

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

**Service Appeal No: 978/2024**

Mst: Ayesha Dilawar, SST (G) GGHS Bagan, Abbottabad.....Appellant

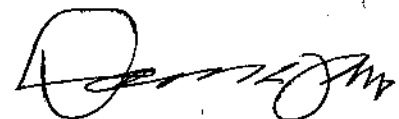
**VERSUS**

Government of, Khyber Pakhtunkhwa through Secretary E&SE Department & others.....Respondents.

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**SAMINA ALTAF  
DIRECTOR**



**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
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VERSUS

Government of, Khyber Pakhtunkhwa through Secretary E&SE Department & others..... Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 4.**

Respectfully Sheweth,

The Respondents submit as under:-

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16079

Dated 03-09-24

**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 as he is an SST in BPS-16 & seeking her postings in violation of the Rules in vogue.
- 5 That the appeal in hand is barred by the relevant provisions of law and limitation Act 1908.
- 6 That the appeal in hand is bad for mis-joinder and non-joinder of the necessary parties.
- 7 That the impugned Notification dated 06-03-2024 of the Respondent No. 2, whereby, the appellant has been posted as SST in GGHS Bagan Abbottabad under Section-10 of Civil Servants Act, 1973, hence, is legal & liable to be maintained.
- 8 That aggrieved from the Notification dated 06-03-2024, the appellant has filed a Departmental appeal dated 29-03-2024 to the Respondent No.1 which was seen & filed on the grounds of being illegal & even violation of the Law & Rules.

9 That transfer & posting of the appellant is the competency & jurisdiction of the competent authority under Section-10 of Civil Servants Act, 1973, whereunder, the appellant is liable to serve the Respondent Department anywhere, where ever, her services against the SST post is required on the grounds of being a post of provincial cadre.

10 That the act of the Department with regard to the said Notification is legal.

#### ON FACTS.

- 1 That Para-1 pertains to the service record of the appellant against the SST (G) in BPS-16 post inducted vide Notification dated 17-09-2018 on contract basis along with her subsequent adjustment as SST at GGHS Bakot Abbottabad, moreover, her services was regularized as SST on dated 02-12-2022 under the provision of Regularization of services Act, 2022 by the Respondent No. 3.
- 2 That Para-2 is correct to the extent of the order dated 07-11-2023, whereby, the appellant has been posted against the ASDEO circle Nathya Gali Abbottabad purely on stop gap arrangements till the arrival of an officer of Management Cadre in (BPS-16) mainly for the purpose of smooth running of routine matters in circle Nathya Gali Abbottabad, however, vide Notification dated 17-11-2023, the Notification dated 07-11-2023 was re-called by the Respondent No. 3 under the provision of Section-10 of Civil Servants Act, 1973 read with Section-21 of General Clauses Act, 1897 by posting & restoring the appellant against her original post of SST (G) in BPS-16 by the Respondent Department. *Attached as Annex-A & B.*
- 3 That Para-3 is correct to the extent of the transfer & adjustment order dated 06-12-2023, whereby, she has been transferred from GGHS Bakot having EMIS No. 36443 to GGHS Bagan having EMIS code 34962 against the vacant post under the legal provisions of law as referred above in the instant reply by the Respondent Department *attached as Annex-C.*
- 4 That Para-4 is correct to the extent of the order dated 08-12-2023, whereby, the appellant was transfer & posted as SST at GGHS Bolia Abbottabad under the above cited provision of law by the Respondent No. 2. *Attached as Annex-D*
- 5 That Para-5 is also correct to the extent of the office order dated 06-3-2024 of the Respondent No. 2, whereby, the order dated 08-12-2023 has been re-called by the same authority on the grounds of lack of jurisdiction in the titled matter *attached as Annex-E.*
- 6 That Para-6 is correct that an appeal dated 29-03-2024 has been filed by the appellant against the order dated 06-03-2024 of the Respondent No. 2 which was incompetent, hence, seen & filed under the Rules *attached as Annex-F.*
- 7 That Para-7 is correct that in compliance of the order dated 08-12-2023, the appellant was relived from her official duty as SST from GGHS Bolia Abbottabad for taking over charge at GGHS Bagan Abbottabad,

hence, actualized by the appellant & *attached as Annex-G & H.*

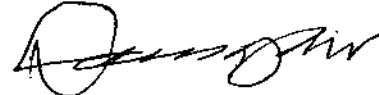
- 8 That para-8 is incorrect that the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973 has got no cause of action to approached this Honorable Tribunal in the titled appeal against the Respondents, therefore, the case in hand is liable to dismissed on the following grounds inter alia: -

ON GROUNDS.

- a) Incorrect & not admitted. the appellant has been treated as per law & rules by the Respondent Department vide order dated 06-03-2024 in the titled appeal, hence, the claim of the appellant is illegal.
- b) Incorrect & not admitted. The stand of the appellant is against the facts & legal proposition as he is originally serving in the Department as SST (G) in BS-16 TC & has correctly posted as SST at GGHS Bagan Abbottabad under the above cited Rules & policy by the Department.
- c) Incorrect & not admitted. the appellant has been treated as per law vide order dated 06-03-2024 by the Department.
- d) Incorrect & not admitted. The act of the Respondent Department with regard to the order dated 06-03-2024 is legal & liable to be maintained being a post of provincial cadre having no question of tenure completion by the appellant.
- e) Incorrect & not admitted. The order dated 06-03-2024 is legal & even in accordance with the provision of Article-35 of the constitution of 1973, hence, liable to be maintained.
- f) Incorrect & not admitted. The act of the Department with regard to the cited order is legal as similar nature cases have been dismissed by tis Honorable Tribunal on the grounds of right man for right job. (
- g) Incorrect & not admitted. The order dated 06-03-2024 is legal & even in accordance with the provision of Article-25 of the constitution of 1973, hence, liable to be maintained.
- h) Incorrect & not admitted. The order dated 06-03-2024 is legal, hence, liable to be maintained.
- i) Incorrect & not admitted. The stand of the appellant is illegal as the act of the Department with regard to the order dated 06-03-2024 is legally competent as 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 by maintain the order dated 06-03-2024 in favor of the Respondent Department in the interest of justice.

**SAMINA ALTAF  
DIRECTOR**



**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondents No. 3 & 4)**

**MASOOD AHMAD  
SECRETARY**



**AUTHORIZED OFFICER  
FAIZ ALAM  
ADDITIONAL SECRETARY (G)  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondents No. 1 & 2)**

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

Service Appeal No: 978/2024

Mst: Ayesha Dilawar, SST (G) GGHS Bagan, Abbottabad.....Appellant


**VERSUS**

Government of, Khyber Pakhtunkhwa through Secretary E&SE Department &  
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.

**DEPONENT  
SAMINA ALTAF  
DIRECTOR**

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

**ATTESTED**



26-09-2024

6

ANNEXURE  
A



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

**NOTIFICATION**

Consequent upon approval of the Competent Authority, the following SST are hereby transferred/adjusted, in the best interest of public service with immediate effect.

S.No	Name & Designation	Station	Remarks
1	Mst. Zahida Bini SST working as ASDEO (F) Circle Nathia Gali	GGHS Bagan	A-V-I
2	Mst. Aisha Dilawar, SST-G Bakot	ASDEO (F) Circle Nathia Gali	Vice S.No.01

Note:-

- 1) Charge report should be submitted to all concerned.
- 2) No TA/DA is allowed.
- 3) Their seniority will intact in their own cadre.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Dist. No. 5355-57 /A-17/ASDEO/ADEO/Adjustment/KP/Vol-05

Dated Peshawar the 7-11 /2023

**ATTESTED**

Copy of the above is forwarded to the:-

- 1 District Education Officer (Female) Abbottabad.
- 2 District Accounts Office Abbottabad.
- 3 Official Concerned
- 4 PA to Director (E&SE) Khyber Pakhtunkhwa.

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

EB-I  
14/11/23  
14/11/23

**ATTESTED**

4824  
14/11/23

Shah



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

7

**NOTIFICATION**

Consequent upon approval of the Competent Authority, the Notification issued vide this office Endst. No.5355/A-17/ASDEO/ADEO/Adjusment/KP/Vol-05 Dated 07-11-2023 in respect of Mst Zahida Bibi SST and Mst: Aisha Dilawar SST Abbottabad is hereby re-called.

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

Endst.No. 7631-24 / A-17/ASDEO/ADEO/Adjustment/KP/Vol-05  
Dated Peshawar the 17/11/2023

Copy forwarded for information to the:-

1. District Education Officer (F) Abbottabad.
2. District Accounts Officer Abbottabad.
3. Teacher Concerned.
4. PA to Director E&SE, Peshawar.

*17/11/23*  
**Assistant Director Establishment (F)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

**ATTESTED**

**ATTESTED**

*3*  
**Ahwal  
Shah**





8

ANNEXURE  
B

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD.



☎ 0992-342533, 0992-342314  
✉ deofansale\_abbottabad@yohov.gov.pk

Transfer Adjustment

As approved by the Competent Authority the following officers are hereby transferred to school noted against each their names on their own pay and grade in the interest of public service with immediate effect.

S.No	Name / Designation & CNIC	From & EMIS Code	To & EMIS Code	Remarks
1.	Mst: Ayesha Dillwar SST(G) BPS-16 13101-9555852-6	GGHS Bakote EMIS-36443	GGHS Bagan EMIS-34962	Against the vacant post

Note :-

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

--Sd--

DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD.

ATTESTED

Endst: No. 1083-32 /EB-1/Adjustment/ADEO/1/2021 Dated: 06/12 /2023.

Copy forwarded for information and necessary action to the:-

01. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
02. District Account Office Abbottabad.
03. District Monitoring Officer EMA Abbottabad.
04. Principal GGHS Bakote, Abbottabad.
05. Head Mistress GGHS Bagan, Abbottabad.
06. Office File.

A

*[Handwritten Signature]*  
6/12/23

DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD.

ATTESTED

9



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223587

Dated Peshawar the 8<sup>th</sup> December, 2023

OFFICE ORDER

No. SO(P/E)/E&SED/2-1/Transfer/Ayesha Dilawar/2023. Mst. Ayesha Dilawar SST (G) CGHS Bagan Abbottabad is hereby transferred and posted at GGHS Balolia Abbottabad against the post of SST (G) which is going to be vacant w.e. from 23<sup>rd</sup> March, 2024 upon retirement of its incumbents.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT.

Endst. No. & Date as above:

Copy forwarded to:

1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (F) Abbottabad.
3. The District Account Officer, Abbottabad.
4. Teacher concerned.
5. Master File.

SECTION OFFICER (PRIMARY/E)

**ATTESTED**

**ATTESTED**

10

ANNEXURE

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223540

OFFICE ORDER

Dated Peshawar the 6<sup>th</sup> March, 2024

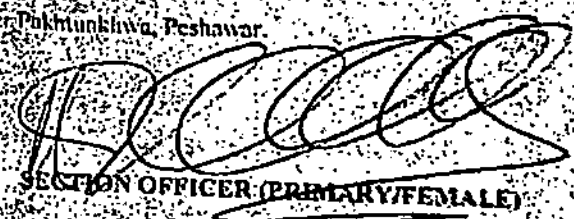
No. SO(P/F)/E.&SED/2-1/Transfer/Ayesha/Dilawar/2023. Posting/transfer order of even No. dated  
as 12/2023 in respect of Ayesha Dilawar SST (G) is hereby withdrawn ab-initio.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT.

List. No. & Date as above

Copy forwarded to:-

- 1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 2. The District Education Officer (F) Abbottabad.
- 3. The District Accounts Officer, Abbottabad.
- 4. PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.
- Teacher Concerned.
- Master File

  
SECTION OFFICER (PRIMARY/FEMALE)

ATTESTED

A

ATTESTED

بخدمت جناب چیف سیکرٹری خیبر پختونخواہ پشاور

ANNEXURE E

عنوان: حکمانہ اپیل بر خلاف مستوحی ٹرانسفر آرڈر مورخہ 06-03-2024 جاری کردہ

سیکرٹری E&SE خیبر پختونخواہ پشاور۔

جناب عالی! موجبات اپیل ذیل ہیں۔

- 1 یہ کہ ایپلانٹ کی تقرری SST جنرل کی پوسٹ پر گریڈ 16 عسکر تعلیم ضلع ایبٹ آباد میں بحوالہ آرڈر نمبر 98-1192 جاری کردہ ڈائریکٹر E&SE مورخہ 17-09-2018 کو گورنمنٹ گزٹ ہائی سکول بیرٹ میں ہوئی۔
  - 2 یہ کہ ایپلانٹ کی Adjustment مورخہ 06-12-2023 کو آرڈر نمبر 36-10831 کے تحت گورنمنٹ گزٹ ہائی سکول ہاگن میں ہوئی۔
  - 3 یہ کہ مورخہ 08-12-2023 کو سیکرٹری E&SE نے ایپلانٹ کی Adjustment گورنمنٹ گزٹ ہائی سکول بلوچہ ایبٹ آباد میں کردی تو پھر ایپلانٹ نے مورخہ 25-03-2024 کو گورنمنٹ گزٹ ہائی سکول بلوچہ میں چارج لے لیا۔
  - 4 یہ کہ مورخہ 26-03-2024 کو ایپلانٹ کو سیکرٹری E&SE کی طرف سے ایک آرڈر موصول ہوا جو کہ مورخہ 06-03-2024 کو جاری کیا گیا اور اس میں ایپلانٹ کے Adjustment آرڈر 08-12-2023 کو منسوخ کر دیا گیا۔
  - 5 یہ کہ سیکرٹری E&SE کا آرڈر 06-03-2024 پوسٹنگ ٹرانسفر پالیسی 2009ء کے صریحاً خلاف ہے کہ ایپلانٹ دوردراز علاقوں میں اپنا Tenure مکمل کر چکی ہے۔
  - 6 یہ کہ سیکرٹری E&SE کا آرڈر مورخہ 06-03-2024 آئین پاکستان کی شق 35 کے بھی صریحاً خلاف ہے۔ جس میں پہلی کو پروفیشن دی گئی ہے اور دوسرے قریب سروس مراعات دینے کی ہدایات دی گئی ہیں۔
  - 7 یہ کہ سیکرٹری E&SE کا آرڈر 06-03-2024 خلاف قانون ہے کیونکہ ایپلانٹ کا ٹرانسفر آرڈر خالی پوسٹ پر ہوا ہے اور پھر سن پینڈ کی بنیاد پر ایپلانٹ کو GGHS بلوچہ سے بلا ٹرانسفر کر دیا گیا۔
- لہذا استدعا ہے کہ سیکرٹری E&SE کا آرڈر مورخہ 06-03-2024 کو منسوخ فرماتے ہوئے ایپلانٹ کو GGHS ایبٹ آباد میں تعینات کیا جائے اور جس وقت تک اپیل ہذا کا فیصلہ صادر نہیں ہوا تا اس وقت تک مذکورہ آرڈر کو معطل فرمایا جاوے۔

الرقوم: 29/3/2024

العارضہ

عائشہ دلاور SST جنرل گورنمنٹ گزٹ ہائی سکول بلوچہ ضلع ایبٹ آباد

*(Signature)*  
Shah

ATTESTED

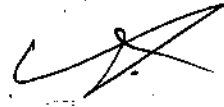
ATTESTED

*(Signature)*  
Shah



# RELEAVING CHIT

It is here by stated that Ms Ayesha Dilawar SST (G) at GGHS Balolia Abbottabad here by relieved from her duty to day 02-5-2024 . After noon vide on the behalf of Ends No .SO(P/F)/E&SED/2-1/Transfer/Ayesha Dilawar/2023 . Dated 8/12/2023. DEO (Female) office Abbottabad and advised to report to the Head of GGHS Bagan Abbottabad positively.

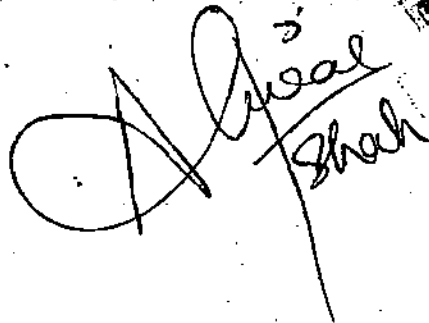


ATTESTED

Saina Fatim.  
HEAD MISTRESS  
GGHS BALOLIA ATD

Head Mistress  
G.G.H.S. Balolia  
Abbottabad

12



ATTESTED

ANNEXURE  
P  
CS CamScanner

# CHARGE REPORT UNDER PROTEST

Ms. Aishah Dilawar SST (G) took the charge under protest on 13 May 2024 against the order issued by the secretariat No. So(PIF)E 8-SED/2-1/Transfer/Aishah Dilawar/2023. She resumed her duties at GGHS Bagan.

AISHAH DILAWAR  
SST (G)

*Aishah Dilawar*  
Aishah Dilawar

Head Mistress  
Govt Girls High School  
Bagan Abbottabad  
PRINCIPAL  
GGHS Bagan.

*Rehman*  
13/05/24

**ATTESTED**

*[Signature]*

**ATTESTED**

*Aishah Dilawar*  
Aishah Dilawar



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

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**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. 978/2024 case titled Mst. Ayesha Dilawar SST (G) GGHS Bagan, Abbottabad 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.



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

**NOTIFICATION**

I, Samina Altaf, Director Elementary & Secondary Education Department Khyber Peshawar do hereby authorize, Mr. Abdus Sammad, Deputy Director (Legal) Directorate of Elementary & Secondary Education to sign parawise comments, replies, implementation report, objection petitions, civil miscellaneous application etc on my behalf for onward submission before the courts of law/tribunals as the case may be, with immediate effect in the interest of public service.

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

Endst. No. 2633-L/3 /F.No. AD(Lit-II)/E&SE/Office Correspondence/Vol-II/2024  
Dated Peshawar the 26/07/2024.

*Copy of the above is forwarded for information & n/action to the:*

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department Khyber Pakhtunkhwa.
4. Learned Registrar High Court Peshawar (with one each spare copy for the Honorable Judges).
5. Learned Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar (with one each spare copy for the Honorable Chairman/Members).
6. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
7. All District Education Officer (Male/Female) Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar.
9. PA to Additional Secretary (General) E&SE Khyber Pakhtunkhwa, Peshawar.
10. PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
11. Master file.

  
**(SAMINA ALTAF)**  
**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar