


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 938/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.09.2024	<p>The implementation petition of Mst. Nighat Shaheen submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 12.09.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By order of the Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Execution Petition No. 938 /2024
In
Appeal No. 1441/2023

MST: NIGHAT SHAHEEN

VS

EDU: DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Implementation Petition with Affidavit	1-2
2.	Copy of the judgment dated 13/11/2023	"A"	3-6
3.	Copy of the order dated 05/12/2023	"B"	7
4.	Copy of the order dated 28/08/2024	"C"	8
5.	Vakalat Nama		9

THROUGH:

Petitioner
Nighat Shaheen

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Execution Petition No. 938 /2024

In

Appeal No. 1441/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15542

Dated 06.09.2024

Mst. Nighat Saheen, (BPS-17) (MC)
SDEO (F) District Tank

..... Petitioner

VERSUS

- 1- Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (F) DI Khan.

..... **RESPONDENTS**

EXECUTION PETITION UNDER SECTION 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT 1974, RULE 27 OF THE KP SERVICE TRIBUNAL RULES 1974 READ WITH SECTIONS 36 AND 51 OF THE CIVIL PROCEDURE CODE AND ALL ENABLING LAWS ON THE SUBJECT FOR THE IMPLEMENTATION OF THE JUDGMENT DATED 13/11/2023 IN LETTER AND SPIRIT.

R/SHEWETH:

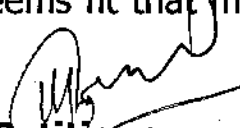
- 1- That the appellant filed service appeal bearing No. 1441/2023 before this august Service Tribunal, wherein the petitioner was made private respondent and the same was contested by her.
- 2- That the appeal of the appellant was finally heard on dated 13/11/2023 and as such the ibid appeal is disposed of as follows:

"2. Therefore, we disposed of these appeals by sending the cases of the private parties of these two appeals to the Secretary Elementary & Secondary Education Khyber Pakhtunkhwa for appropriate action at his end, within thirty days from today. (Copy of this order be placed on file of connected appeal No. 1441/2023 titled Noreen Saba Versus Education department)"consigned. Copy of the judgment dated 13/11/2023 is attached as annexure.....**A**

- 3- That in compliance of ibid judgment dated 13/11/2023, the petitioner was transferred/posted as SDEO (F) Tank vide order dated 05/12/2023. Copy of the order dated 05/12/2023 is attached as annexure.....**B**

- 4- That surprisingly the petitioner was once again transferred and directed to report to the Directorate E&SE Department Khyber Pakhtunkhwa, Peshawar vide order dated 28/08/2024 in utter disregard and violation of the judgment supra. Copy of the order dated 28/08/2024 is attached as annexure.....C
- 5- That petitioner having no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of the instant execution petition the respondents may kindly be directed to implement the Judgment dated 13/11/2023 passed in Appeal No. 1441/2023 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.


Petitioner
Nighat Shaheen

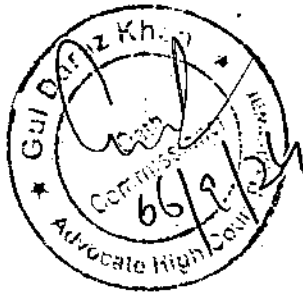
THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Nighat Saheen (petitioner) do hereby solemnly affirm that the contents of this Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT



4A"

(3)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

Service Appeal No. ¹⁴⁴/2023

Mst. Sonia Nawaz, Sub Divisional Education Officer (F) Tank, District Tank.

.....**APPELLANT**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary, to Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.
4. Director, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.
5. District Education Officer (Female), Dera Ismail Khan.
6. District Education Officer (Female), Tank.
7. District Account Officer, Dera Ismail Khan
8. Nighat Shaheen, SDEO (F), Paroa District Dera Ismail Khan.

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

.....**Respondents**

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974, AGAINST THE
NOTIFICATION BEARING NO. SO(MC)E&SED/4-
16/2022/POSTING/TRANSFER/MC/ DATED 22/03/2023,
ISSUED BY THE RESPONDENT NO.3.**

PRAYER:

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE OFFICIAL REPENDENTS MAY KINDLY BE DIRECTED TO CANCEL THE IMPUGNED WITHDRAWAL ORDER BEARING NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC/ DATED 22/03/2023 BE DECLARED AS VOID AB-INITIO WITHOUT LAWFUL AUTHORITY, AGAINST THE NORMS OF NATURAL JUSTICE AND INEFFECTIVE UPON THE RIGHTS OF APPELLANTS AND THE TRANSFER NOTIFICATION BEARING NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC/ DATED 20/03/2023 MAY KINDLY BE RESTORED IN THE BEST INTEREST OF JUSTICE.

Note: The addresses of the parties given above are sufficient for the purpose of services.

Respectfully Sheweth,

Appellant through council humbly submits and request as under.

S.A #. 1441/2023


ORDER


13th Nov. 2023

4




1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General for official respondents present. Respondent No.3 in person present. Nobody is present on behalf of private respondent No.8.
2. Vide our detailed judgment of today placed on file of connected Service Appeal No.1403/2023 titled 'Noreen Saba Vs. Education Department', instant service appeal is disposed of. Copy of judgment passed in connected appeal, be placed on file of this case. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 13th day of November, 2023.*


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

Date of Presentation of Application 06/11/23
Number of Words 27
Copying Fee 16/-
Urgent _____
Name of Copyist [Signature]
Date of Completion of _____ 06/11/23
Date of Delivery of Copy _____ 06/11/23


ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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Service Appeal No.1403/2023 titled 'Noreen Saba & other Vs. Education Department'

ORDER

13th Nov. 2023 Kalim Arshad Khan, Chairman: Learned counsel for the appellants present. Mr. Habib Anwar, Additional Advocate General for the official respondents present. Mr. Motasim Billah Shah, Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education (respondent No.2) is present in person. Mr. Ahmad Ali Khan, Advocate present on behalf of private respondent No.10 through video link from D.I.Khan and for the appellants in appeal No.1441/2023.

2. Through this single order, we are going to decide this appeal as well as connected Appeal No.1441/2023 titled "Sonia Nawaz Vs. Education Department" as both are almost interdependent and thus, can conveniently be decided together.

3. At the very outset, respondent No.2 i.e. Secretary Elementary & Secondary Education Department, has informed the Tribunal that the posts, against which the private parties are litigating, are provincial cadre posts. However, in view of the fact that the private parties are ladies, therefore, the department takes all care that they could be accommodated nearer to their home stations. The Secretary further offered that let the matter might be sent to the department, where, he will make all the private parties sit together and he would issue an appropriate order of posting of private parties having regard to the abode, tenure provided in the posting/transfer policy as well as exigency of services and public interest, to which, the learned counsel for the private parties did not object. Therefore, we dispose of these appeals by sending the cases of the private parties of these two appeals to the Secretary

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

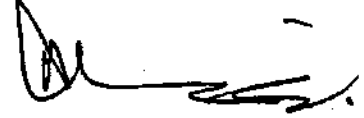
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Elementary & Secondary Education Department Khyber Pakhtunkhwa for appropriate action at his end, within 30 days from today. (Copy of this order be placed on file of connected appeal No.1441/2023 titled 'Noreen Saba Vs. Education Department'). Consign.

4. Pronounced in open Court at Peshawar and given under our hand and seal of the Tribunal on this 13th day of November, 2023.



(Salah-Ud-Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

Mutazem Shah

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 06/11/23
Number of Words 27
Copying Fee 10/-
Urgent 18/-
Total 28/-
Name of Copyist 06/11/23
Date of Completion of Copy 06/11/23
Date of Delivery of Copy 06/11/23



4 B" (7)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

Dated; 5th December, 2023

NOTIFICATION

NO.SO (MC) E&SED/4-16/2023/PT/ASDEOs In light of Service Tribunal Judgment dated 03.11.2023 in Service Appeal No. 1403/2023, the following posting/ transfer of SDEOs are hereby ordered with immediate effect, in the best public interest.

S#	Name	From	To	Remarks
1	Mst. Nighat Shaheen (MC BS-17)	SDEO (F) Parova D.I.Khan	SDEO (F) Tank	V.S.No.2
2	Mst. Sonia Nawaz (MC BS-17)	SDEO (F) Tank	SDEO (F) Paharpur D.I.Khan	V.S.No.6
3	Noreen Saba (MC BS-17)	SDEO (F) Hangu.	SDEO (F) Jandola Tank	V.S.No5
CONSEQUENTIAL POSTING/ TRANSFER				
4	Mst. Sobia Tabassum (MC BS-17)	SDEO (F) D.I.Khan	SDEO (F) Parova D.I.Khan	V.S.No.1
5	Mst. Samina Shehnaz (MC BS-17)	SDEO (F) Jandola Tank	SDEO (F) D.I.Khan	V.S.No.4
6	Shamshad Bibi (MC BS-17)	SDEO (F) Paharpur D.I.Khan	SDEO (F) Ghazni Khel Lakki Marwat	AVP

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Female) concerned.
5. District Accounts Officer concerned.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

111 / 5-12-2023
(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

1
ATTACHED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626



Dated, the Peshawar 28th August, 2024

NOTIFICATION

NO.SO(MC)E&SED/4-16/2024/PT/SDEOs/Tank: Mst. Nighat Shaheen (MC BS-17), SDEO (Female) Tank is hereby transferred and directed to immediately report to Directorate of E&SE Khyber Pakhtunkhwa, Peshawar.

2. Consequent upon the above, Mst. Noreen Saba, SDEO (Female) Jandola, Tank is hereby authorized to hold the additional charge of the post of SDEO (Female) Tank, till further orders, in the best public interest.

SECRETARY TO THE GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst; of even No.& date;

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) Tank.
4. District Account Officer Tank.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Master file.


(JANBAZ AHMED)

SECTION OFFICER (Management Cadre)

ATTESTED



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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

EP No 12024

Nighat Shaheen

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Fdu deph

(RESPONDENT)
(DEFENDANT)

I/We Nighat Shaheen

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / / 202

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

WALEED ADNAN

UMAR FAROOQ MOHMAND

KHANZAD GUL

ABID ALI SHAH
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)