

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No.1049/2024


Bakht Zia W/O Latif Ur Rehman SPET Government Girls High School
WarsakDirLower (Appellant)

Versus

1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar,
and one other. (Respondents)

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Deponent

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15069

Dated 19/8/24

Service Appeal No.1049/2024

Bakht Zia W/O Latif Ur Rehman SPET (BPS 16) Government Girls High School
Warsak Dir Lower. (Appellant)

Versus

1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar,
and one other. (Respondents)

JOINT PARA WISE REPLY ON BEHALF OF RESPONDENT No.1, 2.

Respectfully sheweth: -

PRELIMINARY OBJECTIONS

1. That the Appellant is not the "aggrieved" person with the meaning of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.
2. That the Appellant has got no cause of action /locus stand to file this service appeal because the Appellant did not come on merit.
3. That the Appellant has not come to this Honorable Tribunal with clean hands rather than the instant service appeal is mainly based on malafide intentions just to put pressure on the respondent department for illegal Transfer.
4. That the Appellant is estopped by his own conduct.
5. That the instant service appeal suffers from laches, hence not maintainable in the present form.
6. That the service appeal in hand is badly barred by the relevant provision of Law/Rules/Policy in Field.

ON FACTS

1. Para -1 of the facts pertains to record.

2. Para -2 of the facts pertains to record.

3. Para -3 of the facts pertains to record, however to the extent of the filing of application of the appellant regarding mutual transfer it is stated that at that time

ban was imposed for all kind of transfer that's why her application was not considered. (Copy of the notification regarding ban is attached as "A")

4. Para-4 of the facts is incorrect and further stated that the respondent No,2 being the competent authority transferred Mst. Seema Ghufan PET from GGMSGarra to GGISS NagraiPayeen, wherein, the appellant was also transferred from GGHS Warsak to GGHS NagraiPayeen to the post of SS Urdu, However, it was observed that the appellant was recently promoted to the post of SPET BPS-16 and was in her probation period as well as was transferred against wrong post by incompetent authority, that's why transferred order of the appellant as well as of Mst. Seema -Ghufan was withdrawn vide order dated 01/07/2024. Here it is pertinent to mention here that the teacher namely Seema Ghufan filed a departmental appeal against withdrawn order dated 01-07-2024, which was accepted and she (Mst. Seema Ghufan) was retained at GGHS NagraiPayeen while the appellant had not filed any departmental appeal against the withdrawn order dated 01-07-2024, so the appellant was retained as SPET BPS-16 at GGHS Warsak.

(Copy of the transfer order dated 14-06-2024 is attached as "B", Copy of the withdrawn of transfer order dated 01-07-2024 is attached as "C", Copy of the notification dated 01-08-2024 is attached as "D").

5. Para -5 of the facts is incorrect, and further stated that the appellant was transferred vide order dated 14-06-2024, while her transfer order was withdrawn vide order dated 01-07-2024, wherein in the departmental appeal which also pertains to record if filed vide order dated 27-06-2024

6. Para-6 of the facts is incorrect; details have been submitted in the foregoing Para's.

7. Para-7 of the facts is incorrect; details have been submitted in the foregoing Para's.

GROUNDS

A) Incorrect and not admitted. The stand of the Appellant is without any moral and legal justification on the grounds that the appellant has been treated as per law and policies.

B) Incorrect hence denied, detail has been submitted in the facts above.

C) Incorrect hence denied, detail has been submitted in the facts above.

D)Incorrect hence denied. The post of SPET BPS-16 at GGHSS Nagrai is filled. In which Mst.SeemaGhufran is serving.

(Copy of the pay slip of Seema Ghufan is attached as "E").

E) Incorrect hence denied, detail has been submitted in the facts above.

F)Incorrect hence denied, detail has been submitted in the facts above.

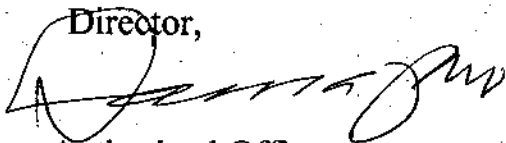
G)Incorrect hence denied, detail has been submitted in the facts above.

H)Incorrect. In fact, the GGHS Warsak is the nearest station to the appellant abode.

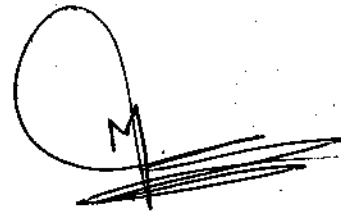
I)Legal, however, the respondents also seek permission to additional grounds/case laws during arguments on the date fixed.

It is, therefore, humbly prayed that on acceptance of the above submission, the instant time barred Service Appeal may very graciously be dismissed in favor of the answering respondents with cost.

(SaminaAltaf)
Director,



Authorized Officer
AbdusSamad
E&SE Khyber Pakhtunkhwa Peshawar
Respondent No.1



(MehrunNisa)
District Education Officer (F)
DirLower.
Respondent No. 2

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No.1049/2024

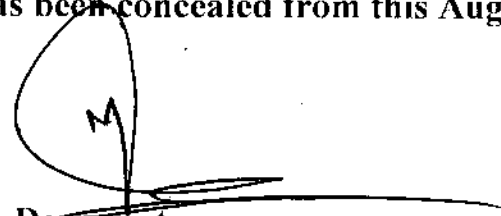
Bakht Zia W/O Latif Ur Rehman, SPET Government Girls High School,
Warsak Dir Lower. (Appellant)

Versus

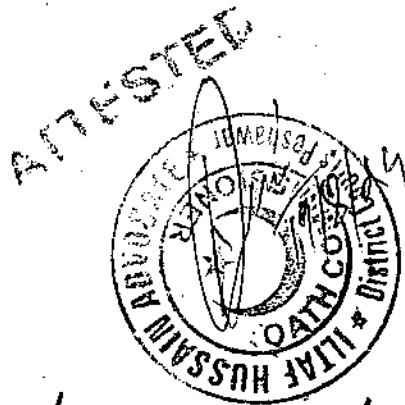
1. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar,
and one other. (Respondents)

Affidavit

I, Mehrun Nisa DEO (F) Dir Lower hereby solemnly affirm and declare that contents of the accompanying para wise reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.



Deponent
Mehrun Nisa



It is further stated on oath that in this appeal, the answering respondent neither has been placed ex-parte nor their defence has been struck off/cont.

AUTHORITY LETTER

I, **MehrunNisa**, District Education Officer Female Dir Lower do hereby authorized Mr.**Muhammad Haroon Khan ADEO**o/o the DEO (F) DirLower to submit the comments /reply in Service Appeal No.1049/2024, Title:Bakht Ziav/s Director E&SE Peshawar and one other, hence an authority letter is hereby issued in favor of the above named officer.

A handwritten signature in black ink, consisting of a large, stylized loop on the left and a horizontal line extending to the right, with a small 'M' written inside the loop.

(MehrunNisa)
District Education Officer (F)
Dir Lower
Respondent No. 2



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 011-4271533 Email: sachoo1male@gmail.com



Peshawar Dated 22.03.2024

NOTIFICATION

6

NO.SO(S/ME&SED/Mis/11-1/2024: The Competent Authority is pleased to impose complete ban on all kinds of posting/ transfers in Elementary & Secondary Education Department with immediate effect and till further orders, except the posting/adjustment orders to be made in connection with:

1. Appointment through Public Service Commission
2. Promotions through PSB or DPCs.
3. Court cases.

SECRETARY
TO GOVT OF KHYBER PAKHTUNKHWA

Ends: of even No. & Date

Copy forwarded to the:

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.

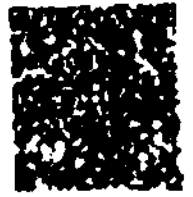
Section Officer (Litigation-03)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

(NAVEED ULLAH SHAH)
DEPUTY SECRETARY (ESTABLISHMENT)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 011-9223431 Email: eschoolmale@gmail.com



Peshawar Dated 03.06.2024

NOTIFICATION

(7) (6)

NO.SO(S/ME&SED/MI/11-1/2024) The ban imposed on postings/transfers through this Department Notification of Even Number Dated 22.03.2024 is hereby lifted w.e.f 04.06.2024 till further orders in the best public interest

SECRETARY
TO THE GOVT OF KHYBER PAKHTUNKHWA

Ends: of even No. & Date

Copy forwarded to the:

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.

Section Officer (Litigation-IV)
Elementary & Secondary Education
Govt. of Khyber Pakhtunkhwa

(NAVEED ULLAH SHAH)

DEPUTY SECRETARY (ESTABLISHMENT)

03/06/24

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

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

No. 091-9223533 Email: education@kpk.gov.pk



Dated Peshawar the 29th June, 2024

NOTIFICATION

NO.SOS/MPA&SD/Gen:116/11-174:- Consequent upon the commencement of Academic

Session, the Competent Authority is pleased to impose complete ban on all kinds of posting/transfers of Teaching and supporting staff in Elementary & Secondary Education Department in large interest of the students with immediate effect and till further orders, except the posting/adjustment orders to be made in connection with:-

1. Management Cadre.
2. Appointment through Public Service Commission.
3. Promotion through PSB or DPCL.
4. Mutual transfer.
5. Court Cases.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA

EASE DEPARTMENT.

Ends: Item No. & Date

Copy forwarded to the:

1. PS to Minister for EAS&SD Department.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director, EAS&SD Khyber Pakhtunkhwa, Peshawar.
4. The Director, EMIS EAS&SD Department.
5. All District Education Officers (Male/Female) Khyber Pakhtunkhwa.
6. District Accounts Officer Khyber Pakhtunkhwa.
7. PS to Secretary EASE Department.
8. PS to Special Secretaries (Estab/Develop) EASE Department.
9. PA to Additional Secretaries (Gen/Estab) EASE Department.
10. PA to Deputy Secretary (Estab) EASE Department.
11. PA to Deputy Secretary (Admin) EASEB Department.
12. Master File.

29/06/2024

**(NAVEED ULHAQ SHAH)
DEPUTY SECRETARY (ESTABLISHMENT)**

**Section Officer (Investigation-IV)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa**

(Handwritten signature)

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA

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Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Edu. Dept.
Sechen Officer (Timergara-M)

DISTRICT EDUCATION OFFICER (F)
DIST: LOWER DIR AT TIMERGARA

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer Lower Dir.
3. District Accounts Officer Lower Dir.
4. Principal / Head Mistress concerned.
5. Accountant local office.
6. Teacher concerned.

Copy of the above is forwarded for information to the:

Endst No: 2016-211 Dated Timergara the 14/06/2024.

(MEHRUN NISA)
DISTRICT EDUCATION OFFICER (F)
DIST: LOWER DIR AT TIMERGARA

- 1.No TA/DA is allowed.
- 2.charge report should be submitted to all concerned.
- 3.In case of arrival of the original teacher of the post, then the post should be vacated.

Note:

Mst: Bakht Zia SPET, GHS Warsak, is hereby transferred to GHS Nagrai Payeen, against the vacant post of SS(Urdu), in the interest of public service with immediate effect.

OFFICE ORDER.



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
DISTRICT LOWER DIR AT TIMERGARA

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
DISTRICT LOWER DIR AT TIMERGARA

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OFFICE ORDER.

This office order issued against SS/Head Mistresses in respect of the following SSTs are hereby cancelled / with drawn in the best interest of public.

S#	Name of teacher with designation	From	Name of school where adjusted	Order Endst: No. & date
1	Kawsar Bibi SST(G)	GGHS Makhai	GGHSS Nagri (P) against SS(Eng)	Endst: No. 2011-15 dated 14-06-2024
2	Bakht Zia SPET	GGHS Warsak	GGHSS Nagri (P) against SS(Urdu)	Endst: No. 2016-21 dated 14-06-2024
3	Rozina SST(G)	GGMS Toorqila	GGHSS Ziarat against SS(PS)	Endst: No. 2027-32 dated 14-06-2024

Note:

- 1.No TA/DA is allowed.
- 2.charge report should be submitted to all concerned.

(MEHRUN NISA)
DISTRICT EDUCATION OFFICER (F)
DISTT: LOWER DIR AT TIMERGARA.

Endst No: 2217-211 Dated Timergara the 01/07/2024.

Copy of the above is forwarded for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer Lower Dir.
3. District Accounts Officer Lower Dir.
4. Principals/Head Mistresses concerned.
5. Teacher concerned.

DISTRICT EDUCATION OFFICER (F)
DISTT: LOWER DIR AT TIMERGARA.

Section Officer (Litigation-IV)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

Dist. Govt. NWFP-Provincial
District Accounts Office Dir of Tiragar
Monthly Salary Statement (July-2024)

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Personal Information of Mr SEEMA GHUFRAN d/o of GHUFRAN
Personnel Number: 00919395 CNIC: 1530239277742
Date of Birth: 01.03.1994 Entry into Govt. Service: 24.04.2019

NTN:
Length of Service: 05 Years 03 Months 009 Days

Employment Category: Active Temporary
Designation: SENIOR PHYSICAL EDUCATION
DDO Code: DAC087-GGHSS NAGRAI PAYEEN
Payroll Section: 001
GPF A/C No
Vendor Number:
Pay and Allowances:

SD001478-DISTRICT GOVERNMENT KHYBE
Cash Center:
GPF Balance: 69,950.00

Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 5

Wage type		Amount	Wage type		Amount
0001	Basic Pay	33,820.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 200%	2,556.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER BPS (1-15)	1,000.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Rel All 15% 2022KP	3,016.00	2317	Adhoc Rel All 15% 22(P517)	3,017.00
2378	Adhoc Relief All 2024 25%	11,141.00	2393	Adhoc Relief All 2024 25%	8,455.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3534	R. Ben A. Death Camp Fresh	-600.00	3609	Income Tax	-809.00
3990	Emp. Prol. Fund NPK	-135.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 12,933.55 Recovered till July-2024: 809.00 Exempted: 3232.70 Recoverable: 8,891.85

Gross Pay (Rs.): 71,556.00 Deductions: (Rs.): -7,034.00 Net Pay: (Rs.): 64,522.00

Payee Name: SEEMA GHUFRAN
Account Number: 258622674
Bank Details: UNITED BANK LIMITED, 210030 UBL TALASH DISST DIR PAYAN UBL TALASH DISST DIR PAYAN, DIR PAYAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: DIR LN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: City: Email:

PRINCIPAL
GGHSS Nagrai Payeen
Distt Dir (L)

Section Officer (Litigation)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa