FORM OF ORDER SHEET

 Court of 			 •			
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Арр	eal No		689/2024		•
Data of order	Order or other	nroceeding	s with signature of	iudge	

S.No.	Date of order . proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/05/2024	The appeal of Mst. Huma Jamil re-filed today by
		registered post through Mr. Rizwanullah Advocate. It is fixed
İ		for preliminary hearing before touring Single Bench at Bannu.
<u>.</u>	<u> </u>	on 33.08.2024. Counsel for the appellant has been informed
		telephonically.
		By the order of Chairman
	·	REGISTRAR

The appeal of Mst. Huma Jamil received today i.e on 06.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1-Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to who the relief claimed may affect shall also be shown as respondent.

2- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be

submitted with the appeal.

No. IMM> /S.T.

Dt. 6 - 5 /2024.

Mr. Riwanullah Khan Adv. High Court D.I.Khan. REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

الميلسط:

خارب - ایربوٹ ونسل

18-5-2024

لوٹ درنوں objectionکودور/حم کردیگر ہے۔

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN

Service Appeal No. 887 of 2024

Huma Jamil

VERSUS Secretary E&SE KP etc.

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2.	Copy of CNIC and Service Card	Α .	11-12
3.	Copy of first transfer order dated 22-11-2023	В	/3
4.	Copy of withdrawal order dated 29-11-2023	C	14
5.	Copy of the notification of the Election Commission dated 15-12-2023	D	15
6.	Copy of the impugned notification	E	16-16 A
7.	Copy of departmental appeal	F	17
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Dated: 02 /05/2024

Your Humble Appellant

Huma Jamil

Through\Counsel

HUMB

RizwanUllah Khan Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN

Service Appeal No. <u>687</u> of 2024

Huma Jamil Daughter of Abdul Jamil Khan Caste Marwat R/o DolatTajazai, District LakkiMarwat (SST Bio-Chemistry, Government Girls High School Tajazai, LakkiMarwat).

----- (Appellant)

VERSUS

- 1. Secretary Elementary & Secondary Education Peshawar, Khyber Pakhtunkhwa.
- 2. Director Elementary & Secondary Education Peshawar, Khyber Pakhtunkhwa.
- 3. Yasmin Bibi SST (B&C) GGHS Tajazai, Latetci Maywat.

----- (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO. 7525-27 A-17/WITHIN DISTRICT /TRANSFER/VOL-04 DATED 15-12-2023 TO THE EXTENT OF APPELLANT ISSUED BY THE RESPONDENT NO.2, MAY KINDLY BE DECLARED ILLEGAL, VOID AB INITIO, WITHOUT LAWFUL AUTHORITY AND HAVING NO BINDING EFFECTS OVER THE RIGHTS OF APPELLANT AND IS LIABLE TO BE SET ASIDE AND THE APPELLANT MAY GRACIOUSLY BE RETRANSFER AT THE POST OF SST BIO-CHEMISTRY GGHS TAJAZI, LAKKI MARWAT IN THE INTEREST OF JUSTICE.

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Hump Tais

PRAYER IN APPEAL

By acceptance of instant appeal respondents may kindly be directed to withdraw/cancel the impugned notification No.7525-27 A-17/WITHIN DISTRICT /TRANSFER/VOL-04 DATED 15-12-2023 to the extent of appellant issued by the respondent No.4 and may kindly be declared as illegal, void, ab initio, without lawful authority and having no binding effects over the rights of appellant and is liable to be set aside and the appellant may graciously be retransferred to the post of SST Bio-Chemistry in GGHS Tajazai, LakkiMarwat, in the interest of students and justice. Any other remedy deemed appropriate in the given circumstances may also be granted.

Note: Addresses given above shall suffice the object of service.

Respectfully Sheweth:

Brief facts

- That the appellant was serving as SST Bio-Chemistry in GGHS Tajazai, LakkiMarwat and having qualification of MSc Chemistry. Copy of CNIC and Service Card of the appellant is enclosed as <u>Annexure A.</u>
- That on 22-11-2023 the District Education Officer (Female)
 LakkiMarwat transferred the appellant from GGHS Tajazai to GGHS
 Shahbazkhel against the vacant post. Copy of first transfer order
 dated 22-11-2023 is enclosed as <u>Annexure B.</u>
- 3. That on the complaint of appellant DEO (Female) withdraw the transfer order of appellant on 29-11-2023. Copy of withdrawal order dated 29-11-2023 is enclosed as **Annexure C.**
- 4. That Election Commission of the Pakistan announced complete ban on posting as well as transfer of the Government Officials vide order dated 15-12-2023. Copy of the notification of the Election Commission dated 15-12-2023 is enclosed as **Annexure D**.

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- 5. That on 15-12-2023 respondent No.2 once again transferred the appellant from GGHS Tajazai, LakkiMarwat from the post of SST Bio-Chemistry to the post of SST Math-Physics at the same school by passing the impugned notification dated 15-12-2023 during the ban on posting and transfer of government officials imposed by Election Commission. Copy of the impugned notification is enclosed as Annexure E.
- 6. That on 14-01-2024 appellant submitted departmental appeal to the respondent No.1 against the impugned notification dated 15-12-2023 but respondent No.1 has not replied to the appellant so far. Copy of the departmental appeal is enclosed as **Annexure F**.
- 7. That the appellant feeling aggrieved by the impugned notification dated 15-12-2023 does not have any remedy except to agitate his grievances before this Honorable Tribunal inter alia on the following grounds:

Grounds:

- That the impugned notification dated 15-12-2023 is based on malafide, without jurisdiction, without lawful authority, based on political influence and is having no binding effect upon rights of the appellant.
- 2. That the impugned notification dated 15-12-2023 is against the Constitution, Service Laws, Rules, Departmental Policy, and natural justice, rather it is violation of Civil Servants Act. Hence, the same is not sustainable in the eye of law but liable to be set aside.
- 3. That the impugned notification is illegal, void ab initio and against the Constitutional as well as fundamental rights of the appellant because the respondent No.2 has no authority to transfer the appellant without any solid/cogent reasons and without adopting any

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procedural law and violated the ban on posting and transfer of government officials imposed by the Election Commission of Pakistan. Hence, the impugned notification is not tenable in the eyes of law.

- 4. That act of the respondents especially respondent No.2 is without jurisdiction based on malafied, hence liable to be declared as null and void by this Honorable Court.
- 5. That the appellant always served the department with whole heartedly and with honestly and never violated the Service Rules so the impugned notification is liable to be set aside.
- 6. That the DEO (Female) first transferred the appellant from GGHS Tajazi to GGHS Shahbazkhel in order to give benefits to the one MS Yasmin Habib, SST Bio-Chemistry then appellant filed a complaint against her illegal transfer then DEO (Female) withdraw the transfer order of appellant but later on Yasmin Habib once again transferred and posted at the post of appellant i.eSST Bio-Chemistry during the ban period on posting and transfer of Government Officials imposed by the Election Commission of Pakistan and appellant was transferred from post of SST Bio-Chemistry to the SST Math-Physics. Hence act of the respondents is illegal, void, against the law and merit, without jurisdiction and liable to be set aside.
- 7. That the qualification of MS Yasmin Habib is BSc while appellant is qualified as MSc Chemistry. The appellant is fit for SST Bio-Chemistry rather SST Math-Physics. So the act of respondents to transfer the appellant is against the merit, qualification, student's interest and totally in violation of the order of Election Commission of Pakistan.
- 8. That the Counsel of the appellant may kindly be allowed to raise any other grounds at the time of arguments if needed.

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In view of the above mentioned facts and grounds it is most humbly prayed that by acceptance of instant appeal Respondents may kindly be directed to withdraw/cancel the impugned notification No. 7525-27 A-17/WITHIN DISTRICT /TRANSFER/VOL-04 DATED 15-12-2023 to the extent of appellant issued by the respondent No.4 and may kindly be declared as illegal, void, ab initio, without lawful authority and having no binding effects over the rights of appellant and is liable to be set aside and the appellant may graciously be retransferred to the post of SST Bio-Chemistry in GGHS Tajazai, LakkiMarwat, in the interest of justice.. Any other remedy deemed appropriate in the given circumstances may also be granted.

Dated:02/05/2024

Your Humble Appellant

HUME Jaw? Huma Jamil

Through Counsel

Rizwani Men Khan Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN

Service Appeal No._____ of 2024

Huma Jamil

VERSUS

Secretary E&SE KPetc.

AFFIDAVIT

I, **Huma Jamil** Daughter of Abdul Jamil Khan Caste Marwat R/o DolatTajazai, District LakkiMarwat (SST Bio-Chemistry, Government Girls High School Tajazai, LakkiMarwat), the appellant, do hereby solemnly affirm and declare on oath that contents of above Appeal are true & correct to best my knowledge and that nothing has been concealed from this Honorable Court.

DEPONENT

HUMA To

CNIC# 11201-7802638-2

Identified by:

RizwanUllah Khan Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN

Service Appeal No._____ of 2024

Huma Jamil

VERSUS Secretary E&SE KP etc.

Subject: APPLICATION FOR HEARING OF ABOVE TITLE APPEAL

AT D.I.KHAN

Respectfully Sheweth:

1. That the above titled appeal is pending is before your worthy honor and is fixed for hearing once at Peshawar.

2. That appellant is resident of district LakkiMarwatand therefore, she is unable to attend the court at Peshawar.

Therefore, the above titled appeal may kindly be fixed for hearing at D.I.Khan camp court.

Dated: 02 /05/2024

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Your humble petitioner

HUMA Tom

Huma Jamil

Through Counsel

Rizwan∜llah Khan Advocate High Court

BEFORE THE HONORABL ICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN

Service Appeal No._____ of 2024

Huma Jamil

VERSUS Secretary E&SE KP etc.

Subject:

APPLICATION FOR THE SUSPENSION OF IMPUGNED NOTIFICATION DATED 15-12-2023 TILL THE DISPOSAL OF MAIN APPEAL.

Respectfully Sheweth:

- 1. That the above titled appeal is pending is before your worthy honor and is fixed for hearing once at Peshawar.
- That the appellant has the prima facie case and balance of convenience tilts in favor of appellant and instant application is not accepted then appellant will suffer irreparable loss.
- 3. That if the instant petition is not accepted then appeal of the appellant will infructuous and appellant will suffer irreparable loss.

Therefore, it is humbly prayed that impugned notification dated 15-12-2023 may kindly be suspended till the disposal of main appeal.

Dated: 02 /05/2024

Your Humble Petitioner

HUMA Tail

Huma Jamil

Through Counsel

RizwanUllah Khan Advocate High Court

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR, CAMP COURT D.I.KHAN

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C.M	NO.	 OT.	20.

Huma Jamil

VERSUS

Secretary E&SE KP etc.

AFFIDAVIT

I, Huma Jamil Daughter of Abdul Jamil Khan Caste Marwat R/o DolatTajazai, District LakkiMarwat (SST Bio-Chemistry, Government Girls High School Tajazai, LakkiMarwat), the appellant, do hereby solemnly affirm and declare on oath that contents of above CM are true & correct to best my knowledge and that nothing has been concealed from this Honorable Court.

#UM8 Jan DEPONENT

CNIC# 1/201-7802638-2

Identified by:

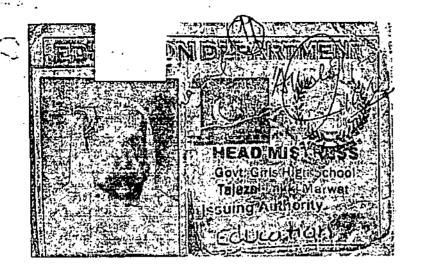
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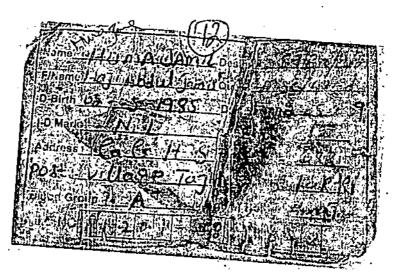






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OFFICE OF THE DISTRICT EDUCATION OFFICER [FEMALE] LAKKI MARWAT Ph & f and (1996) \$180000 | time this decollable populations

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No TAIDA is allowed.
Charge report should be submitted to all concerned.

- Endst: No. 8380-86

 Copy to the:

 1: Director Elementary & Secondary Education Khyber Pakhtankhwa Peshawar.

 2: District Monitoring Officer (EMA) Lakki Marvatt.

 3. PS to Segretary to Gover of Khyber Pakhtankhwa E&SE Department.

 4: District Accounts Officer Lakki Marvatt.

 5: Head Mistress concerned schools.

 6: Teachers concerned.
- 7. Master File

(Femaly) Late Mary at

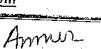


OFFICE (

Ph: (09

DISTRICT EDUCATION OFFICER LE) LAKKI MARWAT

, email: <u>deoflakki@gmail.com</u>



OFFICE ORDER:-

Transfer/adjustment order of SST (Bio:/Chem:)issued vide this office under endst:8380-86 dated.22-11-2023 is hereby withdrawn in the interest of public service with immediate effect.

District Education, Officer (Female) Lakki-Marwett

Endst:No. 8561-64

Copy to the:-

Dated. 29/11 /2023.

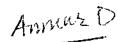
- 1- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2. District Monitoring Officer EMA Lakki Marwat.
- 32 Headmistress Concerned schools.
- 4- Master File.

Ab District Education Ontog (Female) LakkisMarwat.

Huma)

ELECTION COMMISSION OF PAKISTAN









Islamabad the 15th December, 2023

No.F.2(1)/2023-Cord-Vol-IX.- In pursuance of Articles 218(3) & 220 of the Constitution of Islamic Republic of Pakistan, Section 5 and Section 230 (2) (f) of the Elections Act, 2017, the Election Commission of Pakistan hereby directs that:

- No Government, autonomous / semi-autonomous organization or any authority in the Federation and the Provinces shall post or transfer any officer / official, till the publication of the names of the Returned candidates in the official Gazette. In case of any exigency proposals of postings / transfers with cogent reasons, if in public interest, shall be sent to this Election Commission for consideration.
- No Government Officer / Official shall be granted leaves till culmination of Election process, except maternity leaves or medical leave with the authentication of medical officer. During upcoming winter vacations, the Officers / Officials of Education department shall not leave their stations of posting and shall remain available at their respective work place to attend the training planned for polling personnel.

By Order of the Election Commission of Pakistan.

The Manager,
Printing Corporation of Pakistan Press,
Islamahad,

[For publication in the Gazette of Pakistan, Extraordinary (Part-III) of today's date.]

(Muhammad Nasir Khan)
Deputy Director (Coord.)

Hama Jame

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Ammuse E DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION KIEWBER PAKHTUNKHWA PESHAWAR

NOTHEATION

consequent upon acceptance of appeal to rec Mst. Yasirin II o Bib/Chemysbyahe competent Authority under Appellate rates, 1980, the restrict special tile followings SSTs is hereby ordered in the best interest of public with a con-

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& Secondary Education Elementar Khyber Pakhtunkhwa Peshawar

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Dated 1/2/20:

Deputy Dingerling stablishment (F) Homenton La Secondary Education

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در خواست برخلاف عم مور خد 15-12-2023 جس کی روے من سائلہ کوائی آسا ی SST Bio/Chemistry ہے المنظر ك SST Math / Phisics كى عارضي آبا كى يرتعينات كيا كيا-

جناب عالى ذيل عرش ہے۔

ر کر من سائلہ گور نمنٹ گراز ہائی سکول تاجید کی میں بطور SST Bio / Chemistry تعینات ہوں۔

ر متعلقہ (D.E.O (F) کی مروت نے مسما قایا سین میں بہاوفا کدہ کا بھانے کے لیے من ساکلہ کوا نے سکول سے كورنمنث كراز بائى سكول شهبا زخيل ثرانسفركر يمن سائله كى جكدمها ة ياسمين حبيب كوتعينات كرف كاحكامات صاور فر مائے۔ جس کے خلاف من سائلہ نے دعویٰ دائر کر کے کمپلین بھی کی تو متعلقہ (D.E.O(F کی مروت نے فدکورہ رانسفرمن سائلمنسوخ كئے جبكه مسماق المين حبيب كو خالى آساىSST Math / Physics راتسات كرنيكا كامات ما درفر مائي (نقول لف يي)

بركدانيشن كمفن آف ياكتان كى طرف سے كسى بھى قتم كے بوشنگ اور ٹرانسفر يكمل طور يريابندى عائمركى كى بليكن ما الما المين حبيب في البين سياى الرورسوخ استعال كرت بوئ برشم كى لوستنگ وفرانسفرى يا بندى كى باوجودايى تىيناتى ا ئرانىغرىن سائلىكى آساى SST BIO / Chemistry يركروائى چېرىن سائلىكى يوسىنىگ عارضى خالى شدہ آسائ SST Math / Phisics يكردى _ وك غلط اور بدنتى يرشى ب لف إلى الف إلى الله

پر كەندۇر «بالانخىم تغيناتى الرانسفرمنجاب ۋائز يكٹرايلىمىنر ي دىكىتەرى ايجوكىش نىيىر يختونۇ اە غلطاورخودساختە إلى - كيونك الكيشن كميشن آف يا كتان كى طرف سے بروئے 2023-12-15 سركارى ملاز مين كى برقتم كى پوسٹنگ وٹرانسفرير ا ا ن المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال المال

برک سا قیا میں خبیب BSc ہجکہ کن ساکلہ MSc Chemistry ہو کر سیا قیا میں صبیب کی حب الياء كالعليم كاحرج ووكا وود متعلقه مضائين يراثرين الما

لہذاات ما ہے کئری سائلہ کی تعیناتی کی نسبت احکامات مورجہ 2023-15-15 منسوخ فرمائے جاکر من سائلہ کووالپہل ا پی آسای SST Bio / Chemistry پنتینات کرنے کے اظامت صادر فریا نے جاہ یں۔ الورور 2024-2014

الما الما المالك GGHSS ، SST Bio / Chemistry جدن كالكاكاروت رايل بر 0313-9012223

واش ايي نبر 0345-9853623

