

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

Service Appeal No. 6612/2021

Date of Institution ... 28.06.2021  
Date of Hearing ... 01.04.2022  
Date of Decision ... 05.04.2022

Miss Laila Ali, Deputy DDO Female (BPS-18) D/O Syed Ali Jan R/O  
Nusrat Zai Tehsil Tangi District Charsadda.

... (Appellant)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar
2. Secretary to Govt: of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Director Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
4. Mst. Hamim Deputy DEO (Female) (BS-17) Charsadda.
5. Mst. Safia Amin Deputy DEO (F) (BS-17) Charsadda.

... (Respondents)

**Present:**

MR. MUBARAK ZEB,  
Advocate,

--- For Appellant.

MUHAMMAD ADEEL BUTT,  
Additional Advocate General

--- For respondents.

KALIM ARSHAD KHAN  
MIAN MUHAMMAD

--- CHAIRMAN  
--- MEMBER(E)

**JUDGEMENT.**

**MIAN MUHAMMAD, MEMBER(E):-** The instant service appeal has been instituted against the impugned order dated 17.03.2021 whereby the appellant was transferred from the post of DEO (F) Charsadda to DEO(F) Shangla. Her departmental appeal

*Handwritten signature and date: 5/4/22*

dated 09.03.2021 was not responded within the statutory period where-after the service appeal in hand was submitted invoking Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

02. Brief facts leading to the service appeal are that the appellant is an employee of the respondent-department who was posted/adjusted as DEO(F) Malakand on 31.05.2019. On her promotion to BS-18, she was transferred/posted as DEO(F) Nowshera on 09.08.2019. On her request, the authority approved mutual transfer of the appellant to DEO(F) Charsadda on 13.09.2019. It was through the impugned transfer notification dated 17.03.2021 that she was further transferred from District Charsadda to District Shangla. The said notification was challenged through departmental appeal on 18.03.2021 but the same was not decided within the statutory period. The appellant went in writ petition before the Peshawar High Court Peshawar but the same was dismissed in limine on 27.05.2021 on the ground of jurisdiction under Article 212 where-after the instant service appeal was filed in the Service Tribunal on 28.06.2021.

03. Notices were issued to the parties who submitted written replies/comments on contents of the appeal. We have heard learned counsel for the appellant as well Additional Advocate General and perused the case file with connected documents thoroughly.

04. Learned counsel for the appellant argued that the appellant has been transferred from District Charsadda to District Shangla in utter violation of the Posting/Transfer Policy of the provincial

\*  
S14/22

government. He while referring to para-iv, vii, x and xiii(b) of the said Posting/Transfer Policy emphasized that the impugned order is violation of the quoted paras of the Policy ibid because she has not completed the normal tenure at District Charsadda being her district of Domicile and unmarried female government servant. She has been discriminated when other officers transferred with her vide impugned notification dated 17.03.2021, were readjusted vide corrigendum/notification dated 31.03.2021 and private respondent No.5 was posted as DDEO(F) Charsadda vide Notification dated 27.05.2021. Moreover, an officer of the teaching cadre was subsequently posted as DDEO (F) Charsadda vide notification dated 30.09.2021 whereas her departmental appeal was not decided within the stipulated statutory period. It was further contended that the appellant is also looking after her ailing mother who has undergone knee transplant surgery and is presently on bed for full care and medication. While arguing on point of tenure, he relied on PLD 2013 SC 195 wherein the guiding principles have been laid down. He concluded that the impugned order has neither been issued in public interest nor in accordance with the Posting/Transfer Policy of the Provincial government the same may therefore be set aside and the appellant be allowed to continue her duty as DDEO(F) Charsadda..

05. Learned Additional Advocate General on the other hand conversely argued that the appellant was appointed against the post of management cadre and she is liable to serve anywhere in the province under Section-10 of the Khyber Pakhtunkhwa Civil Servants Act,

\*  
5/4/22

1973. The management cadre rules specify that officers in BS-17 and above should not be posted in the District of their domicile. It was further contended that when the appellant was posted in district Nowshera subsequent to her promotion vide notification dated 09.08.2019 and she was further transferred from district Nowshera to district Charsadda as a result of her request for mutual transfer after just one month vide notification dated 13.09.2019 she did never challenge her transfer being pre-mature or illegal because it was beneficial to her. He therefore, requested that the service appeal being devoid of merit may be dismissed.

06. From perusal of the record as well as Posting/Transfer Policy of the provincial government it transpires that all posting/transfer shall be strictly in the public interest and the authority shall not be abused or mis-abused to victimize the government servant. For posting/transfer, tenure on present post is required to be taken into consideration in the best public interest. There is no denying the fact that a civil servant is bound to serve anywhere in the province under Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 while the Provincial Government in its own Posting/Transfer Policy has allowed a leverage to facilitate the unmarried female civil servants to serve at the station of residents of their parents. When such facility has specifically been provided in the Posting/Transfer Policy it is obligatory on part of the respondents to honour policy of the Provincial government in best public interest.


 \*  
 PMS  
 5/1/22

07. As a sequel to the above, the service appeal is allowed with the directions to the respondent-department to allow the appellant to continue on her present station of posting till completion of normal tenure. The appeal is accepted in the above term. Costs shall follow the event. Consign.

08. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 5<sup>th</sup> day of April, 2022.



  
(KALIM ARSHAD KHAN)  
CHAMIRMAN

  
(MIAN MUHAMMAD)  
MEMBER(E)

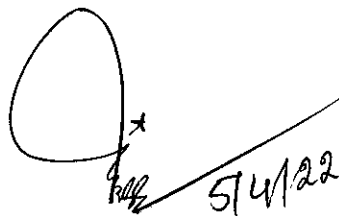
**ORDER**

05.04.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Faizan Zeb, SO (Litigation) for respondents present.

Vide our detailed judgement of today placed on file (containing 05 page), the service appeal is allowed with the directions to the respondent-department to allow the appellant to continue on her present station of posting till completion of normal tenure. Costs shall follow the event. Consign.

Announced:  
05.04.2022

A handwritten signature in black ink, consisting of a large loop followed by a horizontal line and some scribbles.

(Mian Muhammad)  
Member(E)

A handwritten signature in black ink, consisting of a large loop followed by a horizontal line and some scribbles.

Chairman

01.04.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Muhammad Faizan Zeb, SO (Litigation) for respondents present. present.

Arguments of both the parties heard. To come up for order on 05.04.2022 before D.B.

A handwritten signature in black ink, consisting of a large, stylized 'M' with a star above it, followed by a long horizontal line extending to the right.

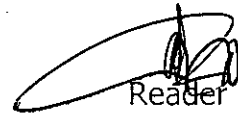
(MIAN MUHAMMAD)  
MEMBER(E)

A handwritten signature in black ink, consisting of a large, stylized 'A' with a horizontal line extending to the right.

CHAIRMAN

15.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 09.03.2022 for the same as before.

  
Reader

9-3-22

Due to retirement of the Hon,ble Chairman the case is adjourned to come up for the same as before on 14-3-22

  
Reader

14-3-22

Due to retirement of the Hon,ble Chairman the case is adjourned to come up for the same as before on 1-4-22

  
Reader



16.12.2021

Counsel for the appellant present: Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Faheem Ullah, SO for official respondents present.

Written reply/comments on behalf of official respondents submitted which is placed on file. Neither anyone is present on behalf of private respondents No. 4 and 5 nor their written reply/comments submitted, hence, proceeded against ex-parte. Adjourned. To come up for arguments on 10.01.2022 before D.B. If no posting so far has been made on the post from where the appellant was transferred and charge of the post still left with the appellant, the impugned order shall remain suspended to her extend till further order, if not earlier recalled.

  
(MIAN MUHAMMAD)  
MEMBER (E)

10.01.2022

Learned counsel for the appellant present: Mr. Kabirullah Khattak, Addl: AG for respondents present.

Due to non-availability of Hon'able Member (J), the case could not be heard. Adjourned. To come up for arguments on 15.02.2022 before D.B. If no posting so far has been made on the post from where the appellant was transferred and charge of the post still left with the appellant, the impugned order shall remain suspended to her extend till further order, if not earlier recalled.

  
(MIAN MUHAMMAD)  
MEMBER (E)

25.11.2021 Proper DB is not available, therefore, the case is adjourned to 2/12/22 for the same before ~~DB~~.

  
Reader

02.12.2021 Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.


Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Request is allowed. To come up for written reply/comments on 16.12.2022 before S.B. If no posting so far has been made on the post from where the appellant was transferred and charge of the post still left with the appellant, the impugned order shall remain suspended to her extend till further order, if not earlier recalled.

  
(MIAN MUHAMMAD)  
MEMBER (E)

20.09.2021

Appellant present through counsel.

Muhammad Adeel Butt learned A.A.G for respondents present and stated at the bar that they have got no objection on impleadment application submitted by the appellant. The application is allowed. Names of the newly impleaded respondents be entered in heading of the appeal and notice be issued to all for the next date. To come up on 25.11.2021. The respondents have not yet submitted reply/comments. They be directed to do the needful on or before the date fixed.

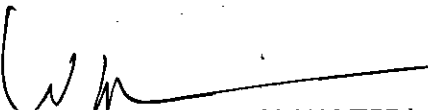
  
(Rozina Rehman)  
Member (J)

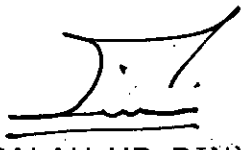
  
Chairman

28.07.2021

Clerk of counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B. on 25.08.2021.

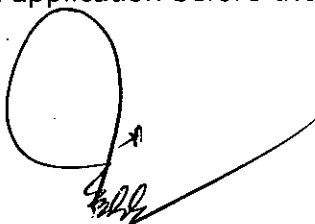
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)


  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

25.08.2021

Mr. Mubarak Zeb, Advocate, learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present.

Learned counsel for the appellant has submitted an application for impleadment of Mst. Safia Amin, DDEO(F) Charsadda as respondents in the instant appeal. Copy of the impleadment application handed over to the District Attorney. Adjourned. To come up for reply as well as arguments on impleadment application before the D.B on 20.09.2021.

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

07.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Counsel for the appellant contends that the appellant is unmarried government officer having entitlement for benefit of conditions of the Posting/Transfer Policy of the Government annexed at Page 18 of the appeal which require facilitation of transfer/posting of unmarried female government servants at the station of the residence of their parents. He further contends that the appellant belongs to District Charsadda and residing with her parents in the said District. She has been transferred to an unattractive area before completion of her normal tenure as prescribed by the said policy. Subject to all just and legal objections, including of limitation, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 28.07.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

15/7/21

The appeal is accompanied by an application for suspension of operation of the impugned order to the extent of appellant. According to impugned order no posting/transfer was made vice appellant in District Charsadda. If no posting so far has been made on the post from where the appellant was transferred and charge of the post still left with the appellant, the impugned order shall remain suspended to her extend till further order, if not earlier recalled.



  
Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 6612 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2021	<p>The appeal of Miss. Laila Ali presented today by Mr. Mubarak Zeb 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> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/07/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;">10/07/21</p>

**BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL**  
**PESHAWAR**

Appeal No. \_\_\_\_\_/2021

Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o  
Nusrat Zai Tehsil Tangi District Charsadda.

(Appellant)

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber  
Pakhtunkhwa Civil Secretariat Peshawar and other.

(Respondents)

**INDEX**

S.NO	Description of Documents	Annexure	Page No.
1.	Memo of Appeal & Affidavit		1 - 6
2.	Application & Affidavit		7 - 8
3.	Copy of the Order	A	9 - 12
4.	Copy of the order dated 09.08.2019	B	13 - 16
5.	Copy of the mutual transfer order	C	17
6.	Copy of the Posting policy	D	18 - 24
7.	copy of the Transfer order / notification dated 17.03.2021	E	25 - 26
8.	Copy of the Corrigendum	F	27 - 28
9.	Copies of the applications	G	29 - 32
10.	Copy of representation	H	33 - 35
11.	Copy of memo of w.p and judgment dated 27.05.2021	I	36 - 42
12.	Vakalatnama		43

  
Appellant

Through

  
**MUBARAK ZEB**

Advocate Peshawar

Office FR , 3 Forth Floor

Bilour Plaza Peshawar Cantt.

Cell: 0334-4274247

Email: [mubarakzeb13@gmail.com](mailto:mubarakzeb13@gmail.com)

①

**BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL**

**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Appeal No. 6612 /2021

Diary No. 6665

Dated 28/6/2021

Miss Laila Ali Deputy DDO Female (BPS. 18) d/o Syed Ali  
Jan r/o Nusrat Zai Tehsil Tangi District Charsadda.

(Appellant)

**VERSUS**

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Director Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
4. Mst Hamim Deputy DEO Female (BPS 17) Charsadda.
5. Mst Safiq Amin DDEO (F) (Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the notification No. SO(SM)E&SED/7-1/2020/Posting/Transfer/MC dated 17.03.2021 whereby he Appellant has been transferred as Deputy DEO (BPS 18) Charsadda to Deputy DEO (BPS 18) Female Shangla, against which her departmental appeal dated 19.03.2021 has not been responded within the statutory period of 90 days.

Prayer in Appeal;

On acceptance of this appeal the order dated the notification No. SO(SM)E&SED/7-1/2020 / Posting / Transfer / MC dated 17.03.2021, may please be set-aside and the appellant be allowed to continue her duties as Deputy DEO (BPS 18) Charsadda.

Impleaded  
vide order  
sheet dated  
20-09-21

Filed to-day

Registrar  
28/6/2021



2

Respectfully Submitted:

1. That the Appellant is the regular employee of the Education Department Khyber Pakhtunkhwa and is presently hold the position of **Deputy DEO(BPS 18)**.
2. That the Appellant remained posted at different station throughout the province of Khyber Pakhtunkhwa as and when directed to perform duties there.
3. That the Appellant was posted/adjusted as DDEO (F) Malakand vide officer order dated 31.05.2019.(Copy of the Order is attached as annexure A)
4. That the Appellant was serving as DDEO(F) Malakand while performing her duties with the entire satisfaction of his superiors was after promotion / actualization transferred and posted DDEO(F) Nowshera vide officer order dated 09/08/2019. (Copy of the order dated 09.08.2019 is attached as annexure B)
5. That the Appellant while performing her duties at District Nowshera as DDEO (F) upon the approval of the competent authority mutual transfer vide Notification dated 13.09.2019 with one Durr-e- Shehwar DDEO Charsadda and the Appellant was transferred to District Charsadda as DDEO(F). (Copy of the mutual transfer order is attached as annexure C)
6. That the Appellant is unmarried one and according to the posting transfer policy it has been clearly mentioned that unmarried Government servant shall be facilitated at the station of the residence of their parents.(Copy of the Posting policy is attached as annexure D)
7. That the respondents vide impugned transfer notification / order date 17.03.2021 transferred the Appellant as Deputy DEO(BPS 18) Charsadda to Deputy DEO (BPS 18)Female Shangla which is highly illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy, the impugned order was passed in the ban period and no relaxation has been obtained from the competent authority

thus nullity in the eyes of law and not tenable. (copy of the Transfer order / notification dated 17.03.2021 is attached as annexure E)

8. That the mother of the Appellant had a Knee transplant surgery and now a days she is on bed and needs full care and medication and the Appellant is the only hope at this time for her mother.
9. That the respondents have issued corrigendum dated 31.03.2021 with a partial modification vide which some of the Deputy DDO were retransferred.(Copy of the Corrigendum is attached as annexure F)
10. That during post at District Charsadda as Deputy DDO (F) the Appellant submitted different applications to the respondents to assigning of duties as per rules but the same were not responded and later on she was illegally and malafidely transfer to a for flung area. (Copies of the applications are attached as annexure G)
11. That the Appellant has submitted representation vide diary no 1608 dated 19.03.2021 against the posting / transfer order dated 17.03.2021 before the competent authority, however it was never considered / responded within the statutory period of 90 days. (Copy of representation is attached as annexure H).
12. That according to the Posting / transfer policy of the provincial Govt firstly all the posting transfer shall be strictly in public interest and shall not be abused / misused to victimize the Govt servant.
13. That the appellant filed writ petition no 1685/2021 before the Hon;able Peshawar High Court Peshawar which was decided on 27.05.2021 on the ground that the Khyber Pakhtunkhwa Service Tribunal is functional and the appellant may approach for her redressel of grievance. (Copy of memo of writ petition and judgment date 27.05.2021 are attached as annexure I)

14. That the transferred order is illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds

**Grounds of Writ Petition:**

- A. That the Appellant has not been treated in accordance with law, and thus his rights secured and guaranteed under the law and her rights are badly violated.
- B. That the Notification of transfer is illegal and unlawful, moreover the same is in violation of posting and transfer policy of the Provincial Govt.
- C. That the mother of the Appellant had a Knee transplant surgery and now a day she is on bed and needs full care and medication and the Appellant is the only hope at this time for her mother, therefore, it will be highly difficult for her to travel to District Shangla or to settled down for her posting there.
- D. That in fact there exist no exigencies of service nor the order of transfer cannot be termed as in the public interest it is a result of political pressure at the cost of the Appellant, and thus not tenable in the eyes of law.
- E. That the impugned transfer order is illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy, the impugned order was passed in the ban period and no relaxation has been obtained from the competent authority thus nullity in the eyes of law and not tenable.
- F. That according to the posting and transfer policy of the Provincial Govt, all the posting transfer shall be strictly in public interest and shall not be abused/misused to victimise the Govt. servant, in case of present undersigned. The order of posting/transfer was not issue in the mode and manner of the posting and transfer policy.
- G. That the recently the august Supreme Court of Pakistan has in its Judgment in Constitution Petition No. 23/2012 decided on

18.10.2012, PLD 2013 SC 195 decided a point of law and while commenting upon the transfer and posting and other related matters of service held as under:-

*i. Appointments, Removals and Promotions:-*

Appointments, removals and promotions must be made in accordance with the law and the rules made there under; where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

*ii. Tenure, posting and transfer:*

When the ordinary tenure for a posting has been specified in the law or rules made there under; such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

*iii. Illegal Orders:*

Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule, based norms; instead, in such situations, they must record their opinion and; if necessary, dissent.

H. That the appellant has submitted her arrival report but not yet assume the charge of the duties.

I. That the Appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this petition.

**May graciously may please be suspended till the decision of the above noted service appeal.**

6

It is therefore respectfully prayed that on acceptance of this service appeal the notification No. SO(SM)E&SED/7-1/2020 / Posting / Transfer / MC dated 17.03.2021, may please be set-aside and the appellant be allowed to continue her duties as Deputy DEO(BPS 18) Charsadda.

Appellant

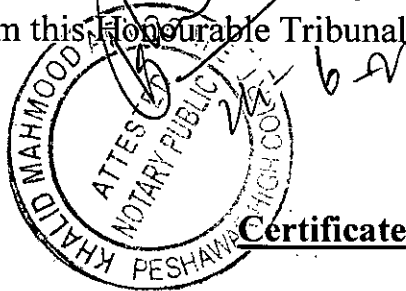
Through

MUBARAK ZEB

**Affidavit**

I, Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o Nusrat Zai Tehsil Tangi District Charsadda, do hereby solemnly affirm and declare that the contents of the above service appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent



**Certificate**

Certified that no such like service appeal on the same subject and between the same parties has been filed previously or concurrently.

Appellant

7

**BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL**  
**PESHAWAR**

Appeal No. \_\_\_\_\_/2021

Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o  
Nusrat Zai Tehsil Tangi District Charsadda.

*(Appellant)*

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber  
Pakhtunkhwa Civil Secretariat Peshawar and other.

*(Respondents)*

**Application for suspension of the notification  
No.SO(SM)E&SED/7,1/2020/Posting/Transfer/  
MC dated 17.03.2021 to the extent of Appellant,  
till the final decision of the titled Service  
Appeal.**

**Respectfully Submitted:**

1. That the above titled service appeal is adjudication before this Honorable Tribunal in which no date fixed for hearing.
2. That the facts and grounds taken in the titled service appeal may kindly be taken as integral part of the instant application.
3. That it is pertinent to mention here that the applicant has already impugned the order dated 17.03.2021 in her service appeal.
4. That the applicant has a good prima facie case in her favor and she is sanguine of its success. So all the three ingredients/ pre-requisites for the grant of status quo strongly lies in favor of the applicant.
5. That the applicant would be exposed to great hardship and inconvenience in case if order dated 17.03.2021 is not suspended.

*It is, therefore, humbly prayed that on  
acceptance of this application the  
notification No. SO(SM) E & SED/7-1 /*

8

*2020 / Posting / Transfer / MC dated  
17.03.2021 to the extent of Appellant may  
kindly be suspended till the final decision  
of the titled service appeal.*

Applicant

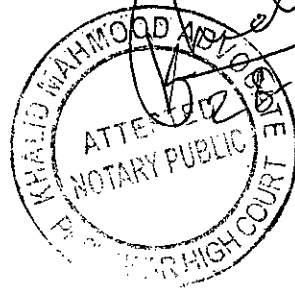
Through

MUBARAK ZEB  
Advocate Peshawar

**Affidavit**

I, Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o Nusrat Zai Tehsil Tangi District Charsadda, do hereby solemnly affirm and declare that the contents of the above service appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent



ANNEXE "A"

9

GOVERNMENT OF ETHIOPIA

Ministry of Health  
Public Health Department  
Addis Ababa

No.	Name	Address	Remarks
1	Dr. [Name]	[Address]	[Remarks]
2	[Name]	[Address]	[Remarks]
3	[Name]	[Address]	[Remarks]
4	[Name]	[Address]	[Remarks]
5	[Name]	[Address]	[Remarks]
6	[Name]	[Address]	[Remarks]
7	[Name]	[Address]	[Remarks]
8	[Name]	[Address]	[Remarks]
9	[Name]	[Address]	[Remarks]
10	[Name]	[Address]	[Remarks]
11	[Name]	[Address]	[Remarks]
12	[Name]	[Address]	[Remarks]
13	[Name]	[Address]	[Remarks]
14	[Name]	[Address]	[Remarks]
15	[Name]	[Address]	[Remarks]
16	[Name]	[Address]	[Remarks]
17	[Name]	[Address]	[Remarks]
18	[Name]	[Address]	[Remarks]
19	[Name]	[Address]	[Remarks]
20	[Name]	[Address]	[Remarks]
21	[Name]	[Address]	[Remarks]
22	[Name]	[Address]	[Remarks]
23	[Name]	[Address]	[Remarks]
24	[Name]	[Address]	[Remarks]
25	[Name]	[Address]	[Remarks]
26	[Name]	[Address]	[Remarks]
27	[Name]	[Address]	[Remarks]
28	[Name]	[Address]	[Remarks]
29	[Name]	[Address]	[Remarks]
30	[Name]	[Address]	[Remarks]
31	[Name]	[Address]	[Remarks]
32	[Name]	[Address]	[Remarks]
33	[Name]	[Address]	[Remarks]
34	[Name]	[Address]	[Remarks]
35	[Name]	[Address]	[Remarks]
36	[Name]	[Address]	[Remarks]
37	[Name]	[Address]	[Remarks]
38	[Name]	[Address]	[Remarks]
39	[Name]	[Address]	[Remarks]
40	[Name]	[Address]	[Remarks]
41	[Name]	[Address]	[Remarks]
42	[Name]	[Address]	[Remarks]
43	[Name]	[Address]	[Remarks]
44	[Name]	[Address]	[Remarks]
45	[Name]	[Address]	[Remarks]
46	[Name]	[Address]	[Remarks]
47	[Name]	[Address]	[Remarks]
48	[Name]	[Address]	[Remarks]
49	[Name]	[Address]	[Remarks]
50	[Name]	[Address]	[Remarks]

Attested



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**



Block-"A "Opposite MPA's Hostel, Civil Secretariat Peshawar"

Phone: 091-9210480. Fax # 091-9211419

Dated Peshawar the May 31<sup>st</sup> ,2019

**NOTIFICATION**

**No. SO (S/F) E & SED/1-3/2019/PROMOTION /BS-17 TO BS- 18/MC:** Consequent upon promotion of the following officers of Management Cadre from sub-Divisional Education officer (BS-17) to Deputy District Education officer (BS-18) as notified vide this department notification of even No. dated 27-05-2019, the competent Authority is pleased to transfer the following officers for actualization of their promotion with immediate effect.

S#	Name & Father's Name	Adjusted As	Remarks
1	Rukhsana Rahim D/O Haji Rahim Khan	DDEO (Female) Buner	A.V.P
2	Hafsa Gul D/O Naushad Ali Khan	DDEO (Female) Nowshera	A.V.P
3	Aniqa Huma Tauqeer D/O Sher Ahmad Akhtar Khattak	DDEO (Female) Tank	A.V.P
4	Aisha Saeed D/O Saeed Ahmad Awan	DDEO (Female) Abottabad	A.V.P
5	Sadia Aziz D/O Aziz ur Rehman	DDEO (Female) Haripur	Already Occupied by her
6	Shazia Nawaz D/O Rab Nawaz	DDEO (Female) Karak	A.V.P
7	Jamila Rana D/O Hafiz Ullah	DDEO (Female) Kohat	A.V.P
8	Sumera Sheraz D/O Sardar Khan	DD Directorate of E & SE	A.V.P
9	Safia Amin D/O Amin Ul Haq	DDEO (Female) Peshawar	A.V.P
10	Abida Parveen D/O Lal Bahader	DDEO (Female) Swabi	A.V.P
11	Nadia Begum D/O Wasi Ullah	DDEO (Female) Battagram	A.V.P
12	Dur-e-Shawar D/O Jan Said	DDEO (Female) Charsadda	A.V.P
13	Ghulam Fatima D/O Muhammad Hassan Khan	DDEO (Female) DIK	A.V.P
14	Hasrat Zahra D/O Syed Israr Hussain	Deputy Directress (BS-18) Directorate of E & SE	Already Occupied by her
15	Rehana Yasmin D/O Roshan Din	DDEO (Female) Mansehra	A.V.P
16	Shaheen Begum D/O Wali Muhammad	DDEO (Female) Lower Dir	A.V.P
17	Ghazala Anjum D/O Lal Muhammad	DDEO (Female) Chitral	A.V.P
18	Nighat Bibi D/O Muhammad Khan	DDEO (Female) Kohistan	A.V.P
19	Nargis Jabeen D/O Saifullah Khan	DDEO (Female) Lakki	A.V.P
20	Laila Ali D/O Syed Ali Jan	DDEO (Female) Malakand	A.V.P
21	Meher un Nisa D/O Usman Ullah	DDEO (Female) Shangla	A.V.P
22	Fanoos Jamal D/O Mehmood Khan	DDEO (Female) Bannu	Already Occupied by her
23	Hussan Ara D/O Shamsur Rehman	DDEO (Female) Upper Dir	A.V.P

*Attended*

10

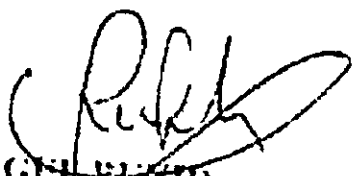
The regular posting/adjustment of the above named officers shall be notified later on.  
No F.A/DA is allowed.

SECRETARY  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Sl. No. of even No. & date:

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. PS to Secretary E&SE Department.
6. In-charge EMISE, E&SE Department for uploading at official website at the earliest.
7. Officers concerned.
8. Office order file.

  
(GHA-EMISE)  
SECTION OFFICER  
(SCHOOLS FEMALE)

Attested

BETTER COPY

12

The regular posting/adjustment of the above named officers shall be notified later on.

No TA/DA is allowed.

**SECRETARY**  
**ELEMENTARY & SECONDARY EDUCATION**  
**DEPARTMENT**

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. PS to Secretary E&SE Department.
6. In-charge EMISE, E&SE Department for uploading at official website at the earliest.
7. Officers concerned.
8. Officer order file.

(Gul Rukh)  
**SECTION OFFICER**  
**(SCHOOLS FEMALE)**

*Attested*

Amir B

13



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite "A", Hostel C, Secretariat Peshawar  
Phone: 091-92116290, Fax: 091-92116291

Dated: Peshawar the August 15, 2019

**NOTIFICATION**

**No. SO(S/EEASED/1-3/2019/Promotion/BS-18 to BS-19/MC:** Consequent upon their promotion/revitalization vide this department notification, of even No dated 27/05/2019 & 01/05/2019, respectively; the following Deputy District Education Officers (Female) BS-18, are hereby adjusted to the mentioned positions, with immediate effect:

Sr	Name & Designation	Domicile	Adjusted As
1.	Rukhshana Rahim, DDEO (F) BS-18 Mardan	Mardan	DDEO (Female) Mardan
2.	Hafsa Gul, DDEO (F) BS-18 Muzachra	Peshawar	DDEO (Female) Peshawar
3.	Anisa Hameed Taseer, DDEO (F) BS-18 Tank	D.I.Khan	DDEO (Female) Tank
4.	Aisha Saeed, DDEO (F) BS-18 Abad	Muzachra	DDEO (Female) Battagram
5.	Sadia Aziz, DDEO (F) BS-18 Haripur	Abbottabad	DDEO (Female) Abbottabad
6.	Shazia Nawaz, DDEO (F) BS-18 Karak	Tank	DDEO (Female) Karak
7.	Jamila Raza, DDEO (F) BS-18 Kohat	Tank	DDEO (Female) Kohat
8.	Sumera Sheraz, DD (BS-18) Directorate of E&SE	Peshawar	Deputy Director, Directorate of E&SE
9.	Safia Amin, DDEO (F) BS-18 Peshawar	Cherat	Deputy Director (P&U) Directorate of E&SE
10.	Maham Purveen, DDEO (F) BS-18 Swat	Swat	DDFO (Female) Swat
11.	N. H. Begum, DDEO (F) BS-18 Battagram	Peshawar	DDFO with additional charge DDEO (Female) Torghar
12.	Dura Shewar, DDEO (F) BS-18 Charsadda	Peshawar	DDEO (Female) Charsadda
13.	Ghulam Fatima, DDEO (F) BS-18 D.I.Khan	D.I.Khan	DDEO (Female) D.I.Khan
14.	Hasrat Zehra, Deputy Director (BS-18) Directorate of E&SE	Kohat	Deputy Director (Female) Directorate of E&SE
15.	Rahima Begum, DDEO (F) BS-18 Muzachra	Abbottabad	DDEO (Female) Haripur
16.	Shahida Begum, DDEO (F) BS-18 Lower Dir	Cherat	DDEO (Female) Lower Dir
17.	Ghulam Arjun, DDFO (F) BS-18 Cherat	Cherat	DDFO (Female) with additional charge of DDFO (F) Upper Chitral

Attested

BETTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Block-"A "Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone: 091-9210480. Fax # 091-9211419

19

Dated Peshawar the August 9<sup>th</sup>, 2019

**NOTIFICATION**

**No. SO (S/F) E & SED/1-3/2019/PROMOTION /BS-18 TO BS- 19/MC:** Consequent upon their promotion/actualization vide this department notifications of even No. dated 27/05/2019 & 31/05/2019, respectively; the following Deputy District Education Officers (Female) BS- 18, are hereby adjusted against the mentioned posts/stations, with immediate effect:

S#	Name & Designation	Domicile	Adjusted As
1	Rukhsana Rahim, DDEO (F) BS-18 Mardan	Mardan	DDEO (Female) Mardan
2	Hafsa Gul, DDEO (F) BS-18 Nowsehra	Peshawar	DDEO (Female) Peshawar
3	Aniqa Huma Tanqeer, DDEO (F) BS-18 Tank	D.I.Khan	DDEO (Female) Tank
4	Aisha Saeed, DDEO (F) BS-18 A/Abad	Mansehra	DDEO (Female) Battagram
5	Sadia Aziz, DDEO (F) BS-18 Haripur	Abbottabad	DDEO (Female) Abbottabad
6	Shazia Nawaz, DDEO (F) BS-18 Karak	Tank	DDEO (Female) Karak
7	Jamila Rana, DDEO (F) BS-18 Kohat	Tank	DDEO (Female) Kohat
8	Sumera Sheraz, DD (BS-18) Directorate of E&SE	Peshawar	Deputy Director, Directorate of E&SE
9	Safia Amin, DDEO (F) BS-18 Peshawar	Charsadda	Deputy Director (P&D) Directorate of E&SE
10	Abida Parveen, DDEO (F) BS-18 Swabi	Mardan	DDEO (Female) Swabi
11	Nadia Begum, DDEO (F) BS-18 Battagram	Peshawar	DDEO with additional charge of DEO (Female) Torghar
12	Dur-e-Shawar, DDEO (F) BS-18 Charsadda	Peshawar	DDEO (Female) Charsadda
13	Ghulam Fathma, DDEO (F) BS-18 DI Khan	D.I.Khan	DDEO (Female) DIKhan
14	Hasrat Zahra, Deputy Directress (BS-18) Directorate Of E&SE	Kohat	Deputy Director, Directorate of E&SE
15	Rehana Yasmin, DDEO (F) BS-18 Mansehra	Abbottabad	DDEO (Female) Haripur
16	Shaheen Begum, DDEO (F) BS-18 Lower Dir	Dir	DDEO (Female) Lower Dir
17	Ghazala Anjum, DDEO (F) BS-18 Chitral	Chitral	DDEO (Female) with additional charge of DEO (F) Upper Chitral

*Adjusted*

15

CONSEQUENCE TRANSFERS

SECRETARY OF DEFENSE  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

~~SECRET~~

18

BETTER COPY

18	Nighat Bibi, DDEO (F) BS-18 Kohistan	Mansehra	DDEO (Female) Mansehra
19	Nargis Jabeen, DDEO (F) BS-18 Lakki	Bannu	DDEO (Female) Lakki
20	Laila Ali, DDEO (F) BS-18 Malakand	Charsadda	DDEO (Female) Nowshera
21	Meher un Nisa, DDEO (F) BS-18 Shangla	Chitral	DDEO (Female) Lower Chitral
22	Fanoos Jamal, DDEO (F) BS-18 Bannu	D.I.Khan	DDEO (Female) Bannu with additional charge of DEO (F) Bannu
23	Hussan Ara, DDEO (F) BS-18 Dir upper	Dir	DDEO (Female) Upper Dir
24	Zahida Hanif (MC-BS-18) at the disposal of Directorate of E&SE	-	DDEO (Female) with additional charge of DEO (F) Shangla
CONSEQUENTIAL TRANSFERS			
25	Mst Tanvir Shafiq (TC-BS-17) HM Working as DDEO (F) Torghar	-	Serves to be place at the disposal of Directorate of E&SE
26	Mst Meher-un-Nisa (TC-BS-17) HM Working as DDEO (F) Lower Chitral	-	-do-

2. No TA/DA is allowed.

**SECRETARY  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. PS to Secretary E&SE Department.
6. In-charge EMISE, E&SE Department for uploading at official website at the earliest.
7. Officers concerned.
8. Officer order file.

*Attested*

(Gul Rukh)  
SECTION OFFICER  
(SCHOOLS FEMALE)



*Annex C* (17)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Fax # 091-9211419

Dated Peshawar the September 13<sup>th</sup>, 2019

**NOTIFICATION**

**No. SO(S/F)E&SED/4-16/2019/Mutual/Transfer/F/DDEOs:** Consequent upon the approval of Competent Authority; mutual transfer in respect of the following Female DDEOs (BS-18) of Elementary & Secondary Education Department, are hereby ordered against the mentioned posts in the public interest with immediate effect:

S#	Name & Designation	As Proposed	Remarks
1	Mst. Durr-e-Shahwar (MC-BS-18) DDEO (F) Charsadda	DDEO (F) BS-18 Nowshera	Vice Sr. No. 2
2	Mst. Laila Ali (MC-BS-18) DDEO (F) Nowshera	DDEO (F) BS-18 Charsadda	Vice Sr. No. 1

2. No TA/ DA allowed.

**SECRETARY**  
**ELEMENTARY & SECONDARY EDUCATION**  
**DEPARTMENT**

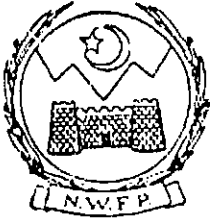
**Endst: of even No. & date:**

- Copy forwarded to the:
1. Accountant General Khyber Pakhtunkhwa, Peshawar.
  2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
  3. District Education Officers (Female) Charsadda & Nowshera.
  4. District Accounts Officers Charsadda & Nowshera.
  5. In charge EMIS, E&SE Department for uploading at official website.
  6. PS to Secretary E&SE Department.
  7. DDEOs concerned.
  8. Office order file.

*Javed Anwar Khattak*  
**(JAVED ANWAR KHATTAK)**  
**SECTION OFFICER (SCHOOLS FEMALE)**

*Attested*





**GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)**

**"D"**  
**Annex**

**18**

**POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.**

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) 1{ }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

**2**While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

<sup>1</sup> Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.

<sup>2</sup> Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

**ATTESTED**

**Attested**

viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

19

ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.

x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

<sup>1</sup> Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

ATTESTED

~~Attested~~

a) Within the same Department	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

20

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

ATTESTED

Attested

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

20

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.  
{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

NO. The Competent Authority is pleased to order the transfer of Mr. \_\_\_\_\_ Department and to post him as \_\_\_\_\_ in the interest of public service, with immediate effect.

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED

Attested

5.

22

(NAME)  
SECTION OFFICER  
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008}.

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28<sup>th</sup> Oct, 2005.}

.....  
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

ATTESTED  
Attested

- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004.  
Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

.....

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}.

.....

#### PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

<sup>1</sup> Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dt 9-2-2007

officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
- b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
- c) Earmarked as a visiting faculty member for specific subject.
  
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.

\*\*\*\*\*

ATTESTED

Attested

Amox E

25



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the March 17, 2021

NOTIFICATION

NO.SO(SM)E&SED/7-1/2020/Posting/Transfer/MC:- Posting/transfer of the following female officers of Elementary & Secondary Education is hereby ordered as mentioned against each, in the best public interest, with immediate effect:

S#	Name, designation & present place of duty	Posted as	Remark
1.	Mst. Gul Raj SDEO Female (BS-17) Town-II Peshawar	Services placed at the disposal of Directorate of E&SE Peshawar	
2.	Mst. Shabana Bangash SDEO Female (BS-17) Hangu.	Services placed at the disposal of Directorate of E&SE Peshawar	
3.	Mst. Aslia Ameen SDEO Female (BS-17) Kohat	SDEO Female (BS-17) Tall Hangu	V.S#1
4.	Mst. Mehr-unn-Nisahr SDEO Female (BS-17) Tall-Hangu	Assistant Directress (BS-17) Directorate of E&SE Peshawar	AVP
5.	Mst. Laila DDEO Female (BS-18) Charsadda	Deputy DEO Female (BS-18) Shangla	AVP
6.	Mst. Shehla SDEO Female (BS-17) Charsadda	SDEO Female (BS-17) Kallang Mardan	V.S#7
7.	Mst. Hamim SDEO Female (BS-17) Kallang Mardan	SDEO Female (BS-17) Charsadda	V.S#6

Findst. of even No. & Date

SECRETARY

Copy forwarded to the

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Female) Concerned
4. District Accounts Officers Concerned
5. PS to Minister, E&SE Department, Khyber Pakhtunkhwa
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa
7. PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa
8. PA to Additional Secretary (Estab), E&SE Department
9. PA to Deputy Secretary (Admin), E&SE Department
10. Director, EMIS, E&SE Department
11. Officers concerned
12. Minister file

SECTION OFFICER (SCHOOLS FEMALE)

Attached



Better Copy

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

26

Dated Peshawar the March 17, 2021

**NOTIFICATION**

**No.SO(SM)E&SED/7-1/2020/Posting/Transfer/MC:-** Posting/transfer of the following female officers of Elementary & Secondary Education is hereby ordered as mentioned against each, in the best public interest, with immediate effect:

S#	Name, designation & present place of duty	Posted as	Remarks
1.	Mst. Gul Raj SDEO Female (BS-17) Town-II Peshawar	Services placed at the disposal of Directorate of E&SE Peshawar	
2.	Mst. Shabana Bangash SDEO Female (BS-17) Hangu	Services placed at the disposal of Directorate of E&SE Peshawar	
3.	Mst. Asfia Ameen SDEO Female (BS- 17), Kohat	SDEO female (BS-17) Tall Hangu	V.S#4
4.	Mst. Mehr un Nisah SDEO Female (BS- 17) Tall Hangu	Assistant Directors (BPS-17) Directorate of E&SE Peshawar	AVP
5.	Mst. Laila DDEO Female (BS-18) Charsadda	Deputy DEO Female (BS-18) Shangla	AVP
6.	Mst. Shehla SDEO Female (BS-17) Charsadda	SDEO Female (BS-17) Katlang Mardan	V.S#7
7.	Mst. Hamim SDEO Female (BS-17) Katlang Mardan	SDEO Female (BS-17) Charsadda	V.S#6

SECRETARY

Endst. Of Even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Female), concerned.
4. District Accounts Officers, concerned
5. PS to Minister E&SE Department, Khyber Pakhtunkhwa
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa
7. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa
8. PA to Additional Secretary (Estab) E&SE Department
9. PA to Deputy Secretary (Admn) E&SE Department
10. Director EMIS E&SE Department
11. Officer concerned.
12. Master File.

Sd/-

SECTION OFFICER (SCHOOLS FEMALE)

*Attested*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the March 31<sup>st</sup> 2021

CORRIGENDUM

NO.SO(S/F) E&SED/4-16/2020/MC/Posting Transfer /Corrigendum In partial modification of this Department's Notification of even No dated 17.03.2021, the Competent Authority has been pleased to order the following corrigendum as mentioned against each in the best public interest with immediate effect.


S.NO	Name & Designation	Under Transfer As	Posted As
1	Mst. Shahana Bangash (MC BS-17)	At the Disposal of Directorate E&SED.	SDEO(F)Tall Hangu
2	Mst. Asfia Ameen (MC BS-17)	SDEO (F) Tall Hangu	SDEO (F) Hangu

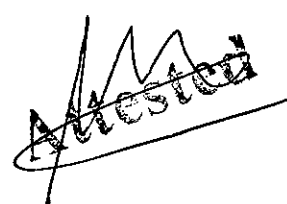
SPECIAL SECRETARY  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT

Endst: of even No.& date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Concerned.
4. District Account Officer, Concerned.
5. Director EMIS E&SE Department.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.

  
(FAWAD KHATTAK)  
SECTION OFFICER (S/F)



28



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the March 25<sup>th</sup> 2021

CORRIGENDUM

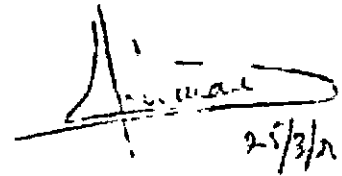
NO.S0(S/F) E&SED/4-16/2020/MC/Posting Transfer /Corrigendum) In partial modification of this department's Notification of even No dated 17.03.2021, the Competent Authority has been pleased to post Mst. Mehr-un-Nisah (MC BS-17) as SDEO Kohat instead of Assistant Director (BS-17) of Directorate E&SE Peshawar.

SPECIAL SECRETARY  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT

Encls: of even No.& date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Concerned.
4. District Account Officer, Concerned.
5. Director EMIS E&SE Department.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.

  
25/3/21

(FAWAD KHATTAK)  
SECTION OFFICER (S/F)

  
Attended

Annex 'G'  
29

To,  
The Secretary E&SE  
Education Khyber Pukhtunkhwa,  
Peshawar.


**Subject: REQUEST FOR DDO SHIP & COMPLETE CHARGE AS DY:DEO (F)**

R/Sir,

It is most respectfully stated that I have been posted as Dy: DEO (F) Charsadda on 14/09/2019, but after a long delay I have not been declared as drawing and disbursing officer of middle schools neither I have been authorised to carry out the responsibilities of middle schools. I frequently requested to DEO (F) but in vein due to delaying tactics and harshly devaluing my request. I therefore request you to kindly look into the matter as my official and legal rights have been violated, it is also stated that almost across the province all the Dy: DEOs are working with full authorities as per rules and their competencies but as I mentioned above I haven't been assigned the responsibilities according to my job description. Moreover it is requested that I may be kindly be declared as DDO for Govt: Girls middle schools and may kindly be assigned the complete responsibilities along with all records as per rules and my job description please.

I shall be very thankful to you for this regard and taking notice against violations of rules and violations of my legal rights too. I am expecting your cooperative response for my legal rights please.

1720  
1168

Yours Faithfully  


Mst: Laila Ali  
Dy: D.E.O (F) Charsadda  
Dated: 08/08/2020

Copy for information to the:

1. P.A to Director E&SE Khyber Pukhtunkhwa Peshawar.
2. Deputy Commissioner Charsadda.

~~Attested~~



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

No. SO(S/F) E&SED/4-17/2020  
Dated Peshawar the October 27<sup>th</sup>, 2020

To

The District Education Officer (Female)  
District Charsadda.

30

Subject: REQUEST FOR DDO SHIP & COMPLETE CHARGE AS DDEO (FEMALE).

Dear Madam,

I am directed to refer to your letter No. 10308, dated 05.10.2020, on the subject and to direct you to handover DDO ship to Mst. Laila Ali, Deputy DEO (F), Charsadda at the earliest, under intimation to this department, please.

Yours faithfully,

A  
Sabui  
27/10/2020

(ABDUS SALAM)

SECTION OFFICER (S/F)

Copy of the above forwarded to:

1. PA to Additional Secretary (Establishment), E&SE Department.
2. PA to Deputy Secretary (Admn), E&SE Department.

A  
Sabui  
27/10/2020

SECTION OFFICER (S/F)

Attested

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKWA PESHAWAR**

**NOTIFICATION**

The Director of Elementary and Secondary Education Khyber Pakhtunkhwa is pleased to declare Mst: Laila Ali, Deputy District Education Officer (Female) BS-18 Charsadda to act as Drawing and Disbursing Officer for the office of the District Education Officer (F) Charsadda in place of Mst: Ulfat Begum, District Education Officer (F) BS-19 Chasadda as per request vide her No. 11326, dated 31.10.2020 due to her retirement on 31.3.2021 till further order in the interest of Public service.

Note:- 1. She will not claim additional charge allowance etc.

**DIRECTOR  
ELEMENTARY & SECY; EDUCATION  
KHYBER PAKHTUNKHWA**

Endst: No. 337<sup>E-74</sup>/A-12/PF Ulfat Begum DEO (F)

Dated 16/12/2020

Copy of the above is to the:-

1. District Education Officer (F) Charsadda with reference to her letter No. & dated cited above.
2. Mst: Laila Ali, Deputy District Education Officer (Female) BS-18 Charsadda
3. District Accounts Officer Charsadda.
4. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
5. M/File.

*[Signature]*  
**DEPUTY DIRECTOR (FEMALE)  
ELEMENTARY & SECY; EDUCATION  
KHYBER PAKHTUNKHWA**

D/Arshad/Letter/DDOship Laila Ali DDEO (F) Charsadda 1157

Scanned by *TapScn*

*[Signature]*

To

The District Education Officer (Female)

Charsadda.

32

**Subject:** **"Declaration of DDO Ship"**

Respected Madam,

It is to bring into your kind notice that as you are aware that I have been posted as Deputy DEO (F) Charsadda on dated 14-09-2019. It is added to remind your good self that I requested many times for handing over one complete charge according to my job description (attached) and declare me as DDO for GGMSs (Dy. District Education Officer) as per rules. It is repeatedly stated that after very long period passed, I am working without any authority which can be considered as violation of rules and my legal rights as well.

I therefore once more requested you to kindly handover me complete charge as per rules or the reason for not handing over me charge and DDO Ship may kindly be shared the please.

Regards!



Miss Laila Ali

Deputy DEO(F) Charsadda.

Dated: 20-07-2020.

Copy for information to:

- ✓ (1) P.S to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- (2) P.A to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- (3) Deputy Commissioner Charsadda.

Attested

To

The chief Secretary,

Khyber Pakhtunkhwa,

Peshawar.

Subject: **Departmental Appeal / Representation against the order dated 17-03-2021 whereby the undersigned has been transferred as DDEO (F) District Shangla**

Prayer in departmental appeal:

**On acceptance of this appeal the impugned Transfer order dated 17/03/2021, may kindly be set aside and the undersigned may kindly be retained at his original place of posting i.e. DDEO (F) Charsadda, with all back/consequential benefits.**

Respected Sir,

1. That the undersigned was serving as DDEO (F) Charsadda. It is pertinent to mention here that ever since my posting I was performance my duties as assigned with great zeal and devotion and without any complaint regarding my performance.
2. That the undersigned was posted/adjusted as DDEO (F) Malakand vide officer order dated **31/05/2019. (copy annexure A)**
3. That the undersigned was serving as DDEO (F) Malakand while performing her duties with the entire satisfaction of her superiors was after promotion / actualization transferred and posted DDEO(F) Nowshera vide office order dated **09/08/2019. (copy annexure B)**
4. That the undersigned while performing her duties at district Nowshera as DDEO (F) upon the approval of the competent authority mutual transfer vide Notification dated **13/09/2019**, with one Durr – e – Shehwar DDEO(F) Charsadda and the undersign was transferred to district Charsadda as DDEO (F). **(copy of transfer annexure C)**
5. That the undersign file various application for handing over charge as per law and rules and now after 14 months when charge was properly handed over the undersign was suddenly transferred to far flung area i.e District Shangla **(copy of annexure C-2, 1-3)**
6. That the now the undersign has been again transferred from district Charsadda as DDEO (F) to District Shangla vide office order dated **17/03/2021**, **(copy of transfer order annexure D)**
7. That the transfer order of the undersigned is against the posting transfer Policy **(copy of policy annexure E)**
8. That the impugned transfer order is illegal, unlawful, against the rules hence liable to be set aside inter alia on the following grounds.

**Attested**

*Amra H*  
**33**



(34)

**GROUNDS OF DEPARTMENTAL APPEAL**

- A. That the undersigned has not been treated in accordance with law hence my rights secured and guaranteed under the law are badly violated.
- B. That the notification/office order of posting and transfer of the undersign is illegal issued, by the incompetent authority in the matter because the tenure of the undersigned is not completed yet.
- C. That according to the posting and transfer policy of the provincial Govt, all the posting transfer shall be strictly in public interest and shall not be abused/misused to victimize the Govt. Servant, in case of present undersigned. The order of posting/transfer was not issue in the mode and manner of the posting and transfer policy.
- D. That the impugned Transfer order was issued politically and trying to motivate and to adjust their own blue eyed ones.
- E. That the undersign is unmarried one and according to the posting transfer policy it has been clearly mentioned that unmarried Government servant shall be facilitated at the station of the residence of their parents.
- F. That the mother of the undersign has a Knee transplant surgery and now a days she is on bed and needs full care and medication and the undersign is the only hope at this time for her mother. **(copy of credential of treatment annexure F)**
- G. That there is no complaint whatsoever against the undersigned and performing her duty with great zeal and devotion.
- H. That in fact there exists no exigencies of service nor the order of transfer cannot be termed as in the public interest it is a result of adjustment of their own blue eyed ones at the cost of the undersigned, and this not tenable in the eyes of law.

It is therefore most humbly prayed that on acceptance of this appeal the impugned Transfer order dated 17/03/2021, may kindly be set aside and the undersigned may kindly be retained at her original place of posting i.e DDEO (F) Charsadda, with all back/ consequential benefits on compassionate ground and policy.

Dated: 18/03/2021

Miss Naila Ali  
DDEO (F) Charsadda

18/03/2021  
~~Accepted~~

35

# ORTHOOPAEDIC AND SPINE SURGERY CLINIC

## Prof: Dr. Mohammad Arif Khan

F.C.P.S.(Ortho)  
Fellowship in Joint Replacement Surgery  
Fellowship in Spine Surgery  
Head, Deptt Of Orthopaedic and Spine Surgery  
KGMC/Hayat Abad Medical Complex, Peshawar.

## Dr. Abdul Sattar

F.C.P.S.(ortho)  
Assistant Professor- Spine Unit  
Deptt of Orthopaedic and Spine Surgery  
KGMC/Hayat Abad Medical Complex, Peshawa

072

Patient Name Mrs Im Khan Age 60 Sex F Date 16.12.19

O'A Both knee

Rt > Lt  
Adv TKR

Ry.

Cap Lezoxib  
200mg  
1+1

Tab Dwarper  
1+1

Tab Dice S  
1+1

LOT# 64435655 EDI: 00596403212  
NexGen® Complete Knee Solution  
Legacy® Knee - Posterior Stabilized  
Articular Surface  
LPS-Flex 12 mm Height  
Size E F  
\*H1200596403212Z718164435655F95

REF# 5964-32-12  
KNOX (01) 0069024211086  
(17) 270930  
(10) 64435655

EXP 2027-06-30

REF 00112124001  
Hi-Fatigue G Bone Cement LOT 18CA1E  
41.75g Polymer Powder 2021-01  
20ml Monomer

aap Biomaterials GmbH  
Lagerstraße 11-15, 64807 Dieburg, Germany

Distributed by:  
Zimmer GmbH  
Sulzerallee 8, 8404 Winthérhur, Switzerland

LOT# 64524201 EDI: 00598003702 REF# 598  
NexGen® Complete Knee Solution (01) 001  
Stemmed Tibial Component Precoat (17) 251  
Size 4 For Cemented Use Only (10) 64

EXP 2029-09-30

IT# 64274579 EDI: 00599601552 REF# 5996-1  
NexGen® Complete Knee Solution (01) 008  
Legacy® Knee - Posterior Stabilized (LPS) (17) 280  
Femoral Component Option (10) 642  
Size E Right

EXP 2029-05-31

Prof: Dr. Mohammad Arif  
F.C.P.S (Ortho)  
Head of Orthopaedic & Spine Surgery  
KGMC/Hayat Abad Medical Complex  
Peshawar

For Appointment Ph:091-2570320 / 0321-9062870  
E-mail: a\_khan37@yahoo.co.uk

اردہ معائنہ کیلئے ..... بعد تشریف لائیں  
ہسپتال ڈگری گارڈن پشاور: 091-2570321-8

چھٹی بروز ہفتہ، اتوار

*Accepted*

36

Amir



IN THE PESHAWAR HIGH COURT PESHAWAR

W.P No. \_\_\_\_\_/2021

Miss Laila Ali Deputy DDO Female (BPS-18) D/o Syed Ali Jan  
R/o Nusrat Zai Tehsil Tangi District Charsadda

(Petitioner)

VERSUS

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

(Respondents)

Writ petition under Article 199 of the Constitution  
of the Islamic republic of Pakistan, 1973

Prayer in Writ Petition:

On acceptance of this writ petition an appropriate writ may please be issued declaring the notification No.SO (SM) E&SED/7-1/2020/posting/transfer/MS dated 17.03.2021 whereby he petitioner has been transferred as Deputy DEO(BPS-18) Charsadda to Deputy DEO (BPS-18) Female Shangla is highly illegal, malafide, unlawful without lawful authority, against the rules, in violation of transfer and posting policy and thus ineffective upon the rights of the petitioner may please be allowed to continue her duties as Deputy DEO (BPS-18) Charsadda against the still vacant post.

Or any other remedy deemed proper may also be allowed.

ATTESTED

EXAMINER  
Peshawar High Court

37

Respectfully Submitted:

1. That the Petitioner is the regular employee of the Education Department Khyber Pakhtunkhwa and is presently hold the position of Deputy DEO(BPS 18).
2. That the Petitioner remained posted at different station throughout the province of Khyber Pakhtunkhwa as and when directed to perform duties there.
3. That the Petitioner was posted/adjusted as DDEO (F) Malakand vide officer order dated 31.05.2019.(Copy of the Order is attached as annexure A)
4. That the Petitioner was serving as DDEO(F) Malakand while performing her duties with the entire satisfaction of his superiors was after promotion / actualization transferred and posted DDEO(F) Nowshera vide officer order dated 09/08/2019. (Copy of the order dated 09.08.2019 is attached as annexure B)
5. That the Petitioner while performing her duties at District Nowshera as DDEO (F) upon the approval of the competent authority mutual transfer vide Notification dated 13.09.2019 with one Durr-e- Shehwar DDEO Charsadda and the Petitioner was transferred to District Charsadda as DDEO(F). (Copy of the mutual transfer order is attached as annexure C)
6. That the Petitioner is unmarried one and according to the posting transfer policy it has been clearly mentioned that unmarried Government servant shall be facilitated at the station of the residence of their parents.(Copy of the Posting policy is attached as annexure D)
7. That the respondents vide impugned transfer notification / order date 17.03.2021 transferred the petitioner as Deputy DEO(BPS 18) Charsadda to Deputy DEO (BPS 18)Female Shangla which is highly illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy, the impugned order was passed in *pre mature period* and no relaxation has been obtained from the competent authority thus nullity in the eyes of law and not tenable. (copy of the Transfer order / notification dated 17.03.2021 is attached as annexure E)

*May*  
**ATTESTED**  
EXAMINER  
Peshawar High Coun

38

8. That the mother of the Petitioner had a Knee transplant surgery and now a days she is on bed and needs full care and medication and the Petitioner is the only hope at this time for her mother.
9. That the respondents have issued corrigendum dated 31.03.2021 with a partial modification vide which some of the *S.D.O (BPs)* were retransferred (Copy of the Corrigendum is attached as annexure F)
10. That during post at District Charsadda as Deputy DDO (F) the petitioner submitted different applications to the respondents to assigning of duties as per rules but the same were not responded and later on she was illegally and malafidely transfer to a for flung area. (Copies of the applications are attached as annexure G)
11. That the petitioner has submitted representation vide diary no 1608 dated 19.03.2021 against the posting / transfer order dated 17.03.2021 before the competent authority, however it was never considered / responded. (Copy of representation is attached as annexure H).
12. That the petitioner has got no other adequate and efficacious remedy available in law is constrained to invoke the constitutional jurisdiction of this Honorable Court inter alia on the following grounds:

**Grounds of Writ Petition:**

- A. That the Petitioner has not been treated in accordance with law, and thus his rights secured and guaranteed under the law and Constitution are badly violated.
- B. That the Notification of transfer is illegal and unlawful, moreover the same is in violation of posting and transfer policy of the Provincial Govt.
- C. That the mother of the Petitioner had a Kniee transplant surgery and now a day she is on bed and needs full care and medication and the Petitioner is the only hope at this time for her mother, therefore, it will be highly difficult for her to travel to District Shangla or to settled down for her posting there.

May  
**ATTESTED**  
EXAMINER  
Peshawar High Court

39

D. That in fact there exist no exigencies of service nor the order of transfer cannot be termed as in the public interest it is a result of political pressure at the cost of the Petitioner, and thus not tenable in the eyes of law.

E. That the impugned transfer order is illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy, the impugned order was passed in *pre-natal* period and no relaxation has been obtained from the competent authority thus nullity in the eyes of law and not tenable.

F. That according to the posting and transfer policy of the Provincial Govt, all the posting transfer shall be strictly in public interest and shall not be abused/misused to victimise the Govt. servant, in case of present undersigned. The order of posting/transfer was not issue in the mode and manner of the posting and transfer policy.

G. That the recently the august Supreme Court of Pakistan has in its Judgment in Constitution Petition No. 23/2012 decided on 18.10.2012, PLD 2013 SC 195 decided a point of law and while commenting upon the transfer and posting and other related matters of service held as under:-

i. Appointments, Removals and Promotions:- Appointments, removals and promotions must be made in accordance with the law and the rules made there under; where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

ii. Tenure, posting and transfer: When the ordinary tenure for a posting has been specified in the law or rules made there under; such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

iii. Illegal Orders: Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and

May  
ATTESTED  
EXAMINER  
Peshawar High Court

(50)

rule, based norms; instead, in such situations, they must record their opinion and; if necessary, dissent.

- H. That the Khyber Pakhtunkhwa Service Tribunal is present defunct therefore the petitioner approaches this Hon;able Court.
- I. That the Petitioner seeks the permission of this Honourable Court to rely on additional grounds at the hearing of this petition.

**Interim Relief:**

May graciously the notification No. SO(SM)E&SED/7-1/2020/Posting/Transfer/MC dated 17.03.2021 to the extent of petitioner may please be suspended & status quo be maintained till the decision of the above noted Writ Petition.

It is therefore respectfully prayed that on acceptance of this writ Petition an appropriate Writ as prayed for may please be issued in favour of the Petitioner and against the respondents.

Petitioner

Through

MUBARAK ZEB  
Advocate Peshawar

**List of Books:**

1. Constitution of 1973
2. Books according to need.

**Certificate**

Certified that no writ petition on the same subject and between the same parties has been filed previously or concurrently.

Petitioner

**CERTIFIED TO BE TRUE COPY**

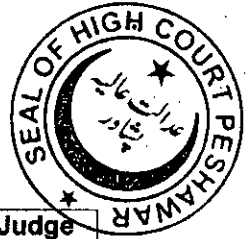
EXAMINER  
Peshawar High Court, Peshawar  
Authorised Under Article 8.7 of  
The Qanun-e-Shahadat Order 1951

24 JUN 2021

**PESHAWAR HIGH COURT, PESHAWAR.**

**FORM 'A'**  
**FORM OF ORDER SHEET**

41



Date of order.	Order or other proceedings with the order of the Judge
27.05.2021	<p><b><u>W.P.No.1685-P of 2021.</u></b></p> <p><b>Present:</b> Mr.Mubarak Zeb, advocate for the petitioner.</p> <p>Mr.Muhammad Inam Khan Yousafzai, AAG for the respondents.</p> <p>---</p> <p><b><u>LAL JAN KHATTAK, J.-</u></b> Petitioner has prayed to this court seeking issuance of an appropriate writ for declaring the Notification dated 17.03.2021 as illegal and unlawful.</p> <p>2. Arguments heard and available record gone through.</p> <p>3. Perusal of the case record would show that the petitioner is a civil servant and the matter of her transfer is one of the terms and conditions of her service and if any term and condition of service of a civil servant is violated by his/her department, then in that eventuality, he/she can approach the Services Tribunal established by the Government for that purpose and on no count he/she can come to this court for the enforcement of any of the terms and conditions of his/her service keeping in view the bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.</p> <p>4. For what has been discussed above, the petition in hand is hereby dismissed in limine for its being not maintainable before this court, leaving the petitioner at</p>

*Gain*

*May*  
**ATTESTED**  
EXAMINER  
Peshawar High Court



42

liberty to approach the Services Tribunal for the redressal of her grievance, if so advised.

*[Signature]*  
JUDGE

JUDGE  
*[Signature]*

*[Signature]*  
CERTIFIED TO BE TRUE COPY  
EXAMINER  
Cashewer High Court, Peshawar  
Authorised Officer of the High Court of Peshawar  
24 JUN 2021

No. 36591

Date of Presentation of Application 27/5/21

No of Pages 70

Copying fee 28

Total 28

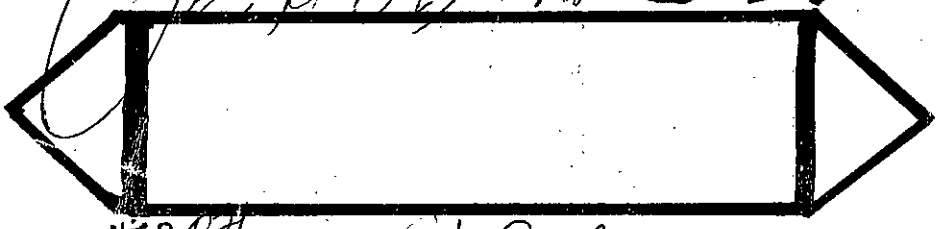
Date of Preparation of Copy 24/6/21

Date of Delivery of Copy 24/6/21

Received By M. Usaid

*[Signature]*

بعد التماس



موزعہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کیلئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقررات ہا فیصلہ برحلقہ دینے جواب دہی اور اقبال دعویٰ اور بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشین التوا نے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ گھنڈیا کہ مندر ہے۔

المرقوم 28 جولائی 2021ء

وہ العہد

کے لئے منظور ہے۔

بمقام

Accepted  
W/for  
Dated

**BEFORE THE KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No.6612/2021

Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o  
Nusrat Zai Tehsil Tangi District Charsadda.

(Appellant)

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa Civil Secretariat Peshawar and  
other.


(Respondent)

**INDEX**

<i>S No.</i>	<i>Description</i>	<i>Annexure</i>	<i>Page No</i>
1.	Rejoinder and Affidavit		1-4
2.	Copies of the notifications dated 27.05.2021 & 30.09.2021		5-6

Appellant

Through

  
**MUBARAK ZEB**  
Advocate, Peshawar

POT  
01/04/2022

**BEFORE THE KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No.6612/2021

Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o  
Nusrat Zai Tehsil Tangi District Charsadda.

*(Appellant)*

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa Civil Secretariat Peshawar and  
other.

**(Respondent)**

**REJOINDER ON BEHALF OF THE APPELLANT**

**Respectfully Submitted:**

The appellant submit her rejoinder as under:

**Preliminary Objections:**

1. That the appellant has filed the service appeal before this Hon;able Tribunal.
2. That the respondents vide impugned transfer notification / order date 17.03.2021 transferred the Appellant as Deputy DEO(BPS 18) Charsadda to Deputy DEO (BPS 18)Female Shangla which is highly illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy.
3. That the appellant has approached this Hon;able Tribunal with clean hands. The remaining para is incorrect, the appellant has not concealed any act or fact and no misstatement has been made before this Hon;able Tribunal.
4. That the appellant has not estopped by law to file the present appeal.
5. That the appellant has arrayed all the necessary parties in the instant service appeal.
6. That the instant appeal is well within time.

ON FACTS:

1. Contents of Para No 1 are correct.
2. Contents of Para No 2 are correct, furthermore the appellant had performed her duties as assigned with zeal and devotion and there was no complaint whatsoever regarding her performance.
3. Contents of Para No 3 are correct.
4. Contents of Para No 4 is incorrect and misleading, the Appellant is unmarried one and according to the posting transfer policy it has been clearly mentioned that unmarried Government servant shall be facilitated at the station of the residence of their parents. According to the Posting Transfer Policy Rule X "All the Posting Transfer authorities may facilitated the posting / transfer of the unmarried female government Servants at the station of the residence of their parents."
5. Contents of Para No 5 is correct.
6. Contents of Para No 6 is incorrect and misleading, and that of the appeal is correct.
7. Contents of Para No 7 is incorrect and misleading, Furthermore the appellant the Appellant while performing her duties at District Nowshera as DDEO (F) upon the approval of the competent authority mutual transfer vide Notification dated 13.09.2019 and the Appellant was transferred to District Charsadda as DDEO(F), the respondents vide impugned transfer notification / order date 17.03.2021 again transferred the Appellant as Deputy DEO(BPS 18) Charsadda to Deputy DEO (BPS 18)Female Shangla. It is pertinent to mentioned here that the respondents have issued corrigendum dated 25.03.2021 and 31.03.2021 with a partial modification vide which some of the Deputy DDO were retransferred. The appellant during post at District Charsadda as Deputy DDO (F) the Appellant submitted different applications to the respondents to assigning of duties as per rules but the same were not

responded and later on she was illegally and malafidely transfer to a for flung area. The respondents vide Notification dated 27.05.2021 transferred one Mst Safia Amin BS 18 as DDEO (F) Charsadda again the respondents vide another Notification dated 30.09.2021 transferred Safina Amin as Deputy Director (Estab) and posted Mst Rakhshanda Mehdi (TC BS 18 ) as DEO (F) Charsadda, which is against the policy as Teaching Cadre person has been posted as DEO (f) Charsadda.(Copies of the notifications dated 27.05.2021& 30.09.2021 are attached as annexure A)

8. Contents of Para No 8 are incorrect and misleading, and that of the appeal is correct.
9. Contents of Para No 9 are incorrect and misleading, and that of the appeal is correct.
10. Contents of Para No 10 are incorrect and misleading, and that of the appeal is correct, furthermore during post at District Charsadda as Deputy DDO (F) the Appellant submitted different applications to the respondents to assigning of duties as per rules but the same were not responded and later on she was illegally and malafidely transferred.
11. Contents of Para No 11 are incorrect and misleading, the Appellant has submitted representation vide diary no 1608 dated 19.03.2021 against the posting / transfer order dated 17.03.2021 before the competent authority, however it was never considered / responded within the statutory period of 90 days.
12. Contents of Para No 11 are incorrect and misleading, detail reply is given in the above para no 4.
13. Contents of Para 13 needs no reply.
14. Contents of Para No 14 are incorrect and misleading, the Appellant has submitted her departmental representation vide diary no 1608 dated 19.03.2021 against the posting / transfer order dated 17.03.2021 before the competent authority, however it was never considered / responded within the statutory period of 90 days.

**Grounds**

All the grounds are taken are legal and will be argue at the time of hearing

It is, therefore, Most humbly prayed that the *Service Appeal*, of the appellatant may please be accepted as prayed for.

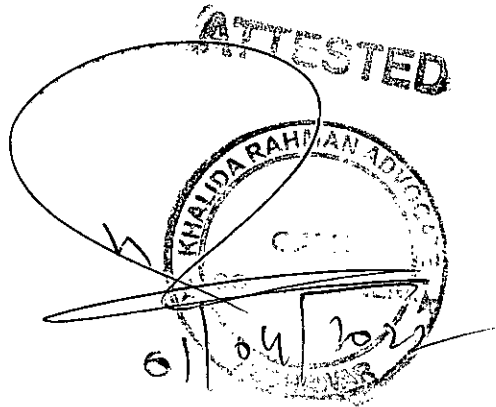
**Appellant**

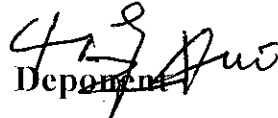
Through

  
**MUBARAK ZEB**  
 Advocate Peshawar

**AFFIDAVIT**

I, Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o Nusrat Zai Tehsil Tangi District Charsadda, do hereby solemnly affirm and declare on oath that the contents of the above noted Rejoinder are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



  
 Deponent



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the May 27<sup>th</sup>, 2021

**NOTIFICATION**

**No.SO(S/F) E&SED/4-16/2020/Posting/Transfer/MC:** Consequent upon the approval of the Competent Authority, the following posting/transfer of female Officers of management cadre are hereby ordered, on the posts/stations, as mentioned against each, in the best public interest, with immediate effect:

Sr. #	Name	From	To
1	Mst. Safia Amin MC (BS-18)	Deputy Director Directorate of E&SED	DDEO (F) Charsadda (BS-18)
2.	Mst. Basmania Ihsan SDEO (BS-17)	SDEO (BS-17) Bunner	SDEO (BS-17) Town II, Peshawar
3.	Mst. Zakia Raza ASDEO (BS-16)	Working as SDEO (BS-17) Babuzai, Swat	SDEO (BS-17) Barikot, Swat in Own Pay Scale
4.	Mst. Failat Tasleem ASDEO (BS-16)	Working as SDEO (BS-17) Barikot, Swat	SDEO (BS-17) Babuzai, Swat in Own Pay Scale

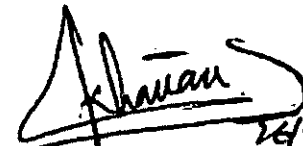
2. No TADA is allowed.

**SECRETARY  
ELEMENTARY &  
SECONDARY EDUCATION  
DEPARTMENT**

**Endst: of even No.& date:**

Copy forwarded to the:

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- District Education Officers (Female) concerned.
- District Accounts Officers concerned.
- PS to Minister for E&SE, Khyber Pakhtunkhwa.
- PS to Secretary E&SE Department.
- Director EMIS, E&SE Department for uploading at official website at the earliest.
- Office order file.

  
(FAWAD KHATTAK)  
SECTION OFFICER (S/F)  
26/5/21





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
New No. 90-92/11

Dated Peshawar the September 30 2021

**NOTIFICATION**

**NO.SORSME&SED7-1/2021/PTG/MC** The Competent Authority is pleased to order the transfer of the following Officers of Management Cadre of Elementary & Secondary Education Department, in the best public interest, with immediate effect -

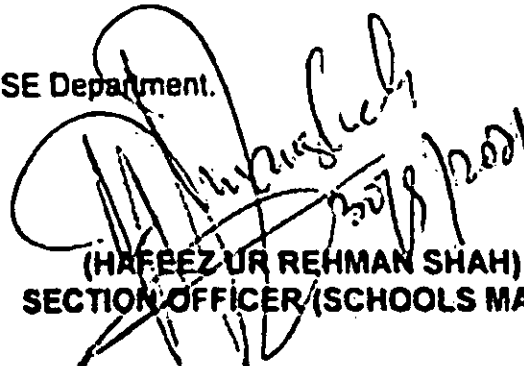
Sr	Name of officer & designation	From	To
1.	Mr. Mushtaq Ahmad (MC BS-18)	Waiting for posting	Deputy Director (Estab-Male-II) Directorate of E&SE Peshawar vice S No. 02
2.	Mr. Misri Khan (MC BS-18)	Deputy Director (Estab-Male) Directorate of E&SE Peshawar	Deputy District Education Officer (M) Charsadda against the vacant post
3.	Muhammad Javed (TC BS-18)	Deputy Director (Estab-Male) Directorate of NMDs Peshawar	Deputy Director (P&D/PSD) Directorate of NMDs Peshawar
4.	Mst. Safia Amin (MC BS-18)	DDEO (F) Charsadda	Deputy Director (Estab) Directorate of E&SE Peshawar vice S.No. 05
5.	Mst. Rakhshanda Mehdi (TC BS-18)	Deputy Director, Directorate of E&SE Peshawar	Dy DEO (F) Charsadda vice S No.04.
6.	Mst. Halsa Gul (MC BS-18)	Dy District Education Officer (F) Mardan	Deputy Director (Estab) Directorate of E&SE Peshawar vice S No 07
7.	Mst. Hasrat Zahra (MC BS-18)	Deputy Director (Estab) Directorate of E&SE Peshawar	Dy District Education Officer (F) Mardan.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Ends: of even No. & Date

Copy forwarded to the:

1. Accountant-General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Account Officers, Concerned.
5. Director, EMIS E&SE Department.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (Estab) E&SE Department.
9. Officers concerned.
10. Office order file.

  
(HAFREEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 6612/2021

Mst. LAILA ALI.....APPELLANT.

VERSUS

GOVT. OF KHYBER PAKHTUNKHWA & OTHERS..... RESPONDENTS

**PARA WISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS.**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS: -**

1. That the subject case has come from Peshawar High Court, Peshawar.
2. That the appellant has not referred to and/ or pointed out the violation of any statutory provision, which has been violated by the answering Respondents. The Appellant is not aggrieved persons within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.
3. That the Appellant has not come to the Court with clean hands. Apart from other infirmities, the writ petition suffers from gross concealment and mis-statements of facts. The Appellant is, therefore, not entitled to any relief.
4. That the Appellant is estopped /precluded by their own conduct to file the instant appeal, hence equity precludes and / or bars the relief prayed for.
5. That the Appellant has not impleaded the necessary parties.
6. That the instant appeal is barred by Law, hence liable to be dismissed.

**ON FACTS:**

1. That Para-1 pertains to service record of the appellant.
2. As per her duty the Government paid her salaries on regular basis.
3. That Para-3 pertains to record.
4. That the Appellant was appointed against the Management Cadre post and liable to serve anywhere in the province. Each and every Civil Servant falling under the ambit section 10 of KPK of Civil Servants is legally bound to serve the Respondent Department to the entire satisfaction of the Competent Authority against the post for which she is being paid by the Department from provincial exchequer.
5. Correct, the Appellant was promoted from BPS-17 to BPS-18 and adjusted against vacant post of DDEO (F), Nowshera.
6. Incorrect, that Management Cadre rules/policy allows the officer in BS-17 and above should not be posted in district of their domicile., Doctors, Lecturers, Instructors, Subject Specialist, Principals/Vice Principals and other Teachers in BS-17 & above working in Health and Education Departments in all the districts of Government of Khyber Pakhtunkhwa shall be exempted from the application of the said policy. However the subject policy shall remain applicable on all Administrative/Executive positions in BS-17 & above across the province.
7. That para No. 7 incorrect, hence denied. That the appellant is of the view that the instant posting transfer is pre-mature and relaxation has not been obtained. The appellant was posted in Nowshera on promotion vide order dated 09-08-2019 and she was further transferred from Nowshera to Charsadda after a month vide order dated 13-09-2019 but she never challenged her transfer i.e. pre-mature or illegal. The present posting transfer order is issued after one and a half year while she is agitating that transfer as pre-mature and illegal.
8. Incorrect hence denied. That the appellant can obtained residence there, as the Govt pay her house rent and take full care of her mother
9. Incorrect hence denied. That notification/ corrigendum dated 31-03-2021 is not related to the appellant case.
10. Incorrect. Hence denied. That when the appellant was posted vide order dated 19-03-2021 as Dy: DEO Female Charsadda, how further duties would be assigned to the appellant.

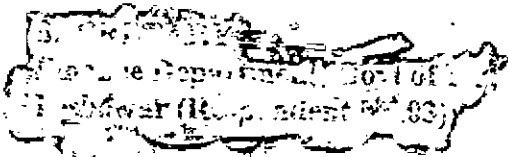
11. Incorrect hence denied. That when the appellant submitted appeal to the competent Authority she may wait for 90days as per rules. It seems that the appellant itself violated the rules.
12. Incorrect, that Management Cadre rules/policy allows the officer in BS-17 and above should not be posted in district of their domicile., Doctors, Lecturers, Instructors, Subject Specialist, Principals/Vice Principals and other Teachers in BS-17 & above working in Health and Education Departments in all the districts of Government of Khyber Pakhtunkhwa shall be exempted from the application of the said policy. However the subject policy shall remain applicable on all Administrative/Executive positions in BS-17 & above across the province.
13. Para 13 pertains to judicial record
14. Incorrect hence denied. That the appellant has not waited for disposal of her departmental appeal as well as she is civil servant, she is barred by article 212 of the constitution of Islamic Republic of Pakistan to submit appeal before the High Court.


**GROUND:**

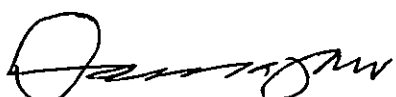
- A. That no right of the appellant has been violated hence the instant service appeal may be dismissed.
- B. Incorrect hence denied. That this point has already been explained vide para- 6 of the facts.
- C. Incorrect hence denied. That the instant position has been explained in para-8 of the fact.
- D. Incorrect hence denied. That the appellant has not provided a single document in support of her claim.
- E. Incorrect, hence denied. That the instant position has already ben explained in para-6 of the facts
- F. Incorrect, hence denied. that the appellant has not identified any abuse/ misuse of the respondents except period but she doesn't mention the order dated 13-09-2019, which has been issued after one month in her favor.
- G. Posting transfer is not the right of civil servant but it is the prerogative of provincial Govt: to post any person under rules 10 of civil servant act 1973.
- H. That the appellant herself violate the law / rules by not obeying the orders of her high ups.
- I. That the respondent also seek, the permission of this hon'able tribunal to rely on additional grounds at the hearing of this petition.

It is, therefore, humbly prayed that the instant writ petition being devoid of merit, may kindly be dismissed with cost.

**CHIEF SECRETARY**  
Khyber Pakhtunkhwa  
(Respondent No.01)



  
**SECRETARY**  
E&SE Department, Govt of KP,  
(Respondent No.02)

  
**DIRECTOR**  
Directorate of E&SE  
(RespondentNo.04)

Better Copy

Section Officer  
Secy, S&GAD and General Administration  
Deptt. (Regulation Wing)

No. SOR-F(S&GAD)4-2/82.  
Dated: 15.01.1999.

To

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. All Divisional Commissioners in NWFP.
5. All Heads of attached Departments in NWFP.
6. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
7. All Deputy Commissioners/Political Agents in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. All District and Session Judges in NWFP.
10. The Registrar, NWFP Services Tribunal, Peshawar.
11. The Secretary, NWFP Public Service Commission.
12. The Director, Anti-Corruption Establishment, Peshawar.
13. The Secretary, Board of Revenue, NWFP.

SUBJECT: - SIGNING OF PARA-WISE COMMENTS ETC. IN SERVICE APPEALS FILED IN THE NWFP SERVICES TRIBUNAL BY CIVIL SERVANTS.

Sir,

I am directed to refer to the subject noted above and to say that pursuant to Rule-12(2) of NWFP Services Tribunal Rules, 1974, the competent authority has been pleased to authorize the Administrative Secretaries concerned or a subordinate officer to be nominated by the Administrative Secretary to sign para-wise comments etc. on behalf of the Chief Minister, NWFP and Chief Secretary, NWFP, as the case may be in cases of service appeals filed by the Civil Servants before the NWFP Services Tribunal.

Yours Obedient Servant,

SECTION OFFICER (REGULATION-I)  
S&GAD.

Encls: Even No. and date.

A copy is forwarded for information to the:-

1. All Addl. Secretaries. Dy. Secretaries in S&GAD.
2. All Section Officers/1 state Officers in S&GAD.
3. P.S. to Chief Secretary, NWFP.
4. P.S. to Secretary S&GAD.
5. Librarian, S&GAD.

SECTION OFFICER (REGULATION-I)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 6612/2021

Mst. LAILA ALI.....APPELLANT.

**VERSUS**

**GOVT. OF KHYBER PAKHTUNKHWA & OTHERS..... RESPONDENTS**

**PARA WISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS.**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS: -**

1. That the subject case has come from Peshawar High Court, Peshawar.
2. That the appellant has not referred to and/ or pointed out the violation of any statutory provision, which has been violated by the answering Respondents. The Appellant is not aggrieved persons within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.
3. That the Appellant has not come to the Court with clean hands. Apart from other infirmities, the writ petition suffers from gross concealment and mis-statements of facts. The Appellant is, therefore, not entitled to any relief.
4. That the Appellant is estopped /precluded by their own conduct to file the instant appeal, hence equity precludes and / or bars the relief prayed for.
5. That the Appellant has not impleaded the necessary parties.
6. That the instant appeal is barred by Law, hence liable to be dismissed.

**ON FACTS:**

1. That Para 1 pertains to service record of the appellant.
2. As per her duty the Government paid her salaries on regular basis.
3. That Para 3 pertains to record.
4. That the Appellant was appointed against the Management Cadre post and liable to serve anywhere in the province. Each and every Civil Servant falling under the ambit section 10 of KPK of Civil Servants is legally bound to serve the Respondent Department to the entire satisfaction of the Competent Authority against the post for which she is being paid by the Department from provincial exchequer.
5. Correct the Appellant was promoted from BPS-17 to BPS-18 and adjusted against vacant post of DDEO (F), Nowshera.
6. Incorrect, that Management Cadre rules/policy allows the officer in BS-17 and above should not be posted in district of their domicile. Doctors, Lecturers, Instructors, Subject Specialist, Principals/Vice Principals and other Teachers in BS-17 & above working in Health and Education Departments in all the districts of Government of Khyber Pakhtunkhwa shall be exempted from the application of the said policy. However the subject policy shall remain applicable on all Administrative/Executive positions in BS-17 & above across the province.
7. That para No. 7 incorrect, hence denied. That the appellant is of the view that the instant posting transfer is pre-mature and relaxation has not been obtained. The appellant was posted in Nowshera on promotion vide order dated 09-08-2019 and she was further transferred from Nowshera to Charsadda after a month vide order dated 13-09-2019 but she never challenged her transfer i.e. pre-mature or illegal. The present posting transfer order is issued after one and a half year while she is agitating that transfer as pre-mature and illegal.
8. Incorrect hence denied. That the appellant can obtained residence there, as the Govt pay her house rent and take full care of her mother
9. Incorrect hence denied. That notification/ corrigendum dated 31-03-2021 is not related to the appellant case.
10. Incorrect. Hence denied. That when the appellant was posted vide order dated 19-03-2021 as Dy: DEO Female Charsadda, how further duties would be assigned to the


11. Incorrect hence denied. That when the appellant submitted appeal to the competent Authority she may wait for 90days as per rules. It seems that the appellant itself violated the rules.
12. Incorrect, that Management Cadre rules/policy allows the officer in BS-17 and above should not be posted in district of their domicile., Doctors, Lecturers, Instructors, Subject Specialist, Principals/Vice Principals and other Teachers in BS-17 & above working in Health and Education Departments in all the districts of Government of Khyber Pakhtunkhwa shall be exempted from the application of the said policy. However the subject policy shall remain applicable on all Administrative/Executive positions in BS-17 & above across the province.
13. Para 13 pertains to judicial record
14. Incorrect hence denied. That the appellant has not waited for disposal of her departmental appeal as well as she is civil servant, she is barred by article 212 of the constitution of Islamic Republic of Pakistan to submit appeal before the High Court.

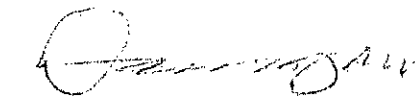
**GROUND:**

- A. That no right of the appellant has been violated hence the instant service appeal may be dismissed.
- B. Incorrect hence denied. That this point has already been explained vide para- 6 of the facts.
- C. Incorrect hence denied. That the instant position has been explained in para-8 of the fact.
- D. Incorrect hence denied. That the appellant has not provided a single document in support of her claim.
- E. Incorrect, hence denied. That the instant position has already ben explained in para-6 of the facts
- F. Incorrect, hence denied, that the appellant has not identified any abuse/ misuse of the respondents except period but she doesn't mention the order dated 13-09-2019, which has been issued after one month in her favor.
- G. Posting transfer is not the right of civil servant but it is the prerogative of provincial Govt: to post any person under rules 10 of civil servant act 1973.
- H. That the appellant herself violate the law / rules by not obeying the orders of her high ups.
- I. That the respondent also seek, the permission of this hon'able tribunal to rely on additional grounds at the hearing of this petition.

It is, therefore, humbly prayed that the instant writ petition being devoid of merit, may kindly be dismissed with cost.

**CHIEF SECRETARY**  
Khyber Pakhtunkhwa  
(Respondent No.01)

  
**SECRETARY**  
E&SE Department, Govt of KP,  
(Respondent No.02)

  
**DIRECTOR**  
Directorate of E&SE  
(RespondentNo.04)

**BEFORE THE KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No.6612/2021

Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o  
Nusrat Zai Tehsil Tangi District Charsadda.

(Appellant)

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa Civil Secretariat Peshawar and  
other.


(Respondent)

**INDEX**

<i>S No.</i>	<i>Description</i>	<i>Annexure</i>	<i>Page No</i>
1.	Rejoinder and Affidavit		1-4
2.	Copies of the notifications dated 27.05.2021 & 30.09.2021		5-6

Appellant

Through

  
**MUBARAK ZEB**  
Advocate, Peshawar

1

**BEFORE THE KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No.6612/2021

Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o  
Nusrat Zai Tehsil Tangi District Charsadda.

*(Appellant)*

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary  
Khyber Pakhtunkhwa Civil Secretariat Peshawar and  
other.

*(Respondent)*

**REJOINDER ON BEHALF OF THE APPELLANT**

**Respectfully Submitted:**

The appellant submit her rejoinder as under:

**Preliminary Objections:**

1. That the appellant has filed the service appeal before this Hon;able Tribunal.
2. That the respondents vide impugned transfer notification / order date 17.03.2021 transferred the Appellant as Deputy DEO(BPS 18) Charsadda to Deputy DEO (BPS 18)Female Shangla which is highly illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy.
3. That the appellant has approached this Hon;able Tribunal with clean hands. The remaining para is incorrect, the appellant has not concealed any act or fact and no misstatement has been made before this Hon;able Tribunal.
4. That the appellant has not estopped by law to file the present appeal.
5. That the appellant has arrayed all the necessary parties in the instant service appeal.
6. That the instant appeal is well within time.



ON FACTS:

1. Contents of Para No 1 are correct.
2. Contents of Para No 2 are correct, furthermore the appellant had performed her duties as assigned with zeal and devotion and there was no complaint whatsoever regarding her performance.
3. Contents of Para No 3 are correct.
4. Contents of Para No 4 is incorrect and misleading, the Appellant is unmarried one and according to the posting transfer policy it has been clearly mentioned that unmarried Government servant shall be facilitated at the station of the residence of their parents. According to the Posting Transfer Policy Rule X "All the Posting Transfer authorities may facilitated the posting / transfer of the unmarried female government Servants at the station of the residence of their parents."
5. Contents of Para No 5 is correct.
6. Contents of Para No 6 is incorrect and misleading, and that of the appeal is correct.
7. Contents of Para No 7 is incorrect and misleading, Furthermore the appellant the Appellant while performing her duties at District Nowshera as DDEO (F) upon the approval of the competent authority mutual transfer vide Notification dated 13.09.2019 and the Appellant was transferred to District Charsadda as DDEO(F), the respondents vide impugned transfer notification / order date 17.03.2021 again transferred the Appellant as Deputy DEO(BPS 18) Charsadda to Deputy DEO (BPS 18)Female Shangla. It is pertinent to mentioned here that the respondents have issued corrigendum dated 25.03.2021 and 31.03.2021 with a partial modification vide which some of the Deputy DDO were retransferred. The appellant during post at District Charsadda as Deputy DDO (F) the Appellant submitted different applications to the respondents to assigning of duties as per rules but the same were not

responded and later on she was illegally and malafidely transfer to a for flung area. The respondents vide Notification dated 27.05.2021 transferred one Mst Safia Amin BS 18 as DDEO (F) Charsadda again the respondents vide another Notification dated 30.09.2021 transferred Safina Amin as Deputy Director (Estab) and posted Mst Rakhshanda Mehdi (TC BS 18 ) as DEO (F) Charsadda, which is against the policy as Teaching Cadre person has been posted as DEO (f) Charsadda. (Copies of the notifications dated 27.05.2021 & 30.09.2021 are attached as annexure A)

8. Contents of Para No 8 are incorrect and misleading, and that of the appeal is correct.
9. Contents of Para No 9 are incorrect and misleading, and that of the appeal is correct.
10. Contents of Para No 10 are incorrect and misleading, and that of the appeal is correct, furthermore during post at District Charsadda as Deputy DDO (F) the Appellant submitted different applications to the respondents to assigning of duties as per rules but the same were not responded and later on she was illegally and malafidely transferred.
11. Contents of Para No 11 are incorrect and misleading, the Appellant has submitted representation vide diary no 1608 dated 19.03.2021 against the posting / transfer order dated 17.03.2021 before the competent authority, however it was never considered / responded within the statutory period of 90 days.
12. Contents of Para No 11 are incorrect and misleading, detail reply is given in the above para no 4.
13. Contents of Para 13 needs no reply.
14. Contents of Para No 14 are incorrect and misleading, the Appellant has submitted her departmental representation vide diary no 1608 dated 19.03.2021 against the posting / transfer order dated 17.03.2021 before the competent authority, however it was never considered / responded within the statutory period of 90 days.

**Grounds**

All the grounds are taken are legal and will be argue at the time of hearing

It is, therefore, Most humbly prayed that the *Service Appeal*, of the appellant may please be accepted as prayed for.

**Appellant**

Through

  
**MUBARAK ZEB**  
Advocate Peshawar

**AFFIDAVIT**

I, Miss Laila Ali Deputy DDO (BPS 18) d/o Syed Ali Jan r/o Nusrat Zai Tehsil Tangi District Charsadda, do hereby solemnly affirm and declare on oath that the contents of the above noted Rejoinder are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

**Deponent**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the May 27<sup>th</sup>, 2021

**NOTIFICATION**

**No.SO(S/F) E&SED/4-16/2020/Posting/Transfer/MC:** Consequent upon the approval of the Competent Authority, the following posting/transfer of female Officers of management cadre are hereby ordered, on the posts/stations, as mentioned against each, in the best public interest, with immediate effect:

Sr. #	Name	From	To
1	Mst. Safia Amin MC (BS-18)	Deputy Director Directorate of E&SED	DDEO (F) Charsadda (BS-18)
2.	Mst. Basmania Ihsan SDEO (BS-17)	SDEO (BS-17) Bunner	SDEO (BS-17) Town II, Peshawar
3.	Mst. Zakia Raza ASDEO (BS-16)	Working as SDEO (BS-17) Babuzai, Swat	SDEO (BS-17) Barikot, Swat in Own Pay Scale
4.	Mst. Failat Tasleem ASDEO (BS-16)	Working as SDEO (BS-17) Barikot, Swat	SDEO (BS-17) Babuzai, Swat in Own Pay Scale

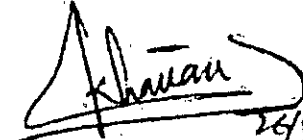
2. No TA/DA is allowed.

**SECRETARY  
ELEMENTARY &  
SECONDARY EDUCATION  
DEPARTMENT**

**Endst: of even No.& date:**

Copy forwarded to the:

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director E&SE, Khyber Pakhtunkhwa, Peshawar.
- District Education Officers (Female) concerned.
- District Accounts Officers concerned.
- PS to Minister for E&SE, Khyber Pakhtunkhwa.
- PS to Secretary E&SE Department.
- Director EMIS, E&SE Department for uploading at official website at the earliest.
- Office order file.

  
(FAWAD KHATTAK)  
SECTION OFFICER (S/F)  
24/5/21



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 991 9221111

Dated Peshawar the September 30 2021

**NOTIFICATION**

**NO.S0(SM)E&SE/D7-1/2021/PI/G/MC:** The Competent Authority is pleased to order the transfer of the following Officers of Management Cadre of Elementary & Secondary Education Department, in the best public interest with immediate effect -

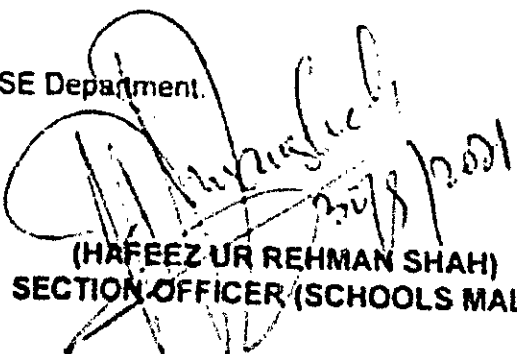
S#	Name of officer & designation	From	To
1.	Mr. Mushlaq Ahmad (MC BS-18)	Waiting for posting	Deputy Director (Estab-Male-II) Directorate of E&SE Peshawar vice S No. 02
2.	Mr. Misri Khan (MC BS-18)	Deputy Director (Estab-Male) Directorate of E&SE Peshawar	Deputy District Education Officer (M) Charsadda against the vacant post
3.	Muhammad Javed (TC BS-18)	Deputy Director (Estab-Male) Directorate of NMDs Peshawar	Deputy Director (P&D/PSD) Directorate of NMDs Peshawar
4.	Mst. Safia Amin (MC BS-18)	DDEO (F) Charsadda	Deputy Director (Estab) Directorate of E&SE Peshawar vice S.No. 05
5.	Mst. Rakhshanda Mehdi (TC BS-18)	Deputy Director, Directorate of E&SE Peshawar	Dy DEO (F) Charsadda vice S No.04
6.	Mst. Hafsa Gul (MC BS-18)	Dy District Education Officer (F) Mardan	Deputy Director (Estab) Directorate of E&SE Peshawar vice S No 07
7.	Mst. Hasrat Zahra (MC BS-18)	Deputy Director (Estab) Directorate of E&SE Peshawar	Dy District Education Officer (F) Mardan.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst. of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Account Officers Concerned.
5. Director, EMIS E&SE Department
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department
8. PA to Additional Secretary (Estab) E&SE Department.
9. Officers concerned.
10. Office order file.

  
(HAFAEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 904 IST

Dated: 13-4- /2022

All communications should be  
addressed to the Registrar KPK Service  
Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

The Secretary E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 6612/2021, MST. LAILA ALI.

I am directed to forward herewith a certified copy of Judgement dated  
05.04.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above

  
REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR