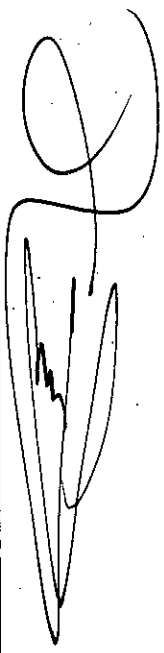


Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	15.05.2015 	<p>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p>Appeal No. 686/2014</p> <p>Ihsanul Haq Versus District Education Officer, Chitral etc.</p> <p><u>PIR BAKHSH SHAH, MEMBER.</u>- Appellant with counsel (Muhibullah Tarichvi, Advocate) and Mr. Ziaullah, Government Pleader for the official respondents present.</p> <p>2. Appellant Ihsanul Haq, a C.T Teacher in the Education Department was transferred from GHS Sweer to GMS Romboor vide impugned order dated 14.4.2014. On the next day vide order dated 14.4.2014 one Abdul Nasir Shah (respondent No. 4) was transferred from GHS Arandu to GHS Sweer. The appellant filed departmental appeal which was not decided in his favour vide order dated 28.04.2014, hence this service appeal before this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. The learned counsel for the appellant submitted that the appellant is living in Chikidam Darosh, Chitral which is with a distance of 10 Kilometers away from school in village Sweer unlike Ramboor at a distance of 65 KMs. That there is none to take care of his family which consists of three small</p>

children and a young wife living in Drarosh. That the appellant has not yet completed his tenure of three years but was transferred which is against the posting/transfer policy of the government. He requested that the appeal may be accepted and the impugned orders may be set aside.

5. This appeal was resisted by the learned Government Pleader that the appellant had questioned the impugned order in the Civil Court but when his stay application was rejected, he was no more interested in that Suit which was dismissed in default and to prolong the processes application for restoration of the Suit is still pending before the Civil Court. The learned GP further stated that the appellant is abusing process of the civil court as well as this Tribunal. It was further argued that respondent No. 4 has been made a party but no departmental appeal was made against the order dated 15.04.2015 for which reason the appeal is not maintainable. It was also argued that transfer of the appellant was made because Head Master of the GHS Sweer was dissatisfied with his performance. He submitted that the impugned transfer order was made in the public interest, and requested that the appeal may be dismissed.

6. We have heard arguments of the learned counsel for the parties and perused available record.

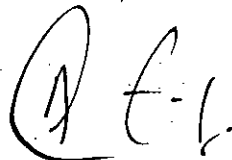
7. From a thorough perusal of the record, it transpired that Incharge Headmaster GHS Sweer was dissatisfied with performance of the appellant who wrote a letter to DEO (M)

Chitral for the transfer of the appellant. No government posting/transfer policy seems to have been violated by the impugned order. It reveals from Memo. of appeal that instead of the legal grounds, the appellant wants transfer of his choice on humanitarian grounds. This Tribunal is of the view that there would be more deserving CT Teachers to be accommodated on humanitarian grounds but it is evident that humanitarian grounds cannot be made a rule in government business. The Tribunal does not find that a case has been made out for interference of this Tribunal hence we would not like to interfere in the impugned orders. Summing up the discussion, this appeal is dismissed. Parties are left to bear their own costs.

File be consigned to the record.

ANNOUNCED

15.5.2015



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

8.5.2015

Appellant in person, and Mr. Ziaullah, GP for the official respondents present. The learned Executive Member is on leave, therefore, order could not be announced. To come up for order on 15.05.2015.


MEMBER

27.02.2015

None present for appellant. Mr. Muhammad Younis Javed, Supdt. for official respondents alongwith Addl: A.G present. Official respondents have also submitted written statement, while respondent No. 4 absent. Proceeded ex-party. The case is assigned to D.B for rejoinder and final hearing for 9.4.2015.


Chairman

09.4.2015

Appellant with counsel and Mr. Ziaullah, GP for the respondents present. Rejoinder received. Arguments heard. To come up for order on 17.4.2015.


MEMBER


MEMBER

17.04.2015

Mr. Zarmat Ali Khan, Advocate is present as proxy on behalf of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Due to rush of work, case is adjourned to 06.5.2015 for order.


MEMBER


MEMBER

06.05.2015

Counsel for the Appellant and Mr. Ziaullah, GP for the respondents present. The learned Member (Judicial) is on leave, therefore, case to come up for order on 08.05.2015.


MEMBER

23.09.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Muhammad Shah, ADO for the official respondents present and requested for time. None is available on behalf of private respondent No.4. Fresh notice be issued to him. To come up for written reply on main appeal as well as reply/arguments on stay application on 07.11.2014. Till then status quo is extended.


MEMBER

07.11.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Muhammad Shah, ADO for the respondents present and written replies filed. Copy handed over to counsel for the appellant. Fresh notice be issued to private respondent No. 4. To come up for written reply on main appeal as well as reply/arguments on stay application on 15.12.2014. Till then status quo is extended.


MEMBER

15.12.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Shah, ADO for the official respondent present. The Tribunal is incomplete. To come up for the same on 20.1.2015.


READER

21.1.2015

Since 20th January, 2015 has been declared as public holiday by the provincial government, therefore case to come up for the same on 27.2.2015.


READER

Appeal No. 686/2014.
Mr. Ghanshyam Singh

7. 27.08.2014

Appellant alongwith counsel present. Preliminary arguments heard and case file perused.

Through the instant appeal, the appellant has impugned transfer order dated 14.4.2014, vide which the appellant was transferred from GHS Sweer to GMS Rumboor.

The learned counsel for the appellant argued before the court that the appellant was transferred to far flung area of District Chitral and the impugned transfer order was passed in violation of posting/transfer policy of the government as the appellant has not yet completed his normal tenure at present place of posting. Against the impugned order, the appellant filed departmental appeal on 28.04.2014 upon which the respondent No. 2 has directed the District Education Officer (Male) E&SE, Chitral to resolve the problem of the appellant yet no decision has been made on the departmental appeal.

Since the appeal is within time and terms and conditions of service of the appellant are involved, therefore, the appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit security amount and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply on 23.09.2014. Accompanied with the appeal, the appellant also submitted application for interim relief. Notice of application should also be issued to the respondents for reply/arguments on the date fixed. The respondents are directed to maintain status quo till the date fixed.

This case be put up before the Final Bench for further proceedings.

MEMBER

CHAIRMAN

*Appellant deposited
Process fee & Security
Rs. 35072 Bank Receipt
attached with file*

8. 27.08.2014

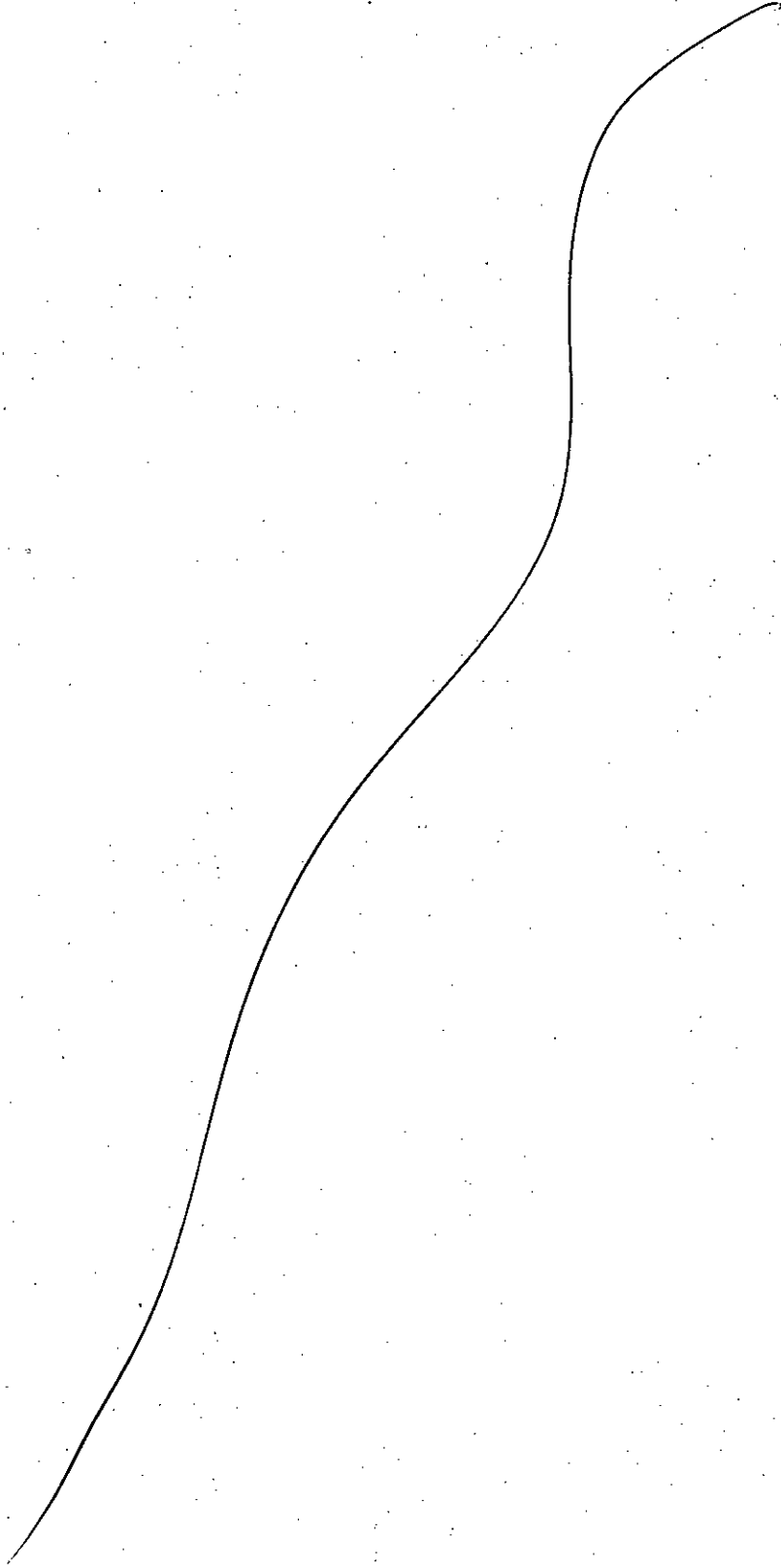
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6.

21.7.2014

None for the appellant present. Notices be issued to appellant and his
counsel for preliminary hearing on 27.08.2014.

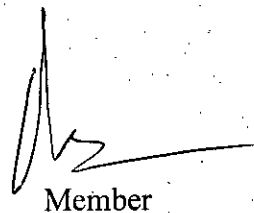

MEMBER



3.

27.05.2014

Counsel for the appellant present and filed an application for early hearing which is placed on file. Application allowed. To come up for preliminary hearing on 30.05.2014 instead of 05.06.2014.

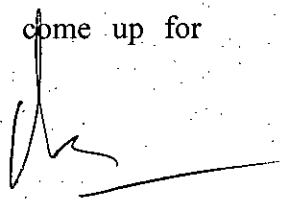


Member

4.

30.05.2014

Counsel for the appellant present. Preliminary arguments partly heard and record perused. Perusal of the record reveals that the departmental appeal filed by the appellant on 28.04.2014 has not been responded and statutory period has not been lapsed, therefore, pre-admission notice be issued to the learned GP to assist the Tribunal in respect of maintainability. To come up for preliminary hearing on 24.06.2014.

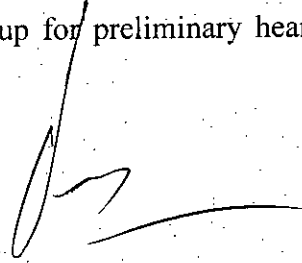


Member

5.

24.06.2014

Junior to counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Junior to counsel for the appellant requested for adjournment due to non-availability of his senior counsel. Request accepted. To come up for preliminary hearing on 21.07.2014.


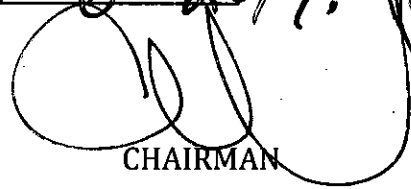


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 686/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/05/2014	<p>The appeal of Mr.Ihsanul Haq resubmitted today by Mr. Muhibullah Tarichvi Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	14-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>5-6-2014.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mr. Ihsan-ul-Haq today on 29/04/2014 against the order dated 14.04.2014 against which he preferred a departmental appeal on 28.04.2014 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

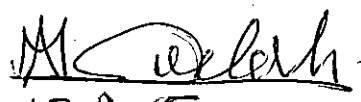
No. 677 /ST,

Dt. 29/04/2014


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhibullah Tarichvi Adv. Pesh.

It is submitted that departmental appeal filed by the appellant, has been decided by Respondent no 2 by observing "quidly resolve the problem" - so final order has already been issued and the appeal before this honourable tribunal is not pre-mature. Please put before honourable court.
Resubmitted please.


13-5-2014
Muhibullah Tarichvi
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 686/2014

Ihsan ul Haq(Appellant)

VERSUS

District Education Officer, District Education Office, Chitral.

And others.....(Respondents)

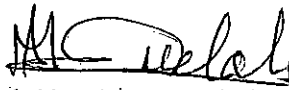
I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Application		7-8
4.	Affidavit		9
5.	Addresses of the parties		10
6.	Copy of transfer order dated 28/02/2013	A	11-13
7.	Copy of application/representation	B	14
8.	Copy of transfer order dated 14/04/2014	C	15
9.	Copy of transfer order dated 15/04/2014 of respondent No. 4	D	16
10.	Wakalat Nama		17

Appellant

Through

Dated: 29/04/2014


Muhibullah Tarichvi
Advocate High Court,
Peshawar.
Cell No. 0345-3434235

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 686/2014

636
29-4-2014

Ihsan ul Haq S/o Muhammad Aziz R/o Village Chikidam
Drosh, Tehsil and District Chitral.....(Appellant)

VERSUS

1. District Education Officer, District Education Office, Chitral.
2. Director, Elementary and Secondary Education Directorate,
Dabgari Garden, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary
Education, Civil Secretariat, Peshawar.
4. Abdul Nasir Shah, C.T, Teacher, Government High School,
Sweer, Darosh, Chitral.....(Respondents)

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE ORDER OF
RESPONDENT NO. 1 DATED 14/04/2014
VIDE WHICH RESPONDENT NO. 1
TRANSFERRED THE APPELLANT FROM
VILLAGE SWEER TO ROMBOOR VALLEY.
THE APPELLANT FILED DEPARTMENTAL
REPRESENTATION TO RESPONDENT NO. 2
ON 28/04/2014 BUT CONCERNED
RESPONDENT DID NOT DECIDE IT AND
MARKED TO THE RESPONDENT NO. 1 TO
RESOLVE THE PROBLEM, HENCE THE
INSTANT APPEAL.

29/4/14

Submitted to file and filed

13/5/14

Respectfully Sheweth:

1. That appellant is serving as C.T. Teacher in Government High School Sweer, Chitral.
2. That the appellant is living in village Chikidam Darosh, Chitral which is 10 Kilometers away from village Sweer School. But school in Ramboor Valley is 65 Kilometer away from appellant's residence.
3. That the appellant has to take care of his family which consists 3 children very small age and a young wife living in appellant house in Drosh.
4. That there is no body to look after the appellant family in Drosh.
5. That while feeling aggrieved from illegal transfer order, the appellant filed a departmental appeal/ representation on 28/04/2014 to respondent No. 2 which was marked respondent No. 1 with the remarks "Kindly resolve the problem".

6. That the concern department has not decide, the Appellant's appeal/ representation properly and according to law furthermore the concern department totally ignored the Appellant's appeal/ representation and has passed an illegal order.
7. That the appellants tenure 3 years has not been completed in the said station Government High School, Sweer according to the Government policy and rules.
8. That no any cogent reason has been mentioned in the order transferring the appellant while on the face of it the said order is malafide and illegal.
9. That propriety, justice and equity demand that the appellant being only male guardian of his family present at home (Drosh Village).
10. That while issuing the transfer order of the appellant, respondents have totally ignored the service laws and rules.
11. That in the above circumantces it will be interest of justice not to throw the guardian of an unstable family at

the mercy of service and has no body to take care of his family.

12. That the appellant served the department honestly dedicatedly and very punctually. But inspite of that appellant has been transferred far away his residence.
13. That the impugned transfer order is against the policy of the Government is against the rules and judgment of the Superior Courts hence the impugned order is without jurisdiction and without lawful authority and is liable to be cancelled.
14. That the impugned order is a stereo type order and has been passed without application of mind and is for ulterior motives and malafide.
15. That the appellant has not been treated in accordance with law and has been discriminated against.

It is, therefore, respectfully prayed that on acceptance of this Service Appeal the impugned transfer order dated 14/04/2014 may be set aside, being illegal,

5

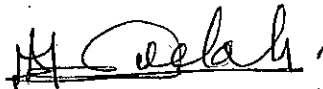
without jurisdiction and without lawful authority besides being violative of transfer policy and rules.

Any other order deemed appropriate in the circumstances of the case also be passed. The appellant may be allowed to put forwarded any argument/document at the time of heaving of this appeal.



Appellant

Through



Dated: 29/04/2014

Muhibullah Tarichvi
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2014

Ihsan ul Haq(Appellant)

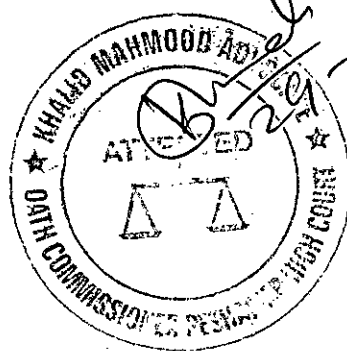
VERSUS

District Education Officer, District Education Office, Chitral.

And others.....(Respondents)

AFFIDAVIT

I, Ihsan ul Haq S/o Muhammad Aziz R/o Village Chikidam Drosh, Tehsil and District Chitral, do hereby solemnly affirm and declare that all the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



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DEPONENT
CNIC: 15201-0603526-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2014

Ihsan ul Haq(Applicant/Appellant)

VERSUS

District Education Officer, District Education Office, Chitral.

And others.....(Respondents)

APPLICATION FOR SUSPENSION OF
IMPUGNED ORDER DATED 14/04/2014,
TILL THE FINAL DECISION OF MAIN
APPEAL.

Respectfully Sheweth:

1. That the instant application for suspension of impugned order has been filed along with the main appeal in which no date of hearing has yet been fixed.
2. That the appellant/ application has a good prima facie arguable case and is sanguine about its success.
3. That balance of convenience also lies in favour of the appellant/ applicant.

4. That if the relief as prayed for in the heading of application is not granted, appellant/ applicant will suffer irreparable loss.
5. That the contents of the appeal may kindly be read as part of this application.
6. That it shall be interest of justice to grant interim relief for suspension of impugned order.

It is, therefore, humbly prayed that on acceptance of this application, while pending disposal of the instant service appeal the impugned transfer order dated 14/04/2014 may kindly be suspended, till the final decision of the main appeal.

Applicant/Appellant

Through

Dated: 29/04/2014

Muhibullah Tarichvi
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2014

Ihsan ul Haq(Applicant/Appellant)

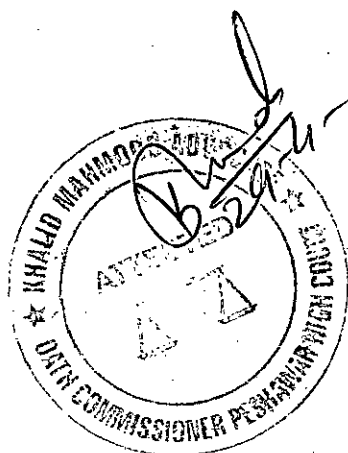
VERSUS

District Education Officer, District Education Office, Chitral.

And others.....(Respondents)

AFFIDAVIT

I, Ihsan ul Haq S/o Muhammad Aziz R/o Village Chikidam Drosh, Tehsil and District Chitral, do hereby solemnly affirm and declare that all the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



[Handwritten Signature]

DEPONENT
CNIC: 15201-0603526-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2014

Ihsan ul Haq(Appellant)

VERSUS

District Education Officer, District Education Office, Chitral.

And others.....(Respondents)

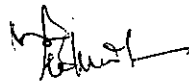
ADDRESSES OF THE PARTIES

APPELLANT:

Ihsan ul Haq S/o Muhammad Aziz R/o Village Chikidam
Drosh, Tehsil and District Chitral.

RESPONDENTS:

1. District Education Officer, District Education Office, Chitral.
2. Director, Elementary and Secondary Education Directorate,
Dabgari Garden, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary
Education, Civil Secretariat, Peshawar.
4. Abdul Nasir Shah, C.T, Teacher, Government High School,
Sweer, Darosh, Chitral.



Appellant

Through

Dated: 29/04/2014



Muhibullah Tarichvi
Advocate High Court,
Peshawar.

(11)

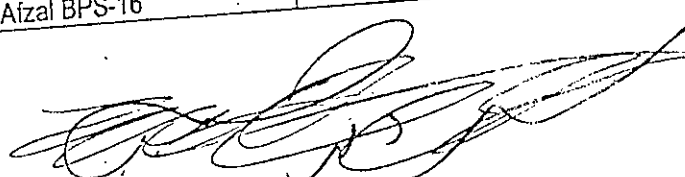
CT

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL.

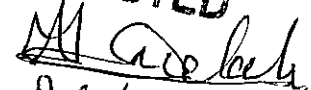
OFFICE ORDER.

Adjustment of the following promoted (Male) Senior CTs BPS-16 selected through Departmental Promotion Committee and their service placed under the disposal of this office vide Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification NO. SO (B&A)/1-18/E&SE/2012 dated 11/07/2012 and Finance Department Endorsement NO. SO (FR)/FD/10-22/(E)/2010 dated 16/07/2012 is hereby ordered in the school noted against each with immediate effect, in the best interest of public service:-

S.#	Name	Present School	Place of Posting	Remarks.
1	Saifullah BPS-16	GHS: Balach	Retained	-
2	Mass Murad BPS-16	GHS: Mastuj	Retained	-
3	Yourmas Panah BPS_16	GHS: mastuj	Retained	V.No.5
4	Mirza Wali Khan BPS_16	GMS: Parwak	GHS: Khot	V.No.4
5	Haider Ali BPS_15	GHS: Khot	GMS: parwak	-
6	Mohammad Aqeel BPS-16	GHS: Arkari	Retained	-
7	Abdul Jalil BPS-16	GHS: Ayun	Retained	V.No. 9
8	Fazal Qadir BPS-16	GMS: Soriaspoor	GHS: Warijun	V.No.8
9	Ibrahim Shah BPS_15	GHS: Warijun	GMS: Soriaspoor	V.No. 11
10	Shah Jee BPS-16	GMS: Khor/ Deh	GHS: Hone	V.No. 10
11	Mohd Israrud Din BPS-15	GHS: Hone	GMS: Khor /Deh	V.No. 13
12	Gul Ahmatud Din BPS-16	GHS: Shoghur	Balach	V.No.14
13	Azizur Rahman BPS_15	GHS: Balach	GMS: Seenlasht	V.No. 12
14	Rahmat Jan BPS-15	GMS: Seenlasht	GHS: Shoghur	-
15	Mohd Karim Khan BPS-16	GHS: Khot	Retained	-
16	Rowshan Mohammad B-16	GHS: Ashirate	Retained	-
17	Saeed Mohammad BPS-16	GHS: Ayun	Retained	-
18	Mohd Hamidullah BPS-16	GHS: Koghuzi	Retained	-
19	Akbar Zaman Khan BPS-16	GHS: Kosht	Retained	-
20	Anwarur Rahman BPS-16	GHS: Kosht	Retained	-
21	Mohammad Aziz Khan B_16	GHS: Booni	Retained	V.No.23
22	Latifur Rahman BPS-16	GHSS: Morilasht	GHS: Baranis	V.No.22
23	Fazal Islam BPS-15	GHS: Baranis	GHSS: Morilasht	-
24	Abdul Ghafoor BPS-16	GHS: Werkup	Retained	-
25	Qazi Rafiq Ahmad BPS-16	GHS: Kessu	Retained	-
26	Majeed Ahmad BPS-16	GCMHS: Chitral	Retained	V.No. 28
27	Shamsud Din BPS_16	GMS: Krinj	GHSS: Garumchashma	V.No.27
28	Rahmat Khan BPS_15	GHSS: G/Chashma..	GMS: Krinj	V.No.30
29	Bakhesh Ali BPS_16	GMS: Krinj	GHS: Shoghur	V.No. 29
30	Habibur Rahman BPS-15	GHS: Shoghur	GMS: Krinj	-
31	Noor Rahmat Shah BPS_16	GHS: Madak	Retained	-
32	Khadim Hussain BPS-16	GHSS: Drosh	Retained	V.No.34
33	Rahmat Sahib Kha BPS-16	GMS: Parkusap	GHS: Mastuj	V.No.33
34	Nowrooz Khan BPS-15	GHS: mastuj	GMS: Parkusap	-
35	Abdul Jahan Khan BPS-16	GHS: Koghuzi	Retained	V.No.37
36	Asagal Khan BPS-16	GMS: Washich	GHSS: Shahgram	V.No.36
37	Taj Mohd Khan BPS:-15	GHSS: Shahgram	GMS: Washich	-
38	Sher Afzal BPS-16	GCMHS: Chitral	Retained	-



ATTESTED


29/12/14

89	Mohammad Ilyas BPS-16	GMS: Nishkoh	GHS: Werkup	V.No.90
90	Hajibullah BPS-16	GHS: Werkup -	GMS: Nishkoh	V.No.89
91	Khalid Zafar BPS-16	GHS: Ayun .	Retained	-
92	Syed Jamlud Din BPS-16	GMS: Dizg.	GHS: Lonkoh	V.No.93
93	Hazratud Din BPS-15	GHS: Lonkoh .	GMS: Dizg	V.No.92
94	Manzoor Jalal BPS-16	GCMHS: Chitral .	Retained	-
95	Adina Khan BPS_16	GHS: Shoghur .	Retained	-
96	Mumtaz Ahmad BPS-16	GMS: Rayeen	GHS: Werkup	V.No.97
97	Sulaiman Shah BPS-15	GHS: Werkup . -	GMS: Rayeen	V.No.96
98	Aziz Rahmat Khan BPS-16	GHS: Mastuj	Retained	-
99	Muhibullah BPS-16	GHS: Balach .	Retained	-
100	Sher Mohd Khan BSP-16	GHS: Reshun	Retained	-
101	Sy. Sardar Hussain BPS-16	GHS: Brep .	Retained	-
102	Wazir Shah BPS-16	GMS: Mough	GHSS: G/Chashma	V.No.103
103	Subhanud Din BPS-15	GHSS: G/Chashma .	GMS: Mough	V.No.102
104	Suhar Wardi BPS-16	GHS: Harchin ✓	Retained	-
105	Nasirud Din BPS_16	GHSS: Shahgram .	Retained	-
106	Noorul Sabah BPS-16	GHS: Kosht .	Retained	-
107	Khurshid Ali BPS_16	GHSS: Drosh .	Retained	-
108	Wazir Hussain Sh BPS-16	GHS: Warijun .	Retained	-
109	Noor Illahi BPS-16	GCMHS: Chitral .	Retained	-
110	Saghir Ahmad BPS-16	GHSS: Morilasht .	Retained	V.No.112
111	Mirajud Din BPS-16	GMS: Shunu	GHS: Warijun	V.No.111
112	Abdul Khaliq BPS-15	GHS: Warijun ✓	GMS: Shunu	-
113	Nizamud Din BPS-16	GHS: Charun .	Retained	-
114	Khalilur Rahman BPS_16	GHS: B/Owir .	Retained	-
115	Farooq Mahmood BPS-16	GHS: Brep .	Retained	-
116	Syed Miran Shah BPS_16	GHS: Rech ✓	Retained	-
117	Gul Ahmad Khan BPS-16	GHS: Domil .	Retained	-
118	Amir Wali Khan BPS_16	GHS: Shughur .	Retained	-
119	Mahboob Rasool BPS-16	GHS: Ursoon .	Retained	V.No.121
120	Mutiur Rahman BPS-16	GMS: Kosht Bala	GHS: Kosht	V.No.120
121	Shfiqur Rahman BPS-15	GHS: Kosht .	GMS: Kosht Bala	-
122	Shamsud Din BPS_16	GHS: Balach .	Retained	-
123	Khalilullah BPS_16	GHS: Tar .	Retained	-
124	Sirtaj Ahmad BPS-16	GHS: Sosoom .	Retained	V.No.126
125	Mujibur Rahman BPS-16	GMS: Jughur	GHS: Balach .	V.No.125
126	Mansoor Hussain BPS_15	GHS: Balach .	GMS: Jughur	-
127	Israrud Din BPS-16	GHS: Shoghur	Retained	V.No.129
128	Khairullah BPS-16	GMS: Nichaghowir	GHS: Gohkir	V.No.128
129	Samiur Rahman BPS_15	GHS: Gohkir .	GMS: Nichaghowir	V.No.131
130	Attaullah BPS_16	GMS: Orghuch	GHS: Chumurkone	V.No.130
131	Hasan Kamalud Din BPS_15	GHS: Chumurkone .	GMS: Orghuch	V.No.133
132	Ghulam Dastagir BPS_16	GMS: Miragram -1	GHS: Sonoghur	V.No.132
133	Abdul Jalal BPS-15	GHS: Sonoghur .	GMS: Miragram No.1	-
134	Jan Mohammad BPS-16	GHS: Rech ✓	Retained	-
135	Nowrooz Khan BPS-16	GHS: Moroi .	Retained	V.No.137
136	Fida Mohammad BPS-16	GMS: Jinjirate	GHS: Sweer	V.No.136
137	Bashir Ahmad BPS_15	GHS: Sweer .	GMS: Jinjirate	V.No.139
138	Sultan Mohamad BPS-16	GHS: Sweer	GHSS: Drosh .	-

(Handwritten signature/initials)

ATTESTED

(Handwritten signature)
29/4/14

13

	Ihsanul Haq BPS-15	GHSS: Drosh	GHS: Sweer	V.No.138
	Mohd Sabir Shah BPS-16	GHS: Kushum	Retained	-
41	Shokoor Mohammad BPS-16	GHS: Booni	Retained	V.No.143
42	Sardar Mohd BPS-16	GMS: Khork Deh	GHS: Hone	V.No.144
43	Ubaidullah BPS_15	GHS: Hone	GMS: Orghuch	V. No.142
144	Mohd Jahangir Khan BPS-15	GMS: Orghuch	GMS: Khorkashandeh	-
145	Israr Ahmad BPS-16	GHS: Ujnoo	Retained	-
146	Bahaud Din BPS-16	GHSS: G/Chashma	Retained	-
147	Fazlur Rahman BPS-16	GHS: Harchin	Retained	-
148	Ghulam Ahmad BPS-16	GHS: Kosht	Retained	V.No.150
149	Mukaramud Din BPS-16	GMS: Warjun	GHS: Muzhgole	V.No.149
150	Noor Shahidin BPS_15	GHS: Muzhgole	GMS: Warjun	V.No.152
151	Zar Ahmad Shah BPS_16	GHS: Muzhgole	GHS: Warjun	V.No.151
152	Muhibullah BPS-15	GHS: Warjun	GHS: Muzhgole	V.No.154
153	Mirajud Din BPS_16	GMS: Shishi	GHSS: Drosh	V.No.153
154	Sharifullah BPS_15	GHSS: Drosh	GMS: Shishi	-
155	Saif Illahi BPS_16	GHSS: G/Chashma	Retained	V.No.157
156	Nadir Wali Khan BPS-15	GHS: Bomborate	GMS: Muldeh Ayun	V.No.156
157	Ahmad Salim BPS_15	GMS: Muldeh Ayun	GHS: Bombcrate	-

TERMS AND CONDITIONS:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will governed by such rules and regulations as may be issued from time to time by the Govt:
- 3 Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their inter-Se-seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recorded and if he is wrongly promoted, he will be reversed.

(Siraj Mohammad)
 District Education Officer,
 (Male) Chitral.

Endst: No. 11021-51 /EB (M)/T-4/Tf/CT dated Chitral the 28/02/2013.
 Copy forwarded for information & necessary action to the:-

- 1 PA to Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2 District Accounts Officer Chitral.
- 3 Principals/ H/Ms concerned.
- 4 Teachers concerned.
- 5 Master File.

(Signature)
 Deputy District Education Officer,
 (Male) Chitral.

ATTESTED

(Signature)
 29/4/14

(14)

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

DEO(M) Chitral
Kindly resolve
the problem
up

Subject: CANCELLATION OF TRANSFER ORDER.

Additional Director
(Estt. SE)
Khyber Pakhtunkhwa Peshawar.
29/4/14

Sir,

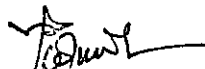
With due respect, it is stated that I Ihsanul Haq is presently posted in Government High School Sweer Chitral as CT Teacher BPS-15 and have been recently transferred to Government Middle School Ramboor Chitral in reference to order No. Endst: No. 3402-3/EB (M) T-4/Trf/CT dated Chitral 14/04/2014.

Sir I am unable to provide my services in Ramboor due to my domestic problems as my parents have passed away and I have to take care of my family in Drosh which is near to Sweer, and I have not fulfill my tenure of service in the said area 3 years and Sweer is my near station. I can easily come and go to my house which is impossible from Ramboor which lies at a distance of 65 Kilometers away from Drosh.

Kindly consider my application for cancellation of transfer to Ramboor.

You kind consideration in this regard will be highly solicited.


With best regard.


28.4.2014

Ihsan ul Haq
C.T. Teacher GHS Sweer
Darosh, Chitral.
CNIC: 15201-0603526-3

Date of 28.4.2014

ATTESTED


29/4/14

15

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL.

ORDER.

Consequent upon the approval of the Competent Authority, adjustment of Mr. Ihsanul Haq CT Govt: High School Sweer to Govt: Middle School Romboor is hereby ordered on his own pay and grade against vacant CT post with immediate effect in the best interest of public service:-

Note:-

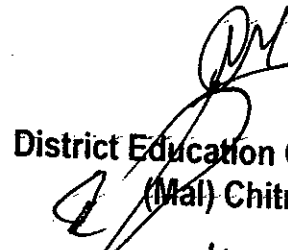
- 1 No TA/DA is allowed.
- 2 Charge report should be submitted to all concerned.

(NISAR MUHAMMAD)
District Education Officer,
(Mal) Chitral.

Endst: No. 3402-3 /EB (M) T-4/Tr/CT dated Chitral the 14/4/2014.


Copy of the above is forwarded to the:-

- 1 District Accounts Officer Chitral for information, please.
- 2 Headmasters concerned for strict compliance.
- 3 Teacher concerned for strict compliance.


District Education Officer,
(Mal) Chitral.

14/4/14

ATTESTED.


29/4/14

ORDER.

Consequent upon the approval of the Competent Authority, adjustment of the Following teachers are hereby ordered on their own pay and grade in the Schools noted against each with immediate effect in the best interest of public service:-

S.#	Name	Designation	From	To	Remarks
1	Fazlur Rahman	SCT	GHS: Harchin	GHSS: Shahgram	A.V.Post
2	Muhammad Ghazi Khan	CT	GHS: Ujnoo	GMS: Rabat Khot	A.V.Post
3	Ashraf Karim	CT	GMS: Zhupo	GHS: Ujnoo	V.No.2
4	Abdur Rahman	CT	Under transfer to GHS: Domil	GHS: Ashirate	V.No.5
5	Riazur Rhamn	CT	GHS: Ashirate	GHS: Domil	V.No.4
6	Abdul Nasir Shah	SCT	Under transfer to GHS: Arandui	GHS: Sweer	A.V.Post

Note:-

- 1 TA/DA is allowed to S.# 5.
- 3 Charge report should be submitted to all concerned.
- 4 Previous tenure of S.#.5 will remain intact.

(NISAR MUHAMMAD)
District Education Officer,
(Mal) Chitral.

Endst: No. 3415-18 /EB (M) T-4/Tf/C dated Chitral the 15 / 04 /2014.

Copy of the above is forwarded to the:-

- 1 District Accounts Officer Chitral for information, please.
- 2 Headmasters concerned for strict compliance.
- 4 Accounts Branch (M) Middle Section of local office.
- 5 Teachers concerned for strict compliance.

Nisar Muhammad
15/4/14
District Education Officer,
(Mal) Chitral.

ATTESTED

M. Qureshi
29/4/14

وکالت نامہ**MUHIBULLAH TARICHVI****ADVOCATE, HIGH COURT**

بعدالت صلح۔ حسین صاحب۔ سروسز ٹریڈینگ کمپنی اور سٹیٹ بینک کوواہ

مورخہ 29 اپریل 2014ء منجانب احسان الحق

مقدمہ احسان الحق بنام DEO حیدرآل وغیرہ

دعویٰ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام (س) ہر کے لیے محبت اللہ تریچوی ایڈووکیٹ کو مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں دستخط کرانے کا اختیار ہوگا۔ نیز بصورت دیگر عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے، اپیل کرنے و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ ہو ہر جانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہونگے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سدر ہے۔

2014ء

الرقوم 29 ماہ اپریل

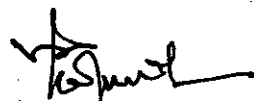
واہ شہ

Attested & Accepted



Muhibullah Tarichvi
Advocate, Peshawar.

بمقام (س) کے لیے منظور ہے۔



اعدالت مناب منبر سرور ٹریبونل کے سپر K.P.K

اصان الحق بنام ~~DEA~~ ^{27/5/2014}

Case file کا
Inch

درخواست نمبر 1000/2014/27
کرنے تاریخ پستی و سہولت کرنے اپیل

مناب عالی! گزار ہے

- 1- یہ کہ مقدمہ/اپیل پر اعدالت حضور میں 2014 کے لئے مقرر ہے۔
- 2- یہ کہ اپیل پر اس کے ساتھ حکم استماعی عارضی کی درخواست بھی لگتی ہے۔
- 3- یہ کہ اپیل ٹرانسفر کے متعلق ہے لہذا اس کو ٹرانسفر سائیکل جو کہ غیر قانونی طریقے سے ہوا ہے۔
- 4- یہ کہ ٹرانسفر آرڈر کو suspend نہ کرنے کی صورت میں تامل کو ناقابل تلافی نقصان فائدہ ہے۔ لہذا اس کا اپیل بالذات میں ایسا ممنوع لکھا گیا ہے اس کے روشن امکان ہے۔

لہذا استدعا ہے کہ تاریخ پستی کسی نزدیک تاریخ میں منظور کیا کر سائل کی درخواست پر حکم استماعی عارضی عینت برکائی جائے

المترقبہ: 27/5/2014

مرضا

اصان الحق سائل/اپیل لکھنے

لکھنے کے لیے اللہ باری تعالیٰ سے دعا ہے
27-5-2014

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 686/2014

Ihsan ul Haq.....(Appellant)

VERSUS

District Education Officer (Male) Chitral and others.....
(Respondents)

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Respondents No. 1 to 3

Moin-ud Din Khattak
Moin-ud Din Khattak
District Education Officer (Male)
Chitral

①

BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 686/2014

Title: Ihsanul Haq..... Appellant/Petitioner

Verses

District Education Officer (Male) Chitral and others... (Respondents)

Preliminary Objections:

- (1) That the appellant has no cause of action to file the instant appeal
- (2) That the appellant has been estopped by its own conduct to file the appeal.
- (3) That the appellant has no locus standi as he has assumed the charge in the GMS Rumboor and complied the office order No-3402-3 dated 14-04-2014 so appeal of the appellant has become in fracture
- (4) That similar nature case of the appellant is pending before the Senior Civil Judge Chitral.
- (5) That the impugned order is in public interest and according to the section 10 of Khyber Pakhtun Khawa Civil Servant Act 1973.

Respectfully Sheweth:

ON GROUNDS

1. **Para no 1** of appeal is correct up to the extent of his post, while he is serving in GMS Rumboor, not in GHS Sweer.
2. **Para No 2** is subject to proof, however post of the appellant is of district cadre and Ayun Union Council (Rumboor) is adjacent to the Union Council Drosh.
3. **Para No 3** is not relevant, hence no comments.
4. **Para No 4** is not relevant, hence no comments.
5. **Para no 5** is not correct as on the application of the appellant on the ground that he had security risk at GHS Sweer and Seeks

(2)

transfer to another station. In furtherance of his application he has been posted to GMS Rumboor. (Copy of the application of the appellant is attached as **annexure "A"**) Thereafter on 17-04-2014 the appellant submitted a civil suit in the court of Senior Civil Judge Chitral. On 28-04-2014 he moved an application to respondent **No 2** which was marked to respondent **No 1** and was pending for consideration. Civil suit of the appellant was dismissed on 5/7/2014. (Copy of the Judgment of Senior Civil Judge is attached as **Annexure "B"**). However Appellant filed an Application for restoration of the suit which is pending before the court. (Copy of the plaint and Application is **Annexure "C"** and **"D"**). It is pertinent to mention here that vide placement/posting policy of the KPK the CT teacher of grade 15 is bound to be posted in Middle School and there is no Middle School in the nearest area of the appellant except that of Rumboor (Copy of policy is attached as **annexure "E"**)

6. **Para No 6** is not correct, it has been mentioned in the above Para due to non availability of vacant post in the nearest area, he has been posted to GMS Rumboor which is adjacent to the UC of appellant and is in the public interest.
7. **Para No 7** is not correct, as the appellant himself desired to transfer on the ground of security risk, hence he has been transferred on his own request and in accordance with section 10 of Civil Servant Act 1973.
8. **Para No 8**, is incorrect detail reply has been given in the above paras.
9. **Para No 9** is not correct as the appellant has served in GHS Drosh two tenures of his service w.e.f August 2007 to February 2013. Further according to section 10 a Civil Servant is bound to serve anywhere in the province
10. **Para No 10** is not correct, it has been mentioned above in detail.

- (3)
11. **Para No 11** is not correct, detailed reply has been given in the above para.
 12. **Para No 12** is not correct, the Head Master of GHS Sweer has questioned the performance of the appellant. Similarly Parent Teacher Council (PTC) of the school was not satisfied with the performance of the appellant and this may be the ground of his application for transfer on the pre text of security risk (copy of the performance report of the appellant from Head Master of GHS Sweer & PTC resolution are attached as annexure "F" & "G" respectively).
 13. **Para No 13** is not Correct, the impugned order is according to law and rules.
 14. **Para No 14** is not Correct
 15. **Para No 15** is not correct, no illegality or irregularity committed by the respondent No 1 to 3.

In the circumstances mentioned above, it is most humbly requested that the appeal of the appellant may please be dismissed in the interest of justice.

Respondents No's

1. Respondent No 3:
Secretary Education Khyber Pakhtoon Khawa
2. Respondent No 2:
Director Elementary & Secondary Education Peshawar
3. Respondent No 1:
District Education Officer (Male) Chitral

(4)

BEFORE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 686/2014

Title: Ihsanul Haq..... Appellant/Petitioner

Verses

District Education Officer (Male) Chitral and others... (Respondents)

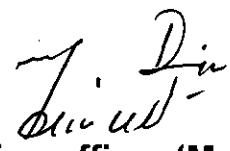
Reply on behalf of respondent on the stay application

Respectfully Sheweth:

1. Para No 1: No comments
2. Para No 2: incorrect, the appellant has no prima facie case.
3. Para No 3: incorrect, balance of convenience is in favour of respondents.
4. Para No 4: In correct, all the three ingredients for suspension/stay is in favour of respondents.
5. Para No 5: that the content of the reply kindly be consider part of the reply.
6. Para No 6: In correct

It is therefore requested that the application may kindly be dismissed with cost.

Respondent:


District Education officer (Male) Chitral

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 686/2014

Ihsan ul Haq.....(Appellant)

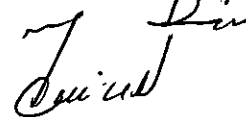
VERSUS

District Education Officer (Male) Chitral and
others.....(Respondents)

AFFIDAVIT

I, Moin-ud Din Khattak S/O Malik Din DEO (Male) District Chitral and having CNIC No.14203-2049202-5 do hereby solemnly affirm on oath that the contents Para wise comments in service appeal No.686/2014 and reply of the stay application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

Respondent No. 1



Moin-ud Din Khattak
District Education Officer
(Male) Chitral

CNIC No. 14203-2049202-5

کذمت جناب DEO صاحب صلح چترال

بھول (9) در خواست بھراد تبادلہ / سٹرا سٹریٹ

جناب عالی!

دربارہ تدریس کا کم بندہ گورنمنٹ ہائی سکول سوئیٹر میں بطور سی۔ ٹی (T) ڈیوٹی سرانجام دیتا ہے۔ فدوی کا پچھلے چند سینوں سے بھرا گیا کہ یہاں ہندوؤں میں جانوں اور شہری قدمات چل رہے ہیں۔ جس کی وجہ سے وہ لوگ پہلے مجھے کئی قسم کی دھمکیاں دینے لگے انہوں نے مجھے قتل (302) کا جھوٹے قدمات میں لپھنایا اور میں دو مہینے تک قید رہا۔ اب بھی مجھے کئی وقت تک تمام خطوط اور ٹیلیفون کالز کے ذریعے دھمکیاں مل رہی ہیں۔ سوئیٹر کے لیے ایئر مشینوں اور قطر ٹانگہ ہے۔ لہذا تقریباً 5 تا 6 ماہ کا سفر پیر دریا کے کنارے طے کرنا پڑتا ہے۔ اس لیے جناب عالی میرا ہائی کر کے مجھے سیر۔ اسٹیشنز گورنمنٹ ہائی سکول دروش یا بھرا گورنمنٹ یا سیر سیکڈاڑاں سکول سٹرا سٹریٹ کر دیا جائے۔

دیہے بھی مجھے بالیوں کے خلاف ورزش کرتے ہوئے ایئر مینٹری طور پر GHS دروش کے ایئر مشینوں میں کیا گیا تھا۔ لیکن میں نے وہ سٹرا سٹریٹ پور اور باقاعدہ GHS سوئیٹر میں ڈیوٹی انجام دینا دیا۔ لیکن اب یہ مجھ پر ہے اور مجھے جان کا قسم ہے کہ لہذا مجھے سیر گھر کے قریب اسٹیشنوں میں تبدیل کر دیا جائے۔ جیسا کہ واقعہ مورچہ مورچہ دونوں اسٹیشنوں میں اس ترقی کے نتیجے میں پورے پورے پورے



خواجہ انصاری

14-9-2013

Handwritten signatures and notes at the bottom of the page.

(A) Annexure (B)

(7) بعدالت جناب سنیر سول جج اعلیٰ علاقہ قاضی صاحب چترال
ایس ایس او

Case No

Title

VS

Serial No/Date
of Order

Order or other Proceedings with signature of Judge or Magistrate and that of
Parties or counsel/ Where necessary

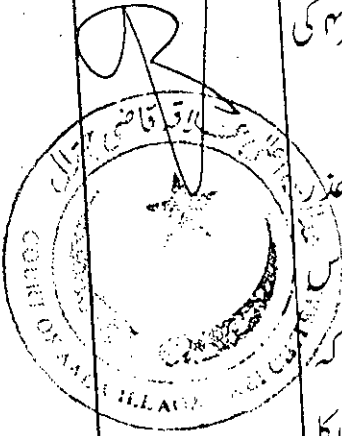
حکم نمبر/تاریخ
07/11/13

(جاری ہے)

جوابدعوئی اور جوابدرخواست موقف مدعی کی تردید میں کئی ایک قانونی و واقعاتی
عذرات اٹھائے۔ فاضل وکیل کا موقف تھا کہ مدعی محکمہ تعلیم میں بحیثیت سی۔ ٹی ٹیچر
گورنمنٹ ہائی سکول سویٹر میں کام کرتا ہے۔ اور مدعی کا تبادلہ کوئی ایک سال قبل
مذکورہ سکول میں ہوا تھا۔ سرکاری ملازم کے لئے تین سال کا عرصہ ایک اسٹیشن میں
گزارنا لازمی ہوتا ہے۔ لیکن محکمہ تعلیم والوں نے غیر قانونی طور پر مدعی کا تین سال
کا عرصہ مکمل ہونے سے قبل اس کو ٹرانسفر کیا جو کہ مدعی کے بنیادی حقوق پر غیر موثر
اور قانون کے بنیادی اصولوں سے متصادم ہے۔ فاضل وکیل مدعی کا مزید موقف
تھا کہ مدعی کو قانونی Tenure اس سکول میں مکمل کرنے کا موقع دیا جانا چاہیے۔
فاضل وکیل مدعی کا مزید موقف یہ بھی تھا کہ مذکورہ ٹرانسفر آرڈر دیکھنے سے
بھی مدعا علیہم کی بدینتی عیاں ہو جاتی ہے۔ کیونکہ انہوں نے صرف مدعا علیہ نمبر ۴ کی
سہولت کی خاطر مذکورہ حکم جاری کیا ہے۔

فاضل سینئر گورنمنٹ پلیڈر چترال نے بدوران بحث ابتدائی طور پر یہ عذر
اٹھایا کہ مدعی نے خود مورخہ 14-09-2013 کو ایک درخواست دیگر اس
گورنمنٹ ہائی سکول سویٹر گورنمنٹ ہڈل سکول رمبر تبدیل کیا گیا تھا۔ مزید یہ کہ
مدعی نے اس سے قبل اگست 2007 سے فروری 2013 تک تقریباً سات سال کا
عرصہ اپنے ہی گھر کے ساتھ واقع گورنمنٹ ہائر سیکنڈری سکول دروش میں گزارا
ہے۔ لہذا ان حالات میں مدعی رسائل کا موجودہ تبادلہ کسی بدینتی کے تحت نہیں بلکہ
حسب ضابطہ کیا گیا ہے۔ اور ایسے کسی بھی حکم میں عدالتی مداخلت سے اعلیٰ حکام
کے انتظامی اختیارات ہر منفی اثرات مرتب ہونگے۔ لہذا درخواست مدعی خارج
کی جائے۔

بعد ازاں سماعت موافق فریقین و ملاحظہ مواد موجود بر مسل عدالت کی
رائے یہ ہے ہر تین عنصر جو کہ بنائے اجراء حکم امتناعی عارضی میں بادی النظر میں



17/11/13

(8)

VS

Case No

Title

Serial No/Date
of Order

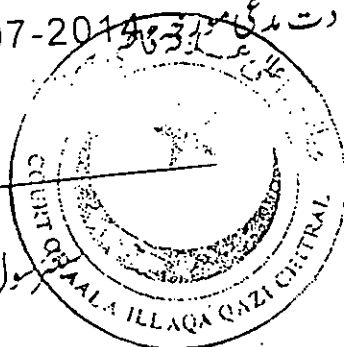
Order or other Proceedings with signature of Judge or Magistrate and that of
Parties or counsel/ Where necessary

حکم نمبر / تاریخ

قوی مقدمیہ، اندیشہ ناقابل تلافی نقصان اور توازن سہولت، مدعی رسائل کے حق
میں نہ ہیں۔ جبکہ اس کے برعکس مدعا علیہم، مسئول الہیم نمبر ۳۳۱ نے اپنا قانونی
اختیار استعمال کرتے ہوئے مدعی کا تبادلہ کیا ہے۔ عدالت کا کوئی بھی حکم متعلقہ
طالب علموں کے تعلیمی عمل کو نقصان پہنچانے کے مترادف ہوگا۔ چنانچہ درخواست
مدعی رسائل بلا جواز قرار دیکر خارج کی جاتی ہے۔ امروز تنقیحات وضع شد۔ مس
برائے شہادت مدعی 05-07-2014 کو پیش ہو۔

حکم نمبر 7
20-6-2014

(سید علی رضا)



مسئول جج اعلیٰ علاقہ قاضی، چترال۔

حکم نمبر 08

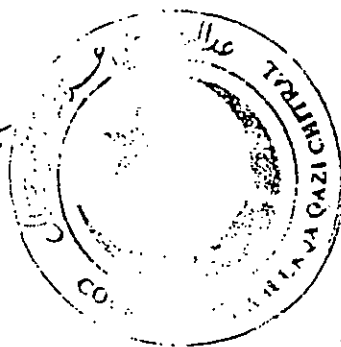
05-07-2014

مخانب مدعی کوئی حاضر نہ ہے۔ نمائندہ مدعا علیہم حاضر۔ بار بار پکار کی
گئی مگر جانب از مدعی کوئی حاضر نہ ہوا۔ تا اختتام عدالتی اوقات کار انتظار
کیا گیا لیکن جانب از مدعی کوئی حاضر نہ ہے۔ جس سے مقدمہ ہذا میں مدعی کی
عدم دلچسپی عیاں ہوتی ہے۔ لہذا دعویٰ مدعی بعدم پیروی خارج کیا جاتا ہے۔
خرچہ بذمہ فریقین رکھا جاتا ہے۔ مسل ہذا بعد از ترتیب و تکمیل کے داخل دفتر
ہو۔

Issued from Court Record
Office
16/9/14

(سید علی رضا)

مسئول جج اعلیٰ علاقہ قاضی، چترال۔



عبدالستار چاچہ سینئر جج ایچ اے سی جج صاحبان

Annexure (C)

(9)

اصناف الحق نمبر EDO حکمہ فیصلہ وغیرہ

درخواست نمبر 110/14/14

مدرسہ - 17/14

Or
Senior Civil Judge Chitral
9/8/14

کار - 10 و جملہ درخواستیں فیصلہ میں

نمبر 3/12/14

1 - یہ فیصلہ ماہ کو فرزند عمارت نے 5/7/14

کو ملوانہ کاروانہ کے خانہ کے لیے

Issued from Req. Record
Original Copy
28/10/14

2 - یہ سائل تاریخ مقررہ پر بارہ کو

تے طرفہ نمبر 110/14/14

کاروانہ عمل میں لیا گیا ہے

مخبر خاصہ کا قصداً نہ ہو

یہ سائل اسٹند کے عدالت کاروانہ

یہ سائل 110/14/14 کے لٹل کے لیے

میں کاروانہ فریب ہو کر لٹل مانع عدالت

6 - یہ دہرہ عدالت بعد لٹل کے

Advocate
6/8/14
و لٹل مانع عدالت
اصناف الحق

گوالدر فابریکے لئے درخواست

اصلاً ایک وہ فابریکے لئے درخواست

مدعی

مدعى

DEO گوالدر

2 ڈیپارٹمنٹ ایجوکیشن گوالدر

3 ڈیپارٹمنٹ ایجوکیشن گوالدر

4 ڈیپارٹمنٹ ایجوکیشن گوالدر

گوالدر

دعویٰ استعتراری و صدر درجہ استناداً

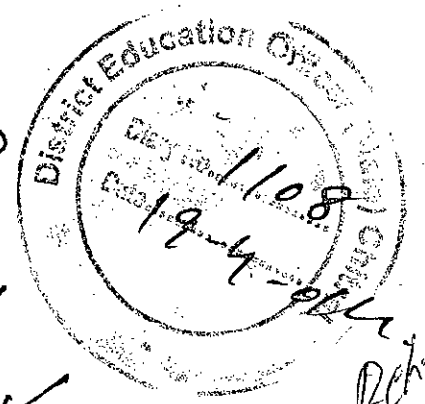
دو ای مہینے معجون کے درمی کو گوارانتہ

پائی سکول پورے میں ٹریننگ پورے ایک سال

کا عرصہ گزارنا ہے۔ تا تو نا طور پر درمی

کو نہ کورہ سکول میں تین سال کا عرصہ

خوارش کا حق حاصل ہے۔



M. D. Rehman

for N/A
19/4/58

صدور ڈیڑھ بیٹ مہینوں کے
 صدیوں تک، جو صدیوں تک ہوا کہ
 صدیوں تک Tenore کے لیے
 تین اٹلی کے گورنمنٹ ہاؤس
 سکول میں سے تھی
 ہر دو سال کے لیے

کا یہاں وہ ماہانہ رٹرنس کے لیے ہے

1 - یہ صدیوں تک میں ملتا ہے اور
 گورنمنٹ ہاؤس میں ملتا ہے
 گورنمنٹ ہاؤس میں ملتا ہے
 گورنمنٹ ہاؤس میں ملتا ہے

2 - یہ گورنمنٹ ہاؤس میں ملتا ہے
 اور کوئی رٹرنس نہیں ملتا ہے
 ہے تو اس کے لیے رٹرنس ہوا ہے

تین سال کا عمر میں گزارنے کا وعدہ انکا

کیا جائیگا

3- یہ عدالت ٹرانسفر ہونے کا

مہرہ گزارنے کا ~~قانون~~ قانون کو مانا

طان رکھ کر ~~قانون~~ قانون کی طرف سے اس

دوبارہ ٹرانسفر کیے ہیں جو کہ عمر

ہونے کے ساتھ ساتھ عدالت کے حوالے

پر فرموا ہے۔

4- یہ عدالت نے ~~قانون~~ قانون ٹرانسفر

کرنے پر عدالت سے راجع کیا تو ان

نے کہا کہ اس سے کام لیتے رہو

دعویٰ جیسا کہ ~~عدالت~~ عدالت ہوگا۔

5- یہ دعویٰ عدالت کے ~~قانون~~ قانون ٹرانسفر

کے پیرا میں اور تاحیثہ کا ایک

6. بالیہ دھوی لوجہ کوئی
بھلے 200/ روپی حقہ

7. فرسٹ اینڈ سرور علی
میرا سے آمد سے علی بنیاد
کو لیا گیا ہے میرا علی
کو رضیہ سے لیا گیا

8. علی بنیاد سے لیا گیا
میرا سے لیا گیا ہے میرا
کا ورنہ لیا گیا ہے

9. میرا سے لیا گیا ہے
میرا سے لیا گیا ہے
میرا سے لیا گیا ہے

10. میرا سے لیا گیا ہے

Ansar Avin Advocate
Oath Commission Dist
Court Chitral

17-4-14

Rationalization of CT Posts @ 1 CT per 1.5 Section in Middle/High/Higher Secondary Schools (Male)						
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization		
				Class	No of Sections	CT
1	30056	GPS A	50	6 th	1	Minimum 2 CT per school afterward 1 per 1.5 section
			1-80	7 th	2	
			1-120	8 th	3	
2	25277	GPS-B C.A.S	1-60	6 th	1	Minimum 2 CT preschool afterward 1 per 1.5 section
			1-80	7 th	2	
			1-120	8 th	2	
			1-60	9 th	1	Minimum 4 SST per school (one Bio Chem + one Math, Phy) and 2 SST Gen.) afterward 2 SST per Section.
			1-80	10 th	2	

Posting of Teachers on rationalization.

I am further directed to further clarify that:

1. On rationalization surplus teachers in Primary Schools, PST B-12, Senior PST B-14, may be posted in the nearest school if possible then in the same UCs and then in the same circle and then in the same Sub Division and then in the same District Subject to the provisions of need,
2. Senior most PSHT B-15, PST B-14 & PST B-12 (According to the Seniority list) may be retained in the same school of their present posting and junior most may be transferred to other need schools.
3. No teacher of CT B-16, PE B-16, AT B-16, DM B-16, TT-16, will be posted in Middle Schools.
4. Senior most Senior CTian SST (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.
5. Disable teacher may be retained in their schools of their present posting, another teacher may be shifted instead of disable.
6. Widow teacher may not be transferred to another school on rationalization, another teacher may be shifted instead of widow.
7. Two schools of same level working in one building may be merged with each other.

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

6160-67
Endst: No. / File No. 1/A-88/KC/S. Ist: Dated Peshawar the 01/04/2014.

Copy forwarded for information and necessary action to the:-

1. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File

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

حکومت جناب ڈسٹرک ایجوکیشن آفیسر چترال

عنوان: کارکردگی رپورٹ احسان الحق C.T.

جناب عالی:

خودبام گزارش ہے کہ احسان الحق C.T. گزشتہ سال 2013ء کو ۶۱۵۵ روزوں سے ٹرانسفر ہو کر ۶۱۵۵ سوئیر آیا ہے کیلین عدالتی حکموں، ذاتی مصروفیات اور ذہنی الجھنوں کی وجہ سے نہ صرف سکول قوانین کی خلاف ورزی کرتا ہے بلکہ بچوں کی قیمتی وقت بھی ضائع کر رہا ہے۔ اور سکول انتظامیہ کے بار بار شکایت کے باوجود بھی اس کے خلاف کوئی قانونی کارروائی نہیں کی جاتی۔ جس کی وجہ سے وہ اپنی کوتاہی اور غلطی کو اپنے فوج اور ڈیپارٹمنٹ کی ناپہلی اور کمزوری سمجھتا ہے۔ سکول ہیڈ ماسٹر یا ایجوکیشن آفیسر کے پاس ایسے اختیارات نہیں ہے جو خود اس کے خلاف کارروائی کریں۔

جناب والد: ایجوکیشن آفیسر کے بار بار تاکید کے باوجود وہ گزشتہ سال میں ایک دفعہ ہی سکول لے گیا۔ میں نہیں پہنچ سکا۔ گزشتہ روز ہیڈ ماسٹر کے اس بات کی جواب قلبی ڈیپارٹمنٹ پر لکھ کر اٹھایا۔ جس کا رپورٹ بھی درج ذیل تھانے میں درج کیا گیا ہے۔

اب میں سال کے اندر اس کی کارکردگی کی وضاحت کرتا ہوں۔

- (۱) 2013ء کے اندر اس کے کل ورکنگ دن - 112 ہیں۔
- (۲) مختلف طریقوں سے چھٹیال لے لیں - 87۔
- (۳) 7-4/2013 تا 7-4/2014 تک اس نے 34 رخصت لے لی۔ (Casual leave)
- (۴) 8/2013 تا 8/13/2013 تک (20) دن تنہی کے الزام میں جیل میں رہا۔
- (۵) Earn leave کے مد میں 20-8/2013 سے 31-11/2013 کے درمیان 22 دن چھٹی لے گا۔
- (۶) 28-10/2013 تا 9-11/2013 تک ریسٹ اور ریفر کر کے 11 دن چھٹی لے گا۔ (Medical leave)

جناب والا:

2013-06-30 کو اس کے خلاف FIR درج ہو گیا۔
16-7/2013 کو suspend کیا گیا۔ اس کے بعد دوبارہ سکول جان گیا تھا۔
14-4/2014 کو ریورس ٹرانسفر کیا گیا۔ جو وہ ماننے سے انکار کیا۔
۲۰۶۰

رائے یہ ہے ہر تین عنصر جو کہ بنائے اجراء حکم امتناعی عارضی میں، بادی النظر میں

اس نے ایجوکیشن انس کے تبدیل آرڈر کو منہ مانتے ہوئے عدالت سے رجوع کیا۔ اسکی حکم دیکر استاد آکر چارج لیا۔ لیکن یہ خود اختیاری کے تحت اسٹاف حافری رجسٹر میں حافری لگاتا رہا۔ اگرچہ یہ حکم کے مطابق سکول سے خارج تھا۔ عدالت نے اس کو جوں کی توں رہنے کا حکم دیا۔ تو یہ اس حکم نامے سے ایجوکیشن انس کو بے خبر لگا اور سکول آکر خود اختیاری سے سکول رجسٹر میں Order Cancelled لکھ کر دوبارہ حافری لگانا شروع کیا۔

اس کے علاوہ ایسی مرضی سے casual leave لگانا، انس آرڈر چھیننا، اساتذہ اور طلباء کے ساتھ برا رویہ رکھنا اسکی ناپاکی کا منہ بولتا ثبوت ہے۔

ہیذا استدعا ہے کہ مذکورہ بالا کارکردگی کو پیش نظر رکھ کر اس کا قید درجہ کیا جائے اور طلباء کا قیمتی وقت بچایا جائے۔ ان کا اس سکول میں والی آگاہی اساتذہ کو منظور ہے اور نہ طلباء اور کیونٹی کو منظور ہیں۔

الحاج علی بیڑ مارٹر 6445 سوگڑیہ
 23/5/2014
 HEAD MASTER
 GHS SWEER
 CHITRAL

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 763/ST

Dated 20 / 05 / 2015


To

The District Education Officer ((Male)
Chitral..

Subject: - Appeal Nos.686/2014 Ihsan Ul Haq VS DEO Chitral and others.

I am directed to forward herewith a certified copy of order dated 15.05.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.