

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 1486/2024

Mst: Shazia Qamar, HM GGHS Ramora Dir Lower.....Appellant

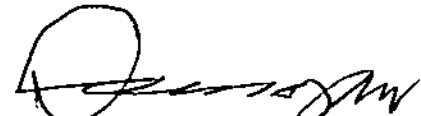
VERSUS

Director E&SE Department KP Peshawar & others.....Respondents.

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**SAMINA ALTAF
DIRECTOR**



**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar**

①

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

Service Appeal No: 1486/2024

Mst: Shazia Qamar, HM GGHS Ramora Dir Lower.....Appellant

VERSUS

Director E&SE Department KP Peshawar & others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 2.

Respectfully Sheweth,

The Respondents No. 1 to 2 submit as under:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17648

Dated 05-11-24

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi to file instant appeal.
- 2 That the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 That the appellant has concealed material facts from the ambit of this Honorable Tribunal.
- 4 That the appellant has not come to this Honorable Tribunal with clean hands as the appellant is an SST in BPS-16 & seeking his posting of her choice in the Respondent Department against the Rules & Policy in vogue.
- 5 That the appeal in hand is barred by law and limitation.
- 6 That the appeal in hand is bad for mis-joinder and non-joinder of the necessary parties particularly the District Education Officer (F) Dir Lower who has issued the mutual transfer order dated 24-02-2024 in violation of Rules & Policy recalled by the Respondent No. 1 vide order dated 12-06-2024 of being ab-initio.
- 7 That the impugned Notifications dated 12-06-2024 of the Respondent No. 1 is legal & liable to be maintained in favor of the Respondents.
- 8 That aggrieved from the above Notification dated 12-06-2024, the appellant has filed a Departmental appeal dated 13-06-2024 was ~~filed~~ but seen & filed after due process of law by the Respondents.
- 9 That transfer & posting of the appellant is the competency & jurisdiction of the Respondents under the provision of Section-10 of Civil Servants Act, 1973.
- 10 That the appeal in hand is not maintainable in its present form on the grounds that the appellant is estopped by her own conduct to file the titled appeal against the Respondents before this Honorable Tribunal.

ON FACTS.

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- 1 That Para-1 pertains to the record of this Honorable Tribunal
- 2 That Para-2 pertains to the residential status, CNIC & Domicile Certificate which are not disputed in the titled appeal.
- 3 That Para-3 pertains to the service record of the appellant against the SST (G) in BPS-16, promoted vide order dated 08-12-2023 reflected at S.No. 2 page-1 of the said order *attached as Annex-A*.
- 4 That Para-4 is incorrect as no cogent proof & justification has been annexed by the appellant regarding the claim of her husband employment against the Professor post in the University of Malakand.
- 5 That Para-5 is correct to the extent of the promotion of the appellant vide Notification dated 08-12-2023 against the SST (G) in BPS-16 post in the Respondent Department.
- 6 That Para-6 is incorrect on the grounds that the District Education Officer (F) Dir Lower, whom the appellant not made them as a Respondent in the titled appeal lacks jurisdiction & competency regarding posting & transfer of an Officer in BS-16 (TC), hence, the order dated 24-02-2024 being illegal & ab-initio was re-called vide Notification dated 12-06-2024 by the Respondent No. 1 attached *as Annex-B & C*.
- 7 That Para-7 is incorrect the mutual transfer order dated 24-02-2024 has been issued in violation of the prescribed Rules & Policy & even against the relevant Job description & competency by the DEO (F) Dir Lower which was re-called vide order dated 12-06-2024 by the Respondent No. 1 of being a competent authority in the titled case as the appellant has not shown even a single proof regarding exertion of political pressure prior to the passing of the withdrawal of order dated 24-02-2024 vide order dated 12-06-2024 by the Respondent No. 1, hence, the plea of the appellant is illegal.
- 8 That Para-8 is correct that the appellant has filed an appeal dated 13-06-2024 against the order dated 12-06-2024 which was seen & filed on the grounds of having no legal force for re-calling the order dated 12-06-2024 under the Rules.
- 9 That Para-9 is also incorrect on the grounds that the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973 has got no cause of action to approached this Honorable Tribunal in the titled appeal against the Respondents, therefore, the case in hand is liable to dismissed on the following grounds inter alia:

ON GROUNDS.

- A. Incorrect & not admitted, the appellant has been treated as per law & rules by the Respondent Department vide order dated 12-06-2024 in accordance with the provision of Articles-4 & 25 of the constitution of 1973 by the Respondents, hence, the claim of the appellant is illegal.
- B. Incorrect & not admitted. The stand of the appellant is against the facts of the case, therefore, the order dated 12-06-2024 is legal & liable to be maintained.

- C. Incorrect & not admitted. the appellant has been treated as the order dated 12-06-2024 has correctly been cancelled the order dated 24-02-2024 of being illegal & without jurisdiction. Moreover, the appellant is not entitled to take shelter under the spouse policy as the University of Malakand is an autonomous body under the control of HEC Govt: of Pakistan.
- D. Incorrect & not admitted. The act of the Respondent Department with regard to the afore-said order is legal, whereby, the order dated 24-02-2024 has been withdrawn by the Respondent No. 1.
- E. Incorrect & not admitted. The order dated 12-06-2024 is legal & liable to be maintained.
- F. Incorrect & not admitted. The act of the Department with regard to the cited order is legal as similar nature cases have been dismissed by this Honorable Tribunal.
- G. Incorrect & not admitted. The stand of the appellant is illegal as the act of the Department with regard to the cited order is legally competent, moreover, the Respondents are bound to follow the prevailing Rules & Policy instead of disposal of the like nature cases on humanitarian grounds in violation of the Rules & Policy on the subject under reference. However, the Respondents also seek leave to this Learned Bench to submit additional grounds record & case law at the time on date of hearing.

Therefore, in view of the above made submissions, the appeal in hand may kindly be dismissed by maintain the order dated 12-06-2024 in favor of the Respondent Department in the interest of justice.


Dated: ____/____/2024

SAMINA ALTAF
DIRECTOR



AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar

MASOOD AHMAD
SECRETARY



AUTHORIZED OFFICER
FAIZ ALAM
ADDITIONAL SECRETARY (G)
E&SE Department Khyber
Pakhtunkhwa, Peshawar

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 1486/2024

Mst: Shazia Qamar, HM GGHS Ramora Dir Lower.....Appellant

VERSUS

Director E&SE Department KP Peshawar & others.....Respondents

AFFIDAVIT

I, Samina Altaf, Director E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.

**DEPONENT
SAMINA ALTAF
DIRECTOR**



05/11/24.

**AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar**

(1)

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

CM Application No. _____/2024 in Service Appeal No: 1486/2024

Mst: Shazia Qamar, HM GGHS Ramora Dir Lower.....Appellant

VERSUS

1. Director E&SE KP Peshawar
2. The Secretary E&SE Department, Khyber Pakhtunkhwa.....Respondents

**REPLY TO THE APPLICATION FOR SUSPENSION OF THE OPERATION
OF ORDER DATED 12-06-2024 ON BEHALF OF THE RESPONDENTS.**

Respectfully Sheweth :-

The Respondents submit as under: -

1. **That** para-1 pertains to the record of this Honorable Tribunal.
2. **That** para-2 is incorrect; however, it is submitted that reply to the facts & grounds of the titled appeal may also be treated as a part & partial to the reply of the titled application on behalf of the Respondents on the grounds that as all the ingredients are in favor of the Respondents.
3. **That** Para-3 is also incorrect, the order dated 12-06-2024 is illegal & if the operation of the said order is not maintained, then the Respondents shall suffer huge losses, therefore, any kind of restraining order if passed by this Honorable Tribunal against the Respondents is liable to be re-called in the above-said terms in favor of the Respondents, hence, the application in hand is liable to be dismissed on the following grounds inter alia:

ON GROUNDS

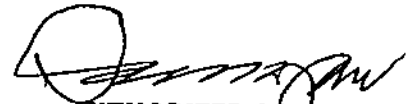
- A. **Incorrect**, the Respondents have got a strong case in their favor with high chances of success.
- B. **Incorrect**, the factor of balance of convenience also lies in favor of the Respondents in view of the fore-made submissions of the Respondents in main reply to the titled appeal.
- C. **Incorrect**, the order dated 12-06-2024 is legal & liable to be maintained in favor of the Respondents.
- D. **Incorrect**, the plea of the appellant is illegal & liable to be rejected.

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In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the tilted application with further submission that any restraining order against the impugned order dated 12-06-2024 if passed by this Honorable Tribunal may kindly be vacated in favor of the Respondents by maintaining the order dated 12-06-2024 in the interest of justice.

Dated ___ / ___ / 2024.

SAMINA ALTAF
DIRECTOR



AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar

MASOOD AHMAD
SECRETARY



AUTHORIZED OFFICER
FAIZ ALAM
ADDITIONAL SECRETARY (G)
E&SE Department Khyber
Pakhtunkhwa, Peshawar



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Senior Cadre to SST Dir Lower

NOTIFICATION

Consequent upon the recommendation of Departmental Promotion Committee in its meeting held on 10-10-2023 and in pursuance of the Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Notification NO:SO(B&A)/1-18/E&SED/2012 Dated 11.7.2012 and Finance Department Endst: No:SO(FR)/FD/10-22(E) 2010 dated 16.7.2012, the following (CT,CT,PST,PSHT,SPST) AT,SAT TT,STT DM,SDM,Qaria Senior Qaria (Female) are promoted to the post of SST (G) SST (B/C) BPS -16 (Rs 28070-2260-95870) respectively, usual allowances as admissible under the rules on regular, ACB basis under the existing policy of the provincial Government in the terms & conditions given below with immediate effect
Their Services are placed at the disposal of DEO (F) Concerned for further adjustment

A Promotion to SST (G)

ITEM NO.1: PROMOTION OF CT/SCT TO SST (General) BPS-16 ON REGULAR BASIS

S.No	Sen. No	Name	School	Date of Birth
1.	2	Khudija Bibi	GGHS Osakai	01-01-1974
2.	10	Shazia Qamar	GGHS Ramora	06-09-1977
3.	18	Shafia Naz	GGCMHS Timergara	15/04/1974
4.	19	Aftab Saeed	GGHS Munda	01-01-1982
5.	20	Nishat Begum	GGCMHS Timergara	05-07-1976
6.	21	Shahnaz Begum	GGHSS Saddo	01-04-1979
7.	22	Fahmida Jan	GGHSS Koto	05-06-1977
8.	23	Kamrar Bibi	GGHS Moranai	04-12-1983
9.	24	Shakila Begum	GGHS Paito	28-04-1981

O.B. DEC 2023

A Promotion to SST (G)

ITEM NO.2: - PROMOTION OF DM/SDM TO SST (GENERAL) BPS-16 ON REGULAR BASIS

No	Sen. No	Name	School	Date of Birth
	2	Nasreen Begum	GGHSS Saddo	11-9-72

Promotion to SST (G)

ITEM NO.3: PROMOTION OF TT/STT TO SST (G) BPS-16 ON REGULAR BASIS

S.No	Sen. No	Name	School	Date of Birth
	1	Shabnam Begum	GGHS Shamshi Khan	07-04-1976

Promotion to SST (G)

ITEM NO.4: - PROMOTION OF QARIA/S.QARIA TO SST (General) BPS-16 ON REGULAR BASIS

	Sen. No	Name	School	Date of Birth
	10	Ishrat Begum	GGHS Ramora	15/5/1985

Promotion to SST (B/C)

ITEM NO.5: PROMOTION OF CT/SCT TO SST (B/C) BPS-16 ON REGULAR BASIS

Attested

8

Senior Cadre to SST Dir Lower

No	Sen. No	Name of Official	School	Date of Birth
1.	94	SIABNAM	GHIS Khudayral	09-04-1983
2.	97	NAZMA SIABNEN	GHISS Onch	01-01-1987
3.	98	BAKHT ROSTIAN	GHIS Nagri	01-05-1987
4.	100	Sofia Naccn	GHMS SadharKady	27-9-84
5.	101	AMNA HABIBI	GHMS Harabagzi	03-01-1991
6.	102	NILAYAT BIBI	GHIS Maryal	09-04-1989
7.	104	AZRA YOUSAF	GHIS Jangp	07-03-1986
8.	105	SADIA BIBI	GHIS BANJA TALASH	26/02/1992

B Promotion to SST (B/C

ITEM NO.4: PROMOTION OF DM/SDM TO SST (IIIc:Ch) BPS-16 ON REGULAR BASIS

No	Sen. No	Name	School	Date of Birth
1	60	ASMA GUL	GHIS NaraTangl	22/06/1991

3 Promotion to SST (B/C

ITEM NO.5: PROMOTION OF AT SAT TO SST (Bin:Ch) BPS-16 ON REGULAR BASIS

No	Sen. No	Name	School	Date of Birth
1	45	Sambal Sami	GGHS Danwa	10-01-92

1 Promotion to SST (B/C

1 Promotion to SST (B/C

ITEM NO.6: - PROMOTION OF PST PSHT-SPST TO SST (B/C) BPS-16 ON REGULAR BASIS

S.No	Sen. No	Name	School	Date of Birth
1	119	Roshni Riaz	GGPS Qazi Abad	3-3-99

Note:-Mst;Roshni Riaz PST promoted to SST B/C appointed adjusted on ACB terms and Conditions:-

They would be on probation for period of one year extendable for another one year.
 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
 Charge report should be submitted to all concerned
 Their inter-se-seniority on lower post will remain intact.
 No TA/DA is allowed for joining their duty.
 They will given an under taking to be recorded in their service books to the effect that if any over payment is made to them in the light of this order will be recovered and if they are wrongly promoted they will be reversed.
 Before handing over charge their documents may be checked, if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.
 Any error and omissions will be accepted.

Dr. Iqbal Khan
 Director
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar.

1st NO: 4737-41 File No Dir Lower Senior cadre to SST Dated 08-12-2023

Copy forwarded for information and necessary action to the:-
 Account General Khyber Pakhtunkhwa Peshawar.
 District Education Officer (Female) Dir Lower
 District Accounts Officer Dir Lower
 Officials concerned
 PS to Secretary to Govt Khyber Pakhtunkhwa E&SE Department
 PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
 M/File.

Deputy Director (Estab./Female)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar.

5 DEC 2023

Attended

Requested to be true copy for file
M. H. H. H.

Dir Lower of Timergara
 District Education Officer (F)

Copy forwarded to:
 1. The District Account Officer, Dir Lower
 2. The Principal GHS Mayar
 3. The HM GHS Ramora
 4. Teachers Concerned

Dated 24 / 2 / 2024

Enst No. 529-38

(MEHRUN HISA)
 District Education Officer (F)
 Dir Lower

- Note:-
1. No T.A/D.A is allowed
 2. Charge report should be submitted to all concerned.

5. No	Name & Designation	From	To	Remarks
1.	Shazia Ganiar SST (G)	GHS Mayar	GHS Ramora	
2.	Muson Ara SST (G)	GHS Ramora	GHS Mayar	
				Vice No. 1
				Vice No. 2

Mutual transfer is hereby ordered in respect of the following SSTs Mistress on their own pay and grade in the interest of public service with immediate effect.

OFFICE ORDER



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE DIR LOWER

emrdeidilower@gmail.com
 Phone 0945-9250083

Female Dir Lower
 Fax 0945-820083

02Cremaleh (1)

Amro
 E
 (41)

legible copy

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) DIR LOWER.

OFFICE ORDER

Mutual transfer is hereby ordered in respect of the following SST's mistress on their own pay and grade in the interest of public service with immediate effect.

S.NO	Name & designation	From	to	Remarks
1	Shazia Qamar SST (G)	GGHSS Mayar	GHSS Ramora	Vice No.2
2	Hussan Ara SST (G)	GGHS Ramora	GGHSS Mayar	Vice No.1

Note:-

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

Mehrun Nisa
District Education Officer (Female)
Dir Upper.

Endst No. 529-32

dated. 24 /02 /2024.

Copy forwarded to :-

1. The District Account Officer Dir Lower.
2. The Principal GGHSS Mayar.
3. The GGHS Ramora.
4. Teacher Concerned.

District Education Officer (Female)
Dir Lower at Timargara.

Attested


6/25/24 10:34 AM

web.whatsapp.com

10

You
6/13/2024 at 12:42 PM



**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHAYR PAKHTUNKHWA PESHAWAR**

NOTIFICATION

Consequent upon approval of the Competent Authority, the Notification
Issued vide DEO (Peshawar) Dir. Lower Offg. Exdt. No. 328/23 Dated 22-07-2024 in respect of Post
Station Officer SGT G. SGT 15 Major Dir. Lower Offg. Post. Number, SGT 20/2024, Khayr Pakhtunkhwa Peshawar
is hereby withdrawn with immediate effect in the best interest of public.

Director
Elementary & Secondary Education
Khayr Pakhtunkhwa Peshawar

Encls. No. 328/23-40/2024 (17) (Posting/Transfer/SPK/void)
Dated Peshawar on 12/12/2024

Copy forwarded for information to the:-

- 1. District Education Officer (F) Dir. Lower.
- 2. District Accounts Officer Dir. Lower.
- 3. Teacher Concerned.
- 4. PA to Director, E&SE, Peshawar.

Deputy Director Establishment (F)
Elementary & Secondary Education
Khayr Pakhtunkhwa Peshawar

CTC
This is a true copy

Attested

(49/2)

BETTER COPY

ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

NOTIFICATION

Consequent upon approval of the Competent Authority, the Notification issued vide DEO (F) Dir Lower office Endst, No.529-32 Dated 22,02-2024 in respect of Mst Shazia Qamar SST(G) GGHS Mayar Dir Lower and Mst. Hussan Ara SST(G) GGHS Ramora Dir Lower is hereby withdrawn with immediate effect in the best interest of public.

Director

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar

Endst. No. 8246-48/A-17/ Posting/ Transfer//KPK/Vol-1

Dated Peshawar 12-6/2024

Copy warded for information to the-

1. District Education Officer (F) Dir Lower.
2. District Accounts Officer Dir Lower.
3. Teacher Concerned.
4. PA to Director E &SE Peshawar.

Deputy Director Establishment (F)

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar

Attested




**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

11

AUTHORITY LETTER

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Behramand Khan, Assistant Director (Litigation-II) of this Directorate for submission of Joint Para Wise Comments & C.M Application in Service Appeal No. 1486/2024 case titled Mst. Shazia Qamar, HM GGHS Ramora District Dir Lower Vs Government of Khyber Pakhtunkhwa & others, hence, an authority letter is hereby issued in favor of the above-named officer.

**(SAMINA ALTAF)
DIRECTOR**

**AUTHORIZED OFFICER
(ABDUS SAMAD)**

**DEPUTY DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.**