


Form-A  
FORM OF ORDERSHEET

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

Case No. 846/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.06.2024	<p style="text-align: center;">As per direction of the Hon'ble Member Judicial the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on 14.06.2024. Parcha Peshi given to counsel for the appellant.</p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mst. Shahida Parveen received today i.e on 13.06.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

Copy of departmental appeal is not attached with the appeal be placed on it.

No. 175 /Inst;/2024/KPST,

Dt. 13/6 /2024.

  
13/6/24  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Afrasiab Khan Wazir Adv.  
High Court Peshawar.

→ The departmental appeal will be <sup>submitted</sup> ~~filed~~ tomorrow ~~down~~ before the Tribunal, while rejection order 11.6.2024 is on file as proof. Hence re-submitted today 13/6/2024.  
A. V. J.

objection removed. R.

13/6/24  
at 3:41 P.M.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. 846/P/2023

**SHAHIDA PARVEEN**

**.....Versus.....**

**EDUCATION DEPTT & OTHERS**

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**PETITIONER**

**Through:**

**Afrasiab Khan Wazir**  
**Advocate High Court**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

Appeal No. 846 /2024

Mrs. Shahida Parveen, (MC) District Education Officer(BPS-19) Dera Ismail Khan, Under Report to Directorate of E&SE Education Department, Peshawar.

.....**APPELLANT.**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- Mrs. Syeda Anjum, District Education Officer (F) (BPS-19), transferred as district Education Officer (F) District D.I.Khan (Private Respondent).

.....**RESPONDENTS.**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, READ WITH ALL ENBLING PROVISIONS OF LAW GOVERNING THE SUBJECT AGAINST THE IMPUGNED APPELLATE ORDER DATED 11.06.2024 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO JUSTIFIABLE GROUND AS APPELLANT HAS BEEN TRANSFERRED/REPORTED TO DIRECTORATE PREMATURELY FROM THE POST OF DEO TO DIRECTORATE IELGALLY AND UNLAWFULLY VIDE ORDER DATED 10.05.2024 AND UNLAWFULLY.**

**PRAYER:**

That on acceptance of this instant appeal the impugned appellate order dated 11.06.2024 & original order dated 10.05.2024 may very kindly be set aside, declared illegal and unlawful and the respondents may please be directed to retain appellant at District Education Officer Dikhan post till completion of her normal tenure. Any other relief which this Tribunal deems fit & appropriate that may also be awarded in favor of the appellant.

**RESPECTFULLY SHEWETH:**

**ON FACTS:**

- 1- That the appellant is a law abiding and peaceful citizen and served as district education officer (BPS-19) in the education department.
- 1- That initially the respondent No.3 was transferred from Lakki to D.I.Khan order dated 20.10.2023 and thereby transferred order

of the appellant were issued vide order dated 14.04.2023 and the appellant was posted as DEO D.I.Khan.

(Copy of the order dated 20.10.2023 & 14.04.2023 are attached as annexure.....A)

2- That respondent No.3 challenged the same before the Khyber Pakhtunkhwa services tribunal Peshawar in Appeal No.1496/2023 in which order is given by the Honorable tribunal that respondent No.3 be issued posting order that commensurate with her cadre & BPS vide order dated 7.11.2023.

(Copy of the appeal No.1496/2023, order dated 07.11.2023 are attached as annexure.....B)

3- That shockingly the respondents issued original impugned transfer order dated 10.05.2024 whereby the appellant is transferred/report to directorate and replaced by respondent No.3 without looking into the issue normal tenure of the appellant.

(Copy of the impugned transfer order dated 10.05.2024 is attached as annexure..... C).

4- That the appellant feeling aggrieved from the aforementioned original impugned order dated 10.05.2024, she moved representation to the appellate authority which is rejected on no justifiable reason vide appellate order dated 11.06.2024.

(Copy of the representation & appellate order dated 11.06.2023 are attached as annexure.....D)

5- That the appellant further feeling aggrieved and having no other alternate and efficacious remedy but to file this instant service appeal on the following grounds inter alia.

#### **ON GROUNDS:**

A- **Because**, issuing original & appellate orders dated 10.05.2024 & 11.06.2024 by respondents is against the law, rules and natural justice, hence liable to be set aside.

B- **Because**, the appellant has not been treated in accordance with the law and as such respondents violated article 4 and 25 of the constitution of Islamic republic of Pakistan, 1973 Amended up to date.

C- **Because**, the unlawful and illegal action of the respondents is connotation of sheer arbitrariness and autocracy which is against the norms of natural justice.

D- **Because**, the appellant haven't completed her normal tenure as DEO D.I.Khan while issuance of original & appellate order dated 10.05.2024 & 11.06.2024 is against law and rules is liable to be set aside.

E- **Because**, The transfer posting policy is very much clear about the transfer posting that civil servant will have to complete his/her normal tenure after transfer posting, nor any civil servant will be transferred posted anywhere on the basis of administrative ground while misusing power by the respondents.

F- **Because**, That the appellant seeks permission to advance any other grounds at the time of regular hearing.

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

**APPELLANT**

**SHAHIDA PARVEEN**

THROUGH:

**AFRASIAB KHAN WAZIR**

**SALMAN KHAN WAZIR**

&

**JUNAID MEHSUD**

**ADVOCATE(S)**

**Certificate:**

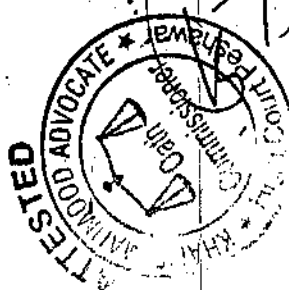
That no other appeal has been filed between the parties on the same issue.

Deponent

**Affidavit:**

I Mrs. shahida parveen, (MC) District Education Officer (BPS-19) Dera Ismail Khan, Under Report to Directorate of E&SE Education Department, Peshawar do hereby solemnly affirm and declare that the contents of this instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal

Deponent



3(A)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.**

No. \_\_\_\_\_ /2024.

C.M No. \_\_\_\_\_ /2024  
In \_\_\_\_\_ Appeal

SHAHIDA PARVEEN

....VERSUS....

EDUCATION DEPTT & OTHERS

**APPLICATION FOR SUSPENSION OF IMPUGNED TRANSFER  
ORDER DATED 10.05.2024 TILL DISPOSAL OF THE  
AFOREMENTIONED APPEAL.**

**RESPECTFULLY SHEWETH:**

Brief facts of the application are as following:

- 1- That the appeal of the appellants is pending adjudication before this August Tribunal in which date is not yet fixed.
- 2- That the appellants have filed the abovementioned appeals against the impugned premature transfer order dated 10.05.2024 whereby the appellants has been transferred/reported from DEO (F) district Dikhan to directorate of peshawar illegally and unlawfully by the respondents.
- 3- That issuance of premature transfer order is against the transfer posting policy wherein 2 years is mentioned that civil servant may not be transferred before completion of normal 2 years after transfer posting but the respondents did so which shows malafide and misuse of power of the respondents.
- 4- The transfer posting is already banned by the Government of kpk but still the respondents are violating it deliberately and blatantly to create fuss among the civil servants.
- 5- That the appellant is patient (joint pain) and travelling that much distance will cause more health issues as the doctors advised her to avoid travelling.

3CB)

6- That the appellant has not yet submitted her charge relinquishment report neither took charge in the district haripur and the respondents are bent on to take adverse action against her if she don't take charge at Haripur immediately after the dforesaid order of the respondents.

**Copy attached as annexure.....E**

7- That all the three ingredient related stay are in favor of the appellants.

8- That the valuable rights of the appellant's are attached to this case and will cause irreparable loss if order dated 10.05.2024 is not suspended/stopped timely.

It is therefore, most humbly prayed that on acceptance of this stay application the impugned transfer posting order dated 10.05.2024 may very kindly be suspended/stopped and respondents may please be directed to retain the appellant as DEO (F) Dikhan till the disposal of the abovementioned appeals.

APPELLANT

Through:

**Afrasiab Khan Wazir  
Advocate High Court**

Dated: \_\_\_\_\_/2024





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

Phone No. 091-9223388

Dated Peshawar 20<sup>th</sup> October, 2022

**NOTIFICATION**

**NO. SO/MC/E&SE/D/4-16/2022/PT/TC:** The following posting / transfers of the officers are hereby ordered with immediate effect, in the best public interest: -

S.S.#	Name & Designation	Present place of posting	Proposed place of posting	Remarks
1.	Mst. Parveen Rehman (TC/BS-19)	GHSS Khawaz Khela Swat	DEO (Female) Shangla	AVP by relieving DEO (M) Shangla from Addl.Charge purely on temporary basis, as a stop gap arrangement till the arrival of the regular officer
2.	Mst. Safia Amin (MC/BS-19 a.c.b)	Additional Director (Estab) Directorate of E&SE Peshawar	DEO (Female) Peshawar	V.S.No.11
3.	Mst. Hafea Gull (MC/BS-19 a.c.b)	Additional Director (P&M) Directorate of E&SE Peshawar.	DEO (Female) Malakand.	AVP
4.	Mst. Parveen Begum (MC/BS-19 a.c.b)	DEO (Female) Karak.	DEO (Female) Kohistan Upper.	AVP
5.	Mst. Naghmans Sardar (MC/BS-19 a.c.b)	DEO. (Female) Buner.	Additional Director (Estab) Directorate of E&SE Peshawar.	V.S.No.2
6.	Mr. Muhammad Sultan (TC/BS-19) Ex-DEO(M) Kurram	At the disposal of Directorate of E&SE Peshawar	Additional Director (Admn) DPD	AVP, purely on temporary basis, as a stop gap arrangement till the arrival of the regular officer
7.	Mst. Rukhsana Rahim (MC/BS-19)	At the disposal of Directorate of E&SE.	DEO (Female) Buner.	V.S.No.5
8.	Mr. Zahoor Muhammad (MC/BS-19)	DEO (Male) Lakki Marwal.	DEO (Male) Kohistan Lower by relieving DEO (M) Battagram form Additional Charge.	AVP
9.	Mr. Sher Daraz (TC/BS-19)	At the disposal of Directorate of E&SE	Additional Director (P&M) Directorate of E&SE Peshawar.	V.S.No.3, purely on temporary basis, as a stop gap arrangement till the arrival of the regular officer
10.	Mr. Faridullah Mehsood. (TC/BS-19) Ex-DEO (M) Orakzai	At the disposal of Directorate of E&SE	DEO (Male) Kurram	V.S.No.15, purely on temporary basis, as a stop gap arrangement till the arrival of the regular officer.
11.	Mst. Samina Ghani (MC/BS-19)	DEO (Female) Peshawar.	DEO (Female) Khyber.	V.S.No.14

*Handwritten signature*  
20.10.22



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

Phone No. (011-9221588)

12.	Mst. Mehr-Un-Nisa (MC/BS-18)	Under transfer to DEO (Female) Kohistan Upper	DEO (Female) Bajaur by relieving DEO(F) Upper Dir from Additional Charge.	AVP
13.	Mr. Muhammad Ilyas (MC/BS-18)	Deputy DEO (Male) Lakki Marwat.	DEO (Male) Lakki Marwat in OPS.	V.S.No.8
14.	Mst. Fanoos Jamal (MC/BS-18)	DEO (Female) Khyber.	DEO (Female) Karak.	Vice S.No. 4
15.	Mr. Liaqat Ali (MC/BS-18)	DEO (Male) Kurram in OPS.	Deputy DEO (Male) Dir Lower.	AVP
16.	Mst. Syeda Anjum (MC BS-19)	DEO (Female) Lakki Marwat.	DEO (Female) D.I.Khan.	Vice S.No. 17
17.	Mst. Farzana Sardar (MC BS-19)	DEO (Female) D.I. Khan	DEO (Female) Lakki Marwat.	Vice S.No. 16

SECRETARY TO THE 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 (Male/ Female) Peshawar.
4. District Account Officer, Concerned.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

*Naseer*  
20.10.22  
(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadre)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated: 14<sup>th</sup> April, 2023

**NOTIFICATION**

NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC/Shahida Parveen: In light of the NOC granted by the Election Commission of Pakistan vide letter No.F.10(1)/2023-Elc-II dated 10/04.2023 and approval of Competent Authority, the following posting/transfers are hereby ordered with immediate effect, in the best public interest: -

Sr. No	Name & Designation	Present place of Posting	Proposed Posting	Remarks
1.	Mst. Shahida Parveen MC BS-18	Deputy DEO (Female) Tank	DEO (Female) D.I.Khan in OPS	Vice S.No.2
2.	Mst. Syeda Anjum (MC BS-19)	DEO (Female) D.I.Khan	Report to Directorate of E&SE Peshawar	

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. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Female), Concerned.
5. District Accounts Officers Concerned.
6. Additional Director General (Election-1) Election Commission of Pakistan, Islamabad
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

111/14-4-2023  
(IMRAN ZAMAN)  
SECTION OFFICER (Management Cadre)

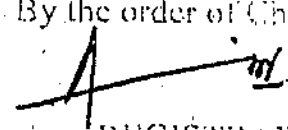
FORM OF ORDER SHEET

B-7

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

Appeal No. \_\_\_\_\_

1496/2023

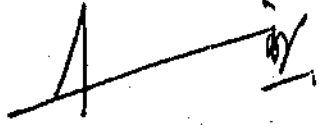
S.No.	Date of order proceedings	Order or other proceedings with signature of Judge
1.	2.	3.
1-	19/07/2023	<p>The appeal of Mst. Syeda Anjum resubmitted today by Mr. Jamal Abdul Nasir Awan Advocate. It is fixed for preliminary hearing before Tiring Single Bench at D.I.Khan on</p> <p>By the order of Chairman  REGISTRAR</p>

This is an appeal filed by Mst. Syoria Anjum today on 10.07.2023 against order dated 14.04.2023 against which she made/preferred departmental representation on 18.04.2023 the period of ninety days is not yet lapsed as per provision of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as per order in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of law and also removing the following deficiencies.

- ✓ 1- Check list is not attached with the appeal.
- ✓ 2- Appeal has not been flagged/marked with annexures marks.
- ✓ 3- Memorandum of appeal is not signed by the appellant.
- ✓ 4- Affidavit being attested by the Oath Commissioner.
- 5- Annexures of the appeal are unattested.
- ✓ 6- Chamber/Gmail address and contact number of the counsel required as mentioned on the index of the appeal.
- 7- The authority to whom the departmental appeal was made/preferred has not been arrayed a necessary party.
- 8- Six more copies/sets of the appeal along with annexures i.e. complete in respect may also be submitted with the appeal.

No. 1881/ST.  
Dt. 10/7/2023.

  
 REGISTRAR  
 SERVICE TRIBUNAL  
 KHYBER PAKHTUNKHWA  
 PESHAWAR.

Mr. Jamial Abdul Naisr Awan Adv.  
High Court D.J.Khan

9

To  
The Registrar,  
Service Tribunal Khyber Pakhtunkhwa,  
Peshawar.

Mst. Syda Anjum Versus Govt. of Khyber Pakhtunkhwa etc

**SERVICE APPEAL**

Respected Sir,

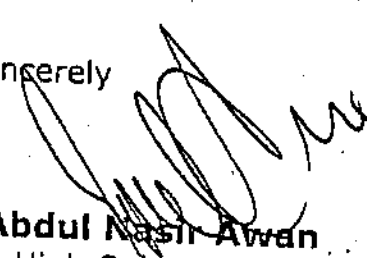
Reference to objection dated 10/07/2023.

1. In respect of 1<sup>st</sup> objection, it is stated that check list is annexed.
2. In respect of objection#2, it is stated that appeal is duly flagged.
3. Memorandum of appeal is signed by the appellant.
4. Affidavit is attested by the Oath Commissioner.
5. Advocate details are given in the Index of appeal.

Objection has been removed accordingly and service appeal mentioned above is hereby resubmitted for further necessary action please.

Dated: \_\_\_/07/2023

Yours' Sincerely



**Jamal Abdul Nasir Awan**  
Advocate High Court  
stationed at Dera Ismail Khan  
Cell#0334-8505400

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

In service Appeal No. 1496 /2023

**Syeda Anjum**  
**(Appellant)**

**VERSUS**

**GOVT of KPK etc**  
**(Respondents)**

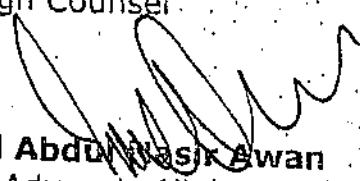
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3.	Copy of the transfer order dated 14/04/2023	B	10
4.	Copies of the departmental appeal along with postal receipt	C	11-15
5.	Vakalatnama	--	16

Dated: \_\_\_/07/2023

**Humble Appellant**

**Syeda Anjum**  
Through Counsel

  
**Jamal Abdur Nasir Awan**  
Advocate High Court  
District Bar Dera Ismail Khan  
Cell/Whatsapp# 0334-8505400

(11)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

In service Appeal No. 1496 /2023

**Syeda Anjum**  
**(Appellant)**

**VERSUS**

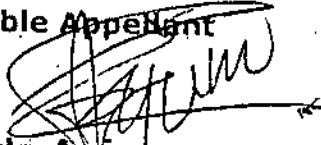
**GOVT of KPK etc**  
**(Respondents)**


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Dated: 07/07/2023

Humble Appellant

  
**Syeda Anjum**  
Through Counsel

  
**Jamal Abdul Nasir Awan**  
Advocate High Court  
jamal.advocate@yahoo.com



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. 1496 /2023

**Mst. Syeda Anjum** presently serving as DEO, MC (BS-19)  
Directorate of Khyber Pakhtunkhwa Elementary & Secondary  
Education Department, Peshawar.

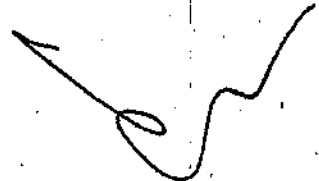
..... **Petitioner**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Education Department KPK Peshawar.
2. The Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. The Secretary Education Department Khyber Pakhtunkhwa Peshawar.
4. Director Elementary and Secondary Education. Khyber Pakhtunkhwa Peshawar.
5. **Mst. Shahida Parveen** presently serving as District Education Officer (Female) Dera Ismail Khan.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES  
TRIBUNAL ACT, 1974 AGAINST THE POLITICAL BASED  
POSTING TRANSFER NOTIFICATION#SO(MC) E&SED/4-  
16/2022/POSTING/TRANSFER/MC/SHAHIDA PARVEEN  
DATED 14/04/2023 VIDE WHICH THE APPELLANT IS  
TRANSFERRED FROM DEO (FEMALE) DERA ISMAIL KHAN  
TO DIRECTORATE OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT,  
PESHAWAR.**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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

**Mst. Syeda Anjum** presently serving as DEO, MC (BS-19) Directorate of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.

..... **Petitioner**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Education Department KPK Peshawar.
2. The Secretary Education Department Khyber Pakhtunkhwa Peshawar.
3. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
4. **Mst. Shahida Parveen** presently serving as District Education Officer (Female) Dera Ismail Khan.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974 AGAINST THE POLITICAL BASED POSTING TRANSFER NOTIFICATION#SO(MC) E&SED/4-16/2022/POSTING/TRANSFER/MC/SHAHIDA PARVEEN DATED 14/04/2023 VIDE WHICH THE APPELLANT IS TRANSFERRED FROM DEO (FEMALE) DERA ISMAIL KHAN TO DIRECTORATE OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, PESHAWAR.**



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**PRAYER**


On acceptance of this service appeal the impugned transfer order No. SO(MC)E&SED/4-16/2022 Posting/Transfer /MC/Shahida Parveen dated 14/04/2023 may kindly be set aside. Similarly any other order, if issued by the respondents upon the departmental appeal of appellant may also be set aside.

Any other relief deemed appropriate in the given circumstances may also be granted to the appellant in the large interest of justice.

**Note:** Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

**Respectfully Sheweth;**

1. That appellant has been serving the Elementary & Secondary Education Department Khyber Pakhtunkhwa as DEO, MC (BS-19) and diligently and efficiently performed her duties with utmost dedication and commitment, always striving to meet the expectations of her superiors. In this respect service record of appellant is very much evident.
2. That appellant served in challenging areas of the province, demonstrating her commitment to the education department's mission and goals.
3. That appellant was transferred from DEO (F) Lakki Marwat to DEO (F) Dera Ismail Khan vide notification No. SO(MC)E&SED/4-16/2022/PT/TC dated 20/10/2022 and the appellant was performing her duties with zeal & zest. Copy of notification dated 20/10/2022 is annexed as **Annexure-A**.
4. That ironically the appellant was again transferred from DEO (F) Dera Ismail Khan to Directorate of Khyber Pakhtunkhwa



3

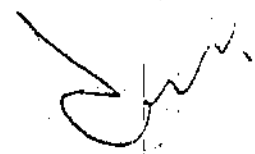
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Elementary & Secondary Education Department, Peshawar vide impugned transfer order (No. SO(MC)E&SED/4-16/2022 Posting/Transfer/MC/Shahida Parveen), dated 14/04/2023 on the basis of political victimization and the private respondent#4 is posted against the post of appellant although she is officer of BPS-18 and has been posted on Own Pay-Scale basis which is not admissible if an officer of BPS-19 is available. Copy of the transfer order dated 14/04/2023 is annexed as **Annexure-B**.

5. That appellant preferred a departmental appeal/representation duly forwarded to the respondent#2 on dated 15/04/2023 which is still pending for decision. Although 90 days has been lapsed but the departmental appeal is not been decided as yet although the appellant sent a reminder on 15/05/2023 which also shows mala-fide on the part of respondents. Copies of the departmental appeal along with postal receipt are annexed as **Annexure-C**.
6. That it is humanly impossible for a woman in the milieu of Pakistani society to look after her family and carry out her professional obligations at the same time under such circumstances.
7. That feeling aggrieved by the impugned transfer order dated 14/04/2023, the appellant does not have any other efficacious remedy but to invoke the appellate jurisdiction of this Honourable Tribunal, by way of instant appeal, on inter alia the following grounds:-

**GROUND:-**

- A. That the impugned transfer orders dated 14/04/2023 is premature, illegal, against service laws and policy, hence, liable to be cancelled.



- B. That as per policy the posting tenure is minimum three years but in the instant case the appellant is transferred only after nine month which clearly reveals that the appellant is politically victimized.
- C. That appellant always served in challenging areas of the province, demonstrating her commitment to the education department's mission and goals but unfortunately the authorities transferred her at Directorate of E&SE Peshawar upon the directions of political God fathers, hence, the impugned transfer order is liable to be set aside being political victimization.
- D. That the impugned transfer order has been issued just after nine month of previous transfer, hence, the same is politically motivated and lacks mature consideration of service tenure and performance of appellant, hence, on this sole ground, the impugned transfer order is liable to be set aside.
- E. That it is also pertinent to mention here that the private respondent#4 (Shahida Parveen) is an officer of BPS-18 and has been posted on Own Pay-Scale as DEO (F) Dera Ismail Khan which is not permissible as officers of BPS-19 are available in the district and this fact also shows political influence in respect of impugned transfer order, hence, on this ground the transfer order is liable to be set aside.

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F. That the impugned transfer order violates the rights of appellant as an employee and undermines the principles of fairness and impartiality. Hence, the same is not tenable in the eye of law.

G. That Counsel for the appellant may please be allowed to raise additional grounds during the course of arguments.

It is therefore respectfully prayed that the instant appeal may please be accepted as prayed for in the headnote and contents of appeal.

Dated: 07/07/2023

Humble Appellant

Syeda Anjum  
Through Counsel

Jamal Abdul Nasir Awan  
Advocate High Court

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

In service Appeal No. \_\_\_\_\_/2023

**Syeda Anjum**  
**(Appellant)**

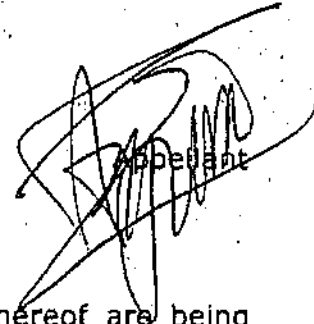
**VERSUS**

**GOVT of KPK etc**  
**(Respondents)**

**CERTIFICATE:**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Court.

Dated 07/07/2023

  
Appellant

**NOTE**

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated 07/07/2023

  
Appellant's counsel

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

In service Appeal No. \_\_\_\_\_/2023

**Syeda Anjum**  
**(Appellant)**

**VERSUS**

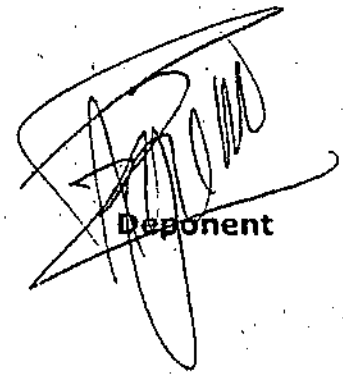
**Govt. of KPK etc**  
**(Respondents)**

**AFFIDAVIT**

I, **Syeda Anjum**, the appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following my instructions;
2. That all parawise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein is based on exaggeration or distortion of facts.

Dated 07 /07/2023



**Deponent**

Identified By:-



**Jamal Abdul Nasir Awan**  
Advocate High Court



**Service Appeal No. 1496/2023 titled "Syeda Anjum Versus Government of Khyber Pakhtunkhwa through Secretary Education Department, Peshawar and others"**

**ORDER**  
07.11.2023

**MUHAMMAD AKBAR KHAN, MEMBER (E):-** Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present. Learned counsel for private respondent also present. Arguments heard and record perused.

02. The appellant was transferred from the post of DEO (F) D.I.Khan and the respondent No. 5 was posted as DEO (F) D.I.Khan vide letter dated 14.04.2023, directing the appellant to report to Directorate of E&SE Peshawar. The learned counsel for the appellant has made the aforementioned order impugned on the grounds of tenure of the appellant being immature and the posting of respondent being junior (BS-18) to be posted as DEO which is BS-19 post. Learned Deputy District Attorney and representative of the respondent responded that the impugned order has been issued in the public interest and exigency of service duly covered under Section-10 of the Civil Servants Act, 1973. They further stated at the bar that the case of the respondent for promotion/appointment to BS-19 has been cleared by the PSB in its meeting on 19.09.2023 and formal notification to this effect will be issued within days which is lying approval of the competent authority (Chief Minister). As such we do not find merit to intervene in the routine matter of posting /transfer. However, we take cognizance of the fact that the appellant has not been given posting in accordance with her cadre and Basic Pay Scale despite lapse of around 07 months for no fault on

her past. We therefore, direct the respondents to issue posting order in respect of the appellant commensurate with her cadre and BPS without further wastage of time.

03. The instant appeal is disposed of on the above terms. Consign.

04. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 7<sup>th</sup> day of November, 2023.*



**(Rashida Bano)**  
**Member (J)**



**(Muhammad Akbar Khan)**  
**Member (E)**

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9210626



Dated, the Peshawar 10<sup>th</sup> May, 2024

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2024/DEOs /D.I.Khan;** The following postings/ transfers of the officers are hereby ordered with immediate effect, in the best public interest.

Sr. No	Name & Designation	From	To
1.	Mst. Syeda Anjum (MC BS-19)	Awaiting Posting	DEO (Female) D.I.Khan Vice.S.No.2
2.	Mst. Shahida Parveen (MC BS-19 ACB)	DEO (Female) D.I.Khan	Report to Directorate of E&SE Peshawar

# National News Headlines

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

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Divisional Commissioner D.I.Khan
4. Deputy Commissioner D.I.Khan.
5. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
6. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
7. District Education Officer (Female) D.I.Khan
8. District Accounts Officer D.I.Khan.
9. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

SECTION OFFICER (Management Cadre)

D-23

GOVERNMENT OF KHYBER PAKHTUNKHWA  
MINISTRY OF PRIMARY AND SECONDARY EDUCATION  
Block "A" Opposite MPAs Hostel, Civil Secretariat, Peshawar  
Phone No: 091-9210626

NOTE FOR THE CHIEF SECRETARY

Subject: REPRESENTATION AGAINST THE PRE MATURE TRANSFER FROM DEO (F) DIKHAN

1. Establishment Department has forwarded the appeal/representation of Mst. Shiraz Parveen (MO BS-19) for views/comments (F/A). Mst. Shiraz Parveen has submitted an appeal for cancellation of her transfer Notification issued by this department (F/B).

2. The appeal examined and an opportunity of personal hearing was afforded on 29 05 2024 which was attended by the appellant (F/C). The appellant was posted as DEO (F) D.I.Khan vide this Department Notification dated 14 04 2023 (F/D). Further the appellant was allowed to actualize her post in BS-19 vide this Department Notification dated 01 04 2024 (F/E).

3. The appellant has been transferred vide Notification dated 10 05 2024 and directed to report to Directorate of E&SE (F/F). The appellant states that the requirements of posting/transfer laid down under the relevant rules has not properly been observed. Therefore, the appellant has requested for her retention as DEO (Female) D I Khan.

4. Perusal of record reveals that the appellant has completed her one year tenure as DEO (F) D.I.Khan. The appellant is an officer of Management Cadre and she is legally bound to serve anywhere in the province under Section-10 of Civil Servant Act. Therefore, the appeal in hand has no legal footing.

5. In view of the above, it is proposed that the appeal in hand may be rejected being deviated of merit, please

*[Signature]*  
SECRETARY, ES&ED

*Put in state of mind for necessary action*

Secretary E&SED

*Harat*

SE / SSD/ASE/ASD/ASG

030/02/2024

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 011-9223483

No. SO (MC)E&SED/4-16/2022/dept. Appeal/Shahida Parveen  
Dated: 11<sup>th</sup> June, 2024

To

Mst. Shahida Parveen (MC BS-19)

Subject: - DEPARTMENTAL APPEAL FOR CANCELLATION OF NOTIFICATION  
DATED 10.05.2024

I am directed to refer to your appeal, on the subject noted above and to state that your appeal has been examined and is regretted by the Competent Authority being devoid of merit.

(JANBAZ AHMED)  
SECTION OFFICER (Management Cadre)

Copy for information to the:-

PS to Secretary E&SE Department, Khyber Pakhtunkhwa,

SECTION OFFICER (Management Cadre)

DEPUTY SECRETARY (ESTABLISHMENT)  
(NAVEED ULLAH SHAH)

03/06/24

1. PS to Minister for E&SE Department.
2. Accountant General, Khyber Pakhtunkhwa Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa Peshawar.
4. Director, EMIS E&SE Department.
5. All District Education Officers (M/F).
6. District Accounts Officer concerned.
7. PS to Secretary E&SE Department.
8. Office order file.

Copy forwarded to the:

Encl: of even No. & Date

SECRETARY  
TO THE GOVT OF KHYBER PAKHTUNKHWA

**NB**  
Further orders in the best public interest.  
Department Notification of Even Number Dated 22.03.2024 is hereby filed with. 01.06.2024 III  
NO.SQ(S/MD&SE)/M/1-1/2024. The ban imposed on politicians/ministers through this

**NOTIFICATION**

Peshawar Dated 03.06.2024

	<p>GOVERNMENT OF KHYBER PAKHTUNKHWA DEPARTMENT OF ELEMENTARY &amp; SECONDARY EDUCATION Block "A" Opposite MPA's Hotel, Civil Secretariat Peshawar Contact No. 01-72201 Email: aashqmal@gmail.com</p>	
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F-25

**POWER OF ATTORNEY/VAKALATNAMA**

**BEFORE THE HON' KYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

*Shahide Perveen*

VERSUS

*Education Deptt (S) Pesh*

Appeal No. \_\_\_\_\_-P/2024

On behalf of Petitioner/Appellant No.

I/ we the petitioners/appellant hereby appoint **Mr. Afrasiab Khan Wazir** Advocate in the above-mentioned case, to do all or any of the following acts, deeds things.

1. To appear, act, sign, record Statement and plead for me/us in the above-mentioned case in this court /Tribunal or any other Court /Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all proceedings, petitions, appeals, affidavits, and any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the proceedings.

**AND HEREBY AGREE:**

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/Tribunal when it is called for hearing.
- c. An advocate shall not be responsible for any concealment, fraud, misrepresentation made by the client before any tribunal, court or forum.
- d. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof, I/We have signed this power of Attorney/ Vakalatnama hereunder, the contents of which have been read/ explained to me/us and fully understood by me/ us.

*Accepted & Attested*

*Afrasiab Khan Wazir*

*Advocate Peshawar High Court, Peshawar.*

*Office:*

*Room No. B-16, Govt College Chowk,*

*Nimra Plaza, Faqirabad, Peshawar.*

*Cell: 0312-9888752.*

Terms Accepted

Signatures