

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No# 978/2024

Diary No. 16213

Secretary, Govt: of Khyber Pakhtunkhwa E&SE Department & Others..... Respondents.

Dated: 01-10-24

VERSUS

Mst. Ayesha Dilawar.....Appellant

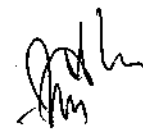
APPLICTION FOR VACTION OF SUSPENSION ORDER 08-08-2024 AGAINST THE NOTIFICATION DATED 06-03-2024.

Respectfully Sheweth,

1. That the appellant have filed this service; appeal against the Notification dated 06-03-2024.
2. That this Honorable Service Tribunal has suspended the impugned notification vide order-sheet dated 08.08.2024 by way of interim relief in the following terms :-
"Along with the appeal there is an application for suspension of operation of the impugned transfer order dated 06.03.2024. Issue notice of the application to the respondents. **In the meanwhile, operation of the impugned order dated 06.03.2024 is suspended if not acted upon earlier.**"
3. That it is pertinent to mention here that the impugned transfer order dated 06.03.2024 has already been acted upon by the Respondent/Appellant , as she has assumed the charge at GGHS Bagan on 13.05.2024 prior to stay order dated 08.08.2024 (**Charge Assumption Report duly signed by the Respondent and Principal**).
4. That the Respondent Pay Roll for the Month of July 2024 wherein the Respondent received salary from GGHS Bagan, Abbottabad (**Copy attached**) prior to stay order dated **08.08.2024.**
5. That the above-mentioned submissions/documentary proofs substantiate that the impugned order dated 06.03.2024 has already been acted upon as per the embargo imposed by service tribunal vide order dated 08.08.2024, therefore, the stay granted against the impugned order may kindly be recalled.

PRAYR

In view of the above, it is therefore, most humbly requested that, the interim relief already granted on 08.08.2024 may kindly be re-called/set aside.



(Fiaz Alam)
Additional Secretary (Estab)
E&SE Department
on behalf of
SECRETARY E&SED
(Respondent No. 01&02)

CHARGE REPORT UNDER PROTEST

Ms. Aishah Dilawar
Charge under protest on 13 May 2024 against
the order issued by the secretary No. 50 (A/F) E
of SED 12-1/1 Transfer / Aishah Dilawar / Board / Sakhe Residency
/ Sakhe Duffas at GSHS Bayan.

AISHAH DILAWAR
SET (G)

Head Mistress
Govt Girls High School
Sakhe Residency

PRINCIPAL

Aishah Dilawar
Aishah Dilawar

GSHS Bayan

Aishah Dilawar
13/05/24

Aishah Dilawar
Mrs

Dist. Govt. KP-Provincial
 District Accounts Office Abbotabad
 Monthly Salary Statement (July-2024)



Personal Information of Mrs AISHAH DILAWAR d/w/s of MUHAMMAD-FAYYAZ

Personnel Number: 00905245 CNIC: 1310195558526 NTN:
 Date of Birth: 30.07.1986 Entry into Govt. Service: 22.09.2018 Length of Service: 05 Years 10 Months 011 D

Employment Category: Active Temporary

Designation: SECONDARY SCHOOL TEACHER 81202157-DISTRICT GOVERNMENT KHYBE

DDO Code: AD6331- **GGHS Bagan**

Payroll Section: 003 GPF Section: 001 Cash Center:
 GPF A/C No: GPF Interest Free GPF Balance: 84,420.00 (provisional)

Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 16 Pay Stage: 5

Wage type		Amount	Wage type		Amount
0001	Basic Pay	39,370.00	1001	House Rent Allowance 45%	4,091.00
1210	Convey Allowance 2005	5,000.00	1974	Medical Allowance 2011	1,500.00
2316	Teaching Allowance 2021	3,782.00	2341	Dispr. Red All 15% 2022KP	3,521.00
2347	Adhoc Rel All 15% 22(PS17)	3,521.00	2378	Adhoc Relief All 2023 35%	12,988.00
2393	Adhoc Relief All 2024 25%	9,842.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-4,960.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-1,261.00	3990	Emp.Edu. Fund KPK	-170.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 20,169.23 Recovered till HIL-2024: 1,261.00 Exempted: 5041.85 Recoverable: 13,866.38

Gross Pay (Rs.): 83,615.00 Deductions: (Rs.): 8,541.00 Net Pay: (Rs.): 75,074.00

Payee Name: AISHAH DILAWAR

Account Number: 1004653367

Bank Details: BANK ALFALAH LIMITED, 090068 Supply Bazar Supply Bazar, Abbotabad

Leaves: Opening Balance: Available: Earned: Balance:

Attested
[Signature]

Permanent Address:

City: ABBOTABAD

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa


Housing Status: No Official

Email: aishahdilawar@gmail.com

08.08.2024

Learned counsel for the appellant present and argued that within a short span of six months, four transfer/posting orders of the appellant were issued by the respondents. Lastly, vide impugned order which infact was issued on 27.03.2024 shown to be issued on 06.03.2024 by back dating it and appellant transfer/posting order dated 08.12.2023 was withdrawn because she has already assumed charge of her post on 25.03.2024 in accordance with order dated 08.12.2023 after the retirement of incumbent of post of SST(G) GGHS Bagan which is against the policy and injustice. He further argued that appellant was prematurely transferred upon outside political influence and respondents are in the habit of issuing posting/transfer order of the appellant and then withdrawing it which is violation of clause iii, iv and xii of the posting/transfer policy of provincial government. Points raised need consideration. Appeal in hand is admitted for regular hearing subject to all just and legal objections. Appellant is directed to deposit security fee within seven days, thereafter, notices be issued to the respondents for submission of written reply. Respondents be summoned through TCS the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 19.08.2024 before S.B. P.P given to learned counsel for the appellant.

2. Alongwith the appeal there is an application for suspension of operation of impugned transfer order dated 06.03.2024. Notice of the application be issued to the respondents. In the meanwhile, operation of the impugned order dated 06.03.2024 is suspended, if not acted upon earlier.


(Rashida Bano)
Member (J)