

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. 1231/2024

Mst. Rehana Yasmeen.....**Appellant**

Versus

Chief Minister through Principal Secretary and
 Others.....**Respondent(s)**

INDEX

Sr No	Particulars	Page No
1.	Reply	2-4
2.	Affidavit	5
3.	Copy of the letter dated 02.08.2024 is annexed as Annexure "A"	6
4.	Copy of the certificate of transfer of charge dated 24.07.2024 is annexed as Annexure "B"	7
5.	Copy of the order dated 19.09.2024 is annexed as Annexure "C"	8

Respondent No. 3


 Mst. Naghmana Sardar

DEO (F) Mansehra

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. 1231/2024

Mst. Rehana Yasmeen.....**Appellant**

Versus

Chief Minister through Principal Secretary and
Others.....**Respondent(s)**

Khyber Pakhtunkhwa
Service Tribunal

REPLY ON BEHALF OF RESPONDENT NO. 3

Diary No. 16336
Dated 04/10/2024

Respectfully Sheweth,

PRELIMINARY OBJECTION(S)

1. The appeal is not maintainable within the meaning of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 read with Section 10 of the KP Civil Servants Act, 1973.
2. The appeal doesn't construe true picture of the facts and circumstances floating on the surface of record as such not only concealment is palpable rather is hit by the doctrine of approbate and reprobate; shorn of approaching the Tribunal with clean hands.

ON FACTS

1. Para No. 1 is not related; though a copy of the notification dated 02.08.2024 was made available to the office of respondent No. 3 pertaining to inquiry, initiated against the present appellant, while serving as DEO (F) Mansehra. **(Copy of the letter dated 02.08.2024 is annexed as Annexure "A")**
2. Para No. 2 pertains to record.
3. Para No. 3, 4, 5 and 6 are not related except transfer of the contesting respondent as DEO (F) Mansehra, which is correct; since charge of the office has been assumed,

4. already. **(Copy of the certificate of transfer of charge dated 24.07.2024 is annexed as Annexure "B")**
5. Para No. 7 is not related.
6. Para No. 8 is admitted being true, insofar transfer of service of respondent No. 3 as DEO (F) Mansehra; whereas the rest of the para pertains to record.

Furthermore, the appellant, is yet to, bring to the fore, her transfer and posting as DEO (F) Torghar vide order dated 19.09.2024. **(Copy of the order dated 19.09.2024 is annexed as Annexure "C")**

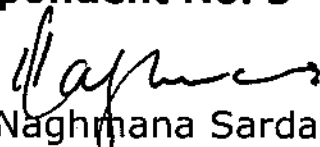
ON GROUNDS

- A.** In response to Ground (A), it is submitted that, no instance has been referred to, as to being treated otherwise than, in accordance with law. Hence denied.
- B.** The order made, is in line with the law, cannot be termed illegal. Denied.
- C.** The record made available, reflects, that the appellant is facing inquiry, as DEO (F) Mansehra; as the instance referred to, in Ground (C) cannot be made basis thereto, for redressal of grievance.

- D.** The contents of Ground (D) are one and the same and has been attended to in Ground (A). Denied.
- E.** The instance referred to in Ground (E) isn't attracted given the dictates of law and factual controversy, floating on the surface of record.

Given the stated situation; it is therefore humbly requested that the appeal merits, outright, dismissal; in the interest of justice.

Respondent No. 3


Mst. Naghmahana Sardar
DEO (F) Mansehra

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. 1231/2024

Mst. Rehana Yasmeen.....**Appellant**

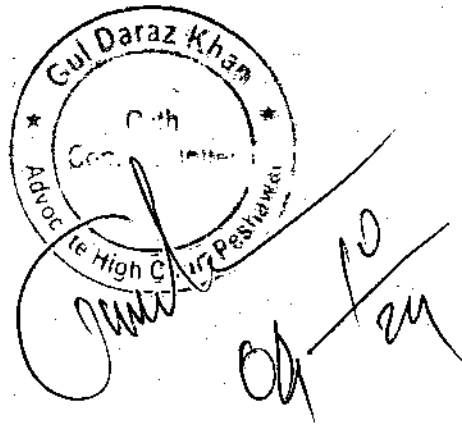
Versus

Chief Minister through Principal Secretary and
Others.....**Respondent(s)**

AFFIDAVIT

I **Mst. Naghmana Sardar DEO (Female) Mansehra**, do hereby declare on oath that the contents of the reply are true and correct to the best of my knowledge, belief, ability and nothing has been concealed therein from the Hon'ble Court.

Deponent



Naghmana Sardar

6

Annexure — A



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

Consequent upon the approval of the Competent Authority (Director, E&SE KP) Mr. Sheraz Ahmad DEO (M) Mohmand is hereby nominated as Enquiry Officer to conduct facts finding enquiry against Mst Rehana Yasmin DEO (F) Mansehra lodged by Muhammad Bashir s/o Muhammad Irfan r/o District Mansehra received from Section Officer (inquiry) bearing letter No.SO(inq)E&SED/1-1/2024/Muhammad Bashir/Mansehra.

The enquiry officer should submit clear recommendation within fourteen (14) days.

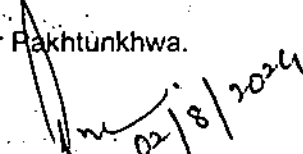
DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

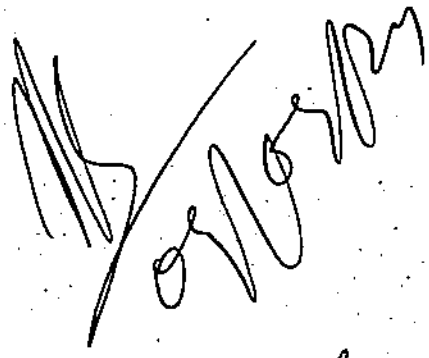
850-52


Endst: No. _____ /F.No.A-12/PF Rehana Yasmin DEO(F) Dated Peshawar the 02/08/2024

Copy forwarded to the:-

1. Mr. Sheraz Ahmad DEO (M) Mohmand. (Complaint is attached).
2. District Education Officer (F) Mansehra.
3. Section Officer (Inquiry) Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department w/r to his No. cited above
4. P.A to Director of Elementary and Secondary Education Khyber Pakhtunkhwa.


02/08/2024
Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa




ATTACHED

7

Annexure

B

CERTIFICATE OF TRANSFER OF CHARGE

In compliance with the Secretary, Elementary & Secondary Education Department
issued vide. No. SO(MC)/E&SED/4-16/2024/PT/DEO (M/F) dated 18/07/2024. 1,
Mst. Naghmana Sardar, have assumed the charge as District Education Officer(Female) Mansehra
on 24/07/2024 (F.N).

Station Peshawar.

Signature of relieving Mst. Naghmana Sardar
Government Servant Mst. Naghmana Sardar
Designation District Education Officer(F) Mansehra.

Dated: 24/07/2024 (F.N)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

Endst.No. 01-06 /PF/Naghmana Sardar

Dated 24/07/ 2024

Copy of the above is forwarded to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa.
3. District Accounts Officer, Mansehra.
4. Section Officer(MC) Elementary & Secondary Education Department.
5. All Sub Divisional Education Officers (F) in District Mansehra.
6. P.S to Minister, E&SE Department, Peshawar.

ATTESTED

Mst. Naghmana Sardar
(NAGHMANA SARDAR)
District Education Officer(F)
Mansehra.



Dated, the Peshawar 19th September, 2024

NOTIFICATION

NO.SO(MC)E&SE/D/4-16/2024/PT/DEO(Torghar): Mst. Rehana Yasmin-II (MC BS-19 A.C.B) presently awaiting posting at Directorate of E&SE is hereby transferred and posted as DEO (Female) Torghar against the vacant post, with immediate effect, in the best public interest.

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

Ends: 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) Torghar.
5. District Account Officer Torghar.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officer concerned with the direction to submit charge assumption report.
9. Master file.

(JANBAZ AHMED)
SECTION OFFICER (Management Cadre)

ATTACHED

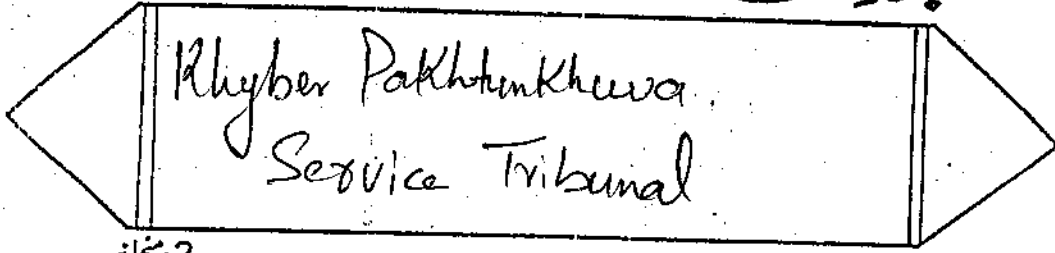


CamScanner

(9)

- Asad Ullah
Advocate, Peshawar
BC = 22-4780

بعدالت



Met Rehana Yasmeen	2 منجانب	Chief Minister KP	موزخہ
		۽	مقدمہ
		Others.	دعویٰ
			جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کیلئے اسد اللہ ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دینے جو اب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 04 ماہ 10 2024

واہ العبد

کے لئے منظور ہے۔

بمقام پشاور کیلئے اسد اللہ

Allowed and accepted by

Respondent No 3.