

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service appeal No. 1628/2024

Mst. Sajida Begum, PSHT, GGPS Shabara, NowsheraAppellant

VS

Govt. of Khyber Pukhtunkhwa through Secretary E&SE, Peshawar & others
.....Respondents

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~~RESPONDENTS~~

Through

AUTHORIZED REPRESENTATIVE

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.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT No.1-4

RESPECTFULLY SHEWETH:

Respondent humbly submits as under.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 18158

Date 21-11-24

Preliminary objections: 1, 2,3,4,5

- 1) That The appellant's transfer order has been cancelled pursuant to a **General Cancellation Order** dated 21st March 2023 (the "Impugned Order"), which revoked the transfer orders of all the teachers from various locations, including UC Dak Ismael Khel, Jalozai, Dag Behsoud, Shah Kot, and Spin Khak. This decision was taken in response to public protests triggered by the shortage of teaching staff resulting from various transfer orders implemented since January 2023, which adversely affected the quality of education. In consideration of the justified grievances raised by the public and with a view to prioritizing the best interests of the students, the authorities collectively cancelled all transfer orders issued from January 2023 to March 2024 on administrative grounds, ensuring that such cancellations were made without any discrimination.
- 2) That as per law, rule and policy the appellant is duty bound to serve in the district where her services are needed.
- 3) That the appellant has no cause of action/locus standi to file the instant Service Appeal.
- 4) That the appellant is concealing material facts from this honorable court.
- 5) That the present appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That the appellant is estopped by his own conduct to file the instant appeal.
- 7) That the instant appeal is not maintainable in its present form.
- 8) That the present appeal is badly Time barred.

ON FACTS:

- 1) Para -01 is correct.
- 2) Para -02 is correct with the above explanation that appellant got her appointment order fraudulently which was later on duly withdrawn.
- 3) Para -03 is partially correct as the said transfer order has been cancelled vide order dated 21-03-2024.
- 4) Para-04 is incorrect. The appellant's transfer order has been cancelled pursuant to a **General Cancellation Order** dated 21st March 2023 (the "Impugned Order"), which revoked the transfer orders of all the teachers from various locations, including UC Dak Ismael Khel, Jalozai, Dag Behsoud, Shah Kot, and Spin Khak. This decision was taken in response to public protests triggered by the shortage of teaching staff resulting from various transfer orders implemented since January 2023, which adversely affected the quality of education. In consideration of the justified grievances raised by the public and with a view to prioritizing the best interests of the students, the authorities collectively cancelled all transfer orders issued from January 2023 to March 2024 on administrative grounds, ensuring that such cancellations were made without any discrimination.
- 5) Para-05 is incorrect the departmental appeal as mentioned has been filed on 24-05-2024 against the impugned order dated 21-3-2024 i.e. after a willful delay of more than 60 days contravening the statutory limitation of 30 days. Similarly the service appeal in hand is also expressly time barred which is needed to be dismissed on this ground alone.
- 6) Para 6 is incorrect, appellant is not an aggrieved person at all.

ON GROUNDS:

- A) Ground -A is incorrect, The appellant's transfer order has been cancelled pursuant to a **General Cancellation Order** dated 21st March 2023 (the "Impugned Order"), which revoked the transfer orders of all the teachers from various locations, including UC Dak Ismael Khel, Jalozai, Dag Behsoud, Shah Kot, and Spin Khak. This decision was taken in response to public protests triggered by the shortage of teaching staff resulting from various transfer orders implemented since January 2023, which adversely affected the quality of education. In consideration of the justified grievances raised by the public and with a view to prioritizing the best interests of the students, the authorities collectively cancelled all transfer orders issued from January 2023 to March 2024 on administrative grounds, ensuring that such cancellations were made without any discrimination.
- B) Ground -B is incorrect, as explained above

- C) Ground -C is incorrect, In accordance with applicable laws, rules, and policies, the appellant is **duty-bound** to render services in the district where her professional expertise is required. It is the legal obligation of the appellant to comply with the directives issued by the relevant authorities regarding the allocation of her services, and failure to adhere to such requirements may result in disciplinary action or other legal consequences as per the governing statutes and regulations.
- D) Ground -D is incorrect. As all the transfer orders of teachers including appellant has been cancelled in the best student and public interest.
- E) Ground -E is incorrect as explained above.
- F) Ground -F is incorrect. The departmental appeal as well as the present service appeal both is badly time barred hence liable to be dismissed.
- G) Respondents may also be permitted to raise other grounds in arguments.

It is therefore most humbly prayed that the instant appeal being meritless, vexatious, and erroneus may kindly be dismissed with cost.

RESPONDANTS:

MASOOD AHMAD
SECRETARY

AUTHORIZED OFFICER
FAIZ ALAM ADDITIONAL
SECRETARY

1. Secretary, E&SE, KPK, Peshawar
Elementary & Secondary Edu: Deptt:
Government of Khyber Pakhtunkhwa
Respondents No. 1

SAMINA ALTAF
DIRECTOR

AUTHORIZED OFFICER
ABDUS SAMAD
DEPUTY DIRECTOR

2. Director E&SE, KPK, Peshawar
Respondents No. 2

(SARFA AMIN)

3. District Education Officer (F), Nowshera
Respondents No. 3

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VS

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.....Respondents

AFFIDAVITE

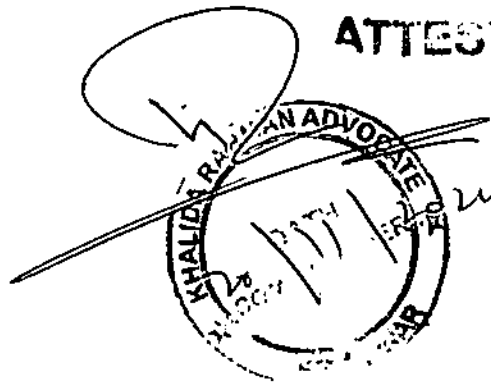
I, Safia Amin Litigation Officer, office of The District Education Officer (F) Nowshera, do solemnly affirm and declare on oath that the contents of Par wise comments on behalf of respondents are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

Identified by

Deponent

Advocate General
Khyber Pakhtunkhwa
Peshawar

ATTESTED



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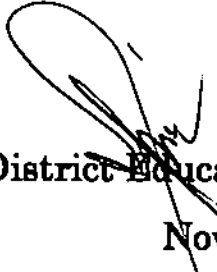
VS

Govt. of Khyber Pukhtunkhwa through Secretary E&SE, Peshawar & others

.....Respondents

Authority Letter

I, Safia Amin District Education Officer (F), Nowshera do hereby authorise **Mst. Sajida Bano (HM, BPS-17)** in the above mentioned writ petition to represent the undersigned Before the Service tribunal Khyber Pukhtunkhwa Peshawar.


District Education Officer (F)
Nowshera

BETTER COPY



**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(FEMALE) NOWSHERA**

(Office Phone#0923-9220105, Fax#0923-9220105)

OFFICE ORDER:

The competent authority is pleased to cancelled all temporary / detailed / need base & against vacant post orders include with (PST 2022 new appointees) SPST, PSHT, Qaria, CT-IT, CT, PET, AT, IT, DM, SST(G), SST (M/P), SST (B/C), SST (IT), with senior teachers issued by this office w.e.f January 2023 up till now in Halqa PK-87 Union Council (1) Dag Ismail Khel (2) Jallozai (3) Dag Behsoud (4) Shah Kot (5) Spin Khak with immediate effect.

(Dure Shamar)
District Education Officer
(Female) Nowshera

Ends No. 1513-20 Dated 21/03/2024

Copy forwarded for information and necessary action to the:-

1. District Account Officer Nowshera.
2. District Monitoring Officer Nowshera.
3. ADEO (Secondary / Primary) Local Office.
4. Sub Divisional Education Officer (Female) Pabbi.
5. Principal / Head Mistress concerned Tehsil Pabbi Nowshera.
6. Superintendent copy.
7. Official concerned.
8. Office copy

District Education Officer
(Female) Nowshera

Atkshad
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