

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

**CM 151/2024 in E.P No.963/2023 in
Service Appeal # 137/2022**

Shamshad Bibi.....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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Deponent

11-06-24
D. I. Khan
S. B.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M# 151/2024
Execution Petition # 963/2023
In
Service Appeal # 137/2022

Mst. Shamshad Bibi (SDEO) DI Khan.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

REPLY IN THE EXECUTION PETITION APPLICATION ON BEHALF OF THE RESPONDENTS.

Respectfully Sheweth,

The Respondents submit as under:-

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12985

Dated 24-05-2024

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi for filing of this Execution Petition Application as there is no irregularity or non-compliance on the part of the respondents.
2. That the instant application is bad in its present form, therefore, liable to be dismissed summarily.
3. That the applicant has concealed the material facts from this Hon'ble Tribunal, hence the instant application is not maintainable.
4. That the applicant has not come to this Hon'ble Tribunal with clean hands.
5. That the applicant has filed the instant application with malafide intention just to pressurize the Respondents for gaining illegal service benefits.
6. That the instant application is against the prevailing law; hence not maintainable.
8. That the applicant is estopped by her own conduct to file the instant application.
9. That the instant application is not maintainable in the present circumstances of the issue.
10. That the Notifications dated 05-12-2023 of the Respondent is competent and in accordance with existing law/rules, therefore, liable to be maintained.

ON FACTS:

1. Correct and pertains to record of the appellant.
2. Correct and pertains to record.
3. Incorrect, hence denied.
4. Para-4 needs no comments.
5. Incorrect, hence denied as no adverse action has been taken against the appellant.
6. Somehow correct. The Department immediately acted upon the directions of the Hon'ble Tribunal in E.P No. 493/2023 which was implemented in letter & spirit (**Annex-A**).
7. Incorrect hence denied, as the appellant was transferred from the post of SDEO (F) Pharpur DI Khan to SDEO (F) Ghazni Khel, Lakki Marwat after

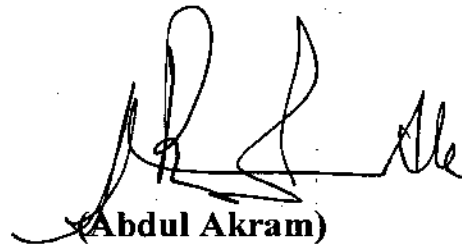
completion of her normal tenure as per judgment of the Hon'ble Tribunal/tenure policy of Provincial Govt.

8. Incorrect hence denied as the transfer order of the appellant was issued after completion of her normal tenure and as per Section-10 of the Civil Servant Act, 1973.
9. Incorrect hence denied. The report of District Accounts Officer DI Khan containing details of salary of the appellant is attached as (Annex-B) for kind perusal of the Hon'ble Tribunal.
10. Para-10 needs no comments.
11. Incorrect and has already been explained in Para-7 above.
12. Needs no comments as already explained in Para-8 above.

GROUND:

Prayer:

In view of above legal and factual position, it is humbly prayed that since judgment of the Hon'ble Tribunal was implemented in letter & spirit and the appellant has been transferred after completion of her normal tenure of 02-years as per service record at (Annex-B); hence the instant Execution Petition Application filed by the appellant, being devoid of any merits, may kindly be dismissed with cost.



(Abdul Akram)

Additional Secretary (G), E&SED

On behalf of

SECRETARY E&SED

(Respondent No. 01)

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

CM. 151/2024
Execution Petition No. 963/2023
in
Service Appeal # 137/2021

Mst. Shamshad Bibi..... Appellant

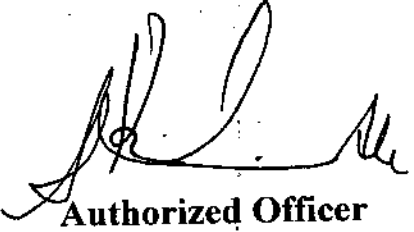
VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Abdul Akram**, Additional Secretary (General), Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.


**Authorized Officer
(Abdul Akram)
Additional Secretary (General)
E&SE Department
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 01 & 02)**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar **CM. No. 151/2024 in Execution Petition No. 963/2023 in Service Appeal # 137/2021 Case Titled Mst. Shamshad Bibi vs Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.**

**Authorized Officer
(Abdul Akram)
Additional Secretary (General)
E&SE Department
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 01 & 02)**



34
/

Dated: 21st August, 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2023/Posting/Transfer/MC/DIK: Consequent upon the Execution Petition No. 493/2023 in Service Appeal No. 137/2022 filed by Mst. Shamshad Bibi Vs Govt of Khyber Pakhtunkhwa. This Department's Notification of even number dated 26-05-2023 regarding posting / transfer Notification to the extent of Mst. Shamshad Bibi (MC BS-17), appearing at Sr. No-2 is hereby withdrawn/Cancelled.

2. 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. Registrar Service Tribunal Khyber Pakhtunkhwa.
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. Section Officer (Lit-II) E&SE Department.
5. District Education Officer (Female) D.I.Khan.
6. District Accounts Officers D.I.Khan.
7. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

Handwritten signature of Imran Zaman

**IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)**

ATTESTED

Handwritten signature of Khalid Mehmood

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(MC) E&SED/4-16/2024/SDEO(F)/Paharpur/Shamshad Bibi
Dated; 5th January, 2024

To

The District Accounts Officer
D.I.Khan.

Subject:

**VERIFICATION OF SALARY DRAWN BY MST. SHAMSHAD BIBI
SDEO (F) PAHARPUR.**

I am directed to refer to the subject noted above and to state that Mst. Shamshad Bibi was posted as SDEO (Female) Paharpur vide this department notification dated 07.10.2021 and worked on the same post up to 05.12.2023. It is mention here that she was transferred from Paharpur to District Tank dated 12.01.2022 while this order was withdrawn on 22.02.2022.

Now your are requested to apprise this department as to whether she draw her salary continued form 07.10.2021 to 05.12.2023 or otherwise.

111 / [Signature]

SECTION OFFICER (Management Cadre)

Encl; as above.

Cc to the: -

- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

111 / [Signature]

SECTION OFFICER (Management Cadre)



**OFFICE OF THE
DISTRICT ACCOUNTS OFFICER
DERA ISMAIL KHAN**

No. Admn/DAO-DIK/2023-24/ 10737,

Dated. 08/01/2024.


To,

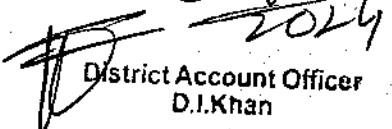
✓ **The Section Officer (Management Cadre),
Elementary & Secondary Education,
Govt of Khyber Pakhtunkhwa, Peshawar.**

SUBJECT: VERIFICATION OF SALARY DRAWN BY MST. SHAMSHAD BIBI EX-SDEO (F) PAHARPUR.

Memo;

Kindly refer to your letter No. SO (MC) E&SED/4-16/2024/SDEO (F)/Paharpur/Shamshad Bibi dated 05.01.2024 and to state that the monthly salary SAP System generated report in respect of above officer drawn at DDO Code DI6216 wef 01.11.2021 to 30.11.2023 is enclosed as desired please.


**District Accounts Officer
Dera Ismail Khan**


**District Account Officer
D.I.Khan**

Selection

Personnel number

all results from



Personnel numbers selected

R	Pers.No	Name
<input checked="" type="checkbox"/>	188304	SHAMSHAD BIBI

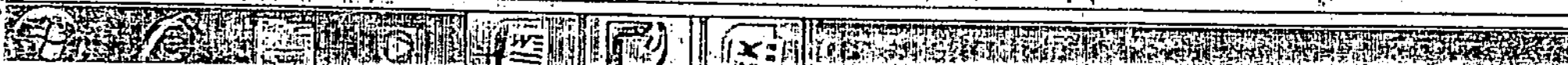


Payroll Results SHAMSHAD BIBI / Other Countries

Start P	P	End of In-P	Date	Time	OC Payme	Void date	Void to
01.06.2021	TK	30.06.2021	27.06.2021	10:45:38			
01.07.2021	TK	31.07.2021	14.07.2021	18:25:02			
01.08.2021	TK	31.08.2021	30.08.2021	12:06:20			
01.09.2021	TK	30.09.2021	29.09.2021	11:58:21			
01.10.2021	TK	31.10.2021	28.10.2021	16:08:23			
01.11.2021	DI	30.11.2021	24.11.2021	11:39:52			
01.12.2021	DI	31.12.2021	19.12.2021	21:27:58			
01.01.2022	DI	31.01.2022	24.01.2022	20:27:24			
01.02.2022	DI	28.02.2022	21.02.2022	16:50:58			
01.03.2022	DI	31.03.2022	23.03.2022	16:47:18			
01.04.2022	DI	30.04.2022	20.04.2022	04:53:53			
01.05.2022	DI	31.05.2022	26.05.2022	20:01:55			
01.06.2022	DI	30.06.2022	22.06.2022	19:01:30			
01.07.2022	DI	31.07.2022	26.07.2022	16:21:09			
01.08.2022	DI	31.08.2022	28.08.2022	15:55:38			
01.09.2022	DI	30.09.2022	29.09.2022	20:47:49			
01.10.2022	DI	31.10.2022	27.10.2022	17:14:25			



Personnel number: [] all results from: []



Personnel number

all results from



Personnel numbers selected

R	Pers.No.	Name
<input checked="" type="checkbox"/>	188304	SHAMSHAD BIBI



Payroll Results SHAMSHAD BIBI / Other Countries

Start/FP	P	End of In-P	Date	Time	OC Payme	Void date	Void
01.07.2022	DI	31.07.2022	26.07.2022	16:21:09			
01.08.2022	DI	31.08.2022	28.08.2022	15:55:38			
01.09.2022	DI	30.09.2022	29.09.2022	20:47:49			
01.10.2022	DI	31.10.2022	27.10.2022	17:14:25			
01.11.2022	DI	30.11.2022	29.11.2022	18:27:08			
01.12.2022	DI	31.12.2022	28.12.2022	16:52:47			
01.01.2023	DI	31.01.2023	27.01.2023	17:53:36			
01.02.2023	DI	28.02.2023	26.02.2023	20:45:18			
01.03.2023	DI	31.03.2023	30.03.2023	11:36:55			
01.04.2023	DI	30.04.2023	16.04.2023	15:55:14			
01.05.2023	DI	31.05.2023	26.05.2023	21:19:10			
01.06.2023	DI	30.06.2023	23.06.2023	08:47:16			
01.07.2023	DI	31.07.2023	26.07.2023	19:34:24			
01.08.2023	DI	31.08.2023	26.08.2023	12:10:54			
01.09.2023	DI	30.09.2023	27.09.2023	00:28:54			
01.10.2023	DI	31.10.2023	28.10.2023	14:57:14			
01.11.2023	DI	30.11.2023	27.11.2023	21:35:09			

