


FORM OF ORDER SHEET

Court of _____

Appeal No. 2033/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2024	<p>The appeal of Mst. Nasreen Begum presented today by Mr. Ahmad Sultan Tareen Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 22.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Mst Nabreen Bibi ^{CHECK LIST} v/s Govt of KPK

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974, Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: 

Dated: _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL , PESHAWAR

SERVICE APPEAL NO. 2033 /2024

Mst Nasreen BegumAPPELLANT

VERSUS

Secretary to Government of Khyber Pakhtunkhwa ESE Department and othersRESPONDENTS

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M Nasreen
APPELLANT

Through:

Ahmad Sultan Tareen
Ahmad Sultan Tareen
Advocate High Court

Mudassir Ali
Mudassir Ali
Advocate High Court

Shahbaz Khan
Shahbaz Khan
Advocate High Court

Dated: ___/10/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16957

Dated 21-10-2024

Service Appeal No. 2033 /2024

Mst. Nasreen Begum, Headmistress, Government Girls High School, Phase-3, Hayat Abad, Peshawar.

.....APPELLANT

VERSUS

1. Secretary to the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Peshawar.
2. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar
3. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Mst. Farhat Amir Head Mistress (BPS-17) under transfer to GGHS Hayat Abad Peshawar.

.....RESPONDENTS

Filed to-day

Registered
21/10/24

SERVICE APPEAL U/S. 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION CORRIGENDUM AS ISSUED BY THE RESPONDENT NO. 1 RESPECTIVELY, ONE BEARING NO. SO(S/F)E&SED/4-16/2024/POSTING/TRANSFER/1 DATED 30.09.2024 MEANT TO PLACE THE SERVICE OF THE APPELLANT AT THE DISPOSAL OF DIRECTORATE TILL FURTHER ORDER, AND THE OTHER IN STYLE OF CORRIGENDUM BEARING NO.SO(S/F)E&SED/4-16/2024/POSTING/ADJUSTMENT /HM/119 DATED 2.10.2024 MEANT TO ADJUST THE RESPONDENT NO.4 IN PLACE OF THE APPELLANT SHOWING THE POST VACANT; AND AGAINST THE REJECTION OF APPELLANT'S DEPARTMENTAL APPEAL COMMUNICATED TO HER VIDE LETTER NO. SO(S/F) E&SED/4-16/2024 DATED 17.10.2024 OF THE OFFICE OF RESPONDENT NO.1.

PRAYER:

(2)

ON ACCEPTANCE OF THIS APPEAL, THE NOTIFICATION DATED 30.9.2024 AND THE CORRIGENDUM DATED 02.10.2024 BOTH ISSUED BY THE RESPONDENT NO.1 MAY GRACIOUSLY BE SET ASIDE WITH DIRECTION TO THE RESPONDENT NO.1 TO GET THE POST OF HEADMISTRESS (BPS-17) VACATED, WHICH WAS FILLED THROUGH IMPUGNED CORRIGENDUM DATED 02-10-2024, AND TO RESTORE THE POSTING OF THE APPELLANT AT GGHS HAYATABAD PESHAWAR AS HEADMISTRESS (BPS-17).

RELIEF NOT SPECIFICALLY ASKED FOR, MAY ALSO BE GRANTED TO THE APPELLANT, IF DEEMED FIT.

=====

Respectfully Sheweth:

1. That the appellant is in service as Headmistress (BPS-17) in the Elementary and Secondary Education Department (ESED) under control of the respondents. She while posted as Headmistress GGHS Hayatabad was transferred and her services were placed at the disposal of the respondent No. 3 till further orders, vide impugned notification dated 30.09.2024. (Copy of the notification is Annexure "A").
2. That the appellant is availing 60 days medical leave on full pay with effect from 03.09.2024 to 01.11.2024 granted by the respondent No.1. She on expiry of the medical leave is supposed to report her arrival at GGHS Hayatabad on 02.11.2024. (Copy of the leave granting notification bearing No. AO/E&SE/4-29/Leave/ Peshawar dated 07.10.2024 is annexure "B").
3. That the respondent No. 1 issued a corrigendum dated 02.10.2024, which in effect has changed the destined place of posting of the

respondent No. 4 en route otherwise under transfer to another school in general transfers, and she has been adjusted obviously as a matter of undue favor in GGHS Hayatabad in place of the appellant on the post of Head Mistress. (Copy of the said corrigendum is annexure "C").

4. That the appellant filed a departmental appeal against her transfer before the respondent No.2 which has been filed and the appellant in this respect has been communicated through letter No. SO(S/F) E&SED/4-16/2024 dated 17.10.2024. (Copy of departmental appeal and letter of its rejection are respectively annexure "D" and "E")
5. That the appellant is reasonably aggrieved from her transfer vide impugned Notification dated 30-09-2024 and from the corrigendum dated 02.10.2024 treating the post of post of appellant as vacant for adjustment of respondent No. 4, and seeks to challenge the same through this service appeal, inter alia, on the following grounds:=

Grounds:

- A. That there was no apparent reason for transfer of the appellant from GGHS Hayatabad and subsequently it turned out to be a designed exercise in view of the impugned corrigendum to extend an undue favor to the respondent No. 4 who was already under transfer to another school as evident from the contents of corrigendum. So, the transfer of the appellant suffers from lack of transparency and intended to extend undue favor to the respondent No. 4 to enable her en route adjustment in a coated manner.
- B. That besides her suffering from different ailments is in the last two years of the age of superannuation, and as matter of policy and practice, the officers/officials in this phase of service are given the choice for posting and station. The appellant furnished the genuine reasons in her departmental appeal preferred before the respondent

No.2 in which she not only highlighted the details of her ailment but particularly pointed out about the last two years of age to superannuation. The departmental appeal of the appellant has been filed in cursory manner without giving it a thoughtful consideration, against the principles of natural justice.

C. That the transfer of the appellant and placement of her services at the disposal of the directorate is against the posting and transfer policy of the department as well as against the general policy of Government of Khyber Pakhtunkhwa.

D. That facts as highlighted above regarding particular family circumstances of the appellant, she is entitled under the prevailing Transfer/Posting Policy of the Government of Khyber Pakhtunkhwa, the departmental appellate was supposed to treat the departmental appeal on humanitarian grounds besides arbitrariness and perversity of the impugned orders passed by the respondent No.1 but the same was dealt in a manner hit and run in violation of due process.

E. That the impugned transfer order has been made just to accommodate respondent No. 4 without adhering to the policy of posting / transfer which makes it mandatory that *"all posting / transfers shall be strictly in public interest and shall not be abused / misused to victimize the government servant"*.

F. That the respondents have deliberately defied the government policy, ignored the law and the dictums of superior courts with regard to transfer of civil servants particularly of female teachers. Thus, the impugned transfer order as well as the corrigendum are arbitrary, fanciful and result of misuse of authority hence liable to be set aside; and the appellant is entitled for the solicited relief under the facts and law.

5

G. That the grounds urged herein are concise and if the need so arises, other grounds will be advanced during arguments at the bar with permission of this Hon'ble Tribunal.

H. That this appeal is within time and this Hon'ble Tribunal has got jurisdiction to adjudicate upon the same.

It is respectfully prayed that this service appeal may graciously be accepted as per prayer in the heading herein-above.

Nasir
APPELLANT

Through:

Ahmad Sultan Tareen
Ahmad Sultan Tareen
Advocate High Court

Mudassir Ali
Mudassir Ali
Advocate High Court

Shahbaz Khan
Shahbaz Khan,
Advocate High Court

Dated: 21 /10/2024

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL , PESHAWAR

Mst Nasreen Begum

.....APPELLANT

VERSUS

Secretary to Government of Khyber Pakhtunkhwa ESE Department and
others

.....RESPONDENTS

AFFIDAVIT

I, Mst Nasreen Begum, the appellant do hereby state on solemn affirmation that contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed.



Mst Nasreen Begum
DEPONENT

(B) (P)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Mst Nasreen Begum APPELLANT

VERSUS

Secretary to Government of Khyber Pakhtunkhwa ESED & others
..... RESPONDENTS

**APPLICATION FOR INTERIM RELIEF BY SUSPENSION OF THE IMPUGNED
NOTIFICATION/CORRIGENDUM TILL DISPOSAL OF SERVICE APPEAL.**


Respectfully Sheweth,

1. That the above titled service appeal has been filed before this Hon'ble Tribunal through which the notification of appellant's transfer and placing of her services at disposal of Directorate ESE as well as a subsequent corrigendum for adjustment of respondent No. 4 have been challenged.
2. That the appellant has not yet been relieved from the post of Headmistress GGHS Hayatabad due to her being on medical leave duly granted by the respondent No. 1 and going to expire on 02-11-2024.
3. That the appellant has got a good and prima facie case with balance of convenience tilted in her favor. If, pending adjudication of dispute over the impugned notification and corrigendum, she is relieved from duty from GGHS Hayatabad on her return from medical leave, it will disturb the balance of convenience tilted in her favor under the facts and law.

It is requested that appropriate orders may graciously be passed for grant of solicited interim relief.

Through:

APPLICANT


Ahmed Sultan Tareen,
Mdassir Ali & Shahbaz Khan
Advocates High Court

Dated: 21/10/2024

~~ATTESTED~~



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Email: govt110officers1@gmail.com

091-9223588

Dated Peshawar the September 30th, 2024.

NOTIFICATION

NO.SO(S/F)E&SED/4-16/2024/Posting/Transfer/1: Services of Mst. Nasreen Begum Headmistress (BS-17) GGHS Hayatabad Peshawar are hereby placed at the disposal of directorate till further order, with immediate effect.

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

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department for uploading at official website at the earliest.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.


SECTION OFFICER (S/F)

ATTESTED

Annex-B (9)



**GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Peshawar the October 07, 2024

NOTIFICATION


NO. AO/E&SE/4-29/Leave/Peshawar: Sanction is hereby accorded to the grant 60 days medical leave on full pay w.e.f 03-09-2024 to 01-11-2024 in favour of Mst. Nasreen Begum HM BS-17 GGHSS Hayat Abad Peshawar as admissible under the Revised Leave Rules 1981.

**SECRETARY
Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Edu: Department**

Endst: of even No. & date:

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. The Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Peshawar.
4. The Section Officer (Schools/Female), Elementary & Secondary Education Department.
5. Mst. Nasreen Begum HM BS-17 GGHSS Hayat Abad Peshawar.
6. Master File.


(ABDUL GHAFFAR)
SECTION OFFICER (ACCOUNTS)


ATTESTED



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Email: sectionofficersf@gmail.com

091-9223588

Dated Peshawar the October 2nd, 2024

Amma - "C" (10)



CORRIGENDUM

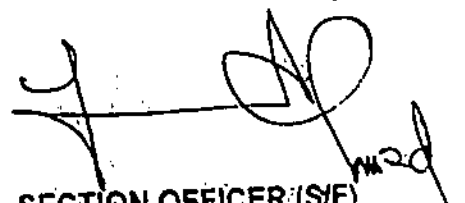
NO.SO(S/F)E&SED/4-16/2024/Posting/Adjustment/HM/119/: In partial modification of this Department's Notification of even No. dated 26.09.2024, the place of posting in respect of Mst. Farhat Amir Headmistress (BS-17) appearing at S.No.48 may be read as GGHS Hayatabad Peshawar against the vacant post of Headmistress (BS-17), instead of GGHS Ghazi Gul Killi Bara Khyber.

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

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female), concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department for uploading on official website.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.


SECTION OFFICER (S/F)
02/10/2024

ATTEST

ANNA-D-11

To
The Chief Secretary,
Khyber Pakhtunkhwa,
Peshawar.

4401-P
07-10-2024

Subject: Departmental appeal against transfer.

Respected Sir,

With due respect, it is humbly submitted that vide notification dated 30/09/2024 No: SO(S/F) E&SED/4-16/2024/Posting/Transfer/1, I have been transferred from GGHS Phase 3 Hayatabad and my services are placed at the disposal of directorate. Sir initially I was transferred from district Karak to this school on the basis of spouse policy, as my husband was judge Antiterrorism Peshawar and since then I was performing duties here in this school. Now we are permanently settled in Peshawar Hayatabad. As my husband remained judge Antiterrorism, Therefore, I feel extreme fear to perform duties in far flung area/anywhere else except this school. Otherwise too, I am seriously ailing from various diseases like high blood pressure, diabetic, Knee joint pain etc. and have recently done stomach surgery and presently I am on earned leave. Only about two years my service tenure is remained and is this last period of service it would be unjust to transfer me. Therefore, it is very earnestly prayed before your kind honors, that kindly cancel my transfer order and to retain me on own duty place i.e. GGHS School Phase 3 Hayatabad Peshawar.

Yours Sincerely,

Nasreen Begum

Headmistress/Vice
Principal

GGHS Phase 3 Hayatabad Peshawar

Dated: 03/10/2024

ASE
DS (E)
SO(S/F)
8/10

Copy to:

- 1: Secretary E&SE KPK,
- 2: Directress E&SE Peshawar,
- 3: Registrar KP service tribunal Peshawar.

Seay E&SE

1947
87+

~~ATTESTED~~



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATIOND DEPARTMENT

Email: sectionofficersf@gmail.com

091-9223588

No. SO(S/F) E&SED/4-16/2024

Dated Peshawar the October 17th, 2024

To

Mst. Nasreen Begum
Headmistress (BS-17)
GGHS Hayatabad Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST TRANFER

I am directed to refer to the subject noted above and to convey that your appeal address to Chief Secretary Diary No.1947 dated 08.10.2024 has been filed being devoid of merit, please.

(SHAWANA HALEEM)
SECTION OFFICER (S/F)

Endst: of even No. & Date:

Copy forwarded for information to: PS to Secretary, E&SE Department.

SECTION OFFICER (S/F)

~~ATTESTED~~

WAKALATNAMA (Power of Attorney)

IN THE KP SERVICE TRIBUNAL, PESHAWAR

.....*Nasreen Begum*.....

(Petitioner)
(Plaintiff)
(Applicants)
(Appellant)
(Complainant)
(Decree Holder)

V E R S U S

.....

(Respondent)
(Defendants)
(Accused)
(Judgment Debtor)

I, **the undersigned** (*Appellant*) in the above noted *(S.A. 24)*, do hereby appoint and constitute **Ahmad Sultan Tareen, Mudassir Ali & Shabaz Khan** Advocates, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Nasreen
CLIENT

Attested & Accepted.

Ahmad Sultan Tareen
Ahmad Sultan Tareen

Mudassir Ali
Mudassir Ali

Shabaz Khan
Shabaz Khan

Advocates, Peshawar
17-GF, Haroon Mansion, Khyber Bazar,
P E S H A W A R.
Office: 091-2566969
Cell # 0333-9434837
BC No. 10-1583
CNIC: 13302-0450955-5

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