 01:30 P.M.*

*[Signature]*  
SECTION OFFICER (S/F)  
24/11/23

**ATTESTED**

To

The worthy Chief Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

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RAMESH W.

Through Proper Channel

**Subject: Departmental Appeal against the impugned Notification dated 24.11.21 communicated on 11.12.2023 whereby the Notification dated 17.04.2023 in respect of appellant and Mst. Salma Sami, Principal was restored.**

Respected Sir,

1. That the appellant Mst. Saima being employee of the Elementary and Secondary Education Department was earlier posted at GGHSS Mian Gujjar vide Notification dated 15.02.2019 who was later on appointed as Principal (BPS-18) vide Notification dated 05.03.2019 and adjusted at the same School whereas One Dr. Salma Sami was appointed against the post of Principal (BS-18) vide Notification dated 08.02.2021 and was posted as Principal GGHSS Nodih, District Nowshera vide Notification dated 13.07.2021 for actualization against the vacant post and then posted as Principal (BPS-19) GGHSS Irrigation Colony, Peshawar in own pay scale as stop gap arrangement.
2. That appellant served on the same post for about 04 years, and was subsequently transferred GGHSS Malogo, Peshawar vide Notification dated 12.08.2022 against a vacant post of Principal (BP 18) with immediate effect, in the public interest. Appellant took over the charge and started performing her duty whereas Dr. Salma Sami was transferred to GGHSS Gulabad Jamrud, District Khyber vide Notification dated 14.12.2021 which was modified and she was transferred to GGHSS Matta Palangz District Charsadda vide Notification dated 20.12.2022 and resultantly she was relieved vide relieving order dated 09.02.2022, However being dissatisfied of the same, she questioned the same in Service Appeal No.01/2022 before the KP Service Tribunal.
3. That during pendency of the Service Appeal, another general transfer Notification dated 14.09.2022 was issued wherein the post of the appellant was not only inadvertently shown to be vacant rather Dr. Salma Sami was transferred to it which was already occupied post. Since the post was not vacant therefore, Dr. Salma Sami requested competent authority to adjust her on the same post.
4. That in the meanwhile the appeal filed by Dr. Salma Sami was disposed of by the Tribunal with a direction for the actualization of the Notification dated 14.09.2022. Pursuant to the decision ibid, Notification dated 17.04.2023 was issued wherein appellant was prematurely transferred from GGHSS Malogo, Peshawar and reposted to GGHSS Mian Gujjar where she already served for about 4 years and eventually appellant was relieved from the post vide relieving order dated 19.04.2023.
5. That since the appellant was aggrieved as she was neither arrayed as a party in the case nor the Tribunal was apprised of the fact that the post in question was already occupied. Thus appellant filed application under Section-12(2) CPC on 19.04.2023 before the Tribunal and consequently the Notification dated 17.04.2023 was suspended vide order dated 04.05.2023.
6. That in view of the suspension order ibid, Dr. Salma Sami was required to have been relieved and the salary of the appellant Mst. Saima was to be released but that was not done hence confusion arose with regard to salary of both the Officers. Thus the Accountant General, Khyber Pakhtunkhwa wrote a letter dated 09.05.2023 asking for the advice of the Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa as to whom the salary was to be paid. However, in utter defiance of the order of the Tribunal, the Secretary replied the Accountant General KPK vide letter dated 19.05.2023 to release the salary of the Dr. Salma Sami instead under the pretext that the Notification dated 17.04.2023 (already suspended) still holds the field.
7. That application of appellant, under Section-12(2) C.P.C was later on allowed vide order dated 10.07.2023 and the Tribunal's order dated 13.03.2023 ibid was set aside whereas amended appeal was directed to be filed by Dr. Salma Sami with appellant Mst. Saima as one of Respondents. At the end of the order the following observations were made:-

ATTESTED

The Learned counsel for the petitioner made a further request that till the disposal of appeal, the operation of orders shown to have been passed in compliance with the order dated 13.03.2023 might be suspended as there are anomalies created because of the order dated 14.09.2022. In this respect the respondent's representative present in the court is directed to resolve the matter and submit report on the next date".

- 8. That afterwards amended Service Appeal No.01/2022 was filed by Dr. Salma Sami wherein a detail reply was submitted by appellant Mst. Saima and vide order dated 22.09.2023, the Department sought time from the Tribunal to resolve the issue between the parties and the case was adjourned 02.10.2023 on which date, the Department produced a backdated Notification whereby on the basis of Tribunal order dated 04.05.2023 (incorrectly written as 05.05.2023), the Notification dated 17.04.2023 regarding the transfer of Dr. Salma Sami and Mst. Saima was held in abeyance
- 9. That on the same date i.e. 02.10.2023 after hearing the parties, the Tribunal was pleased to dispose the Appeal vide order dated 02.10.2023 in the following terms:-

*"Therefore, it is always expected from the authorities by the civil servants that they would be allowed to complete their normal tenure. Not only in this case but in all other such cases, we have seen that against that, no one can be posted against the post of his/her choice. As stated above, the order last in line i.e. of 17.04.2023, though, discussed in the order sheet dated 04.05.2023 and suspended vide the said order, yet is still in field, therefore anybody feeling aggrieved, of the order under which the civil servant is holding the post for another reason also that was not under challenge before the Tribunal. We expect that in order to avoid further unnecessary litigation, the departmental authorities would honour the tenure provided in their own posting/transfer policy and none of the parties should suffer otherwise than due course of policy.*

4. The appeal is disposed of in the above terms. Consign."

- 10. That appellant was quiet hopeful that department would comply with the directions of the Service Tribunal but to the utter bewilderment another Notification dated 24.11.2023 communicated on 11.12.2023, was issued whereby the Notification dated 17.04.2023 in respect of the transfer and posting of Dr. Salma Sami was restored to GGHSS Malogo, Peshawar and restoring posting of the appellant to GGHSS Mian Gujjar where she has already passed four years.
- 11. That the transfer/posting policy provides tenure of at least 02 years at the same station and appellant served for almost double tenure at GGHSS Mian Gujjar but she was again reposted after a span of few months to GGHSS Mian Gujjar, which is against the tenure policy.
- 12. That the Service Tribunal in its judgment passed on 02.10.2023 highlighted the spirit of completion of normal tenure and held that no one can be posted against the post of his/her choice but departmental authority instead of honoring the judgment issued the impugned Notification. In this regard the Hon'ble Supreme Court of Pakistan in ANITA TURAB case reported in PLD 2013 Supreme Court 195 with the directions that that tenure of an employee must be respected and the practice of frequent transfers was deprecated and a minimum period of posting/transfer was prescribed and that a civil servant should not be disturbed before expiry of such period. The same judgment has been circulated throughout Pakistan by office Memorandum dated 03.01.2013.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the impugned Notification dated 24.11.2023, may graciously be set aside and appellant be allowed to complete her tenure at GGHSS Malogo, District Peshawar.

Yours faithfully

Mst. Saima  
Principal (BPS-18),  
GGHSS Mian Gujjar,  
District Peshawar

Dated: 05/01/2024

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-352/

M. S. ...

Annex - 37

### Posting and Transfer

#### Statutory Provision.

#### Section 10 of the NWFP Civil Servants Act, 1973.

**Posting and Transfer.** Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

#### Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) <sup>79</sup>[ ]

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Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rule of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.



- vi) <sup>80</sup>While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, NWFP needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, NWFP shall be obtained.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/ transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

<sup>81</sup>DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

- xii) In terms of Rule 17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

<b>Outside the Secretariat</b>		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
<b>In the Secretariat</b>		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Department in consultation with Head of Attached Department concerned. Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/ officials be considered.
  - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv). Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S.No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government.
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government.
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

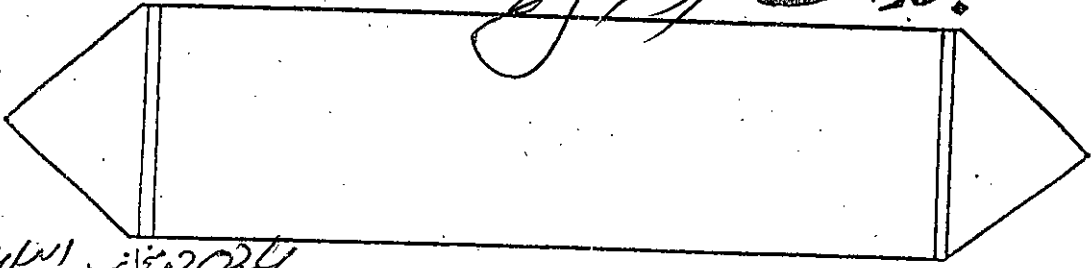
4. I am further directed to request that the above noted policy may be strictly observed/ implemented.

5. All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/ Transfer.

(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

30-16633  
17301-9749632-9

## بعد الترسو



2020ء منجانب اسپرینڈ  
بنام حکومت و غیر

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دعویٰ وکل کاروائی متعلقہ  
آن مقام ~~کی طرف سے تحریر کیا گیا ہے~~ کیلئے ~~تحریر کیا گیا ہے~~ کی طرف سے تحریر کیا گیا ہے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رضی نامہ کرنے و تقرر ثالت فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور  
بمسورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

العاب \_\_\_\_\_ واہ العاب \_\_\_\_\_

بمقام ~~تحریر کیا گیا ہے~~ کے لئے منظور ہے۔

Accepted  
by