

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

**Service Appeal No: 998/2024**

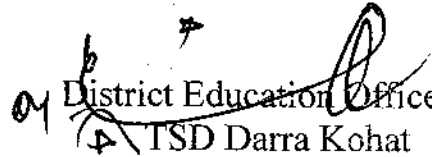
Mst Zahida Azeem D/O Azeem Afdifi PSHT GGPS Tamar Khel Akhurwal TSD Darra Kohat  
..... **Appellant**

**VERSUS**

Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar & others  
..... **Respondents**

**INDEX**

S No.	Documents	Annexure	Page
1	Para wise Comments		1-2
2	Affidavit		3
3	Inquiry	A	4-6
4	Transfer Order	B	7

  
District Education Officer (F)  
TSD Darra Kohat

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

Respectfully Sheweth,

The Respondents as under.

**PRELIMINARY OBJECTIONS.**

- 1 That the appellant has got no cause of action locus standi.
- 2 That the instant Service appeal is badly time barred.
- 3 That the appellant has concealed material facts from the Hon'ble Tribunal in the instant service appeal.
- 4 That the instant service appeal is against the relevant provisions of law.
- 5 That the appellant has not come to this Hon'ble Tribunal with clean hands.
- 6 That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
- 7 That the appellant is estopped by his own conduct to file the instant appeal.
- 8 That the instant service appeal is not maintainable in the present form & circumstances of the case.

**FACTS.**

1. That Para No: 1 of the fact is pertain to record.
2. That Para No: 2 of the fact is pertains to record.
3. That Para No; 3 of the fact is pertain to record.
4. That Para No: 4 of the fact is pertain to record where a mandatory enquiry was also conducted mentioned therein, in the appellant's transfer order clearly mentioned (Copy of transfer order is annexed as annexure A & B)
5. That Para No: 5 of the fact is pertain to record and also explain vide para No: 4 above.
6. That Para No: 6 of the fact is legal.

**GROUND: -**

- A. That para No: A of the ground is incorrect, the appellant was treated in accordance with law/policy in vogue.

- B. That Para No: B of the ground is incorrect the action of the respondent department is legal, lawful in accordance with law.
- C. That Para No: C of the ground is incorrect, the appellant was treated in accordance with law, that transfer/positing is a not a vested right of an individual.
- D. That Para No: D of the ground is incorrect, the transfer order on dated 03.07.2024 is legal in accordance with law. It is further added that no discrimination was made by the respondent department.
- E. That Para E of the ground is incorrect, the appellant was junior amongst other, therefore the order was modified. As already mentioned in above para No 4 of the fact above.
- F. That Para No: F of the ground is pertaining to record. But it is not necessary to transfer any Government servant on the basis of completing tenure, but the same will be decided on merit/need basis where ever is deemed appropriate.
- G. That Para No: G of the ground is pertaining to record, but each and every government servant is duty bound to perform his/her duty station where needed.
- H. That Para H of the ground is incorrect, if it is then how it was possible that the appellant approached to this Hon'ble Service Tribunal Khyber Pakhtunkhwa.

PRAYER

In the light of above material facts, it is humbly prayed that the appeal may graciously be dismissed with cost please.

Noor Rahat Yaseen

L- ay District Education Officer (F)  
Kohat

(2)

SAMINA ALTAF  
DIRECTOR



AUTHORISED OFFICER  
ABDUS SAMAD  
DEPUTY DIRETOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.

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**AFFIDAVIT**

I Mst: Noor Rahat Yaseen Dy: Deo (F) TSD Dara Kohat, do here by affirm and declared that the contents of para wise comments regarding the service appeal No.998/2024 are true, correct and nothing has been concealed from this Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar.



**DEPONENT**  
**Noor Rahat Yaseen**  
Dy: District Education Officer (F)  
TSD Darra Kohat

*It is further stated on oath that in this appeal the answering respondent writer has been plead ex parte not their defence has been struck off/ish*



OFFICE OF THE HEAD MISTRESS  
GGHS MUHAMMAD HUSSAIN MELA TSD DARRA  
KOHAT.

No. 465

Dated 25/05/2024

To

The District Education Officer (F)  
Kohat.

Subject: INQUIRY REPORT OF TAMAR KHEL PRIMARY SCHOOL.

Respected Madam,

Reference to your office order number 2809-12 dated 15-05-2024, an impartial inquiry is conducted on dated 20-05-2024 by the inquiry committee upon the complaint received from the father of PSHT Miss: Zahida Azceem. The main issue was a conflict b/w two teachers for the same Head Post in GGPS Tamar Khel.

In order to dig out the facts, Committee inquired both Heads in Friendly environment and observed the following findings:

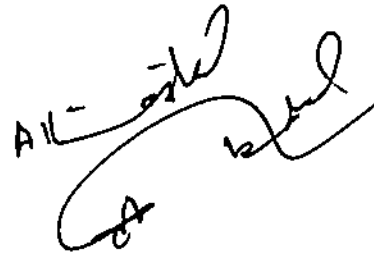
- > Miss: Zahida Azceem is transferred from GGPS Germany Kally to GGPS Tamar Khel on dated 25-10-2023 according to DEO (F) letter Endst: No 7173-76
- > Her transfer order is cancelled on 20-12-2023 ( no reason is mentioned in her cancellation order. After taken over charge She availed two months earned leave due to her mother illness).
- > Miss: Nusrat Afzal is temporarily adjusted for a period of two months w.e.f 11-03-2024 to 11-05-2024 according to Endst: No 2157-61. Her adjustment time period is already expired.
- > Both Teacher have serious health and family issues.

Suggestions and Recommendations:

On the basis of these findings, the committee recommended that if there is no solid reason of order cancellation of Miss: Zahida Azceem, she may kindly be allowed to continue her duties in GGPS Tamar Khel and due to health issues of Miss: Nusrat Afzal, She may kindly be transferred to nearest possible station i.e GGPS Bazi Khel or GGPS Kami Khel in Order to resolve the conflict.

Chair-Person

  
Head Mistress  
GGHS Muhammad Hussain Mela  
T.S.D Darra Kohat





Office of The  
District Education Officer (Female)  
District Kohat

AMM-A (5)

No. 8566/1-

Dated Kohat the 29/05/2024

To

The SDEO(Female) SD Darra  
District Kohat.

Subject **Inquiry Report Regarding GGPS Tamar Khel**  
Memo:


I am directed to inform an inquiry committee consisting of two officers was constituted to conduct an inquiry on the subject matter.

One officer of the said committee i.e Chairperson, has submitted her recommendation while another inquiry officer i.e. Mehr un-Nissa Kokab ASDEO(Female) of your office did not signed the inquiry report nor submitted her own views separately.

You are therefore, directed to ask the ASDEO concerned to submit her own views/recommendation being a member of said inquiry committee so to finalized the same.

Furthermore, you are directed to submit your own comments/recommendations to being an immediate office of the complaint.

**MOST URGET.**

  
(Superintendent)  
Distt: Edu: Officer (Female)  
District Kohat.

Received  
29/5/2024 (M)

2/38 pm

BA  
A

Office Of The  
Sub Divisional Education Officer  
(Female) SD Darra Kohat

Amr A

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No 1090  
To

Dated 3/1/25/2024

The District Education Officer  
(Female) Kohat.

Subject: INQUIRY REPORT OF GGPS TIMER KHEL  
Memo:

The conflict between the two teachers is on single vacant post of PSII in GGPS Timer Khel.

The both teachers were enquired one by one in a friendly environment. It came to my notice that both the teachers have serious health and family issues. Due to which both of them desire to be transferred to the nearest station to their home. But the vacant post is only one at this time. The undersigned tried to convince them that one should surrender for the other and wait for the next vacancy. But none of them was ready to do so.

Recommendations

as both teachers are equally eligible for the said vacant post and transfer of one will be injustice with another one. So it is suggested that the already issued transfer order may be withdrawn and none of them should be transferred on the said post.

Meher Un Nisa  
Assistant Sub Divisional Education Officer  
(F) SD Darra Kohat

AK-ate



ANNA-13 (7)

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

Consequent upon the transfer proposal received from the SDEO(F) TSD Dara Kohat vide No 624 dated 9.10.2023 in respect of Mst: Nusrat Afzal PSHT GGPS Mazeed Khel to GGPS Timar Khel, latter on another application in respect of Mat: Zahida Azeem PST for transfer to the same school, received directly to the Dealing Clerk and he put up its first instead of he should put up application of Nusrat Afzal already proposed by the SDEO(F) concerned and Transfer of Mat: Zahida Azeem PSHT GGPS Germany Killay to GGPS Timar Khel ordered vide this office endst: No 7173-36 dated 25.10.2023 due to which Mst: Nusrat Afzal lodged a complaint that she was submitted application through proper channel for transfer but she ignored, therefore temporary adjustment / transfer of Mat: Nusrat Afzal ordered vide this office endst: No 2157-61 dated 11.03.2024 and transfer order of Zahida Azeem cancelled vide 9392-95, dated 20.12.2023 & but she did not complied this order and continued her attendance at GGPS Timar Khel. Furthermore, both the teachers Insisted for transfer on the same station i.e. GGPS Timar Khel Dara Kohat. Meanwhile both the teachers approached to the Directress E&SE Department Peshawar and both their application marked to the undersigned back. Hence the under signed constituted an inquiry committee of two officer to prob into the matter and report. Unfortunately, both the inquiry officers submitted their different report so their case along with complete history re-submitted to the Directress for proper decision but received back with the remarks embodied by the worthy Directress that "To decide the matter on your own level"

1. Whereas the application of Mst: Nusrat Afzal PSHT was received 1<sup>st</sup> in this office through proper channel while another application of Mst: Zahida Azeem received latter and directly.
2. Whereas Transfer order of Zahid Azeem PSHT was cancelled but she did not obey and ignored this office order.
3. Whereas an inquiry was conducted regarding the matter but both the inquiry officer submitted their different suggestions/ recommendations.

In view of the above detail the under signed being a competent authority is please to order the transfer of the following for compliance.

S. No	Name of Teacher	School	Transferred to	Remarks
1.	Nusrat Afzal PSHT	GGPS Mazeed Khel	GGPS Timar Khel	A.V.P
2	Zahida Azeem PSHT	GGPS Germany	GGPS Bazi Khel	A.V.P

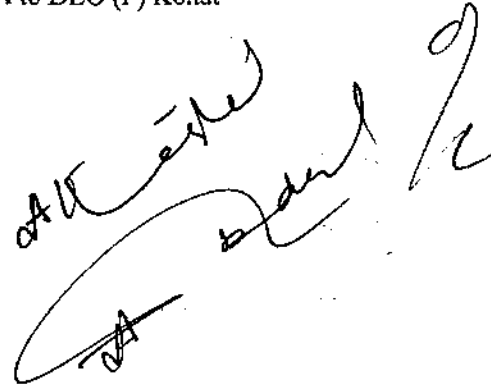
**(MST: BIBI RIZWANA)**  
District Education Officer  
(Female) Kohat

Endst: No. 8914-17 / T-2/DM transfer/2023 Dated Kohat the 11 / 06 / 2024

Copy of the above is forwarded for information and necessary action to:

1. Director E&SED KP Peshawar.
2. District Monitoring Officer Kohat.
2. SDEO(F) TSD Dara Kohat.
5. PA to DEO (F) Kohat

  
District Education Officer  
(Female) Kohat






OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHAT

AUTHORITY LETTER

Certified that Mr. Abdul Qayyum ADEO office of the District Education Officer (Male) Kohat is hereby authorized to attend the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar in connection with Service 998/2024 titled Mst. Zahida Azeem Vs Director Elementary & Secondary Education Khyber Pakhtunkhwa and DEO (M) Kohat etc on behalf of the undersigned.

He is also authorized to submit Parawise reply etc on behalf of the undersigned

  
Noor Rahat Yaseen  
DISTRICT EDUCATION OFFICER  
(FEMALE) KOHAT