


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1902/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 10/10/2024 | <p>The appeal of Mst. Nazia Bibi presented today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p> |

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No 1902 /2024



Mst Nazia Bibi VERSUS Director E&SE & others

**APPLICATION FOR FIXATION THE INSTANT
APPEAL BEFORE THE PRINCIPAL SEAT
PESHAWAR INSTEAD OF CAMP COURT
ABBOTTABAD.**

Respectfully Sheweth:

1. That the applicant is going to file the above titled service appeal before this Hon' able Service Tribunal Khyber Pakhtunkhwa Peshawar in which no date has yet been fixed.
2. That the respondent No 1 as well as counsel for the appellant belongs to district Peshawar.
3. That there is no legal bar for acceptance of the instant application.

It is therefore most humbly prayed that on acceptance of this application, the above titled service appeal may kindly be fixed before the principal seat Peshawar instead of Camp court Abbottabad.


APPELLANT
Through 
Roeeda Khan
Advocate High Court Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1902 of 2024

Mst. Nazia Bibi

VERSUS

Director E&SE & others

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Appellant

Through

Kabir Ullah Khattak

&

Roeeda Khan
Advocates, High Court,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

(1)

Appeal No. 1902 of 2024

Mst. Nazia Bibi SPET (BSP-16), posted at Government Girl High School No 2 Abbottabad

..... Appellant

VERSUS

1. Director Elementary and Secondary Education Peshawar.
2. District education Officer (F) Abbottabad.
3. Zahida SPET BPS-16 posted at Government Girl High School Kunj Abbottabad.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED POLITICAL MOTIVATED TRANSFER ORDER NO. 4645-48/EB-VI DATED 29/06/2024 ISSUED BY THE RESPONDENT NO. 2 WHEREBY THE APPELLANT WAS TRANSFERRED FROM GGHS NO 2 ABBOTTABAD TO GGHS KUNJ ABBOTTABAD, AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 09/07/2024 WHICH WAS NOT DECIDED WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

On acceptance of the instant Service Appeal the impugned political motivated transfer order dated 29/06/2024 may kindly be set aside being passed in ban period on all kinds of transfer and posting and the appellant may kindly be retained as SPET BPS-16 at Government Girl High School No. 2 Abbottabad.

Respectfully Sheweth:

2

FACTS

The appellant respectfully submits as under:

- 1) That the appellant was initially appointed as PET at Government Girl Middle School lower Malkot Abbottabad on 06.11.1994.
- 2) That after appointment the appellant performed her duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.
- 3) That due to unblemished record the appellant was promoted to the post of SPET (BPS-16) vide order dated on 21/02/2013 by the respondent department.
- 4) That while performing her official duty with respondent Department the appellant was transferred from Government Girl Middle School Kunj Abbottabad at the year of 2011 and she remain till 2018 at the said school.
- 5) That on 29.03.2018 the appellant was transferred from GGHS Kunj Abbottabad to GGHS No 2 Abbottabad.
- 6) That on 29.06.2024 the impugned political motivated transfer order was issued against the appellant whereby the appellant was transferred from GGHS No. 2 Abbottabad to GGHS Kunj Abbottabad. It is pertain to mention here the Government of KPK E&SE department Civil secretariat Peshawar issued a notification on 29.06.2024 "whereby the competent

authority as please to impose complete ban on all kinds of posting / transfer of Teaching and supporting staff and E&SE department in large interest of the students” while the respondent department issued the impugned transfer order in Ban duration which is illegal and having no legal effect. **(Copy of impugned order dated 29.06.2024 and ban notification are attached as Annexure-A & B).**

- 7) That the appellant submitted Departmental appeal on 09/07/2024 to respondent No. 1 against the political motivated transfer order dated 29.06.2024 which is still pending without any disposal. **(Copy of Departmental appeal is attached as Annexure-C).**
- 8) That discrimination was committed by the respondent department as such one of other colleague namely Mst Sajeela was transferred on 29.06.2024 but the said transfer order was cancelled on 04.07.2024 by the respondent No 2 due to passed in ban duration on all kinds of transfer and posting. **(Copy of transfer order and cancellation order are attached as Annexure- D & E).**
- 9) That feeling aggrieved the appellant prepares the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

GROUND

A). That the impugned orders dated 29/06/2024, is void and illegal because it has been passed against the law and rules.

- 4
- B). That there is no illegality on part of the appellant.
 - C). That the impugned transfer was not passed according to law and rules as such the impugned transfer order was issued on 29.06.2024 while it was signed by the competent authority on 20.06.2024 which has no legal value.
 - D). That discrimination was committed by the respondent department.
 - E). That any other grounds will be raised at the time of arguments with prior permission of this Hon' able Tribunal.

It is therefore most humbly prayed On acceptance of the instant Service Appeal the impugned political motivated transfer order dated 29/06/2024 may kindly be set aside being passed in ban period on all kinds of transfer and posting and the appellant may kindly be retained as SPAT BPS-16 at Government Girl High School No. 2 Abbottabad.

Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.

Dated 10.10.2024

Through

Appellant 

Kabir Ullah Khattak

& 

Roeeda Khan

Advocates, High Court,
Peshawar.

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ of 2024

Mst. Nazia Bibi SPET (BSP-16), posted at Government Girl High School No 2 Abbottabad

..... Appellant

VERSUS

1. Director Elementary and Secondary Education Peshawar.
2. District education Officer (F) Abbottabad.
3. Zahida SPET BPS-16 posted at Government Girl High School Kunj Abbottabad.

..... Respondents

APPLICATION FOR SUSPENSION OF THE
IMPUGNED POLITICAL MOTIVATED
TRANSFER ORDER DATED 29/06/2024
WHEREBY THE APPELLANT WAS
TRANSFERRED FROM GGHS NO. 2
ABBOTTABAD TO GGHS KUNJ
ABBOTTABAD.

Respectfully Sheweth:

- 1) That the petitioner is failing the accompanying appeal, the contents of which may graciously considered as integral part and parcel of the instant petition.
- 2) That prima facie case exist in favor of the Petitioner.
- 3) That if the impugned notification as mention above as not suspended the Petitioner will suffer irreparable loss.
- 4) That the balance of convenience is also lies in favor of the Petitioner and her quite sanguine of his success.


5) That in the given circumstances the suspension of operation of the impugned notifications are indispension. (6)

It is therefore to most humbly prayed that on acceptance of the instant petition the operation of the impugned notification for, as mention above may kindly be suspended till the final disposal of the accompanying appeal.


Any other relief not specifically asked for may also graciously be extended in favor of the Petitioner in the circumstances of the case.

A
Petitioner /Appellant

Through


Kabir Ullah Khattak

&


Rooeda Khan
Advocate, High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

7

Appeal No. _____ of 2024

Mst. Nazia Bibi

(Appellant)

VERSUS

Director E&SE Peshawar & others

(Respondents)

AFFIDAVIT

I, Mst. Nazia Bibi SPET (BSP-16), posted at Government Girl High School No 2 Abbottabad do hereby solemnly affirm and declare on oath that the content of the above application are true and correct to the best of my knowledge and belief and nothing has been kept secret and concealed from this Hon'ble Tribunal.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

8

Appeal No. _____ of 2024

Mst. Nazia Bibi

(Appellant)

VERSUS

Director E&SE Peshawar & others

(Respondents)

ADDRESSES OF THE PARTIES

Mst. Nazia Bibi SPET (BSP-16), posted at Government Girl High School No 2 Abbottabad

Petitioner

1. Director Elementary and Secondary Education Peshawar.
2. District education Officer (F) Abbottabad.
3. Zahida SPET BPS-16 posted at Government Girl High School Kunj Abbottabad.


Respondents


Appellant

Through


Kabir Ullah Khattak

&


Roeda Khan
Advocate, High Court,
Peshawar.

Annexure A

9

**OFFICE OF THE DISTRICT EDUCATION
OFFICER (FEMALE) ABBOTTABAD**

PH: 0992342533 FAX: 0992-142314

TRANSFER ORDER

As per approval of worthy Director, Elementary & Secondary Education KPK
the following officials are hereby transfer/adjusted in their own pay & grade in the interest
of public service with immediate effect

| Sl# | Name & Designation | From | To | Remarks |
|-----|---------------------|---------------|---------------|-------------|
| 1 | Mst Zahida SPL I | GGHS Kunj | GGHS No.2 Atd | Vice S No 2 |
| 2 | Mst Nazia SPL I | GGHS No.2 Atd | GGHS Kunj | Vice S No 1 |

Note:

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

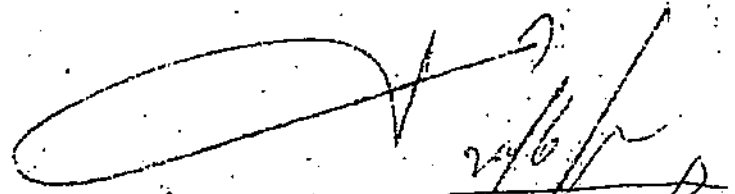
-Sd-
DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Encl: No 4645-4B/ER-VI

Dated 29/06/2024.

Copy to:

1. District Accounts Officer Abbottabad.
2. District Monitoring Officer Abbottabad.
3. AD-T FMIS Local branch.
4. Principal concerned.
5. Official concerned.
6. Office file.


DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD

Better copy

Better Copy

(10)

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) ABBOTTABAD

Phone No. 0992-342533, Fax No 0992-342314

Transfer order

As per approval of the worthy Director E&SE KPK Peshawar the following official is hereby transferred / adjusted in their own pay and grade in the interest of public service with immediate effect.

| S# | Name and designation | From | To | Remarks |
|----|----------------------|-------------------------|-------------------------|--------------|
| 1. | Mst Zahida SPET | GGPS Kunj | GGHS No 2 Abbottabad | Vice S No. 2 |
| 2. | Mst Nazia SPET | GGHS No 2 Abbottabad | GGHS Kunj | Vice S No. 1 |

Note:

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

Sd

District Education Officer

Female Abbottabad

Endst No 4645-48/EB-VI

Dated 29.06.2024

1. District Education Officer Abbottabad.
2. District Monitoring Officer Abbottabad.
3. ADIT EMIS Local Branch.
4. Principal concerned.
5. Official concerned.
6. Office file.

20.06.2024

District Education Officer

Female Abbottabad

Annexure (B)

(4) F2



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

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
No. 091-9223533 Email: esee@kpk.gov.pk



Dated Peshawar the 29th June, 2024

NOTIFICATION

NO.SO(S/ME&SED/Gen/Misc/11-1/24:- Consequent upon the commencement of Academic Session, the Competent Authority is pleased to impose complete ban on all kinds of posting/transfers of Teaching and supporting staff in Elementary & Secondary Education Department in large interest of the students with immediate effect and till further orders, except the posting/adjustment orders to be made in connection with:-

1. Management Cadre.
2. Appointment through Public Service Commission.
3. Promotion through PSB or DPCs.
4. Mutual transfer.
5. Court Cases.

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

Endst: of even No. & Date

Copy forwarded to the:

1. PS to Minister for E&SE Department.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. The Director, EMIS E&SE Department.
5. All District Education Officers (Male/Female) Khyber Pakhtunkhwa.
6. District Accounts Officer Khyber Pakhtunkhwa.
7. PS to Secretary E&SE Department.
8. PS to Special Secretaries (Estab/Develop) E&SE Department.
9. PA to Additional Secretaries (Gen/Estab) E&SE Department.
10. PA to Deputy Secretary (Estab) E&SE Department.
11. PA to Deputy Secretary (Admn) E&SE Department.
12. Master File.

**(NAVEED ULLAH SHAIK)
DEPUTY SECRETARY (ESTABLISHMENT)**

29/06/2024
29/06/2024
پاکستان پبلک سروس کمیشن
پشاور



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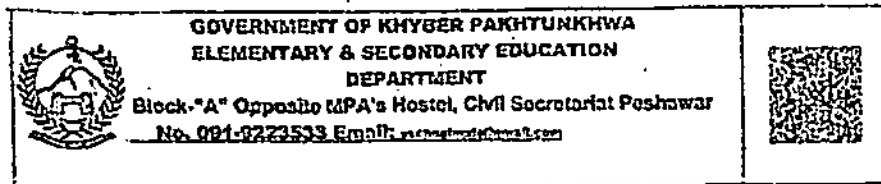
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41 m · 🌐

لیٹ آباد میں خواتین میجرز کے بلا جواز تبادلوں پر ایم پی اے مشتاق غنی کا سیکرٹری
ایجوکیشن سے رابطہ۔ محکمہ تعلیم میں ہر قسم کے تبادلوں پر پابندی عائد کر دی گئی۔

Dated Peshawar the 29th Jun, 2024**NOTIFICATION**

NO.SOS/MP/SED/Gen/Misc/11-1/24: Consequent upon the commencement of Academic Session, the Competent Authority is pleased to impose complete ban on all kinds of posting/transfers of Teaching and supporting staff in Elementary & Secondary Education Department in large interest of the students with immediate effect and till further orders, except the posting/adjustment orders to be made in connection with:-

1. Management Cadre.
2. Appointment through Public Service Commission.
3. Promotion through PSB or DPCs.
4. Mutual transfer.
5. Court Cases.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&S DEPARTMENT.

Encls of even No. & Date

Copy forwarded to the:

1. PS to Minister for E&S Department.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director, E&S Khyber Pakhtunkhwa, Peshawar.
4. The Director, EMIS E&S Department.
5. All District Education Officers (Male/Female) Khyber Pakhtunkhwa.
6. District Accounts Officer Khyber Pakhtunkhwa.
7. PS to Secretary E&S Department.
8. PS to Special Secretaries (Estab/Develop) E&S Department.
9. PA to Additional Secretaries (G-/Estab) E&S Department.
10. PA to Deputy Secretary (Estab) E&S Department.
11. PA to Deputy Secretary (Adm) E&S Department.
12. Master File.



(NAVEED ULJALI SHAH)
DEPUTY SECRETARY (ESTABLISHMENT)

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Notifications



Menu

تمام ایجوکیشن پر پابندی عائد کر دی گئی، 29/6/24

بخلت جناب ڈائریکٹر صاحبہ المینٹری اینڈ سکینٹری ایجوکیشن خیبر پختونخواہ پشاور

Department Appeal under Section -3 of Right to Appeal Rules 1986 civil
Servent Govt of Khyber Pakhtunkhwa Peshawar issued by Deo (F)
Abbottabad

تاریخ: 9/7/24

- (1) یہ کہ ایجنٹ مینٹری SPET گریڈ 16 میں GGHS نمبر 2 ایجنٹ مینٹری کے لئے مقرر کیا گیا ہے۔
- (2) یہ کہ سرور 28-08-2024 کو آرڈر نمبر 4046-40 کے تحت ایجنٹ مینٹری GGHS اور ایجنٹ مینٹری GGHS کے لئے مقرر کیا گیا۔
- (3) یہ کہ GGHS نمبر 2 ایجنٹ مینٹری میں ایجنٹ مینٹری اسٹریٹری کے ساتھ ایجنٹ مینٹری کے لئے مقرر کیا گیا ہے۔
- (4) یہ کہ ایجنٹ مینٹری GGHS نمبر 2 ایجنٹ مینٹری کے لئے مقرر کیا گیا ہے۔
- (5) یہ کہ گورنمنٹ آف خیبر پختونخواہ کی پالیسی کے مطابق کسی بھی ٹیچر کا تبادلہ قابل پوسٹ پر کرنے کے لئے ایجنٹ مینٹری میں اور کسی بھی ٹیچر کو تبدیل کرنے کے لئے اس کی جگہ دوسری ٹیچر کو تعینات کرنے کی اجازت نہیں ہے۔
- (6) یہ کہ ایجنٹ مینٹری کا تبادلہ پوسٹنگ ٹرانسفر پالیسی 2009ء کے تحت مقرر کیا گیا ہے۔
- (7) یہ کہ ایجنٹ مینٹری کا تبادلہ مین پاکستان 1973ء کی سیکشن 35 کے تحت مقرر کیا گیا ہے۔
- (8) یہ کہ ایجنٹ مینٹری کا تبادلہ سول سروس ایکٹ 1973ء کی سیکشن 10 کے تحت مقرر کیا گیا ہے۔
- (9) یہ کہ ایجنٹ مینٹری کا تبادلہ سے پہلے کوئی نوٹس جاری کیا گیا اور ایجنٹ مینٹری سے اس کی رضامندی پوچھی گئی۔

لہذا استدعا ہے کہ ایجنٹ مینٹری کی اوپر مقرر کردہ نوٹس جاری کر کے اور ایجنٹ مینٹری 4645-48 کو شروع فرمائیں اور جس وقت تک اوپر مقرر کردہ نوٹس جاری ہوگا اس وقت تک نوٹس جاری کر کے اور ایجنٹ مینٹری کو مطلع فرمائیں اور ایجنٹ مینٹری GGHS نمبر 2 ایجنٹ مینٹری کے لئے مقرر کیا گیا ہے۔

رکن کا حکم صادر فرمائیں۔

تاریخ: 9/7/24

گورنمنٹ گریڈ 16 ایجنٹ مینٹری

0313-5049323

9/7/24

Annexure, D

(14)



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

PH: No. 0992-342533 Fax: 0992-342314



TRANSFER ORDER

As per approval of worthy Director Elementary & Secondary Education KPK Peshawar the following official is hereby transfer/adjusted in their own pay & grade in the interest of public service with immediate effect

| S# | Name & Designation | From | To | Remarks |
|----|----------------------------|--------------|--------------|-------------|
| 1. | Mst Sajeela Nazee Qaria | GGHS Mallach | GGHS Jhangl | Vice S.No 7 |
| 2. | Mst Uzma Shazia Qaria | GGHS Jhangl | GGHS Mallach | Vice S.No 1 |

Note.

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

-Sd-
**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD**

Endst: No.4641-44 /EB-VI
Copy to the.

Dated 29/06/2024.

1. District Accounts Officer Abbottabad.
2. District Monitoring Officer Abbottabad.
3. AD IT / MIS Local branch.
4. Principal concerned
5. Official concerned.
6. Office file

**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD**

Handwritten notes at the top of the page, including the number '5' and some illegible text.

DY District Education Officer (Female) Abbottabad

Handwritten signature and date '04/07/2024' over a vertical line.

- 1. District Accounts Officer Abbottabad
- 2. District Monitoring Officer Abbottabad
- 3. Budget & Accounts Officer Local Office
- 4. Principal GHS Jhangl Abbottabad
- 5. Headmistress GHS Malloch Abbottabad
- 6. Official Concerned
- 7. Office file

Copy For Information to the:

District Education Officer (Female) Abbottabad
Dated 4/07/2024

Endst: No. 4776-82 / EB-VI

Transfer order issued by this office under Endst: No.4641-44/EB-VI dated 29.06.2024 is hereby withdrawn with immediate effect in the best interest of public service.

WITHDRAWAL ORDER







OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

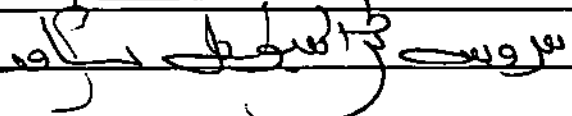
No. _____
Dated _____/2024
0992-342533, 0992-342314
deofemale.abbottabad@gmail.com

Amended by E

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16

| | |
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| 52106 | پشاور بار ایسوسی ایشن، خیبر پختونخواہ |
| ایڈویکٹ:  |    |
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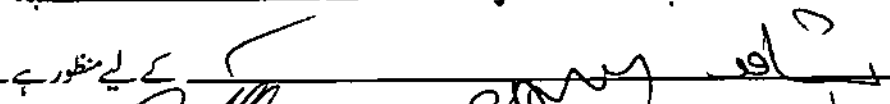
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| | مورخہ: |
| | جرم: |
| | تھانہ: |

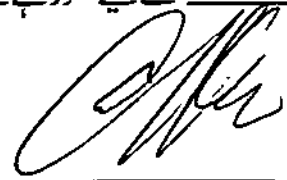

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام **حکومت کیلئے اعدا شدہ** کو درمیان میں مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کالہ اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر لکھنا اور فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کیلئے یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظریاتی و پیروی کیلئے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کاروائی کے لئے تمام اخراجات منظور ہوگا اور صاحب مقرر شدہ کو دعویٰ جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر درخواست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوا لے مقدمہ کے سبب سے ہوگا اس کی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب چاہندے ہوں گے کہ پیروی مذکورہ کیلئے کالہ و کالہ نامہ لکھ دیا تاکہ سند رہے



المرقوم ہذا 20/ ما / 15

المقام  کے لیے منظور ہے۔


 ACCEPTED


نوٹ: اس کالہ نامہ کی ذمہ داری ناقابل قبول ہوگی۔