


Cost of Rs. 1000 received in Service Appeal No. 614/2024

Titled Nadia AFreen VS. Education Deptt

in the office of Registrar Vide Order 09-08-2024

Dated: 10/09/2024.

 10/9/24.
REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 614/2024

Nadia Afreen, SST (IT) BPS-16, District D.I Khan.....Appellant

VERSUS

Director E&SE Department KP Peshawar & others.....Respondents.

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**SAMINA ALTAF
DIRECTOR**



**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR**

E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No. 1 & 2)

①

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 614/2024

Nadia Afreen, SST (IT) BPS-16, District D.I Khan.....Appellant

VERSUS

Director E&SE Department KP Peshawar & others.....Respondents.

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 2.

Respectfully Sheweth,

The Respondents No. 1 to 2 submit as under:

**Khyber Pakhtunkhwa
Service Tribunal**

Entry No. 15631

dated 10-09-24

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi to file instant appeal.
- 2 That the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 That the appellant has concealed material facts from the ambit of this Honorable Tribunal.
- 4 That the appellant has not come to this Honorable Tribunal with clean hands.
- 5 That the appeal in hand is based on mala fide intentions for gaining illegal service benefits from the Department to the extent of restoration the order dated 30-05-2023 at GGHS Rang Pur Shumali D.I khan in violation of the Rules.
- 6 That the impugned order dated 28-02-2024 is legal in terms of Section-10 of Civil Servants Act, 1973 read with Section-21 of General Clauses Act, 1897.
- 7 That the appeal in hand is barred by law and limitation.
- 8 That the appeal in hand is bad for mis-joinder and non-joinder of the necessary parties.
- 9 That no Departmental appeal against the order dated 28-02-2024 has been filed by the appellant, hence, got final.
- 10 That transfer & posting policy of the appellant is the competency & jurisdiction of the Respondents under Section-10 of Civil Servants Act, 1973.

ON FACTS.

- 1 That Para-1 pertains to the residential & service status of the appellant against the SST (IT) in BPS-16 in District D. I Khan.
- 2 That Para-2 is correct that vide order dated 30-05-2023, the appellant was transfer & adjusted at GGHS hassa D.I Khan against the said post by the District Education Officer (F) D.I Khan/Respondent No. 2 *attached as Annex-A*.
- 3 That Para-3 is also correct that vide another order No. 5348 dated 28-02-2024, the transfer order dated 30-05-2023 was withdrawn by the Respondent No. 1 in terms of Section-10 of Civil Servants Act, 1973 read with Section-21 of General Clauses Act, 1897 of being an appellate & competent authority upon the appeal of Mst: Qurrat Ul Ain etc in the titled case *attached as Annex-B*.
- 4 That Para-4 pertains to the record of the court of learned Civil Judge-IV D.I Khan in Civil Sut titled Mst. Nadia Afreen VS Mst: Qurrat Ul Ain etc which was heard & allowed status quo for 14 days subject to the Notice to the Defendants with further remarks that the order dated 09-03-2024 will not contrary to the orders of the Superior Courts & was adjourned till 11-03-2024 with the directions to the Plaintiff/appellant for arguments on maintainability of the suit, however, no record is available regarding the court proceedings on 11-03-2024 by the learned Civil Judge. (*Copy of the order is Annex-C*).
- 5 That Para-5 is incorrect as transfer & posting policy of the appellant is the competency & jurisdiction of the Respondents under Section-10 of Civil Servants Act, 1973 as evident from the order dated 28-02-2024, whereby, she has been transferred of being an employee of Provincial Cadre.
- 6 That Para-6 is incorrect that the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973 has got no cause of action to approached this Honorable Tribunal in the titled appeal against the Respondents, therefore, the case in hand is liable to dismissed on the following grounds inter alia: -

ON GROUNDS.

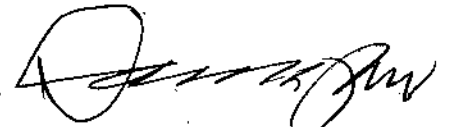
- i. Incorrect & not admitted, the appellant has been treated as per law & rules by the Respondent Department vide order dated 28-02-2024 in the titled appeal, hence, the claim of the appellant is illegal.
- ii. Incorrect & not admitted. As replied in Para-5 of the present reply on behalf of the Respondents.
- iii. Incorrect & not admitted. The order dated 28-02-2024 is in accordance with Section-21 of General Clauses Act, 1897.
- iv. Incorrect & not admitted. The act of the Respondent Department with regard to the afore-said order is legal.
- v. Incorrect & not admitted. as transfer & posting policy of the appellant is the competency & jurisdiction of the Respondents.
- vi. Incorrect & not admitted. The act of the Department with regard to the cited order is legal as similar nature cases have been dismissed by this Honorable Tribunal.

- vii. Incorrect & not admitted. As replied above.
- viii. Incorrect & not admitted. the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973 However, the Respondents also seek leave to this Learned Bench to submit additional grounds record & case law at the time on date of hearing.

Therefore, in view of the above made submissions, the appeal in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.

Dated : ___/___/2024

**SAMINA ALTAF
DIRECTOR**



**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR**

E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No. 1 & 2)

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

Service Appeal No: 614/2024

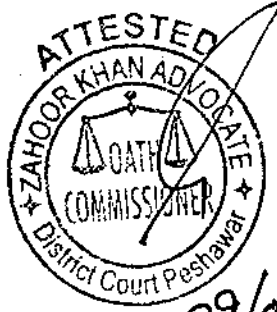
Nadia Afreen, SST (IT) BPS-16, District D.I Khan.....Appellant

VERSUS

Director E&SE Department KP Peshawar & others.....Respondents

AFFIDAVIT

I, Samina Altaf, Director E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.



09/08/2024

**DEPONENT
SAMINA ALTAF
DIRECTOR**

**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar**

(5)

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

CM No _____ /2024 in Service Appeal No: 614/2024

Nadia Afreen, SST (IT) BPS-16, District D.I Khan.....Appellant

VERSUS

Director E&SE Department KP Peshawar & others.....Respondents

**REPLY TO THE APPLICATION FOR SUSPENSION OF OPERATION
OF THE ORDER DATED 28-02-2024 ON BEHALF OF
RESPONDENTS NO. 1 & 2**

Respectfully Sheweth:-

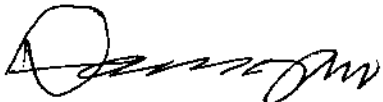
The Respondents submit as under: -

1. **That** Para-1 pertains to the record of this honorable Tribunal in the tilted appeal.
2. **That** Para-2 is incorrect, the Respondents have got a good Prima facie case in their favor with bright chance of success.
3. **That** Para-3 is also incorrect as the order dated 28-02-2024 is legal in all terms.

Therefore, in view of the above, this Honorable Tribunal may kindly be pleased to dismiss the instant application in favor of the Respondents in the interest of justice.

Dated __/__/2024.

SAMINA ALTAF
DIRECTOR



AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar

Amr (A) 6



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

Ph: 0966-9280133

OFFICE ORDER:

Mst. Nida Afreen SST (IT) GGHS Rangpur Shumali DIKhan is hereby transferred to ~~CSHS NABA~~ D.I.Khan against the vacant post in the interest of public service with immediate effect.

Note: Transfer order issued by this office vide Endst: No.6093-96 dated 14-04-2023 is hereby cancelled with immediate effect.

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

Ends No. 742/23

Copy to the:

1. District Account Officer D.I.Khan.
2. Principal/Headmistress Concerned.
3. District Monitoring Officer D.I.Khan.
4. Teacher Concerned.

Depl

Attested

Nadim
Principal
GGHS Rangpur Shumali
D.I.Khan

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

Dated D.I.Khan the 3/5/23 2023

DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
D.I.KHAN

OFFICE ORDER:

Mst. Nida Afreen SST (IT) GGHS Rangpur Shumali DIKhan is hereby transferred to GGHS Hassa D.I. Khan against the vacant post in the interest of public service with immediate effect.

Note: Transfer order issued by this office vide Endst: No.6093-96 dated 14-04-2023 is hereby cancelled with immediate effect.

1: NO TA/DA is allowed.

2: charge report should be submitted to all concerned.

sd
DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN.

Endst: No: 7624-27/

Dated D.I.Khan the 30/05/23.

Copy to the:-

1. District Account officer D.I.Khan.
2. Principal Headmistress Concerned.
3. District Monitoring Officer D.I.Khan.
4. Teacher Concerned.

sd
DISTRICT EDUCATION OFFICER
(FEMALE) D.I.KHAN.



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**DIRECTORATE OF ELEMENARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION

Consequent upon approval of the Competent Authority, under Appellate rules, 1986 the notification issued by District Education Officer (F) D.I.Khan Endst. No. 7624-27 Dated: 30-05-2023 in respect of Mst: Nida Afreen SST-IT GGHS Hassa D.I.Khan is hereby withdrawn with immediate effect in the best interest of public.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Endst.No 5348-51 / A-17/Within District Transfer/ Vol-03 Dated 28-2-2024
Copy of the above is forwarded to the:-

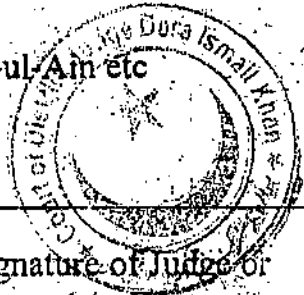
1. District Education Officer (Female) D.I.Khan.
2. District Accounts Officer D.I.Khan.
3. Mst: Nida Afreen SST-IT GGHS Hassa D.I.Khan
4. PA to Director (E&SE) Local Office
5. Master file.

**Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

9
A.P.K. 21

In The Court Of
INAM ULLAH MOHMAND CIVIL JUDGE-IV,
Dera Ismail Khan

Case No. _____
Mst. Nida Afreen... VS... Mst. Qurat-ul-Ain etc



Serial No / Date of Order	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel / where necessary.
<p>Or-----03 09.03.2024</p>	<p>Plaintiff alongwith learned counsel present and admits the contents of the plaint coupled with temporary injunction application as true and correct. Be registered.</p> <p>Counsel for the plaintiff requested for ad-interim relief.</p> <p>Preliminary arguments to this effect heard and record perused.</p> <p>From tentative assessment and perusal of available record annexed with the petition reveals that the plaintiff has arguable case for ad-interim injunction. Similarly, it is an equitable relief and the application is also supported by an affidavit, hence, status quo is granted for 14 days, subject to notice to the defendants and if my this order is not contrary to the orders of August superior courts. Notice be issued to defendants alongwith the photocopy of application. Plaintiff is directed to do the arguments on maintainability of case on the date already fixed.</p> <p>File to come up for attendance of defendants and on <u>11-03-2024</u>.</p>

نازل
 بقسمه محکمہ عدالت
 لاہور داسعید خان
 9
 24
 198
 24
 1

General No. 4128
 Application received on 27/3/24
 Date of Copy 27/3/24
 Date of Delivery 27/3/24
 No of Words 10
 Copying 2
 Under 2
 Total Charges 15
 Name of Applicant 27/3/24
 Copy Delivered to 27/3/24
 Signature of Examiner 27/3/24

(INAM ULLAH MOHMAND)
Civil Judge-IV, D.I. Khan
Dera Ismail Khan



**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director (Litigation-II) of this Directorate for submission of Joint Parawise Comments in Service Appeal No. 614/2024 case titled Nadia Afreen, SST (IT), D.I Khan Vs Government of Khyber Pakhtunkhwa & others, hence, an authority letter is hereby issued in favor of the above-named officer.

**(SAMINA ALTAF)
DIRECTOR**

AUTHORIZED OFFICER

(ABDUS SAMAD)

DEPUTY DIRECTOR

**E&SE Department Khyber
Pakhtunkhwa, Peshawar.**