

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	2/04/2018	<p>As per direction of the Worthy Chairman, this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>09/04/18.</u></p> <p style="text-align: right;">REGISTRAR 24/4/18</p>

09.04.2018

Counsel for the appellant Mst. Nadia Shams present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as PST. It was further contended that the appellant was appointed in Government Girls Primary School Urmar Miana No. 1 in the year 2010 and after serving for about 8 year in the said school she was transferred from GGPS Urmar Miana No. 1 to GGPS Urmar Bala No 1 vide order dated 12.02.2018. It was further contended that the appellant is residing in Peshawar and the GGPS Urman Bala No. 1 is at a distance of 20/25 kilometer from her resident. It was further contended that under Khyber Pakhtunkhwa Regulatory Act 2011 the Primary School Teacher shall be transfer to other school within the union council on completion of tenure but the appellant has been transferred to school situated in other ~~filed~~ ⁱⁿ union council. It was further contended that the appellant also departmental appeal on 19.02.2018. Which was rejected on 20.02.2018. Therefore the impugned order is illegal and liable to adjust/rectify.

Points raised need consideration. Admitted, for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process within (07) days thereafter, notice be issued to the respondents department for written reply/comments on 24/04/18 before S.B.


Member

24.04.2018

Clerk of the counsel for appellant and Addl: AG for the respondents present. Security and process fee not deposited. He is directed to deposit security and process fee within seven(7) days; thereafter notices be issued to the respondents for written reply/comments on 09.05.2018 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

09.05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 02.07.2018 before S.B.


Reader

02.07.2018

Clerk of the counsel for appellant and Mr. Muhammad Jan, DDA for the respondents present. Written reply not submitted on behalf of respondents. Requested for adjournment. Adjourned. To come up for written reply/comments on 3/8/18 before S.B.


Member

03.08.2018

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. He made a request for some time to submit written reply/comments. Granted. To come up for written reply/comments on 18.09.2018 before S.B.


Chairman

18.09.2018

Neither appellant nor his counsel present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for written reply/comments on 08.11.2018 before S.B.


Member

08-11-2018

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 27-12-2018

08/11/18

27.12.2018

None present on behalf of appellant. Mr. Hayat AD representative of the respondent department present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 30.01.2019 before S.B.


Member

30.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 26.03.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.03.2019

Clerk to counsel for the appellant present. Written reply not submitted. Arshid Ali ADO representative of the respondent department present and requested for time to furnish written reply/comments. Granted by way of last chance. To come up for written reply/comments on 25.04.2019 before S.B.



Member

25.04.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted despite last chance nor representative of the department present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date by way of another last chance. Adjourned to 18.06.2019 for written reply before S.B.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.06.2019

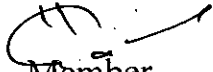
None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Arshed Ali, ADO for the respondents present and submitted written reply. Case to come up for rejoinder and arguments on 09.08.2019 before D.B. Notice be also issued to appellant and his counsel for attendance for the date fixed.



(Muhammad Amin Khan Kundi)
Member

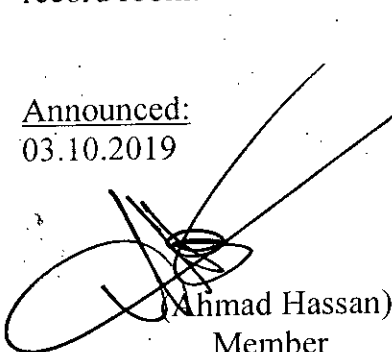
09.08.2019 Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 03.10.2019 before D.B.



Member


Member

03.10.2019 None for the appellant present. Addl: AG for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.

Announced:
03.10.2019


(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

The appeal of Mst. Nadia Shams D/O Shams-ur-Rehman Mohallah Kashmiri Area Gung Peshawar City received today by i.e. on 16.03.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of proper rejection order of departmental appeal is not attached with the appeal which may be placed on it.

No. 577 /S.T,

Dt. 19/03 /2018


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Iftikhar Hussain Samandar Adv. Pesh.

R/sir

Rejection order is available on page 11 annex "E".
Departmental appeal of the appellant, is summarily
dismissed which is mentioned on the footing of
the departmental appeal.

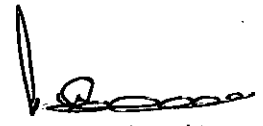


Iftikhar Hussain Samandar
Advocate

Sir,

The objection of this office and reply
of counsel is submitted for order pls.

The chairman.


26/3/18

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

In Re Service Appeal No. 503 2018

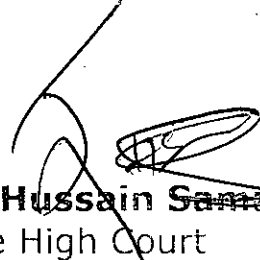
Mst. Nadia Shams -:- Verses:- DEO(Female) & Others

I N D E X

S#	Name & Description of Documents	Annex	Page
1	Appeal with affidavit		1-4
2	Application for suspension of impugn order		5
3	Copy of appointment order	A	6
4	Copies of CNIC & Domicile	B & C	7-8
5	Copy of transfer order <i>impugned</i>	D	9-10
6	Copy of departmental representation	E	11
7	Copy of the Khyber Pakhtunkhwa (appointment, deputation, posting and transfer of teachers, lecturers, instructors and doctors) regulatory Act 2011	F	12-14
8	Wakalatnama		

Appellant

Through


Iftikhar Hussain Samandar
Advocate High Court
FF-853, Deans Trade Center,
Peshawar Cantt. 03229113699

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

In Re Service Appeal No. 503 2018

Khyber Pakhtukhwa
Service Tribunal

Diary No. 401

Date 16-3-2018

Mst. Nadia Shams D/O Shams-ur-rahman R/O House No. 1624,
Mohallah Kashmiri Area Gunj Peshawar City..... **Appellant**

-: Verses:-

1. District Education Officer (Female) Peshawar.
2. Executive District Officer (E & S Education) Peshawar.
- ✓ 3. District Officer (Female) Elementary & Secondary Education Peshawar.
- ✓ 4. Dy. District Officer (Female) Primary Peshawar.
- ✓ 5. Director Elementary & Secondary Education KP Peshawar.
- ✓ 6. Secretary Education KP, Peshawar..... **Respondents**

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APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 AGAINST THE
TRANSFER ORDER OF APPELLANT VIDE OFFICE
ORDER DATED 12/02/2018 WHEREUNDER THE
APPELLANT HAS BEEN TRANSFERRED ILLEGALLY,
UNLAWFULLY AND IN VIOLATION OF LAW AND RULES.

PRAYER IN APPEAL

Filed to day
16/3/18
Registrar

ON THE ACCEPTANCE OF THIS APPEAL WHILE
MODIFIYNG THE IMPUGNED ORDER THE APPELLANT
MAY KINDLY BE POSTED IN HER OWN UNION
COUNCIL OR ADJACENT UNION COUNCIL AS PER
LAW.

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2

Respectfully Sheweth:

Brief Facts:

1. That appellant is a civil servant appointed as PST vide appointment order dated 19/08/2010. **(Copy attached as annexure "A")**
2. That initially the appellant was appointed at GGPS Urmar Miana No.1.
3. That appellant served in GGPS Urmar Miana No.1 for more than 7 years i.e. 19/08/2010 till 12/02/2018, during this span of time respondent No.1 many times assured the appellant that she will be adjusted in her own union council.
4. That appellant is the permanent resident and domicile holder of union council Gunj Peshawar City. **(Copies of domicile & CNIC attached as annexure "B" & "C")**
5. That instead of transferring/adjusting the appellant in her own union council she was transferred and posted again not only out of her union council but at a faraway station from the city i.e. GGPS Urmar Bala No.1 vide office order Endst No. 2802-11 dated 12/02/2018. **(Copy attached as annexure "D")**
6. That departmental representation was preferred on 19/02/2018 which was turndown. **(Copy attached as annexure "E")** *Copies of medical reports attached as 8*
7. That feeling aggrieved of the order impugned herein the instant appeal is hereby preferred on the following grounds amongst others:

GROUND:

- A. That the transfer and posting of the appellant beyond the local limits of her union council is illegal, unlawful and in violation of the law and rules on the subject.

- B. That the impugned order is discriminatory, biased one, politically motivated and without lawful authority and justification.
- C. That it is the mandatory provision of law that a teacher if appointed beyond her union council shall be transferred and posted in the union council of her residence within a period of fifteen days as per Section 3 (1) proviso of the Khyber Pakhtunkhwa (appointment, deputation, posting and transfer of teachers, lecturers, instructors and doctors) regulatory Act 2011. **(Copy attached as annexure "F")**
- D. That under section 3 (4) it is the mandatory provision of the ibid law that all PSTs appointed before the coming into force of this Act shall be posted and transferred in their respective union councils or adjacent union council within a period of one year but to great sorry despite of having passed six years the appellant has not been adjusted/transferred in her union council.

Section 3 (4) is hereby reproduced for easy reference:

"Government shall within a period not exceeding one year of the commencement of this Act, make arrangement for posting of all the primary school teachers appointed prior to coming into force of this act, to the school of their respective union councils or adjacent union councils, as the case may be."

- E. That the appellant has been illegally kept on posting on faraway station for very long period in violation of the mandatory provision of law, which amounts to extortion as well as misuse of authority and powers.
- F. That again the appellant has been posted in the same village i.e. Urmar Bala for which the appellant is facing

(4)

number of problems and even changing of many public transport vehicles.

- G. That the appellant is a patient and ailing lady, hence she is facing many difficulties while proceedings from Peshawar city to the far away village of Urmar Bala.

It is therefore most humbly prayed that on acceptance of this appeal the appellant may very graciously be directed to be posted/adjusted in her union council or adjacent union council by cancellation of the present transfer order of the appellant as is impugned herein.

Any other relief deems appropriate in the circumstances of the case may also be granted to the petitioner.

Nadia
Appellant

Through

Iftikhar Hussain Samandar
Advocate, High Court.

Affidavit:

I, Mst. Nadia Shams D/O Shams-ur-rahman R/O House No. 1624, Mohallah Kashmiri Area Gunj Peshawar City do hereby solemnly affirm and declare on oath that all the contents of this appeal and accompanying stay application are true and correct.

Date: 16.3.2018



Nadia
DEPONENT

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

In Re Service Appeal No. _____ 2018

Mst. Nadia Shams **-: Verses:-** DEO (Female) & Others

**Application for Suspension of the impugned order
up to the extant of appellant till the final disposal
of the instant appeal.**

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Respectfully Sheweth:

It is very humbly submitted as under:

1. That the titled appeal is being filed today in the August tribunal in which no date of hearing has been fixed so far.
2. That the grounds of the appeal may kindly be considered as integral part and parcel of this application.
3. That the order impugned herein may kindly be suspended till final disposal of the instant appeal.
4. That if the order impugned herein not suspended it would cause irreparable loss to the appellant.

It is therefore most humbly prayed that on acceptance of this application the impugned order may kindly be suspended up to the extant o appellant till the final disposal of instant appeal.

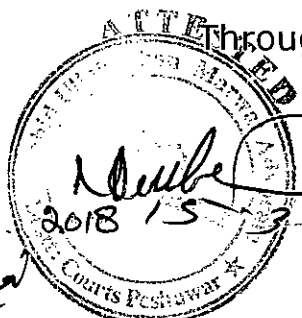
Affidavit

*stated on oath that
all contents of this
petition are true &
correct.*

Date: 16.3.2018

Nadia

Nadia
Appellant



Iftikhar Hussain Samandar
Advocate, High Court

[Handwritten signature of Iftikhar Hussain Samandar]

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUC. PESHAWAR.

APPOINTMENTS

Consequent upon the consideration of appeals against the appointment order issued vide endorsement No. 6528-98/appointment PST (female) dated 10-05-2010 and its recommendation, the competent authority has pleased to order the appointment of the following PST trained female candidates are hereby appointed on regular basis in BPS-7 (Rs. 3520-190-9230) plus usual allowances as admissible under the rule from the date of their taking over charge in the schools, note against each their name on the following terms and conditions:-

Sr. No.	Form No.	Name / Father's Name	Address	Date of Birth	Score	Posted at	Remarks
1	390	Bibi Hajira D/o Abdul Manaf	U.C Garhi Sherdad 84	21-2-1984	54.32	G.G.P.S Hamid Kalay	Against vacant post
2	552	Saima Jamal D/o Khalid Jamal	R/o H#4441 Muhallah Afridi Khan Dabgari U.C 17 Aasia Pesh.	20-4-1980	54.07	G.G.P.S Kagalwala No.2	Against vacant post
3	1106	Samina Naz D/o Ghulam Murtaza	R/o Mera Surizai Pesh U.C 68	1-1-1977	44.33	G.G.C.M.S Moosa Zai	Against vacant post
4	545	Hajira Zaman D/o Shah Zaman	R/o H#2, Feroz Abad Pesh, U.C 4- Mahal Tarai-2	24-6-1977	45.84	G.G.P.S Lal Zada Korono	Against vacant post
5	799	Bushra D/o Shoaib Khan	R/o H#3756, Dabgari Pesh, U.C 17 Aasia	20-6-1986	55.52	G.G.P.S Kagalwala No.1	Against vacant post
6	962	Dilnasheen D/o Mumtaz Ahmad	R/o Palosi Afoza Bala U.C 41 Peshawar	20-4-1983	51.04	G.G.P.S Badi Zai	Against vacant post
7	423	Asia Ibrar D/o Syed Ibrar Shah	R/o Badhaber horizai U.C 53 Peshawar	7-1-1981	47.34	G.G.P.S Masho Gagar Badh Ber	Against vacant post
8	58	Nadia Shams D/o Shamsur Rehman	R/o H#1624, Gunj Peshawar U.C 19	14-12-1979	55.44	G.G.P.S Urmar Miana No.1	Against vacant post
9	2	Tamanna D/o Shamshaad	R/o Mian Gujar U.C 72 Nahaqi Peshawar	9-8-1985	55.52	G.G.P.S Bela Barmad Khel No.1	Against vacant post

Terms & Conditions:

1. The above mention candidates will not be entitled for pension and they will only avail the facility of CP fund and he will pay 10% contributory fund.
2. They will be governed by such rules and regulation as may be prescribed by the Govt. from time to time for category of Govt. servant to which he belongs.
3. In case of resignation one month pay and allowance will be forfeited in lieu thereof.
4. Their appointment is purely temporary and liable to termination / revert at any stage without assigning any notice / reason.
5. Their services will be liable to termination / reversion at any stage if her NIC / Domicile etc. testimonial found fake, FIR will be lodged against the accused.
6. The original certificates / Degrees should be checked from the concerned Board / Universities by the DDO concerned before release of pay if the documents were not verified before the appointment.
7. They should take over charge of his post with in one month after issue of this notification / order.
8. Their age should not less than 18 year or more than 35 years.
9. They should not apply for transfer with in three year.
10. They should produced health and age certificate from the concerned civil surgeon.

Attest

11. They are to be considered on regular basis to a service of post in the prescribed manner after pension and gratuity be entitled to receive such amount contributed by them towards the contributory provident fund along with the contribution made by the Govt. to their account in the said fund in the prescribed manner.
12. They are entitled to get the benefits of regular employees except pension / gratuity.
13. Charge report should be submitted to all concerned.
14. TA / DA is not allowed.

JAMIL UR REHMAN
EXECUTIVE DISTRICT OFFICER,
(E & S EDUCATION) PESHAWAR.

Ensdst. No. S411-257/Apptt: PST/Appeals-Dated 19/18 /2010
Copy of the above is forwarded for information and necessary action to

the :-

1. District Coordination Officer Peshawar
2. District Accounts Officer Peshawar
3. District Officer (Female) Elementary & Secondary Education Peshawar with the remarks to checked their documents through registered post and released pay order after verification.
4. Dy District Officer (Female) Primary Peshawar
5. Headmistresses concerned
6. Candidates concerned.
7. ADO Circle Concerned.

EXECUTIVE DISTRICT OFFICER,
(E & S EDUCATION) PESHAWAR

Attested


67A

11. They are allowed on receipt basis to a service of post in the prescribed manner after pension and gratuity be entitled to receive such amount contributed by them to the contributory provident fund along with the contribution made by the Govt to their account in the said fund in the prescribed manner.
12. They are entitled to get the benefits of regular employees except pension / gratuity.
13. Charge report should be submitted to all concerned.
14. TA / DA is not allowed.

JAMIL UR REHMAN
EXECUTIVE DISTRICT OFFICER,
(E & S EDUCATION) PESHAWAR.

Ensdst: No. 5411-257 / Appt: PST / Appeals Dated 19 10 / 2010
Copy of the above is forwarded for information and necessary action to

- the :-
1. District Coordination Officer Peshawar
 2. District Accounts Officer Peshawar
 3. District Officer (Female) Elementary & Secondary Education Peshawar with the remarks to checked their documents through registered post and released pay order after verification..
 4. Dy District Officer (Female) Primary Peshawar
 5. Headmistresses concerned
 6. Candidates concerned.
 7. ADO Circle Concerned.

EXECUTIVE DISTRICT OFFICER,
(E & S EDUCATION) PESHAWAR

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7

DOMICILE CERTIFICATE



Annex B

I declare that I was born of parent's who are permanently domiciled in N.W.F.P. having been born in this Province.

I was born at Village/Mohaliah KASHMIRI ILLAQA GIUNJ H.No 1624
Tehsil PESHAWAR District PESHAWAR

Nadia
Signature of the Applicant
Dated 3.8.1995

Pursuance to the declaration dated 3.8.95

Filled by NADIA SHAMS ^D s/jr of SHAMS-UR-REHMAN
Resident of H.No. 1624 Moh Kashmiri ILLAQA GIUNJ Peshawar city
domiciled in N.W.F.P. It is hereby certified that the said Nadia Shams

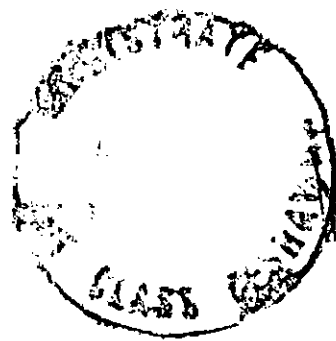
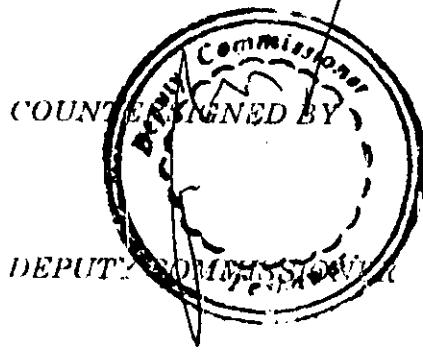
Parents are permanent residents of the N.W.F.P. having been born within it.

I have satisfied myself from personal/my own knowledge verification that the above declaration is true and certify accordingly.

Given under my hand and the seal of the Court.

This 6th Day of August 1995

393/RA-II
16/8/95



MAGISTRATE 1st CLASS

SHAHZAD ENTERPRISES
Shop No. 2, Royal Hotel Chowk Hashtnagri Peshawar City. Ph: 216578

M. T. Khan

غناہ عالی

گدش کا نام ہے کہ سماں تا رویم کشادہ فرستیں اہل گمان مکہ مکرمہ
حکومت پنج مشام سیکری قتل سید انیس برائش ہے اور آج رات ہی
مکہ مکرمہ پناہ قتل سید انیس برائش ہے

موجودہ ملک

موجودہ ملک، لوگ لڑا جا رہے ہیں
مشیخ وادعی الشام

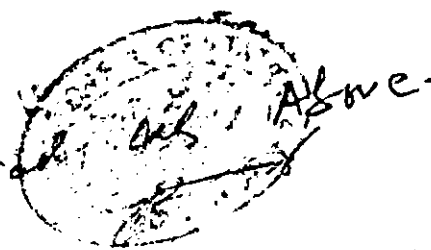
جانب

دیودرہ والا محمد سعید پور پورٹی ضلع
مقامی دریافت سے سماں تا رویم کشادہ فرستیں اہل گمان
مکہ مکرمہ پناہ قتل سید انیس برائش ہے اور آج رات ہی
مکہ مکرمہ پناہ قتل سید انیس برائش ہے
موجودہ ملک، لوگ لڑا جا رہے ہیں

Handwritten signature and initials

Munir

518195



5-8-85

فنا به عالی

گفته شده که سماه نامی در دفتر سمنس ابراهیم کتبه مد کتبه
مدت پنج ششم سترگی قتل سید انوشیروان کتبه است و این سید
مدت کتبه بنام است قتل سید انوشیروان کتبه است

سید انوشیروان کتبه
مدت پنج ششم سترگی قتل سید انوشیروان کتبه است و این سید
مدت کتبه بنام است قتل سید انوشیروان کتبه است

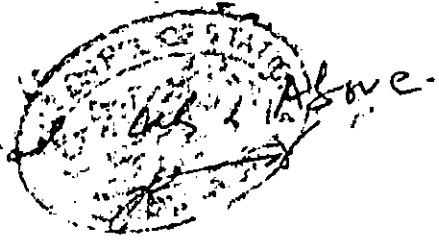
فنا به عالی

دوید بالا محمد بن حقیق
مدت پنج ششم سترگی قتل سید انوشیروان کتبه است و این سید
مدت کتبه بنام است قتل سید انوشیروان کتبه است

Attest

Munshir

518795



5-8-95



حکومت پاکستان
قومی شناختی کارڈ
17301-6874066-0



نام: نازہ مس
جنس: عورت
پیدائشی نام: شمس الرحمن
شناختی علامت: کوئی نہیں

Annix C

تاریخ پیدائش: 14/12/1979
پتہ: سوات



شناختی نمبر: 17301-6874066-0
خاندان نمبر: U5R0BL
موجودہ پتہ: علاقہ کج، مکان نمبر 1624، محلہ شہرہ، پشاور

مستقل پتہ: وہاں گھر، تحصیل ولسٹا، پشاور

تاریخ اجراء: 22/02/2006
تاریخ ختم: 31/01/2020
گندہ کارڈ بننے پر قریبی لیٹر بکس میں ڈال دیں



Attested
[Signature]

9
OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

OFFICE ORDER:

In pursuance to the rationalization process and direction of the worthy director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar along with the criteria for rationalization and further recommendation and proposals of the SDEOs, the competent authority please to order the adjustment/transfer of the following female teachers in their own pay and scale in the schools mentioned against each their names in the interest of public service with immediate effect.

TEACHERS RATIONALIZATION

Annex D

TOWN	Name of Teacher	TRANSFER FROM		TRANSFER TO	
		EMIS Code	School Name	EMIS Code	School Name
TOWN-1	FARZANA SHAHEEN	21296	GGPS OLD KARIM PURA	32846	GGPS HAIDER COLONY
TOWN-1	RABIA DANI	21280	GGPS JOGIWARA	21258	GGPS GORGATRHI
TOWN-1	MUSSARAT BIBI	21262	GGPS GUL BAHAR NO 2	38697	GGPS IJAZ ABAD
TOWN-1	FARZANA TASLEEM	21262	GGPS GUL BAHAR NO 2	21517	GGPS SHAH DAND
TOWN-1	SHAZIA NAZAR	21308	GGPS SATTAR SHAH	21233	GGPS ASIA PARK
TOWN-1	SHAZIA GHAFUOR	21309	GGPS SHAH QABOOL	21311	GGPS SARKI GATE
TOWN-1	SALMA MAQBOOL	21260	GGPS SHAH JEE ABAD	21318	GGPS ZARYAB COLONY
TOWN-1	SABINA HANAN	21243	GGPS DIN BAHAR NO 1	38598	GGPS SARDAR COLONY
TOWN-1	MARIFAT NAZ	21243	GGPS DIN BAHAR NO 1	38598	GGPS SARDAR COLONY
TOWN-2	SAEEDA	21515	GGPS SHAGHALI PAYAN	21425	GGPS KHWAJA KILLI
TOWN-2	SAEEDA	21353	GGPS BELA BARAMAT KHEL NO 2	21340	GGPS BHATIAN
TOWN-2	RABIA	21455	GGPS MEWRA	21567	GGPS JICA BABUZAI
TOWN-2	ALMAS BEGUM	40128	GGPS KHAZANA PAYAN NO 2	28233	GGPS KHAZANA PAYAN NO 1
TOWN-2	NAILA	40824	GGPS GHARI PURDIL	21404	GGPS DAMAN HINDKI
TOWN-2	NASEEM AKHTAR	40282	GGPS YASIN ABAD	21358	GGPS BUDHNI
TOWN-2	SAIMA MASHAL KHAN	21361	GGPS CHAMKANI NO 1	26362	GGPS CHAMKANI NO 2
TOWN-2	RAHILA MURSALEEN	32854	GGPS CHUA GUJJAR (UMER ABAD	26363	GGPS CHAMKANI NO 3
TOWN-2	SHAZIA BEGUM	21406	GGPS JALA BELA	21421	GGPS KHARAKA
TOWN-2	FOZIA MUMTAZ	28055	GGPS SHAKAR PURA	21421	GGPS KHARAKA
TOWN-2	NAEEMA	28221	GGCMS GHALJI KANDAR KHEL	21446	GGPS MATHRA
TOWN-2	ASMA	21483	GGPS PANAM DHERI PAYAN	21482	GGPS PANAM DHERI BALA
TOWN-2	RAZIA	28112	GGPS MERA MUSHTARIKA MEHAL	21489	GGPS PIR BALA
TOWN-2	NADINA MURAD	21384	GGPS GHARI AMER KHEL	21488	GGPS PATWAR PAYAN
TOWN-2	RAHEELA	28196	GGPS SHAHI BALA NO 2	39985	GGPS MERA AFRIDI ABAD
TOWN-2	SHAZIA ZAFAR	21360	GGPS CHAGHAR MATTI	21490	GGPS GARNGA PAYAN
TOWN-2	Nargas Ara	21467	GGPS MUSLIM ABAD	21534	GGPS TODA
TOWN-3	KHALIDA	29993	GGPS HAYATABAD NO.4	21527	GGPS SUFAID DEHRI NO 1
TOWN-3	ZAKIA BEGUM	29993	GGPS HAYATABAD NO.4	38149	GGCMS NAWAB ABAD
TOWN-3	KHURSHID BEGUM	21299	GGPS POLICE COLONY	21288	GGPS MALAKANDHER
TOWN-3	ANILA	21299	GGPS POLICE COLONY	21496	GGPS REGI LALMA NO 2
TOWN-3	TAHIRA JABEEN	21312	GGPS TEHKAL BALA NO.1	21274	GGPS IRRIGATION COLONY
TOWN-3	SUMAIRA	21312	GGPS TEHKAL BALA NO.1	21319	GGPS ABDARA NO 1
TOWN-3	ZULEHA JAN	21538	GGPS TEHKAL PAYAN NO.1	21298	GGPS PAWAKA
TOWN-3	AMBREEN SHAHAB	21295	GGPS NOTHIA QADEEM	39697	GGPS SYEDENA ZAINAB

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TOWN-3	SHABNAM BIBI	21295	GGPS NOTHIA QADEEM	39697	GGPS SYEDENA ZAINAB
TOWN-3	ASIA BEGUM	21239	GGPS CIVIL QUARTERS	39697	GGPS SYEDENA ZAINAB
TOWN-3	RASHIDA ZARI	21239	GGPS CIVIL QUARTERS	39697	GGPS SYEDENA ZAINAB
TOWN-3	SHADAB BASHIR	21239	GGPS CIVIL QUARTERS	39697	GGPS SYEDENA ZAINAB
TOWN-3	SHAHIDA YOUNAS	21239	GGPS CIVIL QUARTERS	39697	GGPS SYEDENA ZAINAB
TOWN-3	NAHEED AKHTER	21239	GGPS CIVIL QUARTERS	39697	GGPS SYEDENA ZAINAB
TOWN-3	BIBI KALSOOM	21239	GGPS CIVIL QUARTERS	39697	GGPS SYEDENA ZAINAB
TOWN-3	FARZANA BIBI	39695	GGPS MUSHTAQ ABAD	21286	GGPS LANDI ARBAB NO 1
TOWN-3	RAHIDA	21234	GGPS BARA LINE NO 1	21346	GGPS BARA LINE NO 2
TOWN-3	SHAGUFTA NAZ	21234	GGPS BARA LINE NO 1	21346	GGPS BARA LINE NO 2
TOWN-4	RAZIA	21465	GGPS MUSA ZAI NO 2	21343	GGPS Ghari Chandan Ujara
TOWN-4	TAUHEED JAN	21409	GGPS JOGIAN	21450	GGPS MERA KACHORI NO.1
TOWN-4	NADIA SHAMS	21548	GGPS URMAR MIANA NO 1	21545	GGPS URMAR BALA NO 1
TOWN-4	RABIA GUL	21548	GGPS URMAR MIANA NO 1	40834	GGPS UMER TALAB
TOWN-4	ABIDA IBRAR	39715	GGPS AYAZ KOROONA	39717	GGPS MERA BADABER
TOWN-4	FAHEEMA	21480	GGPS PALOSIN ABAD	37334	GGPS AFRIDI ABAD
TOWN-4	ASMA BIBI	21523	GGPS SHIEKH MUHAMMADI NO 1	40122	GGPS KAGA WALA NO 3
TOWN-4	NAZIA KHANUM	21530	GGPS SURIZAI BALA	21454	GGPS SURIZAI PAYAN NO 3
TOWN-4	TAHIRA	21369	GGPS DARWAZGAI NO 1	21563	GGPS MATTANI NO 2
TOWN-4	AMINA		GGPS BAHAR GHARI MARYAM ZAI		GGPS MARYAMZAI
TOWN-4	ZUBAIDA QAYUM	21550	GGPS URMAR PAYAN NO.1	21383	GGPS GHARI AFSAR KHAN

- Note: 1. Charge report should be submitted to all concerned.
2. TA/DA is not allowed.

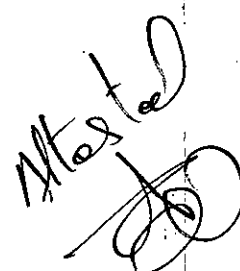
(Sofia Tabassum)
District Education Officer
(Female) Peshawar

Endst: No. 2802-11 / Dated: 12/02 /2018

Copy of the above is forwarded to the:-

1. Accountant General Khyber-Pakhtunkhwa Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Peshawar.
4. P.S. to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
5. D.M.O IMU Elementary & Secondary Education Peshawar.
6. SDEOs concerned.
7. ASDEOs concerned.
8. Head Teachers concerned.
9. Teachers concerned.
10. Master File.

District Education Officer
(Female) Peshawar

Attested


(۱۱)
 حضور جناب ڈسٹرکٹ اور کونسل ایجوکیشن ہائیڈرآباد زمانہ گھنٹہ
 عنوان: درخواست اہل اور غنہوئی آرڈر

(9)

جناب عالی =
 گزارش ہے کہ سائلہ حکمہ تعلیم میں کنڈکٹ PST

کوؤنڈکٹ کر لیا اور سرٹیفکیٹ لیا اور سرٹیفکیٹ سرانجام دے لی ہوگی۔
 یہ کہ حالیہ پیشتر کنڈکٹ آرڈر میں میری تبادلیہ 9.05
 اور سرٹیفکیٹ سے کوؤنڈکٹ کر لیا اور سرٹیفکیٹ لیا اور سرٹیفکیٹ لیا ہے۔

میں بیمار ہوں اور میں ایسا مہنگے علاج میں رہتی ہوں۔ مجھے آئے جان میں
 بہت تکلیف ہے کیونکہ تازہ فی طور پر بھی اپنے دل میں نفسیاتی تباہی ہوئی ہے۔
 اصلحہ ہوگی کہ میں اس سے کہ میرا تبادلیہ کنڈکٹ کراد
 اور ایسا مہنگے علاج میں نہ رہیں اسکو ایس کرنے کا حق ہمارے ہاں ہے۔

دعا گو رہو نگے۔
 (Nadira)

۶ دب

صفحہ 2018-02-19

الکافض

نادیرہ شمس دفتر شمس الرحمن
 PST ڈپٹی کوؤنڈکٹ کر لیا اور سرٹیفکیٹ لیا اور سرٹیفکیٹ لیا ہے۔
 گھر ایس کے مکان 1624 قلم شمس میری علاج گھر کوؤنڈکٹ کراد

Mester

نوٹ: میری عدلیہ کا عدالت میں سے
 03454711738

Head Mistress
 G. G. P. S. No. 1
 Urmat Miana

۶ دب
 20-2-2108

Crps Umar Bala No. 1 dequised
 Teacher Umar Bala is nearer than
 Umar Miana to Rang appeal of
 dequised.
 DEEO ESSE
 Circle Umar (F)
 Town-4 Peshawar

THE KHYBER PAKHTUNKHWA (APPOINTMENT, DEPUTATION,
POSTING AND TRANSFER OF TEACHERS, LECTURERS,
INSTRUCTORS AND DOCTORS) REGULATORY ACT, 2011.

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2011)

[first published after having received the assent of the Governor of
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa
(Extraordinary), dated the 12th May, 2011].

~~Amix~~
"6"
Amix F.

AN
ACT

*to regulate by law appointments, postings and transfers of teachers serving in
primary, middle, secondary and higher secondary schools, lecturers in colleges and
instructors in technical institutions and doctors in health facilities.*

Preamble.---WHEREAS it is expedient to regulate by law appointments,
postings and transfers at local level, of teachers serving in primary, middle,
secondary and higher secondary schools, lecturers in colleges and instructors in
technical institutions and doctors in health facilities and to ensure the availability of
teachers in schools, lecturers in colleges and instructors in technical institutions and
the doctors in health facilities, and to regulate deputation of doctors abroad, and to
provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

1. **Short title, application and commencement.**---(1) This Act may be called
the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of
Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

(2) It shall apply to teachers serving in primary, middle, secondary and
higher secondary schools, lecturers in colleges as well as commerce colleges and
instructors serving in technical institutions and doctors serving in the health facilities
in the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. **Definitions.**---(1) In this Act, unless the context otherwise requires, the
following expressions shall have the meanings hereby respectively assigned to them
that is to say,-

(a) "Commission" means the Khyber Pakhtunkhwa Public
Service Commission;

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- 13
- (b) "doctor" means a doctor serving in the health facility;
 - (c) "Government" means the Government of the Khyber Pakhtunkhwa;
 - (d) "health facilities" mean all health facilities established and managed by the Government to provide medical facilities to general public;
 - (e) "lecturer" and "instructor" respectively means a lecturer or an instructor serving in a Technical Institution as the case may be;
 - (f) "prescribed" means prescribed by rules made under this Act;
 - (g) "rules" mean the rules made under this Act;
 - (h) "school" means school in the public sector including primary, middle, secondary school, higher secondary school or an institution of equivalent level imparting education through any system or medium of instruction in the public sector;
 - (i) "teacher" means a teacher of primary, middle, secondary or higher secondary school; and
 - (j) "technical institution" means and includes a Commerce College or Government College of Management Sciences or Technical Institute or Technical and Vocational Training Center or Skill Development Center in the public sector imparting technical education to students leading to the award of a degree or a diploma or a certificate.

(2) Words and phrases used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant federal law or provincial law or any other statutory order or rules for the time being in force.

3. Appointment, posting and transfer of primary school teachers: (1) The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situate, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils:

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Provided that on availability of a vacancy, a primary school teacher, appointed from adjacent Union Council, as referred to in this sub-section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days.

(2) Upon marriage, the primary school teacher on request may be transferred to the school in the Union Council, where his spouse, ordinarily resides, subject to the availability of vacancy.

(3) The primary school teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed subject to the policy of rationalization for maintaining certain student teachers ratio, if any.

✓ (4) Government shall, within a period not exceeding one year of the commencement of this Act, make arrangement for posting of all the primary school teachers appointed prior to coming into force of this Act, to the schools of their respective Union Councils or adjacent Union Councils, as the case may be.

4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.---(1) Government may, through the competent authorities make adhoc appointment on merit against the vacant posts of doctors, lecturers, instructors, subject specialists and teachers, falling within the purview of Commission, in a district concerned from the domicile holders of that district for a period of one year or till the arrival of recommendees of Commission, whichever is earlier after fulfilling the pre-requisites of giving wide publicity in the press. On assumption of charge of post by recommendee of the Commission, the services of such ad hoc appointee shall stand automatically terminated:

Provided that if no suitable and eligible candidate is available in the district concerned for appointment, then the candidates belonging to the neighbouring districts shall be considered for appointment in the order of their merit.

(2) Save as the appointment made under proviso of this section, "ad hoc appointee" shall serve in the district of his domicile.

(3) The post of a doctor, lecturer, instructor, subject specialist or secondary school teacher who proceeds on training or long leave may be treated as vacant post for the purpose of contract or contingent appointment till the return of such employee from training or long leave and assumption of charge of the post:

Provided that the period of such training or long leave shall not be less than one year and no appointment on contract or contingent shall be made on the post which may fall vacant for a period less than one year.

Attested


50 روپے



31502

ایڈوکیٹ:
بار کونسل ایسوسی ایشن نمبر: BC-10-7915
رابطہ نمبر: 0322-9113699

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر جسٹس عبدالرشید خان

مخاطب: سید	دعویٰ:
نادیہ شمس	حالت نمبر:
بنام	مورخہ:
DEO ڈائری وغیرہ	جرم:
	تھانہ:

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ ڈیو کیس کے
آن مقام لیتا اور کیلئے اختیار کریں صدر ڈائری وغیرہ کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حلف سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ لیا تاکہ مندرجہ

المرقوم: 16-3-2018

المقام: پشاور

مقام: پشاور

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

الحکم

سید نادیہ شمس جسٹس لیتا

SERVICE APPEAL NO.503/2018

Mst: Nadia Shamas

V/S

Education

REPLY ON BEHALF OF RESPONDENTS.

Respectively Sheweth:

The Respondents submits bellow:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action /locus standi.
2. That the Appellant has concealed material facts from this Hon,ble Tribunal.
3. That the Appellant has been estopped by his own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bad for mis-joinder and non-joinder for the necessary parties.
7. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant Appeal is barred by law.
9. That the Appellant does not fall within the ambit of aggrieved person.

ON FACTS.

1. That Para No.1 pertains to record.
2. That Para No.2 also pertains to record.
3. That Para No.3 pertains to record.
4. That Para No.4 pertains to record.
5. That in reply to Para No.5, it is submitted that transfer is the part of service and the respondent transfer the appellant according to law and rules.
6. That in reply to Para No.6, it is submitted that the transfer of the Appellant was made under the law, needs and in the best interest of public.
7. That Para No.7 is misleading the appellant has got no cause of action to file the instant appeal in this Hon'ble Service Tribunal.


GROUND


- A. That Ground-A is incorrect and misleading the said transfer order is according to law and rules.
- B. That Ground-B is incorrect, misleading and against the facts.
- C. That Ground -C is incorrect. The said provision did not apply on the appellant.
- D. That Ground-D incorrect. The detail reply has been given in the above Para.
- E. That Ground-E is incorrect misleading.

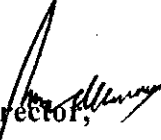
207
F. That Ground -F is misleading. That detail reply has been given in the above Para. Moreover, transfer is the part of service.

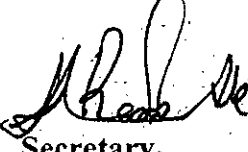
G. That in reply to Ground- G, it is submitted that transferred is the part of service and the department is bound to transfer any Govt: servant in the public intrest.

It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.


Dy. District Education Officer
(Female) Peshawar


District Education Officer
(Female) Peshawar


Director,
(E &SE) KPK Peshawar


Secretary,
(E &SE) KPK

SERVICE APPEAL NO.503/2018

Mst: Nadia Shamas

V/S

Education

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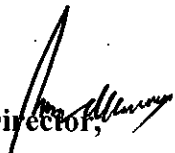
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- D. That Ground-D incorrect. The detail reply has been given in the above Para.
- E. That Ground-E is incorrect misleading.


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 Dy. District Education Officer
 (Female) Peshawar


 District Education Officer
 (Female) Peshawar


 Director,
 (E &SE) KPK Peshawar


 Secretary,
 (E &SE) KPK