


FORM OF ORDER SHEET

Court of _____

Appeal No. 1942/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/10/2024	<p>The appeal of Mst. Najma Ghani resubmitted today by Malik Shahbaz Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 18.10.2024. Parcha Peshi given to the counsel for the appellant.</p> <p style="text-align: right;">By order of the Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

This is an appeal filed by Mst. Najma Ghani today on 04.09.2024 for choice transfer against which he made/preferred departmental appeal/ representation dated 11.07.2024 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.


As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- ✓ Check list is not attached with the appeal.
- 2- ✓ Memorandum of appeal is not signed by the appellant.
- 3- ✓ Affidavit is not attested by the Oath Commissioner.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- ✓ Annexures of the appeal are unattested.
- 6- ✓ Approved File cover is not used.
- 7- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent be submitted with the appeal.

Two copies
are required


No. 772 /Inst./2024/KPST,

Dt. 12/7 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Malik Shahbaz Khan Adv.
High Court Peshawar.

Note: Re-Submitted after removal of objections.
Now in view of the dictum laid down by
the Honorable Supreme Court of Pakistan in
Judgment reported as 2005 SCMR 890, the instant
appeal is mature now and therefore re-submitted
after maturity of cause of action.
May kindly be ~~file~~ as early for
early disposal!


Malik Shahbaz Khan
Advocate HC
11-10-2024

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1942/2024

Najma Ghani

..... Appellant

VERSUS

Government of Khyber Pakhtunkhwa etc

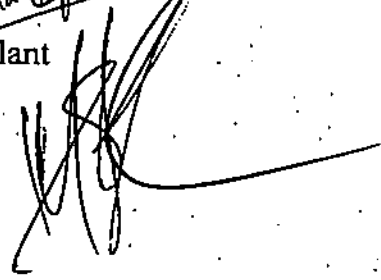
.... Respondents

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S.No	Description of Documents	Annex	Pages
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3.	Copy of Marriage Registration Certificate and Service Certificate	B & C	8-9
4.	DA/ R and Post Availability Certificate	D & E	10-11
5.	Wakalat Nama		

Najma Ghani
Appellant

Through



Malik Shahbaz Khan
Advocate High Court

Dated: 01-09-2024

CHAMBER:
Mir Afzal Plaza,
Near MMC Hospital
Ring Road, Peshawar.
0301-8181033

D

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1942/2024

Najma Ghani Wife of Usman Ali
SST (Bio-Chem) BPS-16
Government Girls High School Muhammad Gul Killi, Hassan Khail Sub
Division, Peshawar.

..... **Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education, Civil Secretariat, Peshawar.
2. Director Elementary and Secondary Education, Hashtnagri Chowk, Peshawar.
3. District Education Officer (Female), Peshawar, Hashtnagri Chowk, Peshawar.

..... **Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974

Respectfully Sheweth:

1. That the appellant on dated 10.04.2019 was appointed as Secondary School Teacher (Bio-Chem) in Government Girls High School Muhammad Gul Killi, Hassan Khail Sub Division, Peshawar and since then serves her department with great zeal and zest and was later on regularized.

(Copy of Appointment order is attached as Annex-A)

- 2. That on dated 11.05.2023 the appellant was entered into marriage under the Injunction of Islam to Usman Ali who also serves the Government as an Assistant Professor of Chemistry (BPS-18) at Government Degree College Khairabad, Mardan, being resident of Rustam, Mardan. (Copy of Marriage Registration Certificate and Service Certificate is attached as Annex-B & C)
- 3. That under the mandate of Spouse Policy, on dated 11.07.2024 appellant field appeal / representation to respondent No. 3, on her directions, appellant also got Post Availability Certificate from the Head of Government Girls High School, Bhai Khan of the same post (SST- Bio/ Chem) being nearest to her husband residence and posted place by showing vacant therein, but despite filing the Certificate respondent No. 3 did not bother even to respond or decide notwithstanding the availability of the same vacant post, hence the instant service appeal filed on the following grounds: (Copy of DA/ R and Certificate is attached as Annex- D & E)

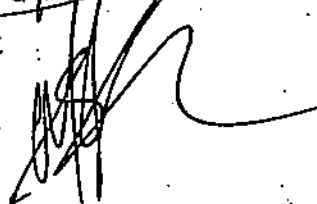
GROUND:

- A. That the actions and inactions of respondents are clearly with disregard with the fundamental rights of the petitioner and against the spirit of the Wedlock Policy of the government under which spouses have been allowed to work at the same station to avoid hardship, difficulties and mental distress to both the spouses.
- B. That appellant changing 3 vehicles while going to the resident of her husband which is faraway of about 140 kilometers, therefore, the case of the appellant is that of an extreme hardship case.
- C. That appellant being a female government servant could hardly be expected, the requires level of efficiency and commitment to job with multiple socio-economic problems in the male dominated society and the concern authorities are pushing the appellant to the point where she may have to barter away her job to save herself and her family.

- D. That Article 35 of the Constitution of Pakistan 1973 in which principle of policy provided that the State shall protect the marriage, the family, the mother and the child, the wedlock policy explicated around this principle of policy which is intended to ensure the benefit of a family and to advance social good.
- E. That the actions and inactions of respondents are ex-facie discrimination, being in violation of Article 4, 9 and 25 of the Constitution of Pakistan 1973 as it is the responsibility of the competent authority implement and adhere to policies and guidelines so that the benefits may be given to all such persons who are covered under it, its implementation cannot be left at the whims and violation of the competent authority on pick and choose basis, which such type of guidelines or policy should be implemented across the board without any discrimination.
- F. That any other ground not specifically raised will be argued with the prior permission of this August Tribunal.

It is therefore, humbly prayed that on acceptance of the instant service appeal, the appellant may please be extend the benefits of Wedlock Policy by transferring the appellant to the Posted Place and Residence her Husband / Spouse in the interest of justice.

Any other relief, the court deems fit, may also granted.

Najma Ghani
Appellant
Through 

Malik Shahbaz Khan
Advocate High Court

Dated: 25-08-2024

Certificate: It is certified that no such like appeal on the instant subject petition has earlier been filed in the Tribunal.

Najma Ghani
Appellant

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(4)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____

Najma Ghani

..... **Appellant**

VERSUS

Government of Khyber Pakhtunkhwa etc

.... **Respondents**

AFFIDAVIT

I, hereby solemnly affirm and declare on oath that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Najma Ghani

DEPONENT

3

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____

Najma Ghani

..... **Appellant**

VERSUS

Government of Khyber Pakhtunkhwa etc

.... **Respondents**

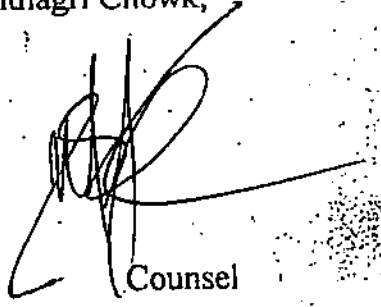
ADDRESSES OF PARTIES

APPELLANTS

Najma Ghani Wife of Usman Ali
SST (Bio-Chem) BPS-16
Government Girls High School Muhammad Gul Killi, Hassan Kheil Sub
Division, Peshawar.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa; through Secretary Elementary and Secondary Education, Civil Secretariat, Peshawar.
2. Director Elementary and Secondary Education, Hashtnagri Chowk, Peshawar.
3. District Education Officer (Female), Peshawar, Hashtnagri Chowk, Peshawar.


Counsel



(A) (6)

APPOINTMENT.

In compliance to the Decision of Peshawar High Court in Writ Petition No. 4920 P/2018 dated 23/10/2018 and Subsequent COC No. 894-P/2018, Mst Najma Ghani D/O Said Ghani Shah is hereby ordered against the vacant post of Secondary School Teacher (Bio/Chem), District based in BPS-16 (Rs. 18910-1520-64510) fixed plus usual allowances as admissible under the rules Adhoc/contract basis under the existing policy of the Provincial Government in the scheme mentioned against her name, subject to the final decision of August Supreme Court Pakistan; on terms and conditions given below with effect from the date of her taking over charge in the interest of Public service.

SST (Bio/Chem) Female

Sr	Roll No	Name	Father Name	Permanent Address	Academic Marks [Out of 100]	NTS Marks [Out of 100]	Total Marks [Out of 200]	Posted at	Remarks
1	60100406	Mst Najma Ghani	Said Ghani Shah	PO Kohi, Hassan Khel Sub Division Hassan Khel Tribal District Peshawar	68.47	46	114.47	GGHS Muhammad Gul Killi Sub Division Hassan Khel Tribal District Peshawar	ATP

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for a period of one year subject to the arrival of Public Service Commission Selectees.
4. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned), any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.
5. His/her services are liable to termination on one month's notice from either side. In case of resignation without notice her one-month pay/allowances shall be forfeited to the Government.
6. Pay will not be drawn until and unless a certificate to the effect by Agency Education Officer (concerned) is issued that her certificates/Degrees are verified.
7. He/She should join his post within 15 days of the issuance of this notification. In case of failure to join the post within 15 days of the issuance of this notification, her appointment will be expired automatically and no subsequent appeal etc shall be entertained.
8. Health and Age Certificate should be produced from the District Surgeon concerned before taking over charge.
9. She will be governed by such rules and regulations as may be issued from time to time in

Agency Education Officer (concerned)

Office

Amir

Her services shall be terminated at any time, in case her performance is found unsatisfactory during his/her contract period. In case of misconduct, he/she shall be proceeded under the rules framed from time to time. (7)

11. Her appointment is made on District/Sub Division, she will have to serve at the same District/Sub Division of posting, and his/her service is not transferable to any other District/Sub Division.
12. Before handing over charge, once again their document may be checked if she has not the required relevant qualifications as per rules, she may not be handed over charge of the post.

(Hafiz Muhammad Ibrahim)
Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

6017-23

dst: No. / File No.2/A-14/SST/Adhoc/Apptt: Dated Peshawar the 10/14/2019.

Copy forwarded for information and necessary action to the:-

1. Additional Accountant General (PR) Sub Office Peshawar.
2. Additional Advocate General-II Khyber Pakhtunkhwa Peshawar.
3. Additional Registrar Peshawar High Court Peshawar.
4. District Education Officer Sub Division Hassan Khel District Peshawar.
5. Head Mistress GGHS Muhammad Gul Killi Sub Division Hassan Khel District Peshawar.
6. Candidate concerned.
7. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.

[Signature]
Deputy Director (Entab)
Merged Districts

[Signature]
Agency Education Officer
P.R. Peshawar

[Signature]
HEAD MISTRESS
G.G.H.S Muhammad Gul Killi
Hassan Khel Sub Division



حکومت خیبر پختونخوا پاکستان

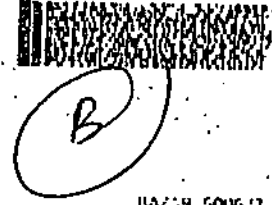
Govt of Khyber Pakhtunkhwa Pakistan

اندراج نکاح / شادی سرٹیفکیٹ
Marriage Registration Certificate

Tracking Id: 91100026292310

CRM No.: MS76948406

OID/M-REG #:



HAZAR SOUV

دفتر اندراج

Particulars of Groom

دولہا کے کوائف

Old CRM No.

Name:	Usman Ali	نام:	عثمن علی
Nationality:	Pakistani	قومیت:	پاکستانی
CNIC No:	16101-1143781-7	شناختی نمبر:	16101-1143781-7
Religion:	Islam	مذہب:	اسلام
Age:	09 Day(s) 00 Month(s) 40 Year(s)	عمر:	09 دن 00 ماہ 40 سال
Marital Status:	Unmarried	ازدواجی حالت:	غیر شادی شدہ
Father's Name:	Inzar Gul	والد کا نام:	انظر گل
CNIC No:		شناختی نمبر:	
Address:	Check post Village Bazar, Post Office rustam	پتہ:	چک پوسٹ گاؤں بازار، ڈاکخانہ رستم
Tehsil:	Mardan	تحصیل:	مردان
District:	Mardan	ضلع:	مردان

Particulars of Bride

دلہن کے کوائف

Name:	Najma Ghani	نام:	ناجمہ غنی
Nationality:	Pakistani	قومیت:	پاکستانی
CNIC No:	16101-7332095-4	شناختی نمبر:	16101-7332095-4
Religion:	Islam	مذہب:	اسلام
Age:	08 Day(s) 01 Month(s) 36 Year(s)	عمر:	08 دن 01 ماہ 36 سال
Marital Status:	Unmarried	ازدواجی حالت:	غیر شادی شدہ
Father's Name:	Said Ghani Shah	والد کا نام:	سید غنی شاہ
CNIC No:		شناختی نمبر:	
Address:	Rorya qadeem Village Sharif Abad, Post Office mardan	پتہ:	روزیا قدیم گاؤں شریف آباد، ڈاکخانہ مردان
Tehsil:	Mardan	تحصیل:	مردان
District:	Mardan	ضلع:	مردان

Marriage Date: 11-May-2023

نکاح / شادی کی تاریخ: 11 May-2023

Marriage Solemnized/Registered By: Afghan Ali

نکاح منجز / رجسٹرڈ کیا گیا: افغان علی

Marriage Solemnized/Registered By CNIC No: 16101-1120450-1

نکاح خوان / رجسٹرڈ / شادی رجسٹرار کا شناختی کارڈ نمبر:

Print Date: 04-Aug-2023

تاریخ انداز: 04 Aug 2023

Scan Date: 04-Aug-2023

تاریخ اسکین: 04-Aug-2023

مستط سیکریٹری

ویلج کونسل بازار

تحصیل رستم ضلع مردان



Attested



OFFICE OF THE PRINCIPAL
GOVT DEGREE COLLEGE
KHAIR ABAD, MARDAN

C



P

SERVICE CERTIFICATE

Certified that Mr. Usman Ali s/o Inzer Gul having JIC No: 16101-1143781-7 Personal Number: 00391365 is permanent employee of Higher Education Department, Khyber Pakhtunkhwa since 10th August, 2007 and currently serving as Assistant Professor in Chemistry (BPS-18) at this college.

Dated: 17th February, 2024

PRINCIPAL
Govt. Degree College
Khair Abad, Mardan
17 02/24

[Handwritten Signature]

(D) (10)

TO

The D&O (F)
Peshawar

Subject: Application for job transfer on woodlock Policy
Madam

With due respect it is stated that I am Najma Ghani working as SST (Bio-Chem) BPS 16 teacher at GGHS Muhammad Gul Killa Hassan Kheil Subdivision Peshawar. I got married since last year. My spouse and family lives in Mardan. My husband is also govt. servant in Higher Education Department KPK working as Assistant Professor of Chemistry at GDC Khairabad Mardan. His Service Certificate, CNIC Domicil and Marriage Registration Certificate is attached with documents. I have health issue and did ovarian cyst surgery so have difficulty in traveling. I want to stay with my husband and family. I request you to transfer my job to Mardan, because this is very necessary for me and my family. Please consider my transfer application. I am looking for your kind approval.

Yours Sincerely

Name Najma Ghani

Designation SST (Bio-Chem)

CNIC NO 16101-7332095-

Signature Najma Ghani

Date 11/07/2024

Substantive must
be provided

HEAD OF STRESS
GGHS Muhammad Gul Killa
Hassan Kheil Sub Division
Peshawar

11/7/2024

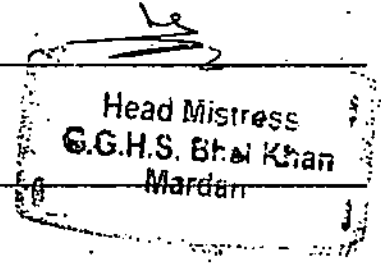
POST AVAILABILITY CERTIFICATE

DE II

It is to certify that there is a vacant post of SST (Bio-Chem) at GGHS Bhai Khan Mardan. We have no objection on the transfer of Miss Najma Ghani SST (Bio-Chem) against this vacant post.

Signature of Headmistress _____

Stamp _____



Adsted

VAKALATNAMA

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Najma Ghani

Versus


Government of KPK etc

I Najma Ghani Wife of Usman Ali do hereby appoint and constitute **Malik Shahbaz Khan** Advocate, to represent, appear and act for me/us on my/our behalf as my/our Advocate(s) in the above matter


I/We authorize the said Advocate(s) to compromise, withdraw and receive on my/our behalf all sums and amounts deposited in my/our account in the above matter and/or refer the above matter to arbitration or to compromise or to withdraw the same.

I/We undertake to appear in the above matter before the Court, my/our counsel shall not be held responsible in case the matter is dismissed/disposed off ex-party due to my/our failure to appear/attend the case.

I/We also undertake to pay his full professional fees before the conclusion of the case. In case his full fees in not paid the counsel can withdraw his Vakalatnama from the above matter.


Accepted and Attested

Malik Shahbaz Khan
Advocate High Court
Bc-15-5633


Najma Ghani

Date: 01-09-2024