BEFORE THE KHYBER PAKHTUNKHWA SERVICE TEIBUNAL PESHAWAR

ΔΡΡΕΑL	NO	475	/2014
APPEAL	NO	475	/2014

Mr. Muhammad Bashir, Junior Clerk (BPS-7),
Office of the SDEO (Female) Mansehra, District Mansehra
Appellant

4-4-2014

VS

1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

2- The Director (E&SE) Department, Khyber Pakhtunkhwa

Peshawar.

The District Education Officer (F) Mansehra, District Mansehra.

4- Muhammad Asif Junior Clerk (BPS-7), GGHSS Oghi, District Mansehra Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE APPELLATE ORDER DATED 2.4.2014 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED BY RESPONDENT NO.2 ON NO GOOD GROUNDS AND AGAINST THE IMPUGNED TRANSFER ORDER DATED 17.03.2014 WHEREBY THE APPELLANT WAS TRANSFERRED PRE MATURELY AND ON THE BASIS OF POLITICAL INTERFERENCE

11.03.2015

Counsel for the appellant and Mr. Fazal Dad, Supdt. for respondent No. 3 alongwith Addl: A.G for official respondents present. Representative submitted copy of order bearing endorsement No. 940-47/F.No. 341/A-23/ MS/Mansehra/V-II dated Peshawar the 4/2/2015 vide which the impugned order has been withdrawn.

In view of the above, the appeal has become infructuous and disposed of. File be consigned to the record.

ANNOUNCED 11.03.2015. 4.2.2015

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Sakeenullah, ADO and Mosam Khan, AD for the official respondents present and requested for further time. None is available on behalf of the 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 11.3.2015. Till then status quo is extended.

MEMBER

11.03.2015

Counsel for the appellant and Mr. Fazal Dad, Supdt. for respondent No. 3 alongwith Addl: A.G for official respondents present. Representative submitted copy of order bearing endorsement No. 940-47/F.No. 341/A-23/ MS/Mansehra/V-II dated Peshawar the 4/2/2015 vide which the impugned order has been withdrawn.

In view of the above, the appeal has become infructuous and disposed of. File be consigned to the record.

ANNOUNCED 11.03.2015.

11.03-15

20.10.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Muhammad Usman, Senior Clerk for the official respondents present. Notice be issued to appellant to confirm about order dated 02.7.2014. To come up for further proceedings on 281.11.2014. Till then status quo is extended.

MEMBER

28.11.2014

Clerk to counsel for the appellant and Mr. Usman Ghani, Sr.GP with Sakeenullah, ADO for the official respondents and clerk to counsel for private respondent No. 4 present. The Tribunal is incomplete. To come up for the same on 16.01.2015.

16.1.2015

Appellant with counsel and Mr. Muhammad Jan, GP with Fazal Dad, Supdt. for the official respondents present. 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 04.2.2015. Till then status quo is extended.

MEMBER

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar. Office Order.

In pursuance of writ petition No. 475/2014 in service appeal filed in Khyber Pakhtunkhwa Service Tribunal Peshawar this office order issued under Endst No. 6851-57 dated 23.9.2014; wherein the services of Muhammad Bashir J/Clerk of office of the SDEO (F) Mansehra were placed at the disposal of DEO (F) Torghar, is hereby WITHDRAWN.

> DIRECTOR Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst: No. 940-47 /F. No. 341/A-23/ MS/Mansehra/V-II. Dated Peshawar the 4 Copy forwarded to the:

- District Education Officer (Female) Mansehra.
- District Education Officer (Female) Torgher.
- District Accounts Officer Mansehra/Torgher.
- SDEO (F) Mansehra.
- AD Litigation Local Directorate.
- Official concerned
- PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa
- Peshawar. Master File.

Assistant Director (Admn)

Directorate of Elementary & Secy: Education

Khyber Pakhtunkhwa, Peshawar

02.6.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Khursheed Khan, SO for respondent No.1 and Sajjad Rashid, AD for respondent No. 2 present and requested for time. None is available on behalf of respondents No. B & 4. Fresh notices be issued to them through registered post. To come up for written reply on main appeal as well as reply/arguments on stay application on 03.7.2014. Till then status quo is extended.

MEMBER

MEMBER

03.07.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Usman, Senior Clerk for the official respondents present and produced order dated 2.7.2014, vide which the impugned transfer order has been withdrawn. Copy handed over to counsel for the appellant who need time to contact the appellant for withdrawal of the appeal. To come up for further proceedings on 20.8.2014. Till then status quo is extended.

MEMBER

MEMBER

20.08.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Usman, Senior Clerk for the official respondents present. The learned Member is on official tour to Abbottabad. To come up for the same on 20.10.2014.

ADER

Appeal No. 475/14 = Mr. Mulammard Buffin

21.04.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 17.03.2014, he filed departmental appeal on 01.04.2014, which has been rejected on 02.04.2014, hence the present appeal on 04.04.2014. He further contended that the impugned order dated 02.04.2014 is pre-mature and has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986 as no reason has been given. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Appellant has also filed an application for suspension of operation of impugned order dated 02.04.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 03.07.2014 as well as reply/arguments on the application on 07.05.2014. Meanwhile status-quo be maintained.

21.04.2014

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

09.5.2014.

Case file received to-day. Clerk to counsel for the appellant present. Notices have not been issued to the respondents. Notices be issued to the respondents and case to come up for reply/arguments on stay application on 2.6.2014. Status quo already granted on \$\alpha 1.4.2014 is extended till the date fixed.

MEMB

MEMBER

Form- A FORM OF ORDER SHEET

Court of_	<u> </u>
Case No.	475/2014

•	Case No	475/2014
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/04/2014	The appeal of Mr. Muhammad Bashir presented today
		by Mr. Noor Muhammad Khattak Advocate may be entered in
		the Institution register and put up to the Worthy Chairman for
		preliminary hearing.
		REGISTRAR
2	7-4-2014	This case is entrusted to Primary Bench for preliminary
:		hearing to be put up there on $21 - 4 - 30/9$
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BEFORE THE KHYBER PKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 475 /2014

MOHAMMAD BASHIR

VS

EDUCATION DEPARTMENT

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	***********	1- 3.
2.	Stay application		4.
3	Transfer order dated 29.11.2013	Α	5.
4.	Arrival report	В	6.
5	Pay slips	С	7- 9.
6	Cancellation order	D	10.
7.	Arrival report	E	11.
8.	Latter of MPA	F	12.
9.	Impugned order	G	13.
10.	Departmental appeal	Н	14.
11.	Rejection order	I	15.
12	Transfer/posting policy	J	16- 18.
13.	Vakalat nama		19.

APPELLANT

MOHAMMAD BASHIR

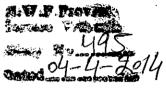
THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TEIBUNAL PESHAWAR

APPEAL NO. 475 /2014

Mr. Muhammad Bashir, Junior Clerk (BPS-7),
Office of the SDEO (Female) Mansehra, District Mansehra
Appellant



.....Respondents

- VS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa Peshawar.
- 3- The District Education Officer (F) Mansehra, District Mansehra.
- 4- Muhammad Asif Junior Clerk (BPS-7), GGHSS Oghi, District Mansehra

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE APPELLATE ORDER DATED 2.4.2014 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED BY RESPONDENT NO.2 ON NO GOOD GROUNDS AND AGAINST THE IMPUGNED TRANSFER ORDER DATED 17.03.2014 WHEREBY THE APPELLANT WAS TRANSFERRED PRE MATURELY AND ON THE BASIS OF POLITICAL INTERFERENCE

PRAYER:

Elal ylyly

That on acceptance of this appeal the impugned orders dated 17.03.2014 and 2.4.2014 may very kindly be set aside and the respondents may very kindly be directed not to transfer the appellant from the O/O SDEO(F) Mansehra till completion of his normal tenure. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

R/SHEWETH:

1- That the appellant is serving in the respondent department as junior clerk since 1989 quite efficiently and up to the entire satisfaction of his superiors.

- That just after four months the respondent No.2 cancelled the transfer order dated 29.11.2013 vide order dated 12.03.2014. That in compliance of cancellation order dated 12.03.2014 the appellant took over the charge at SDEO (F) Office vide dated 14.03.2014. Copies of the cancellation order and charge report are attached as annexure **D & E.**
- 5- That appellant feeling aggrieved from the impugned transfer order dated 17.3.2014 filed Departmental appeal before the respondent No.2 but the same was rejected vide order dated 2.4.2014 on no good grounds. Copies of the Departmental appeal and rejection order are attached as annexure
- 6- That hence the present appeal on the following grounds amongst the others.

GROUNDS:

- A- That the impugned orders dated 17.03.2014 and 2.4.2014 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned orders dated 17.03.2014 is Pre-mature under the law and prevailing rules.

- D- That the impugned transfer order dated 17.03.2014 is politically motivated.
- F- That the impugned order dated 17.03.2014 has not been issued by the respondent No.3 in the public interest nor exigencies of service.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 3.4.2014

APPELLANT

MUHAMMAD BASHIR

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO	/2014
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Mohammad Bashir

VS

Edu: Department

APPLICATION FOR SUSPENTION OF OPERATION OF IMPUGNED ORDERS DATED 17-3-2014 AND 2.4.2014 TILL THE DISPOSAL OF THIS APPEAL

R/SHEWETH:

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the transfer of the appellant is against the transfer policy of the Government of Khyber Pakhtunkhwa and the impugned transfer order dated 17-3-2014 is also pre-mature and politically motivated.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the orders dated 17-3-2014 and 2.4.2014 may very kindly be suspended till disposal of this appeal.

APPELLANT

MOHAMMAD BASHIR

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

ORDER:

The following Junior clerks are hereby transferred on their own pay and grade in the interest of public service with immediate effect.

_			17	To	Remarks	
ĺ	SII	Name and Designation	From		Vice No 2	
Ì		Muhammad Bashir J/C	SDEO (F) Office	GGHS Battal	VICE NO 2	
Í	١. ١	TAT CELLECT NE OFFICE AS ALTERNATION		•		
Ì			Manseina 5 1	CDEO (E)	Vice No 1	
- [Khalil ur Rehman I/C	GGHS Battal	SDEO (F)	1 Arccino i	
1	2	Rham in Remnan		Mansehra		J
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Note:

1- Charge report should be submitted to all concerned.

2- No TA/DA allowed.

DISTRICT EDUCATION OFFICER (FEMALE) MANSEURA

Endst: No. 11053-58 Dated Mans 25

1- Director Elementary and Secondary Education Khyber Pakhtun Khawa Peshawar.

2- District Accounts officer Mansehra.

3- SDEO (F) Mansehra.

4- Headmistress GGHS Battal Mansehra.

5- Candidate concerned.

6- Office file.

DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

ATTESTED

ARRIVAL REPORT

In Compliance with the order of District Education Officer (Female) Mansehra 1884 vide Endst: No. 11083-58 dated 29 11/2013.

I mr: Mukammad Bashir Junior Clerk do hereby Submit my arrival report for cluty to day on 30/11/2013.

Seen

HEAD MISTRESS Gover Girls High School Batal (Mansehra) MUHAMMAD BASHIR
Junior Clerk GGHS, Ballal.

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DEO(F)

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ATTESTED

GGHS, Baltal

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Hame: MUHAMMAD DASHIR
Dsc.: BUNTOR CLERK
CNTC No. 12987205520
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1000-House Feni: Allowance
1210-Convey Allowance
1210-Convey Allowance
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1200-Medical Allowance
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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

CANCELLATION

Transfer order in respect of Muhammad Bashir Junior Clerk office of SDEO (Female) Manschra issued vide this office Endst: No.11053-58 dated 29.11.2013 is hereby withdrawn/cancelled in the interest of public service with effect from the date of issue.

DISTRICT EDUCATION OFFICER

Endst: No 1457-59/11:10

Dated Manschra the 12/37 /2014

Copy of the above is forwarded for information to the:-

- 1. District Accounts Officer Manschra.
- 2. Head Mistress GGHS Battal.
- Officials concerned.

4. Office File.

DISTRICT EDUCATION OFFICER

ATTED

ARRIVAL REPORT

In Compliance with the order
of District Education officer (F)
Mansehra vide order No-1487-90

dated 12/3/2014.

J. beg to submit my Amiral

Report for oluty to day on foremon

of 14/3/2014.

ATTESTED

G.

m-Bashir T/clerk. 8 DEOCE) Mansahra. 14/8/2014 PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHW

F-(12)

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AA.

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may be transferred & SDEO(F)

Office Manselva VS Muhammed

Bashir Jic in the Best interest

of Public.

Lancing You.

Wajech-ua-Zuman Xhan Member Advocate) Provincial Assembly (Khyber Pakhbonkhwa) Former Minister for Health (NWFF)

ATTESTED

Al Anthu.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MAINSEHRA

TRANSFER ORDER:-

The following Junior Clerks are hereby transferred on their own pay and grade in the interest of public service with immediate effect.

SII	Name & Designation	From	To	1.5
1 .	, ·	GGHSS Oghi	SDEO(F) Mansehra	Remarks V.S.NO.2
	Muhammad Bashir J/C	SDEO(F) Mansehra	GGHSS Oghi	V.S.NO.2

Note:

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

DISTRICT EXOCATION OFFICER (FEMALE) MANSEHRA

Endst: No. 1621-26 / AB-11

Copy forwarded to the:-

- 1. Director Elementary & Secondary Education Khyber Paktunkhwa Peshawar.
- 2. District Accounts Officer, Manseh,a.
- 3. Sub Divisional Education Officer (Female) for information.
- 4. Headmistress Concerned.
- 5. Official Concerned.
- 6. Office File.

EDUCATION OFFICER 9(FEMALE) MANSEHRA

ATTESTED

المرسة بنا - دار سير كا المان المرس الله المواني في وفقول المراه المان المراد ا ١٤/١٤ ١٠٠٠ ويل فيمانه مرفايية عن أون دُرُورِ لله ١٤٥٤ - 1621 وروية الم فارد ورو رو الوكيد را والمعالم المام المنه ما قد مَنْ كُو دُفِيرَ وكا محال كالمنبوع كالما والله والمعارفة 146 د فورست المسل ولمان خطر عوان کے ر مينور سي مي والم أردر على 58-53011 من "ما 29 دفتر مرور سي المع مردى (أقل طفرى رؤمة كليل ملك مل الله في الله 312/3 to 1487-90 1,3,5 11/3 6,40 \$ plu sel ob 3 = mer -2 دنیا شریع مری (لیل ترودر مذور کف ع 3 - 2 من من 17/3 و مرف 5 دن لعد لغير كى هم مع كوالم أردر مرك 4-1621 قرع عالیماه المحالی کامیر کامیری کونی المحالی کوری مالی کاری المالی کامیری ک مرافعت، غيرة لكؤى ، فنيف مقالى ، فنيف الحب . فنيف بولز ع مرابينور J-17/3 C31620/26 13/1 column

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

F. No. A-23/MS/Appeals/DD

No. 6 835 Dated Peshawar the 2/4 /2014

Τo.

Mr. Muhammad Bashir, Junior Clerk Ex-SDEO (Female) office Mansehra now at GGHSS Oghi District Mansehra

Subject:-Memo,

APPEAL FOR CANCELLATION OF TRANSFER ORDER.

I am directed to refer your appeal dated 01-04-2014 on the subject cited above and it is to inform you that your appeal for cancellation of your transfer order from SDEO (Female) office Mansehra to GGHSS Oghi Mansehra has been examined by this office and rejected being not covered under the rules.

Endst: No. ____/

Deputy Director (F&A)

(E&SE) Khyber Pakhtunkhwa Peshawar

4. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.

Deputy Director (F&A)
(E&SE) Khyber Pakhtunkhwa Peshawar

ATTESTED

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214



GOVERNMENT OF NWFP ESTABLISHMENT & ADMINISTRATION DEPARTMENT (Regulation Wing)

11

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
 - All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
 - iii) All contract Government employees appointed against specific posts, can not be posted against any other post
- The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- vi) While making postings/transfer from settled areas to FATA and vice-versa specific approval of Governor, NWFP needs to be obtained
 - While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public-interest.

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

ATTESTED

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

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

vertice and the first that the second second second

- officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be
- Rules of Business 1985, transfer of officers shown in column I of the following table shall be made by the authorities shown against each officer in column2 thereof:

against non-administrative posts of equivalent scales;

		The second of the second of the	
		Outside the Secretariat	
.	1.	Officers of the all Pakistan Unified	Chief Secretary in consultation with
		Group i.e. DMG, PSP including Provincial	Establishment Department and
		Police Officers in BPS-18 and above.	Department concerned with
			the approval of the Chief Minister.
.			
	2.	Other officers in BPS-17and above to be	L :
		posted against scheduled posts, or posts	
1		normally held by the APUG, PCS(EG) and	· do-可能系统法统治
		PCS(SG).	a sugar sour
ſ	3.	Heads of Attached Departments and other	
_	·	Officers in B-19 & above in all the	
1		Departments.	-do-
·[
	·	In the Secretariates and the	
	1.	Secretaries	Chief Secretary with the approval of
1		The said writing of the	the Chief Minister.
ļ.,		a the state of the	harman selection
	2.	Other Officers of and above the rank	
	•	of Section Officers:	[14] [14] [14] [14] [15] [15] [15] [15] [15] [15] [15] [15
ļ,		a) Within the Same Department	Secretary of the Department
İ	• ;	As area to a few and the same and	concerned.
	** ***	b) Within the Secretariat from one	Chief secretary/Secretary
1		Department to another.	Establishment.
	3.	Officials up to the rank of Superintendent:	
		a) Within the same Department	Allen
	•	es of the thought something	Secretary of the wiDepartment
	•	Chair Show to the	concerned.
		b) To and from an Attached Department	
		The good him are done in the in the	Secretary of the Dept in consultation
	:	der dromage at eet he	with Head of Attached Department
		Single of All Street England of a gar	concerned.
		c) Within the Secretariat from one	
	•	Department to another	Secretary (Establishment)
		A. Wash disast production in	

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

ATTESTED

To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.

b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

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

- Siv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority. It has appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.
 - i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
 - ii) Serious and grave personal (humanitarian) grounds.
- 2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier. Province District Government Rules of Business 2001 read with schedule—IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

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

- 3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:
 - a) Fransfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
 - b) Require an officer to hold charge of more than one post for a period exceeding two months.
- 4. I am further directed to request that the above noted policy may be strictly observed /implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Latter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

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

Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

VAKALATNAMA

IN THE COURT OF_	KPK Service	Tribanal Peshau
		OF 2014
Mohamma	nd Bashir	(APPELLANT)(PLAINTIFF)
		(PETITIONER)
	<u>VERSUS</u>	
Education	Department	(RESPONDENT)(DEFENDANT)
	nad Bashir	
Do hereby appoin	nt and constitute N cate, Peshawar to	NOOR MOHAMMAD appear, plead, act, bitration for me/us as
my/our Counsel/A without any liability	Advocate in the a y for his default and	bove noted matter, with the authority to
engage/appoint an I/we authorize the	y other Advocate Co e said Advocate to c	unsel on my/our cost deposit, withdraw and d amounts payable or
deposited on my/o	ur account in the ab	ove noted matter.
Dated/	_/2014	mod
		CLIENT
•		B

NOOR MOHAMMAD KHATTAK (ADVOCATE)

OFFICE:

Room No.1, Upper Floor, Islamia Club Building, Khyber Bazar,

Peshawar City.
Phone: 091-2211391

Mobile No.0345-9383141

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

The Services of the following officials working under District Education
Officer (Female) Mansehra are hereby placed at disposal of District Education Officer
(Female) Torghar for further posting against the vacant posts at District Torghar.

- Muhammad Bashir J/Clerk. DEO (F) Mansehra.
- 2. Muhammad Asif S/Clerk DEO (F) Mansehra.

Note:

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

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst: No. ____/A-23/MS//Mansehra

Dated Peshawar the 23/9 /2014

Copy of the above is forwarded for information & n/action to the: -

- 1. District Education Officer (Female) Mansehra.
- 2. District Education Officer (Female) Torghar.
- 3. District Accounts Officers Mansehra & Torghar.
- 4. Principal/HMs concerned.
- 5. Official concerned.
- 6. Master file.
- 7. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)

Directorate of Elementary & Secy: Education

_ Khyber Pakhtunkhwa, Peshawar

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No

DEO 2014

Email: deofmanschra a vahoo goni

Dated

13/10

t + 1

Phone & Lay 0997-302518

To

The Director

Elementary and Secondary Education Khyber Pukhtunkhwa Peshawar.

Subject Memo.

JOINING REPORT.

Reference your letter No. 345/f.No.341/A-23/MS Mansehra dated 6-11 2014 on subject Cited above.

It is submitted regarding the above mentioned letter in reference that

- This office is unaware from your office order No.6851-57 dated 23.8.2014,because none of such letter has been received
- 2. In case of transfer of Mr.Muhammad Bashir J/Clerk of this office, it is submitted that his Service appeal under No.475/2014, is already pending in the disposal of main appeal status two be maintain on 28.11 2014 in Khyber Pukhtunkhwa Peshawar Service Tribunal correspondence/action against him would be an interference in proceeding till the decision of his appeal by the Honorable Service Tribunal.
- 3. Mr. Muhammad Asif Awan S/C was posted in this office vide Endst: No.4267-70 dated 5.8.2014 and he took over charge on 8.8.2014 with the approval of your good office letter No.4050 dated 24.7.2014, the services of Mr. Muhammad Asif Awan S/C are very beneficiary for this office as he is shouldering the responsibilities of Litigation beside other official tasks and is punctual and honest official. In view of above facts it is not possible to relive both officials

It is therefore request that officer Order No.6851-57 dated 23.8.2014 by your good office may please be withdrawn in the best interest of Department.

DISTRICT EDUCATION OFFICER

Endst: No. _ (1300 - 9401)

Copy of this above is forwarded for information to :-

- 1. The District Education Officer (F) Tograh.
- 2. Official concerned.

DISTRICT EDUCATION OFFICER FEMALE-MANSEHRA.

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

This office order issued under Endst No. 6851-57 dated 23.09.2014 where in the services of Mr. Muhammad Asif S/Clerk of DEO(F) Mansehra ware placed at the disposal of DEO (F) Torgher at S.No. 2 is hereby withdrawn.

Note:

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

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst: No. _ Mho6 -

/A-23/MS/Mardan/V-II Dated Peshawar the

Copy forwarded to the: - .

1.3 District Education Officer (Female) Mansehra.

- 2. District Education Officer (Female) Torgher.
- 3. District Accounts Officers Manschra & Torgher.
- 4. Principal/HMs concerned.
- 5. Official concerned.
- 6. Master file.
- PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa

Assistant Director (Admn)

Directorate of Elementary & Secy: Education Khyber Pakhtunkhwa, Pashawar

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Offica of District	Educa	tion (Officer,
	(Fema	le) To	orghar.
No:/	Dated	71.	/2014.

To.

The Director,

Elementary & Secondary Education.

Khyber Pakhtunkhwa Peshawar.

Subject -

Joining Report, NIL

R/Sir,

Rèference your Endst No.6851-57/A-23/MS/Mansehra Dated 23.09.2014. It is submitted for your kind information that Mr. Muhammad Bashir J/Clerk and Mr. Muhammad Asif S/Clerk of DEO (F) Mansehra were transferred to District Torghar at the Office of undersigned.

They have not joined their duties in District Torghar up till now,

< Sol

District Education Officer (Female)

Torghar.

.... No: 261-62/

Dated /7/ /c /2014.

Copy for Information and necessary action to the:

- 1. District Education Officer Female Mansehra.
- 2. Office File.

District Education Officer (Female)

Torghar,

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

The Services of the following officials working under District Education Officer (Female) Mansehra are hereby placed at disposal of District Education Officer (Female) Torghar for further posting against the vacant posts at District Torghar.

- Muhammad Bashir J/Clerk. DEO (F) Mansehra.
- 2. Muhammad Asif S/Clerk DEO (F) Mansehra.

Note:

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

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst: No. ____/A-23/MS//Mansehra

Dated Peshawar the 23/9 /2014

Copy of the above is forwarded for information & n/action to the: -

- 1. District Education Officer (Female) Mansehra.
- District Education Officer (Female) Torghar.
- 3. District Accounts Officers Mansehra & Torghar.
- 4. Principal/HMs concerned.
- 5. Official concerned.
- 6. Master file.

7. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)

Directorate of Elementary & Secy: Education

Khyber Pakhtunkhwa, Peshawar

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. DFO 2014 Email: <u>deofmansehra@vahoo.co</u>m

Dated: /3//2 2014 Phone & Fax: 0997-302518

To

The Director

Elementary and Secondary Education Khyber Pukhtunkhwa Peshawar.

subject:-Memo: JOINING REPORT.

Reference your letter No. 345/f.No.341/A-23/MS Mansehra dated 6-11-

2014 on subject Cited above.

It is submitted regarding the above mentioned letter in reference that

- This office is unaware from your office order No.6851-57 dated 23.8.2014, because none of such letter has been received.
- In case of transfer of Mr.Muhammad Bashir J/Clerk of this office, it is submitted that his Service appeal under No.475/2014, is already pending in the disposal of main appeal status quo be maintain on 28.11.2014 in Khyber Pukhtunkhwa Peshawar Service Tribunal correspondence/action against him would be an interference in proceeding till to the decision of his appeal by the Honorable Service Tribunal.
- 3. Mr. Muhammad Asif Awan S/C was posted in this office vide Endst: No.4267-70 dated 5.8.2014 and he took over charge on 8.8.2014 with the approval of your good office letter No.4050 dated 24.7.2014, the services of Mr. Muhammad Asif Awan S/C are very beneficiary for this office as he is shouldering the responsibilities of Litigation beside other official tasks and is punctual and honest official. In view of above facts it is not possible to relive both officials.

It is therefore request that officer Order No.6851-57 dated 23.8.2014 by your good office may please be withdrawn in the best interest of Department.

DISTRICT EDUCATION OFFICER FEMALE MANSEHRA.

Endst: No. 9300 - 9401

Copy of the above is forwarded for information to :-

1. The District Education Officer (F) Tograh.

Official concerned.

DISTRICT EDUCATION OFFICER FEMALE MANSEHRA.

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

This office order issued under Endst No. 6851-57 dated 23.09.2014 where in the services of Mr. Muhammad Asif S/Clerk of DEO(F) Mansehra ware placed at the disposal of DEO (F) Torgher at S.No. 2 is hereby withdrawn.

Note:

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

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst; No. _ UNO6-9

/A-23/MS/Mardan/V-II Dated Peshawar the Copy forwarded to the: -

1.3 District Education Officer (Female) Mansehra.

2. District Education Officer (Female) Torgher.

3. District Accounts Officers Mansehra & Torgher.

4. Principal/HMs concerned.

·5. Official concerned.

6. Master file.

PA to Director Elementary & Secondary Education Klyyber Pakhtunkhwa 7. Pesnawar.

(start Director (Admn)

Directorate of Elementary & Secy: Education

Khyber Pakhtunkhwa, Pashawar

Office of District Education Officer, (Female) Torghar. J2014. Datcd_

To.

The Director.

Elementary & Secondary Education.

Khyber Pakhtunkhwa Peshawar.

Subject. -

Joining Report, NIL

R/Sir.

Reference your Endst No.6851-57/A-23/MS/Mansehra Daled 23.09.2014. It is submitted for your kind information that Mr. Muhammad Bashir J/Clerk and Mr. Muhammad Asif S/Clerk of DEO (F) Manschra were transferred to District Torghar at the Office of undersigned.

They have not joined their duties in District Torghar up till now

District Education Officer (Female) Torghar.

Dated /7/ /e /2014.

Copy for Information and necessary action to the:

- District Education Officer Female Mansehra.
- Office File.

District Education Officer (Female)

Torghar,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M.NO		/2014	
IN APPEAL N	10	/2014	
Mohammad Bashir	vs	Education Departmen	ıt

APPLICATION FOR EARLY HEARING OF THE ABOVE MENTIONED APPEAL

R.SHEWETH:

- 1- That the above mentioned appeal is pending adjudication before this august Court in which 21.4.2014 date is fixed for hearing.
- 2- That in the above mentioned appeal the appellant challenged his transfer order dated 17.3.2014 due to which the appellant was transferred pre maturely and in violation of transfer/posting policy.
- 3- That the interest of justice demands that such like matters should be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore most humbly prayed that on acceptance of this application the appeals in hand may be heard on an early date to meet the ends of justice.

APPELANT

THROUGH:
NOOR MOHAMMAD KHATTAK
ADEVOCATE



CANCELLATION

The Transfer order issued vides this office No 1621-26/AE-II/ dated 17.03.2014 is hereby cancelled in the interest of public service with immediate effect.

NOTE: 1. Charge report should be submitted to all concerned.

2. No TA/DA/TG is allowed.

DISTRICT EDUCATION OFFICER

(FEMALE) MANSEHRA.

Dated 2/7/2014

Endst: 3572-79

Copy to:-

- 1. The Registrar Honorable service tribunal Khyber Pakhtunkhawa Peshawar in pursuance of statuesque against above order in appeals No 475/2014.
- 2. The Director (E&SE) Khyber Pakhtunkhawa Peshawar.
- 3. The District Accounts officer Mansehra.
- 4. The SDEO (F) Mansehra.
- 5. The Principal GGHS Oghi.
- 6-7 Officials concerned.
- 8. Office order file.

DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No____/ Dated /__/2014

CANCELLATION

The Transfer order issued vides this office No 1621-26/AE-II/ dated 17.03.2014 is hereby cancelled in the interest of public service with immediate effect.

NOTE: 1. Charge report should be submitted to all concerned.

2. No TA/DA/TG is allowed.

DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

V 2/7/2014

Endst: 3572-79

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- 1. The Registrar Honorable service tribunal Khyber Pakhtunkhawa Peshawar in pursuance of statuesque against above order in appeals No 475/2014.
- 2. The Director (E&SE) Khyber Pakhtunkhawa Peshawar.
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- 4. The SDEO (F) Mansehra.
- 5. The Principal GGHS Oghi.
- 6-7 Officials concerned.
- 8. Office order file.

DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

OFFICE OF THE DISTRIC	T EDUCATION OFFICER	(FEMALE) MANSEHRA
OFFICE OF THE DISTRIC	T EDUCATION OFFICER	(FEMIALE) MIANSELINA

No____/ Dated___/__/2014

CANCELLATION

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NOTE: 1. Charge report should be submitted to all concerned.

2. No TA/DA/TG is allowed.

DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

2/7/2014

Endst: 3572-79 /

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1. The Registrar Honorable service tribunal Khyber Pakhtunkhawa Peshawar in pursuance of statuesque against above order in appeals No 475/2014.

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- 4. The SDEO (F) Mansehra.
- 5. The Principal GGHS Oghi.
- 6-7 Officials concerned.
- 8. Office order file.

DISTRICT EDUCATION OFFICER

γ (FEMALE) MANSEHRA.

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

The Services of the following officials working under District Education Officer (Female) Mansehra are hereby placed at disposal of District Education Officer (Female) Torghar for further posting against the vacant posts at District Torghar.

- 1. Muhammad Bashir J/Clerk. DEO (F) Mansehra.
- 2. Muhammad Asif S/Clerk DEO (F) Mansehra.

Note:

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

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst: No. _____/A-23/MS//M:

Dated Peshawar the 23/9 /2014

Copy of the above is forwarded for information & n/action to the: -

- 1. District Education Officer (Female) Mansehra.
- District Education Officer (Female) Torghar.
- District Accounts Officers Mansehra & Torghar.
- 4. Principal/HMs concerned.
- 5. Official concerned.
- 6. Master file.

7. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)

Directorate of Elementary & Secy: Education

Khyber Pakhtunkhwa, Peshawar

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No.

DEO 2014

Ilmail: deofmanschra à valoo com

Dated:

13/10

7044

Phone & Fay: 0997-302518

To

The Director

Elementary and Secondary Education

Khyber Pukhtunkhwa Peshawar.

subject

JOINING REPORT.

Memo:

Reference your letter No. 345/f.No.341/A-23/M5 Mansehra dated 6-11 2014 on subject Cited above.

It is submitted regarding the above mentioned letter in reference that:

- This office is unaware from your office order No.6851-57 dated 23.8.2014, because none of such letter has been received.
- 2. In case of transfer of Mr.Muhammad Bashir J/Clerk of this office, it is submitted that his Service appeal under No.475/2014, is already pending in the disposal of main appeal status cuo be maintain on 28.11 2014 in Khyber Pukhtunkhwa Peshawar Service Tribunal correspondence/action against him would be an interference in proceeding till the decision of his appeal by the Honorable Service Tribunal.
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It is therefore request that officer Order No.6851-57 dated 23.8.2014 by your good office may please be withdrawn in the best interest of Department.

DISTRICT EDUCATION OFFICER

Indst: No. 4300 - 9401/

Copy of the above is forwarded for information to

- 1. The District Education Officer (F) Tograh.
- 2. Official concerned.

DISTRICT EDUCATION OFFICER FEMALE-MANSEHRA.

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

This office order issued under Endst No. 6851-57 dated 23.09:2014 where in the services of Mr. Muhammad Asif S/Clerk of DEO(F) Mansehra ware placed at the disposal of DEO (F) Torgher at S.No. 2 is hereby withdrawn.

Note:

- Charge report should be submitted to all concerned.
- NO TA/DA is allowed.

DIRECTOR

Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Endst: No.

A-23/MS/Mardan/V-II Dated Peshawar the

Mho6-Copy forwarded to the: -

1.3 District Education Officer (Female) Mansehra.

- 2. -District Education Officer (Female) Torgher.
- 3. District Accounts Officers Mansehra & Torgher.
- 4. Principal/HMs concerned.
- 5. 4 Official concerned.
- 6. Master file.
- PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Pesnawar.

Assistant Director (Admn)

Directorate of Elementary & Secy: Education Khyber Pakhtunkhwa, Pashawar

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Office of District Education Officer,

(Female) Torghar.

No.___/ Dated___/2014.

To,

The Director,

Elementary & Secondary Education.

Khyber Pakhtunkhwa Peshawar.

Subject -

Joining Report, NIL

R/Sir.

Reference your Endst No.6851-57/A-23/MS/Mansehra Dated 23.09.2014. It is submitted for your kind information that Mr. Muhammad Bashir J/Clerk and Mr. Muhammad Asif S/Clerk of DEO (F) Mansehra were transferred to District Torghar at the Office of undersigned.

They have not joined their duties in District Torghar up till now

< Sal

District Education Officer (Female)
Torghar.

No: 261-62

Dated /7/ /c /2014.

Copy for Information and necessary action to the:-

- 1. District Education Officer Female Mansehra.
- 2. Office File.

District Education Officer (Female)

Torghari