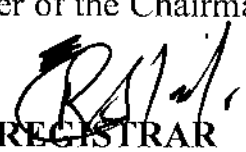


FORM OF ORDER SHEET

Court of _____

Appeal No. 1450/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13-Sep-24	<p>The appeal of Mr. Shabeena today by Mr. Muhammad Ilyas Orakzai, Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

2

allowed to continue her service in GGMHSS Ghiljo Upper Orakzai for the larger interest of justice.

Respectfully Sheweth:-

1. *That the appellant is law abiding citizen of Pakistan, having fundamental right which is guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.*
2. *That the appellant was appointed on the recommendation of Departmental Selection Committee vide Office Order No 1106-12 dated 10/11/2022 by respondent No 2 as CT (BPS-15) and she was posted at GGMS Khadizai Upper Orakzai.*
3. *That the earlier the appellant was transferred and posted against vacant post from GGMS Khadizai Upper Orakzai to GGMHSS Ghiljo Upper Orakzai vide Office Order No 3109-17 dated 23/09/2023 on administrative ground. (Copy of order dated 23/09/2023 is attached as annexure "A")*
4. *That since the above transfer and posting order, the appellant performed her duties with full devotion and zeal and no complaint has been made whatsoever against the appellant in her entire service.*
5. *That the respondent No 2 without any reason and justification withdraw the earlier transfer order of the*

appellant dated 23/09/2023 and issued the impugned premature withdraw notification No 5333-41 dated 12/08/2024 of the appellant. **(Copy of impugned notification dated 12/08/2024 is attached as annexure "B")**.

6. That the appellant aggrieved from impugned premature withdraw notification No 5333-41 dated 12/08/2024 passed by the respondent No. 2, submitted departmental appeal before the respondent No 1 vide Diary No 2348 dated 26/08/2024, which was decided by respondent No 1 vide Office Order No 10960 dated 05/09/2024 without any speaking order. **(Copies departmental appeal order appellate order dated 05/09/2024 are attached as annexure "C" & "D")**.
7. That the appellant is highly aggrieved from both the impugned orders dated 12/08/2024 & 05/09/2024 of respondents No 1 & 2, filed the instant Service Appeal inter alia on the following grounds:-

Grounds:-

- A. That both the impugned orders dated 12/08/2024 & 05/09/2024 of respondents No 1 & 2 are illegal, unlawful, and against posting, transfer policy and also based on malafide, hence liable to be set aside.

4

- B. That the fundamental rights of the appellant blatantly violated by the respondents and the appellant has been discriminated and has been denied her due rights, which is protected under the Constitution of Pakistan, 1973.
- C. That the appellant has not been treated in accordance with law, rules and regulations.
- D. That the appeal of the appellant is well within time and this Honourable Tribunal has the jurisdiction to entertain the instant appeal.
- E. That both the impugned orders dated 12/08/2024 & 05/09/2024 of respondents No 1 & 2 are in utter violation of the Transfer and Posting Policy of the Government.
- F. That the treatment meted out to the appellant is highly discriminatory and in clear violation of the Fundamental Rights of the Appellant as enshrined in the Constitution of Pakistan 1973 and also violation of Articles 218 (3), 220 of the Constitution of Islamic Republic of Pakistan.
- G. That both the impugned orders are also violative of the transfer/posting policy of the Government of Khyber Pakhtunkhwa as both the notifications not issued in public interest.


5

- H. That both the impugned orders dated 12/08/2024 & 05/09/2024 of respondents No 1 & 2 are also violative of Rule 12 of Appointment, Promotion & Transfer Rules, 1989.
- I. That the respondent has also violated Clause-I, Clause-IV & Clause-XIII of the transfer posting of the Government by issuing both the impugned orders dated 12/08/2024 & 05/09/2024 of respondents No 1 & 2.
- J. That any other grounds will be raised at the time of arguments with the prior permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that on acceptance of this appeal, both the impugned orders dated 12/08/2024 & 05/09/2024 of respondents No 1 & 2 may kindly be set aside and consequently the appellant may kindly be allowed to continue her service in GGMHSS Ghiljo Upper Orakzai for the larger interest of justice.

Dated:- 12/09/2024

Through:-


Appellant

Muhammad Ilyas Orakzai
Advocate Supreme Court
Of Pakistan

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A No:- _____ -P/2024

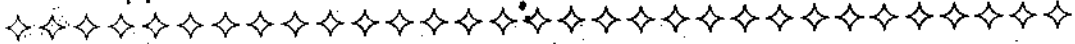
Mst: Shabeena

Versus

Director E&SE KP & another

..... Appellant

..... Respondents



AFFIDAVIT

I, Mst: Shabeena D/o Sher Afzal R/o Cast Mula Khel, Tapa Charkhela, P/o Ghaljo Village Jalo, Tehsil Upper District Orakzai, (The appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified by

DEPONENT

CNIC No:- 42501-1955617-4

Cell No:- 0334-8336872

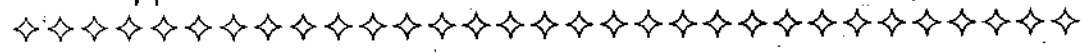
Muhammad Ilyas Orakzai
Advocate Supreme Court

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A No:- _____ -P/2024

Mst. Shabeena **Versus** Director E&SE KP & another
..... Appellant Respondents



APPLICATION FOR SUSPENSION OF THE BOTH THE IMPUGNED
ORDERS DATED 12/08/2024 & 05/09/2024 OF
RESPONDENTS NO 1 & 2, TILL THE FINAL DECISION OF THE
SERVICE APPEAL.

Respectfully Sheweth:-

- 1. That the above noted Service Appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.*
- 2. That the petitioner has got a good prima facie case in her favour, and is sanguine about its success.*
- 3. That the balance of convenience also lies in favour of the petitioner.*

8

4. That if both the impugned orders dated 12/08/2024 & 05/09/2024 of respondents No 1 & 2 are not suspended, than the petitioners would suffer irreparable loss.
5. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, both the impugned orders dated 12/08/2024 & 05/09/2024 of respondents No 1 & 2 may kindly be suspended, till the final decision of the case.

Dated:- 12/09/2024

Through:-

Appellant

Muhammad Ilyas Orakzai
Advocate Supreme Court
Of Pakistan

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A No: _____ -P/2024

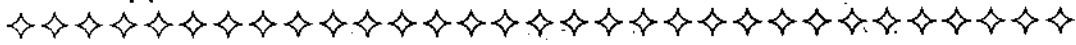
Mst: Shabeena

Versus

Director E&SE KP & another

..... Appellant

..... Respondents



ADDRESSES OF PARTIES

APPELLANT

Mst: Shabeena (Certified Teacher [CT] BPS-15) GGMHSS Ghiljo Upper Orakzai, D/o Sher Afzal R/o Cast Mula Khel, Tapa Charkhela, P/o Ghaljo Village Jalo, Tehsil Upper District Orakzai

RESPONDENTS

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (DEO) (F) District Orakzai, Umar Plaza, Main Kohat Road, Muslim Abad Hangu.

Dated:- 12/09/2024

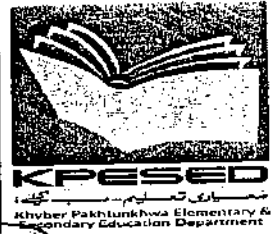
Through:-

Appellant

Muhammad Ilyas Orakzai
Advocate Supreme Court
Of Pakistan



OFFICE OF THE DISTRICT EDUCATION OFFICER-(F)-ORAKZAI
(ESTABLISHMENT SECTION)
DISTRICT HEADQUARTER ORAKZAI AT BABER MELA-HANGU
Email: deorakzai2020@gmail.com
No. 3109-17. Dated: 23/9/2023



TRANSFER ORDER:


11 Annex - A

The competent authority (District Education Officer (Female) District Orakzai) has been pleased to transfer the following CT-BPS: 15 in District Orakzai to the school as mention against her name with immediate effect on administrative grounds.

S#	NAME	CNIC	DESIGNATION	FROM	TO	REMARKS
1.	Mst. Shabeena d/o Sher Afzal	42501-1955617-4	CT- BPS: 15	GGMS Khadizai, Orakzai (62624)	GMHSS Ghiljo (62315)	A.V.P

Note:-


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



(SHAZIA NAWAZ)
DISTRICT EDUCATION OFFICER-(F)
DISTRICT ORAKZAI

Endst: of Even No. & Date:

Copy forwarded for information and necessary action to the:-

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Additional Director (Estab), Directorate of Education, Merged Areas, Peshawar.
3. Deputy Commissioner, Orakzai.
4. District Monitoring Officer, EMA, Orakzai.
5. Deputy DEO (F), District Orakzai.
6. Head Mistress concerned.
7. CT concerned.
8. Focal Person, DEMIS (HRMIS), local office.
9. Office copy.

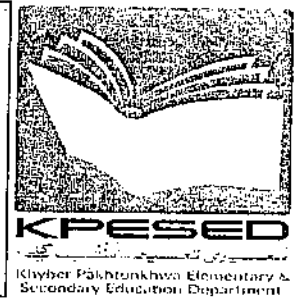

DISTRICT EDUCATION OFFICER (F)
DISTRICT ORAKZAI



12
Annex - B



OFFICE OF THE DISTRICT EDUCATION OFFICER - FEMALE
DISTRICT ORAKZAI.
Near Head Quarter Orakzai Babar Mela Hangu.
Phone # 0925-690220 Fax # 0925-690220
Email: deofemaleorakzai@gmail.com
No 333-41 dated : 12 /08/2024.

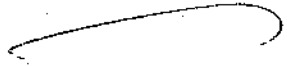


NOTIFICATION.

The Transfer order issued vide this office No 3109-17 dated 23.9.2023 in respect of Mst Shabina D/O Sher Afzal (CT BPS-15) is hereby withdraw due to single teacher at the school in the best interest of students .

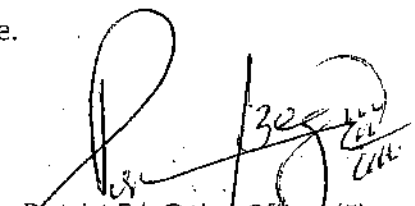
She is directed to assign the charge in her pervious original school.

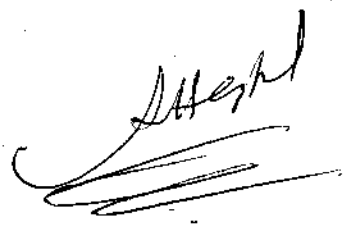
Note: - Charge report should be submitted to office of the undersigned within 15 days.


District Education Officer
District Orakzai.

Endst Even No & Date:-

1. Deputy commissioner District Orakzai
2. Director E&SED KP Peshawar.
3. Additional Director (MDs) KP Peshawar.
4. Deputy District Education Officer (F) of the local Office.
5. Principal GMHSS Ghiljo Upper Orakzai.
6. District Accounts Officer District Orakzai.
7. SDEO (F) Upper Sub Division at Ghiljo.
8. Office File.


District Education Officer (F)
District Orakzai.



13 Annex - C

To: The Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Subject: Appeal against Transfer of Ms. Shabeena CT - BPS - 15 GPGS
Khadizai Upper Orakzai

Respectfully, I have the following to submit in a sequential order for your kind consideration, perusal and inline with the realities on ground.

1. I was appointed as Certified Teacher (CT) in BPS15 at GGMS Khadizai Upper Orakzai on 10.11.2022 via ETEA on open merit with distinction. My family resides at Bannu due to service of my father and the fragile security environment of Orakzai. My qualifications are:
 - a. BS (Hons) Bio Technology from UST Bannu.
 - b. M Phil scholar at UST Bannu (research in hand) - I am the only female teacher with this qualification in the entire District.
 - c. After appointment, I was adjusted at GGMS Khadizai (Upper Orakzai) and I took over the charge at GGMS Khadizai despite many odds for female teachers. Having served there for 10 months along with another teacher but she got her NOC and was transferred. Here onwards, I remained all alone and being unmarried young girl, it was culturally and socially not possible for me either to live alone under own arrangements or in the house of any local. I was teaching to the students of Primary level due to non-availability of students in the middle section.
2. On 23/09/2023, I submitted an application to the learned DEO (F) Mst. Shazia Nawaz for transfer and she has accepted my application by realizing the ground reality and sensitivity of the area thus got transferred to GGMHSS Ghiljo (Upper Orakzai) wherein bachelor hostel for women was available. I have taken over the charge at GGMHSS Ghiljo and serving with zeal and spirit at GGMHSS Ghiljo where school hostel was available and other non-local teachers were also residing thus we had some feeling of security. I have Here I contributed and rate of the student enrollment increased due to my untiring efforts and highly qualification which can be verified from the school record.
3. Meanwhile, when the Directorate of E&SE sent a letter to the DEOs of Merged Districts for submitting information regarding all those teachers who were not yet regularized/ extension granted.
4. On 12/05/2023, Mst Asfia Amin, the then In-charge DEO(F) asked me via her trustee for a meeting with a view to giving her a reward in case I am interested in regularization. I had to refuse as it was unethical and unlawful. With this Mst. Asfia Amin developed personal grudge and hate for me.
5. On 12-08-2024, your good office has cancelled my transfer order and I have been

DNO 2348
dt 26/8/24



14

directed to resume my duty at GGMS Khadizai from where I was transferred to the present location. I wish a few representatives of Education Department visit Khadizai area to confirm the following:

- a. There is no suitable residential facility whether official or private at GGMS Khadizai where a lone girl can live.
 - b. There is no non-local unmarried female teacher who lives there.
 - c. I am a kind of no non local as my family resides in Bannu at the Woolen Mills.
 - d. I am unmarried and cannot live in houses of others in the tribal district - Orakzai. Can a daughter of any Officer of Education Officer live in such a way?
 - e. There is no public transport facility for daily in/out.
6. The plea that GGMS Khadizai is a single teacher school, hence I am re posted is not a plausible reason. I request the decision may be reviewed and the problems of young female teachers must be considered viz a viz the fragile security environment (may be verified from the security agencies, the Army and Police), the culture and the availability of suitable female accommodation.
7. I am attaching the list of those schools (Female) of the District which were/ are without any regular teacher or were made dysfunctional by the then DEO (F) Asfia Amin intentionally.
8. I, request your good self and the Information Addresses (in the CC) also to intervene and support those girls who are spreading education in fragile environment please.

Dated: 13 - 08 - 2024.

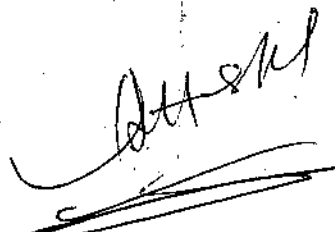

Ms. Shabeena CT

D/o Sher Afzal
BPS: 15

Mob No.0334-8336872
District Orakzai

CC:

- 1) The Secretary E&SED, KP, Peshawar.
- 2) Commissioner Kohat Division, Kohat.
- 3) Director, E&SE, KP, Peshawar (Appellate Authority).
- 4) The GOC - General Officer Commanding HQ 9 Div Kohat
- 5) The Brigade Commander Tal Garrison
- 6) Deputy Commissioner Orakzai.
- 7) Additional Director (Estb), MDs, E&SE, KP, Peshawar.
- 8) Personal File.





**Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Merged Areas Phone# 091/-9330242
(PST, SPST, PSHT & Shuhada Package)

No. 10960-1

Dated 5/9/2024

Annex-D

To

The District Education Officer (Female)
Orakzai

Subject: APPEAL AGAINST TRANSFER OF MS. SHABEENA CT (BPS-15)
GGMS KHADIZAI UPPER ORAKZAI

I am directed to refer to the subject cited above and to enclose herewith an application, lodged by Ms. Shabeena CT (BPS-15) GGMS Khadizai Upper Orakzai, with the direction to solve the matter at your own level being competent authority and district cadre post, under intimation to this office, please.

Encls : (A.A)

Endst: No. 10961-69

Copy to the:-

1. Ms. Shabeena CT GGMS Khadizai Upper Orakzai
2. P.A to Additional Director Estab: Local Directorate.

(Bushra Begum)

Assistant Director Estab: (Female)
Elementary & Secondary Education
(Merged Areas) Khyber Pakhtunkhwa

(Bushra Begum)

Assistant Director Estab: (Female)
Elementary & Secondary Education
(Merged Areas) Khyber Pakhtunkhwa

دو گالت نامہ

بعدالت جناب فیڈرل کٹون فوہ سروسز پرائیویٹ لمیٹڈ
ضلع: اورنگزی
مقدمہ جداری اور پوائی

جناب اسٹینٹ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے دائرہ بیرونی اور جناب دی وکل کاروائی حلقہ آن مقام کے حضور
صداقت شہینہ بنام ڈاکٹر بلال منہری اینڈ اسٹڈی اینڈ کنسلٹنٹس
باعث تحریر آنکے

محمد الیاس اور کرنی ایڈوکیٹ سپریم کورٹ آف پاکستان
قرآن مجید کے ساتھ ساتھ کتب و رسائل کا مالک اور منشی صاحب کو جس نے اپنے
فیصلہ برطرف دینے جناب کوئی اور کمال کوئی اور صورت ذکر کرنے اور اور کسی چوک اور چاروں طرف اور درخواست
ہر قسم کی تصدیق و زاری پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا کوئی ایک طرف یا اپنی کی یا آمدگی اور مشورتی بیرونی
کرنے اور کمال کوئی اور بیرونی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکل یا
نفاذ قانونی کارپے ہمراہ یا اپنے بجائے نفاذ اختیار ہوگا۔ اور صاحب مقرر شدہ کوئی اور ہی نفاذ مذکورہ با اختیار حاصل ہوں گے
اور اس کا ساتھ پر وافر منظور قبول ہوگا اور ان مقدمہ میں جو خرچہ ہو جائے اس لئے مقدمہ کے سب سے اس کا کوئی تاریخ قلمی
مقام روز بروز یا احد سے باہر ہر وقت وکل صاحب اپنے ہوں گے۔ کہ بیرونی مذکورہ کریں۔
لہذا وکالت نامہ لکھو یا تاکہ شروع ہے۔

الرقوم:- 11 ستمبر 2024

بمقام اسٹینٹ

Attested & Accepted

[Signature]

Muhammad Ilyas Orakzai
Advocate Supreme Court of Pakistan
SC Enrollment No:- 5801
BC No:- 10-3471
CNIC 14101-0798923-7
Cell 0333-9191892

صداقت شہینہ منہری اینڈ اسٹڈی اینڈ کنسلٹنٹس
ڈاکٹر بلال منہری اینڈ اسٹڈی اینڈ کنسلٹنٹس
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے دائرہ بیرونی اور جناب دی وکل کاروائی حلقہ آن مقام کے حضور