

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1231/2024

Mst. Rehana Yasmin.....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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Deponent

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 1231/2024

Mst. Rehana Yasmeen.....Appellant

VERSUS

Chief Secretary To Govt of Kpk Peshawar.....Respondents

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01 & 02

Respectfully Sheweth,

Preliminary Objections:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16358

Dated 07-10-24

1. The appellant has not come to this Tribunal with clean hands.
2. The appellant is not an aggrieved person nor has any locus standi to file the present appeal.
3. That the appellant has concealed material facts from this Tribunal.
4. That the appellant is estopped by her own conduct to file the present appeal.
5. That the present appeal is against the prevailing law and rules.
6. That the appellant is not entitled for any relief, she has sought from this Honorable Tribunal.
7. That the present appeal is liable to be dismissed being devoid of any merits.
8. That the present appeal is hopeless time barred, hence liable to be dismissed.
9. That the present appeal is just filed by the appellant to pressurize the respondents for getting illegal and unlawful benefits.
10. That the appellant is just wasting the precious time of this Honorable Tribunal through the instant frivolous appeal.

Reply on Facts.

1. Para-01 pertains to record hence needs no comments.
2. Para-02 pertains to the previous transfer of the appellant from the post as District Education Officer (Female) Kolai Palas District Kohistan from District Education Officer (Female) District Mansehra, hence needs no comments.
3. Para-03 is incorrect, hence denied. The answering respondents believe in merit and transparency and the claim of political interference is without any proof and baseless.
4. As replied in Para-03 above.
5. As replied in Para-03.
6. Para-06 is incorrect and denied. The appellant was transferred from the post of District Education Officer (Female) District Mansehra on 16-05-2024 and directed to report Director Elementary & Secondary Education Peshawar by the competent authority under Section-10 of Civil Servant Act, 1973. The contention of the appellant regarding involvement of political figures in the impugned transfer order is strongly rejected and the appellant has not provide/annexed any documentary proof which substantiate her claim. It is further added that the appellant was posted as District Education Officer (Female) District Torghar vide Section Officer (Management/Cadre) Notification dated 19-09-2024 hence the service appeal/case of the appellant become infructuous (copy attached).


Furthermore, the appellant in compliance of the notification dated 19-09-2024 assumed the charge (**Charge Assumption Report attached**).

7. Para-07 is incorrect and denied. The appellant has not filed review petition against the impugned transfer order before the competent authority. The review petition annexed with service appeal is without any diary/dispatch No.
8. Para-08 the transfer order dated 18-07-2024 of the respondent No. 03 was issued by the competent authority under Section-10 Civil Servant Act, 1973.
9. The respondents seeks dismissal of the instant service appeal on the following grounds inter alia:-

On Grounds:

- A. Incorrect, the appellant has been treated in accordance with Civil Servant Act, 1973 and her rights secured and guaranteed under the Constitution of 1973 are not violated.
- B. Incorrect, the impugned transfer order dated 16-07-2024 has been issued by the competent authority under Section-10 of Civil Servant Act, 1973. Therefore, the same is legal Constitutional hence liable to be maintained.
- C. Incorrect, the appellant was transfer by the competent authority under Section-10 of Civil Servant Act, 1973, keeping in view the requirements of the Government and in the best public interest. The appellant was no transferred/posted as District Education Officer (Female) District Torghar against which she assumed the charge.
- D. Incorrect, the appellant was treated by the respondents in accordance with law/rules on the subject and there is no question of violation of Article-04 and Article-25 of the Constitution of the Islamic Republic of Pakistan.
- E. Incorrect, the appellant was treated as per relevant law/rules and there is no question of violation of fundamental rights as enshrined in the Constitution of Pakistan.
- F. Incorrect, the act of respondents is under Section-10 of Civil Servant Act, 1973, therefore no illegality on the part of respondents exist.
- G. Any other ground/document not raised here may graciously be allowed to be raised at the time of arguments on the instant service appeal.

It is therefore, requested that the appeal in hand may kindly be dismissed.



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

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1231/2024

Mst. Rehana Yasmin..... Appellant

VERSUS

Secretary E&SE Govt. of Khyber Pakhtunkhwa & others..... Respondents

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

AFFIDAVIT

Service Appeal # 1231/2024

I, Fiaz Alam, Additional Secretary (Estab), Elementary & Secondary Education, Department do hereby solemnly affirm and declare that

the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.

(Signature)
(Fiaz Alam)

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



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit parawise comments on behalf of Secretary, Elementary & Secondary Education Department Peshawar in **Service Appeal # 1231/2024 Case Titled Mst. Rehana Yasmin vs Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar & Others.**

A handwritten signature in black ink, appearing to read 'Fiaz Alam'.

(Fiaz Alam)

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



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

Dated Peshawar, the 27-08-2024.

NOTIFICATION

NO.SO(Lit-II)/E&SED/1-5/2021. I, Mr. Masood Ahmad, Secretary Elementary & Secondary Education Department is pleased to authorize Mr. Fiaz Alam, Additional Secretary (Establishment) Elementary & Secondary Education Department to sign parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc on my behalf for submission before various courts of law/tribunals in the best public interest.

(MASOOD AHMAD)
SECRETARY TO THE
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst: of even No. & date.

Copy forwarded to the:-

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department.
4. Registrar Peshawar High Court Peshawar (with one each Spare copy for the Honorable Judges).
5. Registrar Service Tribunal Peshawar (with one each Spare copy for the Honorable Chairman/Members).
6. All Section Officers (Litigation) E&SE Department.
7. PS to Secretary, E&SE Department.
8. PA to Additional Secretary (General) E&SE Department.
9. PA to Deputy Secretary (Legal-I&II) E&SE Department.

SECTION OFFICER (Lit-II)



Dated, the Peshawar 19th September, 2024

NOTIFICATION

NO.SO(MC)E&SED/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

Edst: 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)

Attested
07/10/2024
Section Officer (Management Cadre)
Elementary & Secondary Education Deptt
Govt. of Khyber Pakhtunkhwa

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CHARGE ASSUMPTION REPORT

In compliance with the Notification issued by the Secretary of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Vide No.SO(MC) E&SED/4-16/2024/PT/DEO (Torghar) Dated, the Peshawar 19th September, 2024, I, Rehana Yasmin-II awaiting posting at Directorate of E&SE took over charge against the post of District Education Officer (F) Torghar today on 23/09/2024 (F).



Rehana Yasmin-II
District Education Officer (F)
Tor Ghar
23/9/24


OFFICE OF THE DISTRICT EDUCATION OFFICER (F) TOR GHAR

Endst: No 518 - 88 / Dated: 23/09/2024.

Copy for information to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Tor Ghar.
3. District Monitoring Officer (EMA) Tor Ghar.
4. District Accounts Officer Tor Ghar at Manshra.
5. PS to Secretary Govt. of Khyber Pakhtunkhwa E&SE Department.
6. Sub Divisional Education Officer (F) Judba, Dour Mera & Hassan Zai Tor Ghar.
7. Office File.


District Education Officer (F)
E&SE Tor Ghar


Section Officer (Litigation-II)
Elementary & Secondary Edu: Deptt:
Govt. of Khyber Pakhtunkhwa