


BEFORE THE HONBLE SERVICE TRIBUNAL PESHAWAR

Haleema Bibi CHECK LIST Cont of KPK.

1.	Case title		
2.	Case is duly signed.	Yes	No
3.	The law under which the case is preferred has been mentioned.	Yes	No
4.	Approved file cover is used.	Yes	No
5.	Affidavit is duly attested and appended.	Yes	No
6.	Case and annexure are property paged and numbered according to index.	Yes	No
7.	Copies of annexure are legible and attested. If not, then better copies duly attested have annexed.	Yes	No
8.	Certified copies of all requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filled.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp papers affixed. For writ Rs. 500, for other as required}	Yes	No
13.	Power of attorney is in proper form.	Yes	No
14.	Memo of addressed filed.	Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies-attached { Write petition- 3, Civil appeal(SB-2) Civil Revision (SB-1, DB-2)	Yes	No
17.	Case (Revision /appeal/petition etc) is filled on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities /documentations as required in column 2 to 18 above, have been fulfilled.

Sher Hyder Khan
 Name:- ~~Shahid Khan~~
 Advocate High Court
 Peshawar
 Signature:- 
 Dated:- 23/6/2022

FOR OFFICE USE ONLY

Case:- _____
 Case received on _____
 Complete in all respect: Yes/No, (If NO, the grounds) _____

Signature _____
 (Reader)

Dated:- _____

Countersigned:- _____
 (Deputy Registrar)

BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No 950 Of 2022

Haleema Bibi

VERSUS

Government of KPK through Chief Secretary & others

I N D E X

S.No.	Description of Documents	Annexure	Pages
1.	Grounds of Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of Parties		8
4.	Application for temporary injunction with affidavit		9-11
5.	Copy of CNIC	"A"	12
6.	Copy of Notification Dated; 08-02-2022 & Charge Assumption Report	"B"	13-14
7.	Copy of both notification Dated; 22-02-2022 & Dated; 05-04-2022	"C"	15-16
8.	Copy of Transfers / Posting Order Dated; 17-06-2022	"D"	17-18
9.	Copy of Departmental Appeal Dated; 20-06-2022 & Rejection dated; 21.06.2022	"E"	19-22
10.	Copy of posting transfer policy for DEO's	"F"	23-25
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Dated; 23-06-2022

Appellant

Through

SHER HYDER KHAN
ADVOCATE HIGH COURT
LL.B (Hons), LL.M (I-L)
The Magister & Associates
103, Said Anwar Plaza,
Dabgari Gardens Peshawar Cantt
Ph: 091-2214005 Cell: 0336-9377022

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BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No

Of 2022

Haleema Bibi (BPS-19)

District Education Officer (Female) Chitral Lower, Tehsil and
District Chitral Lower

.....Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK at Civil Secretariat Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department, at Civil Secretariat Peshawar.
3. Director Elementary and Secondary Education Department, at Civil Secretariat Peshawar.

.....Respondents

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER DATED; 17-06-2022, VIDE WHICH THE APPELLANT HAS BEEN TRANSFERRED FROM DISTRICT EDUCATION OFFICER (FEMALE) CHITRAL LOWER AND HER SERVICES ARE PLACED AT DISPOSAL OF DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION.

P R A Y E R;

On acceptance of the instant service appeal the impugned Order of Respondent No. 2 Dated; 17-06-2022 the Posting Transfer Order to the extent of the appellant may please be set-aside and declared as illegal and void-ab-initio and allowed to complete her tenure according to Posting Transfer Policy 2009.

Respectfully Sheweth;

Brief facts and grounds giving rise to the instant service appeal are as under;

ON FACTS

1. That the names and addresses of the parties have correctly been given in the head note of the instant service appeal, which are sufficient for the purpose of effecting their proper services and citation etc.
2. That the appellant is law abiding citizen of Islamic Republic of Pakistan and serving the respondents department as District Education Officer (Female) Chitral Lower (BPS-19).
(Copy of CNIC is attached herewith as annexure "A")
3. That the appellant performing her duties in the respondent department quite efficiently and was posted as District Education Officer (Female) Chitral Lower in pursuance to Notification Dated; 08-02-2022.
(Copy of Notification Dated; 08-02-2022 & Charge Assumption Report is Annexure "B")
4. That after assumption of charge the same posting transfer Notification of the appellant has been held in *abeyance* vide office order dated; 22-02-2022 and subsequently *restored* on dated; 05-04-2022.
(Copy of both notification Dated; 22-02-2022 & Dated; 05-04-2022 are Annexure "C")
5. That after the restoration, performing her duty for 4 months the appellant has been again transferred vide Order Dated; 17-06-2022 and her services have been placed at the disposal of Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa, hence; the departmental appeal / representation on the following grounds.
(Copy of Transfers / Posting Order Dated; 17-06-2022 Annexure "D")

Respectfully Sheweth;

Brief facts and grounds giving rise to the instant service appeal are as under;

ON FACTS

1. That the names and addresses of the parties have correctly been given in the head note of the instant service appeal, which are sufficient for the purpose of effecting their proper services and citation etc.
2. That the appellant is law abiding citizen of Islamic Republic of Pakistan and serving the respondents department as District Education Officer (Female) Chitral Lower (BPS-19).
(Copy of CNIC is attached herewith as annexure "A")
3. That the appellant performing her duties in the respondent department quite efficiently and was posted as District Education Officer (Female) Chitral Lower in pursuance to Notification Dated; 08-02-2022.
(Copy of Notification Dated; 08-02-2022 & Charge Assumption Report is Annexure "B")
4. That after assumption of charge the same posting transfer Notification of the appellant has been held in *abeyance* vide office order dated; 22-02-2022 and subsequently *restored* on dated; 05-04-2022.
(Copy of both notification Dated; 22-02-2022 & Dated; 05-04-2022 are Annexure "C")
5. That after the restoration, performing her duty for 4 months the appellant has been again transferred vide Order Dated; 17-06-2022 and her services have been placed at the disposal of Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa, hence; the departmental appeal / representation on the following grounds.
(Copy of Transfers / Posting Order Dated; 17-06-2022 Annexure "D")

6. That the appellant feeling aggrieved from the impugned notification, submitted Departmental Appeal before the appellate authority on dated; 20-06-2022 the same has been turn down on dated; 21.06.2022.

(Copy of Departmental Appeal Dated; 20-06-2022 & Rejection dated; 21.06.2022 are Annexure "E")

7. That the appellant having no other remedy but to file the instant service appeal on the following grounds among the others.

GROUND

A. That the appellant throughout her career has performed her duties honestly, fairly, efficiently and to the satisfaction of her superiors; specially her tenure of service on the subject post was exemplary and outstanding and to improve the entire system of maintenance, administration and discipline. Furthermore her excellent service as DEO (Female) Chitral Lower has been highly appreciated by high ups of the department.

B. That the impugned transfer order is in violation of Posting Transfer Policy 2009 as the appellant has been transferred 3 times within the tenure of 4 months without observing the policy in respect of span. This fact speaks volume in respect of malafide on the part of the respondent department.

(Copy of posting transfer policy for DEO's is attached as annexure "F")

C. That the impugned transfer order is against the principle of wedlock policy as husband of appellant is serving in District Health Office Chitral Lower.

D. That the appellant has not been treated in accordance with law, Rules and her rights guaranteed under the law therefore, this conduct of the respondents tantamount to naked violation of the provisions of the Civil Servants laws.

6. That the appellant feeling aggrieved from the impugned notification, submitted Departmental Appeal before the appellate authority on dated; 20-06-2022 the same has been turn down on dated; 21.06.2022.

(Copy of Departmental Appeal Dated; 20-06-2022 & Rejection dated; 21.06.2022 are Annexure "E")

7. That the appellant having no other remedy but to file the instant service appeal on the following grounds among the others.

GROUND

A. That the appellant throughout her career has performed her duties honestly, fairly, efficiently and to the satisfaction of her superiors, specially her tenure of service on the subject post was exemplary and outstanding and to improve the entire system of maintenance, administration and discipline. Furthermore her excellent service as DEO (Female) Chitral Lower has been highly appreciated by high ups of the department.

B. That the impugned transfer order is in violation of Posting Transfer Policy 2009 as the appellant has been transferred 3 times within the tenure of 4 months without observing the policy in respect of span. This fact speaks volume in respect of malafide on the part of the respondent department.

(Copy of posting transfer policy for DEO's is attached as annexure "F")

C. That the impugned transfer order is against the principle of wedlock policy as husband of appellant is serving in District Health Office Chitral Lower.

D. That the appellant has not been treated in accordance with law, Rules and her rights guaranteed under the law therefore, this conduct of the respondents tantamount to naked violation of the provisions of the Civil Servants laws.

- E. That the discriminatory and repeated transfer order of civil servant within the span of a few months made by the respondents irrespective of the consideration of public interest and issuance of such orders without any rhyme or reason is mala fide, arbitrary, against the canon of justice, equity and fair play by the respondents.
- F. That there is no reasons for placing Civil Servant's services at the disposal of Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, for further posting civil servants were generally permitted to complete their normal tenure in case of transfer from one place to another, the appellant had earlier been posted as District Education Officer (Female) Lower Chitral vide order dated 08-02-2022 therefore, uprooting of Civil Servant from such post vide order dated; 17-06-2022 is deviation from such normal procedure for which even reasons were not assigned. Order of transfer, thus, smacked of arbitrariness.
- G. That the impugned Posting / Transfer Order has not been issued in public interest and is based on malafide which is evident from the facts that the post of DEO Female Chitral Lower has been kept vacant to accommodate someone the blue eyed.
- H. That the transfer posting order is made contrary to the relevant rules and against the public interest and without allowing the appellant to complete her tenure, this august Tribunal is empowered to examine such administrative action by applying the principle of judicial review.
- I. That the impugned order is not backed by any legal or cogent reason and is a classic case of illegal and irregular exercise of power and mis-use of authority.
- J. That the appellant has not been dealt in accordance to article 4 and 25 of the constitution of Islamic Republic of Pakistan.

- K. That the appellant has rendered about 28 years exemplary and outstanding service to the department and is qualified committed and entitled to continue her services till her superannuation with all pending and upcoming promotions.
- L. That the acts and omission of respondent is against the KPK Civil Servant (Appointment, Promotion and Transfer rules 1989 as well as against the relevant provision of KPK Civil Service act 1973.
- M. That the instant appeal relates to terms and conditions of civil servant and this honorable tribunal has been vested with statutory power to entertain the matter.
- N. That patent discrimination and malafide of the respondents is apparent on the face of record. That the respondents violated Article, 4 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Rights of Individual to be dealt with in accordance with the Law" it is mandatory for respondents to comply with law and rules in fair, equal and lawful manner as well as prohibitory for them to act in a manner which is not admissible in law/rules; hence their such act with effect to compel the Appellant for retirement is totally void.
- O. That from very prospect of the Constitution of Islamic Republic of Pakistan, 1973 and policies governing the subject Respondents have no excuse at all to avoid vested rights of the Appellant in matter of performance of service.
- P. That according to Article, 25 of the Constitution of Islamic Republic of Pakistan, 1973 all citizens are equal before Law and are entitled to equal protection of Law but the respondents violated this Article of the Constitution.
- Q. That act of respondents with effect to deny right to service of Appellant and their omission to protect the same is; against Article, 27 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Safe Guard against discrimination in services".

R. That the Appellant seeks leave of this Honourable Tribunal to argue/raise additional grounds at the time of arguments.

It is therefore humbly submitted on acceptance of the instant service appeal the impugned Order of Respondent No. 2 Dated; 17-06-2022 the Posting Transfer Order to the extent of the appellant may please be set-aside and declared as illegal and void-ab-initio and allowed to complete her tenure according to Posting Transfer Policy 2009.

Any such relief which this honorable court deems proper and just be granted to the Appellant against the respondents keeping in view the circumstances of the case.

Dated; 23-06-2022

Appellant

Through,

SHER HYDER KHAN
ADVOCATE HIGH COURT
LL.B (Hons), LL.M (I-L)

The Magister & Associates
103, Said Anwar Plaza,
Dabgari Gardens Peshawar Cantt
Ph: 091-2214005 Cell: 0336-9377022

CERTIFICATE:

It is certified that no other service appeal on the same subject has been filed before this Honourable Tribunal.

Counsel

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**BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No

Of 2022

Haleema Bibi

VERSUS

Government of KPK through Chief Secretary & others

AFFIDAVIT:

I, **Haleema BiBi BPS-19** District Education Officer (Female) Chitral Lower, Tehsil and District Chitral Lower Appellant; do hereby solemnly affirm and declare on Oath that the contents of the accompanying Service appeal along with interim relief; are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.

Deponent

Verified by;

SHER HYDER KHAN
ADVOCATE HIGH COURT
LL.B (Hons), LL.M (I-L)



BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No _____ **Of 2022** .

Haleema Bibi

VERSUS

Government of KPK through Chief Secretary & others

ADDRESSES OF PARTIES

APPELLANT

Haleema BiBi BPS-19
District Education Officer (Female) Chitral Lower, Tehsil and
District Chitral Lower

RESPONDENTS

- 1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK at Civil Secretariat Peshawar.**
- 2. Secretary to Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department, at Civil Secretariat Peshawar.**
- 3. Director Elementary and Secondary Education Department, at Civil Secretariat Peshawar.**

Appellant

Through,

SHER HYDER KHAN
ADVOCATE HIGH COURT
LL.B (Hons), LL.M (I-L)

The Magister & Associates
103, Said Anwar Plaza,
Dabgari Gardens Peshawar Cantt
Ph: 091-2214005 Cell: 0336-9377022

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**BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No

Of 2022

Haleema Bibi

VERSUS

Government of KPK through Chief Secretary & others

**APPLICATION FOR SUSPENSION OF OPERATION OF
THE IMPUGNED POSTING TRANSFER ORDER TO THE
EXTENT OF THE APPELLANT DATED; 17-06-2022 TILL
THE DISPOSAL OF THE ABOVE MENTIONED APPEAL.**

Respectfully Sheweth;

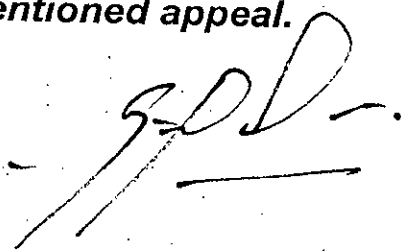
1. That the above mentioned appeal along with this application has been filed before this honorable service tribunal ion which no dated has been fixed.
2. That the appellant filed the above mentioned service appeal against eh impugned notification dated; 17-06-2022, whereby the appellant has been transferred from District Education Officer (Female) Chitral Lower to Directorate of Elementary and Secondary Education Department, Peshawar.
3. That all the three ingredients necessary for the grant of Temporary Injunction is in favor of the appellant.
4. That the impugned order dated; 17-06-2022 has been issued by the respondents in utter disregard of law and prevailing rules.

it is therefore, most humbly prayed that on acceptance of this application the impugned posting transfer order to the extent of the appellant dated; 17-06-2022 till the disposal of the above mentioned appeal.

Dated; 23-06-2022

Applicant

Through


SHER HYDER KHAN
ADVOCATE HIGH COURT
LL.B (Hons), LL.M (I-L)

The Magister & Associates
103, Said Anwar Plaza,
Dabgari Gardens Peshawar Cantt
Ph: 091-2214005 Cell: 0336-9377022

11

**BEFORE THE BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR**

C.M No. /2022

**In
Service Appeal No Of 2022**

Haleema Bibi

VERSUS

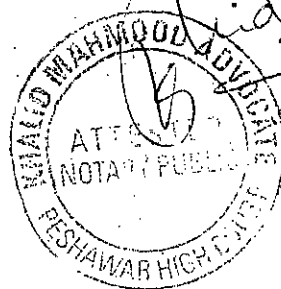
Government of KPK through Chief Secretary & others

AFFIDAVIT;

I, **Haleema BiBi BPS-19** District Education Officer (Female) Chitral Lower, Tehsil and District Chitral Lower Appellant; do hereby solemnly affirm and declare on Oath that the contents of the accompanying Application for temporary injunction along with interim relief, are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.

Verified by:

SHER HYDER KHAN
ADVOCATE HIGH COURT
LL.B (Hons), LL.M (I-L)



Deponent

12

Annex "A"

PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name: Bibi Halima Nazir

Husband's Name: Nazir Ahmad

Gender: F Country of Origin: Pakistan

Identity Number: 15201-7269819-8 Date of Birth: 20.10.1968

Date of Issue: 28.11.2019 Date of expiry: 28.11.2029

70509

Holder's Signature

15201-7269819-8

QR Code

5944810383948

103-68-006611

Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیو ایکس میں ڈال دیں

(Handwritten mark)

13

"B"

BETTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Opposite M:A's hostel, Civil Secretariat, Peshawar

08-2-2011

Dated Peshawar the

NOTIFICATION:

No. SO(S/F)E&SED/4-5/2021/Posting/Transfer: the following posting/transfers are hereby ordered with immediate effect, in the public interest;

S.No	Name	From	To
1.	Muhammad Sultan Principal (BS-19)	GHSS Ghaffanai, Mohmand	DEO (Male) Kurram (AVP)
2.	Mst. Haleema Bibi Principal (BS-19)	GGHS broze Chitral lower	DEO (F) Lower Chitral (Vice Sr No. 3)
3.	Mst. Mehr-un-nisa (MC BS-18)	DEO (F) Lower Chitral (OPS)	Report to directorate of E&SE Khyber pakhtunkhwa.
4.	Mst. Rukhsana Rahim (MC BS-18)	Deputy DEO (Female) Upper Kohistan	DEO (Female) malakand (Vice Sr. No. 5)
5.	Mst. Naheed Anjum (MC BS-19)	DEO (Female) malakand	Report to directorate of E&SE Khyber pakhtunkhwa.
6.	Mr. Said Hussain Principal (BS-19)	GHS Jalaka Mela Orakzai	DEO (M) Khyber (Vice Sr # 7)
7.	Mr. Nisar Muhammad Principal (BS-19)	DEO (Malakand/Khyber)	GHSS Ghallanai Mohmand (Vice Sr No. 1)
8.	Mr. Amir Muhammad principal (BS-18)	Awaiting posting	DEO (Male) South Waziristan in OPS (Vice Sr. No 9)
9.	Mr. Qadeem Khan Principal (BS-19)	DEO (M) South Waziristan	GHS Jalaka Mela, Orakzai (Vice Sr. No. 6)

SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA.

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa Peshawar for information
3. District Education officers (male/Female) concerned.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers concerned.
6. PS to Secretary E&SE Department, Khyber pakhtunkhwa
7. Officers concerned.
8. Master file.

(HAFEEZ UR REHMAN SHAH)

SECTION OFFICER (MANAGEMENT CADRE)

8

4

P(11)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block 'A' Opposite MPA's Hostel, Civil Secretariat Peshawar

Dated Peshawar, the February 08th, 2022

NOTIFICATION

NO. SD/ED/ESSE/4/18/2021/POSTING/TRANSFER/TC The following posting /
transfers are hereby ordered with immediate effect in the public interest:-

Sr. No.	Name & designation	From	To
1	M. Muhammad Sultan Principal (BS-18)	GHSS Chahral, Mohmand	DEO (Male) Kurram (AVP)
2	Mrs. Haleema Bibi Principal (BS-19)	GGHS, Buzra, Chitral Lower	DEO (Female) Lower Chitral (Vice Sr. No-3)
3	Mrs. Mehr-un-Nisa (MC) BS-18)	DEO (Female) Chitral (OPS)	Report to Directorate of ESSE Khyber Pakhtunkhwa
4	M. J. Rukhsana Rahim (MC BS-18)	Deputy DEO (Female) Upper Kohistan	DEO (Female) Malakand (Vice Sr. No-5)
5	Mrs. Naheed Arjum (MC BS-19)	DEO (Female) Malakand	Report to Directorate of ESSE Khyber Pakhtunkhwa
6	Mr. Saif Hussain Principal (BS-18)	GHS Jhalaka, Mala Orakzai	DEO (Male) Khyber (Vice Sr. No-7)
7	Mr. Nisarullah Principal (BS-18)	Principal of Ghazal, Mohmand (Vice Sr. No-1)	Principal of Ghazal, Mohmand (Vice Sr. No-1)
8	Mr. Amir Muhammad Principal (BS-18)	Awaiting posting	DEO (Male) South Waziristan in OPS (Vice Sr. No-9)
9	Mr. Qudus Khan Principal (BS-19)	DEO (Male) South Waziristan	GHS Jhalaka, Mala Orakzai (Vice Sr. No-8)

SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA
ESSE DEPARTMENT

Endst. of oven No. & date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, ESSE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male / Female) concerned.
4. Director EMIS, ESSE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers concerned.
6. PS to Secretary, ESSE Department, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Mitter file.

(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (Management Cadre)



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

Dated Peshawar the February 22nd, 2022

NOTIFICATION

NO.SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/TC&MC: This Department's Notifications bearing No.SO(MC)E&SED/4-16/2021/Posting/transfer/TC dated 08-02-2022 and No.SO(MC)E&SED/4-16/2021/Posting/Transfer/TC dated 10-02-2022 regarding posting/transfer of various District Education Officers (Male and Female) are hereby held in abeyance, till completion of the Local Govt. Elections.

**SECRETARY TO THE 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. Provincial Election Commissioner, Khyber Pakhtunkhwa with reference to the letter No. F.6(14)/2022-LGE(PEC) dated 10-02-2022.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers (Male and Female) of the concerned districts.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. District Accounts Officers of the concerned Districts. *KURZUM*
7. PS to Minister E&SE Khyber Pakhtunkhwa.
8. PS to Secretary Establishment Department, Khyber Pakhtunkhwa with reference to letter No. SOE(E.II)ED/1-1/2021 dated 17-02-2022.
9. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
10. Offices concerned.
11. Master file.

22/2/22
(JUNAID SHAH)
SECTION OFFICER (Management Cadre)



16

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. (011) 9231300

Dated Peshawar the April 05th, 2022

NO. SO(MC)E&SED/4-18/2021/POSTING/TRANSFER/TC&MC: This Department's Notifications No SO(MC)E&SED/4-18/2021/Posting/transfer/TC dated 08-02-2022 and No SO (MC) E&SED/4-18/2021/Posting/Transfer/TC dated 10-02-2022 regarding posting / transfer of various District Education Officers (Male and Female) earlier held in abeyance on the directions of the Election Commissioner Khyber Pakhtunkhwa vide Notification of even number dated 22-02-2022, are hereby restored in the public interest.

**SECRETARY TO THE 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. Provincial Election Commissioner, Khyber Pakhtunkhwa with reference to the letter No. F.6(14)/2022-LGE(PEC) dated 10-02-2022.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers (Male and Female) of the concerned districts.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. District Accounts Officers of the concerned Districts.
7. PS to Minister E&SE Khyber Pakhtunkhwa.
8. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
9. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
10. Officers concerned.


5/4/22

(JUNAID SHAH)
SECTION OFFICER (Management Cadre)





GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. (91-9221184)

Dated Peshawar the June 17th, 2022

NOTIFICATION:

NO.SO(MC)E&SED/4-16/2022/PT/POSTING/TRANSFER/MC: The following posting / transfers of Officers of Elementary & Secondary Education Department are hereby ordered in the best public interest, with immediate effect: -

S#	Name & designation	From	To
1.	Muhammad Idress (MC BS-19)	DEO (Male) Peshawar	Additional Director, Directorate of E&SE (Vice No-2)
2.	Mr. Sajad Akbar (MC BS-19)	Additional Director, Directorate of E&SE	DEO (Male) Peshawar (Vice No-1)
3.	Mr. Zahid Hussain (MC BS-19)	Awaiting posting	DEO (Male) Torghar (AVP)
4.	Hafiz Muhammad Nawaz (MC BS-19)	Awaiting posting	DEO (Male) Battagram (Vice No-27)
5.	Mr. Liaqat Ali (MC BS-18)	Deputy DEO (Male) Mohmand	DEO (Male) Kurram in OPS (Vice No-5)
6.	Mr. Sultan Muhammad Principal (BS-19)	DEO (Male) Kurram	His services are placed at the disposal of Directorate of E&SE.
7.	Mr. Abdul Malik (MC BS-18)	Awaiting posting	DEO (Male) Charsadda in OPS (AVP)
8.	Mr. Umar Zaman Khan (MC BS-19)	Awaiting posting	DEO (Male) Kotli Palis (AVP)
9.	Mr. Sheraz Ahmad (MC BS-19)	DEO (Male) Karak	His services are placed at the disposal of Directorate of E&SE.
10.	Muhammad Sheraz (MC BS-19)	DEO (Male) Hangu	DEO (Male) Kohat (AVP)
11.	Muhammad Shaukat (MC BS-19)	DEO (Male) Abbottabad	DEO (Male) Mohmand (AVP)
12.	Mr. Abdur Rehman (MC BS-18)	Deputy DEO (Male) Dir Upper	DEO (Male) Kohistan Upper (AVP) in OPS
13.	Muhammad Amin (MC BS-19)	DEO (Male) Kohistan Upper	DEO (Male) Dir Lower
14.	Mr. Shireen Zada Principal (BS-18)	DEO (Male) Bajaur in OPS	His services are placed at the disposal of the Directorate of E&SE.
15.	Mr. Hidayatullah (MC BS-18)	Deputy DEO (Male) Malakand	DEO (Male) Bajaur in OPS (Vice No-14)
16.	Mr. Hayat Khan (MC BS-18)	Deputy DEO (Male) Peshawar	DEO (Male) Hangu in OPS (Vice No-10)
17.	Mr. Nisar Ahmad (MC BS-18)	Deputy DEO (Male) Hangu	DEO (Male) Tank in OPS (AVP)
18.	Muhammad Tanveer (MC BS-18)	DEO (Male) Manselwa in OPS	DEO (Male) Abbottabad in OPS (Vice No-11)
19.	Mr. Muzaffar Ali (MC BS-18)	DEO (Male) Chitral Lower in OPS	DEO (Male) Shangla in OPS
20.	Mr. Mukhtar Ahmad (MC BS-18)	Deputy DEO (Male) Haripur	DEO (Male) Haripur in OPS (AVP)
21.	Mr. Mahmood Ghaznavi (MC BS-18)	DEO (Male) Chitral Upper in OPS	DEO (Male) Chitral Lower in OPS
22.	Mr. Miftah-ud-Din (MC BS-18)	Deputy DEO (Male) Dir Lower	DEO (Male) Chitral Upper in OPS (Vice No-21)

P.T.O



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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9221588

23.	Mr. Said Hussain Principal (BS-19)	DEO (Male) Khyber	His services are placed at the disposal of the Directorate of E&SE.
24.	Muhammad Uzair Ali (MC BS-19)	DEO (Male) Dir Lower	DEO (Male) Khyber (Vice No-23)
25.	Mr. Farooqullah Principal (BS-19)	DEO (Male) Orakzai	His services are placed at the disposal of the Directorate of E&SE.
26.	Mr. Aliq ur Rehman (MC BS-18)	Deputy DEO (Male) Karak	DEO (Male) Orakzai In OPS (Vice No-25)
27.	Mr. Bakht Zada Principal (BS-19)	DEO (Male) Battagram	His services are placed at the disposal of the Directorate of E&SE.
28.	Mr. Aurangzeb (MC BS-18)	Deputy DEO (Male) Shangla	DEO (Male) Karak In OPS (Vice No-9)
29.	Mr. Tahir Shah (MC BS-18)	Deputy DEO (Male) Nowshera	DEO (Male) Kohistan Lower (AVP)
30.	Mst. Samina Ilaf (MC BS-19)	Awaiting posting	DEO (Female) Battagram (AVP)
31.	Mst. Naghmana Sardar (MC BS-19)	DEO (Female) Mansehra	DEO (Female) Kohistan Lower (AVP)
32.	Mst. Rehana Yasmin (MC BS-18)	Deputy DEO (Female) Kolai Pallas (Kohistan)	DEO (Female) Mansehra In OPS (Vice No-31)
33.	Mst. Asmal Ara (MC BS-19)	DEO (Female) Dir Lower	DEO (Female) Bajaur (AVP)
34.	Mst. Hafeema Bibi Principal (BS-19)	DEO (Female) Chitral Lower	Her services are placed at the disposal of Directorate of E&SE.
35.	Mst. Habiba Bibi Principal (BS-19)	DEO (Female) Kohistan Upper	Her services are placed at the disposal of Directorate of E&SE.

**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 Officers (Male & Female) of the concerned district.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers of the concerned district.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

*
(SECTION OFFICER (Management Cadre)
17/06/2023

To

THE SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA, ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT PESHAWAR

**SUBJECT: DEPARTMENTAL APPEAL / REPRESENTATION AGAINST
THE ORDER DATED 17-06-2022, VIDE WHICH THE
APPELLANT HAS BEEN TRANSFERRED FROM DEO
(FEMALE) CHITRAL LOWER AND HER SERVICES ARE
PLACED AT DISPOSAL OF DIRECTORATE OF
ELEMENTARY & SECONDARY EDUCATION**

RESPECTFULLY STATED;

Facts and Grounds giving rise to the instant departmental appeal are as under;

FACTS

1. That the appellant assumed charge as District Education Officer (Female) Chitral Lower in pursuance to Notification Dated; 08-02-2022.
(Copy of Notification Dated; 08-02-2022 is Annexure "A")
2. That after assumption of charge the same Notification has been challenged by one Mst; Mehr Un Nisa BPS-18 (Management Cadre) before the Honorable Peshawar High Court, Peshawar in Writ Petition No. 547/2022 which has been dismissed vide Order Dated; 21-02-2022 and in respect of the same order a Review Petition bearing No. 17-P/2022 is pending before the Honorable Peshawar High Court.
Copy of Writ Petition along with Judgment Dated; 21-02-2022 & Review Petition are Annexure "B" & "C"
3. That after dismissal of the Writ Petition the said Mst; Mehr Un Nisa preferred Service Appeal before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar vide Service Appeal No. 506/2022, which is pending adjudication and fixed for 01-07-2022.
Copy of service appeal No. 506/2022 Dated; 11-04-2022 is Annexure "D"
4. That the appellant has been transferred vide Order Dated; 17-06-2022 and her services have been placed at the disposal of Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa, hence; the departmental appeal / representation on the following grounds.
(Copy of Transfers / Posting Order Dated; 17-06-2022 Annexure "E")

GROUND

- A. That the appellant throughout her career has performed her duties honestly, fairly, efficiently and to the satisfaction of her superiors, specially her tenure of service on the subject post was exemplary and outstanding and to

(19)

Annex "E" ^{kei} 20/6/2022.
EPSE
Edu
Deptt.

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WAKALAT NAMA

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. _____ /2022

(Petitioner)
(Plaintiff)
(Appellant)
(Accused)

MST. HALEEMA BIBI

V E R S U S

THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY, KPK AND OTHERS

(Respondents)
(Defendant)
(Opponent)
(Complainant)

I, Mst. Haleema Bibi BPS - 19 DEO (Female) Chitral Lower, Appellant

The above named appellant hereby appoints and constitute **SHER HYDER KHAN, ADVOCATE HIGH COURT, PESHAWAR**, as counsel for (Respondent No. 4) in the above mentioned case, to do all or any of the following acts, deeds and things:-

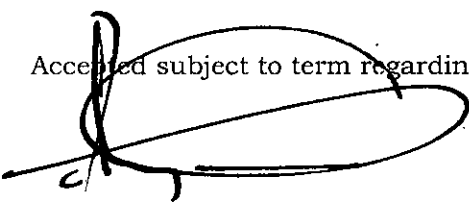
- 1- To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2- To sign, verify and file or withdraw all proceedings, petitions, appeals, revision, review affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at any stages.
- 3- To receive payment of and issue receipts for all money that may be or become due and payable to us during the course or on the conclusion of the proceedings. To do all other acts and things this may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:-

- a) To ratify whatever the said Advocate may do in the proceedings.
- b) Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their 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 fee remains unpaid.

In witness whereof I/We have signed this power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this 22nd Day of June, 2022 at Peshawar.

Accepted subject to term regarding payment of fee.



SHER HYDER KHAN
ADVOCATE HIGH COURT
LL.B (Hons), LL.M (I-L)



Signature of Appellant

Mst. Haleema Bibi BPS-19
DEO (Female) Chitral Lower

TESTED

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.**

No.

Appeal No. 950 of 20 22

Halima Bibi Appellant/Petitioner

Govt. of KPK through Chief Secy. Respondent

Respondent No. 1

Notice to: —

Govt. of KPK through Chief Secretary
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 16/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Along with stay Application is Attached

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of..... July 20 22

for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
- 2. Always quote Case No. While making any correspondence.

ISSUE BRANCH
CHIEF CLERK
Govt. of Khyber Pakhtunkhwa
Peshawar

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
JUDICIAL COMPLEX (OLD), KHYBER ROAD, SB
PESHAWAR.**

No.

Appeal No. 950 of 20 22

Haleema Bibi Appellant/Petitioner

Versus

Govt. of KP Chief Secy: Respondent

Respondent No. 2

Notice to: —

Secretary to Govt. of KP Peshawar ERJE 15/7

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Along with stay application is attached.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 4th

Day of July 20 22

for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 950 of 20 22

Halima Bibi Appellant/Petitioner

Govt. of KPK Chief Secy. Respondent

Respondent No. 3

Notice to: — Director (ERSE) Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19/7/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Along with stay application is attached.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 4th

Day of July 20 22

for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

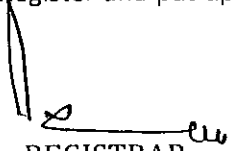

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 950/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/06/2022	<p>The appeal of Mst. Haleema Bibi presented today by Mr. Sher Hyder Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>24.6.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

24th June, 2022

Appellant alongwith his counsel present.

Against the transfer order dated 17.06.2022, the appellant filed departmental appeal on 20.06.2022 which was filed by the Secretary to Government Of Khyber Pakhtunkhwa Elementary and Secondary Peshawar by putting an endorsement on the appeal that no further action shall be taken on the appeal which in a way was regret by the Secretary concerned compelling the appellant to file this appeal. It is submitted by the learned counsel for the appellant that just four months prior to the instant transfer the appellant was transferred and posted as DEO (F) Lower Chitral vide notification No. SO(S/F)E&SED/4-5/2021/Posting/Transfer dated 08.02.2022 and without allowing her to complete her normal tenure, she was again transferred and directed to report to the Directorate of Elementary and Secondary Education which act speaks about the malafide of the respondent-department. The appeal is thus admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 19.07.2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee
A. J. 01/7/22

As to the application for suspension of the operation of the impugned order dated 17.06.2022, it is directed that the operation of the impugned order shall stand suspended to the extent of appellant till the next date subject to notice to the other side.



(Kalim Arshad Khan)
Chairman