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## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO \_\_\_\_\_

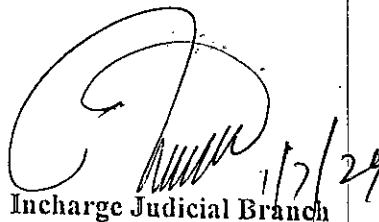
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Mst shakeen vs Education

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 Muharir Compilation 11/7/24

  
 Incharge Judicial Branch 11/7/24

ORDER

No. PD/S&L/IT/4-2/APP:TEACHERS/2004. On the recommendation of Departmental Selection Committee, Government of NWFP, the competent authority in Schools & Literacy Department has been pleased to order the appointment of the following male candidates as Lab: Incharges in the schools noted against each in BPS-7 (Rs. 2220-120-5820) plus usual allowances as admissible under the rules with immediate effect. These appointments are purely on contract bases.

SNo	Roll No	Name	Father Name	U/Council	School Name	Based on
<b>District: ABBOTTABAD</b>						
1	2134	CH.ARSHAD MEHMOOD	CH. MOHAMMAD SADAQUE	ABBOTTABAD	GHS RAJOIYA	TEH: 1
2	2137	SARDAR MUHAMMAD AYAZ	SARDAR GUL ZAMAN	NAMBLI MAIRA	GHS CHANDO MAIRA	TEH:
3	2136	SHAHID JAMIL KHAN	MUHAMMAD YOUNIS	NAWAN SHEHR	GHS BANDIAN DHUNDAN	TEH:
<b>District: BANNU</b>						
1	1076	FARMANULLAH KHAN	HAKHEEM KHAN	CITY I	GHS B.A KHAN	TEH:
2	1217	MEHBOOB ALAM	BANAT KHAN	FATIMA KHEL	GHS SHAHBAZ AZMAT KHEL	TEH:
3	1129	NOOR SAEED KHAN	PAYAO JAN	GHORIWALLA	GHS GHORIWALA	UC
<b>District: BUNNER</b>						
1	0983	AMJAD ALI	SARDAR ALI	TOTALAI	GHSS TOTALAI	UC
<b>District: CHARSADDA</b>						
1	1950	NOOR UL HUSSAIN	HUSSAIN KHAN	MATTA MAGHUL KHEL	GHS HAJI ZAI	TEH:
2	3555	KAMRAN ALI	ISMATULLAH	TANGI	GHS NO.1 TANGI	UC
3	1814	ZIA JAN	SULTAN MUHAMMAD	TARNAB	GHS IBRAHIM ZAI	TEH:
4	1675	ZIA UD DIN	NASIR UD DIN	UTMANZAI	GHSS NISATTA	TEH:
<b>District: CHITRAL</b>						
1	2242	RASHID UL GHAFOOR	SYED GHAFOOR	CHITRAL	GHSS DROSH	TEH:
<b>District: DI KHAN</b>						
1	2017	NADEEM IRFAN	ABDURREHMAN	DEWALA	GHS NO.2 PAHARPUR	TEH:
2	1717	MOHAMMAD IMRAN KHAN	FAZALUR REHMAN KHAN	KULACHI	GHS NO.1 KULACHI	UC
3	1847	MOHAMMAD IQBAL	MOHAMMAD RAMZAN	MURYALI	GHSS DRABAN KALAN	TEH:
4	1884	MUNIR HUSSAIN	ABDUL RASHID	NO.4 D.I.KHAN	GHS PANIALA	TEH:
5	4301	SAEED AHMAD	Basheer Ahmed	PAROA	GHSS PAROA	UC
<b>District: DIR LOWER</b>						
1	1197	MUHAMMAD SHAKIL	BAZIR KHAN	BADWAN	GMMS TIMERGARA	TEH:
2	1103	sharif khan	khamin khan	BALAMBAT	GHSS KHANPUR	TEH:
3	1362	QAISER KHAN	SHAHREYAR KHAN	BANDAGAI TALASH	GHSS LAL QILLA	TEH:
4	1452	ARIF WASEEM	SAHIVZADA ABDULLAH	ouch	GHSS OUCH	UC
<b>District: HARIPUR</b>						
1	1086	OBAD ULLAH ASGHAR	HAFIZ UR REHMAN	DHEENDA	GHS SARRI	TEH:
2	1107	KHYBER ZAMAN	NAZAR MUHAMMAD	HARIPUR	GHS HARIPUR NO. 2	TEH:
3	2124	ZUBAIR KHAN	CHAU: MUHAMMAD KHAN	MANKARA	GHS K.T.S NO. 2	TEH:
4	1152	YASIR SHAHZAD	SHOUKAT NAWAZ	PANDAK	GHS GHAZI	TEH:
5	1226	ZAFAR ALI	MISKIN ALI	SARAI SALEH	GHS KALENJER	TEH:
<b>District: KARAK</b>						
1	1289	SALEEM KHAN	MUHAMMAD ZALI	MIANKI BANDA	GHS KHOJAKI KILLA	TEH:
2	1306	LAIQ UR REHMAN	SATI JAN KHAN	MIANKI BANDA	GHS GANDARI KHATTAK	UC
3	1347	ATIF GUL	umar khilali gull	BABIR ABAD	GHS BABIR ABAD	UC

16.05.2024 1. Appellant in person present. Mr. Arshad Azam; Assistant Advocate General alongwith Miss Sajida, Head Master for official respondents No. 1 & 2 present.

2. Reply/comments on behalf of official respondents have already been submitted. Notice has not been issued to private respondent No. 3 due to non-depositing of TCS expenses, therefore, appellant is again directed to deposit TCS expenses within three days. Adjourned. To

SCANNED  
MPT  
Peshawar

come up for reply/comments as well as preliminary hearing on 04.06.2024 before S.B. P.P given to the parties.



(Muhammad Akbar Khan)  
Member (E)

\*kamran\*

04.06.2024 01. Counsel for the appellant present. Mr. Arshad Azam, Assistant A.G for the official respondents present.

02. Learned counsel for the appellant stated that the appellant does not want to pursue the instant appeal and requested for its withdrawal. As a token of admission of his submission, he signed the margin of order sheet. The appeal is, therefore, dismissed as withdrawn. Consign.

(see back pg)

SCANNED  
MPT  
Peshawar

03. *Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 04<sup>th</sup> day of June, 2024.*




(FAREEHA PAUL)  
Member(E)

\*Fazle Subhan, P.S\*

2.04.2024 1. Husband of the appellant present on behalf of appellant. Mr. Umair Azam learned Assistant Advocate General for the respondents present.

2. Written reply on behalf of respondents are still awaited. Learned AAG sought further time for submission of written reply. Absolute last chance is given. To come up for written reply/preliminary hearing on 03.05.2024 before S.B. P.P given to parties.

SCANNED  
KPST  
Peshawar


  
(Rashida Bano)  
Member (J)

Kaleemullah

03.05.2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the official respondents present. Nemo for private respondent No. 3 present.

2. Written reply on behalf of official respondents received through office which is placed on file. A copy of the same is handed over to learned counsel for the appellant. Notice be issued to the respondent No. 3 through TCS, the expensed of which be deposited by the appellant. To come up for written reply/preliminary hearing on 16.05.2024 before S.B. P.P given to parties.

TCS Expenses  
Not Submitted

  
(Rashida Bano)  
Member (J)


Kaleemullah

AMBUSO  
LSON  
AMBUSO

3

26<sup>th</sup> Mar. 2024

1. Learned counsel for the appellant present.
2. Let the reply of official respondents be received, and notice be given to the other side. Mr. Arshad Azam, Assistant Advocate General present in the Court, is directed to contact the official respondents for submission of reply. To come up for reply/preliminary hearing on 04.04.2024 before S.B.P.P given to the parties.


  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

04.04.2024

01. Counsel for the appellant present. Mr. Arshad Azam, Assistant A.G alongwith Mst. Sajida, Litigation Officer for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents requested for some time to submit reply alongwith adjustment order of the appellant. Granted. To come up for reply/comments as well as preliminary hearing on 22.04.2024 before the S.B. PP given to the appellant.

  
(Fareeha Paul)  
Member(E)

\*Fazle Subhan, P.S\*

SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar

13.02.2024

Learned counsel for the appellant present and sought some time for preparation of brief. Granted. To come up for preliminary hearing on 27.02.2024 before the S.B. Parcha Peshi given to learned counsel for the appellant.

SCANNED  
KPST  
Peshawar

\*Naeem Amin\*

27.02.2024

Husband of the appellant on behalf of the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 12.03.2024 before S.B. P.P given to husband of the appellant.

SCANNED  
KPST  
Peshawar

\*Kamranullah\*


12.03.2024


Mr. Malik Inayatullah Khan, husband of the appellant alongwith learned counsel for the appellant present.


Learned counsel for the appellant stated that time may be granted for placing on file copies of the impugned orders dated 16.09.2023 as well as 28.09.2023. He may do so within a week and to come up for preliminary hearing on 26.03.2024 before the S.B. Parcha Peshi given to husband of the appellant.

SCANNED  
KPST  
Peshawar

\*Naeem Amin\*

  
(Salah-ud-Din)  
Member (J)

  
(Muhammad Akbar Khan)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

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FORM OF ORDER SHEET

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

Appeal No. 159/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3

1- 18/01/2024

The appeal of Mst. Shaheen resubmitted today by Mr. Muhammad Iqbal Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 29-01-24. Parcha Peshi is given to counsel for the appellant.


SCANNED  
KPST  
Peshawar

By the order of Chairman

  
REGISTRAR

29.01.2024 Husband of the appellant present on behalf of appellant and requested for adjournment on the ground that learned counsel for the appellant is busy before Worthy Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing on 13.02.2024 before S.B. P.P given to husband of the appellant

SCANNED  
KPST  
Peshawar

  
(Rashida Bano)  
Member (J)

(8)

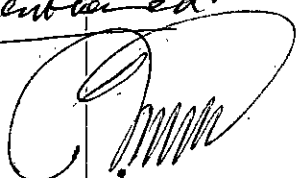
This is an appeal filed by Mst. Shaheen today on 16.11.2023 against the order dated 16.9.2023 against which she made/preferred departmental appeal/representation on 16.10.2023 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down 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 action and also removing the following deficiencies.

- 1- Address of appellant is incomplete which may be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of appeal is not signed by the appellant.
- 3- Copy of departmental appeal dated 16.10.2023 mentioned in the memo of appeal is not attached with the appeal be placed on it.
- 4- All the annexures of the appeal are illegible which may be replaced by legible/better one.
- 5- Annexures of the appeal are unattested.
- 6- Wakalat nama in favour of appellant be placed on file.
- 7- Chamber/gmail address and contact number of the counsel engaged is not mentioned on the index of the appeal.
- 8- 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. 3616 /ST/19 ~~section of law is not mentioned.~~

Dt. 17-11-2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M. Iqbal Mohmand Adv.  
ASC.

23.11.2023 :- Resubmitted after compliance.

28.11.2023 Resubmitted after compliance  
Appal filed Under 3 Services Act 1973  
Section 4 ~~Law~~ M. Iqbal ASC



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BEFORE THE HON'BLE  
SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR

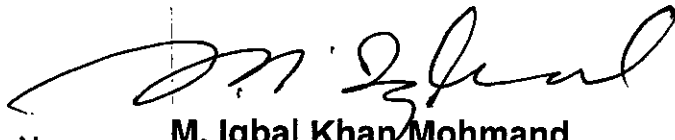
**CHECK LIST**

S. No.	Contents	Yes	No
1	This petition has been presented by:	/	
2	Whether Counsel / Petitioner / Respondent / Deponent have signed the requisite documents?	✓	
3	Whether the enactment under which the case / petition is filed mentioned?	✓	
4	Whether the enactment under which the case / petition is filed is correct?	✓ Suo mud pet	
5	Whether affidavit is appended?		
6	Whether affidavit is duly attested by competent Oath Commissioner?	/	
7	Whether petitioner/annexure are properly paged?	/	
8	Whether annexures are certified?	/	
9	Whether certificate regarding filing any earlier appeal/petition non the subject, furnished?		
10	Whether annexure are legible?	/	
11	Whether annexure are attested?	/	
12	Whether Special Power of Attorney Filed?	/	
13	Whether Special Power of Attorney attested?		
14	Whether copy of application is delivered to A.G./D.A.G.?	/	
15	Whether Appeal, Revision application is within time?	/	
16	Whether value for the purpose of court fee and jurisdiction given in the relevant column of the opening sheet is correct?	/	
17	Whether Power of Attorney of the Counsel engaged is attested and signed by all petitioners/appellants/respondents?	✓	
18	Whether complete spare copy is filed in separate file cover?	✓	
19	Whether numbers of referred cases given/are correct?		
20	Whether petition being sent by post?		/
21	Whether appeal/petition contains cuttings/overwriting?		/
22	Whether appeal/revision/writ petition is competent?		
23	Whether list of books has been provided at the end of the petition?		/
24	Whether case related to this Court?		
25	Whether case related to this Bench?		
26	Whether petition drafted by a competent person?	/	
27	Whether name of Jail in which appellant/petitioner/respondent is confined given?		
28	Whether copies of annexures are readable/clear?	/	
29	Whether Court Fee stamps affixed?		
30	Whether Court Fee stamps annexed are sufficient?		
31	Whether certified copies of impugned order/decreed sheet before District Judge have been filed?		

32	Whether in view of Order 43 Rule 3 CPC / Rule 2(3) Chapter-4-1, Vol: V of High Court Rules & Orders, Notice along with copy of appeal/petition and annexures has been sent to respondents?
33	Whether Judicial Officer whose orders are challenged mentioned at the bottom of the panel of respondents?
34	Whether index filed?
35	Whether index is correct?
36	Whether copies of comments/reply/rejoinder provided to opposite party?
37	Whether addresses of parties given are complete?
38	Whether addresses of parties are complete?
39	Whether list of LRs of petitioner filed?
40	Whether copy of list of LRs of respondents as filed before Courts below or, if not, a certificate to this effect attached?
41	Whether opening sheet filed?
42	Whether opening sheet is correct / complete?
43	Whether approved file cover used?>
44	Whether separate application filed for each prayer?
45	Whether separate request has been made for interim relief in writ petition?
46	Whether security of Rs. 10,000/- deposited with review petition?
47	Whether review petition filed and certified by the Advocate who had argued the case resulting into order review of which is sought?
48	Whether purpose of the document filed explained?
49	Whether respondents sued by name in the CoC?

✓	
✓	
	✓

It is certified that formalities/documentation as required in the above table have been fulfilled.

  
Name: M. Iqbal Khan Mohmand

Cell No: 0333921684

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_

Dated: 15th November, 2023

(9)

BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR

SCANNED  
KPST  
Peshawar

Service Appeal No. 159 /2023

Mrs. Shaheen

(Appellant)

**VERSUS**

District Education Officer (Female) Nowshera etc.

(Respondents)

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Through

Appellant

*M. Iqbal Khan*  
M. Iqbal Khan  
ASC

Office No. 9, 2<sup>nd</sup> floor,  
Cantonment Building, Fakhare-  
Alam Road, Peshawar Cantt  
Cell No. 0333-9216848

Address :

*17201-2227704-9*  
Dated: 15.11.2023

cell No 03119685961

15-11-2023  
Shaheen w/o Yaqubullah

(10)

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**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 159 /2023 Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9177

Dated 16/11/2023

**Mrs. Shaheen W/o Inayat Ullah**

PSHT Govt. Girls Primary School Kariri (BPS-15) Distt: Nowshera

R/o Kariri, Taru Jabba, Tehsil Pabbi, District Nowshera

(Appellant)

**VERSUS**

- 1) District Education Officer (Female) Nowshera
- 2) Director Education, Khyber Pakhtunkhwa, Peshawar
- 3) Tayyaba Akhtar D/o Khalid Khan, PSHT Govt. Primary School Kariri Taru Jabba, Pabbi Nowshera

(Respondents)

~~Filed to day~~  
16/11/23  
Registrar

Service Appeal Under Section 4 (KPK)  
service Tribunal Act 1974 against the order  
of respondent No. 1 dated 16.09.2023.

**Prayer:**

On acceptance of the instant appeal, the  
impugned order dated 16.09.2023 may kindly

Re-submitted to day  
and filed  
Registrar  
16/11/23

(11)

(2)

**be declare illegal, unlawful as respondent No. 1 already passed another order on 28.09.2023 after 12 days and held in abeyance office order dated 16.09.2023.**

**Respectfully Sheweth,**

Facts giving rise to the present appeal are as under:

- 1) That petitioner was on duty in BPS-15 ad Head Mistress in Govt. Primary School Kariri Taru Jabba, Tehsil Pabbi, District Nowshera while respondent No. 3 was in BPS-14 in the same school.
- 2) That respondent No. 3 approached political person and respondent No. 1 promoted respondent No. 3 while no vacant post was available in school even she was not eligible for the post of BPS-15 in the same school and even not created another new post in same school.
- 3) That the post of Head Mistress in BPS-15 was not vacant and both petitioner and respondent No. 3 was working on the same post of Head Mistress in the same school which is illegal and against norms of justice. *Copy is attached Annex "A"*

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- 4) That the respondent No. 1 realized that the impugned order is illegal and contrary to law hence she (respondent No. 1) passed another order within a week on 28.09.2023 and held in abeyance the office order Endst No. 55-62 dated 16.09.2023. (Copy of order is attached) Annex <sup>2</sup> B
- 5) That the petitioner is still working as Head Mistress as BPS-15 in the same school and respondent No. 3 has not taken charge both are in the same school and respondent No. 1 directed petitioner to continue her duty as Head Mistress in the same school. Both the orders are illegal and contrary to law and against norms of justice.
- 6) That there is no single complaint against petitioner and even petitioner husband has donated the land for the said school.
- 7) That petitioner remained in rural area from 2013 to 2019 in Cherat School in BPS-15 and now transferred native village Taru Jabba and nobody has lodged any complaint against petitioner.
- 8) That DPC of respondent No.3 was prepared for promotion in the year 2015 in year 2019 and in the

13

14

year 2021 but she refused to take promotion in BPS-15 and forego right of promotion.

- 9) That the respondent No. 3 was promoted not on vacant post and violated the rules as only promotion are on the basis of vacant post while both petitioner and respondent No. 3 are working on one post as Head Mistress in BPS-15 which is illegal, contrary to law and rules.
- 10) That it is common practice promotions are based on vacant posts in different schools but respondent No. 1 promoted respondent No. 3 on political basis and violated rules and procedure when it was realized to respondent No. 1 passed an order held and abeyance which is liable to be cancelled order dated 16.09.2023 in the light of subsequent order dated 28.09.2023.
- 11) That petitioner has already file application appeal on 16.10.2023 before Director Education KPK. (Copy of letter dated 16.10.2023 is attached which is still pending hence petitioner file the present appeal before this hon'ble tribunal. Annex <sup>16</sup> 14
- 12) That the petitioner is in advanced age and

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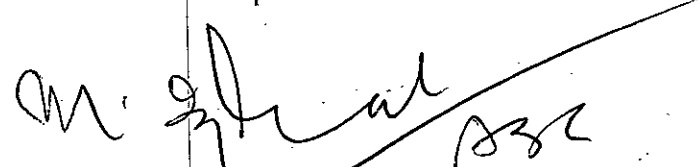
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suffering from back bone injury and performing duty in village with the entire satisfaction of whole village and surrounding area parents of students are quite satisfied from petitioner service as Head Mistress in said school which are in the best interest of public.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned order dated 16.09.2023 No. 55-62 of respondent No. 2 may kindly be cancelled and order dated 28.09.2203 as held in abeyance may be regularized in field in the interest of justice.

  
Appellant

Through

  
**Muhammad Iqbal Khan Mohmand**  
ASC

Dated: 15.11.2023



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6

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

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

Mrs. Shaheen

\_\_\_\_\_ (Appellant)

**V E R S U S**

District Education Officer (Female) Nowshera etc.

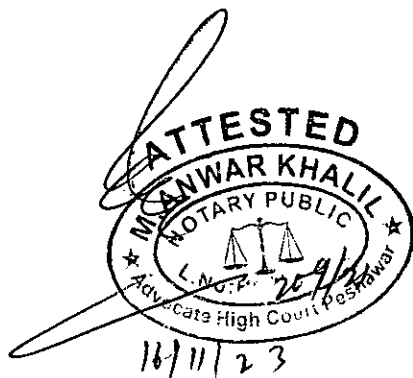
\_\_\_\_\_ (Respondents)

**AFFIDAVIT**

I, Malik Inayat Ullah Khan S/o Malik Muhammad Yousaf, resident of Malkan, Taru, P.O. Taru Jaba, Tehsil & District Nowshera (Attorney Holder), do hereby solemnly affirm and declare on Oath that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble tribunal.

Deponent

  
\_\_\_\_\_  
**Malik Inayat Ullah Khan**  
CNIC No. 17201-2227704-9



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7

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

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

**Mrs. Shaheen**

\_\_\_\_\_  
(Appellant)

**V E R S U S**

District Education Officer (Female) Nowshera etc.

\_\_\_\_\_  
(Respondents)

**Application for the grant of Status Quo**

**Respectfully Sheweth,**

- 1) That the petitioner has filed appeal in tis hon'ble tribunal today in which no date has yet been fixed.
- 2) That the petitioner is still working as Head Mistress in BPS-15 in Govt. Primary School Kariri, Taru Jabba, Pabbi, District Nowshera.
- 3) That respondent No. 1 passed transfer order of petitioner on 16.09.2023 but subsequently passed another order on 28.09.2023 and 1<sup>st</sup> order held in abeyance inadvertently. (Copies of both the orders are attached)

- 4) That petitioner has got strong case and likely chances for success and balance of conveyance is also in favour of the petitioner.
- 5) That impugned order already suspended and held in abeyance on 28.09.2023 and petitioner is still working on her seat as Head Mistress, if respondent No. 1 remove her from the same seat, there will be irreparable loss to the petitioner and her reputation will be damaged. (Affidavit is attached)

**It is, therefore, most humbly requested that grant of status quo order in the above subject matter till the decision of this appeal in the best interest of justice.**

*ABR*

Petitioner / Appellant

Through

*M. Iqbal*

**M. Iqbal Mohmand**

ASC Ce DND 0333921684

*ABC*

Dated: 15.11.2023

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**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

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

**Mrs. Shaheen**

\_\_\_\_\_(Appellant)

**VERSUS**

District Education Officer (Female) Nowshera etc.

\_\_\_\_\_(Respondents)

**AFFIDAVIT**

I, Malik Inayat Ullah Khan S/o Malik Muhammad Yousaf, resident of Malkan, Taru, P.O. Taru Jaba, Tehsil & District Nowshera (Attorney Holder), do hereby solemnly affirm and declare on Oath that the contents of the Status Quo Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble tribunal.

Deponent

**Malik Inayat Ullah Khan**  
CNIC No. 17201-2227704-9



18  
BETTER COPY

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

0923-9220105, 0923-9220105  
Deofnowshera@gmail.com

A

10

**Notification:**

Consequent upon recommendation of the Departmental Promotion Committee (DPC), the following Female Senior Primary School Teachers (SPSTs) BPS-14 are hereby promoted to the post Primary School Head Teachers (PSHTs) in BPS-15 (23920-1980-83320) plus usual Provincial Government, in Teaching cadre on the terms and conditions given below with immediate effect and further posted in the schools noted against each:-

S.No	Name of School	Name of Teacher	Father Name	Place of Posting	Remarks
1.	GGPS Baghban Pura	Basmeena	Muhammad Aslam Khan	GGPS Usman Abad	A.V.P
2.	GGPS No. 02 Chowki Drub	Mumtaz Begum	Ghulam Mihdi	GGPS Chowki Drub	In Same School
3.	GGPS Azakhel Payan No. 1	Farhat Jehan	Lal Jahan	GGPS Arif Abad	A.V.P
4.	GGPS Akora No. 1	Sajida Mukhtiar	Mukhtiar Ahmad	GGPS Hassan Dara	A.V.P
5.	GGPS Ali Garh	Saira Noreen	Ali Akbar	Mali Khel Payan	A.V.P
6.	GGPS No. 1 Pabbi	Sarhad Begum	Abdul Wahab	GGPS Noor Abad Jabba	A.V.P
7.	GGPS Mughalbaz Shaidu	Naheed Akhtar	Zarshad Khan	GGPS Jabbi Dheri	A.V.P
8.	GGPS Shaidu Tekadaran	Shahzadi Attiq	Satar Khan	GGPS Charpani	A.V.P
9.	GGPS Ali Garh	Faiza Quraishi	Nazeer Ahmad	GGPS Hawaii	Vice S.No. 02
10.	GGPS Pir Pai No. 03	Latif Begum	Fazal Khan	GGPS Lakari	A.V.P
11.	GGPS Aman Garh	Zaibuh Nisa	Muhammad Asghar	GGPS Sheikhi Banda	A.V.P
12.	GGPS Kareri	Tayyaba Akhtar	Khalid Khan	GGPS Kareri	Vice S.No. 01
13.	GGPS Kahi No. 2	Yasmeen Begum	Gulab Sharif	GGPS Aso Khel	A.V.P
14.	GGPS Kahi No. 1	Sajida Jabeen	Ahmad Shah	GGPS Ameer Killy	A.V.P
15.	GGPS No. 1 Pabbi	Shabina Naz	Mir Ahmad	GGPS Kotli Kalan	A.V.P

Attested  
*[Signature]*

ATTESTED & ACCEPTED  
*[Signature]*  
Advocate Supreme Court of Pakistan

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**BETTER COPY**

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Promotion / SPST To PSHT

16.	GGPS Risalpur Cantt	Musarat Islam	Islam Ud Din	GGPS Shah Nawaz Koroona	A.V.P
17.	GGPS Poshtoon Ghari	Haseena Jabeen	Zarin Khan	GGPS Gul Din Koroona	A.V.P
18.	GGPS Ali Garh	Saira Sumbal	Nisar Hussain	GGPS Aman Pura	A.V.P
19.	GGPS No.2 Mohib Banda	Hina Gul	Muhammad Iqbal	GGPS No. 01 Spin Khak	A.V.P
20.	GGCMS Asc Colony	Zahira Begum	Mazhar Ahmad	GGPS Aba Khel Wallai	A.V.P
21.	GGPS L.C Aman Garh	Shazia Bano	Abdul Rahman	GGPS Palosi Payan	A.V.P
22.	GGPS Dheri Mian Iskhak	Saima	Taimur Khan	GGPS Spin Kani Sharif Abad	A.V.P
23.	GGPS Ali Garh	Rozina	Sher Ghani	GGPS Islam Abad Koroona	A.V.P
24.	GGPS Ksheshgi Bala	Irum Bibi	Shafi Ud Din	GGPS Malik Aman Koroona	A.V.P
25.	GGPS D.I.K	Seemi Khan	Mlan Hanzala Khan	GGPS Ouch Nehar	A.V.P
26.	GGPS Rashakai	Zahoor Begum	Sher Muhammad Khan	GGPS Kolinger	A.V.P
27.	GGPS L.C Aman Garh	Nusria Begum	Mustaqeem Khan	GGPS Khalil Ur Rehman Koroona	A.V.P
28.	GGPS No. 2 Pabbi	Salma Gul	Said Shah	GGPS Darwesh Abad	A.V.P
29.	GGPS Ksheshgi Bala	Amna Begum	Muhib Ullah Khan	GGPS Faqir Killy	A.V.P
30.	GGPS Ziarat Kaka Sb No.2	Haseena Bibi	Aman Ullah	GGPS Sharif Abad Wallai	A.V.P
31.	GGPS Baghban Pura	Rukhsana Begum	Dost Muhammad	GGPS Garu	A.V.P
32.	GGPS Baghban Pura	Farzana	Ghulam Muhammad	GGPS Mir-Kalan	A.V.P
33.	GGPS Dheri Koti Khel	Fozia Naz	Mohib Ullah Khan	GGPS Feroz Abad	A.V.P
34.	GGPS No.1 Dagi Qadeem	Najma Khatoon	Khalil Ur Rahman	GGPS Palosi Bala	A.V.P
35.	GGPS Gandheri	Yasmeen Gul	Noor Muhammad	GGPS Ali Abad	A.V.P
36.	GGPS Khurabad	Anjum Akhtar	Akhtar Muhammad	GGPS Shpano Killy	A.V.P
37.	GGPS Bara Banda	Nasreen Akhtar	Salah Ud Din	GGPS Bara Banda	In Same School

Attested  
[Signature]

ATTESTED & ACCEPTED  
[Signature]  
M. Iqbal Khan Mohmand  
Advocate Supreme Court of Pakistan

**Promotion / SPST to PSHT**

**Consequential Transfer**

Consequent upon the above postings the following transfer is hereby ordered within immediate effect.

S.No	Name & Designation	Present School	Transferred to	Remarks
1.	Shaheen PSHT	GGPS Kareri	GGPS Nazar Muhammad Karoona	Vice S.No. 12
2.	Waheeda Hameed PSHT	GGPS Hawaii	GGPS Kas Koroona Nowshera	A.V.P
3.	Faseem Gul PST	GGPS Sarangi Bagh	GGPS Shahab Khel	A.V.P

**Terms & Conditions:**

1. They would be on probation for a period of one year extendable for another one year.
2. They would be governed by such rules and regulation as may be issued from time to time by the government.
3. Charge report should be submitted to all concerned.
4. Their inter Se-seniority an same post will be remain intact.
5. No TA/DA are allowed for joining their duty.
6. They will give and under taking to be recorded in their service book to the effect that if any overpayment is made to them in light of this order will be recovered and if they are wrongly promoted, they will reversed.
7. If any senior official is deprived of promotion by this order, the promotion order of the lowest official will be withdrawn on acceptance of an appeal and promotion order will be reviewed accordingly as per seniority, if necessary.
8. Errors and omissions will be accepted within the specified period.

**(DURE SHAWAR)**  
**DISTRICT EDUCATION OFFICER**  
**(FEMALE) NOWSHERA**

Endst No. 15-62/DEO(F)/Estab Primary promotion file SPST to PSHT 2023 dated NSR the 16/09/2023.

Copy forwarded for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Senior District Accounts Officer Nowshera.
3. Principal / Headmistress Concerned
4. Sub Divisional Education Officer (Female) Nowshera, Pabbi & Jehangira.
5. Superintendent Establishment Local Office.
6. ADEO (F) Establishment Primary / Secondary Local Officer.
7. Officials Concerned (Service Book attached).
8. Office Copy.

*Attested*  
*[Signature]*

**ATTESTED & ACCEPTED**  
*[Signature]*  
**M. QADIR KHAN**  
Advocate Supreme Court of Pakistan

**DISTRICT EDUCATION OFFICER**  
**(FEMALE) NOWSHERA**

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**BETTER COPY**

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**OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA**

0923-9220105, 0923-9220105

**OFFICE ORDER:**

The Competent Authority is pleased to held & abeyance this office order Endst No. 55-62 Dated 16-09-2023 S.No. 02 PSHT Mst. Shaheen (Consequential Transfer) in the interest of public with immediate effect till further order.

- Note:- 1. Charge report should be submitted to all concerned.  
2. No TA/DA etc. is allowed.

(DURE SHAWAR)  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

Endst No. 820-27 / Transfer PST DEO (F)/NSR Sec (Estab) Dated: 28/09/2023

Copy forwarded for information & necessary action to the:-

1. Senior District Accounts Officer Nowshera.
2. District Monitoring Officer Nowshera.
3. Sub Divisional Education Officer (F) Pabbi.
4. Superintendent Local Office.
5. ADEO (F) Primary Local Officer.
6. Head Mistresses Concerned.
7. Teacher Concerned.
8. Office Copy.

Attested

**ATTESTED & ACCEPTED**  
M. Iqbal Khan Mohmand  
Advocate Supreme Court of Pakistan

DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA



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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR

No. 223 / F.No. 310-3/F/Appeal/Nowshera

Dated Peshawar the 16/10/2023

The District Education Officer,  
(Female) Nowshera

Subject: APPEAL

Re:

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal of Mst. Shaheen PSITT, GGPS, Kareri Taru (District Nowshera) and to ask you to submit detail report views/comments to this Directorate to proceed further into the matter.

Assistant Director (Female)  
E&SE Khyber Pakhtunkhwa

16/10/2023

Copy of the above is forwarded to the  
Director E&SE KPK Peshawar.

Assistant Director (Female)  
E&SE Khyber Pakhtunkhwa

Attested  
M. Iqbal Khan Mohmand  
Advocate Supreme Court of Pakistan



D. حفصہ صاحب ڈسٹرکٹ ایجوکیشن آفیسر، زنانہ پبلک ٹیچنگ کالج، نوشہرا

صاحب عالیہ

تذریعہ خدمت ہے کہ سائیکل میں شاہین P.S.H.T گورنمنٹ کمرلز پرائمری سکول

کریٹرئی ناروحیہ تحصیل رہتی ہیں ڈیوٹی سرانجام دے رہی ہیں۔ 9/10/2023

تذریعہ ہے کہ امدادی جگہ ڈسٹرکٹ آفس میں ڈیوٹی رکھنے کے لیے نو ایئر جسٹ کریٹرئی

سائیکل کسی قسم کی عوامی شکایت ہے نہ ہی انسپران بالا کا کوئی شکایت ہے سائیکل بڑی

ایجنڈاری کے ڈیوٹی سرانجام دے رہی ہیں۔ نیز سائیکل تقریباً 7 سال سے گاؤں سے

بازم دور دراز علاقوں اورچ پراپرٹی کے علاقوں میں ڈیوٹی 2013 سے سرانجام دے

سائیکل کا عمر 5 سال سے زیادہ ہے سائیکل کو ریپرو کی ہوئی ہے یہ تکلیف پہنچ رہی ہے

دور چلنے پھرنے سے مزید تکلیف پہنچتی ہے۔

اسے صاحبان کی خدمت اور سہولتوں کی خاطر سائیکل کی حالت زور پر ارم و سائیکل

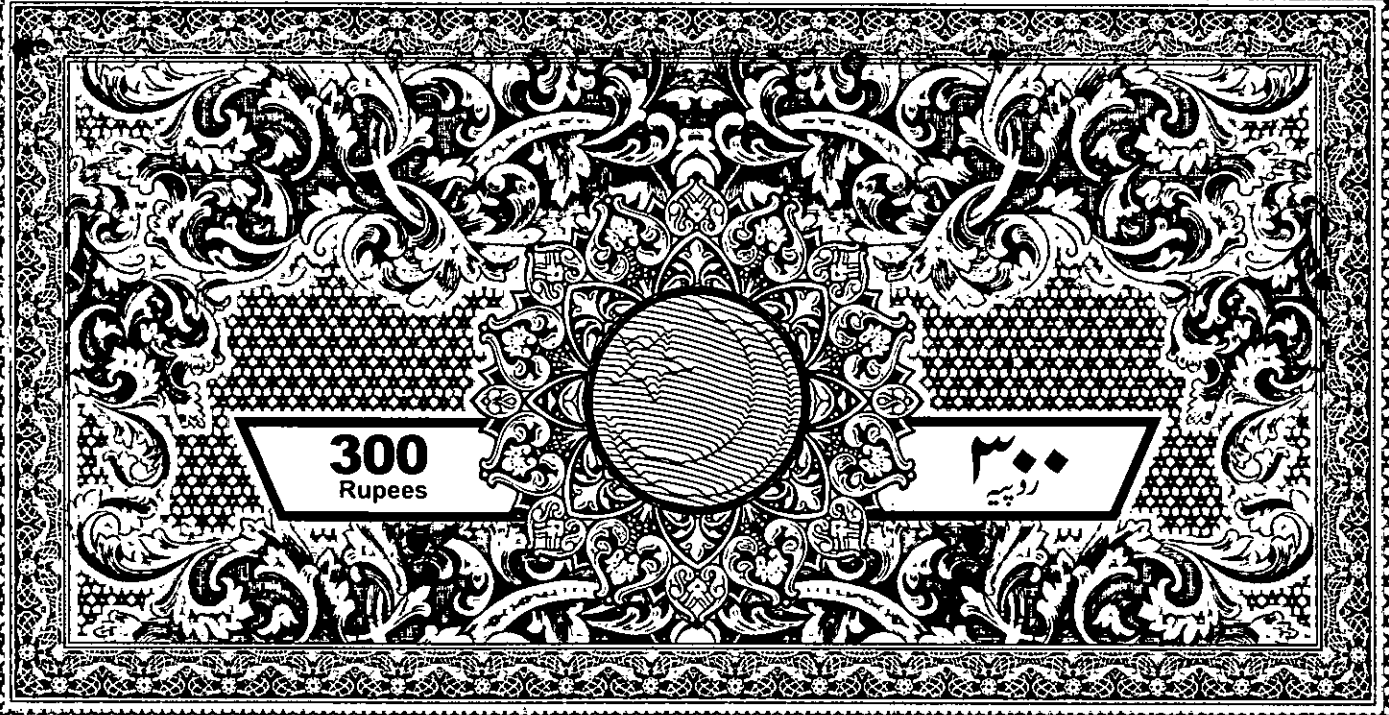
میری تبادلاً منسوخ کر کے مشکور رہا ہوں۔

D.E.O. (F) Nowshera

Diary No 500

Dated 17-10-2023

سائیکل میں شاہین P.S.H.T گورنمنٹ کمرلز پرائمری سکول کریٹرئی ناروحیہ تحصیل نوشہرا



### ﴿مختیار نامہ برائے پیروی مقدمہ﴾

منکہ مسماة شاہین زوجہ ملک عنایت اللہ خان PSHT BPS-15 ٹیچر گورنمنٹ گرلز پرائمری سکول کیریڈی تحصیل ہی ضلع نوشہرہ کی ہوں۔ درینوقت بہ ہوش وحواس شمسہ و بلا جبر واکراہ غیر لے مقررہ ہوں۔ کہ من مقررہ سرکاری ملازمہ ہوں۔ اور بوجہ ذاتی و سکول ڈیوٹی مصروفیات کے بذات خود اپنی عدالتی و سروس ٹرائبیونل میں مقدمہ اپیل کی بذات خود نگرانی نہیں کر سکتی۔ یہ کہ من مقررہ ایک عدد اپیل بنام ڈسٹرکٹ ایجوکیشن آفیسر (فیمیل) ضلع نوشہرہ وغیرہ کے نام معزز عدالت سروس ٹرائبیونل خیر بختونخواہ پشاور میں دائر کر رہی ہوں اور بوجہ ذاتی و سرکاری سکول مصروفیات کی وجہ سے من مقررہ اپنے شوہر مسی ملک عنایت اللہ خان ولد ملک محمد یوسف سکندہ محلہ مکان گاؤں تاروجہ تحصیل ہی ضلع نوشہرہ کو اپنی جانب بابت مقدمہ بالا مختیار خاص مقرر کر کے یہ اختیارات دیتی ہوں کہ مختار موصوف مذکورہ من مقررہ کی جانب سے بابت مقدمہ بالا عدالت حضور میں پیش ہو کر مقدمہ داخل عدالت سروس ٹرائبیونل کریں۔ پیروی مقدمہ کرنے۔ اپنے دستخط یا نشان انگیزت ثبت کریں۔ بیان، حلفی دیویں۔ وکیل یا بیرسٹر مقرر کریں۔ عرضی دعوی، جواب دعوی، جواب الجواب، درخواست ہائے اپیل، نگرانی، نظر ثانی وغیرہ داخل عدالت کریں۔ فہرست گواہان، خرچہ گواہان داخل عدالت کریں۔ حتیٰ کہ جملہ درکار روائی بابت مقدمہ بالا تحریری طور پر انجام دیویں۔ نیز بابت مقدمات بالا جملہ درکار روائی از عدالت حضور تا عدالت عالیہ، و عدالت عظمیٰ عمل میں لاویں۔ مختیار خاص مذکورہ کی جملہ کارروائی اصالتاً و کالتاً من مقررہ کو ساختہ و پرداختہ کو قبول و منظور ہوگی۔

لہذا یہ چند حرف بطور مختیار نامہ برائے پیروی مقدمہ مذکورہ بالا رو برو گواہان ذیل لکھ دیئے تاکہ سند رہے اور بوقت ضرورت کام آویں۔

المرقوم: 22/11/2023

مسماة شاہین - (اختیار دہندہ)

17201-2227704-9

مسماة شاہین - (اختیار دہندہ)

17201-2104723-0

محمد نعمان ولد ملک امان اللہ

17202-0352805-3

فضل شیر ولد خان شیر

17201-7009895-3



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2005 S C M R 890

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[Supreme Court of Pakistan]

Present: Sardar Muhammad Raza Khan and Mian Shakirullah Jan, JJ

MANAGING DIRECTOR, OIL AND GAS DEVELOPMENT COMPANY LTD.---Appellant

versus

Syed NAJMUL HASSAN NAQVI---Respondent

Civil Appeal No.662 of 2001, decided on 28th February, 2005.

(On appeal from the judgment, dated 23-6-2000 passed by the Federal Service Tribunal, Islamabad in Appeal No.1675(R) of 1999).

**(a) Service Tribunals Act (LXX of 1973)---**

---S. 4---Civil Procedure Code (V of 1908), S.80 & O.VII, R.11---Premature appeal---Effect---Any suit or cause of action which is premature, does not entail dismissal of that cause but it results into rejection under O.VII, R.11 C.P.C. that does not operate as res judicata---If appeal before Service Tribunal is premature, it should be returned by Registrar so as to be re-submitted after maturity of cause of action.

Abdullah Bhai's case PLD 1964 SC 106; Muhammad Usman's case PLD 1983 SC 436; Syed Aftab Ahmed's case 1999 SCMR 197; Pakistan International Airlines Corporation's case 1999 PLC (C.S.) 1539 and Sui Southern Gas Company Limited's case 2003 PLC (C.S.) 796 ref.

**(b) Service Tribunals Act (LXX of 1973)---**

---S. 4---Civil Procedure Code (V of 1908), O.VII, R.11---Premature appeal---Filing of appeal before expiry of ninety days---Penalty of compulsory retirement, setting aside of---Civil servant was compulsory retired from service but Service Tribunal allowed appeal and set aside the penalty---Plea raised by the authorities was that civil servant had filed appeal after eighty days from filing of departmental representation, thus the appeal was premature the same merited dismissal by Service Tribunal---Validity---If at the initial stage, by serious omission, the timely return of appeal was avoided and the cause of action was allowed to mature during pendency of appeal and on the fag end of proceedings, the appeal was dismissed on the ground that the initial submission was premature, such volte face if taken by Service Tribunal, could not be endorsed under any canon of justice---Premature matters were not bad but simply premature and must be returned---Failure to return the appeal debarred the Tribunal to subsequently jeopardize rights and bona fide claims of civil servants---Service Tribunal was required to return the appeal at the very first instance, if such course was not adhered to, then the Tribunal subsequently could not damage the civil servant on the grounds of prematurity of appeal when the same had become mature during the pendency allowed by Service Tribunal itself---Service Tribunal had rightly declined to dismiss the appeal on the score of prematurity---Appeal was dismissed.

**(c) Service Tribunals Act (LXX of 1973)---**

---S. 4---Penalty of compulsory retirement, setting aside of---Discrimination---Departmental inquiry was initiated against eight officers but the respondent civil servant was only condemned who was compulsory retired from service just 4 days prior to his superannuation---Service Tribunal

(25)

(19)

allowed the appeal and set aside the penalty---Validity---No action was taken against other officers under inquiry on the ground that he was to retire after about four months---If such reason could prevail with the authorities with regard to that other officer, it was equally available for the respondent civil servant who was compulsorily retired 4 days before his superannuation---Service Tribunal had rightly concluded that the penalty awarded to respondent civil servant was clearly discriminatory and his retirement was expedited mala fide despite the fact that after 4 days he was to retire on superannuation---Supreme Court declined to interfere with the judgment passed by Service Tribunal as the same was unexceptionable---Appeal was dismissed.

Shah Abdul Rasheed, Advocate Supreme Court with Syed Amjad Ali, Dy. Admn. Officer (O.G.D.C.) for Appellant.

Hafiz S.A. Rehman, Advocate Supreme Court for Respondent.

Date of hearing: 28th February, 2005.

### JUDGMENT

**SARDAR MUHAMMAD RAZA KHAN, J.**--- Oil and Gas Development Company Limited, Islamabad has challenged, after leave of the Court, the judgment, dated 23-6-2000 of learned Federal Service Tribunal whereby, on acceptance of the appeal of Syed Najamul Hassan Naqvi, his compulsory retirement from service was set aside.

2. The respondent joined the company on 23-9-1982 as Deputy Chief Geologist and in due course became a Manager (B-21) when on 12-12-1998 he was served with a charge-sheet levelling the allegations of misconduct. An inquiry was held and ultimately it was found that the charges of misconduct were proved. Accordingly, vide office memorandum dated 13-8-1999 he was made to retire from service compulsorily. His appeal before the Service Tribunal succeeded and hence this appeal.

3. Learned counsel for the appellant challenged the very maintainability of appeal before the Tribunal on the ground that it was premature and was filed without waiting for a period of 90 days after filing of appeal or representation before the higher departmental authority. The learned counsel drew analogy from section 80 of the Civil Procedure Code where no suit against Government could be filed before the expiry of two months next after notice in writing, as contemplated by the section itself. It was vehemently asserted by the learned counsel that any suit brought in contravention of section 80, C.P.C. was bound to be rejected under Order VII, rule 11 of the C.P.C. and could not be entertained by the Court. That identical was the case of appeals to be filed under section 4 of the Service Tribunal Act.

4. We believe that the one in hand is a matter squarely akin to the civil law and that is why the learned counsel also consciously sought protection under the provisions of section 80, C.P.C. Still, we cannot avoid making expression that the condition of prematurity involved under section 80, C.P.C. as well as under section 4 of the Service Tribunals Act is of hyper-technical nature. Legislature having realized this fact has amended the section in the year 1962 by adding proviso to the effect that if a premature suit is instituted without such notice or in contravention of the provision of section 80, C.P.C., the Court shall allow not less than three months to the Government to submit its written statement. The logic behind the issuance of notice under section 80, C.P.C. of providing time to the Government is covered by allowing it three months time after the institution of suit, to file written statement. This carries an idea that the causes of action if premature can be overlooked if those become mature during pendency of the cause. This Court comprising of Mr. Justice A.R. Cornelius, Mr. Justice B.Z. Kaikus and Mr. Justice Hamoodur Rahman in Abdullah Bhai's case PLD 1964 SC 106-113 had categorically observed that it was open for the Court to have decreed the suit which was premature when it was filed but where the cause of action matured during the pendency of the suit.

5. The aforesaid verdict though available in field, in principle, this Court comprising of two

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Honourable Judges in Muhammad Usman's case PLD 1983 SC 436 did not agree to the hearing of a premature appeal by the Tribunal under section 4 of the Service Tribunals Act. Subsequent development would indicate that this rule was relaxed in Syed Aftab Ahmed's case 1999 SCMR 197 by holding that where no statutory provision or statutory rule providing a right of appeal or representation is available in the relevant laws of the appellant, he is not bound to file the same and then wait for a period of 90 days in order to have resort to the Service Tribunal. Similar view was taken in Pakistan International Airlines Corporation 1999 PLC (C.S.) 15 that if the provision of appeal or representation is available in the statutory rules of a corporation or statutory body, the employee shall have to file such appeal but where the rules are not statutory, the employees can directly resort to the Service Tribunal. In the instant case, the Oil and Gas Development Company is not possessed of any statutory rules and hence the appeal before the Tribunal could be filed directly either without filing any appeal or representation before the departmental authority or without waiting for a period of 90 days. The latest view of this Court in this behalf is given in the case of Sui Southern Gas Company Limited 2000 PLC (C.S.) 796.

6. With regard to the stringency of the rule involved, we have another view of the matter as well. Any premature appeal or cause which is premature, does not entail the dismissal of that cause but it results into rejection under Order VII, rule 11, C.P.C. that does not operate as res judicata. We are, therefore, of the firm view that if an appeal before a Service Tribunal is premature, it should be returned by the Registrar so as to be re-submitted after the maturity of the cause of action. Quite an anomalous situation would it be that on the one hand and at the initial stage, by serious omission, the timely return of appeal is avoided and the cause of action is allowed to mature during pendency and, on the other hand, at the final end of proceedings, it is dismissed on the ground that the initial submission was premature. Such volte face if taken by the Tribunal cannot be endorsed under any canon of justice. The fact remains that premature matters are not bad but simply premature and must be returned. Failure to do so debars the Tribunal to subsequently jeopardize the rights and bona fide claims of the appellants. We, therefore, conclude that a premature appeal before the Tribunal requires to be returned at the very first instance. If this course of action is not adhered to, the Tribunal subsequently, cannot damage the appellant on grounds of prematurity of appeal when the same had become mature during the pendency allowed by the Tribunal itself. The Tribunal, in the instant case, has rightly declined to dismiss the appeal on this score and moreover, this objection was not taken before the Tribunal either, by filing any concise statement.

7. Coming to the factual aspect of the case concerning charges of misconduct and the manner those were tackled with by the Tribunal, we would take up the charge concerning Gas Dehydration Plant. In this charge several officers were under inquiry and the respondent was held liable being member of the Evaluation Committee. The learned Tribunal has rightly concluded that on the one hand, the respondent was not a member of the Evaluation Committee consisting of 5 members namely, Mr. Ain-ud-Din Siddique, Mr. Jaffar Muhammad, Mr. Ghulam Abbas Nakai, Mr. Qamar Saeed Awan and Muhammad Athar. It may be remarked at this stage that Mr. Qamar Saeed Awan was exonerated for not being a member of the committee while he was very much a member thereof, whereas, the respondent was condemned though not a member at all. This was an act of discrimination as well.

8. No action was taken against Mr. Qamar Saeed Awan on the ground that he was to retire on 7-1-1999. Such reason could prevail with the authorities qua Mr. Qamar Saeed Awan, it was equally available for the respondent as well who also was to retire on 17-8-1999. The height of discrimination is that Mr. Qamar Saeed Awan was accordingly exonerated but the respondent was compulsorily retired only 4 days before his superannuation.

9. Concerning the charge about appointment of a consultant, it is rightly observed by the Tribunal that the same appointment of consultant was dropped on 27-4-1995 by the competent authority and the said committee did not take any final decision. There were many officers senior to him in the committee and the final decision never rested with the respondent.

10. Regarding Gas Transport Pipeline the allegation against the respondent was that he facilitated the procurement of a Pipeline at a very high cost, depriving the corporation of the benefits of a fair and transparent competition. Suffice it to say for negation of charge that the decision to adopt the gallop tender was taken at the level of Chairman, the Minister and the Prime Minister. It was implemented through the decision of Chairman O.G.D.C. and the period of 15 days after gallop tender was determined by the Chairman himself.

3 of 4 11. For all the aforesaid reasons, it was rightly concluded that the penalty awarded to the respondent did not

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commensurate with the so-called misconduct on his part. That he was clearly discriminated and his retirement expedited malafidely despite the fact that after 4 days he was to retire on superannuation. In the circumstances, the judgment of the Tribunal being unexceptionable is maintained and the appeal is hereby dismissed.

M.H./M-233/S

Appeal dismissed.



# وکالت نامہ

بعدالت عدالت سے سروس کر سونل ۱۹۹۲

SCANNED  
KPST  
Peshawar

مقدمہ  
دعویٰ  
م  
شاہن شہین بیگم صاحبہ  
تاریخہ کول  
مع (F) DEO (نوسرہ بنام  
سوسنل  
باعث تحریرے تنگ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب دہی وکل کاروائی، متعلقہ  
آن مقام سامہ کیلئے کمر احمد خان مہمند اور سوسنل کو سروس کر کے  
مقرر کر کے اقرار کیا جاتا ہے کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار حاصل ہو گا  
نیز وکیل صاحب کو عرضی دعویٰ داخل کرنے، جواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہو  
گا نیز وکیل صاحب بصورت ڈگری برعکس من اختیار دہندہ اپیل، نگرانی، نظر ثانی از عدالت ابتدا،  
تا عدالت انتہا یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم پیروی  
کاروائی یکطرفہ یا ڈگری یکطرفہ بخلاف درخواست دائر کر سکتا ہے اور وکیل موصوف میری جانب  
سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی شکل میں وصولی کر سکے گا اور مزید یہ کہ وکیل  
موصوف مقدمہ متفقہ کر کے کل یا بزوری کا ڈوائی کیلئے اپنی بجائے وکیل بھی اپنے ساتھ مقرر کر سکتا  
ہے جس کو بھی وہ جہذا اختیار حاصل ہو سکے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں  
تمام سادہ پر دائرہ منظور و قبول ہو گا لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط انشان  
انگشت ثبت کر دیا ہے تاکہ سند رہے۔

ATTESTED & ACCEPTED  
M. Iqbal Khan Mohmand  
Advocate Supreme Court of Pakistan

20

وہ ال  
کے لئے منظور ہے  
Shu  
۱۵/۱۰/۲۰۱۵

29

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

SCANNED  
K  
PESHAWAR

C.M. No. \_\_\_\_\_/2024  
In  
Service Appeal No.159/2024

Mst Shaheen.....Appellant

**V E R S U S**

District Education Officer (Female) Nowshera & Others  
.....Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Application for additional documents		1-2
2.	<b>Copies of impugned order dated:16.09.2023 &amp; 28.09.2023</b>		3-6

Appellant  
Through

*JA*

**Javed Ali Muhammadzai**  
Advocate, Peshawar

Dated 20.03.2024

*Next date  
26/3/24*

30  
1

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

C.M. No. \_\_\_\_\_/2024  
In  
Service Appeal No.159/2024

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 11841  
Dated 20/3/24

Mst Shaheen.....Appellant

**V E R S U S**

District Education Officer (Female) Nowshera & Others  
.....Respondents

**APPLICATION FOR PLACING  
COPIES ORIGINAL DOCUMENTS  
ON APPEAL FILE.**

**Respectfully Sheweth:**

**The Appellant humbly submits as under:-**

1. That the above titled Service Appeal is pending before this Hon'ble Tribunal wherein next date of hearing is 26.03.2024.
2. That on the previous date of hearing, this Hon'ble Tribunal directed the appellant to place the above mentioned documents on case file. **(Copies of impugned order dated:16.09.2023 & 28.09.2023 are annexed as Annexure "A")**.

12  
2

It is, therefore, requested that the above cited documents may kindly be place on appeal file.

Appellant  
Through

*Javed Ali*

**Javed Ali Muhammadzai**  
Advocate, Peshawar

Dated 20.03.2024

**AFFIDAVIT**

I, Mrs. Shaheen (**Appellant**) do hereby solemnly affirm and declare on oath that the contents of the **Application** are true and correct and nothing has been concealed from this Hon'ble Court.

*Shaheen*

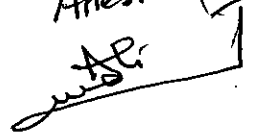
DEPONENT

(33)

(4)

11

Promotion/SPST to PSHT					
17.	GGPS Risalpur Contt	Musarat Islam	Islam Ud Din	GGPS Shah Nawaz Koroona	A.V.P
18.	GGPS Pashtoon Chari	Haseena Jabeen	Zarin Khan	GGPS Gul Din Koroona	A.V.P
19.	GGPS Ali Garh	Saira Sumbal	Nisar Hussain	GGPS Aman Pura	A.V.P
20.	GGPS No. 2 Mohib Banda	Hina Gul	Muhammad Iqbal	GGPS No. 01 Spin Khak	A.V.P
21.	GGMS Asc Colony	Zahira Begum	Hazhar Ahmad	GGPS Aba Khel Wallai	A.V.P
22.	GGPS L.C Aman Garh	Shazia Bano	Abdul Rahman	GGPS Palosi Payan	A.V.P
23.	GGPS Dhari Mian Iskhak	Saima	Taimur Khan	GGPS Spin Kanti Sharif Abad	A.V.P
24.	GGPS Ali Garh	Rozina	Sher Ghani	GGPS Islam Abad Koroona	A.V.P
25.	GGPS Khesghi Bala	Irum Bibi	Shafti ud Din	GGPS Malik Aman Koroona	A.V.P
26.	GGPS D.I.K	Szeemi Khan	Mian Hanzala Khan	GGPS Ouch Nehar	A.V.P
27.	GGPS Rashakai	Zahoor Begum	Sher Muhammad Khan	GGPS Kalinger	A.V.P
28.	GGPS L. C Aman Garh	Nusrat Begum	Mustaqeem Khan	GGPS Khalil Ur Rehman Koroona	A.V.P
29.	GGPS No 2 Pabbi	Salma Gul	Said Shah	GGPS Darwesh Abad	A.V.P
30.	GGPS Khesghi Bala	Anna Begum	Muhib ullah Khan	GGPS Faqir Killy	A.V.P
31.	GGPS Ziarat Kaka Sb No.2	Haseena Bibi	Aman ullah	GGPS Sharif Abad Wallai	A.V.P
32.	GGPS Baghban Pura	Rukhsana Begum	Dast Muhammad	GGPS Garu	A.V.P
33.	GGPS Baghban Pura	Farzana	Ghuilan Muhammad	GGPS Mir Kalan	A.V.P
34.	GGPS Dhari Kazi Khel	Fozia Naz	Mohib ULLAH Khan	GGPS Feroz Abad	A.V.P
35.	GGPS No 1 Dagi Qadeem	Najma Khatoon	Khalil ur Rahaman	GGPS Palosi Bala	A.V.P
36.	GGPS Gandheri	Yasmeen Gul	Noor Muhammad	GGPS Ali Abad	A.V.P
37.	GGPS Khurabad Rashakai	Anjum Akhtar	Akhtar Muhammad	GGPS Shpano Killy	A.V.P
38.	GGPS Bara Banda	Nasreen Akhtar	Salah ud din	GGPS Bara Banda	In Same School

Attested  


(34) (5) (A) 19

Promotion/SPST to PSHT  
Consequential Transfer

Consequent upon the above postings the following transfer is hereby ordered with immediate effect.

S.No	Name & Designation	Present School	Transferred to	Remarks
1	Sabaheen PSHT	GGPS Kareri	GGPS Nazari Muhammad Korona	Vice S.No. 12
2	Maheeda Hameed PSHT	GGPS Hawal	GGPS Nas Aroona Nowshera	A.V.P
3	Faseem Gul PST	GGPS Sarangi Bugh	GGPS Shahab Khel	A.V.P

Terms & Conditions

1. They would be on probation for a period of one year extendable for another one year.
2. They would be governed by such rules and regulation as may be issued from time to time by the Government.
3. Charge report should be submitted to all concerned.
4. Their inter-Se. Seniority on lower post will be remain intact.
5. NO TA/DA are attached for joining their duty.
6. They will give an undertaking to be recorded in their service book to the effect that if any employment is made to them in light of this order will be recovered and if they are wrongly promoted, they will reversed.
7. If any senior official is deprived of promotion by this order, the promotion order of the lowest official will be withdrawn on acceptance of an appeal and promotion order will be reviewed accordingly as per seniority, if necessary.
8. Errors and omissions will be accepted within the specified period.

(DURE SHANAR)  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

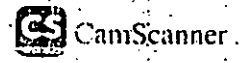
Encls No. 15-18 DEO (F)/Estab Primary Promotion File SPST to PSHT 2023 Dated NSR the 16/05/2023

Copy forwarded for information & necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Senior District Accounts Officer Nowshera.
3. Principal/ Headmistress Concerned.
4. Sub Divisional Education Officer (Female) Nowshera, Pabli & Jeliangira.
5. Superintendent Establishment Local Office.
6. DEO (F) Establishment Primary/Secondary Local Office.
7. Officials Concerned (Service Book attached).
8. Office Copy.

DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

Attested  
Subi





OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

(Office Phone #0923-9220105, Fax #0923-9220105)

(13) B<sup>n</sup>

**OFFICE ORDER:**

The Competent Authority is pleased to held & abeyance this office order Endst No. 55-62 Dated 16-09-2023 S.No. 02 PSHT Mst. Shaheen (consequential transfer) in the interest of public with immediate effect till further order.

- Note: - 1. Charge report should be submitted to all concerned.  
2. No TA-DA etc. is allowed.

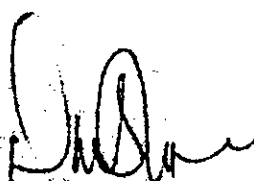
(DURE SHAWAR)  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

Ends; No. 870.27 Transfer PST DEO (F) NSR Sec (Estab) Dated: 28/9 /2023.

Copy forwarded for information and necessary action to the: -

1. Senior District Accounts Officer Nowshera.
2. District Monitoring Officer Nowshera.
3. Sub Divisional Education Officer (F) Pabbi.
4. Superintendent Local Office.
5. ADEO (F) Primary Local Office.
6. Head Mistresses Concerned.
7. Teacher Concerned.
9. Office copy.

*Attested*  
*M. Iqbal Khan*

  
DISTRICT EDUCATION OFFICER  
(FEMALE) NOWSHERA

**ATTESTED & ACCEPTED**

*M. Iqbal Khan*  
M. Iqbal Khan Molimand  
Advocate Supreme Court of Pakistan

# وکالت نامہ

بعدالت سپر و سٹریٹیجی حملہ دہشت گردانہ لہذا

INED  
KI ET  
Law

سر واصل اپیل

20-3-2024

مورثہ

مقدمہ

دعویٰ

جرم

صاحبہ شامین بنام حکومت  
باعث تحرے آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب وہی وکل کاروائی، متعلقہ  
آن مقام لپٹا اور کیلئے چار ریڈی کی محمد زئی لپٹا اور  
مقرر کر کے اقرار کیا جاتا ہے کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار حاصل ہوگا  
نیز وکیل صاحب کو عرضی دعویٰ داخل کرنے، جواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہو  
گا نیز وکیل صاحب بصورت ڈگری برخالف من اختیار دہندہ اپیل، نگرانی، نظر ثانی از عدالت ابتداء  
تا عدالت انتہا یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم پیروی  
کاروائی یکطرفہ یا ڈگری یکطرفہ کیخلاف درخواست دائر کر سکتا ہے اور وکیل موصوف میری جانب  
سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی شکل میں وصولی کر سکے گا اور مزید یہ کہ وکیل  
موصوف مقدمہ متذکرہ کی کل یا جزوری کاروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا  
ہے جس کو بھی وہ جملہ اختیار حاصل ہونگے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں  
تمام ساختہ پر داختم منظور و قبول ہوگا لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط نشان  
انگشت ثبت کر دیا ہے تاکہ سند رہے۔

اپنی طرف سے / وہ شامین  
Shan

الرقوم 20 مارچ 2024ء

وہ ال کے لئے منظور ہے۔  
بمقام



38

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service appeal NO. 159/2024

SCANNED  
KPST  
Peshawar

Mst: Shaheen, PSHT Govt. Girls Primary School kariri (BPS-15), Nowshera

VS

District Education Officer (Female), Nowshera & others

INDEX

S. No	Documents	Annexure	Page No
1.	Para wise Comments	—	01-02
2.	Affidavit	—	03
3.	Authority letter	—	04

RESPONDENTS

Through

AUTHORIZED REPRESENTATIVE

03-05-24  
EB  
Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service appeal NO. 159/2024

Mst: Shaheen, PSHT Govt. Girls Primary School kareri (BPS-15), Nowshera

VS

District Education Officer (Female), Nowshera & others

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12494

Dated 30-04-2024

RESPECTFULLY SHEWETH,

Respondent humbly submits as under;

Preliminary Objections;

- 1) That the appellant has not come to this Tribunal with clean hands.
- 2) That the present service appeal is not maintainable in its present form being time barred and against the law, rules and policy.
- 3) That the appellant has no cause of action/locus standi to file the instant Service Appeal.
- 4) That the appellant is concealing material facts from this Honorable Tribunal.
- 5) That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That the appellant is estopped by his own conduct to file the instant appeal.

ON FACTS:

- 1) Para -01 is correct.
- 2) Para -02 is incorrect. Respondent no.3 was promoted from SPST-14 to PSHT-15 vide general promotion order (impugned order) dated 16-09-2023 wherein the appellant was consequentially promoted from GGPS, Kareri to GGPS Nazar Muhammad Korona and respondent no.3 was adjusted there in her own school i.e. GGPS kareri.
- 3) Para -03 is incorrect, as per above explanation respondent no.3 has been properly adjusted therein GGPS kareri, wherein she is performing her duty regularly, However due to various complaints the consequential transfer of the appellant was held in abeyance vide office order dated 28-09-2023.
- 4) Para-04 is incorrect. As explained in para no.3.
- 5) Para no.5 is incorrect, As explained in para no.3

6) Para no.6 pertains to the record.

7) Para 7 pertains to record.

8) Para 8 is partially correct however respondent no. 3 has now been promoted to PSHT and adjusted in GGPS Kareri vide the impugned promotion order.

9) Para no.9 is incorrect as explained in para no.2 and 3.

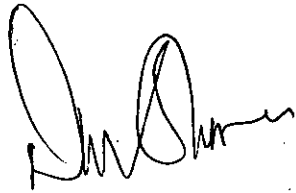
10) Para No.10 is incorrect as explained in para no.2 and 3.

11) Para no. 11 is incorrect as explained above.

12) Para no.12 pertains to record.

It is therefore, requested that the instant appeal being merit less and vexatious may kindly dismissed.

**RESPONDENTS:**



**Dure Shawar**

1) DEO (F), Nowshera  
Respondents No. 1

Mst. Samina Altaf

2) Director E & SE, KPK  
Respondents No. 2

(21)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

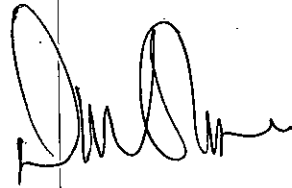
Service appeal NO. 159/2024

3

Mst: Shaheen, PSHT Govt. Girls Primary School kariri (BPS-15), Nowshera  
VS  
District Education Officer (Female), Nowshera & others

**AFFIDAVITE**

I, **Dure Shawar**, District Education Officer (Female), Nowshera do solemnly affirm and declare on oath that the contents of Para-wise comments are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal and the right of the respondent to submit reply has not been struck-off/cost.

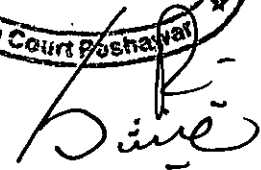


**Deponent**

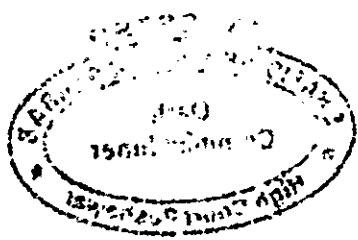
**Dure Shawar  
District Education Officer (Female)  
Nowshera**

It is further stated on oath that in this appeal the answering respondents have neither been placed ex parte or defence has been struck off.

Oath Commission



30/04/24.



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

4

Service appeal NO. 159/2024

Mst: Shaheen, PSHT Govt. Girls Primary School kariri (BPS-15), Nowshera

VS

District Education Officer (Female), Nowshera & others

Authority Letter

I, Dure Shamar, District Education Officer (Female) Nowshera do hereby authorise **Mst. Sajida Bano (HM, BPS-17)** in the above mentioned Service appeal to represent the undersigned before the Khyber Pukhtunkhwa Service Tribunal, Peshawar.

District Education Officer (F)

Nowshera

Respondent No-1

474

Application No.: p-74

To

The Superintendent,  
Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Subject: APPLICATION FOR 

SECURITY		PROCESS	<input checked="" type="checkbox"/> BOTH	
----------	--	---------	--	--


Dear Sir,

Please allow me to deposit security/process fee in

Service Appeal No. 159/24 Title Mrs - Shakeen

Vs: Education Order Dated: 16-5-24

Thank You.

Name: Malik Imayad Allah Signatures:  Dated: 16-5-24

Contact: 0311 9685961

**FOR OFFICIAL USE ONLY**

Office to report: Q 16/5/24

1. Mark to Muharir TCS/Security: (R 16/5/24)

Security Challan issued: Yes/~~NO~~. Amount of Process Fee: Rs. 300 for resp: 1


Remarks (If Any): \_\_\_\_\_

2. Mark to Superintendent: \_\_\_\_\_

Notices be issued. For compliance/ receipts. \_\_\_\_\_

3. Mark to Muharir TCS/Security: \_\_\_\_\_


Amount Deposited: 300 Actual Amount of TCS: 250 Remaining Amount: 50

Returned to: \_\_\_\_\_ Contact: 0311 9685961 Signature: 

Report (If Any): \_\_\_\_\_

4. Mark to Superintendent: satisfied

Dated:

  
30/5/24