Form- A

FORM OF ORDER SHEET

Court of

Case No.-/2020 S.No. Date of order Order or other proceedings with signature of judge proceedings 1 2 3 The appeal of Asfandyar resubmitted today by Mr. Hamad Hussain, 20/04/2020 1-Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. REGISTRAR 20/4/2 This case is entrusted to S. Bench for preliminary hearing to be 2-MEMBER

30.04.2020

Counsel for the appellant Asfandyar alongwith appellant present. Preliminary arguments heard.

It was contended by the learned counsel for the appellant that the appellant is serving in Education Department as Senior Primry School Teacher. He was transferred from Government Primry Schjool Shahjee Abad to Government Primary School No. 1 Aza Khel vide order dated 15.01.2020 on rationalization basis. It was further contended that the appellant filed departmental appeal against the impugned order on 18.01.2020 but the same was not responded, hence the present service appeal on 20.04.2020. It was further contended that the appellant has enmity in village Aza Khel where he was transferred on rationalization basis and in this respect the appellant has also annexed FIR No. 532 dated 24.09.2016 u/s 324-34-427/PPC P.S Matani according to which the son of the appellant has been fired by his enemies belonging to village Aza Khel. It was further contended that no other employee has been transferred at Government Primary School Shahjee Abad at the place of the appellant. It was further contended that the appellant has not relinquished the charge so far and is performing his duty in the said school of Shahjee Abad, therefore, the impugned order of transfer of the appellant on rationalization basis is illegal and liable to be set aside. The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted to 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 reply/comments on 07.05.2020 before S.B.

Wilcoss Fee

Counsel for the appellant has also submitted an application for suspension of impugned order. Notice of the same be issued to the respondents. In the meanwhile status quo be maintained till next date.

(M. AMÍN KHN KUNDI) (MEMBER-J)

07.05.2020

Learned counsel for the appellant present. Written reply not submitted. None is present on behalf of respondents. Notice be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 29.05.2020 before S.B. In the meanwhile, status quo be maintained till the date fixed.

> (M. AMIN KHN KUNDI) (MEMBER-J)

29.05.2020

Appellant with counsel present.

On the last date of hearing office was required to issue notices to the respondents for submission of written reply/comments. The record, however, reveals that requisite notices were not issued. Instant matter is, therefore, adjourned to 12.06.2020. The office shall ensure issuance of notices to the respondents for the date fixed. Status quo granted on 30.04.2020 shall remain operative till next date of hearing.

Chairm

12.06.2020

Appellant with counsel present. Addl: AG for respondents present. Written reply not submitted. Learned AAG seeks time for submission of written reply. To come up for written reply/comments on 26.06.2020 before S.B. Status-quo granted on 30.04.2020 shall remain operative till next date of hearing.

(MAIN MUHAMMAD) **MEMBER**

26.06.2020

Clerk to counsel for the appellant and Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to contact the respondents. Last opportunity granted.

Adjourned to 14.07.2020 before S.B. Status-quo granted on 30.04.2020 shall remain operative till next date of hearing.

MEMBER

14.07.2020

Counsel for the appellant and Addl: AG alongwith Mr.

Written reply not submitted despite last opportunity. Requested for further adjournment. Adjournment granted subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets.

Adjourned to 29.07.2020 before S.B. Status-quo granted on 30.04.2020 shall remain operative till next date of hearing..

(Mian Muhammad) Member(E)

3184/2020

29.07.2020

Counsel for the appellant and Irfan Ali, Asstt. on behalf of resp;ondent No. 2 and Arshad, ADEO on behalf of respondent No. 3 alongwith Addl. AG present. Respondent No. 4 also present in person.

Respondent No. 3 has furnished reply/comments (placed on record). Representative of respondent No. 2 as well as respondent No. 4 rely on the reply/comments of respondent No. 3. Representative of the respondents also paid cost of Rs. 1000/- (Rupees One thousand) which was handed over to learned counsel for the appellant, receipt thereof obtained and placed on record.

The appeal is assigned to D.B for arguments on 13.08.2020. The appellant may furnish rejoinder, within ten days, if so advised. Status quo granted on 30.04.2020 shall remain operative till the date fixed.

Chairman

Due to COVID19, the case is adjourned to _____/2020 for the same as before.

(Rea

13.08.2020

.2020

Due to summer vacations case to come up for the same on 26.10 2020 before D.B.

26.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 21.12.2020 before D.B.

Rea

Mr. Hamad Hussain Advocate, counsel for appellant and Zara Tajwar, learned Deputy District Attorney alongwith Mr. Arshad ADO for respondents present.

Learned counsel is seeking time for submission of rejoinder and arguments. Request is acceded to, directing him to submit rejoinder positively. File to come up for arguments on 13.01.2021 before D.B. In the meanwhile status quo be maintained till the date fixed.

Rehman Wazir) Member (E)

(M. Jamal Khan) Member (J)

13.01.2021

21.12.2020

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Tosef ur Rehman ADEO for respondents present.

Former submitted rejoinder and made a request for adjournment. Adjourned. To come up for arguments on 22.01.2021 before D.B. In the meanwhile status-quo be maintained till-the date fixed.

(Mian Muhammad)

Member (E)

(Rozina Rehman) Member (J) 22.01.2021

None present on behalf of appellant. Muhammad Rasheed, learned Deputy District Attorney alongwith Touseef Ur Rehman ADO (litigation) for respondents present.

Notice be issued to the appellant as well as his respective counsel on A.O.2.2021 for arguments before D.B. (ATIQ UR REHMAN WAZIR) MEMBER (E) (MUHAMMAD JAMAL KHAN) MEMBER (J)

12.02.2021

Appellant in person present. Mr. Asif Masood, Deputy District Attorney for respondents present.

Appellant seeks adjournment due to general strike of the Bar. The case is adjourned to 19.03.2021 for arguments before D.B. In the meanwhile status-quo be maintained till the date fixed.

(Mian Muhammad) Member (E)

(Muhammad Jamal Khan) Member(J) 19.03.2021

Counsel for appellant and Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Former requests for adjournment as he has to attend wedding ceremony of his friend today. Adjourned to 06.04.2021 for arguments before D.B. Status-quo ordered on the previous date shall continue its operation till the next date.

(SALAH-UD-DIN) MEMBER (JUDICIAL)

CHAIRMAN

06.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 30.04.2021 for the same.

30.4-21 Aus to covid-19, The sale is adjunced to 5. J. 2021 for the same.

Asfandiyar

124

05.08.2021

Counsel for the appellant present. Mr. Mr. Javed Ullah, Assistant Advocate General alongwith Touseef-Ur-Rehman ADO for respondents present.

Partial arguments have been heard. The main grievance of the appellant seems to length with elements of enmity in local area besides his objection that posting of the appellant has not requirement of Rationalization Policy at the particular school. Let the department with alternate proposal for adjustment of the appellant. Obviously, within reasonable parameters. To come up on 20.09.2021 before D.B.

Atiq Ur Rehman Wazir) Member (E)

Chairman

20.09.2021 Counsel for appellant present. Status H Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for Status - 8 Muhammād Adèel, Butt learned Additional A.G for

appellant; granted. To come for arguments on vehalf) of before D.B.

Reality

(Rozina Rehman) Member (J)

ŕman

22.10.2021

Counsel for the appellant present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present.

Due to paucity of time, arguments could not be heard. Adjourned. To come up for arguments on 24.12.2021 before D.B.

(ATIQ UR REHMAN WAZIR) MEMBER (E) MEMBER (J)

24.12.2021

Due to winter vacations, case is adjourned to 08.02.2022 for the same as before.

Reåder

Due to retirement of the Honoble Chairman the case is adjourned to come up for the same as before on 30-5-2022

Reader.

SA 3184/2020

Wend &

30th May, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Arshad Ali, ADO (Litigation) for the respondents present.

Learned counsel for the appellant has produced copy of Corrigendum bearing Endst. No. 7874-78, dated 09.02.2022, whereby grievance of the petitioner has been redressed. Placed on file. He requested for withdrawal of the appeal. As a token of admission of his submission he signed the margin of the order sheet. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 30th day of May, 2022.

(Mian Muhammad) Member(E)

(Kalim Arshad Khan) Chairman

. . .

The appeal of Mr. Asfandar Khan received today i.e. on 20.04.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

بر بر به راند و . در ا

1- Memo. of appeal may be got signed from the appellant.

No. 1009 /S.T,

Dt. <u>20 -04</u>/2020

Mr. Hamad Hussain, Advocate, Peshwar.

REGISTRAR 2014 2020 SERVICE TRIBUNAL **KHYBER PAKHTUNKHWA PESHAWAR.**

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2014/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 3084 /2020

Mr. Asfandyar Khan S.PST Govt Primary School Shahjee Abad Circle Mattani, PeshawarPetitioner

VERSUS

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2	Affidavit		SA
3	Applicationforsuspensionorder15/01/2020		<u> </u>
4	copy of impugned order dated 15/01/2020 any between y	A	<i>۹</i> م
5	Copy of departmental dated 15/01/2020	В	18.11
6	Copy of F.I.R is attached And Schurg	C	£27:19
7	Wakalatnama		0

Dated:

Appellant

Through

Hamad Hussain Advocate High court Peshawar Mobile 03120952763

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHA

SERVICE APPEAL NO. 3184 / 2020

Mr. Asfandyar Khan S.PST Govt Primary School Shahjee Abad Circle Mattani, PeshawarPetitioner

VERSUS

- 1) Secretary to Govt of Khyber Pukhtunkhwa Elementary & Secondary Education Department, Peshawar.
- Director Elementary & Secondary Education, Khyber Pukhtunkhwa Peshawar.
- ***3)** District Education Officer (Male) Peshawar.

-4) SDEO Male Town 4 Peshawar.

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED / TRANSFER ORDER BEARING NO. 4388-4434 DATED 15/01/2020 ISSUED BY DISTRICT EDUCATION OFFICER PESHAWAR.

.....Respondents

PRAYERS:-

MOST HUMBLY PRAYED THAT ON ACCEPTANCE THE INSTANT SERVICE APPEAL, THE IMPUGNED TRANSFER BEARING NO. 4388-4434 DATED 15/01/2020 MAY VERY KINDLY BE DECLARED ILLEGAL, UNLAWFUL AND THE APPELLANT BE PLACED IN GOVT PRIMARY SCHOOL SHAHJEE ABAD CIRCLE MATTANI, PESHAWAR AS PER POLICY OF GOVERNMENT OF KHYBER PAKHTUNKHWA 40 STUDENTS ONE TEACHER RATIO.

Re-submitted to -day and filed.

Impugned Transfer order date 15/01/2020 Departmental appeal date 18/01/2020 Stipulated time 90 days on 18/04/2020 Filling of instant Service Appeal on/2020

RESPECTFULLY SHEWETH,

My humble submission are as under.

<u>Facts</u>

- That the appellant is serving in the Education Department being Senior PST
 / Head Teacher Govt Primary School Shahjee Abad Circle Mattani, Peshawar.
- 2. That the appellant is performing his duties with great zeal, enthusiastically and no complaints what so ever yet has been received against the appellant till during service.
- 3. That the respondent No 3, District Education officer Male Peshawar issued transfer order endst No. 4388-4434 dated 15/01/2020 under rationalization policy, wherein the appellant was also transferred from Govt Primary School Shahjee Abad Circle Mattani, Peshawar to Govt Primary School Azakhel No. 1 Peshawar circle Mattani, while there is no need of further teachers as per strength of ratio 40students one Teacher according to Policy. [copy of impugned order dated 15/01/2020 is attached as Annex- A]
- 4. That on 18/01/2020 the appellant filed departmental appeal to the District Education Officer against the transferred order dated 15/01/2020 but no response yet has been communicated to the appellant after passing stipulated time. (Copy of departmental appeal is Annex B).
- 5. That after passing stipulated period [90] days, hence the present appeal under section 4 of Khyber Pakhtunkhwa Service Tribunal with the following grounds.

<u>Grounds:-</u>

- A. That the transfer of the appellant is unlawful, illegal void ab-initio and against the Law, Rules, Policy of the Provincial Government as per ratio 40 students one Teacher and judgments of the superior courts which is liable to be set aside.
- B. That total strength of students in Govt Primary School Shahjee Abad Circle Mattani, Peshawar is 133 and three [03] teachers are working including the appellant in the said school.



- C. That there is Thirteen [13] Teachers are working in GPS Azakhel No 1 Mattani Peshawar, wherein already three [03] Teachers are surplus as 40 students' one Teacher ratio while the appellant transferred illegal.
- D. That there is life threatened to the appellant locate nearby GPS Azakhel No. 1 due to enmity, where the appellant has transferred. That in this connection F.I.R also been logged in PS Mattani against son of the appellant namely Shehryar [copy of F.I.R is attached as Annex- C]
- E. That transferred of the appellant is based on personal ill and will & malafide intention as Respondent No. 3 District Education Officer namely Irfan Ali have ulterior motives during past Posting Transfer as SDEO Peshawar with the elder brother of the appellant namely Sarfaraz Khan Ex SDEO Peshawar, wherein this Honourable Tribunal has delivered judgment in favour of the elder brother of the appellant, Sarfaraz Khan Ex SDEO Peshawar and he was remained SDEO Peshawar.
- F. That the respondent No. 3 have personal grudges with the appellant family mentioned above due to which the appellant have targeted/ mentally burnt and transferred that school where is already [03] teachers are surplus, furthermore the appellant have personal enmity locate the said school instead of the parent school wherein the appellant already performing duty while there is no need of teacher as per policy 40 students one teacher.
- G. That in the impugned transferred order many suffered teachers filed appeal for retention them in their present schools, they were retained while appeal of the appellant was ignored and no response given to the appellant till date which is sheer discrimination¹ with the appellant than similarly placed teachers.
- H. That any others grounds will be taken at the time of arguments with the permission of this Service Tribunal.

It is, therefore, most humbly prayed that on acceptance of the instant appeal the appellant transferred may very kindly be declared illegal, unlawful void ab-initio and against the Law, Rules, Policy of the Provincial Government under 40 students ratio per one Teacher and as per judgments of the superior courts which is liable to be set aside and the appellant may kindly be retained in Govt Primary School Shahjee Abad Circle Mattani, Peshawar as per 40 student ratio one Teacher policy.

Any other relief if deemed fit may also be granted which have not been taken in rest of paras of the instant appeal.

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Through

(HAMAD HUSSAIN)

Advocate High Court Peshawar Mobile 03329122812

Affidavit:-

U

I, Asfandyar S. PTS / HM GPS Shahjee Abad Mattani Peshawar do hereby solemnly affirm that the contents of the instant Service Appeal are true correct with the best of my knowledge that no such like appeal has earlier been filed between the parties in this HonourableTribunal

molyas.

DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Mr. Asfandyar Khan S.PST Govt Primary School Shahjee Abad Circle Mattani, PeshawarPetitioner

VERSUS

- 1. Secretary to Govt of Khyber Pukhtunkhwa Elementary & Secondary Education Department, Peshawar.
- 2. Director Elementary & Secondary Education, Khyber Pukhtunkhwa Peshawar.
- 3. District Education Officer (Male) Peshawar.
- 4. SDEO Male Town 4 Peshawar.

.....Respondents

APPLICATION FOR SUSPENTION OF IMPUGNED ORDER DATED 15/01/2020 WHEREIN THE APPELLANT WAS TRANSFERRED FROM GPS SHAHJEE ABAD <u>MATTANTI TO</u> <u>GPS AZAKHEL NO. 1 MATTANI PESHAWAR.</u>

RESPECTFULLY SHEWETH,

Facts

- That the appellant is serving in the Education Department being Senior PST / Head Teacher Govt Primary School Shahjee Abad Circle Mattani, Peshawar.
- 2. That there is Thirteen [13] Teachers are working in GPS Azakhel No 1 Mattani Peshawar, wherein already three [03] Teachers are surplus as 40 students' one Teacher ratio while the appellant transferred illegally.
- 3. That the respondent No 3, District Education officer Male Peshawar issued transferred order on 15/01/2020 vide Endst 4388-4434 under rationalization policy, wherein the appellant was transferred from Govt Primary School Shahjee Abad Circle Mattani, Peshawar to Govt Primary School Azakhel No. 1 Peshawar circle Mattani.



- 4. That there is life threatened to the appellant locate nearby GPS Azakhel No. 1 due to enmity where the appellant has transferred. That in this connection F.I.R also been logged in PS Mattani against the son of the appellant namely Shehryar.
- 5. That transferred of the appellant is based on personal ill and will & malafide intention as Respondent No. 3 District Education Officer namely Irfan Ali have ulterior motives during past Posting Transfer as SDEO Peshawar with the elder brother of the appellant namely Sarfaraz Khan Ex SDEO Peshawar, wherein this Honourable Tribunal has delivered judgment in favour of the elder brother of the appellant, Sarfaraz Khan Ex SDEO Peshawar and he was remained SDEO Peshawar.
- 6. That the respondent No. 3 have personal grudges with the appellant family mentioned above due to which the appellant have targeted and transferred that school where is already [03] teachers are surplus, furthermore the appellant have personal enmity locate the said school instead of the parent school, wherein the appellant already performing duty, while there is no need of teacher as per policy 40 students one teacher.

It is, therefore, most humbly prayed that on acceptance of the instant appeal the appellant transferred order Endst No. 4388-4434 dated 15/01/2020 may very kindly be suspended till final decision of the instant appeal in norms of natural justice and for sake of life of the appellant as there is locate enmity of the appellant were is transferred.

(HAMAD HUSSAIN) Advocate High CourtPeshawar

DEPONENT

Affidavit:-

I, Asfandyar S. PTS / HM GPS Shahjee Abad Azakhel Mattani Peshawar do hereby solemnly affirm that the contents of the instant Service Appeal are true correct with the best of my knowledge that no such like appeal has earlier been filed between the parties in this Honourable Tribunal.

. . .

In persuance of the directions of the E&SE Department & Depinty Commissioner Peshawar on the Penorits of IMU for the exercise of rationalization of Pry School Teachers at GPSs of Town-IV Peshawar, and to fill the fup gape of teaching staff in single teacher schools on need basis, adjustment order of the following teachers on rationalization to no the following PSTs/SPSTs is hereby issued in the schools shown against each their names on their own pay & HPS in the best increase of publicationis service with immediate effect:

5. No	Name &] T	ransferred from		Transferred To	Anneure -"A"
	Designation of Teacher	ÉMIS	School	EMIS	School	
-	Mr. Muhammad Queim, SPST	20985	OPS Klun Klumi	20876	GPS Khaudan Adizaf	Rationalization/need
1.	Mr. Bronullah SPST	21010	GPS No.4.A Baryum Zai	21000	GPS No 1 Margameni	Rationalization/uced
	Mr. Sig Huisda PST	20826	GPS Bagh Mian Kheil	21009	GPS No.J. Maryanyai	Rationalization/need
	Mr. Multannuad Ziktia PST	21095	GPS Rehmat Abad		GPS No.3 Maryauzai	Rationalization/need- basis
	Mr. Synd Nour Ali Shah SPS1	20816	GPS No.2.Azakheil		GPS No.1 Azəkhel	Rationalization/need basis
	Mr. Sabie Hussain SPST	20883	GPS No.1.Faqir Hunr	28692	OPS Nu.2 Faqir Bunr	Rationalization/field basis
	Mr, Allab Hussain SPST	21031	GPS Mera Aza Kheil		GPS Musidaajka Sheekera	ttationalization/nextl basis
V. I	Mr. Asfandyar Khan SPST	30433	GPS Shahjee Abada	\$2081S+	CPS:NoutAzaMist	Rationalization/need
	Mr. Azam Khon SPST	30423	GPS Garhi Arsata Khan	20896	GPS Gathi Hanat	Rationalization/need basis
	Mr. Muzananit Shah PST	30331	GPS Gathi Wali Kiran	32132	GPS Malta Dechay	Rationalization/need tasis
£1, 1	Mr. Siraj Nhan PST	20932	GPS GPS Gul Abunad Kili	20920	GPS Garlii Fayal Rahan	Rationalization/need basis
• 1	Mr. Qaiser Khan SPST	30402	GPS No.1. Khulizai Adezai	20802	GPS No.2 Automi	Rationalization/need basis
· · ·	Mr. Fahir Malunud SPST	20873	GPS Darważgał	21024	GPS No.2 Mattani	ancany posterrin
	dr. Muhananad victuran PST	21017	GPS No. Marha Peky	21018	GPS No.2 Mashin Persy	Rationalization/need- busis
15 N	dr. Khun Alam PST	ł	GPS No.1 Mashq Peky	21057	GPS No.2 Mushtarzai	Rationalization/need - basis
16 N	tr, Slinkeel PST	í	GPS Shaheed Garhi Mashn Girgar	31125	GPS SHEEN DRUNG	basis & stop gape
17 8	lv, tkragustlah 1/ST		GPS (Laj) Multananad Voor Kalli	10889	OPS Gaunt Abusin Shin	Itanian alization incert hasis
18 1-	tr. Kapfan Sher ST		SPS MERA BALARZAJ NO 2	1	GPS No.1 Kayawala 🖌 Uthananzai	Rotionalization/need
	te, Khalid Masaud PST		IPS MOHABAT Shan kali	20820	CPS No.2 fizilabe	Rationalization/need basis

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• • • • • • • • • • • • • • • • • • •	33	32		ĴŪ	29	28	26	25	12
<u>Nate:-</u> i- TA/DA not allowed. ii- Charge report shoul	Mr. Niaz Ali Khan SPST	Mr. Hassan Zadu SPS1	Mr. Jamil Hussain PS'f	Mr. Sajeed Klam PST	Mr. Alamizeb SPST	Mr. Muhammad Zahid SPST	Mr. Ajmal Khan PST	Mr. Haquawaz Khun SPS I	Mr. Zakirullah PST
l. Id be sub	21041	66985	20684	21012	20908	380.96	20685	20686	20889
<u>Nate:-</u> i- TA/DA not allowed. ii- Charge report should be submitted to all concerned.	GPS No.3 Mera Umur Payan	GPS No.4 Urmar Miana	CiPS No.1 Mern Urnur Payan	GIPS MASHO GAGAR No.1	CiPS Cluthi Khun-Wali	GPS Shobala Telaband	CiPS No.2 Hazar Khwani	CiPS No.3 Hazar Khwani	GPS Cinchi Alumid Khan
	38699	21041	66980	21166	21166	21155	31055	20684	20940
	GPS No.3 Urnur Minn	City No.3 Mera Urmar	GPS No.4 Umar Misma	OPS No.2 Umar Payan	GPS No.2 Urmar Payan	CIPS No.3 Telaband	GPS No.2 Musicui	GPS No.1 Hnzurkhwani	GPS Haji Muhambad Noor Kjili
	hasis	hasis	basis	heing disabled	basis basis	busis Reniumalization/m	Rationalization/ne	hasis	Rationalization/net

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iii- Necessary enteries should be made in their respective record.

lindst: No. 4388-4434 Copy forwarded to the:-2- ASDEOs (Male) Circles Badaber, Mathani & Urmar Peshiwar. I- SDEO (Male) Town-IV Peshawar

District Education Officer Male Peshawar

. :



BETTER COPY

In pursuance of the directions of the E&SI: Department & Deputy Commissioner Peshawar on the reports of IMU for the exercise of rationalization of Pry School Teachers at GPSs of Town-IV Peshawar, and to fill the stop gap of teaching staff in single teacher schools on need basis, adjustment order of the following teachers on rationalization into the following PSTs / SPSTs is hereby issued in the schools shown against each their names on their own pay & BPS in the best interest of public students service with immediate effect:

S.No	Name &		red from		ferred to	Remarks
	Designation of		<u> </u>			
	Teacher	EMIS	School	EMIS	School	
1.	Mr.	20985	GPS Khur	20876	GPS	Rationalizatio
	Muhammad		Khurai		Khandaq	n/ need basis
	Qasim SPST		· · · · · · · · · · · · · · · · · · ·		Adizai	
2.	Mr. Ihsanullah	21010	GPS No.4	21009	GPS No.3	Rationalizatio
	SPST		Maryam Zai		Maryamzai	n/ need basis
3.	Mr. Siraj	20826	GPS Bagh	21009	GPS No.3	Rationalizatio
	Hussain PST		Mian Kheil		Maryamzai	n/ need basis
4.	Mr.	21095	GPS Rehmat	21009	GPS No.3	Rationalizatio
	Muhammad		Abad		Maryamzai	n/ need basis
	Zikria PST					
5.	Mr. Syed Noor	20816	GPS No.2	20815	GPS No.1	Rationalizatio
	Ali Shah SPST		Azakheil		Azakhel	n/ need basis
6.	Mr. Sabir	20883	GPS No.1	28692	GPS No.2	Rationalizatio
	Hussain SPST		Faqir Hunr		Faqir Hunr	n/ need basis
7.	Mr. Aftab	21031	GPS Mera	32885	GPS M_	Rationalizatio
	Hussain SPST		Azakhel		Sherkera	n/ need basis
8. /	Mr. Asfandyar	30433	GPS Shahjee	20815	GPS No.1	Rationalizatio
N	Khan SPST		Abad		Azakhel	n/ need basis
9.	Mr. Azam	30423	GPS Garhi	20896	GPS Garhi	Rationalizatio
	Khan SPST		Arsala Khan		Banat	n/ need basis
10.	Mr. Muzammil	30331	GPS Garhi	32132	GPS Matta	Rationalizatio
	Shah PST		Wah Khan		Bachy	n/ need basis
11.	Mr. Siraj Khan	20932	GPS Gul	20920	GPS Garhi	Rationalizatio
	PST		Ahmad Kili		Fazal Rahim	n/ need basis
12.	Mr. Qaiser	30402	GPS No.1	20802	GPS No.2	Rationalizatio
	Khan SPST		Khulizai		Adezai	n/ need basis
			Adezai	1		

Note: -

- i. TA/DA not allowed.
- ii. Charge reports should be submitted to all concerned.
- iii. Necessary entries should be made in their respective record.

District Education Officer Male Peshawar

Endst: No: 4388-4434/Dated 15/01/2020-04-20

Copy forwarded to the:-

1. SDO (Male) Town-IV Peshawar.

2. ASDEOs (Male) Circles Badaber, Mattani & Urmar Peshawar.

Mil-13 bid Jode Jour DEO - 19-29 AND R. J. M. M. J. Multing & March 1312-19 بر ارش بی جانی می بند و رفند بر المری شاد بر از دان خار بسر مل شد الول فر دار. Anneure en Erin Spart Kind Will - Unit of Kind Spart en Stand Charles and the brink کی بزاء پر بنده کی تیر بلی دارشان کی تین کے تر او او بان از دین 44.34 - الحركون المرك المرك لول أمن محل كور المرك ل مرين براغرى معرك شام 1.3 ماركى عليه تى لائل لاراد 133 مىلى -محلامين بوالمركورا د خدمل مين 27 - Simile O 36 - 321 3 14 = 401 3 25 : 6 - 03 15 = 5 = 6 06-7-18-6 10 = 5.0 133: · >+ Jul 1 سيك هذا مين إسرائد في أخرراح في عن المسالة الشريسي بالسي وطالق مما در . میکول قبل ایک انجازی کی ہے۔ الاا اور ASDE في غلط و فرند كردم من ويرى ترير الى سوتى - " معلم المعلم المرابي المراجري علم محرور المراجر المراجر المراجر ويرك المرابي لو فلسو جرائر في المعلم ل The sould $\frac{1}{2} = \frac{1}{2} = \frac{1}$ SDEC G (3735) @ 18/01/2020 استار في SPST المراغية الراغية المراغية المراغية المراغية المراحية المراحية المراحية المراحية المراحية المراحية سرحل فترى تأول فرر جول ليساور فوظ : در 1910 كيساف اور الماع المراجع المراجع المراجع المرد الم - J'à Min. 18-01-2020

Better copy she will all and the con DEO - 10 - 10. 1015-12 (11) مغوان: مسوحى رئيستا كمر ليشن ار در ما ون فو د/ ايد المصاح ليساور كترارش ى جا بى سى بىن كورىنى يېراغ ى سىكولى مداه جى آباد ا مناخلى سرح قىنى ماون قورلىشاور وين الحيشين SPST و لو سط ليركام كررياسي - UMII و ASDEO ما حب كى علط برلو رقند كى بناء ير بنده كى تري بلى رئيسنال كرنينان أرور ب تى توالى من 4388-4434 -15 15 1 ورغر برائری سکول اخراج بزا و مرد چلی با كور عنوف يرايم ي سلول شاه جي آباد كي طلب كي لول لفراح 133 مس -مورس والز لفداد وبل س -27 - 27 - 27 C 36 = "3>1 @ 14 = 1/21 3 ATTESTED 25 = 25 5 15 - ' meg = 15 06 - - B.C 133 - 7 أفدار - 133 مسكول حذا عين استنزه في لفراد في من - مريشنا أنز ليشن باليسي 2 مطالق بجار 2 سول میں ایک اسرادی کی بے IMU او ASDED ی غلط د بورتش مروم س میری تبدیلی سو ی میں -فرابانی در عیری ایس ایر عمرردان عور کر خبری سریلی کو منسوح ار الحق الم سلول GPS مناع کانا داخان کو عین قدر کی کام جاری کرنے احفاظ سر جراد و مانیں. HEAD TEACHER GPS Shall be Abad Aza Most Mattanii ASS Matta اسفند باروان ASDED ومفنع (الحرى سبول مناه 20 الا 30 مردا من ظاون وز بر مناه بار مان ASDED مردل مناه 20 الا 30 مردل مشاهن وز سرمل حنى ماون فخر خط ايشاور لوف: مرور فاست ليراق ساب فيمنظ او 19 EME يرو دارم ونسلب مس

كەنسىنە پېرىمى بىلاد باب لىر 52286/13 مىشور قىدادائىي براندىم زىمود 2011،20.06 كەندر(ئارم شود بايز) مىمى بىدىر (پىسر) السكثر جزل وليس مويد مرجد دارم فبراب 17301- 8840 476-1 410 فارم تمريب فأوت کادئتر قائیل ابتداني اطلاعي ر لورث 8031808 - 2003 Legal-Branch apilal City Police Pesha Anneure - 13:00 - is 24 .532 -20 C." 2163 24 July 1420 24 تاريخ ووتت ركيورب نام دسكونت اطلاع د منده مستغيث مار ومر ا سرخار مار دوم ا معاد الم ²² محقر كيفيت جرم (معدد فعه) حال أكر بحوليا كما بو-. PPC-324-34-427 حائئ دقوعدفا صلدتها ندست ادرست 2101211. S.O. ... نام دسکون ملت کان مر مر صو<u>ر کی ستراه . د. مدا س</u> جي اور مذہبہ كاردائى بولنيتش م متعلق كى تكاكرا طلاع درج كرف من توقف بوابوتو دجه بيان كر في مركز مرارم مرد مد سر 2- الخاند - ردائلي كى تارىخ ددت rerابتداني اطلارع بتحدرج كرومدنت میں زنی اسب فسرمری لہدیں کے روی د AL وسال سرد ^ت کن ول افروز 7 355 مول مو کر جو کر با کا خدم شما ، منهن قرود مشر ما ر دور , منفند ما در قرم و تعال کور <u>خطو</u> سال کے اد صال بند کوری کر می در مدی مثری ما ۶ دون دیورث برختی میان و میں فع در مدیم دانغد ما در اور ختان ر من من من 5375 مير احما مير ف سُول سے تورود مار سے اور جب قبا د م منا, م مر مان کرمان دم ن ما قدان در از المسر و المحق مى مكرم الم مر الم رائع مترج مدير لاالد التسقي سي مرارد م فسل ما مر من من ازر می تقود اور والمر آبی ارضد ما را بال بال بی تر بر ا م من من ترم ما تعبر فاترت بالرمان مرار مؤكر موكر توم مرا مرا آرر والرام المراب م مدار 2 ما الرك مع وأمر أم ا ورو مان ن RH متال دا با من دره بربن مار برس ازر اه برس دور والمرأم التعديلي الور الم م مَا نُرْمَدُ ا رر دور من س م بعسال رس الم بردداف ما لاک ن US. د مو نزار ی مرغ موں تونون ما روز کی باغ در دست ر در فس م رون الم. م م م م م م م م م م م م « ال مس منب آر» » سخو اور نامند کی دستخو شت کرتر جتی من الیک 50 6 2 1.0.5 ور ورا مرم مه باط رسم مع از و مرد - حرب بابار ل مار مراس بانع در مرار . کسی جو رہ لرمش س ک - رما بی مع ما در قد من ما ما ما من می و ر مصل معالقات من دو نے بر کا روں جانے دستا الرار الل کار 9. LAH · Copyind gency (FLW) Legal Blasch . Sepilar City Balles Perhawar 09-03-2010

(BETTERCOPY)



فارم نمبر24-5(1)

ابتدائي اطلاعي ريورٹ

ابتدائى اطلاع نسبت جرم قابل دست اندازى يوليس ريورت شده زيرد فعه 154 مجموعه ضابطه فوجدارى

ضلع: <u>پثاور</u> ا	تى	تھانہ:
تەرىخ:24/09/2016 بجے	بر: 532	علت
24/09/2016 وقت 14:20 بيم چاكيدكي چ 16:00 بيج	تاريخ دوقت ريورث:	-1
شهريار ولداسفنديار توم افغان بعمر 22/20 سال ساكن اضاخيل	نام وسکونت اطلاع دہندہ مستغیث:	-2
324/34/ 427 PPC	مخضر كيفيت جرم(معدد فعه) حال أكريجح لياكيا بو:	-3
راستدرد ببئده بحددا قع المناخيل متى	جائر وتوعد فاصلد تحاند اور سمت	_4
1_عمر خان ولد صالح شاه، (2) بدایت ، (3) اور نگزیب پسر ان عمر خان	نام وسکونت ملزم	-5
ساكنان اضافيل		
تحریر می اسله پر مقد مدورج رجسٹر کیا جاتا ہے۔	کاروائی جو تغییش کے متعلق کی تھی اگراطلاع درج کرنے میں توقف ہواتوہ جد بیان کریں	-6
به سییل عام	تھاندے روائگی کی تاریخ دوقت	-7

ابتدائی اطلاع یسی کو درج کر و بوقت صدر بج تحریری مراسله صابر حسین اے ایس آئی آن ذایو ٹی HRH ہپتال ب بدست کا نشیل دل افروز 5357 موصول ہو کر جو بعضون ذیل ہے۔ بخد مت جناب SHO صاحب تعاند متی مجر وح شہریا ولد اسفند یاد قوم افغان بعر 22/20 سال ساکن اضا خیل متی بمقام کیو لڑی ایل آراز کی بیاور مد کی مقد مد بالایوں رپورٹ کرتا ہے کہ میں والد ام اسفند یاد اور فرمان ولد سر فرازا پندانی موٹر سائیکل نمبر S275/PESH پراضا نظیل سکول سے گھر فود جار ہے سے جب بمقام جائے و قوعہ پر پنج کر تو جائیداد کے تنازعے پر مسیان عمر خان ولد چراخ شاہ (2) بدایت اور اور گروان دولا سے تھر فود جار ہے سے جب ساکنان دیہ ام ہمیں دیکھتے ہی کید م ہم پر بداسلحہ آتشیں سے بدارادہ فتل فار نگ کی دینکی فائر نگ سے میں لگ کر ذخی ہوا اور الدام اسفند یاد اور فرمان بال بال نتی گئے اور موٹر سائیکل کو بھی لگ گیا۔ بعد فائر نگ کی دینکی فائر نگ کے میں لگ کر ذخی ہوا اور والدام اسفند یاد اور فرمان بال بال نتی گئے اور موٹر سائیکل کو بھی لگ گیا۔ بعد فائر نگ کی دینکی فائر نگ سے میں لگ کر ذخی ہوا اور والد ام اسفند یاد اور فرمان بال بال نتی گئے اور موٹر سائیکل کو بھی لگ گیا۔ بعد فائر نگ کی دینکی فائر آنگ سے میں لگ کر ذخی ہوا اور دالد ام اسفند یاد اور دلد ام اسفند یاد اور فرمان دیک کو بھی لگ گیا۔ بعد فائر نگ کا دینکی فائر نگ کی دو قوعہ با میر ااور دالد ام اسفند یاد اور فرمان کا چشر دید ہے مقادی معالیہ کیلئے والد ام اور فرمان نے ایل آر این سیور سی اپول میں اپنج کر دو قوعہ بزامیں اور دفتی فران فرار ہو دری شدہ دو حویداری کرتا ہوں اور در فرمان وار پر فرمان فرار ہو کر پر طر سائیک اور دخی دری شدہ دو حویداری کرتا ہوں اور مر فران کی جائے العد دو شخط اسفند یار و لو میں پر طر سائی کا بر خلاف بالا کسان میں کہ کر دو دو دو دائی دید ہوان کی جائی ہو ہو حسی گفتہ سائی کا ر پور دور دی ہو کر پڑ طر سای کا دیکی کا دو میں دائی کا دو خلاف مو بالا کسان مری شرہ دو حویداری کر تاہوں کہ مجر در کی فین تھ سائی کا ر پور دور دی ہو کر پڑ طر سایا جاکر در خلی کی اور دیل دی م شہر م م گل کر ہو دی میں تعمد پن کر دی کر کے مور در می حوالہ CM مر موا ہو کی کر دو مر مائی کی کر دو می در م شرم م کا گر دید دی میں تعمد پن کر تاہوں کہ معنون ر پور دور می حوالہ میں موا دی مر پر دی می ہو می در می ہو ہو دو می ہا ہا کی مرز او کی



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Education Management Information System (EIVIIS) Elementary & Secondary Education Department Government of Khyber Pakhtunkhwa

Annual School Census Questionnaire (2019-20)

1.	School EMIS Code
2.	School Name G.P.S SHAH JFE ABAD AZ A KHEI
3.	Male Female Mosque Primary Middle High H/Sec Gender 4. School Level 4.
5.	School Coordinates
6	
	b. School Official Émail Address:8. Tehsil / Town Peshawas Tawn IV
9.	UCName Aza Khel No K2
1	0. Village/Neighborhood Council Name Manco Khel 198
	11. Village/City Name Azakaua
1	12. Locality/Mohalla Name Shall Tee Abad 13. Street Name/No14. School Landline No. Shall Tee Abad
	15. Location: Urban I Rural
	16 The school is running in: Summer Zone Winter Zone (The option may be selected on the basis of whether the longer vacations of the school is allowed in the summer or winter)
1	17. National Constituency (NA) No. 29 18. Provincial Constituency (PK) No 71
1	19. Circle Office Name Mattani 20. SDEO Office Name Town M
2	21. Ownership of the building Government Donated Rented Adjusted Sheltered Shelterless
	 Government means land & building is the sole property of the government. Donated means the land/building is donated but ownership not mutated/transferred to the government. Rented means that land and building is not the sole property of the government. Adjusted (running in another school) Sheltered (fabricated ceilings/tents) Sheltariess means that no building exists.
Ľ.	22 Type of Upgradation Developmental Non-Developmental
:	23. a. Year of Establishment
	b. Year of Construction / Re-Construction
	c. Year of Upgradation
L	24. Total Land allocated/donated for school 40 mas las (in Marlas as per record)



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29. Subject-wise Total Enrolment in Class 11th and 12th (in Higher Secondary Schools)

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Directorate of Elementary and Secondary Education



Khyber Pakhtunkhwa Peshawe

PH No. 091-9201389, 9210938, 9210437,9210957, 9210468 Fax 091-9210936 0800-33857 No<u>2412-²⁵7A</u> //Promotion/Estab Dated Peshawar the <u>\$\$/01/2013.</u>

All the District Education Officers, (Male & Female), in Khyber Pakhtunkhwa.

Subject:- <u>Guidelines for Posting of PST B-12 on Promotion to the post of</u> <u>Senior PST B-14 and PSHT B-15,Qari B-12 to B-15,CT R-15 to Senior</u> <u>CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.</u>

Memo:

To

I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and on Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted as under:-

Up gradation of Posts in Primary Schools (Female) A	After	- : . - : : :
Rationalization @ 1-40 ratio	· J - • ·	

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Up gradation of Posts in Primary Schools (Male) After Rationalization @ 1-40 ratio

S:No	School Code	Namc of Primary School	Total Enrolment	Sanctioned Posts after Rationalization					
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	30056	GPS A	5.50	1	0				
2	2522.1	GPS E	110	I					
3	25244	GPS C	160			· · · ·	· · ·		
4	25277	GPS D	:98		1	2.	1		
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7	25097	GPS G	320		2	6	1
<u>ь</u>	32912	GPS F			2	5	1 1
<u> </u>			285	1	2	4	I
5	25221	GPS E	240	1	2	3	<i>1</i>

Note:-

- 1. Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15.
- 2. There will be no post of PSHT B-15 & SPST B-14 in MPS.
- 3. No of posts of PSHT B-15, SPST B-14 & PST B-12 will not exceed the already communicated sanctioned posts.

Posting on Promotion

- 4. On Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted in the same UCs Subject to the provisions of sanctioned post,
- 5. Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.
- 6. In their promotion order it should be mentioned that their Inter-se-Seniority on lower post will remain intact.
- 7. If anyone forego promotion, Entry to this effect may be made if his/her Service book.
- S. Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Notification No. SO (PE)Department Education Secondary 5/SSRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

I am further directed to further clarify that:

1. On promotion Qari B-12 to the post of Senior Qari B-15,CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools

2. 1/3 Qari B-12 posts will be upgraded to Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16 in , High and Higher Secondary Schools only in Elementary and Secondary Education Department at District Level .

- 3. No post of CT B-15, PET B-15 , AT B-15 , DM B-15 , TT-15 , will be upgraded to B-16 in Middle Schools.
- 4. Senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16, Senior TT B-16 (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools

Dy: Director (Estab) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

<u>/ File No.1/A-88/KC/S.list</u> : Dated Peshawar the <u>18/01/2013</u>. Endst: No<u>.</u>

Copy forwarded for information and necessary action to the: -

1. PS to the Secretary to Gout: Khyber Pakhtunkhwa E&SE Department.

2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.

3. M/File

5.

Dy: Diréctor (Estab) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

ريرو ، وزخه بنام ا مقدم دعوكي *7*, باعث تحريرا نكه مقدمه مندرجه عنوان بالإمين ابني طرف سے داسطے پیردی وجواب دہی دکل کاردائی متعلقہ آن مقام ____ الم ____ كيلي عاد مسر مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاردائی کا کامل اختیار ہوگا۔ نیز وسیل صاحب کوراضی نامه کرنے وتقرر ثالت ہ فیصلہ برحلف دیتے جواب دہی اورا قبال دعوی اور بصورت ذكرى كرف اجراءاورصولى چيك درويبيار عرضى دعوى ادر درخواست برنتم كي تصديق زرایس پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برایدگی اورمنسون نیز دائر کرنے اپیل نگرانی دنظر ثانی دیپردی کرنے کا اختیار ہوگا۔از بصورت ضردرت مقدمہ مذکور کے کل پاجزوی کاردائی کے داسطے اور دکیل پامختار قانونی کواپنے ہمراہ پااپنے بجائے تقرر کا اختیار ہوگا۔اورمیا حب مقرر شدہ کوبھی دہی جملہ مذکورہ بااختیارات حاصل ہوں کے اوراس کا ساختہ م داخته منظور قبول موکار دوران مقدمه میں جوخر چدد ہر جاندالتوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حد سے باہر ہوتو وکیل صاحب پابند ہوں گے۔ کہ بیر دی مدکور کریں۔لہدادکالت نامہ کھدیا کہ سندر ہے۔ 2 المرتوم 40 20 ,207 بتمقام کے لیے منظور ہے

VICE TRIBUNAL KHYBER PAKHTUNKHWA

BEFORE / SERVICE APPEAL NO.3184/2020

íyar Khan

Secretary E &SE and others

P-T

VERIALF OF RESPONDENTS.

ively Sheweth:

The Respondents submits bellow:

PRELIMINARY OBJECTIONS:

- 1. That the Appellant has got no cause of action /locus standi.
- 2. That the Appellant has concealed material facts from this Hon, ble Tribunal.

V/S

- 3. That the Appellant has been estopped by her own conduct to file the instant appeal before this Hon'ble Tribunal.
- 4. That the instant Appeal is bad for mis-joinder and non-joinder for the necessary parties.
- 5. That the Appellant has not come with clean hands to this Hon'ble Tribunal.
- 6. That the instant Appeal is barred by law.
- 7. That the Appellant does not fall within the ambit of aggrieved person.

ON FACTS.

- 1. That Para No.1 pertains to record.
- 2. That Para No.2 also Pertains to record.
- 3. That in reply to Para No.3, it is submitted that the appellant was transferred from GPS Shahjee Abad from GPS Aza Khel on the report of Independent Monitoring Unit (IMU).

Furthermore, the strength of the student in GPS Aza Khel is sufficient and it is pertinent to mention here that there were three teachers working in GPS Shahjee Abad where in the said school numbers of student were less than eighty.

Moreover, in said school the appellant, his brother and his brother in law were adjusted and usually one of them remains absent with their mutually understanding. So the department transferred the appellant to his home station and near his house.

4. That Para No.4 is misleading and against the facts. Furthermore, it is submitted that the appellant was transferred under the rationalization policy but he did not obey the order of the competent authority and hence the appellant committed misconduct therefore, the appellant has been served show cause notice, that why the appellant is not obeying the order of the competent authority. The appellant submitted the reply of the said show cause which was not satisfactory. Furthermore, the appellant has got all the salaries of the said period.

(Copy of Show Cause Notice is attached as Annex: A)

It is pertinent to mention here that the appellant filed writ petition No.2380-P/2020 which was decided by PHC on the dated.

 (Copy of judgment of Peshawar High Court Peshawar is attached as Annex: B)

5. That in reply to Para No.5, it is submitted that the appellant his no cause of action to filed the said service appeal in this Hon'ble Service Tribunal.

GROUNDS

- A. That Ground-A is incorrect, misleading and against the facts. The transfer order of the appellant is according to law and rules.
- B. That Ground-B is incorrect, misleading and against the fact. The numbers of the students are less then eighty. The detail reply has been given in Para No.3.
- C. That Ground-C is also incorrect and misleading. The appellant is transferred to his home station but it is beyond the fact, that why the appellant reluctant to join in GPS No.1 Azal Khel which is at walking distance at his home.
- D. That Ground-D is incorrect and misleading.
- E. That Ground-E is also incorrect, misleading and against the facts. The detail reply has been given in Para No.3 of the facts.
- F. That Ground-F is incorrect. Detail reply has been given in the above Para.
- G. That Ground-G is incorrect, misleading and against the facts.
- H. That the Respondents have also seeks permission of this Hon'ble Tribunal to submit further / Additional Grounds at the time argument.

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

District Education Officer Iale)/Peshawar

____(A)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR

SHOW CAUSE NOTICE.

I, (Mr.Irfan Ali, DEO (M) Peshawar), as competent authority, under the Khyber Pakhtunkhwa Government -Servants-(Efficiency-and-Discipline)-Rules,-2011,-do-hereby-serve-you,-Mr.-Asfandiyar-Khan-SPST, GPS-Shah-Jee Abad Peshawar as follow:

Aning .

l am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules: (a) Non-compliance of Rationalization of der.

-As-a-result-thereof,-I, as-competent-authority,-have-tentatively-decided-to-impose upon-you the major penalty under rule 4 of the said rules.

You-are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whither you desire to be heard in person.

If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

с бмрі AUTHORITY DISTRICT EDUCATION OFFICER, (Male) PESHAWAR!

Annez - 131

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JUDGE

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A' FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
22.06.2020	<u>W.P.No.2380-P of 2020 with interim relief.</u>
	Present: Mr.Hamad Hassan, advocate for the petitioner.
	Mr.Rab Nawaz Khan, AAG alongwith Mr.Daud Khan ADEO (Male) Peshawar for the respondents.
	LAL JAN KHATTAK, J As by now the petitioner is
	getting his salary, therefore, this petition has achieved its
<i>·</i> .	goal and as such stands dismissed, however, if he has
	any grievance regarding the arrears, then he can
	approach his department for the redressal thereof.
	Tai

Sadiq Shah, PS' (DB) (Hon'ble Mr.Justice Lai Jan Khattak & Hon'ble Mr.Justice Muhammad Nasir Mahfooz)

I Mrs. Asfandyan Icham, SPSt Crown Poinning Sharod Sharhite asad crockes Merkhami, Peshawan have Record RS amount 2000/- from service appro No 3184/2020 an 29 7 Astandian Astendyon Ichan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

<u>SERVICE APPEAL NO.</u>/2020

Mr. Asfandyar Khan S.PST Govt Primary School Shahjee Abad Azakhel Circle Mattani, PeshawarPetitioner

VERSUS

Secretary to Govt of Khyber Pukhtunkhwa Elementary & Secondary Education Department, Peshawar and othersRespondents

INDEX

S.N	Descriptions of Documents	Annexure	Page
1	Memo of Rejoinder	- <u></u>	13
2	Affidavit	····	3
3	Copies of students and staff list, transfer order date 18/07/2020 and school wise detail vacant posts	A-B & C	4-9

Dated: 13/01/2021

Appellant

Through

Hamad/Hussain Advocate High court Peshawar Mobile: 03120952763

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.3184 /2020

Mr. Asfandyar Khan

VERSUS

Secretary E&SE and others

REJOINDER ON BEHALF OF THE APPELLANT AGAINST THE WRITTEN REPLY SUMITTED BY THE OFFICIAL RESPONDENTS

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS

(1 to 7) All objection raised by respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

<u>FACTS</u>

- 1. No comments endorsed by the respondents department which means respondent admitted Para No 1 of the written reply as correct.
- 2. No comments endorsed by the respondents department which means respondent admitted Para No 1 of the written reply as correct.
- 3. Para No 3 of the written reply is incorrect and baseless, moreover wherein the appellant performing his deputy in the Govt Primary School shahjee Abad Circle Mattni as there are 157 students enrolled as per concern school staff statement while under rationalization policy 40 students one (1) teacher. Further it is added that office order Endst No 10052-10153 dated 18/07/2020 the respondents department has been transfer one Muhammad Rasool (SPST) serial No 56 to GPS shah Jee Abad from GPS Azakhel No 1.

Moreover in the said school Govt Primary school shah jee Abad as per rationalization policy @ 40 students one teacher as there is one more teacher is required and one teacher post is vacant in the said school. Further in shool wise detail of vacant at serial No 20 shows one post of PST is vacant in GPS Shajee Abad as per list of the District Education officer (Male) Peshawar. (Copies of students and staff list, transfer order date 18/07/2020 and school wise detail vacant posts as Annexure-A-B and C).

- 4. Para No 4 of the reply is incorrect. The appellant has always been obey the order of the competent authority but the appellant has based on personal ill and will & malafide intention as respondent No 3 the then District Education Officer (Male) Peshawar name Irfan Ali who have been stopped the salaries of the appellant and gave a fake Show Cause Notice without any office Number and date wherein the appellant has been filed writ petition NO 2380-p/2020 before the Peshawar high court for releasing his salaries when the writ petition has been notice for comments to the respondents but the respondents couldn't submitted their comments and later on release the salary of the appellant.
- 5. Para No 5 the appellant has been filed a department appeal to the competent authority after passing stipulated period (90) days. Hence the appellant filed the present appeal before this Hon'rable service Tribunal as per section 4.

Grounds

- A. Para A of the Ground the transfer order of the appellant is against the rationalization police as per 40 students one teacher which is liable to be set aside according to the rules and policy.
- **B.** Para B of the Ground there were round about 157 students are Govt Primary School Shah jee Abad but the respondents department concealing the real facts from this Hon'rable Service Tribunal
- **C.** Para C of the Ground whereas the appellant was transferred there is life threatened to the appellant located nearby GPS Azakhel No 1 due to enmity, where the appellant has transferred. That in this connection F I R has also been lodged in P S Mattani against Son of the appellant Nemely Shehyar.
- **D.** Para D of the Ground as explained as above para.
- E. Para E of the Ground the transferred order of the appellant is based on personal ill and will & malafide intention as Respondent No. 3 the then District Education Officer namely Irfan Ali have ulterior motives during past Posting Transfer as SDEO Peshawar with the elder brother of the appellant namely Sarfaraz Khan Ex SDEO Peshawar, wherein this Honourable Tribunal has delivered judgment in favour of the elder brother of the appellant, Sarfaraz Khan Ex SDEO Peshawar and he was remained SDEO Peshawar.

- F. Para F of the Ground as explained as above para.
- G. Para G of the ground as also as explained as above paras.
- **H.** That any other grounds will be taken at the time of arguments with the permission of this service Tribunal.

It is therefore humbly prayed that on acceptance of this Rejoinder on behalf of the appellant and the transferred order of the appellant may kindly be set aside

Appellant

Through

(HAMAD HUSSAIN)

Advocate High Court Peshawar Mobile 0312-0952763

Affidavit:-

I, Asfandyar S. PTS / HM GPS Shahjee Abad Azakhel Mattani Peshawar do hereby solemnly affirm that the contents of this rejoinder in the instant Service Appeal are true correct with the best of my knowledge that no such like appeal has earlier been filed between the parties in this Honourable Tribunal

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CHARGE REPORT BB According to the Endst No, 10052-1015. SN10, 56 Dated 18-07-2020 Commenced Tr. DEO (M) Peshawer. Muhammad Rasool Spst GPS Bakhel No1 Circl Mattani has been transferred as PSHT BPS-1 to GPS shak Jee about. He took order The change of his post on 18-07-2020 atter moon. change report have been Sent The concerned office. le Head mas. Muhammad M. Starth Rasool, Re Shahlee AR Code # 30430 18/7/2020 18/7/2020

OLIKE OF THE DISTRICT CONCATION DIFICT MALES PESHAWAR

DILICC ORDER

Consequent upon the recommendation of the Departmental Promotion Committee held on 14/7/2020 the comment of antionity is pleased an primerit and exact the following SPSTe to PSHT post in the schools noted as protheir names in the light of the Chimelian Lightentary & Secondary Education Department Notification to . 0104-39 Battion Drawy/Laists with proventiate effect with the original of Pathic service.

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•	1 City	MUHANIMAD	DOST MUHAMMAD	GPS AKHOON ABAD	GPS NO 2 GARIN	
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33	Urmar	Muhammad Rafig	Muhammad Sharif	GPS Shahid Abad	GPS GARHI ARSALA	
35	Cantt	Nawaz Khan	Khan Muhammad	GPS Nouthia Jadeed	GPS MUHAMMAD AL	1
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37	C/Pura	Muhammad	Dost Muhammad	GPS Choha Gujar	GP'S TELA BAND NU. I	1 AVI
38	Cantt	llehangir Ali Halder Khan	Abdur Rahim Khan	3PS Ghari Durrani	GPS MUSHTERZAI	· AVP
39	B/Bet	ABDUR REHMAN	USMAN KHAN	SHS Sh. Muhaminadi No.	OP: ALIZAL	<u> </u>
40	Takht	Muhammad Ayaz	Sher Ahmad	GPS Khapa	GPS Sher Abad	AVP
41	<u>Abad</u> City	MUHANIMAD IAH	Shan Malia			
42	C/Pura	Maroof Shah	Abdul Samad	GPS Pakha Ghulam 1	GPS CHER RAD VILLY	• • •
43	Mattani	Mahd Umer	Haji Rat Shah	('PS Sheikh Nala	GPS SHEENDRUNG	AVP
44	H-Abad	Farhad Iqbal	Arangzaib Khan	I PS Agricultural colony	GPS NOT	43 A
45	C/Pura	Hidayat Ullah	Abdul Wahab	(PS Jala Bela	GES HURYANA PAYAN	AVP
46	City	S. ZULFIQAR ALI	S. KAMAL SHAH	(PS RASHID GARHI	JSES 1A. Binnin	140
47	Urmar	ABDUL BASEER	AZIZ UR RAHMAN		GPS LANDA SAIFUR	A¥2
48	City		NASEER KHAN	GES ZARGAR ABAD	BAHA IS M 7 GPS C afhi titiulatii Muhammad Mera Surizel Payan	AVP
49	Mattani	Badam Shah	Mohib Shah	GF:i No.1 Faqir Banr	GPS NOOR AZIZ	
50	8/Ber	ESSA KHAN		GPS KAGA WALA ALYZAI	GPS PASSANI	AVP
51	City	KARAMAT SHAH	S. FAQIR SHAH	ATS BERI BAGH	GESNUS	1.4
52	Cantt	Nadeem Ahmad	Abdul Jalii	GPS Garhi Durrani	GPS AHMAD KHEL	AVP
53	H-Abad	Samin Jan	Muhammad Aslam	(i 'S Tenkal Payan No. 1.	GPS TALA GARH	AVP
54	D/Zai	Atta-ur-Rahman	Faiz-ur-Rahman	Gi'S Garhi Karim Dad	GPS TELABAND	4370
55	C/Pura	FAZAL QADIR	GUL KHAN	GPS Duran Pur	GPS SILMA BADABER	AVP
56	Mattani	Mohd Rasod	Wadan Shah	GPSNo.1 Aza Khel	GPS STIAH JEE ABAD	AVP .
57	C/Pura	Fazle Bari	Habib ur Rehman	GFS Yaseen Khan Town	GPS G inhi Wakeelan	****
58	C/Pura	inamu llah	Farld Khan	Gi S Chamkani No. 2	GPS 841 #4: 4#45	
59	City	FAWAD AZIZ	ABDUL AZIZ	GI S KAKSHAL NO.2	GPS SI AT ABAD	AVP
60	City	SHABIR AHMAD	QASIRO KHAN	GES KAKSHAL NO.1	GPS KI 2 BLC - COLL	
61	D/Zal	Khalid Mahmood	Wahid Ali		GPS Niami	AVP
62		Sajjad Ahmad	Fazil Qudus	CF i Miane Korona 👘 🗧	GPS GUE HI SHEP 380 NO.3	{
63	Giy i	MUHAMMAD ISMAIL	MUMAWAR KHAN		GPS JD GANI	AVP
64	Urmar	lia bemita	Nishammad Ali	695 Nemar Paran No 2 💦 🔰	GP5 NO.3 MERA IRMAN PAYAN	AVP

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5	11/Iter	SHAFICEUR RÉHMAN	SAID ВЕНИЛАН	GPS Gharibabad M/Zai	GPS KARA KHEL	 AVP
6	CHY	MADSOOD KHAH	HAMIF UR RAHMAN	GPS SHEIKH ADAD	GPS MERA AZA KHEL	AVP
7	Taklii Aliad	Muhammad Shafiq	Mubammad Isinal	GPS Larama	GPS Essa Khei TopchiAN	AVP
n	Сцу	минаммал Науат кнал	SHER ZAMAN	GPS AKHOON ABAD	GPS GARHI F. VZULLAH NO.1	.**∕₽
9	Cantt	Sajjad Ali	M lqbal	GPS Pushtakhara Payan No.	GPS HAIL KHEL LALMA	AVP
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1	Takhi Ahari	Abdur İtehinən	AZIZ UR RAHMAN	GPS Bashir Abad Pesh,	GPS MANDRA KHEL	AVP
2	Canti	tAuhaminad Riar	Sher Muhammad	GPS Nauthia Jadeed	GI'S KHUR KHURİ	AVP
3	City ,	SARDAR KHAN	ETBAR KHAN	GPS GULBAHAR 3	GI'S DINBAHAR NO.1	AVP
1	Canit	Wesiullah	Musharraf Khan	GPS No.2.Noudeh Payan	GPS ADEZALNO,1	AVP

Necessary entry should be made in their service books.

They should give an undertaking to the effect that if any overpayment is Charge report should be submitted to all concerned. No TA/DA is allowed.

(MR IRFAN ALI) District Education Officer (Male) Peshawar

Endst No: 10052-10153 Dated Peshawar the 18/01/ 2020

Farwarded for information to the:

1 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

2 Accountant General Kliyber Pakhtunkhwa Peshwar.

3 Sub Divisional Education Officers (Male) Town I, II, II, IV Feshawar.

- 4 ASDEOs Circle Concerned.
- 5 DMO IMU Peshawar.

6 Officials concerned.

Education Onicer le) Peshawar

101	EMENI	SHOWING THE SCHOOL WISE DETAIL	OF FOLLOWING VACANT P	OSTS	
.No.	EMIS	Name of School	Union Council/Ward	PST B-12	Tota
1		GPS Maira Achmi Bala 2	Achini Bala	-	
2		GPS Sango No 1	Achini Bala	1 1	
3	30402	GPS No.1 Khulizai Adezai	Adezai	1	
4	20801	GPS No.1.Adezai	Adezai	3	
S	20802	GPS No.2.Adezai	Adezai	3	
6	20632	GPS AKHOONABAD	Akhoonabad	2	
7	20643	GPS Beri Bagh	Akhoonabad	3	
8	20577	GPS Haider Colony	Akhoonabad	1	
9	20633	GPS ANDER SHAHER	Ander Sheher	1	
10	20697	GPS Khudadad	Ander Sheher	1	
11	20636	GP5 No 1 ASIA PARK	Asia	1	
12	20831	GPS BANDA MIANGAN	Azəkhel	1	
13		GPS FAQIR BURN NO.1	Azakhol	1 1	t -
14		GPS FAQIR BURN ND.2	Azakhel		
15		GPS Mera Azakhel	Azakhel		1
16	<u> </u>	GPS No. 1 Tela Band	Azakhel	1 7	†
17	21154	GPS No.2 Telaband	Azashel		
18	-40749	GPS NOOR AZIZ KOROONA	Azakhel		f
19		GPS shahldan Taouskhei Noor Aziz koroona	Azakhel		1
20	31,433	GPS SHAHIEE ABAD	Azəkhei	1	┢──
21		GPS Sher Mir Killi	Azakhel		
22	30328	GPS BADA BER NO.4	Badaber Harozai	<u> </u>	t
23	38693	GPS DELHI DHER NO. 2	Badaber Harozai	 	t –
24	20910	GPS GARHI MUMTAZ	Badaber Harozai	╞╌╌╴╴	†
25		GPS GARI AHMED KHAN	Badaber Harozai		
26		GPS LALMA BADHBER	Badaber Harozaî		┢╍╴
27	1	GPS MERA BADABER	Badaber Harozai		
28		GPS BADA BER NO.1	BADHBER MARYAMZAI	<u> </u>	
29		GPS MERA SAM BADABER	BADHBER MARYAMZAI		
30		GPS NASRULAH KHAN KORDONA	BADHBER MARYAMZAI		
31		GPS No.1 BADA BER	BADHBER MARYAMZAI	<u> </u>	1
32	<u> </u>	GPS SHAGA BADABER	BADHBER MARYAMZAI	+	}
33		GPS Bazid Khel Gull Abad on 3	Bazid Khel		+
34		GPS Ghuri Shaheedan	Bazid khel	1 1	\vdash
35		GPS Marozaî No I	Bazidkhel	1	<u>†</u>
36		GPS Audit Colony	Bhana Mari	<u> </u>	1
37		GPS Bela Niko Khan	Budni	1	\vdash
38		GPS Garhî Pordîl	Budni		
39		GPS Gulozai	Budni	3	-
40		GPS Yaseen Abad	Budni		
41		GPS Bara Lane	СВР		
42	╂	GPS Chaghar Matti No-1	Chaghar Matti	1	
43	<u> </u>	GPS GARHI ALI MUHAMMAD	Chaghar Matti	+	+
44		GPS HAII ZAI	Chaghar Matti		1
45		GPS PIR KALAY NO. 1			1
46		GPS TAPU KOROONA	Chaghar Matti Chaghar Matti		

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← item

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OFFICE OF THE DISTRICT EDUCATION OFFCIER (MALE) PESHAWAR

CORRIGENDUM:

In pursuance of honorable Service Tribunal KPK direction please read the school name GPS Shahjee Abad Aza Khet Peshawar instead of GPS No.3 Mattani Peshawar vide notification issued this office Endst No.8176-79/P.File/Asfandyar, dated 23/12/2021.

Endst No: 7874-78-1

District Education Officer (Male) Peshawar

Dated 09/02 12022.

Copy of the above is forwarded to the:-

- 1. Chairman KPK Service Tribunal Peshawar.
- 2. Accountant General Khyber Paktunkhwa Peshawar.
- 3. SDEO(M) Town Concerned 4. Official Concerned.
- 5. Head Master Concerned.

Dy: District Education Officer (Male) Peshawar