


FORM OF ORDERSHEET

Court of _____

Misc. application No. 1298 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	28/10/2024	<p>The Misc. application in appeal no. 615/2024 submitted today by Mr. Muhammad Israr Advocate. It is fixed for hearing before Division Bench at Peshawar on 01.11.2024. Original file be requisitioned. Parcha Pesi given to the counsel for the applicant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M.No. 1248/24
In Re: Service Appeal No.615/2024

Dr. Salma Sami Principal GGHSS Molago Peshawar

..Applicant

Versus

Mst. Saima Principal GGHSS Mian Gujjar and others

Respondents

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Dated: 28.10.2024

Applicant

Through


Muhammad Israr

Advocate High Court

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR

C.M No. 1298/24

In Re: Service Appeal No. 615/2024

Dr. Salma Sami Principal GGHSS Molago Peshawar

VERSUS

1. **Mst. Saima Principle GGHSS Mian Gujjar Peshawar**
2. **Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.**
3. **The Secretary, Govt of Khyber Pakhtunkhwa Elementary & Secondary Education, Civil Secretariat, Peshawar.**

APPLICATION FOR SETTING ASIDE THE
EX-PARTE JUDGMENT & OTHER DATED
25.06.2024 BY THIS HON'BLE TRIBUNAL
VIDE SERVICE APPEAL NO. 615/2024

Respectfully Sheweth:

1. That the above caption Appeal was filed by the Appellant before this Hon'ble Tribunal, which was decided ex-parte on dated 13.06.2024 vide Judgment & order dated 25.06.2024. **(Copy of ex-parte order & judgment is attached)**
2. That it is pertinent to bring into the notice of this Hon'ble Tribunal that the petitioner was arrayed as respondent No 3 in the Appeal but all the proceedings were initiated and completed without the active participation of the Petitioner. The Petitioner has never been served with any kind of notice or summon etc and she remained unaware of the whole proceeding till decision of the title Appeal.

(2)

3. That from the perusal of the record, it can be easily judged that the petitioner was serving as principal GGHSS Malago Peshawar, but the appellant in connivance with some hidden hands prevented the service of notice upon the petitioner, which resulted ex-parte proceedings against the petitioner.
4. That it is also worth to mention here that the contents of the addresses of the parties provided by the Appellant are also ambiguous as on one hand, the petitioner has been shown as Principal GGHSS Irrigation Colony, and whereas in the same breath petitioner has been shown as Principal GGHSS Malago Peshawar, which has obviously resulted the non-service of notice upon the petitioner.
5. That the malafide of the appellant can also be judged from the fact that she concealed the Judgment of this Hon'ble Tribunal dated 25.06.2024 with herself and later on after almost lapse of three months she arrived at GGHSS Malago Peshawar and informed the petitioner on 11.10.2024. **(Separate Affidavit is attached)**
6. That the petitioner has been made an escape goat right from the date of her initial appointment as Principal BPS-18. The official respondents were reluctant to notified the order of the petitioner inspite of recommendation of the KP Public Service Commission. It is also worth to mentioning that petitioner was at Serial No 15 on the list of

recommendees of the Public Service Commission. The official respondents issued appointment notification of the whole of the recommendees and also posted them against vacant post, but the petitioner was deprived of her appointment and posting.

7. That the petitioner being aggrieved from the conduct of the official respondents, approach the Hon'ble Provincial Mohtasib KPK for redressal of her grievances and ultimately on the direction of the Hon'ble Mohtasib, her appointment order was issued and she was placed at the disposal of District Education Officer Nowshera. Later on petitioner was adjusted as Principal GGHSS Nodeh District Nowshera vide notification No. SO (S/F) E&SE 16.04.2021.
8. That the relevant post was not available and the posting of the petitioner remained in air (Abeyance) and that too without any salary etc. The Petitioner approached the competent authority time and again for her adjustment and posting, but the authority setting at the helm of Departmental Affairs paid no heed to the legitimate expectancy of the Petitioner and she remained without posting till 13.07.2021.
9. That vide order dated 13.07.2021 the petitioner was adjusted and posted as Principal GGHSS Irrigation Colony Peshawar in her own pay and scale as stopgap arrangement, however petitioner took over the charge and started her duty at the place of her posting.

(4)

10. That later on the petitioner was transferred and posted as Principal GHSS Gul Abad Jamrud, District Khyber vide order dated 14.12.2021 against alleged vacant post, when the petitioner arrived for assumption of charge, she was informed that the post has already been occupied by one Mst Tahira Naz and thus the petitioner again made an escape goat at the mercy of mighties who are sitting at the helm of Departmental Affairs.
11. That since the post was not vacant, therefore the petitioner approach the competent authority for redressal of her grievances, the competent authority modified the order and again made the petitioner a rolling stone by throwing her to District Charsadda and was posted as Principal GGHS Matta Palangzai. **(Copy of the Order is attached as annexure (B))**
12. That the petitioner being aggrieved from her continuous posting, transfer orders, approach this Hon'ble Tribunal vide Service Appeal No 1/2022.
13. That during the pendency of the Appeal General Posting, Transfer order of the petitioner was issued vide notification dated 14.09.2023, wherein petitioner was shown to have been posted and transferred as Principal GGHSS Malogo Peshawar against vacant post. **(Copy of Order is attached as annexure (C))**
14. That the counsel for the petitioner requested this Hon'ble Tribunal that he would not press the Appeal.

(5)

if direction is made to the official respondents to actualize the same in accordance with its spirit and nature. The request was accordingly acceded by this Hon'ble Tribunal and the Appeal was disposed off as such.

15. That later on the appellant Mst Saima filed petition under section 12 (2) CPC before this Hon'ble Tribunal on the ground that since the post of Principal GGHSS Malogo was not vacant and was occupied by her through General Posting and Transfer order dated 14.09.2023, therefore, the same could not be actualized. The application of the appellant was allowed and the service appeal was disposed of vide order dated 02.10.2023. **(Copy of the Order is attached as annexure (D))**
16. That on 24.11.2023, petitioner was transferred and posted as Principal GGHSS Malogo Peshawar and the appellant was adjusted as Principal GHS Mian Gujjar. **(Copy of order is attached) Annexure "E"**
17. That the petition misguide/ misled to the Hon'ble Tribunal and concealed all the facts from this Hon'ble Tribunal and goted dis honestly ex-parte judgment in the light of this judgment dated 25.06.2024 the petitioner issued vide notification No. SO(S/F)E&SED/4-16/2022/Posting/Transfer/02 on dated 11.10.2024 against the applicant and the competent authority transfer the applicant from GGHSS Molago Peshawar to GGHSS Mian Gujjar. **(Copy of order is attached) Annexure "F"**

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18. That the absence of the applicant is not willful but want of proper service, otherwise he would have certainly put his appearance not only for defending his vested interest, bearing grave effect on his service career but also in obedience of the summons of the Hon'bl Tribunal.
19. That otherwise only ex-parte proceedings are in progress and the matter has not yet terminated.
20. That the Hon'ble Superior Courts have consistently stressed upon deciding the cases on merit rather than knocking out the litigants on technical grounds.

In the given circumstances, it is, therefore, prayed that on acceptance of the instant Application, the ex-parte proceedings initiated against the applicant vide impugned order dated 25.06.2024 may kindly be set aside and after granting opportunity of hearing to the applicant, the appeal be decided on merits.

Applicant / Respondent No 3

Through


MUHAMMAD ISRAR
Advocate, High Court Peshawar

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

In Re: Service Appeal No. 615/2024

Dr. Salma Sami Principle GGHSS Molago Peshawar

VERSUS


Govt of Khyber Pakhtunkhwa through Chief Secretary & others

AFFIDAVIT

I, **Dr. Salma Sami**, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

Identified by:


Muhammad Israr
Advocate High Court
Peshawar

(2)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 815 /2024

Mst. Saima,
Principal, GGHS Mian Gujjar, Peshawar..... Appellant

Versus

1. The Government of Khyber Pakhtunkhwa
through Chief Secretary,
Civil Secretariat, Peshawar.
2. The Secretary,
Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education,
Civil Secretariat, Peshawar.
3. Dr. Salma Sami,
Principal, GGHS Irrigation Colony, Peshawar
Presently GGHS Malogo, Peshawar. Respondents

Khyber Pakhtunkhwa
Service Tribunal

Dairy No. 12400

Dated 26/4/24

Filed to-day

[Signature]
Registrar
26/4/24

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATOIN DATED 24.11.2023 COMMUNICATED ON 11.12.2023 WHEREBY THE NOTIFICATOIN DATED 17.04.2023 IN RESEPECT OF RESPONDENT NO.3 WAS RESTORED AGAINST WHICH SHE PREFERRED DEPARTMENTAL APPEAL ON 05.01.2024 BUT THE SAME WAS NOT DISPOSED OF WITHIN THE STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned Notification dated 24.11.2023 may graciously be set aside and appellant may be allowed to complete her tenure at GGHS Malogo, District Peshawar.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That the appellant being employee of the Elementary and Secondary Education Department was earlier posted at GGHS Mian Gujjar vide Notification dated 15.02.2019 who was later on appointed as Principal (BPS-18) vide Notification

Re-submitted to-day
and filed.

[Signature]
Registrar
2/5/24

TESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

22-10-24

S.A No. .615/2024

13th June, 2024

1. Learned counsel for the appellant present. Mr. Imran, Assistant alongwith Mr. Umair Azam, Additional Advocate General for official respondents present. Nobody is present on behalf of private respondent No. 3 despite issuance of notice through TCS, hence, placed ex-parte.
2. Written reply on behalf of official respondents has been received. To come up for arguments on 25.06.2024 before the D.B. Parcha Peshi given to the parties.


(Kalim Arshad Khan)
Chairman

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~~8~~

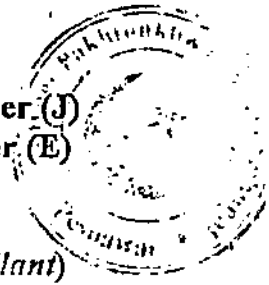
10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.615/2024

BEFORE: MRS. RASHIDABANO ... Member (J)
MR. MUHAMMAD AKBAR KHAN ... Member (E)

Mst. Saima, Principal, GGSS Mian Gujjar, Peshawar.
... (Appellant)



VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
 2. The Secretary, Elementary & Secondary Education, Civil Secretariat, Peshawar.
 3. Dr. Salma Sami, Principal, GGSS Irrigation Colony, Peshawar, presently GGSS Malogo, Peshawar.
- ... (Respondents)**

Muhammad Amin Anwar
Advocate --- For appellant

Muhammad Jan
District Attorney --- For respondents.

Date of Institution.....26.04.2024
Date of Hearing.....25.06.2024
Date of Decision.....25.06.2024

JUDGMENT.

RASHIDA BANO MEMBER (J):-The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

“On acceptance of the instant appeal, the impugned notification dated 24.11.2023 may graciously be set aside and appellant may be allowed to complete her tenure at GGSS Malogo, District Peshawar.”

R

ATTESTED
[Signature]
Member
Khyber Pakhtunkhwa Service Tribunal
Peshawar
25-10-24

(16)

(17)

No.3, which was disposed of on 02.10.2023. On 24.11.2023 respondents issued another notification whereby the notification dated 17.04.2023 in respect of the transfer and posting of Respondent No.3 was restored to GGHSS Malogo, restoring posting of the appellant to GGHSS MianGujar. Appellant filed departmental appeal, which was not responded to, hence the present service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellants and learned District Attorney for the respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

6. Perusal of record reveals that appellant was appointed Principal (BPS-18) vide order dated 05.12.2019 and posted as Principal Mian Gujar vide order dated 15.02.2019, whereafter appellant serving for about four years and was transferred and posted as Principal to GGHSS Malogo, Peshawar vide notification dated 12.08.2022 against the vacant post, wherein she took the

charge and started performing her duties. Respondent No.3 was appointed as Principal (BPS-18) vide order dated 08.02.2021 and was posted as Principal GGHSS Nodih, Nowshera vide order dated 13.07.2021 for actualization against the vacant post and then posted as Principal (BPS-19) at GGHSS

Irrigation Colony was transferred to GGHSS Gul Abad Jamrud, Khyber vide

Op
Principal (BPS-18) vide order dated 08.02.2021 and was posted as Principal GGHSS Nodih, Nowshera vide order dated 13.07.2021 for actualization against the vacant post and then posted as Principal (BPS-19) at GGHSS Irrigation Colony was transferred to GGHSS Gul Abad Jamrud, Khyber vide

Ri

(13)

13

order dated 20.12.2021. She was relieved from GGHSS Irrigation Colony, Peshawar. She filed Service Appeal No.1/2022 during pendency another general transfer order was issued on 14.09.2022, wherein she was transferred to GGHSS Malogo, Peshawar as Principal by wrongly showing same as vacant which post was already occupied by the appellant. As post was not vacant therefore Respondent No.3 filed application to competent authority on 15.09.2022 by mentioning there in that post of Principal (BPS-18) GGHSS Malogo, Peshawar has already filled by the appellant, but his counsel by misleading this Tribunal get passed order/direction dated 13.03.2023 for actualization of transfer/order dated 14.09.2022 which shows the conduct of the Respondent No.3. Based upon this direction impugned order was issued on 17.04.2023, wherein appellant was again transferred to Mian Gujar, Peshawar, where she remain posted for about four years, direction given by this Tribunal was against the vacant post not occupied which was given upon appellant's attorney statement, therefore, order obtained by suppressing the fact have no effect. So, the very foundation upon which building of impugned order is misleading and mis-representation, therefore could not be sustained.

7. Otherwise too appellant already served for about four years at Mian Gujar, Peshawar and completed more than her normal tenure over there, if respondent are going to adjust respondent No.3, they had the option of posting her to Mian Gujar instead of Malogo, Peshawar. Appellant was posted at GGHSS Malogo, Peshawar vide order dated 12.08.2022 and prematurely transferred vide order dated 17.04.2023 after about 8 months of her posting while as per posting/transfer policy of the provincial government normal tenure of posting in two years. So, this order was issued in violation of government own policy as clause (iv) of posting/transfer is given as below;

Qm
OFFICE
GENERAL MANAGER
PESHAWAR

Handwritten signature

(B)

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"The normal tenure of posting shall be two years subject to the condition that for the officers/officials posted in unattractive areas of tenure shall be one year and for the hard areas the tenure shall be one year. The attractive and hard areas will be notified by the Government."

8. For what has been discussed above, we are unison to accept the instant appeal by setting impugned order with direction to respondent to allow appellants to complete her normal tenure of posting at GGHSS Malago, Peshawar. Costs shall follow the event. Consign.

9. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 25th day of June, 2024.

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

M. Khan

Certified Copy

EX-11111111
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

25-10-24

Khyber Pakhtunkhwa (Service) Tribunal, Peshawar	
Application No.	(329) 25-10-24
Name of Applicant	Saima Sani
Number of Voids Paid	5/-
Copying Fee	25/-
Urgent/Ordinary	8/-
Total	38/-
Name & Signature of Applicant	Saima Sani
Date of Copying Fee Paid	25-10-24
Date of Receipt	25-10-24


ORDER


25.06.2024 1. Learned counsel for the appellant present. Mr. Muhammad

Jan, District Attorney, learned District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, we are unison to accept the instant appeal by setting impugned order with direction to respondent to allow appellant to complete her normal tenure of posting at GGHSS Malago, Peshawar. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 25th day of June, 2024.*


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)



GOVERNMENT OF KHYBER PAKHTUNKHWA
 ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
 Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
 Phone No. 091-9223588

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Dated Peshawar, the December 20th, 2021

NOTIFICATION

NO. SO(SF)E&SED/4-16/2021/POSTING/TRANSFER/TC: In partial modification of this Department's Notification of even number dated 14-12-2021, the place of posting of Dr. Salma Sami Principal (BS-18) may be read as GGHS Matta Palangzai District Charsadda instead of GGHS Gulabad Jamrud District Khyber.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
 E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Peshawar, Swabi & Khyber.
4. District Accounts Officer Swabi & Khyber.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. Section Officer (Litigation-II), E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Mst. Tahira Naz Afridi Principals, GGHS Gulabad Jamrud, Khyber.
9. Principals, GGHS Matta Palangzai District Charsadda.
10. Officer concerned.

(SAMIRA MEHSOOD)
 SECTION OFFICER (SCHOOLS FEMALE)

ATTESTED

ATTESTED

Challenged

[Handwritten mark]



(17)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
BLOCK A OPPOSITE A.P.A.S HOSTEL, CIVIL SECRETARIAT PESHAWAR
PHONE NO 091-9223588

24
Date: 14/09/2022

Durrat E

Dated Peshawar, September 14th, 2022

NOTIFICATION

NO.SO(S/DE&SED)/4-16/2022/Posting/Transfer/51: Upon their promotion vide notification
No.SO(S/DE&SED)/2-3/2022/Promotion dated:20.04.2022 the following Teaching Cadre (BS-19)
Officers are hereby posted against the post mentioned against each.

Sr. #	Name/ Designation	Present Posting	To	Remarks
1	Mst. Atia Bano	GGIIS Dhamtur Abbotabad	GGIIS Sherwan Abbotabad	AVP of Principal (BS-19)
2	Mst. Tahira Tabassum	GGIIS Shahdand Baba Mardan	GGIIS Jalalu Mardan	AVP of Principal (BS-19)
3	Mst. Salma Kalsoom	GGIIS Lahor Swabi	GGHS Panjpir Swabi	Vice Sr. No.12
4	Mst. Noreen Afzal	RPDC (Female) Peshawar	GGIIS Prang Charsadda	AVP of Principal (BS-19)
5	Mst. Azra Begum	RPDC Malakand	RPDC Malakand	Against Sr. No.45
6	Mst. Gul E Rana	GGHSS Jogiwar Peshawar	GGIIS RSK Swabi	AVP of Principal (BS-19)
7	Mst. Alia Iqbal	GGIIS Chamkani Peshawar	Shakar Dara Kohat	AVP of Principal (BS-19)
8	Mst. Ambarcen Fatima	GGIIS No.2 D.I Khan	GGIIS Jandola Tank	AVP of Principal (BS-19)
9	Mst. Nusrat Parveen	GGCMISS No.6 D.I Khan	GGIIS Karak No.1	AVP of Principal (BS-19)
10	Mst. Salina	GGIIS Toru Mardan	GGIIS Paki Malakand	AVP of Principal (BS-19)
11	Mst. Shabana Rehman	GGIIS No.1 Lakki Marwat	GGIIS No.1 Seral Nurang Lakki Marwat	Vice Sr. No. 42
12	Mst. Zahida Bibi	GGIIS Panjpir Swabi	GGIIS Zaida Swabi.	AVP of Principal (BS-19)
13	Mst. Fareeda Sabeen	GGHSS University Town Peshawar	GGIIS Mata Palanzai Charsadda	AVP of Principal (BS-19)
14	Mst. Shaheen Shehriaz	GGIIS Takhti Nasrati Karak	GGHS Chokdra Karak	AVP of Principal (BS-19)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
BLOCK A OPPOSITE MPAS HOSTEL, CIVIL SUPPLIARIAT PESHAWAR
PHONE NO 091-9221588

- 25 -

15	Mst. Gul F Rana Sidiq	GGHSS BSD Peshawar	GGHSS No. 1 Haripur	AVP of Principal (BS-19)
16	Mst. Saeeda Tabassum	GGHSS Kohat Swabi	GGHSS Sheva Swabi	AVP of Principal (BS-19)
17	Mst. Bibi Amina	GGHSS Parkho Dheri Mandan	GGHSS Hathim Mandan	AVP of Principal (BS-19)
18	Mst. Banaras Begum	GGHSS Akora, Khattak Nowshera	GGHSS Totakan Malakand	AVP of Principal (BS-19)
19	Mst. Yasmin Ara Bibi	GGHSS Shabdand Daba Marjan	GGHSS Rustam Mandan	AVP of Principal (BS-19)
20	Mst. Shamila Tabassum	GGHSS Naivata D.J Khan	GGHSS Ismaili Mauna Khel Bannu	AVP of Principal (BS-19)
21	Mst. Janifa Begum	GGHSS Malkani Malakand	GGHSS Dheri Akhuland Malakand	AVP of Principal (BS-19)
22	Mst. Shaista Kanwal	GGHSS Jungle Khel Kohat	GGHSS Gumbat Kohat	AVP of Principal (BS-19)
23	Mst. Irsind Begum	GGHSS No. 4 Bannu City	GGHSS Bilayar Khan Bannu	AVP of Principal (BS-19)
24	Mst. Farrah Deba	GGHSS Lahore Swabi	GGHSS Kalokhan Swabi	AVP of Principal (BS-19)
25	Mst. Farzana Yasmin	GGHSS Jungle Khel Kohat	GGHSS Qumar Zaman Mandeev Bannu	AVP of Principal (BS-19)
26	Mst. Shaista Gul	GGHSS University Town Peshawar	GGHSS Charsadda Mandani	AVP of Principal (BS-19)
27	Mst. Romaisa Sadia	GGHSS Sahibzada Umar Khan Shahced Peshawar	GGHSS Tehkal Peshawar	AVP of Principal (BS-19)
28	Mst. Farhana	RPDC Swabi	GGHSS Kunda Swabi	AVP of Principal (BS-19)
29	Mst. Sadaf Rehana Malik	GGHSS Comprehensive Abbottabad	GGHSS Siri Kot Haripur	AVP of Principal (BS-19)
30	Mst. Syeda Tayyaba	GGHSS Comprehensive Abbottabad	GGHSS Kot Najibullah Haripur	AVP of Principal (BS-19)
31	Mst. Shagufta Khanam	GGHSS BSD Peshawar	GGHSS Titter Khel Lakki Murwat	AVP of Principal (BS-19)
32	Mst. Iffat Begum	GGHSS Sahibzada Umar Khan Shahced Peshawar	RPDC Peshawar	AVP of Principal (BS-19)

Sl. No.	Name	Designation	Organization	Post	Grade	Remarks
33	Mst. Sughra Sadaf	DPI Peshawar	GCHSS Irrigation Colony Peshawar		Vice Sr. 44	
34	Mst. Nosrat Iqbal	GCHSS (Civil)	Mansehra		Vice Sr. 41	
35	Mst. Samia Danish	D. TE Abulhasan	GCHSS Daska		AVP of (BS-19)	
36	Mst. Roshan Arif	GCHSS (Ning)	GCHSS Main Swat		AVP of (BS-19)	
37	Mst. Ishrat Jabeen	GCHSS	GCHSS Jinnah Khyber		Vice Sr. No. 43	
38	Mst. Rohina Farooq	GCHSS (Jinnah)	GCHSS KTS Sector No. 2 Lumbur		AVP of (BS-19)	
39	Mst. Zeb Jehan	GCHSS (Chankani)	GCHSS Saidu No. 1 Swat		AVP of (BS-19)	
40	Mst. Sheela Nazam	GCHSS University	GCHSS Koper Malakand		AVP of (BS-19)	
41	Mst. Farida Malik	GCHSS (Female)	GCHSS Manshera		AVP of (BS-18)	
42	Mst. Shabana Noor	GCHSS (Semi Training)	GCHSS No. 06 D.I. Khan		Vice Sr. No. 09	
43	Mst. Niaz Principal	GCHSS (Member)	DPI Peshawar		Vice Sr. No. 33	
44	Mst. Salma Sami	GCHSS (Colony)	GCHSS Molegi, Peshawar		AVP of (BS-18)	
45	Mst. Dr. Aini Begum	Instructor (Female)	RPOC Malakand (BS-20)		Against Vacant Post of Principal in OPS (BS-20)	

CONSEQUENTIAL POSTING

GOVERNMENT OF KHYBER PAKHTUNKHWA
 BUREAU OF SECONDARY EDUCATION DEPARTMENT
 BLOCK A OPPOSITE MPAS HOSTEL, CIVIL, SULTANABAD PESHAWAR
 PHONE NO: 091-9227588



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(19)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
BLOCK A OPPOSITE MPA,S HOSTEL, CIVIL SECRETARIAT PESHAWAR
PHONE NO 091-9223588

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27

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Encls: of even No. & date:


Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. CSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female) concerned.
5. District Account Officer, concerned.
6. Director EMIS, E&SE Department for uploading at official website at the earliest.
7. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department.
9. PA to Additional Secretary, E&SE Department.
10. Officers/Officials Concerned.
11. Office order file.

Muhammad Faizan Zeb
(MUHAMMAD FAIZAN ZEB)
SECTION OFFICER (S4)

(17) (21)

FORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.01/2022 - 

Dr. Salma Sami Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil
Secretariat, Peshawar and 6 others

Asad X

ORDER

2nd Oct. 2023.

Kalim Arshad Khan, Chairman: Learned counsel for the appellant, Mr. Asad

Ali Khan, Assistant Advocate General for the official respondents and private respondents No.6 & 7 present through their counsel and have been heard.

2. According to the memo and grounds of appeal, the appellant was transferred and posted against the post of Principal GGHS Gul Abad Jamrud, District Khyber but that post was already stated to be occupied by one Mst. Tahira Naz, where-after, the transfer order was modified and vide impugned order dated 20.12.2021, the appellant was transferred to GGHS Matta Palangzai, District Charsadda instead of GGHS Gul Abad Jamrud, District Khyber. Aggrieved of the said order, the appellant had initially filed representation and then this appeal.

During the pendency of appeal, one Mst. Sughra Sadaf submitted an application for impleadment in the appeal on the strength of another transfer Notification dated 14.09.2022, wherein, the appellant Dr. Salma Sami was shown to have been transferred against the vacant post of Principal GGHSS Malogi. The learned counsel for the appellant did not press the appeal saying that a direction might be given to the respondents to actualize transfer Notification dated 14.09.2022, whereby appellant was shown to have been transferred against the vacant post at of Principal at GGHSS Malogi. On such development, the appeal was decided. Where-after, Mst. Saima submitted application under section-12(2) of the CPC.

ASAD

N.

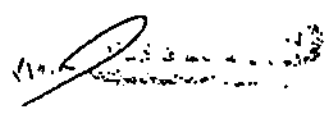
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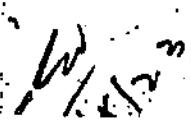
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1908 with the contention that although, the order of transfer dated 14.09.2022 showed the post of Principal GGHSS Malogi as vacant but actually that was not vacant and was already occupied by the applicant Mst. Saima, who was posted there vide Notification dated 12.08.2022. Notice of the application was given to the other side and after hearing parties, the application U/S 12(2) CPC, 1908 was accepted, thereby setting aside the order dated 13.03.2023, whereby, appeal of Dr. Salma Sami was disposed of with the direction that her posting against the post of Principal Malogi be actualized. What the department did was that it issued another Notification dated 17.04.2023, which was shown to have been passed in compliance with the judgment of this Tribunal and date of the judgment was shown in Notification to be 14.09.2022. We observe with very serious concern that neither the Tribunal had given any direction to issue a notification nor there is any order of 14.09.2022 passed by the Tribunal in this regard. Once before, we had directed the Education Department not to use the name of the Tribunal while issuing any order when no such direction is given by the Tribunal. Be that as it may, the Notification dated 17.04.2023 was issued and is said to be still in the filed. On the previous date, i.e. 22.09.2023, representative of the official respondents sought time for resolution of the issue but today, a copy of letter dated 28.09.2023 was produced with a statement at the bar that the matter was negotiated between the parties but Mst. Saima, Principal had requested that the case was in the Tribunal, therefore, the Court should decide that.

ATTESTED

3. Postings and transfers is the sole prerogative of the authority under Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the Tribunal least interferes in such discretion of the authority unless there is some deviation from






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the rules, policies, Act/or some malice or political motivation. In this case, both the ladies i.e. Dr. Salma Sami and Mst. Saima are aggrieved from their transfers on the sole ground of premature transfers. The Government has notified a posting/transfer policy, wherein a specific tenure has been given for service of a civil servant at a particular post. Therefore, it is always expected from the authorities by the civil servants that they would be allowed to complete their normal tenure. Not only in this case but in all other such cases, we have seen that the concerned authorities are not honoring their own posting/transfer policy. As against that, no one can be posted against the post of his/her choice. As stated above, the order last in line i.e. of 17.04.2023, though, discussed in the order sheet dated 04.05.2023 and suspended vide the said order, yet is still in the field, therefore, anybody feeling aggrieved, of the order dated 17.04.2023, may trace his/her steps to proper course against the order under which the civil servant is holding the post for another reason also that that was not under challenge before the tribunal. We expect that in order to avoid further unnecessary litigation, the departmental authorities would honour the tenure provided in their own posting/transfer Policy and none of the parties should suffer otherwise than due course of policy.

4. The appeal is disposed of in the above terms. Consign. **ATTESTED**
5. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 2nd day of October, 2023.


(Muhammad Akbar Khan)
Member(Executive)


(Kalim Arshad Khan)
Chairman

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GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Email: sectionofficers@gmail.com

091-9223588

Dated Peshawar November 24th, 2023

ANNEX V-54

NOTIFICATION

NO.SO(S/F)E&SED/4-16/2023/Posting/Transfer/ This Department's Notification of even No. dated 17.04.2023 in respect of Mst. Saima and Mst. Salma Sami Principal is hereby restored, in the best public interest.

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

Received to-day on 11/12/23
at 01:30 P.M.

SECTION OFFICER (S/F)
24/11/23

ATTESTED

ATTESTED



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Email: sectionofficersf@gmail.com

091-9223588

Dated Peshawar, 11th, 2024

NOTIFICATION

NO.SO(S/F)E&SED/4-16/2022/Posting/Transfer/02: In compliance with Khyber Pakhtunkhwa Service Appeal No.615/2024 dated 25.06.2024 and Law Department letter No.SOL/Law/9-5(293) /E&SED/2024 /15975-78 dated 27.09.2024, Notification dated 24.11.2023 in respect of Mst. Salma Sami Principal (BS-18) and Mst. Saima Principal (BS-18) is hereby withdrawn with immediate effect.

Moreover Mst. Saima Principal (BS-18) is to continue her service at GGHSS Molago Peshawar and Mst. Salma Sami Principal (BS-18) as to assume charge at GGHSS Mian Gujjar Peshawar immediately.

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 Officer (Female) Peshawar.
4. District Account Officer Peshawar.
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6. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department.
8. Officers/Official Concerned.
9. Office order file.

ATTESTED

(SHAYANA HALEEM)
SECTION OFFICER (S/F)

قیمت 50 روپے	62877	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
ایڈریس:	گنڈاپور	PESHAWAR BAR ASSOCIATION	 
بار کونسل ایسوسی ایشن نمبر:	BC-14-4902		
رابطہ نمبر:	0332-9085684		

بعد ازاں جناب: مسٹر نسیح علی خان مسٹر مختار غواہ مسٹر سعید

منجانب: <u>مسٹر</u>	دعویٰ:
<u>ڈاکٹر وسیم اسحاق</u>	غلط نمبر:
	موضوع:
	جرم:
	تھانہ:

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام محکمہ کیلے گنڈاپور اور گنڈاپور محکمہ کیلے گنڈاپور محکمہ کیلے گنڈاپور
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقررات و فیصلہ بر حلف 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 یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 25/10/2024

مقام کے لیے منظور ہے۔