


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1299/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	28.10.2024	<p>The implementation petition of Mst. Irum Bibi submitted today by clerk of counsel for the appellant. It is fixed for implementation report before touring Single Bench at A.Abad on 27.11.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to clerk of counsel for the petitioner.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

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

E.P
EM No. 1299 /2024

IN
Service Appeal No. 1335/2022

Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower.

...APPELLANT

VERSUS

District Education Officer (Female), Kohistan Lower & another.

...RESPONDENTS

IMPELEMENTATION APPLICATION

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1.	Application alongwith affidavit	1 to 5	
2.	Attested copy of the service appeal		"A"
3.	Copy of judgment dated 24.04.2024		"B"
4.	Copy of order dated 25.06.2024		"C"
5.	Copy of order dated 25.09.2024 <i>Transfer office order</i>		"D"
6.	Wakalatnama		

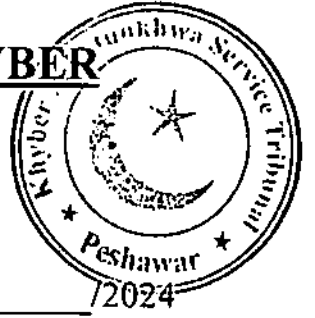
ارم بی بی
...APPELLANT

Dated: 08.10.2024

Through

(Signature)
(MUHAMMAD RIAZ)
Advocate High Court, Abbottabad

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



E.P
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Service Appeal No. 1335/2022

Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower.

...APPELLANT

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17277

Dated 28-10-24

1. District Education Officer (Female), Kohistan Lower.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa,
Peshawar.

...RESPONDENTS

APPLICATION SEEKING IMPLEMENTATION OF
THE JUDGMENT/ ORDER DATED 24.04.2024
PASSED BY THIS HONOURABLE TRIBUNAL IN
THE ABOVE TITLED SERVICE APPEAL.

ATTESTED

E. AMER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
28/10/24

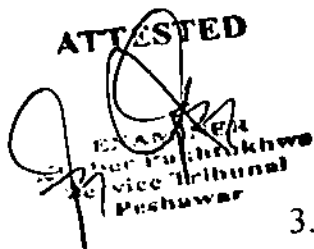
PRAYER: ON ACCEPTANCE OF THE INSTANT
APPLICATION, THE RESPONDENTS MAY
GRACIOUSLY BE DIRECTED TO COMPLY/
IMPLEMENT THE JUDGMENT/ ORDER DATED

24.04.2024 PASSED BY THIS HONOURABLE
TRIBUNAL.

Respectfully Sheweth: -

1. That the appellant has filed the above mentioned service appeal before this Honourable Tribunal. (Attested copy of the service appeal is annexed as Annexure "A").

2. That the above mentioned service appeal was fixed for hearing on 24.04.2024 and this Honourable Tribunal was pleased to accept the service appeal, the impugned order was set-aside and the appellant was reinstated for the purpose of inquiry with direction to conduct inquiry that whether the transfer order dated 30.03.2020 is fake or otherwise. (Copy of judgment dated 24.04.2024 is annexed as Annexure "B").

ATTESTED

B. S. K. K. K.
Member Peshawar
Service Tribunal
Peshawar

3. That initially due to clerical mistake in Para No.7 of the judgment date of transfer order was mentioned as 30.03.2022 instead of 30.03.2020 which was later on corrected vide order dated

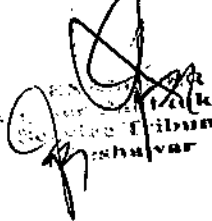
25.06.2024. (Copy of order dated 25.06.2024 is annexed as Annexure "C").

4. That inquiry officer was nominated by the respondent No.2 in order to inquire whether transfer order dated 30.03.2022 is genuine or fake.

5. That inquiry officer conducted inquiry of transfer letter dated 30.03.2022 instead of 30.03.2020 and passed order dated 25.09.2024 which is against the spirit of judgment. (Copy of order dated 25.09.2024 is annexed as Annexure "D").

6. That thereafter appellant approached office of the respondents and requested for implementation/compliance of the order dated 24.04.2024 passed by this Honourable Tribunal but the respondents have not complied with the directions of this Honourable Tribunal in true letter and spirit.

ATTESTED


Secretary
Tribunal
Chennai

7. That since 25.06.2024, appellant time and again approached the office of respondents and requested for compliance of directions given by this Honourable Tribunal but the respondents turned deaf ear.

8. That despite lapse of considerable time the respondents did not implement the order/ directions given by this Honourable Tribunal rather complied against the direction of this Honourable Tribunal.

9. That the valuable rights of the appellant are involved.

It is, therefore, humbly prayed that on acceptance of the instant application, on acceptance of the instant application, the respondents may graciously be directed to comply/ implement the judgment/ order dated 24.04.2024 passed by this Honourable Tribunal.

ATTESTED
 REGISTRAR
 District Tribunal
 Peshawar

Dated: 08.10.2024

Through

...APPELLANT

(MUHAMMAD RIAZ)
 Advocate High Court, Abbottabad

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

CM No. _____/2024

IN

Service Appeal No. 1335/2022

Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower.

...APPELLANT

VERSUS

District Education Officer (Female), Kohistan Lower & another.

...RESPONDENTS

IMPLEMENTATION APPLICATION

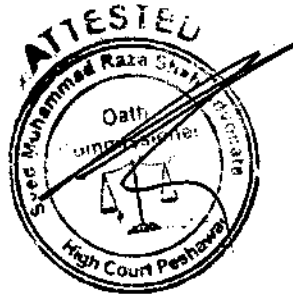
AFFIDAVIT

I, Mst. Irum Bibi daughter of Sher Bahadur, resident of Pattan, Tehsil Pattan,
District Kohistan Lower, do hereby solemnly affirm and declare on oath that
the contents of foregoing application are true and correct to the best of my
knowledge and belief and nothing has been concealed therein from this
Honourable Tribunal.

Certified to be true copy

**EXCERPT
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar**

28-10-24



3351
DEPONENT

28 OCT 2024

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. _____ Date _____
Name of Applicant _____
Number of Words/Pages _____
Copying Fee _____
Urgent/Ordinary _____
Total _____
Name & Sign of Copyist _____
Date of Completion of Copy _____
Date of Delivery of Copy _____

01-12-2011

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JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Appellant's case in brief as per the averments of the Appeal is that she was serving in the Education Department as Primary School Teacher since 2005. Vide the impugned order dated 22.01.2022, she was removed from service.

2. Feeling aggrieved of the impugned removal order, she filed departmental appeal which was rejected on 30.06.2022. Therefore, she filed the instant 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.

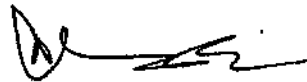
4. We have heard learned counsel for the appellant and learned Deputy District Attorney for respondents.

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

6. Perusal of record reveals that the appellant was removed from service vide impugned order dated 22.01.2022 of the District Education Officer (Female) Kohistan Lower. The said

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



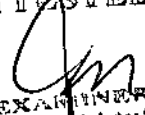
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order shows that the appellant was posted at the Government Girls Primary School Amba Serto Kayal at the time of her removal and the Education Monitoring Authority has also reported the appellant absent in the said School at Amba Serto. Besides, the Inquiry Officer (Assistant Sub Divisional Education Officer Female Kohistan) has also reported absent in the GPS Amba Serto Kayal.

7. During the course of arguments, learned counsel for the appellant drew the attention of the bench towards the transfer order of the appellant (annexed with the appeal through application for submission of additional documents) that the appellant had been transferred from the said School i.e. GGPS Amba Serto to GGPS Kamar Banda vide order dated 30.03.2022 (almost three months before passing of the impugned order). When asked from the other side about the above fact, the representative of the respondents, present in the court, disowned the said transfer order, but mere oral disownership would not be sufficient in the absence of the Competent Authority written stance and/or without any enquiry regarding that.

8. Keeping in view the situation, instant service appeal is accepted. The impugned order is set aside with the direction to the respondents to conduct enquiry into the matter and then pass appropriate but speaking order. Appellant is reinstated for the purpose of inquiry in order to ascertain whether the transfer order dated 30.03.2022 was fake or otherwise. The issue of back

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



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benefits shall be subject to the outcome of inquiry, which to be conducted within 60 days of the receipt of this judgment.

Consign.

9. Pronounced in open Court, at Abbottabad and given under our hands and the seal of the Tribunal on this 24th day of April, 2024.

KALIM ARSHAD KHAN
Chairman
Camp Court Abbottabad

MUHAMMAD AKBAR KHAN
Member (Executive)
Camp Court Abbottabad

Certified to be true copy

EXCISE OFFICER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

28-10-24

Muazzam Shult

Khyber Pakhtunkhwa Service Tribunal, Peshawar	
Application No. <u>339</u>	Date <u>28-10-24</u>
Name of Applicant <u>Khurshid Ahmed</u>	
Number of Words/Pages <u>4-p</u>	
Copying Fee <u>20/-</u>	
Urgent/Ordinary <u>3/-</u>	
Total <u>25/-</u>	
Name & Sign of Applicant <u>Zeeshaq</u>	
Date of Completion of Case <u>28-10-24</u>	
Date of Delivery of Case <u>28-10-24</u>	

S.A #.1335/2022

ORDER

24th Apr. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Rahim Dad ADEO for the respondents present.

2. Vide our detailed judgment of today placed on file, instant service appeal is accepted. The impugned order is set aside with the direction to the respondents to conduct enquiry into the matter and then pass appropriate but speaking order. Appellant is reinstated for the purpose of inquiry in order to ascertain whether the transfer order dated 30.03.2022 was fake or otherwise. The issue of back benefits shall be subject to the outcome of inquiry, which to be conducted within 60 days of the receipt of the judgment. Consign.

3. Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 24th day of April, 2024.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

Atarazim Shah


ORDER

25th June, 2024


Mr. Kalim Arshad Khan, Chairman: Learned counsel for the applicant present. Mr. Arshad Azam, Assistant Advocate General for the respondents present.

2. This application is for correction of judgment passed by this Tribunal on 24.04.2024. In para-7 of the judgment the date, of transfer order, of the appellant/applicant from GGPS Amba Serto to GGPS Kamar Banda, was written as 30.03.2022, whereas the learned counsel for the applicant submits that the date of order was instead 30.03.2020, therefore, this application has been filed to correct the date of transfer order to be 30.03.2020 in para-7 of the judgment. Learned Assistant Advocate General accepts the notice of this application. This application is allowed and the date of transfer order, mentioned in the para-7 of the judgment, written as 30.03.2022 be read as 30.03.2020. Disposed of accordingly. Consign.

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


(Aurangzeb Khattak)
Member (J)

Adnan Shah


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) KOHISTAN LOWER



B-12

OFFICE ORDER

Whereas, Mst: Irum Bibi PST GGPS Amba Serto Kayal has been appointed as PST vide No. 370-401 Dated 07-01-2005.

Whereas, you were found absent in PD day on 01-10-2020 and PD on day 01-11-2020 and Whereas, show cause notice vide No. 1241-45 dated 01-10-2020, and No. 212-16 dated 04-11-2021 have been served upon you and sent on your official address but no reply received properly from your end.

Whereas, you were reported again absent in Sixth 6th PD days from PD day. 1 to PD day No. 06th continuously for the year 2020.

Whereas, the ASDEO (F) circle visited your school on 06-11-2020 and school found closed. Showcause notice issued vide Endst: No. 504-10 dated 25-11-2020 but you have not replied to this office.

Whereas, absent report of DCMA/IMU/EMA for the months of 02/2021, 03/2021 and 05/2021 the school was again found closed.

And Whereas, ASDEO (F) circle visited your school as inquiry officer on 18-06-2021 you were found absent and school closed. No record was found there.

Whereas absent report of DCMA/IMU/EMA for the Months of 08/2021, 09/2021 and 10/2021 the school was found closed. Showcause notice issued vide No. 7445 dated 02-11-2021 but you were failed to reply.

And Whereas, ASDEO (F) circle were appointed as inquiry Officer vide this office Endst: No. 7661-66 dated 22-11-2021. The inquiry officer submitted her comprehensive report that the school was found closed.

And Whereas, final Showcause notice was issued through Newspaper i.e "Daily Ajj" Newspaper Peshawar dated 26-12-2021, in which you were directed to assume your duty and submit reasons of your willful absence but neither you attended your school nor submit convincing replies before the committee within the stipulated period mentioned in the Newspaper.

And Whereas You Mst: Irum Bibi PST GGPS Amba Serto was removed from service w.e.f 01-05-2021 vide Endst: No.97-106 dated 22-01-2022.

And Whereas, You Mst: Irum Bibi PST GGPS Amba Serto filed an appeal before Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court Abbottabad vide Service Appeal No.1335/2022

And Whereas, Mst: Irum Bibi PST GGPS Amba Serto was reinstated for the purpose of inquiry in order to ascertain whether the transfer order dated 30-03-2022 was fake or otherwise.

And Whereas the said inquiry was conducted by Mr. Sheraz Ahmad DEO (M) Mohmand, On dated 01-07-2024.

And Whereas the inquiry officer submitted his inquiry report to the Director E&SE Khyber Pakhtunkhwa Peshawar on dated 02-07-2024, received this office vide Assistant Director Estab: Female) letter No. 8458 dated 25-07-2024 with the direction to implement the recommendation of inquiry report.

And Whereas, as the inquiry concluded "that the transfer Office order dated 30-03-2022 is fake"

And Whereas, in view of the above facts the Competent Authority, District Education Officer (F) Kohistan Lower is pleased to intact the office Order No. 97-106 dated 22-01-2022 (Removal from Service w.e.f. 01-05-2021.

District Education Officer (F)
Kohistan Lower

Endst No. 1692-95 /DEO (F) KH-L

Dated: 25/09/2024

Copy of the above is forwarded to the:-

1. Chairman Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad.
2. PA to Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. SDEO (F) Paktan for implementation of Order No. 97-106 dated 22-01-2022.
4. Office File.

District Education Officer (F)
Kohistan Lower

ATTACHED



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Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department
Office of SDEO (F) Pattan Kohistan Lower

OFFICE ORDER:

As approved by the Competent Authority the posting Transferred/
detailment in R/O Mst Irum Bibi PST GGPS Ambe Serto Kayal to GGPS Kamar Banda Pattan
Kohistan Lower, with immediate effect in the interest of public services.

Note:

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

Sub-Divisional Education Officer (F)
Pattan Kohistan Lower

E/No.04 Estab: 91-97 /SDEO (F) Pattan Dated: 30/03 /2020

Copy forwarded to the:

1. Director E&SE KPK Peshawar.
2. Deputy Commissioner Kohistan Lower.
3. PA to DEO (F) Kohistan Lower.
4. DMO Kohistan Lower.
5. Official Concerned.
6. Office copy.

Sub-Divisional Education Officer (F)
Pattan Kohistan Lower

ATTESTED

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر فیملیل کوہستان لوئر

۱۶

عنوان: درخواست ہمراد اٹکل

جناب عالی:-

سودبانہ گزارش کیجاتی ہے کہ سائلہ جی جی پی ایس قمر بانڈہ میں بحیثیت **PST** پوسٹ پر اپنی ڈیوٹی سرانجام دے رہی تھی، ڈی ای او (زنانہ) کوہستان لوئر نے سائلہ کو **GGPS Amba Serto** سے بحوالہ آفس آرڈر کے تحت **22 جنوری 2022** کو **Removal** کیا گیا تھا، حالانکہ سائلہ کا سکول سے ٹرانسفر ہوگئی تھی اور باتعدہ **SDEO** کے **Office Order** نمبر **91.97** تاریخ **30.03.2020** پر جی جی پی ایس قمر بانڈہ میں اپنی ڈیوٹی سرانجام دے رہی تھی۔ سائلہ نے سروس ٹریبونل کپ کورٹ ایٹ آباد میں سروس اپیل نمبر **1355/2022** جمع کیا۔ جس میں سائلہ کا ٹرانسفر آرڈر جو کہ کلریکل غلطی کی وجہ سے **20.03.2020** کے بجائے **20.03.2022** لکھا گیا تھا۔ جو کہ کورٹ نے محکمہ تعلیم کو از سر نو انکوائری کے لیے لکھا تھا۔ جس کی انکوائری **DEO (M) Mohmand** نے کی اور اسی **2022** کے **20.03** کے آرڈر پر کارروائی کی گئی۔ جس کے بعد سائلہ کا **Removal Order** برقرار رکھا گیا۔ اور سائلہ کی دوبارہ اپیل پر کورٹ نے ٹرانسفر آرڈر کے تاریخ کو اپنے فیصلے میں درست کیا گیا ہے (عدالتی حکم نامہ کیا اصل کاپی ہمراد لف ہے۔

لہذا آپ صاحب سے درخواست کی جاتی ہے کہ عدالتی فیصلے پر نظر ثانی کی جائے۔

تو بین نوازش ہوگی

اعراض

ارم بی بی **Ex-PST** جی جی پی ایس قمر بانڈہ

15/07/2024

ATK

