

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 401/2014

Date of Institution ... 24.02.2014

Date of Decision ... 25.10.2017

Imranullah son of Hazrat Umar Junior Clerk Government Degree College,  
Bakhshali R/O village and Post office Bakhshali, Tehsil and District Mardan.

... (Appellant)

VERSUS

1. Secretary Higher Education, Khyber Pakhtunkhwa, Peshawar and 3 others.  
... (Respondents)

MR. YAQUB KHAN,  
Advocate

... For appellant

MR. ZIAULLAH,  
Deputy District Attorney,

... For respondents.

---

MR. NIAZ MUHAMMAD KHAN,  
MR. GUL ZEB KHAN,

... CHAIRMAN  
... MEMBERJUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the  
learned counsel for the parties heard and record perused.

FACTS

2. The appellant was promoted as Junior Clerk and posted at Government Post Graduate College, Mardan on 13.09.2013. Thereafter a corrigendum was issued on 27.09.2013, whereby the appellant alongwith 11 others were reposted. This corrigendum of reposting was withdrawn on 07.10.2013. Against this the appellant filed a departmental appeal on 28.10.2013 and thereafter the present service appeal on 24.02.2014.

### ARGUMENTS.

3. The learned counsel for the appellant argued that the order dated 07.10.2013 was made on the interference of the Minister for Elementary Education and cannot be sustained.

4. On the other hand, the learned Deputy District Attorney argued that posting and transfer is the power and prerogative of the competent authority and that the impugned order has been acted upon and in view of judgment reported as 2005-SCMR-442, the same cannot be reversed.

### CONCLUSION.

5. In the very impugned order a copy has been addressed to the Private Secretary to the Minister for Elementary Education which shows that the order has been passed on political interference. The judgment referred to by the learned Deputy District Attorney itself mentioned that when no malafide or violation of rules is involved, then the posting cannot be challenged. The malafide is very much apparent from the order itself. Therefore, this order cannot be sustained in the eyes of law.

6. Consequently, this appeal is accepted and the impugned order is set aside. Parties are left to bear their own costs. File be consigned to the record room.

  
(GUL ZEB KHAN)  
MEMBER

  
(NIAZ MUIHAMMAD KHAN)  
CHAIRMAN

ANNOUNCED  
25.10.2017

22.06.2017

Counsel for the appellant and Mr Kabir Ullah Khattak, Assistant AG for the respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 25.09.2017 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Gul Zeb Khan)  
Member

25.09.2017

None for the appellant present. Addl: AG for respondents present. Since learned Member (Mr. Ahmad Hassan) is on leave, therefore, arguments could not be heard. To come up for arguments on 26.12.2017 before D.B.

  
Chairman

25.10.2017

Counsel for the appellant 1 and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
25.10.2017

06.06.2016

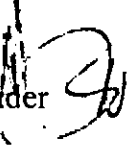
Appellant in person and Mr Ziaullah, GP for respondents present. Appellant stated that his counsel is not available today and requested for adjournment. Adjourned for arguments to ~~2.10.16~~ before D.B.

  
MEMBER

  
MEMBER

03.10.2016

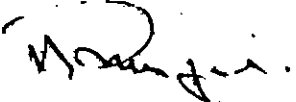
Since 3<sup>rd</sup> October, 2016 has been declared as public holiday on account of 1<sup>st</sup> Muharram therefore, case is adjourned for the same on ~~1-2-17~~

  
Reader

01.02.2017

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Appellant requested for adjournment as his counsel is not available today before the Tribunal. Adjourned. To come up for arguments on 02.03.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(ASHFAQUE TAJ)  
MEMBER

02.03.2017

Counsel for the appellant and Asstt. AG for the respondents present. Learned Asstt. AG submitted before the court that the case has been prepared by learned Addl. AG but he is not in attendance to-day due to death of his uncle. To come up for final hearing on 22.06.2017 before the D.B.

  
Member

  
Chairman

08.12.2014

Appellant in person and Mr. Muhammad Nisar, Assistant for respondents No. 1 to 3 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 25.03.2015.



Reader.

25.03.2015

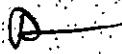
None present for appellant. Addl. A.G for respondents present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 13.10.2015.



Chairman

13.10.2015

Appellant with counsel and Mr. Murad Khan, Supdt alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. To come up for arguments on 25-02-16.



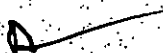
Member



Member

25.02.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. Therefore, the case is adjourned to 6-6-16 for arguments.



Member



Member

Appeal No. 401/2014  
Mr. Jussan ul Haq

19.05.2014

Appellant with counsel present and requested for

adjournment due to his was busy in Peshawar High Court Peshawar. Request accepted. To come up for preliminary hearing on 19.06.2014.

Member

19.06.2014

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 impugned order dated 07.10.2013, he filed departmental appeal on 28.10.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 24.02.2014. 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. To come up for written reply/comments on 16.09.2014.

Appellant Deposited Security & Process Fee Rs. 2000/- Bank Receipt is Attached with File.

*[Handwritten signature]*

Member

19.06.2014

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

Chairman

16.9.14

The Hon. J. Jussan ul Haq is on  
leave, proper case is copied  
Pd 8-12-14

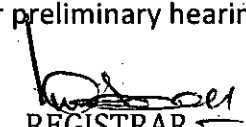
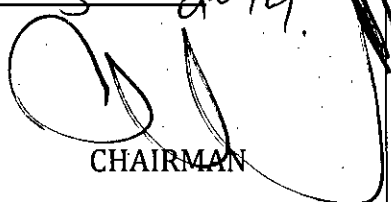
*[Handwritten signature]*  
Recd

Form- A

FORM OF ORDER SHEET

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

Case No. 401/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/03/2014	<p>The appeal of Mr. Imranullah resubmitted today by Mr. Yaqub Khan 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	24-3-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>19-5-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Imranullah son of Hazrat Umar Junior Clerk received today i.e. on 24.02.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexures- A, B and C of the appeal are illegible which may be replaced by legible one.

No. 290 /S.T,

Dt. 25/02 /2014.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yaqub Khan Adv. Mardan.

Sir,  
objections removed, completed  
and re-submitted please. Yaqub  
21/3  
Yaqub Khan  
Advocate



## Before the Service Tribunal KPK Peshawar.

Appeal No: 401 /2014

Imranullah S/O Hazrat Umer Junior Clerk Govt: Degree College Bakhshali R/O Vill:  
\*& P.O.: Bakhshali The: & Distt: Mardan.

.....Appellant

VERSUS

Secretary Higher Education KPK Peshawar & others. ....Respondents.

### INDEX

S/No:	Description of documents	Annexue	pages
1.	Appeal memo with affidavit		1-4
2.	Copy of order dated 13/9/2013	A	5-7
3.	Copy of Domicile Certificate of appellant	B	8-9
4.	Copy of order dated 27/9/2013	C	10 -
5.	Copy of charge report dated 28/9/2013	D	11 -
6.	Copy of impugned order dated 7/10/2013	E	12 -
7.	Copy of departmental appeal dt: 28/10/2013	F	13-14
8.	Copy of posting /transfer policy	G	15-19
9.	Wakalat Nama		20

Through Counsel: (Yaqub Khan Advocate) Yaqub Khan  
Appellant: Imranullah

①

**Before the Service Tribunal KPK Peshawar.**

Appeal No: 401 /2014

A.W.F. Peshawar  
264  
24-2-14

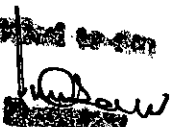
Imranullah S/O Hazrat Umer Junior Clerk Govt: Degree College Bakhshali R/O Vill:  
\*& P.O.: Bakhshali The: & Distt: Mardan.

.....Appellant

VERSUS

1. Secretary Higher Education KPK Peshawar
2. Director Higher Education KPK Peshawar
3. Deputy Director Higher Education KPK Peshawar.
4. Principal Govt: Degree College Bakhshali Mardan. ....Respondents.

**Appeal u/s 4 of KPK Service Tribunal Act 1974, against order of Respondent No:3 dated 7/10/2013,whereby, transfer of appellant is modified to the extent of appellant from GDC Bakhshali to Govt: Post Graduate College Mardan without any reason , which is illegal, against law and facts.**

  
24/2/14  
Sir,

Appellant humbly submits as under:-

1. That appellant was posted as a lab: Attendant (BPS-1) in the Govt: Post Graduate College Mardan since long.
2. That appellant was promoted from lab: Attendant BPS-1 To the post of Junior Clerk (BPS-7) vide order of respondent No:2 dated 13/9/2013 and posted as a Junior Clerk in the said college after completion of all codal formalities. (Copy of order is attached as Anx:A)
3. That appellant is bonafide resident of village Bakhshali Mardan as per his Domicile Certificate . (Copy Domicile certificate is attached as Anx:B)
4. That due to resident of village Bakhshali of appellant and low scale civil servant , the Respondent has issued a transfer order of appellant from GPGC College Mardan to GDC Bakhshali Mardan vide order dated 27/9/2013 by respondent No:2 . (Copy of transfer order is attached as Anx:C)
5. That appellant has taken over the charge of the said post as a Junior Clerk in GDC Bakhshali vide charge report dated 28/9/2013 and received his salary at his post. (Copy of charge report is attached as Anx: D)
6. That on the basis of political influence, transfer order of appellant was once again modified after one month as from GDC Bakhshali Mardan to Govt: Post Graduate College Mardan vide corringendum order dated 7/10/2013 without any reason , which is illegal, against law and fact. (Copy of corringendum order dated 7/10/2013 is attached as Anx:E)
7. That appellant preferred an appeal before the Respondent No:1 dated 28/10/2013 but in vain hence after lapse of 90 days , appellant filed instant appeal before this honourable Tribunal. (Copy of Departmental appeal is attached as Anx: F)
8. That impugned corringendum order of respondent dated 7/10/2013 is illegal, against law and facts on the following grounds:-

GROUNDS:-

- A. Because the impugned order of respondent No:3 dated 7/10/2013 is illegal, void as per appeal rule 1986 , because competent authority for transfer of

appellant is Director of Higher Educate KPK Peshawar and not Deputy Director higher Education KPK Peshawar while instant impugned order has been passed by Deputy Director higher Education KPK Peshawar., which clear violation.

- B. That impugned order is not in public interest , which is evident from impugned transfer order.
- C. Because the post of appellant kept vacant only for appointment of their own choice candidate to fill the same through political influence.
- D. Because the impugned order is illegal, against law and facts.
- E. Because the appellant has not been completed his tenure of his service even one year on the post from where he is transferred by order of respondents thus tenure is not completred, hence impugned transfer order of appellant dated 7/10/2013 is clear violation of posting/transfer policy. (Copy of posting/transfer policy is attached as Anx: G)
- F. Because impugned order has been passed on the basis of political influence . It is clear from the impugned order that is copy of said order has also been forwarded to the Minister of Education, which is political person..
- G. Because impugned transferred order frequent transfer order because they are transferred three times with in one month and as per reported Judgment of Apex Supreme Court of Pakistan (PLJ-1995 SC 629)within one year transfer order and cancellation of transfer order have been declare illegal by Apex Supreme Court of Pakistan. Such practice adversely effects efficiency of incumbent and also reduces their confidence and faith. Held tribunal has rightly deprecated such practice.
- H. That transfer/posting of the appellant is not in the public interest, so impugned order is not speaking order.
- I. That the post of appellant from which appellant is transferred kept vacant only to appoint the other candidate at his own choice by political influence.
- J. Because respondent has not used his mind for passing of the impugned order but he has passed the transfer by political influence to get pleasure of political persons.

4

It is therefore, humbly prayed that on acceptance of this appeal, order of respondents dated 7/10/2013 may please be set aside and appellants may please be allowed to continue his service at his post ie junior clerk in GDC Bakhshali. Any other relief deemed fit may also be graciously awarded.

*Imranullah*

Appellant

Imranullah

24/2/2014

*Yaqub Khan*

Through Counsel: (Yaqub Khan Advocate)

Distt: Courts Mardan.

Affidavit:

I, undersigned declare on oath that the contents of appeal are true and correct to the best of my knowledge and belief.

Dated 24/2/2014

Deponent \_\_\_\_\_

*Emranullah*

Attested



Amir A

(5)

BETTER COPY

- 5 -

Director of Higher Education  
KPK Peshawar  
Dated 13.09.2013

ORDER

Consequent upon recommendation of DPC meeting held on 01.09.2013 regarding promotion of class-IV to the post of Junior Clerk, the following class-IV servants are hereby promoted to the post of Junior Clerk, BPS-07 as admissible under the rules:-

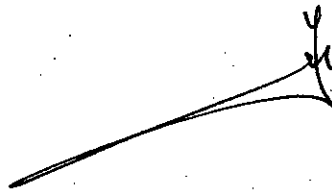
S.No.	Name & Address	Posted at	Remarks
1	Mr.Muhammad Riaz N/Qasid GPGC	GPGC Mardan	AVP
2	Xxxxx	xxxx	xxxx
3	xxxx	xxxx	xxxx
4	xxxxx	xxxx	xxxx
5	xxxxx	xxxx	xxxx
6	Mr.Imranulalh Lab. Attendant GDC No.2, Mardan	GPGC	AVP
7	xxxx	xxxx	xxxx

DIRECTOR HIGHER EDUCATION

Dy Director (Estb)

Endst No.177056-17859

Attested to be  
true copy :-

  
20/3

## DIRECTORATE OF HIGHER EDUCATION

KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR

Phone # 091-9210242, 9211025/Fax # 921021

Dated Peshawar the 13/09/2013

ORDER

Consequent upon the recommendation of Departmental Promotion Committee meeting held on 04.09.2013 regarding promotion of Class-IV to the post of Junior Clerk, the following Class-IV servants are hereby promoted to the post of Junior Clerk, BPS 07 as admissible under the rules.

MARDAN DIVISION

S. NO.	NAME & ADDRESS	POSTED AT	REMARKS
1.	Mr. Mohammad Riaz N/Qasid GPGC, Mardan	GPGC, Mardan	AVP
2.	Mr. Muhammad Mohammad N/Qasid GGC, Maneri (Swabi)	GGDC, Panjpir (Swabi)	AVP
3.	Mr. Noor Mohammad Behishti GDC, Takht Bhai (Mardan)	GGDC, Rustam (Mardan)	AVP
4.	Mr. Waheed Zaman Baldar GPGC, Swabi.	GPGC, Swabi	AVP
5.	Mr. Mohammad Haider Lab: Attendant GPGC, Mardan	GPGC, (W) Mardan	AVP
6.	Mr. Imranullah Lab: Attendant GDC, No. 2 Mardan	GPGC, Mardan	AVP
7.	Mr. Shoaib ur Rehman Lab: Attendant GDC, Lohar (Swabi)	GGDC, Marghuz, (Swabi)	AVP
8.	Abdur Rehman Lab: Attendant GDC, Katlang (Mardan).	GDC, Katlang (Mardan)	AVP

MALAKAND DIVISION

1.	Mr. Saleh Zaka, Lab: Attendant GDC, Daggar (Buner)	GDC, Totalai (Buner)	AVP
2.	Mr. Aziz ur Rehman Bearer GDC, Thana (Malakand Agency)	GDC, Wari (Upper)	AVP
3.	Mr. Umer Mohammad Sweeper GDC, Chakessar (Shangla)	GGDC, Khawaz Khela (Swat)	AVP
4.	Mr. Maucen Din, Chowkidar GDC, Alpari (Shangla)	GDC, Puran (Shangla)	AVP
5.	Mr. Mass Khan, Lab: Attendant GDC, Chitral	GDC, Chitral	AVP
6.	Mr. Sher Ali Khan, N/Qasid GGDC, Duggi (Malakand Agency)	GDC, Palai (Malakand Agency)	AVP
7.	Mr. Sulaman, N/Qasid GPGC, Swat.	GPGC, Saidu Sharif (Swat)	AVP
8.	Mr. Muhammad Saeed N/Qasid GDC, Thana (Malakand Agency).	GDC, Apni (Malakand Agency)	AVP
9.	Mr. Nadar Shah, Chowkidar GDC, Chakessar (Shangla)	GDC, Chakessar (Shangla)	AVP
10.	Mr. Mohammad Yar Lab: Attendant GPGC, Swat.	GPGC, Matta (Swat)	AVP
11.	Mr. Raza Mohammad Lab: Attendant GDC, Alpari (Shangla).	GDC, Chanla (Buner)	AVP
12.	Mr. Khan Zada N/Qasid GPGC, Swat.	GPGC, Saidu Sharif (Swat)	AVP

**D.I.KHAN DIVISION**

1.	Mr. Hamid Ullah Khan, Lab: Attendant GDC, Paharpur (D.I.Khan).	GGDC, Tank	AVP
2.	Mr. Fazi-e-Elahi, Lab: Attendant GDC, No. 2 D.I.Khan	GDC, No. 2 D.I.Khan	AVP
3.	Mr. Mohammad Ramzan Lab: Attendant GDC, No. 2 D.I.Khan	GDC, Balot Sharif (D.I.Khan)	AVP

**KOHAT DIVISION**

1.	Mr. Tasawar Shah, Lab: Attendant GDC, Takht-e-Nusrati (Karak).	GGDC, Takht-e-Nusrati (Karak)	AVP
2.	Mr. Mohammad Ayaz, Mali GDC, Ahmadabad (Karak).	GPGC, Kohat	AVP
3.	Mr. Sharif Hussain, Lab: Attendant GDC, Ahmadabad (Karak).	GGDC, TBSU (Mangu)	AVP
4.	Mr. Gullistan, Chowkidar GDC, Sahardad (Karak).	GPGC, Kohat	AVP

**HAZARA DIVISION**

1.	Mr. Liaqat Hussain, Lab: Attendant GDC, Balakot	GDC, Balakot (Manshra)	AVP
2.	Mr. Mohammad Saeed, Chowkidar GDC, Lissan Nawab	GPGC, (W) Manshra	AVP
3.	Mr. Munir Ahmad, N/Qasid GDC, Lissan Nawab	GGDC, Kalabat Township (Haripur)	AVP
4.	Mr. Abdur Rahim Chowkidar GDC, Balakot (Manshra).	GGDC, Chini Dheri (Manshra)	AVP
5.	Mr. Mohammad Naveed Lab: Attendant GPGC, Haripur	GPGC, (W) Haripur	AVP
6.	Mr. Wajid Khan, Lab: Attendant GPGC, Haripur	GGDC, Qalandar Abad (Abbottabad)	AVP
7.	Mr. Badar Zaman, Lab: Attendant GDC, Lissan Nawab	GGDC, Pathana (Manshra)	AVP
8.	Mr. Mohammad Sadique Lab: Attendant GDC, Lissan Nawab	GDC, Lissan Nawab (Manshra)	AVP
9.	Mr. Abdur Rauf, Lab: Attendant GPGC, Manshra.	GPGC, Manshra	AVP
10.	Mr. Jehanzeb, Lab: Attendant GDC, Lissan Nawab	GDC, Akora Khattak (Nowshera)	AVP

**PESHAWAR DIVISION**

1.	Mr. Minqad ud Din, N/Qasid GSSC, Peshawar.	Directorate of Higher Education Khyber Pakhtunkhwa	AVP
2.	Mr. Naveed Khan, T.W.O CC, Peshawar.	Directorate of Higher Education Khyber Pakhtunkhwa	AVP
3.	Mr. Rasveen Akhtar, Lab: Attendant-GCCG, Peshawar	GGDC, Bacha Khan (Peshawar)	AVP
4.	Mr. Shah Nazar, N/Qasid GPGC, Nowshera.	Directorate of Higher Education Khyber Pakhtunkhwa	AVP
5.	Mr. Madad Khan, Chowkidar GSSC, Peshawar.	Directorate of Higher Education Khyber Pakhtunkhwa	AVP
6.	Mr. Liaqat Ali N/Qasid GDC, Tangi (Charsadda).	GGDC, Chaghar Matti (Peshawar)	AVP



9.	Mr. Mumtaz Khan Lab: Attendant GDC, Mathra (Peshawar).	GGDC, Mathra (Peshawar)	AVP
10.	Mr. Mohammad Saddique, Lab; Attendant GPGC, Nowshera.	GPGC, Nowshera	AVP
11.	Mr. Tajamul Shah, Mail GPGC, Nowshera.	GDC, Pabbi (Nowshera)	AVP
12.	Mr. Razi ud Din, Lab: Attendant GC, Peshawar.	GC, Peshawar	AVP
13.	Mr. Mohammad Tariq, Lab: Attendant GPGC, Charsadda.	GPGC, Charsadda	AVP
14.	Mr. Mohammad Ayyaz Chowkidar, GGC, Gulshan Rehman Colony Peshawar.	GGDC, Gulshan Rehman Colony Kohat Road Peshawar	AVP
15.	Mr. Maceenullah, N/Qasid GDC, Tangi (Charsadda).	GDC, Natigman (Peshawar)	AVP

**NOTE:**

- The Principals concerned are directed to verify the certificates/documents of the promotees before handing over charge to them.
- Charge report should be sent to all concerned.

Subject No. 17705-17859 DIRECTOR HIGHER EDUCATION

Copy of the above is forwarded to the:-

- Section Officer (Colleges-II) Govt. of Khyber Pakhtunkhwa, Higher Education Department Peshawar for information.
- Principals concerned.
- District Accounts Officer, concerned.
- Official concerned.

BY: DIRECTOR (ESTABLISHMENT)

*Attested to be  
true copy:-*

*Yours*



Better copy

No. 1234  
Dona

# DOMICILE CERTIFICATE

Distt: Social  
Mardan

Imranullah Son/Daughter of Hazrat Umar

I declare that I was born of parents who are permanently settled in the North-West Frontier Province having been born/settled\* in this province.

I was born at Villag/Mohallah Bakhshali

Tehsil Mardan District Mardan.

Imranullah  
Signature of the applicant  
Date :- 20-2-85

Pursuance to the declaration dated 20.2.85 filed by

Mr/Miss Imranullah Son/Daughter Hazrat Umar

domiciled in North-West Frontier Province, it is hereby certified that the said Imranullah son of Hazrat Umar is born of parents who are permanent residents of the North-West Frontier Province having been born settled\* here.

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

This 15th day of April 1985.

Seal



COUNTERSIGNED

Amir

DISTRICT MAGISTRATE  
MARDAN.



No. 6129 /G. Dated 15/2/85

(\*Strike out which one is not applicable)

P.T.O.





Annex. "B"

Donated Rs : 5 (Five)  
Towards  
Distt: Social Welfare Fund  
Mardan

# DOMICILE CERTIFICATE



I Imranullah Son/Daughter of Hazrat Umar

8

declare that I was born of parents who are permanently domiciled in North-West Frontier Province HAVING BEEN BORN SETTLED\* in this province.

I was born at Village/Mohallah Bakhshali

Tehsil Mardan District: Mardan

Imranullah  
Signature of the applicant  
Date :- 20-2-85

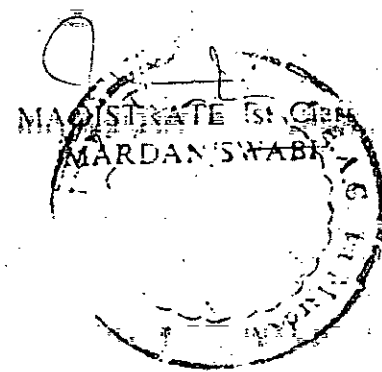
Pursuance to the Declaration dated 20.2.85 filed by  
Mr/Miss Imranullah Son/Daughter Hazrat Umar  
domiciled in North-West Frontier Province, it is hereby certified that the  
said Imranullah son of Hazrat Umar is born of parents who are permanent  
residents of the North-West Frontier Province having been born settled\* here.

I have satisfied myself from ~~personal~~ knowledge/verification\* that the  
above declaration is true and I certify accordingly.

This 15th day of April 1985.

Seal

Attested  
15/4/85  
Principal



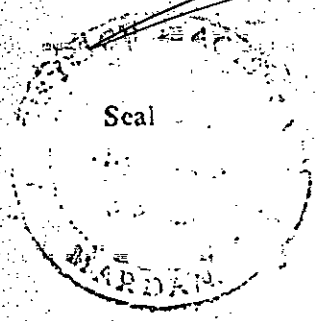
Attested



COUNTERSIGNED

Q. Umar

Seal



DISTRICT MAGISTRATE  
MARDAN

No. 6589 /C. Dated 15/4/85

\*Strike out which ever is not applicable

P.T.O

(9)

صاحب عالی

تصویر (۱) امداد نامہ کے بارے میں  
سوالیں کھینکی گئیں۔  
ریکارڈ کے مطابق وہاں  
موجودہ کھینکی گئی ہے۔  
20  
25  
20

Handwritten signature  
Lower Primary Master

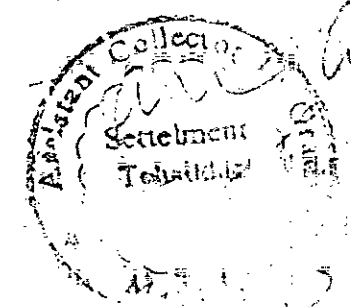
فہرست نامہ  
درج ذیل کے ناموں کے بارے میں  
مستثنیہ ہونے کے بارے میں  
مستثنیہ ہونے کے بارے میں  
مستثنیہ ہونے کے بارے میں  
20  
25

Jagat Shah

صاحب عالی

صاحب عالی کے نام پر  
درج ذیل کے ناموں کے بارے میں  
مستثنیہ ہونے کے بارے میں  
مستثنیہ ہونے کے بارے میں  
مستثنیہ ہونے کے بارے میں  
مستثنیہ ہونے کے بارے میں

Handwritten signature  
26/3  
65



Anx <sup>c</sup>  
(10)

BETTER COPY

- 10 -

Director of Higher Education  
KPK Peshawar  
Dated 27/09/2013

CORRIGENDUM

In partial modification of this office order issued under Endst No.17705-17859 dated 13.09.2013, the competent authority is pleased to issue corrigendum in respect of the following officials as noted against each:-

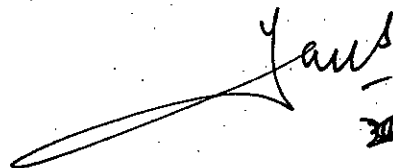
S.No.	Name of promotee with place of posting.	Corrigendum made	Remarks
1	Mr.Inamullah, Junior Clerk GPGC Mardan	GDC Bakhshali Mardan	AVP
2	xxxx	xxxx	xxxx
3	xxxx	xxxx	xxxx

DIRECTOR HIGHER EDUCATION

(Dy Director Estb)

Endst No.18790-2600

Attested to be  
true copy:-

  
27/3

Annex "C"

Dated Peshawar the 27/8/2013

CORRECTED

In partial modification of this office order issued under No. 17705-17859 dated 13.09.2013, the competent authority is pleased to issue commendation in respect of the following officials as noted against each

S.No	Name of nominees along with place of previous posting	Designation	Remarks
1	Mr. Imran ulah Junior Clerk	GDC, Bakhshali (Mardan)	Against V/post //
2	Mr. Haidar Junior Clerk	GPCC, Mardan (Mardan)	Against V/post //
3	Mr. Sanaat Hussain Junior Clerk	GDC, Ahmad Abad (Mardan)	Against V/post
4	Mr. Muhammad Yaqub Junior Clerk	GPCC, Miana (Swat)	Against V/post
5	Mr. Jehanzeb Junior Clerk	GPCC (W), Maseeha	Against V/post
6	Mr. Madad Khan Junior Clerk	GSSC, Peshawar	Against V/post
7	Mr. Iqbal Khan Junior Clerk	GDC, Tangi	Against V/post
8	Mr. Shah Razza Junior Clerk	GDC, KRR, Alora	Against V/post
9	Mr. Shaukat Raza Junior Clerk	GDC, KRR, Alora (Nawshera)	Against V/post
10	Mr. Waqid Khan Junior Clerk	GPCC, KTS, (Swabi)	Against V/post
11	Mr. Amir Ahmad Junior Clerk	GPCC, KTS, Haripur	Against V/post
12	Mr. Naveed Khan Directorate of Higher Education KRR Peshawar	Govt. College, Peshawar	Against V/post

DIRECTOR HIGHER EDUCATION

Encl: No. 17705-17859

Copy of the above is forwarded to the:-

1. Principals Govt. Colleges (Male & Female) concerned.
2. District Accounts Officers concerned.
3. Cashier, local Direct-rate.
4. PA to Director Higher Education, Khyber-Pakhtunkhwa Peshawar.
5. Officials concerned.

(DEPUTY DIRECTOR ESTABLISHMENT)



Handwritten signature and initials.

Annex. "D"

11

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the  
J/Clerk. Vide Govt. Petition No. 1872/2013

In No. 27/2013

2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse.

Signature of relieved  
Government Servant.....

TALUKA POST.

Station..... S.D.O. HARSHAKI (TALUKA).

Designation.....

Signature of relieving  
Government Servant.....

(S)

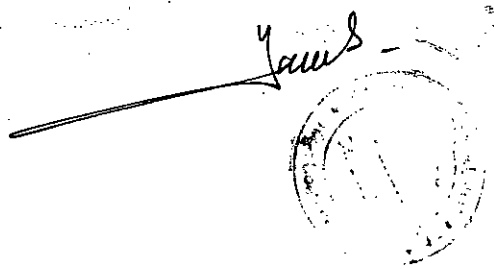
INDIAN CLERK.

Dated..... 26/9/2013.

Designation..... J/Clerk

Attested to be true copy:-

Yours





Annex. "E"

12

Directorate Higher Education  
Khyber Pakhtunkhwa, Peshawar  
091-9211025--- 091-9210242

SUBJECT: CORRIGENDUM / RE-ADJUSTMENT

Please read GPGC Mardan instead of GDC Bakhshali (Mardan) against the name of official at S.No.1 in order issued vide this office Endst NO. 18790-800 of Dated: 27/09/13

Director Higher Education

Endst No 18790-800 of Dated 07/10/2013

Copy of the above is forwarded to the:-

1. Principal GPGC Mardan.
2. Principal GDC Bakhshali (Mardan).
3. District Accounts Officer Mardan.
4. P S to Special Asstt to Chief Minister.
5. P S to Minister Elementary Education w/r to his No: PS/Men/E&SE/KP/2013 of 01/10/2013.
6. B A to Director Higher Education Khyber Pakhtunkhwa.
7. Official concerned

(Dy: Director (Establishment))

Attested to be  
true copy:-



حضرت جناب سیکرٹری پائیر ایجوکیشن جسٹس فوٹو نمبر

(13)

(Through Proper channel)

عنوان۔ حکیمانہ ایپل بر خلاف حکم لمبر 13-19307 حورم 2013 07 جناب

ڈائریکٹر پائیر ایجوکیشن جنبل رو سے سائل کو GDC فٹالی سے واپس فرمادو *Corrigendum* مردان بطور جو نیٹر ٹرکے لائنات کیا گیا ہے۔ غلط، خلاف قانون، خلاف وائعات، خلاف انصاف ظہری، تحت سیاسی دباؤ، سنی بر بدیشی ہے اور حقوق سائل پیر کا عدم غور جو اثر ہے اور پیر کا قابل پذیرائی نہیں ہے اور قابل معافی ہے۔

جناب عالی! ایپل حسب ذیل ہیں۔

1. یہ کہ سائل کو رولٹ ڈگری کا لبر لمبر مردان میں بطور Lab. attendant

لینیات تھا اور حورم 2013 13 کو پورے آرڈر نمبر 17705-17859، ڈیپارٹمنٹل پرچون لکھی کی سفارش پر سائل کو لیکچرر ڈیپارٹمنٹ *class* ملازمین، جو نیٹر ٹرکے کے عہدہ پر ترقی دی گئی اور سائل کو GDC مردان میں خالی آسامی پر لینیات کر دیا گیا۔

(نقل آرڈر نمبر 17705-17859 لفٹ "A" Annex ہے)

2۔ یہ کہ سائل کا تعلق مردان شہر سے 13/14 طوٹر کے قاعدے پر فٹالی

سے ہے (نقل ڈوبسائل سرٹیفکیٹ سائل لفٹ "B" Annex ہے)

3۔ یہ کہ سائل کے اپنے گاؤں یعنی فٹالی (GDC فٹالی) میں جو نیٹر ٹرکے

کی آسامی خالی تھی وہیں وہ مجازاً سفر نے حورم 2013 27 کو ایک

*Corrigendum* جاری کیا جس میں سائل سپر لبر پیرا پیرا ڈگری پیر کیا اور سائل

لینیات کو بطور جو نیٹر ٹرکے GDC فٹالی میں لقا لقا کر لیا گیا۔

اور ساتھ ہی ساتھ دیگر ملازمین کو بھی اپنے ہیوم سٹیشن میں بلا سکے

فریب لینیات کر دیا گیا۔

(نقل حکم حورم 2013 27 لفٹ "C" Annex ہے)

4۔ یہ کہ سائل نے حکم حورم 2013 27 کی تعمیل کرتے ہوئے حورم 2013 28 کو GDC فٹالی

میں اپنے عہدہ کا چارج لے لیا۔ (نقل چارج رپورٹ لفٹ "D" Annex ہے)

(Contd. P-2)

5۔ یہ سائل اپنے فرائض حنفی خوش اسلوبی سے انجام دے رہا تھا اجابت  
 سائل کو جواب دے ڈائریکٹر، ایئر ایجوکیشن حکم نمبری 13-07-1930 حوالہ ہوا  
 حروف 07/10/13  
 جسکی رو سے corrigendum جاری شدہ حروف 13/9/27 میں صرف سائل کی  
 حد تک ترمیم کر کے سائل کو دوبارہ GPGC مردان لکھنات لکھی گئی ہے۔ جو کہ  
 بالکل غلط، خلاف قانون، خلاف واقعات، خلاف باطنی، وقت سما کی بنا پر  
 یعنی بر بدینی و سبازشی ہے اور سراسر حیرت و خلاف ہے اور حقوق سائل پر کالعدم  
 وغیرہ موثر ہے اور قابل منہوی ہے۔ کیونکہ صرف سائل کی حد تک corrigendum  
 جاری کرنا جس پر بدینی ہے۔  
 (نقل حکم حروف 10/07/2013 لفٹ "Annex E" ہے)

6۔ یہ کہ حروف 10/21/2013 کو پرنسپل GDC قشالی نے نوٹس لیکر/تجھی نمبری 252  
 سائل کو GDC قشالی میں admit کرنے کی سفارش بھی کی ہے۔  
 جو کہ تجھی نڈا کے متن سے صاف واضح ہے۔  
 (نقل تجھی حروف 10/21/2013 لفٹ "Annex F" ہے)

7۔ یہ کہ جہ حقائق کو مدنظر رکھتے ہوئے الفاف کا فیصلہ ہے کہ سائل کی دادری فعال  
 جائے گا کہ سائل جہاں لکھنات میں خرپر جنت بازی سے بچ سکے۔

لینڈ اسٹیٹ ہے کہ منظوری اپیل ضد حکم شدہ حروف 07/10/2013  
 منوع فرمایا جائے سائل کو GDC قشالی میں بطور جوئیٹر ملرک  
 اپنے فرائض حنفی انجام دینے کے اقلیات جہاں رہیں  
 جہاں الفاف کے تقاضے پورے ہوں اور سائل کو اپنا جائز اور قانونی حق  
 حل سکے۔ اور سائل اپنے تجربہ کو ادارہ کے وسیع تر مفاد میں احسن طریقہ  
 سے انجام دے سکے۔


بیان حلقی  
 حلفاً اور کلمہ کو سبھیوں کے سامنے پڑھا کرتے ہیں  
 جس سے علم و فہم و عطا اللہ و رفعا در در میں  
 اور لوئی ایئر لکھنات لکھی ہے۔  
 حروف 28/10/13

عمران اللہ  
 صاحب

کمرہ نمبر - 28/10/13

سائل عمران اللہ (جوئیٹر ملرک)

انڈر ڈائریکٹر لکھنات GPGC مردان

Attested to true  
 copy: [Signature]  




GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

(Regulation Wing)

Ann 9  
15

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }  
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.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

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

16

Posting - Transfer Policy - updated till 10 Jan

- ix) Regarding the posting of h... efforts where possible work station subject to the public in
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

both in Provincial services, post such persons at one

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

Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.

-do-

-do-

Chief Secretary with the approval of the Chief Minister.

Secretary of the Department concerned.  
Chief secretary/Secretary Establishment.

Secretary of the Department concerned.

Secretary of the Dept in consultation with Head of

c) Within the Secretariat from one Department to another	Secretary (Establishment)
--	---------------------------

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

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

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

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

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

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

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

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

Posting  
notified  
PS  
CA

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

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

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

NOTIFICATION

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

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Endst. No. and date even.  
Copy forwarded

- 1.
- 2.
- 3.
- 4.
- 5.

(NAME)  
SECTION OFFICER  
Administrative Department

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

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make

**Before the Service Tribunal Khyber Pakhtunkhwa, Peshawar**

Service Appeal No. 401/2014

Imran Ullah

-----Appellant

Versus

Secretary Higher Education Department Govt of Khyber Pakhtunkhwa & 03 Others

----- Respondents

Subject: - **PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1 TO 4.**

Respected Sheweth,

**Preliminary Objections**

- i. The appellant has not come to this Hon'able Tribunal with clean hands.
- ii. The appellant has concealed material facts from this Hon'able Tribunal.
- iii. The appeal in hand is misconceived in law, hence not maintainable.
- iv. The appeal in hand is time barred.
- v. This Hon'able Tribunal has no jurisdiction to entertain the instant appeal.
- vi. The appellant is estopped by his own conduct to file the instant appeal.

**FACTS**

1. Pertains to record, hence calls for no comments from answering Respondents.
2. Correct to the extent that the Appellant was promoted from Lab Attendant BPS-01 to the post of Junior Clerk BPS-07 vide office order endst No.17705-17859 dated 13/09/2013(**Annexure-A**) but is incorrect that the Appellant was posted as Junior Clerk in the said College as he was posted in Govt Postgraduate Collage Mardan against a vacant post, however the Appellant was again posted as Junior Clerk at Govt Degree College Bakhshali Mardan vide corrigendum issued under endst No.18790-18800 dated 27/09/2013(**Annexure-B**).
3. Pertains to record, hence calls for no comments from answering Respondents.
4. Incorrect the Respondent No.2 (Director Higher Education) has not issued transfer order but in partial modification to the office order issued under endst No. 17705-17859 dated 13/09/2013 the Competent Authority has issued corrigendum vide endst No. 18790-18800 dated 27/09/2013 wherein the Appellant was posted in his previous College i.e. Govt Degree College Bakhshali Mardan(**Annexure-B Supra**).
5. Pertains to record.
6. Incorrect, corrigendum/ re-adjustment order was issued under endst No. 19307-13 dated 07/10/2013 in the public interest whereby the Appellant was posted at Govt Postgraduate College Mardan (**Annexure-C**).
7. Correct to the extent that the Departmental appeal was not considered, being meritless.
8. Incorrect, the corrigendum/re-adjustment order dated 07/10/2013 is legal & lawful.



**GROUNDS**

- A. Not admitted. The order of Respondent No.3 dated 07/10/2013 is legal & lawful on the grounds that Director Higher Education, being competent authority gives prior approval to all such orders and then the said orders are issued by Dupty Director (Establishment). It is pertinent to mention that the previous orders are also being issued by Respondent No.3.
- B. Not admitted, being false.
- C. Vehemently denied as baseless allegations are leveled against the Respondents.
- D. Not admitted. The order is legal, lawful and based on factual grounds.
- E. Not admitted. The order dated 07/10/2013 was issued in the best public interest and according to section 10 of civil servant act, 1973.
- F. Denied as drafted, the impunged order was issued in the best public interest.
- G. Incorrect as per Para mentioned above.
- H. Not admitted. Already stated in Para D above.
- I. Not admitted. Already stated in Para C above.
- J. Not admitted. Already explained in Para E above.

**Prayer**

It is therefore prayed that the appeal may graciously be dismissed with cost.

*M Khan*

Secretary Higher Education  
Govt. of Khyber Pakhtunkhwa  
Respondent No. 1  
**Secretary Higher Education  
Khyber Pakhtunkhwa**

*[Signature]*  
Deputy Director (Establishment)  
Higher Education Khyber Pakhtunkhwa  
Respondent No. 3

*[Signature]*  
**Dy: Director Higher Education  
Khyber Pakhtun Khwa  
Khyber Road, Peshawar**

*[Signature]*  
Director Higher Education  
Khyber PakhtunKhwa  
Respondent No.2

*[Signature]*  
**Director Higher Education  
Khyber Pakhtoon Khaw  
Khyber Road, Peshawar**

*[Signature]*  
Principal, Govt. Degree College  
Bakshali, Mardan  
Respondent No.4

**PRINCIPAL  
Govt: Degree College  
Bakshali Mardan**

Sc (C-II)  
HED

**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 921021  
Dated Peshawar the 13/09/2013

**ORDER**

Consequent upon the recommendation of Departmental Promotion Committee meeting held on 04.09.2013 regarding promotion of Class-IV to the post of Junior Clerk, the following Class-IV Servants are hereby promoted to the post of Junior Clerks BPS-07 as admissible under the rules.

**MARDAN DIVISION**

S. NO.	NAME & ADDRESS	POSTED AT	REMARKS
1.	Mr. Mohammad Riaz, N/Qasid GPGC, Mardan	GPGC, Mardan	AVP
2.	Mr. Hussain Mohammad N/Qasid GGC, Maneri (Swabi)	GGDC, Panjpir (Swabi)	AVP
3.	Mr. Noor Mohammad Behishti GDC, Takht Bhai (Mardan)	GGDC, Rustam (Mardan)	AVP
4.	Mr. Wahid Zaman Baldar GPGC, Swabi.	GPGC, Swabi.	AVP
5.	Mr. Mohammad Haider Lab: Attendant GPGC, Mardan.	GPGC, (W) Mardan	AVP
6.	Mr. Imranullah Lab: Attendant GDC, No. 2 Mardan	GPGC, Mardan	AVP
7.	Mr. Shoail ur Rehman Lab: Attendant GDC, Lahor (Swabi).	GGDC, Marghuz (Swabi)	AVP
8.	Abdur Rehman Lab: Attendant GDC, Katlang (Mardan).	GDC, Katlang (Mardan)	AVP

**MALAKAND DIVISION**

1.	Mr. Saleh Zada, Lab: Attendant GDC, Daggar (Buner).	GDC, Totalai (Buner)	AVP
2.	Mr. Aziz ur Rehman Bearer GDC, Thana (Malakand Agency)	GDC, Wari (Upper)	AVP
3.	Mr. Umer Mohammad Sweeper GDC, Chakessar (Shangla)	GGDC, Khawaz Khela (Swat)	AVP
4.	Mr. Maqeen Din, Chowkidar GDC, Alpuri (Shangla)	GDC, Puran (Shangla)	AVP
5.	Mr. Mass Khan, Lab: Attendant GDC, Chitral	GDC, Chitral	AVP
6.	Mr. Sher Ali, Khan, N/Qasid GGDC, Dargai (Malakand Agency)	GDC, Palai (Malakand Agency)	AVP
7.	Mr. Suleman, N/Qasid GPGJC, Swat.	GPGJC, Saidu Sharif (Swat)	AVP
8.	Mr. Mohammad Saeed N/Qasid GDC, Thana (Malakand Agency).	GDC, Agra (Malakand Agency).	AVP
9.	Mr. Nadar Shah, Chowkidar GDC, Chakessar (Shangla)	GDC, Chakessar (Shangla)	AVP
10.	Mr. Mohammad, Yar, Lab: Attendant GPGJC, Swat.	GPGC, Matta (Swat)	AVP
11.	Mr. Razi Mohammad Lab: Attendant GDC, Alpuri (Shangla).	GDC, Chamla (Buner)	AVP
12.	Mr. Khan, Zada N/Qasid GPGJC, Swat.	GPGJC, Saidu Sharif (Swat)	AVP

**D.I. KHAN DIVISION**

1.	Mr. Hamid Ullah Khan, Lab: Attendant GDC, Paharpur (D.I. Khan).	GGDC, Tank	AVP
2.	Mr. Fazl-e-Ellahi, Lab: Attendant GDC, No. 2 D.I. Khan	GDC, No. 2 D.I. Khan	AVP
3.	Mr. Mohammad Ramzan Lab: Attendant GDC, No. 2 D.I. Khan	GDC, Balot Sharif (D.I. Khan)	AVP

**KOHAT DIVISION**

1.	Mr. Tasawar Shah, Lab: Attendant GDC, Takht-e-Nasrati (Karak).	GGDC, Takht-e-Nasrati (Karak)	AVP
2.	Mr. Mohammad Ayaz, Mali GDC, Ahmadabad (Karak).	GPGC, Kohat	AVP
3.	Mr. Sharif Hussain, Lab: Attendant GDC, Ahmadabad (Karak).	GGDC, Thall (Hangu)	AVP
4.	Mr. Gullistan, Chowkidar GDC, Sabirabad (Karak).	GPGC, Kohat	AVP

**HAZARA DIVISION**

1.	Mr. Liaqat Hussain, Lab: Attendant GDC, Balakot	GDC, Balakot (Manshra)	AVP
2.	Mr. Mohammad Saeed, Chowkidar GDC, Lissan Nawab	GPGC, (W) Manshra	AVP
3.	Mr. Munir Ahmad, N/Qasid GDC, Lissan Nawab	GGDC, Kalabat Township (Haripur)	AVP
4.	Mr. Abdur Rahim Chowkidar GDC, Balakot (Manshra).	GGDC, Chiti Dheri (Manshra)	AVP
5.	Mr. Mohammad Naveed Lab: Attendant GPGC, Haripur	GPGC, (W) Haripur	AVP
6.	Mr. Wajid Khan, Lab: Attendant GPGC, Haripur	GGDC, Qalandar Abad (Abbotabad)	AVP
7.	Mr. Badar Zaman, Lab: Attendant GDC, Lissan Nawab	GGDC, Parhina (Manshra)	AVP
8.	Mr. Mohammad Sadique Lab: Attendant GDC, Lissan Nawab	GDC, Lissan Nawab (Manshra)	AVP
9.	Mr. Abdur Rauf, Lab: Attendant GPGC, Manshra.	GPGC, Manshra	AVP
10.	Mr. Jehanzeb, Lab: Attendant GDC, Lissan Nawab	GDC, Akora Khattak (Nowshera)	AVP

**PESHAWAR DIVISION**

1.	Mr. Muneed ud Din, N/Qasid GSSC, Peshawar.	Directorate of Higher Education Khyber Pakhtunkhwa	AVP
2.	Mr. Naveed Khan, T.W.O GC, Peshawar.	Directorate of Higher Education Khyber Pakhtunkhwa	AVP
3.	Mr. Parveen Akhtar, Lab: Attendant GDC, Peshawar	GGDC, Bacha Khan (Peshawar)	AVP
4.	Mr. Shah Nazar, N/Qasid GPGC, Nowshera.	Directorate of Higher Education Khyber Pakhtunkhwa	AVP
5.	Mr. Madad Khan, Chowkidar GSSC, Peshawar.	Directorate of Higher Education Khyber Pakhtunkhwa	AVP
6.	Mr. Liaqat Ali N/Qasid GDC, Tangi (Charsadda).	GGDC, Chaghar Matti (Peshawar)	AVP

8. ✓	Mr. Munir Khan Lab: Attendant GDC, Mathra (Peshawar).	GGDC, Mathra (Peshawar)	AVP
9. ✓	Mr. Muhammad Saddique, Lab: Attendant GPGC, Nowshera. ✓	GPGC, Nowshera	AVP
10. ✓	Mr. Tajamul Shah, Mali GPGC, Nowshera.	GDC, Pabbi (Nowshera)	AVP
11. ✓	Mr. Razi ud Din, Lab: Attendant GC, Peshawar.	GC, Peshawar	AVP
12. ✓	Mr. Mohammad Tariq, Lab: Attendant GPGC, Charsadda.	GPGC, Charsadda	AVP
13. ✓	Mr. Mohammad Ayaz Chowkidar, GGC, Gulshan Rehman Colony Peshawar.	GGDC, Gulshan Rehman Colony Kohat Road Peshawar	AVP
13. ✓	Mr. Maccnullah, N/Qasid GDC, Tangi (Charsadda).	GDC, Naugman (Peshawar)	AVP

**NOTE:-**

- i. The Principals concerned are directed to verify the certificates/ documents of the promotees before handing over charge to them.
- ii. Charge report should be sent to all concerned.

**DIRECTOR HIGHER EDUCATION**

Endst; No. 17705-17859

Copy of the above is forwarded to the:-

1. Section Officer (Colleges-II) Govt; of Khyber Pakhtunkhwa, Higher Education Department Peshawar for information.
2. Principals concerned .
3. District Accounts Officer, concerned.
4. Official concerned.

*a/c*  **DY: DIRECTOR (ESTABLISHMENT)**

**DIRECTORATE HIGHER EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.**  
Phone #091-9211025, 091-9210242, Fax # 091-9211025

Dated Peshawar the 22/9 /2013.

**CORRIGENDUM.**

In partial modification of this office order issued under endst.No.17705-17859 dated 13.09.2013, the competent authority is pleased to issue corrigendum in respect of the following officials as noted against each.

S.No	Name of promotee along with place of previous posting	Correction made	Remarks
1	Mr.Imran ullah Junior Clerk GPGC, Mardan	GDC, Bakhshali (Mardan)	Against V/post
2	Mr. Haider Junior Clerk GPGC (W), Mardan	GPGC, Mardan	Vice S.No.1
3	Mr.Sharif Hussain Junior Clerk GGDC, Thall (Hangu)	GDC, Ahmad Abad (Karak)	Against V/post
4	Mr. Muhammad Yar Junior Clerk GPGC, Matta (Swat)	GPGJC, S/Sharif, Swat	Against V/post
5	Mr.Jehanzeb Junior Clerk GDC, KKK, Akora Khattak	GPGC (W), Mansehra	Against V/post
6	Mr.Madad Khan Junior Clerk Directorate of Higher Edu;KPK, Pesh;	GSSC, Peshawar	Against V/post
7	Mr.Liaqat Ali Junior Clerk GGDC, Chagharmatti Peshawar	GDC, Tangi	Against V/post
8	Mr. Shah Nazar Junior Clerk Directorate of Higher Edu;KPK	GDC, KKK, Akora Khattak (Nowshera)	Vice S.No.05
9	Mr.Shuaibur Rehman Junior Clerk GGDC, Marghuz (Swabi)	GDC, Lahor (Swabi)	Against V/post
10	Mr.Wajid Khan Junior Clerk GGDC, Qalanderabad(A/Abad)	GGDC, KTS, Haripur.	Vice S.No.11
11	Mr.Munir Ahmad Junior Clerk GGDC, KTS, Haripur	GPGC No.1 A/Abad	Against V/post
12	Mr.Naveed Khan Directorate of Higher Education KPK Pesh;	Govt. College, Peshawar.	Against V/post

DIRECTOR HIGHER EDUCATION

Endst.No. 18790-200

Copy of the above is forwarded to the:-

1. Principals Govt.Colleges (Male & Female) concerned.
2. District Accounts Officers concerned.
3. Cashier, local Directorate.
4. PA to Director Higher Education Khyber Pakhtunkhwa Peshawar.
5. Officials concerned.

(DEPUTY DIRECTOR (ESTABLISHMENT))

Directorate Higher Education,  
Khyber Pakhtunkhwa, Peshawar.  
091-9211025--- 091-9210242

**SUBJECT: CORRIGENDUM / RE-ADJUSTMENT.**

Please read GPGC Mardan instead of GDC Bakhshali  
(Mardan) against the name of official at S.No.1 in order issued vide this  
office Endst NO. 18790-800 of Dated: 27/09/13

**Director Higher Education**

Endst No: 191307-13

02/10/13

Copy of the above is forwarded to the:-

1. Principal GPGC Mardan.
2. Principal GDC Bakhshali (Mardan).
3. District Accounts Officer Mardan.
4. P.S to Special Asstt to Chief Minister.
5. P.S to Minister Elementary Education w/r to his No. PS/Mdn/E&SE/KP/2013 of 01/10/2013.
6. P.A to Director Higher Education, Khyber Pakhtunkhwa.
7. Official concerned.

  
By: Director (Establishment)

observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

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

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

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

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

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

The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 8-6-2004  
Urdu Letter No: SOR-VI/E&AD/Misc./2005, dated 3-1-2006.}

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

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

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

Attested to  
be true copy  
yours

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2351 /ST      Dated 31 / 10 / 2017

To


The Deputy Director, Higher Education Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 401/2014, MR. IMRAN ULAH.

I am directed to forward herewith a certified copy of Judgement dated 25.10.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.