


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 410/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.05.2024	<p>The implementation petition of Mst. Sobia Tabassum submitted today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for implementation report before Single Bench at Peshawar on 30 .05.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to the counsel for the petitioner.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

EXECUTION PETITION NO. 419 /2024
IN
APPEAL NO. 1403/1441/2023

MST. SOBIA TABASSUM

V/S

EDU: DEPTT:

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Dated: 29/05/2024

Appellant/Petitioner

Through,


AFRASIAB KHAN WAZIR,
Advocate, High Court,
Peshawar.
0312-9888752

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

EXECUTION PETITION NO. 419 /2024
 IN
 APPEAL NO. 1403/1441/2023

MST. SOBIA TABASSUM, SDEO (FEMALE),
Under transfer to Directorate Of (E&SE), KP, Peshawar
APPELLANT

VERSUS

- 1- **The Secretary (E&SE),**
 Khyber Pakhtunkhwa, Peshawar.
- 2- **Director Elementary & Secondary Education,**
 Khyber Pakhtunkhwa, Peshawar.

Khyber Pakhtunkhwa
 District Office
13063
 Dated: 29-08-2024

.....RESPONDENTS

EXECUTION PETITION FOR DIRECTING THE RESPONDENTS TO
OBEY THE JUDGMENT/ORDER DATED 13-11-2023 IN ITS TRUE
LETTER AND SPIRIT

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present execution petition are as under:

- 1- That petitioner/applicant is employee of Education Department and serving as Tube Sub-Divisional Education Officer.
- 2- That the appellants filed a service appeal no.1403/1441/2023 against transfer orders but later on vide tribunal order dated 13-11-2023 it was referred to R.1 for adjustment of the applicants/petitioner in nearby their home station. **Copy of the order/judgment is attached as annexure.....A**
- 3- That service appeal of the petitioner/applicant was accepted in favour of the appellant in its detail judgment/order dated 13-11-2023, the operative part of the judgment/order is as:

"at the very outset respondent no. 2 i.e. Secretary (E&SE) Department has informed the tribunal that the post against which the private parties are litigating on provincial cadre post, however in view of the fact that the private parties are ladies therefore, the department takes all care that they could be accommodated near to their home stations the Secretary further offered that let the matter might be sent to the Department where he will make all the private parties sit together and he would issue an appropriate order of posting of private parties having regard to the above tenure provided in the posting/transfer policy as well as exigency of service and public interest to which the learned counsel for private parties did not object, therefore, we dispose of these appeals by sending the cases of private parties of these two appeals to the Secretary (E&SE) for appropriate action at his end within 30 days from today. . . . "

- 4- That, the petitioner/applicant approached time and again to the respondents and requested for posting but instead of solving the issues they transferred the petitioner vide order dated 05.12.2023 and again she has been transferred vide order dated 27.05.2024 and told to report to the directorate E&SE Peshawar..

Copy of the Order dated 05.12.2023 & 27.05.2024 is attached as **ANNEXUREB.**

- 5- That feeling aggrieved, petitioner/applicant is left with no other remedy but to approach this Honourable Tribunal by filing the present execution petition.

It is therefore, most humbly prayed that on acceptance of this execution petition the respondents may be directed to implement the judgment/order of this Honourable Tribunal dated 31-11-2023 in its true letter & spirit.

Any other remedy which this Honourable Tribunal deems fit that may also be awarded in favour of the petitioner.

Dated: 29/05/2024

Petitioner/Applicant

Sobia
MST. SOBIA TABASSUM

Through:

AFRASIAB KHAN WAZIR
AFRASIAB KHAN WAZIR

Advocate, High Court,
Peshawar.

AFFIDAVIT

I, Mst: Sobia Tabassum MC (BPS-17) E&SE department Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of this Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Sobia
DEPONENT



C.M No. _____/2023

E.P No. _____/2023.

Mst. Sobia Tabassum

(4)

....**VERSUS**....

Edu Deptt:

**APPLICATION FOR SUSPENSION/STOPPAGE OF TRANSFER ORDER
ORDER DATED 27.05.2024 TILL DISPOSAL OF THE AFOREMENTIONED
APPEAL.**

RESPECTFULLY SHEWETH:

Brief facts of the application are as following:

- 1- That the execution petition of the applicant is pending adjudication before this August Tribunal in which date is not yet fixed.
- 2- That the appellants had filed a service appeal no.1403/1441/2023 against transfer orders but later on vide tribunal order dated 31.11.2023 it was referred to R.1 for adjustment of the applicants/petitioner in nearby their home station.
- 3- That even R.1 in execution petition solving the issue of the applicant they transferred her vide order dated 27.05.2024 without complying the commitment made in the order sheet dated 31.11.2023 of the tribunal which comes in the ambit of misuse of power by the respondents.
- 4- That the applicant before completion of her normal tenure transferred to directorate of E&SE Peshawar which is a blatant violation of transfer posting policy as well.
- 5- That the applicant has not yet submitted her charge relinquishment report neither took charge in the Directorate of E&SE department Peshawar and the respondents are bent on to take adverse action against her if she don't take charge at transferred place of posting immediately after the aforesaid order of the respondents.
- 6- That all the three ingredient related stay are in favor of the applicants.

7- That the valuable rights of the applicant are attached to this case and will cause irreparable loss if order dated 27.05.2024 is not suspended/stopped timely.

(5)

It is therefore, most humbly prayed that on acceptance of this stay application the transfer order dated 27.05.2024 may very kindly be suspended/stopped and respondents may please be directed not to relive the applicant from the District Dikhan Parova station to Directorate of E&SE department Peshawar till the disposal of the above mentioned execution petition.

APPELLANT

Through:


Afrasiab Khan Wazir
Advocate High Court

Dated:29.05.2024

C.M No. _____/2023

E.P No. _____/2023.

(6)

Mst. Sobia Tabassum VS

Edu Deptt:


APPLICATION FOR EARLY FIXATION OF THE AFORMENTIONED EXECUTION PETITION AT PESHAWAR PRINCIPAL BENCH.

RESPECTFULLY SHEWETH:

- 1- That the abovementioned execution petition is pending before this August Tribunal and not yet fixed for hearing.
- 2- That the respondent No.1 is not agreed on solving the issue of transfer posting near to our home station they instead adjusting the applicant to nearby home station, has transferred her to directorate of E&SE without any plausible reason and in violation of Transfer posting policy.
- 3- In-spite of commitment to sort out the issue by the R.1, have transferred the applicant without taking due care attention to our issue of transfer.
- 4- That the applicant has not yet relinquished the charge at Dikhan and the department is pressurizing her to take charge at directorate of E&SE Peshawar otherwise respondents will take disciplinary action against the applicant.
- 5- That the travelling is much costly for the applicant and is neither having any residence here at Peshawar being resident of Dera ismail khan.

It is therefore, most humbly prayed that on acceptance of this early hearing application the execution petition may very kindly be fixed for tomorrow at principal bench Peshawar being very urgent matter.

Dated: 29.05.2024

Through: Applicant

**AFRASIAB KHAN WAZIR
ADVOCATE HIGH COURT**

H-7

Service Appeal No.1403/2023 titled 'Noreen Saba & other Vs. Education Department'

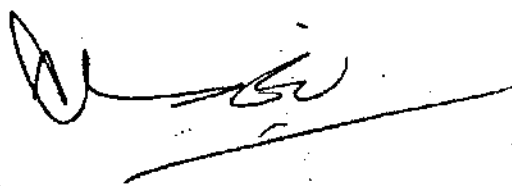
ORDER

13th Nov. 2023 Kalim Arshad Khan, Chairman: Learned counsel for the appellant present.

Mr. Habib Anwar, Additional Advocate General for the official respondents present. Mr. Motasim Billah Shah, Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education (respondent No.2) is present in person. Mr. Ahmad Ali Khan, Advocate present on behalf of private respondent No.10 through video link from D.I.Khan and for the appellant in appeal No.1441/2023.

2. Through this single order, we are going to decide this appeal as well as connected Appeal No.1441/2023 titled "Sonia Nawaz Vs. Education Department" as both are almost interdependent and thus, can conveniently be decided together.

3. At the very outset, respondent No.2 i.e. Secretary Elementary & Secondary Education Department, has informed the Tribunal that the posts, against which the private parties are litigating, are provincial cadre posts. However, in view of the fact that the private parties are ladies, therefore, the department takes all care that they could be accommodated nearer to their home stations. The Secretary further offered that let the matter might be sent to the department, where, he will make all the private parties sit together and he would issue an appropriate order of posting of private parties having regard to the abode, tenure provided in the posting/transfer policy as well as exigency of services and public interest, to which, the learned counsel for the private parties did not object. Therefore, we dispose of these appeals by sending the cases of the private parties of these two appeals to the Secretary



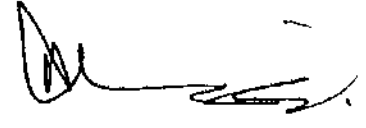
18

Elementary & Secondary Education Department Khyber Pakhtunkhwa for appropriate action at his end, within 30 days from today. (Copy of this order be placed on file of connected appeal No.1441/2023 titled 'Noreen Saba Vs. Education Department'). Consign.

4. *Pronounced in open Court at Peshawar and given under our hand and seal of the Tribunal on this 13th day of November, 2023.*



(Safah-Ud-Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

Mutazem Shah



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

B-9

Dated: 5th December, 2023

NOTIFICATION

NO.SO (MC) E&SED/4-16/2023/PT/ASDEOs In light of Service Tribunal Judgment dated 03.11.2023 in Service Appeal No. 1403/2023, the following posting/ transfer of SDEOs are hereby ordered with immediate effect, in the best public interest.

S#	Name	From	To	Remarks
1	Mst. Nighat Shaheen (MC BS-17)	SDEO (F) Parova D.I.Khan	SDEO (F) Tank	V.S.No.2
2	Mst. Sonia Nawaz (MC BS-17)	SDEO (F) Tank	SDEO (F) Paharpur D.I.Khan	V.S.No.6
3	Noreen Saba (MC BS-17)	SDEO (F) Hangu.	SDEO (F) Jandola Tank	V.S.No5
CONSEQUENTIAL POSTING/ TRANSFER				
4	Mst. Sobia Tabassum (MC BS-17)	SDEO (F) D.I.Khan	SDEO (F) Parova D.I.Khan	V.S.No.1
5	Mst. Samina Shehnaz (MC BS-17)	SDEO (F) Jandola Tank	SDEO (F) D.I.Khan	V.S.No.4
6	Shamshad Bibi (MC BS-17)	SDEO (F) Paharpur D.I.Khan	SDEO (F) Ghazni Khel Lakki Marwat	AVP

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 Officer concerned.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

(Handwritten signature)

111 / 5-12-2023
(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

10



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 27th May, 2024

NOTIFICATION

NO.SO(MC)E&SED/4-16/2024/PT/SDEOs/DIK: The following postings / transfers are hereby ordered in relaxation of ban, with immediate effect, in the best public interest: -

Sr. No	Name of officer	From	To
1.	Mst. Arzo Jamil (MC BS-17)	SDEO (Female) Sarai Naurang, Lakki Marwat	SDEO (Female) Parova, D.I.Khan V.Sr.No.2
2.	Mst. Sobia Tabassum (MC BS-17)	SDEO (Female) Parova, D.I.Khan	Report to Directorate of E&SE

**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. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officer (F), D.I.Khan/Lakki Marwat.
5. District Account Office, D.I.Khan/Lakki Marwat.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

Handwritten signature

Handwritten signature
(JANBAZ AHMED)
SECTION OFFICER (Management Cadre)

POWER OF ATTORNEY/VAKALATNAMA

(4)

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

Sobia Tassanum

VERSUS

Edhi Dept

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.

[Signature]
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
[Signature]
Signatures