


FORM OF ORDER SHEET

Court of _____

Appeal No. 1628/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27 /09/2024	<p>The appeal of Mst. Sajida Begum resubmitted today by Mr. Meher Gul Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 01.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

The appeal of Mst. Sajida Begum received today i.e on 30.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Annexures C & D of the appeal are illegible.
- 3- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no.4 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.

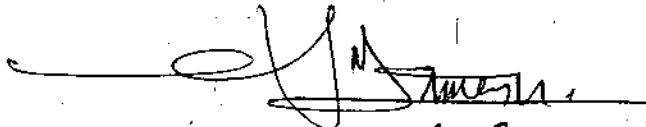
No. 747 /Inst./2024/KPST,

Dt. 18/9 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mehr Gul Adv.
High Court at Peshawar.

All the objections cleared &
Resubmitted.


(MEHR GUL)
Advocate
DI- 27/9/2024

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: MST Sajida Begum VS Government of KPK

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>MEHER GUL Advocate</u>	✓	
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/ clear?	✓	
13	Whether copy of appeal is delivered to AG/ DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	
16	Whether appeal contains cutting / overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?		✓
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

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

Name:-

MEHER GUL

Signature:-

[Signature]

Dated:-

30-8-2024

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1628 /2024.

Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad
Tehsil Pabbi District Nowshera.

.....Applicant/Appellant.

Versus

Government of Khyber Pakhtunkhwa through Secretary Education &
Others


.....Respondents

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Appellant

Through


Meher Gul

Advocate High Court, Peshawar

Cell No. 0306-2981781

(17)

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

Service Appeal No. 1628 /2024.

Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad
Tehsil Pabbi District Nowshera.

.....Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education
Civil Secretariat, Peshawar.
2. Director of Education, Peshawar.
3. District Education Officer (Female), Nowshera.
4. ASDEO(Female) Circle Pabbi ,District Nowshera
5. Mst Abida Nasreen PSHT PBS-15 Govt Girls primary School Mohib
Banda tehsil Pabbi District Nowshera.

.....Respondents.

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED
CANCELLATION ORDER ENDS NO.1513-20 DATED 21/3/2024 OF
RESPONDENT NO.3 VIDE WHICH RESPONDENT NO.3
CANCELLED HER EARLIER TRANSFER ORDER ENDS NO.4648-
54 DATED 12/12/2023 WITH RESPECT TO THE TRANSFER OF
APPELLANT PREMATURELY WITHOUT ADVANCING ANY
PLAUSIBLE AND LEGAL JUSTIFICATION AGAINST WHICH
DEPARTMENTAL APPEAL WAS PREFERRED BUT UN-
RESPONDED.**

Prayer

**On acceptance of this appeal the impugned cancellation Order dated 21-
03-2024 of Respondent No.3 may very graciously be withdrawn/set aside
being premature and unlawful, whereas earlier Transfer Order dated
12-12-2023 with respect to the transfer of appellant be restored.**

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

Service Appeal No. 1628 /2024.

Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad
Tehsil Pabbi District Nowshera.

.....Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education
Civil Secretariat, Peshawar.
2. Director of Education, Peshawar.
3. District Education Officer (Female), Nowshera.
4. Mst Abida Nasreen PSHT PBS-15 Govt Girls primary School Mohib
Banda tehsil Pabbi District Nowshera.

.....Respondents.

**Appeal under section 4 of Khyber Pakhtunkhwa Service Tribunal Act
1974 against the impugned cancellation Order Ends No.1513-2s0 dated
21/3/2024 of Respondent No.3 vide which Respondent No.3 cancelled her
earlier transfer order Ends No.4648-54 dated 12/12/2023 with respect to
the transfer of appellant prematurely without advancing any plausible
and legal justification against which departmental Appeal was preferred
but un-responded .**

Prayer

**On acceptance of this appeal the impugned cancellation Order dated 21-
03-2024 of Respondent No.3 may very graciously be withdrawn/set aside
being premature and unlawful, whereas earlier Transfer Order dated
12-12-2023 with respect to the transfer of appellant be restored .**

2

Respectfully sheweth;

The appellant humbly submits as under;

1. That the appellant was performing duty as PSHT in Government Girls primary School Shabara, Circle Jaloza Tehsil Pabbi District Nowshera since 12/8/2020.
2. That the appellant after completing her tenure at GGPS Shabara was transferred as per policy of the provincial Government to GGPS Aurang Abdad Tehsil Pabbi District Nowshera Circle Pabbi located at appellant own union council vide Office Order Ends No.4648-54 dated 12/12/2023 against vacant post.

(copy of transfer Order dated 12-12-2023 of the Appellant is Annexure "A")

3. That thereafter the appellant duly took charge of her duty at GGPS Aurang Abad and the appellant is performing duty till date in the said School with zeal and devotion.

(copy of Charge report dated 08/3/2024 annexure "B")

4. That Respondent No.3 vide its Office Order Ends No.1513-20 Dated 21/3/2024 cancelled earlier Transfer Order dated 12/12/2023 of appellant prematurely and without any legal justification.

(copy of impugned Order dated 21/3/2024 is annexure "C")

5. That the appellant being aggrieved from the Cancellation Order dated 21-3-2024 of Respondent No.3 filed departmental appeal before Respondent No.2 vide Diary No.62 dated 24-5-2024, but the same has not been responded within stipulated period of time whereas on the other hand the officials of the office of Respondent No.2 told the appellant that her grievance of appellant has been redressed but the file is held with respondent No.2 for further necessary action and due to the said assurance the case of the appellant is delayed for which the

appellant is filing application for condonation of delay in the titled appeal.

(copy of Departmental Appeal is Annexure "D")

6. That the appellant being aggrieved of the impugned cancellation Order dated 21-03-2024 of Respondent No.3 and action and non-action of Respondent No.2 assailed the same in this appeal on the following amongst other grounds.

Grounds

- A. That the act and omission of Respondent No.2 and the impugned cancellation Office Order dated 21-3-2024 of Respondent No.3 is patently illegal, premature and against the transfer policy of the provincial Government, hence liable to be set aside / withdrawn.
- B. That the appellant after completing her tenure of service at GGPS Shabara District Nowshera was transferred to GGPS Aurang Abad as per law and transfer policy of the provincial Government, whereby the appellant duly took charge of her duty and now in this respect legitimate expectation accrued to appellant in consequence of taking charge in GGPS Aurang Abad.
- C. That in view of the above facts and circumstances the impugned cancellation order is not only against the law and policy of the provincial government and premature but also in violation of legitimate expectancy accrued to the appellant.
- D. That the appellant is serving the department with her full devotion and to the entire satisfaction of her seniors and disturbing the appellant without completing her tenure is not only effect the performance of the civil servant but also break the smooth learning process of the students which in the long run hamper the progress and development of the country.

(4)

- E. That cancellation of its earlier order without advancing any legal justification for it, is clear cut manifestation of abuse of power and colorful exercise of authority on the part of Respondents, which this honorable tribunal may interfere with.
- F. That Respondent No.2 was duty bound under the law to decide the departmental appeal of the appellant but he badly failed to do so, which act of the Respondent is illegal under the law, hence has no legal footing to stand upon.
- G. That other grounds the appellant may urge at the time of arguments with permission of this honorable Tribunal.

It is therefore, humbly prayed that on acceptance of this appeal the act and omission of Respondent No.2 and the impugned cancellation Order dated 21/3/2024 of Respondent No.3 be set aside/withdrawn and Earlier transfer Order dated 12-12-2023 of Respondent No.3 with respect to the transfer of appellant be restored in the interest of justice.

Any other relief deemed fit in the circumstances of the case may also be granted to appellant.



Appellant

Through

Meher Gul

Advocate High Court.

AFFIDAVIT

I, Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad Tehsil Pabbi District Nowshera do hereby affirm and declare on oath that contents of instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon,ble Tribunal.

ATTESTED



Sajida
Deponent

CN/c 17201-8983855-0

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

Service Appeal No. _____/2024.

Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad
Tehsil Pabbi District Nowshera.

.....Applicant/Appellant;

Versus

Government of Khyber Pakhtunkhwa through Secretary Education &
Others

.....Respondents

**APPLICATION FOR SUSPENSION OF OPERATION OF
IMPUGNED CANCELLATION ORDER DATED 21-3-2024 AND
RESTORATION OF EARLIER ORDER DATED 12-12-2023 OF
RESPONDENT NO.3 TILL FINAL DECISION OF THE TITLED
APPEAL.**

Respectfully sheweth:

The applicant/appellant submits as under;

1. That the above titled appeal is being filed before this honorable Tribunal along with instant application.
2. That the grounds of main appeal may kindly be considered as part and parcel of this application.
3. That the applicant has good prima-facie case in his favor and is also sanguine about its success.
4. That the balance of convenience also lies in favor of appellant.

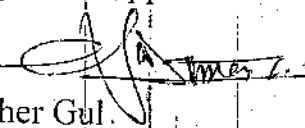
6

5. That if the relief as prayed for is not granted the applicant may apprehend irreparable loss, hence this application.

It is, therefore, humbly prayed that on acceptance of this application, the interim relief as prayed for in the heading of this application may graciously be granted till final decision of the instant appeal.

Applicant /appellant

Through


Meher Gul

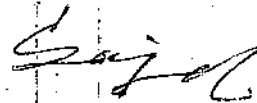
Advocate High Court

Affidavit

I, Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad Tehsil Pabbi District Nowshera do hereby affirm and declare on oath that contents of instant Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon,ble Tribunal.

ATTESTED




Deponent

CNIC 17201-8983855-0

7

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

Service Appeal No. _____/2024.

Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad
Tehsil Pabbi District Nowshera.

.....Applicant/Appellant.

Versus

Government of Khyber Pakhtunkhwa through Secretary Education & Others
.....Respondents

**APPLICATION FOR CONDONATION OF DELAY OF THE
TITLED APPEAL ON THE FOLLOWING GROUNDS**

Respectfully sheweth:

The applicant/appellant submits as under;

1. That the above titled appeal is being filed before this hon'ble Tribunal along with instant application.
2. That the applicant seeks condonation of the titled appeal on the following grounds.

Grounds

A- That the applicant filed departmental appeal before Respondent No.2 against the impugned cancellation order dated 21/3/2024 of Respondent No.3 vide Diary No.62 dated 24-5-2024 will within time.

B- That the applicant was given assurance by the official staff of Respondent No.2 that the grievances of applicant has been redressed but the case file is held with Respondent No.2 in connection with further proceedings and was asked to come again.

C- That the applicant thereafter visited office of Respondent No.2 again and again but all the time the official staff of Respondent

No.2 assured the applicant that the grievances of the applicant has been redressed and she soon she will be communicated the result.

D- That no sooner the applicant came to know that departmental appeal of applicant has not been entertained then and there the appellat approached this honor tribunal by filing the titled service appeal.

E- That the delay in filing the titled appeal is not intentional but due to the above stated facts.

F- That other grounds will be urge at the time of arguments with kind permission of this honorable tribunal.

It is therefore, humbly prayed that on acceptance of this application the delay if any may very graciously be condoned in the interest of justice.

Applicant /appellant

Through

Meher Gul

Advocate High Court

Affidavit

I, Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad Tehsil Pabbi District Nowshera do hereby affirm and declare on oath that contents of instant Application are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon,ble Tribunal.

ATTESTED



Deponent

CMIC 17201-8983855-0

9

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

Service Appeal No. _____/2024.

Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad
Tehsil Pabbi District Nowshera.

.....Applicant/Appellant.

Versus

Government of Khyber Pakhtunkhwa through Secretary Education &
Others

.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mst Sajida Begum PSHT PBS-15 Govt Girls Primary School Aurang Abad
Tehsil Pabbi District Nowshera.

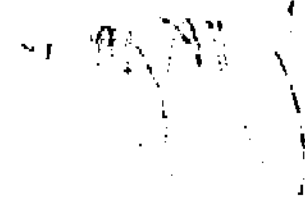
RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Secretary Education
Civil Secretariat, Peshawar.
2. Director of Education, Peshawar.
3. District Education Officer (Female), Nowshera.
4. ASDEO(Female) Circle Pabbi ,District Nowshera
5. Mst Abida Nasreen PSHT PBS-15 Govt Girls primary School Mohib
Banda tehsil Pabbi District Nowshera.

Appellant 
Through
Meher Gul Advocate Peshawar

ATC

District Education Officer (Female) Nowshera



- 1 District Account Officer Nowshera
- 2 District Monitoring Officer Nowshera
- 3 Sub Divisional Education Officer (Female) Pabli
- 4 Superintendent copy
- 5 Principle and Mistresses concerned copy
- 6 Official concerned
- 7 (Office copy)

End: NO 4648-54 DATE 12/12/2023

District Education Officer (Male) Nowshera
(Dure Shwari)

Note: (Charge report should be submitted to all concerned No TA, DA etc. are allowed)

S.NO	Name of Official	From	To	Remarks
	Mrs Sajida Begum (PSHT) BPS# 15	GGPS Shabara Nsi	GGPS Aurang Abad (Nsr)	A.V.P
	Mrs Salma Gul (PSHT) BPS# 15	GGPS Darvesh Abad	GGPS Shabara Nsi	Vice S No 1
		Jabba Tar Nsi		

The competent authority is pleased to transfer Aditi the following head teacher to the school now against their name on their own pay and scale in the best interest of service with immediate effect

OFFICE ORDER:



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) NOWSHERA (Office phone 0923-0270105 1-0923-972010)

Annex A (10)

ATC

Sub-Divisional Education Officer
District Nowshera

ASDEO (F)
Circle Pabbi
District Nowshera

Handwritten signature and date: 8/3/2024

Handwritten text: 215

Handwritten signature

Handwritten text: 4648 SA
Handwritten text: 8.3.2024

Handwritten signature

Handwritten text: "215"

Handwritten signature

Handwritten text: (F) DFO - No. 4648
Amn B

District Education Officer
(Female) Nowshera

ATC
#

- 1. Copy forwarded for information and necessary action to the District Account Officer Nowshera.
- 2. District Monitoring Officer Nowshera.
- 3. APT (Secondary - Primary) Local Office.
- 4. S-5 District Education Officer (Female) Pabli.
- 5. Principal Head Mistress concerned (Local Pabli).
- 6. Superintendent copy.
- 7. Official concerned.
- 8. Office copy.

Order No. 1513-20 Dated 21/03/2024

(Dure Shwart)
District Education Officer
(Female) Nowshera

The competent authority is pleased to cancelled all temporary
deputed / need base & against vacant post orders include with PNT 2022
appointments SPST, PSIT, QAIT, CT-11, CT-12, PT-11, DNT, SST, SSI,
APT, SST, DT, SSI, DT, with senior teachers issued by this office
January 2023 up till now in Talga PR-87 Union (contd) (1) Day board
(2) Jallozi (3) Day Belsoud (4) Shah Kot (5) Spin Khak with immediate effect.

OFFICE ORDER

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA

(12) Ann. C.



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

OFFICE ORDER:

The competent authority is pleased to cancelled all temporary, detailed need base & against vacant post orders with SPST 2022 new appointees SPS1. PSHT. Qari. CT-11. CT. PET.AT.TT. DM. SST(MP). SST (BC). SST (TT). With senior Teachers issued by this office w.e.f **January 2023 up till now** in Halqa pk-87 union counsel (1) Dag Ismail khel (2) Jalozei (3) Dag Behsoud (4) Shah Kot (5) Spin Khak, with immediate effect.

(Dure Shawar)

District Education Officer

(Female) Nowshera

Indors No **1513-20** Dated **21/03/2024**

Copy forwarded for information and necessary action to the :-

1. District Account Officer Nowshera.
2. District Monitoring Officer Nowshera.
3. ADEO (Secondary/Primary) Local Office.
4. Sub Divisional Education Officer (Female) Pabbi.
5. Principal/Head Mistress concerned Tehsil Pabbi Nowshera.
6. Superintendent copy.
7. Official concerned.
8. Office copy

District Education Officer

(Female Nowshera)

Before the worthy Director of Education, Peshawar

Departmental appeal against the office order Ends No.1513-20 dated 21-3-2024 passed by DEO (Female) Nowshera vide which she cancelled all transfer/adjustment order issued as and when against vacant post to GGPS Aurang Abad Nowshera, with immediate effect.

Sir,

The appellant humbly submits as under

1. That the appellant was transferred from GGPS Shabera Nowshera to GGPS Aurang Abad Nowshera against vacant post vide office order Ends No.4648-54 dated 12/12/2023 and duly took charge on 08/3/2024 and performing duty in GGPS Aurang Abad Nowshera up till now.
2. That now few days ago the appellant came to know about the impugned order dated 21/3/2024 vide which DEO (Female) Nowshera has cancelled the transfer order of the appellant.
3. That the impugned order is illegal, premature and against the policy of the provincial government.
4. That the instant appeal is well within time from the date of knowledge.

It is, therefore, humbly prayed that on acceptance of this Departmental appeal the impugned order Ends No.1513-20 dated 21-3-2024 passed by DEO (Female) Nowshera may kindly be withdrawn/cancelled being illegal, premature and against the policy of provincial government.

Appellant
Mst Sajida Bagum (PSHT) BPS-15
GGPS Aurang Abad Nowshera.

Dairy No.62 dated 24/5/2024

14

53305	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: میر گل	PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: 7354-10-15-bc	اللہ تعالیٰ
رابطہ نمبر: 298781-0306	QR Code

بعدالت جناب: سر جسٹر محکمہ عدلیہ خیبر پختونخواہ پشاور

مخاطب: ایڈیٹرنٹ	دعویٰ: سر جسٹر ایڈیل
صورتہ سا جرحہ بیگم	علت نمبر:
بنام	مورخہ:
سیکٹری ایجوکیشن سوسائٹی	جرم:
	تھانہ:

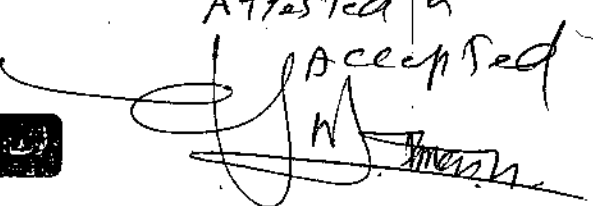
بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور کیلئے میر گل ایڈوکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برخلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: / / 20

المقام: _____

کے لیے منظور ہے۔

Attested & Accepted


نوٹ: اس وکالت نامہ کی کوئی کاپی قابل قبول ہوگی۔