

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Msc. Application ...../2024

In Service Appeal # 1300/2022

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 14658

Dated 05-08-2024

Wajiha Farid Ex PST Pai Tank .....

Appellant

**Versus**

Govt of K.P.K through Secretary Education Peshawar etc (Resp,nt)

**APPLICATION FOR TRANSFER OF SERVICE APPEAL TITLED AND  
NUMBERED MENTIONED ABOVE FROM CAMP COURT D.I.KHAN TO  
PRINCIPAL SEAT AT PESHAWAR**

Respectfully sheweth,

Appellant pray as following

- 1:- That the appeal in hand was filed at Peshawar which was latter on transferred to camp court D.I.Khan having territorial jurisdiction. where the last date was 19/03/2024 while the next has yet to be fixed.
- 2:- That appellant is living with her father practicing at Peshawar. Her senior counsel is *also* practicing at Peshawar and the answering Respondents have offices at Peshawar as well. Meaning thereby that retransfer of appeal would be in the best interest of both parties.
- 3:- That it would be in the best interest of justice and in convenience of parties as well to heard the case at principal seat at Peshawar hence requested for transfer of the case.

**It is thus humbly requested that the case in hand may graciously be  
re-transferred to Peshawar for the welfare of parties and in the best interest  
of justice as well**

Dtd 02/08/2024

Your humble appellant

*Wajiha Farid*  
**Wajiha Farid** Ex PST D/O Faridullah Kundi

House No 221 St: 16 Sect: C II Regi Model Town Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No:

12022

Wajeha Farid Ex.PST

(Appellant)

**VERSUS**

Govt of KPK, through Secretary E & SE Department Peshawar and  
Others (Respondents)

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Appellant - Wajeha Farid Ex.PST  
Through

Muhammad Irshad Mohmand  
Advocate High Court

& Farhan Sheikh  
Advocate

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

Service Appeal No: /2022

Wajeha Farid Ex.PST Government Girls Primary School Paj,  
Tehsil & District Tank (Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Female) District Tank
4. Sub Divisional Education Officer (Female) Tank
5. District Account Officer Tank (Respondents)

Service Appeal Under Section 4 Of Khyber Pakhtunkhwa Service Tribunal Act 1974 against the office order Endst No 3478-81 dated 23/04/2022 whereby the appointment order of Appellant was withdrawn, And the Departmental Appeal of the Appellant has not been responded & decided in the statutory / stipulated period.

**PRAYER**

On acceptance of this Service Appeal on behalf of Appellant, the impugned office order Endst No 3478-81 dated 23/04/2022 whereby the appointment order of Appellant was withdrawn be declared illegal against the service rules and is liable to be set-aside and the Appellant be reinstated to her service along with back benefits, including the unpaid salaries from May 2021 till now may also be released to the Appellant.

Any other remedy which this August Tribunal deems fit and appropriate may also be granted to the Appellant.

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Respectfully Sheweth:-

The brief facts leading up to the filing of this Service Appeal are as under:-

1. That the Appellant is law abiding citizen of Pakistan belonging to respectable family and having qualification of B.ED & MBA. **(Copy of Academic Records is attach as Annex "A")**
2. That the Respondents advertised different posts in Education Department through FTS and invited application from legible and qualified candidates and as per advertisement the Appellant applied for the post of Primary School Teacher in BPS-12. **(Copy of Advertisement is attach as Annex "B")**
3. That thereafter the Appellant appeared in the written test conducted through FTS by the Respondents and after passing of written test, the Appellant was called for interview conducted by the Respondents and the same was also qualified by the appellant being on better position, and thereafter the Respondent on the Recommendation of Departmental Selection Committee issued the appointment order of appellant vide office order No 1775-85 dated 19-05-2020 in UC Pai mentioned at S.No 1 being Top 1<sup>st</sup> Position. **(Copy of Appointment Order issued vide dated 19-05-2020 is attach as Annex "C")**
4. That after adopting all the legal formalities, the Appellant also submitted her charge / arrival report in the concerned school on 20-05-2020. **(Copy of Charge Report is Attach as Annex "D")**
5. That from the date of joining of duty, the Appellant was performing her duty with honestly and no complaint has been made by any staff members against the appellant and the Appellant duly received her salary up to April 2021 and after completion of one year the concerned Respondent stopped the

appellant salary on the ground of extension and regularization and thereafter the Appellant time and again also filed application for the release of salary which was duly marked to the concerned official, it is pertinent to mention here that the appellant has performed her duty till the impugned withdrawn order. **(Copy of Application for the release of Salary is attach as Annex "E" )**

6. That thereafter the Respondent No 3 / District Education Officer Tank without any lawful justification and without conducting any inquiry issued Office order Endst No 3478-81 dated 23/04/2022 whereby the appointment order of Appellant was withdrawn **(Copy of impugned withdrawn office order Endst No 3478-81 dated 23/04/2022 is attach as Annex "F")**

7. That thereafter the Appellant filed Departmental appeal / representation on 19-05-2022 before the Respondent No.2 / Director E & SE Kpk Peshawar for reinstatement into her service and for the release of un paid salaries but the same has not been responded in the statutory / stipulated period. **(Copy of Appeal / Representation is attach as Annex "G")**

8. That the Appellant being aggrieved from the impugned office order Endst No 3478-81 dated 23/04/2022 and non responding the departmental appeal of the appellant, therefore approach this Honorable Tribunal for declaring the impugned office order Endst No 3478-81 dated 23/04/2022 whereby the appointment order of Appellant was withdraw be declared to be illegal, without jurisdiction, without lawful authority, unwarranted based on mala fide and ulterior motive and liable to be struck down by directing the Respondents to reinstate the Appellant to her service with all back benefits and the salaries for the unpaid period from May 2021 till now be also paid to the Appellant on the following Grounds:-

GROUNDS

- A. That the impugned office order Endst No 3478-81 dated 23/04/2022 issued by the Respondent No.3 is illegal, unlawful, without lawful authority, without jurisdiction and ineffective upon the valuable rights of the Appellant, hence not tenable and liable to be set aside by reinstating the appellant with all back benefits including the unpaid salaries.
  
- B. That the appellant has been gone through the lengthy process of recruitment including of qualifying FTS test, interview and recommendation of Departmental Selection Committee and thereafter the appointment order of appellant was issued vide order dated 19-05-2020 and after joining the service, the appellant performed her duty till the impugned withdrawn order, moreover the Respondent without proper inquiry in the instant matter and with one stroke of pen the appointment order of appellant has been withdrawn in disregard of law and the same word of withdrawn is also alien to the Service law.
  
- C. That it is pertinent to mentioned here that the appellant has performed her duty till the impugned withdrawn order, therefore the appellant is entitle for the reinstatement into her service & for the release of salaries and the impugned office order is liable to be set aside, furthermore during

the performance of duty the appellant has attended different workshop, courses & training.

- D. That the Respondents has issuing the impugned withdrawal order of the appellant without any solid or authentic evidence and illegally withdrawn the appointment order of the appellant which is totally illegal and is not supported by any provision of law, therefore is liable to be set aside.
- E. That before issuing the impugned office order, no notice has been given to the appellant, no inquiry has been conducted nor the Respondents has provided any opportunity of hearing before the issuance of withdrawal order of appellant, which amount to condemned unheard the appellant and is against natural justice & fair play.
- F. That the Respondent while issuing the impugned order has not only violated the law but also infringed the constitutional rights provided under Article 4, 10A & 25 of the Constitution of Islamic Republic of Pakistan 1973.
- G. That the Appellant is well qualified, duly performed her duty and had obtained the service through proper procedure duly recommended by Departmental selection committee, therefore without adopting the proper procedure of inquiry in the matter, the withdrawal of appointment order of appellant service is illegal, and unjustified and not sustainable under the law.

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H. That the Appellant seeks the permission of this Honorable Court to rely on additional grounds at the time of hearing of this petition.

Prayer:

It is therefore most humbly prayed that on acceptance of this Service Appeal on behalf of Appellant, the impugned office order Endst No 3478-81 dated 23/04/2022 whereby the appointment order of Appellant was withdrawn be declared illegal against the service rules and is liable to be set-aside and the Appellant be reinstated to her service along with all back benefits and the salary from the period of May 2021 till now be also paid to the Appellant.

Any other remedy which this August Tribunal deems fit and appropriate may also be granted to the Appellant.

*Wajeeha Farid*  
Appellant: -Wajeeha Farid Ex PST.  
Through

*Muhammad Irshad Mohmand*  
Muhammad Irshad Mohmand  
Advocate High Court

*Farhan Sheikh*  
& Farhan Sheikh  
Advocate



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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No: /2022

Wajeha Farid Ex.PST (Appellant)

VERSUS

Govt of KPK, through Secretary E & SE Department Peshawar and  
Others (Respondents)

**AFFIDAVIT**

I Wajeha Farid Ex.PST Government Girls Primary School Pai, Tehsil  
& District Tank do hereby solemnly affirm and declare that all the  
contents of the accompanied Service Appeal are true and correct to  
the best of my knowledge and belief and nothing has been concealed  
or withheld from this Honorable Tribunal.

*Wajeha Farid*  
DEPONENT

Identified by

*Muhammad Irshad Mohmand*

Muhammad Irshad Mohmand  
Advocate High Court  
Peshawar

Vakalat Nama

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Msc. Application ...../2024

In Service Appeal # 1300/2022

**Wajiha Farid      Versus Govt of KPK etc**

I Wajiha Farid appellant H # 221 St 16 Sect C II RMT Peshawar do hereby appoint **Mr. Farid Ullah Kundi** ASC Peshawar and Mr. *Sadeem Shah Hoti* ASC in the above mentioned Appeal to do all or any of the following acts, deeds and things

- 1:- To appear, act and plead for me in the above mentioned Appeal in this Tribunal or any other Court/ Tribunal in which the same may be tried or heard , and any other proceeding out of or connected there with .
- 2:- To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said Revision, or any other documents, as may be deemed necessary or advisable by them for conduct, prosecution or defence of the said case at all its stages.
- 3:- To do all other act and thing which may be deem necessary or advisable during the course of the proceeding.

**AND HEREBY AGREE**

- a) to ratify what ever the said Advocate may do in the proceeding
- b) not to hold the Advocate responsible if the said case be proceeded Ex parte or dismissed in default in consequence of my absence from the court / Tribunal when it is called for hearing.
- c) that the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remain unpaid.

In witness where of I have signed this power of attorney / Vakalat Nama hereunder, the content of which have been read / explained to me and fully understood by me on this day Friday, 02 August, 2024 at Peshawar

**Signature of executants**

*Wajiha Farid*  
1: **Wajiha Farid** (Appellant)

**Attested & Accepted**

*Farid Ullah Kundi*  
1:- **Farid Ullah Kundi** A S C Peshawar

2:-