

92/14

4.12.2015

Counsel for the appellant, Mr. Muhammad Jan, GP with Hameedur Rahman, AD for the official respondents and private respondent No. 3 with counsel present. Counsel for the appellant submitted that grievance of the appellant has been redressed vide order No. 2596-006, dated 07.07.2015 and requested for withdrawal of the appeal. His signature also obtained in the margin of order sheet. As such, the appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED  
04.12.2015



Member

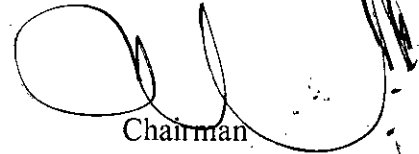


Member

*H. W. [Signature]*  
4-12-2015

2 25.09.2014

Mr. Amjad Khan, Advocate on behalf of counsel for the appellant, M/S Khurshid Khan, S.O for respondent No.1, Javed Ahmad, Supdt. for respondent No.2, Muhammad Hamayun, ADO for respondent No.3 with Mr. Muhammad Adeel Butt, AAG and private respondent No.4 in person present. Written reply has not been received on behalf of both the official as well as private respondents. They both requested for further time. Another chance is given for written reply/comments on behalf of the respondents, positively, on 27.01.2015.

  
Chairman

8 27.01.2015

Appellant with counsel, M/S Khurshid Khan, S.O for respondent No. 1, Mosam Khan, AD for respondent No. 2, Muhammad Hamayun, ADO for respondent No. 3 alongwith learned Addl: AG and counsel for private respondent No. 4 present. Comments submitted. To come up for final hearing/arguments before D.B on 28.07.2015. Respondent No. 4 shall submit written reply within seven days.

  
CHAIRMAN

28.07.2015

Counsel for the appellant, Asstt: AG for official respondents and counsel for private respondent No.4 present. Arguments could not be heard as learned Member (Judicial) is on official tour to camp court D.I. Khan, therefore, the case is adjourned to 04.12.2015 for arguments.

  
Member

Appeal No. 92/2014  
Mr. Muzaffar Ahmad

4  
01.04.2014

Appellant with counsel 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 20.11.2013, he filed departmental appeal on 05.12.2013, which has been rejected on 12.12.2013, hence the present appeal on 10.01.2014. He further contended that the appellant has been transferred pre-maturely and the impugned order dated 12.12.2013, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. 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 for submission of written reply/comments on 12.06.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 200/- Bank  
Receipt is Attached with File.

Member

5.  
01.04.2014

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

Chairman

6

12.6.2014

Appellant with counsel, Mr. Khurshid Khan, SO for respondent No. 1 with AAG for official respondents No. 1 to 3 and private respondent No. 4 with Mr. Ashraf Ali Khattak, Advocate present. Wakalat Nama filed on behalf of private respondent No. 4. Written reply has not been received on behalf of the respondents. To come up for written reply/comments on 25.9.2014.

Chairman

3,

21.02.2014


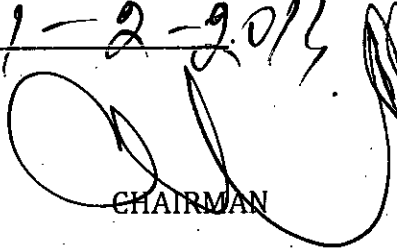
No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 01.04.2014.

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 92/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/01/2014	<p>The appeal of Mr. Muzaffar Ahmad resubmitted today by Mr. Nasir Mehmood 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	29-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>21-2-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muzaffar Ahmad D.M. GHS Bahadar Khel distt. Karak received today i.e. on 10.01.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-C of the appeal is illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.

No. 58 /S.T.


Dt. 13/01 /2014.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Nasir Mehmood Khattak Adv. Pesh.

Sri,

Re submitted after doing the needful.

  
13/1/14

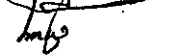
**BEFORE THE HONOURABLE SERVICE TRIBUNALS**  
**KHYBER PAKHTUN KHAWA, PESHAWAR.**

Service Appeal No ----- 92 ----- of 2014.

Muzaffar Ahmad V.S Govt: Khyber Pakhtunkhwa

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Appellant   
Muzaffar Ahmad  
Through  
Nasir Mehmood Khattak  
Advocate, High Court

**BEFORE THE HON'OURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. ----- 99 ----- 2014

Muzaffar Ahmad S/O Gul Jaman R/O Tappi Karak Tehsil & District presently D. M under transfer Govt: High School Bahadar khel ----- **(Appellant)**

VERSUS

40  
10-1-2014

1. Govt: of Khyber Pakhtunkhwa through Secretary Education Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkwa Peshawar.
3. District Education Officer (Male) Karak.
4. Muhammad Afazal S/O Seman Khan R/O Rehmat Abad Tehsil & District Karak (Male) Karak. Presently DM under transferred Govt: High School Rehmat Abad Karak ----- **Respondents.**

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER**  
**PAKHTUNKHAWA CIVIL SERVANTS ACT, 1974 AGAINST**  
**TRANSFER ORDER NO. 4245-48 DATED 20-11-2013.**

10/1/2014 **COPY OF ORDER IS ANNEXED AS ANNEXURE "A"**

**Prayer in Service Appeal**

It is, therefore most humbly and respectfully prayed that on acceptance of the instant Service appeal this Hon'able Tribunal may very graciously be pleased to hold the impugned order No. **4245-48 dated 20-11-2013** as against law, facts and justice or education policy in vogue, rules & regulation and be cancelled. Resultantly order No. **3561-63 dated 08-10-2013** issued by Respondent No.3 may kindly be restored.

re-submitted to ~~copy~~  
and filed.

17/1/2014



# بعدالت

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar.

مقدمہ  
مقدمہ  
دعویٰ  
جہنم  
مقطعہ اعد  
بمقام  
Director  
Education  
سید منجانب  
نام محمد افضل  
R#4

## باعث تحریر انکم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل  
کارروائی متعلقہ آن مقام لیسٹ اور کے لئے اشد فوری طور  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز  
بکسر صاحب کو کرنے لاشعنی نامہ و تقررات و فیصلہ برحمت دیے جواب دیں اور اقبال دعویٰ اور  
بصورت دیگر کی کہ نے اجراء اور وصولی چیک در پیر اور عرصی دعویٰ اور درخواست بر قسم کی تصدیق  
نہ اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دیگر کیسز یا اپیل کی برآمدگی اور منوفی  
نیز دائر کرنے اپیل ٹکرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا خستہ رتن کو اپنے ہمراہ یا اپنی جگہ تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پیداختہ منظور و قبول ہوگا۔ و دوران مقدمہ میں جو خرچہ و مہر جائے اتوائے مقدمہ کے سب سے ہوگا۔  
اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر  
کوئی تاریخ پیش مقام دورہ پر ہو یا عد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا ذکات نامہ لکھ دیا کہ سند رہے۔

المقوم ۱۲ جون ۲۰۱۲

المجاہد ڈاکٹر راشد

Attended & Accepted

کے لئے منظور ہے۔  
۱۱-۱۱-۱۱

بمقام

This service appeal arises out of the following facts.

Respectfully sheweth:

**FACTS:**

1. That the Appellant has been serving in Education Department as Drawing Master at various stations with my utmost devotion since 1990.
2. That on 14<sup>th</sup> June, 2013, the respondent No. 3 transferred the Appellant from Govt: High School Rehmat Abad to Govt: High School Bahdar Khel vide order No. **2326-28 dated 14-06-2013**. Copy is **Annexure "B"**
3. That again, after about 05 days of the transfer order under Para No.2, the respondent No. 3 transferred the Appellant from Govt: High School Bahadar Khel to Govt: Middle School Kanda Sherqi Karak vide order bearing **No.2484-88 dated 19-06-2013**. Copy is **Annexure "C"**.
4. That again after about 05 days of the transfer order under Para No. 3 the Appellant order was cancelled by respondent No. 3 vide order No **2615-17 dated 24-06-2013** and thus sent back the Appellant to Govt: High School Bahadar Khel from Govt: Middle School Kanda Sherqi Karak . Copy is **Annexure "D"**.
5. That the Appellant filed an application cum representation before the respondent No. 3 against the transfer order No. **2615-17 dated 24-06-2013**, resultantly respondent No. 3 accepted the application, subsequently, the respondent No. 3 with approval of respondent No. 2 withdrawn the initial order No. **No. 2326-28 dated 14-06-2013** (transfer under Para No. 2 of the petition) resultantly the Appellant was retained at Govt: High School Rehmat Abad vide order **2893-95 dated 15-07-2013**. Copy of application and subsequent order dated 15-07-2013 are **Annexure "E & E-1" respectively**.

6. That again during summer vacation and without any complaint, the respondent No. 4 making mockery of his position cancelled the order No. **2893-95 dated 15-07-2013** vide order No. **3048-50 dated 17-08-2013**, thereby again sending back the Appellant from Govt: High School Rehmat Abad to Govt: High School Bahadar Khel. **Copy is Annexure "F"**.
7. That the respondent No. 3 in colourful exercise of his power once again withdrawn the order No. **3048-50 dated 17-08-2013**, thus restoring the order No. **2893-95 dated 15-07-2013**. In pursuance whereof the Appellant was sent back to Govt: High School Rehmat Abad vide order No. **3225-27 dated Karak the 04-09-2013**. Copy is annexure **"G"**.
8. That once again respondent No. 3 withdrawn office order No. **3225-27 dated 04-09-2013** and restored order No. **3048-50 dated 17-08-2013**, resulting into transfer of Appellant from Govt: High School Rehmat Abad to Govt: High School Bahadar Khel without assigning any reason vide order No. **3234-36 dated 05-09-2013**. It is pertinent to mention that the local MPA is interfering inside affair which is clear from the Note Sheet available in impugned order. **Copy is Annexure "H"**.
9. That the appellant filed a departmental appeal before the Respondent No.2 against order under Para No. 8. Respondent No. 2 forwarded the departmental appeal to Respondent No.3 for detail reply. Respondent No. 3 submitted detail reply vide No. 327-8 dated 09-09-2013. After submission of reply by respondent No.3 the Respondent No. 2 sought opinion of the Hon'able Education Minister and finally accepted the departmental appeal. Copy of departmental appeal, copy of reply of respondent No.3, copy summery of Hon'able Private Secretary of Education Minister are **Annexure "I, I-1, I-2"** respectively.
10. That in light of the directions of Respondent No.2 under Para No. 9 vide No. 5491/F.No 342 A-15/CT/DM Karak dated 19-09-2013 the Respondent No.3 has withdrawn transfer order No. **2326-28 dated 14-06-2013 & 3234-36 dated 05-09-2013** vide order No. **3561-63 dated 08-11-2013**. Cop is annexed as **Annexure "J"**

11. That Respondent No.3 has restored transfer order No. 2326-28 dated 14-06-2013 & No. 3234-36 dated 05-09-2013 in respect of respondent No. 4 Muhammad Afzal D.M vide office order No. 4245-48 dated 20-11-2013. Copy of order dated 20-11-2013 is already annexed as **Annexure "A"**.
12. That the appellant filed appeal against order under Para No. 11 i. 4245-48 dated 20-11-2013 before the Respondent No. 2. Copy of appeal is annexed as **Annexure "K"**.
13. That the Respondent No.2 has rejected the departmental appeal vide No. 1912/F No. 342/A-15/CT/ DM Karak dated Peshawar 12-12-2013. Copy of rejection letter is annexed as **Annexure "L"**
14. That the appellant is aggrieved by rejecting departmental appeal dated 12-12-2013 by Respondent No.2 hence presents the instant Service Appeal before this Hon'able Service Tribunal with the following grounds amongst other.

#### Grounds

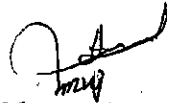
- a. That the impugned order No. 4245-48 dated 20-11-2013 is illegal, against law & facts and policy in vogue of Education Department hence liable to be cancelled.
- b. That the above mentioned impugned restoration transfer order is totally based on mala fide intention and political victimization and not the policy of public interest.
- c. That the impugned order is also against the policy as BPS-16 has been transferred on the post of BPS-15 which is unwarranted under the law and policy of education.
- d. That respondent No. 4 has been promoted to BPS-16 from BPS-15 under the policy of Education Department and as there is no post of BPS-16 in Govt: Middle School Ahmad Khel Karak hence respondent No. 4 was adjusted at Govt: High School Bahadar Khel with newly upgraded post BPS-16 vide Notification No. 764-68 /ADO / Estb dated 01-03-2013. Copy of Notification is **Annexure "M"**
- e. That respondent No. 4 who has been promoted to BPS-16 from BPS-15 was transferred to Govt: High School Rehmat Abad against the post of BPS-15 vide order No. **2326-28 dated 14-06-2013** which is against the Notification under Para No. d .


- f. That Respondent No.2 i.e Director Elementary & Secondary Education Khyber Pakhtunkhwa imposed ban on all type of transfer vide Endst: No. 1900-2002/F No. 69/Vol-II/P/Transfer. Branch Dated 19-06-2013 therefore the above mentioned transfer orders from 24-06-2013, 17-08-2013, 05-09-2013 & 20-11-2013 are against the Notification mentioned above hence liable to be cancelled. Copy of ban Notification is **Annexure "N"**
- g. That even then the Minister of Education of Khyber Pakhtunkhwa also announced ban on all type of transfer till further order" and this news published in the daily Newspaper dated 21-06-2013. So the impugned transfer orders are also against the above mentioned announcement therefore liable to be cancelled. Copy of Newspaper is **Annexure "O"**
- h. That the Appellant has been transferred in a very short span of time without assigning any cogent and plausible reasons for its impugned order .and impugned order is hit by the tenure policy of every civil servant.
- i. That the impugned / alleged transfer order is totally based on mala fide intention just to vex and harass the Appellant and make hurdle in the way of the Appellant from discharging his official duty. Further the Appellant was make rolling stone.
- j. That the impugned cancellation transfer order within short span of time is not warranted under the law.
- k. That the appellant has inflicted of mental chock / torture due to repeated transfer orders .
- l. That the appellant has not given any chance of mis-conduct & complaint to his superiors in the education department.
- m. That all those transfer and cancellation orders of the appellant the District Education Officer (Male) Karak has already been given approval to Deputy District Education Officer (Male) Karak) which is evident from note sheet therefore those transfer , withdrawn and cancellation orders issued without prior approval of District Education Officer (Male) Karak. This act of the Deputy District Education Officer (Male) Karak clearly shows his personal malafide & interest and has exceeded from his delegated powers.

**Prayer in Service Appeal.**

So It is, therefore most humbly and respectfully prayed that on acceptance of the instant Service appeal this Hon'able Tribunal may very graciously be pleased to hold the impugned transfer order No. **4245-48 dated 20-11-2013** as against law, facts and justice or education policy in vogue, rules & regulation. Resultantly the officer order No. **3561-63 dated 08-10-2013** issued by Respondent No.3 may kindly be restored.

Dated 10/1/14-----

Appellant   
Muzaffar Ahmad

Through   
Nasir Mehmood Khattak  
Advocate, High Court.

**BEFORE THE HON'OURABLE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. -----2014

**AFFIDAVIT**

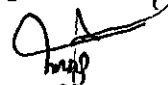
Muzaffar Ahmad V.S Govt: Khyber Pakhtunkhwa

**AFFIDAVIT**

I Muzaffar Ahmad do hereby solemnly affirm and declare on Oath that the contents of instant <sup>Service Appeal</sup> writ-petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

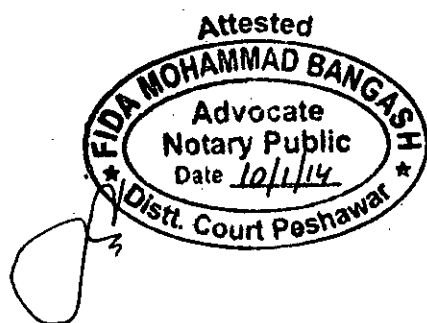
Dated: 10/1/14

Deponent



Muzaffar Ahmad

CNIC # 14202-1323273-9



**BEFORE THE HONOURABLE SERVICE TRIBUNALS**  
**KHYBER PAKHTUN KHAWA, PESHAWAR.**

Service Appeal No -----of 2014.

Muzaffar Ahmad V.S Govt: Khyber Pakhtunkhwa


**ADDRESSES OF PARTIES**

**Appellant**

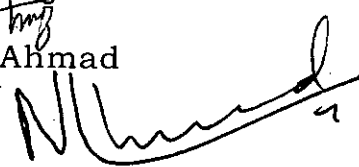
Muzaffar Ahmad S/O Gul Jaman R/O Tappi Karak Tehsil & District presently D. M under transfer Govt: High School Bahadar khel

**Respondents**

1. Govt: of Khyber Pakhtunkhwa through Secretary Education Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Karak.
4. Muhammad Afazal S/O Seman Khan R/O Rehmat Abad Tehsil & District Karak (Male) Karak. Presently DM under transferred Govt: High School Rehmat Abad Karak

Appellant 

Muzaffar Ahmad

Through 

Nasir Mehmood Khattak  
Advocate, High Court.



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

RESTORATION OF ORDER:-

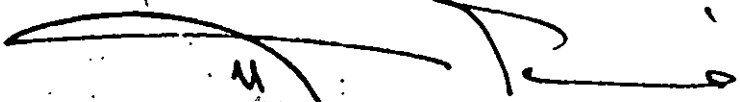
Transfer/restoration orders issued vide this office Endst: Nos: 2326-28 dated 14/6/2013 and NO: 3234-36 dated 5/9/2013 in respect of Mr Muhammad Afzal DM, are hereby restored and Endst: NO: 3561-63 dated 8/10/2013 is hereby withdrawn with immediate effect.

(DISTRICT EDUCATION OFFICER)  
(MALE) KARAK.

Endst: NO: 4245-48 /Date Karak the 20/11/2013.

Copy to the:-

1. Distt. Accounts Officer Karak.
2. ~~xxxxxxx~~ Principal GHS, Rehmat Abad.
3. Head Master GHS, Bahader Khel.
4. Official concernd.

  
Distt. Education Officer,  
(M) Karak.

C.T.C.  
du

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.TRANSFER ORDER.

Transfer of the following DM,s schools noted against each as hereby ordered in the interest of public service with effect from the date of their taking over charge.

S.No	Name of official with school	To	Remarks
1	Muhammad Afzal SDM B-16 GHS Bahader Khel karak	GHS Rehmat Abad karak	V.S.No.2
2	Muzafer Ahmad DM B-15 GHS Rehmat Abad karak	GHS Bahader Khel karak	V.S.No.1

Note:- No TA/DA is allowed.

Charge report should be submitted to all concerned.

DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

Order No. 2326-28 Dated karak the 14/6 2013.

Copy to the:

1. District Accounts Officer karak.
2. Headmaster GHS Rehmat Abad/Bahader Khel.
3. Official concerned.

*[Signature]*  
District Education Off  
(Male) Karak.

CT-C  
*[Signature]*

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

75 (Annexure) 11

TRANSFER

Transfer of the following DM.s Schools noted with effect from the date of their taking over charge.

S.No	Name of official with School	TO	Remarks
1.	Raheemullah, DM, GMS, Kanda Shevi	GHS, Dabli Lawagher	V.S. NO. 3
✓ 2.	Muzzaffar Ahmad, DM, Bahadur Khel	GHS, Kanda Shevi	V.S. NO. 1
3.	Munir Khan, DM, Dabli Lawagher	GHS, Bahadur Khel	V.S. NO. 2

Sik is allowed.

Sik respect should be submitted to all concerned.

DISTRICT EDUCATION OFFICER (MALE) KARAK.

Endst: NO: 2484-88 / 10-7 Dated Karak the 19/6/2013.

Copy to the-

1. Distt: Accounts officer Karak.
2. Head Master GHS, Bahadur Khel/Dabli Lawagher.
3. Head Master GHS: Kanda.
4. Accountant local office.
5. Official concern.

Distt: Education Officer (M) Karak.

C.T.C  
A

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.CANCELLATION OF TRANSFER

Transfer order of DK, S issued vide this office Endst: NO: 2484-98 dated 19/6/2013 is hereby with drawn with immediate effect.

(DISTRICT EDUCATION OFFICER)

(MALE) KARAK.

Endst: NO: 2615-17 Dated Karak the 24/6 2013.

Copy to the:-

- 1/ Distt: Accounts Officer Karak.
2. Head Master GHS, Dabli Lawagner/Bahader Khel.
3. Head Master GMS, Kanda Sharqi.

*A.S.*  
Distt: Edu: Officer (Male)

Karak. *A*

*C.T.C*

*A*

Annexure E

13

To

The Distt. Education Officer (Male) Karak

Subject: - Request for cancellation of order No. 24-08-2013

Respected Sir,

With humble submission I have the honor to submit my reservation before you!

On 14-06-2013 I was transferred to GHS Bahadar Khel karak vide your good office memo No.2326-28 Dated 14-06-2013

I was transferred to Kanda Sherqi on 19-06-2013 vide good office memo No. 2484-88 Dated 19-06-2013.

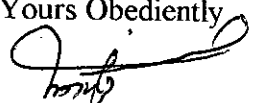
In the same month on 24-06-2013 my order No.2484-88 Dated 19-06-2013 has been withdraw vide your office memo NO. 2615-17 Dated 24-06-2013.

Keeping in view of the above fact that three orders issued to me have never seen in civil servant rule.

The worthy chief minister KPK imposed bane on posting/transfer among teachers at clearly violation of the chief minister directives.

It is 'therefore' implored to cancel the order which has banned in restore the order no.2484-88, 19-06-2013.

Yours Obediently

  
Muzaffar Ahmad(DM)

C.T.C  
Ah

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.  
OFFICE ORDER.


Transfer Order issued vide this Office Endst:No.2326-28 dated 14.6.2013 is hereby withdrawn with immediate effect, in the best interest of Public Service.


DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

Endst:No. 2893-95 /ADO Estb: Dated Karak the 15/7 /2013

Copy to the:-

1. Head Master GHS Rehmat abad and Bahader Khel for n /action.
2. District Accounts Officer Karak.
3. Official Concerned.

  
DY: DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

C.T.C  


OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.  
OFFICE ORDER:-

Transfer order issued via this office Enst: No. 2893-95/AE-I Dated Karak the 18-7-2013, is hereby cancelled.

DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

Enst: No. 3048-50 Dated Karak the 17/8 /2013.

Copy to the:-

1. Head Kambar Master GES, Rehmat Aasa and Bahader Khel for information.
2. District Accounts Officer Karak.
3. Office concerned.

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

C.T.C  
*[Signature]*

OFFICE OF THE DISTRICT EDUCATION OFFICER, (MALE) KARAK.

REVISION OF ORDER:-


Transfer order issued vide this office Endst:  
No.3048-50 Dated 17.8.2013 is hereby with drawn and office order  
issued this office Endst: No 2893-95/AB-I Dated Karak the 15.08.2013  
is hereby restored with immediate effect

DISTRICT EDUCATION OFFICER,  
(MALE) KARAK.

Endst: No 3225-27 AB-I Dated Karak the 04/9 2013.

Copy to the:-

1. Distt: Account Officer, Karak.
2. Head master school concerned.
3. Office record.

BY:  DISTRICT EDUCATION OFFICER,  
(MALE) KARAK.

C.T.C  
Ch



Annexure H

17  
11

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

OFFICE ORDER:


Restoration Order issued vide this Office Endst:No.3225-27/AE-I dated Karak the 4.9.2013 is hereby withdrawn and Office Order Issued vide this Office Endst:No.3048-50 dated 17.8.2013 is hereby restored with immediate effect.

DISTRICT EDUCATION OFFICER  
(MALE) KARAK

Endst:No. 3234-36 / Dated Karak the 05/9 /2013.

Copy to the:-

1. District Accounts Officer Karak.
2. Head Master GHS, Bahader Khel and Rehmat Abad for n/action.
3. Office record.

  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK

C.T.C  
Ch

To:- Director Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

THROUGH PROPER CHANNEL

DEPARTMENTAL APPEAL AGAINST CANCELLATION TRANSFER ORDER

NO. 3048/50 DATED 17-08-2013 ISSUED BY DEPUTY DISTRICT EDUCATION OFFICER (MALE) KARAK.

PRAYER IN DEPARTMENTAL APPEAL

It is, therefore, most humbly and respectfully prayed that on acceptance of the instant department appeal this appellate authority may very kindly be cancelled the order No. 3048/50 dated 17-08-2013 issued by District Education Officer (Male) Education Karak. Resultantly the order bearing No 2893-15 dated 15-07-2013 may kindly be restored.

Respected Sir,

This departmental appeal arises out of the following facts.

Facts

1. That the appellant before your worthy authority is performing his official duty against the post of Drawing Master (DM) since 1990 at various Govt. High Schools.
2. That the Deputy District Education Officer (Male) Karak transferred the appellant from Govt. High School Rehmat Abad to Govt. High School Bahdar Khel vide order No. 2326-28 dated 14-06-2013.
3. That the Deputy District Education Officer (Male) Karak then transferred the appellant within a week from Govt. High School Bahadar Khel to Govt. Middle School Kanda Karak vide order bearing No.2484-88 dated 19-06-2013.
4. That on 24-06-2013 the Deputy District Education Officer (Male) Karak again transferred the appellant from Govt. Middle School Kanda Karak to Govt. High School Bahadar Khel vide order 2615-17 dated 24-06-2013.
5. That after review the impugned order mentioned above by the Deputy District Officer (M) Education Karak, found against the per policy of transfer noted in Note sheet was withdrawn vide order 2893-95 dated 15-07-2013

C.T.C  
Dhu

DEOC (M)  
Karak  
Submit detail  
of report  
12/8/2013  
Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

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

Service Appeal No 92/2013

Muzaffar Ahmad -----Appellant.

VERSUS

Govt. of Khyber Pakhtunkhwa etc -----Respondents

Joint Para wise comments on behalf of respondents

**Preliminary Objections.**

1. That the appellant has no locus standi.
2. That the appeal is against law, facts and material placed on file.
3. That the appellant has not come to the Hon'able Tribunal with clean hands.
4. That the appellant has suppressed some important material / facts from the Hon'able Tribunal.
5. The appeal is time barred.
6. The appeal is not entertain-able and maintainable in its present form.
7. The appeal is liable to be dismissed.

**Factual Objections**

1. Para No.1 is correct as per record of this office.
2. Para No.2 is correct to the extent of transfer order, however it was made in the best interest of Public Service.
3. Para No.3 is correct to the extent of transfer order. However it was made on the request of appellant (~~Proof of request is~~)
4. Para No.4 is correct to the extent of withdrawl/cancellation of transfer order. However it was withdrawn on the request of Rehmat Ullah D.M and Muneeb Khan D.M due to their domestic problems at their Home.
5. Para No.5 pertain to record..

27-01-15

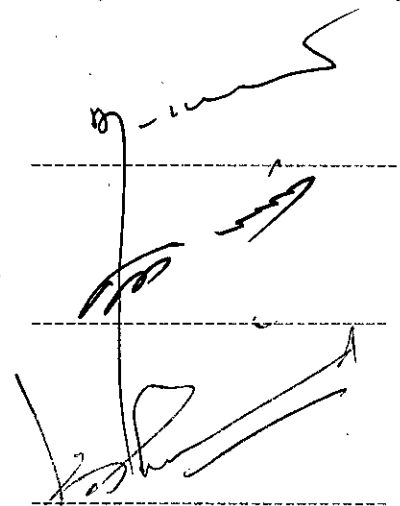
6. Para No.6 is correct to the extent of cancellation order. However the same order was cancelled in the best interest of public service. The rest of para is denied being incorrect. .
7. Para No. 7 is incorrect . Withdrawl and restoration order were issued in public interest.
8. Para No. 8 is in correct. Withdrawl & restoration order s were issued in public interest. However there is no involvement of political motivation.
9. Para No. 9 pertains to record.
10. Para No. 10 is correct to the extent that after approval of the authority transfer/restoration order was with drawn by respondent No.3.
11. Para No. 11 is pertain to record.
12. Para No. 12 pertains to record.
13. Para No. 13 pertains to record.
14. The appellant has got no cause of action to file instant appeal and is liable to be dismissed.

### Grounds

- a, Incorrect. The impugned order dated 20/11/2013 is legal according to the law/facts and policy. Hence liable to be upheld.
- B. Para No. B is incorrect as no political interference and malafied intention are involved in the transfer order of the appellant.
- C. That Para No. C is incorrect. The appellant is working in BPS 15 and according to the policy of the Govt: of Khyber Pakhtunkhwa Elementary & Secondary Education Department BPS 16 Sr. DM will act to perform his duty at High/Higher Secondary school.
- D. Correct to the extent that respondent No. 4 was promoted & adjusted at GHS Bahadar Khel. However later on respondent No.4 was transferred to GHS Rehmat Abad as per Rules Policy and law and as per policy of every Govt: Servant is bound to serve anywhere.

- E. That Para E is correct to the extent that the respondent No. 4 has been promoted to BPS-16 and has been rightly transfer to Govt. High School Rehmat Abad against the post of BPS-15, however the same was according to the policy and notification on the subject.
- F. That Para F is correct to the extent of notification, but due to special circumstances/exigency, Competent Authority can issue transfer of a Civil Servant and the Civil Servant is bound to obey the order.
- G. Incorrect. Replied in Para F.
- H. Incorrect. The transfer order was issued in public interest and the appellant liable to obey the order.
- I. That Para I is incorrect because all the government servants of education department are equal before the official respondents and have no malafide intension against the appelent .
- J. That Para J is incorrect as per Section-10, every Civil Servant can be transferred in Public interest.
- k. Para K incorrect. Every transfer, cancellation and withdrawal order are made in the best public interest.
- l. Para L relates to the appellant's conducts hence subject to proof.
- m. Para M is incorrect. It is submitted that the respondent have no malafide or personal interest in the transfer of appellant, rather all those transfer/withdrawl and cancellation orders are issued by the Competent Authority in the public interest.
- It is, therefore, most humbly prayed that keeping in view the above comments the appeal of the appellant may be dismissed.

- 1 Secretary Elementary & Secondary  
Education KPK, Civil Secretariat,  
Peshawar.
- 2 Director Elementary & Secondary  
Education KPK, Peshawar.
- 3 District Education Officer (male), Karaka



6. That in summer vacation and without any complaint against the appellant, the Deputy District Officer (Male) Education Karak cancelled the order mentioned above vide order No. 3048/50 dated 17-08-2013 without assigning any cogent reason.
7. That the appellant is aggrieved / suffered from the impugned cancellation transferred order vide No. 3048/50 dated 17-08-2013 hence presents the instant departmental appeal with the following grounds.

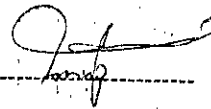
Grounds.

- a. That the impugned transferred order No. 304850 dated 17-08-2013 is illegal, against law & facts and policy in vogue of Education Department hence liable to be cancelled.
- b. That the above mentioned impugned cancellation order is totally based on mala fide intention and political victimization.
- c. That the impugned order is also against the policy as BPS-16 has been transferred on the post of BPS-15.
- d. That even then that Govt. of Khyber Pakhtunkhwa imposed "ban on all type of transfer till further order" and this news published in the daily Newspaper dated 21-06-2013. So the impugned order is violation of KPK Govt. therefore liable to be cancelled.
- e. That the appellant has been transferred in a very short span of time without assigning any cogent and plausible reasons to its impugned order.
- f. That the impugned order is hit by the tenure policy of every civil servant.
- g. That the appellant has not given any chance of mis-conduct & complaint to his superiors officers.

So it is, therefore, most humbly and respectfully prayed that on acceptance of the instant department appeal this appellate authority may very kindly be cancelled the order No. 3048/50 dated 17-08-2013 issued by District Education Officer (Male) Education Karak. Resultantly the order bearing No 2893-15 dated 15-07-2013 may kindly be restored.

Dated:- ----/08/2013

Appellant



Muzafar Ahmad, presently under transferred to GHS Bahadar Khel Karak

Annexure I-1

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126-136

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK

No. 3278 / Dated Karak the 9/9 /2013.

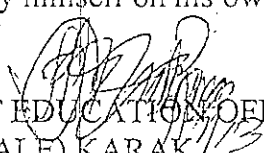
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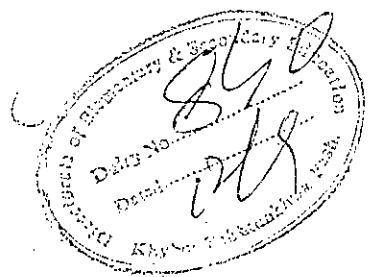
The Director,  
Elementary and Secondary Education Khyber Pakhtoon Khawa  
Peshawar.

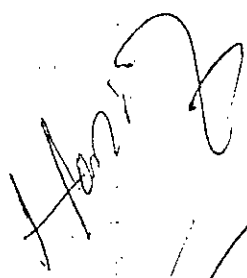
SUBJECT;-DEPARTMENTAL APPEAL IN RESPECT OF MUZAFAR AHMAD D.M.  
Memo,

Reference your good Remarks ;on the body of Departmental Appeal in respect of Muzafar Ahmed D.M Under Transfer to GHS Bahader Khel vide this Office Endst:No.3048=50 dated 17.8.2013. ~~28-128~~ ~~28-130~~ ~~28-136~~

It is stated for your kind information that the Particular Transfer 2326-28 dated 14,6,2013 ,2615-17 dated 24.6.2013 and Endst:No.3048-50 date 17.8.2013 in respect of Mr.Muzar Ahmed DM BPS 15 Transfer from GHS Rehmat Abad to GHS Bahader vice Mr.Muhammad Afzal Senior DM BPS 16 have not been Approved from the undersigned and issued by Mr.Mir Nawaz Dy: DEO Local Office by himself on his own interest.

  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK



  
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Directorate of Elementary and Secondary  
Education Khyber Pakhtunkhwa, Peshawar.

No. 5491 /F.No.342/A-15/CT/DM/Karak/  
Posting/Transfer.

Dated Peshawar the 19/9 /2013.

21

To

The Private Secretary to the  
Minister for Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Annexure I-2

**SUBJECT:-** Departmental appeal in respect of Muzafar Ahmad DM.  
Memo:

I am directed to refer to your remarks dated 17.09.2013 (copy enclosed) and to state that the DEO (M) Karak vide his letter 3278, dated 09.09.2013 (Copy enclosed Annex: "A") has informed that the following particulars of the transfers in respect of Mr. Muzafar Ahmad DM B-15 GHS, Bahadar Khel vice Muhammad Afzal S.DM B-16 have not been approved by him and issued by Mr. Mir Nawaz Dy: DEO (M) Karak.

1. In order Endst: No.2326-28, dated 14.06.2013 (copy attached Annex: "B") Mr. Muzafar Ahmad DM B-15 GHS, Rehmat Abad was transferred to GHS, Bahadar Khel vice Muhammad Afzal S.DM B-16.
2. In order Endst: No.2484-88, dated 19.06.2013 (copy attached Annex: "C") Mr. Muzafar Ahmad DM GHS, Bahadar Khel was transferred to GMS Kanda Sharki vice Mr. Rehman Ullah DM.
3. In order Endst: No.2615-17, dated 24.06.2013 (copy attached Annex: "D") the transfer order Endst: No.2484-88, dated 19.06.2013 as mentioned in para-2 was cancelled by the DEO(M) Karak.
4. In order Endst: No.2893-95, dated 15.07.2013 (copy attached Annex: "E") the DEO (M) Karak cancelled the transfer order Endst: No.2326-28, dated 04.06.2013 in mentioned in para-1.
5. In order Endst: No.3048-50, dated 17.08.2013 (copy attached Annex: "F") the transfer order issued vide Endst: No.2693-95 dated 15.07.2013 was cancelled by the DEO(M) Karak as mentioned in Para-4.
6. In order Endst: No.3225-27, dated 04.09.2013 (copy attached Annex: "G") the order issued vide Endst: No.3048-50, dated 17.08.2013 was withdrawn as mentioned in para-5.
7. In order Endst: No.3234-36, dated 05.09.2013 (copy attached Annex: "H") the order Endst: No.3225-27, dated 04.09.2013 as mentioned in para-6 withdrawn by the DEO(M) Karak.

In this regard explanation of the Deputy District Education Officer and District Education Officer (Male) Karak has been called vide this office letter No.5379, dated 19.09.2013 (Copy enclosed Annex: "I") and No.5381, dated 19.09.2013 (Copy enclosed Annex: "J").

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The above cited report/position may very kindly be brought into the kind notice of the Hon' able Minister for Elementary & Secondary Education Khyber Pakhtunkhwa for his kind perusal.

May the DEO (M) Karak be directed to cancel the transfer order in respect of Mr. Muzafar Ahmad DM now at GHS, Bahader Khel issued vide his Endst: No.2326-28, 14.06.2013 be cancelled or otherwise.  
Encl: As above.

*[Signature]*  
19/9/2013  
Deputy Director (Establishment)  
E&SE, Khyber Pakhtunkhwa Peshawar.

Endst: No. \_\_\_\_\_

Copy forwarded to the:-

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

*Director E&SE*  
*AS proposed written*  
*value 3-5*  
*114*

Deputy Director (Establishment)  
E&SE, Khyber Pakhtunkhwa Peshawar.

Private Secretary To Minister for  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

*DEO (M) Karak*

*AS proposed by*  
*an order issued by*  
*Hon. Minister*  
*3-5*

*01/10/2013*  
Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

*C.T.C*  
*[Signature]*

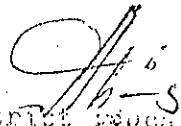
OFFICE OF THE DISTRICT EDUCATION OFFICER, MALE KARAK  
ORDERS

The transfer order bearing no 2325 dated 14.6.13 and  
restoration order issued vide this office no 3234-36 dated  
05.9.13, both orders is hereby with drawn.

District Education Officer  
Male Karak/

Order No 3561-63 dated 8/10/2013

Copy to the:-  
1-2. Mr. Master GUS Mansoor Khel and Rehmat Abed for information  
3. DAO Karak.

  
District Education Officer  
Male Karak

*C.T.C.*  
*Am*

**BEFORE THE DIRECTOR E & S EDUCATION K.P.K.**  
**PESHAWAR**

**DEPARTMENTAL APPEAL AGAINST THE RESTORATION**  
**TRANSFER ORDER VIDE NO. 4245-48 DATED 20-11-2013**  
**ISSUED BY DISTRICT EDUCATION OFFICER (MALE)**  
**KARAK**

Facts of the Departmental Appeal are as under:-

1. That the appellant filed a departmental appeal before your worthy against the repeated transfer orders of the appellant issued by DDEO(M) Karak. Details of departmental appeals are fully mentioned in the body of departmental appeal. Copy attached.
3. That the then DEO(Male) Karak submitted detail report before your worthy authority vide letter No. 3278 dated 09-09-2013. Copy attached.
3. That the office of Director of E & S Edu: of KPK has proceeded a letter vide No. 5491 dated 19-09-2013 to the worthy Minister of Education regarding the departmental appeal of the appellant and report of DEO(M) Karak and finally office of Director of E & S Edu: of KPK has accepted the appeal of the appellant. Copy attached.
5. That the then DEO(M) Karak has withdrawn transfer order of the appellant bearing No. 2326 dated 14-06-2013 & No. 3234-36 dated 05-09-2013 and the appellant was retained at Govt: High School Rehmat Abad under order No. 3561-63 dated 08-10-2013.
6. That the now the appellant is aggrieved by impugned order dated 20-11-2013 issued by District Education Officer (Male) Karak and assailed the impugned order with the following grounds.

C.T.C

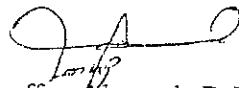
*[Signature]*

Grounds

- a. That the impugned order No. 4545-48 dated 20-11-2013 is against the policy as D.M of BPS-16 has been transferred on the post of D.M BPS-15 which is against the policy of up-gradation.
- b. That Mr. Muhammad Afzal D.M has been promoted to BPS-16 from BPS-15 under the policy of Up Gradation and as there was no post of BPS-16 in Govt: Middle School Ahmad Khel Karak hence the above named teacher was adjusted at Govt: High School Bahadar Khel with newly upgraded post BPS-16 vide Notification No. 764-68 /ADO / Estb dated 01-03-2013. Copy of Notification is **attached**.
- c. That the Govt: High school Rehmat Abad has not been up-graded to the post of DM BPS-16 therefore, the transfer of BPS-16 against the BPS-15 is against the up-gradation policy of Education Department.
- d. That District Education Officer (Male) Karak even has not bothered to peruse the file of the appellant and issued transfer order of the appellant.

So it is, therefore, most humbly and respectfully prayed that on acceptance of this appeal the restoration order vide No. 4245-48 dated 20-11-2013 may kindly be cancelled in view of up-gradation policy of schools and scales BPS-15 & BPS-16

Dated:- 05-12-2013



Muzaffar Ahmad, D.M  
Presently under Transfer to  
GHS Bahadar Khel Karak

C.T.C

Am

Directorate of Elementary and Secondary  
Education Khyber Pakhtunkhwa, Peshawar.  
No. 1912 /F.No.342/A-15/CT/DM/Karak/  
Posting/Transfers.

Dated Peshawar the 12/12 /2013.

To

Mr. Muzafar Ahmad,  
DM, Govt: High school,  
Bahadar Khel District Karak.

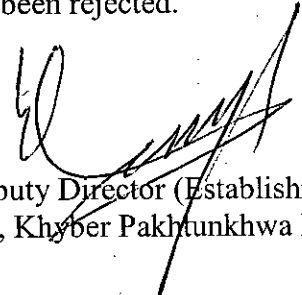
Annexure L

28

**SUBJECT:- Departmental appeal against the restoration transfer order vide No.4245-48, dated 20.11.2013 issued by the DEO (M) Karak.**

Memo:

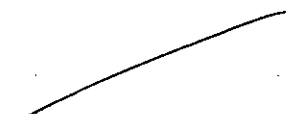
I am directed to refer to your appeal dated 05.12.2013 on the subject noted above and to inform you that under Section 10 of the Civil Servant act the civil servant is required to serve any where in District. So your appeal has been rejected.

  
Deputy Director (Establishment)  
E&SE, Khyber Pakhtunkhwa Peshawar

Endst: No. \_\_\_\_\_ /


Copy forwarded to the:-

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

  
Deputy Director (Establishment)  
E&SE, Khyber Pakhtunkhwa Peshawar

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C.T.C



**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.**  
**NOTIFICATION.**

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Govt:of Khyber Pakhtoon Khawa Elementary and Secondary Education Notification No.SO(B&A) /I-18/E & S /2012 dated 11.7.2012 and Finance Department Endst:No.SO(FR)/FD/10-22(E)-2010 dated 16.7.2012 and further Notification Issued vide Director Elementary and Secondary Education Khyber Pakhtoon Khawa Et.1st:No.4251-57 /F:No.I/Promotion of Senior DM B-16 dated Peshawar the 21.2.2013, the following Male DM BPS 15 are hereby Promoted to the Post of Senior DM BPS 16 (Rs.10000-800-34000) plus usual allowance as admissible to them under the rules on regular basis under the existing policy of the Provincial Government, in teaching cadre on the terms and condition given below with immediate effect and further they are hereby posted in the Govt:Higher Secondary School/High School in District Karak against the Newly Upgraded Senior DM BPS 16 Posts

S.No	Name	School Where Working	School where posted in Newly Upgraded Post BPS 16
1	Zar Pio Khan	GHS Zarki Nasrati	GHS Zarki Nasrati BPS 16 Newly Upgraded Post
2	Abdur Rashid	GHS Kando Khel	GHS Kando Khel BPS 16 Newly Upgraded Post
3	Muhammad Kamal	GCMHS Chokara	GCMHS Chokara BPS 16 Newly Upgraded Post
4	Noor Muhammad	GHS Takht e Nasrati	GHS Takht e Nasrati BPS 16 Newly Upgraded Post
5	Zia ul Haq	GHS Sabir Abad	GHS Sabir Abad BPS 16 Newly Upgraded Post
6	Inayat Ullah Khan	GHSS Janderi	GHSS Janderi BPS 16 Newly Upgraded Post
7	Naseeb Khan	GCMHS Chokara	GCMHS Chokara BPS 16 Newly Upgraded Post
8	Muhammad Sadig	GMS Topi Killa	GHS Jehangeri BPS 16 Newly Upgraded Post
9	Zafran Shah	GHS Mami Khel	GHS Mami Khel BPS 16 Newly Upgraded Post
10	Zait Ullah	GHS Shahidan Wazir	GHS Shahidan Wazir BPS 16 Newly Upgraded Post
11	Muhammad Munir	GHS Dabli Lawaghar	GHS Dabli Lawaghar BPS 16 Newly Upgraded Post
12	Mir Sahib Jan	GMS Manki Banda	GHS Ganderi Khattak BPS 16 Newly Upgraded Post
13	Awalyaz Khan	GHS Garang Siraj Khel	GHS Garang Siraj Khel BPS 16 Newly Upgraded Post
14	Muhammmad Nawaz	GHS Latamber	GHS Latamber BPS 16 Newly Upgraded Post
15	Taj Ali Khan	GHS Surdag	GHS Surdag BPS 16 Newly Upgraded Post
16	Qabil Khan	GHS GMK Khel	GHS GMK Khel BPS 16 Newly Upgraded Post
17	Alaud Din	GMS Mona Khel	GHS Shah Salim BPS 16 Newly Upgraded Post
18	Zahoor ur Rehman	GMS Shnawa Gudli Khel	GHS Shahidan BPS 16 Newly Upgraded Post
19	Ghafoor Ullah Khan	GHS Khurram	GHS Khurram BPS 16 Newly Upgraded Post
20	Alam Zar	GMS Barbara	GHS Teri BPS 16 Newly Upgraded Post
21	Dur Nawaz	GMS Odin Shah	GHS Manzani Banda BPS 16 Newly Upgraded Post
22	Sami Ullah	GHS Bangi Killa	GHS Bangi Killa BPS 16 Newly Upgraded Post
23	Mumtaz Khan	GHS Kiri Dhand	GHS Kiri Dhand BPS 16 Newly Upgraded Post
24	Noor Saadat Khan	GMS Jarasi Banda	GHS Ahmed Abad BPS 16 Newly Upgraded Post
25	Abdul Basir	GHS Esaf Khel	GHS Esaf Khel BPS 16 Newly Upgraded Post
26	Muhammad Younis	GHS Gumbati Mina Khel	GHS Gumbati Mina Khel BPS 16 Newly Upgraded Post

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dh

28

28	Falak Naz	GMS Jangrezi	GHS Khojaki BPS 16 Newly Upgraded F GHS Gardi Banda BPS 16 Newly Upgraded Post
29	Afsar Khan	GHS Gardi Banda	GHS Bahader Khel BPS 16 Newly Upgraded Post
30	Muhammad Afzal	GMS Ahmad Khel	GHS Esak Khumari BPS 16 Newly Upgraded Post
31	Amir Abd-ur-Rehman	GHS Esak Khumari	GHS Sarki Lawagher BPS 16 Newly Upgraded Post
32	Zard Ali Khan	GMS Siraj Khel	GHS Tarkha Koi BPS 16 Newly Upgraded Post
33	Habib Shah Nawaz	GMS Taron Koi	GHS Deli Mila BPS 16 Newly Upgraded Post
34	Ghani Bad Shah	GHS Deli Mila	GHS Sabir Abad BPS 16 Newly Upgraded Post
35	Muhammad Umar Khan	GHS Sabir Abad	GHS Daggar Nari BPS 16 Newly Upgraded Post
36	Raham Nawaz	GHS Daggar Nari	GHS Tattar Khel BPS 16 Newly Upgraded Post
37	Mohammad Yaqoob	GMS Yaqubi Killa	GHS Ahmadi Banda BPS 16 Newly Upgraded Post
38	Gul Ajmir Khan	GHS Ahmadi Banda	

Consequential Transfer of DM 3=15

S.No	Name	From	To
1	Sabir Nawaz	GHS Jehangeri	GMS Topi Killa
2	Mohammad Idres	GHS Teri	GMS Barbara
3	Muhammad Raziq	GHS Shah Salim	GMS Mona Khel
4	Abdul Qadir	GHS Shahidan	GMS Shawa Gudi Khel
5	Gul Sarwar	GHS Ganderi Khattak	GMS Mianki
6	Balqias Khan	GHS Manzani Banda	GMS Odin Shah
7	Amir Mohammad	GHS Ahmed Abad	GMS Jarasi Banda
8	Ali Nawab	GHS Khojaki	GMS Jangrezi
9	Aman Ullah Khan	GHS Bahader Khel	GMS Ahmad Khel
10	Mohamad Zaheer	GHS Sarki Lawagher	GMS Siraj Khel
11	Gul Dad Khan	GHS Tarkha Koi	GMS Tehran Koi
12	Hazrat Usman	GHS Tattar Khel	GMS Yaqubi Killa

TERMS AND CONDITIONS.

- 1 They would be on Probation for a Period of one year extendable for another one year.
  - 2 They will be Governed by such rules and regulation as may be issued from time to time by the Govt:
  - 3 Their Services can be terminated at any time, in case his performance is found un Satisfactory during probationary period. In case of miss conduct, he shall be Preceded under the rules framed from time to time.
  - 4 Charge Report should be submitted to all concerned.
  - 5 Their Inter-Se-Seniority on lower post will remain intact.
  - 6 No TA/DA etc is allowed for joining his duty.
  - 7 They will give in under taking to be recorded in their Service Book to the effect that if any over payment is made in light this order will be recovered and if he is wrongly Promoted he will be reversed.
- NOTE: The Terms and condition from S.No.1 to 7 will be implemented only on promotes teachers.

DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

Estt: No. 764-68 ADO Estb: Dated Karak the 01/03 /2013.

Copy to the:

- 1 PS to Secretary Elementary and Secondary Education Khyber Pakhtoon Khawa
- 2 PA to Director Elementary and Secondary Education Khyber Pakhtoon Khawa w/r to his Office No. and date cited above.
- 3 District Accounts Officer Karak.
- 4 Principal/Head Master Concerned for n/action.
- 5 Official/Officer Concerned.

DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

C.T.C  
dh

Annex-I (17)

OFFICE OF THE DIRECTOR ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION.

Annexure N

29

The competent authority has been pleased to impose ban on all kind of posting/transfers in Elementary & Secondary Education Khyber Pakhtunkhwa with immediate effect till further order.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Indst.No. 1900-2009 /F.No 69/Vol-II/P/Transfer G.Branch Dated 19/6/2013

Copy forwarded to:-

- 1-50 All the District Education Officers (M/F) in Khyber Pakhtunkhwa
- 51-100 All the SDEO (M/F) in Khyber Pakhtunkhwa.
- 101 PS to Minister Education (E&SE) Khyber Pakhtunkhwa
- 102 PS to Secretary to Govt. of (E&SE) Department Khyber Pakhtunkhwa
- 103 PA to Director E&SE Peshawar

40  
Deputy Director Establishment  
(E&SE) Khyber Pakhtunkhwa, Pesh  
19/6/2013  
15/6/13

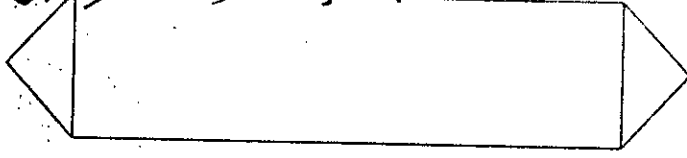
ADe(Sec)  
Recd on 25/06/2013

Attested  
Copied  
[Signature]

C.T.C  
[Signature]



بعد الت حساب سرویس کے لیے نیشنل فیبر پمپنگ واہ



Appellate 2014ء منجانب

بنام حکومت  
صنعتی امور

سرویس اپیل

موردہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ

آن مقام لیتا اور کیلئے ناصر محمود اینڈ سید عبد الحفیظ اور وکیل

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کابل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حدت باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2014ء

ماہ جنوری

المرقوم 10

العبد گد العبد

کے لئے منظور ہے۔

مقام لیتا اور

صنعتی امور

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

TRANSFER/ADJUSTMENT.

Consequent upon the recommendation of the placement committee, The following Sr.DM/DM are hereby transferred/Adjusted against the vacant posts to the school noted against each in the interest of public services with effect from the date of their taking over charge.

S.No	Name of official	From	To	Remarks
1.	Muhammad Qasim DM	GHS Surdog	GHS T/Nasrati	A.V.P
2.	Zait Ullah Sr,DM	GHS Shahidan Wazir	GHS Surdog	Adjusted against Sr DM B-16 Upgraded Post
3.	Muzaffar Ahmad DM	GHS Bahader Khel	GHS Dabli Lawagher,	Against Vacant Post.
4.	Zard Ali Khan DM	GMS Ashkar Ali Khel	GHS Ghunda Mir Khan Khel	Adjusted against Vacant Post.
5.	Muhammad Younis	GHS Memi Khel working against CT	GMS Ahmad Khel	Against Vacant Post.

- Note:- 1. TA/DA etc is not allowed.  
2. Charge reports should be submitted to all concerned.  
3. Headmaster GHS Mami Khel is directed to relieve Muhammad Younis working against wrong post since long and submit report within week positively

  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

2526-006  
Copy to the:-

- 1-5. Headmaster GHS/GMS Sur Dog, T/Nasrati, Shahidan Wazir, Bahader Khel, Dabli Lawagher Ashkri Ali Khel, Ghunda Mir Khan Khel, Mami Khel, Ahmad Khel Kark.  
6. Office Copy.

  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR**

Service appeal No. 92/2014

Muzaffar Ahmad.....Appellant

**VERSUS**

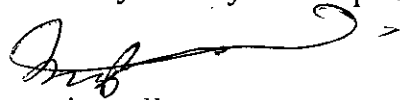
Govt. Khyber Pakhtunkhwa etc.....Respondent

**APPLICATION FOR DISPOSAL OF THE ABOVE**  
**MENTIONED APPEAL IN THE LIGHT OF ORDER DATED:**  
**07-07-2015**

**Respectfully Sheweth**

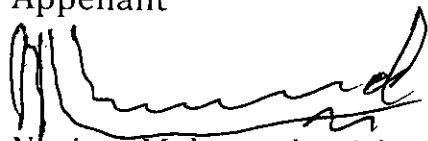
1. That the above mentioned appeal is pending before this Hon'ble tribunal which is fixed for today i.e. ~~24-12~~ 2015.
2. That during the pendency of the appeal the appellant upon the recommendation of the placement committee has been transferred to GHS Dabli Lawagher, vide ordered dated: 07-07-2015.
3. That thus it will be in the interest of justice that the appeal may kindly be disposed off in the light of the above circumstances.

It is, therefore, most humbly prayed that on the acceptance of this application that the above mentioned appeal may kindly be disposed off in the light of above circumstances.



Appellant

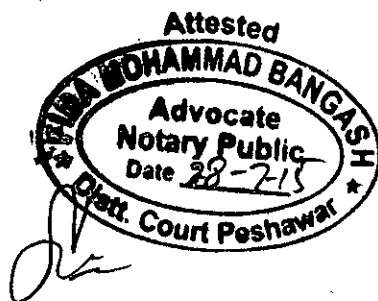
Through



Nasir Mehmood Advocate  
Supreme court of Pakistan

**AFFIDAVIT**

I, Muzaffar Ahmad do here by solemnly affirm on oath that all the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



Deponent



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK.

TRANSFER/ADJUSTMENT.

Consequent upon the recommendation of the placement committee, The following Sr.DM/DM are hereby transferred/Adjusted against the vacant posts to the school noted against each in the interest of public services with effect from the date of their taking over charge.

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3.	Muzaffar Ahmad DM	GHS Bahader Khel	GHS Dabli Lawagher,	Against Vacant Post.
4.	Zard Ali Khan DM	GMS Ashkar Ali Khel	GHS Ghunda Mir Khan Khel	Adjusted against Vacant Post.
5.	Muhammad Younis	GHS Memi Khel working against CT	GMS Ahmad Khel	Against Vacant Post.

- Note;- 1. TA/DA etc is not allowed.  
2. Charge reports should be submitted to all concerned.  
3. Headmaster GHS Mami Khel is directed to relieve Muhammad Younis working against wrong post since long and submit report within week positively

  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

No. 2596-006 / Dated Karak the 07/07/2015

Copy to the:-

- 1-5. Headmaster GHS/GMS Sur Dog, T/Nasrati, Shahidan Wazir, Bahader Khel, Dabli Lawagher Ashkri Ali Khel, Ghunda Mir Khan Khel, Mami Khel, Ahmad Khel Karak.
6. Office Copy.

  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR**

Service appeal No. 92/2014

Muzaffar Ahmad.....Appellant

**VERSUS**

Govt. Khyber Pakhtunkhwa etc.....Respondent

**APPLICATION FOR DISPOSAL OF THE ABOVE**  
**MENTIONED APPEAL IN THE LIGHT OF ORDER DATED:**  
**07-07-2015**

**Respectfully Sheweth**

1. That the above mentioned appeal is pending before this Hon'ble tribunal which is fixed for today i.e. 04-12-2015.
2. That during the pendency of the appeal the appellant upon the recommendation of the placement committee has been transferred to GHS Dabli Lawagher, vide ordered dated: 07-07-2015.
3. That thus it will be in the interest of justice that the appeal may kindly be disposed off in the light of the above circumstances.

It is, therefore, most humbly prayed that on the acceptance of this application that the above mentioned appeal may kindly be disposed off in the light of above circumstances.

Appellant

Through

Nasir Mehmood Advocate  
Supreme court of Pakistan

**AFFIDAVIT**

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**Deponent**

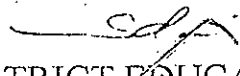
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3.	Muzaffar Ahmad DM	GHS Bahader Khel	GHS Dabli Lawagher,	Against Vacant Post.
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5.	Muhammad Younis	GHS Mami Khel working against CT	GMS Ahmad Khel	Against Vacant Post.

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DISTRICT EDUCATION OFFICER  
(MALE) KARAK.

No. 2596-006 / Dated Karak the 07/07/2015

Copy to the:-

- 1-5. Headmaster GHS/GMS Sur Dog, T/Nasrati, Shahidan Wazir, Bahader Khel, Dabli Lawagher Ashkri Ali Khel, Ghunda Mir Khan Khel, Mami Khel, Ahmad Khel Kark.
6. Office Copy.

  
DISTRICT EDUCATION OFFICER  
(MALE) KARAK

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR**

Service appeal No. 92/2014

Muzaffar Ahmad.....Appellant

**VERSUS**

Govt. Khyber Pakhtunkhwa etc.....Respondent

**APPLICATION FOR DISPOSAL OF THE ABOVE**  
**MENTIONED APPEAL IN THE LIGHT OF ORDER DATED:**  
**07-07-2015**

**Respectfully Sheweth**

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2. That during the pendency of the appeal the appellant upon the recommendation of the placement committee has been transferred to GHS Dabli Lawagher, vide ordered dated: 07-07-2015.
3. That thus it will be in the interest of justice that the appeal may kindly be disposed off in the light of the above circumstances.

It is, therefore, most humbly prayed that on the acceptance of this application that the above mentioned appeal may kindly be disposed off in the light of above circumstances.

Appellant

Through

Nasir Mehmood Advocate  
Supreme court of Pakistan

**AFFIDAVIT**

I, Muzaffar Ahmad do here by solemnly affirm on oath that all the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Deponent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.92/2014**

Muzaffar Ahmad S/o Gul Jaman D M .....Appellant.

Versus

The Secretary Education and others .....Respondents.

---

**REPLY ON BEHALF OF RESPONDENT NO.4.**

---

Respectfully Sheweth,

**Preliminary objections.**

- I. That appellant has no cause of action and locus standi.
- II. That appeal is not maintainable.
- III. That appellant has not come to the Court with clean hand and suppressed material facts. The appellant has stay in the impugned station of posting for more than 6 and a half years. Appellant has been remained in the impugned station of posting from 18-05-2007 to 14-06-2013. Appellant has suppressed this fact from the notice of this Honourable Tribunal.
- IV. That appellant is in the habit of using political means for securing choice posting. The same is evident from his continuous order, where respondent No.4 is not even a party.



V. That the principle of Estoppel lie against the appellant.

VI. That the appeal is badly time bar.

**Facts:**

1. That Para No.1 of the appeal is incorrect, hence denied. Appellant has always remained over his choice posting. He has stay in the impugned station of posting for more than 6 and a half year.
2. That Para No.2 of the appeal is incorrect, hence denied. Respondent No.4 is not an transferring authority to transfer any body rather he is petty/low paid D M teacher who has got 28 years service at his credit with unblemished and clean sheeted conduct record and has been remained out of his home union counsel through out this long standing service. More over the transfer order dated 14-06-2014 has been issued purly in public interest as appellant had stayed Govt: High School Rehmat abad for about 7 years.
3. That Para No.3 of the appeal is incorrect, hence denied. It is again retirerated that respondent No.4 is not transferring authority to transfer any body. The transfer order dated 19-06-2014 has also been issued on his own initiatio. The said transfer order has no relation with respondent No.4.
4. That Para No.4 of the appeal is also incorrect, hence denied. As appellant was not willing to join duty therefore, he again with the convenience of

his political bosses managed his transfer to Govt: High School Bahadur Khel once again. However it is pertinent to explain that respondent No.4 has nothing to do with transfer order dated 24-06-2013.

5. That Para No.5 of the appeal is incorrect, hence denied. The so called representation is fake and self made. Appellant has never submitted representation but has acquired the transfer order dated 15-07-2013 with convenience of his political bosses. There is no endorsement or dairy number on his so called representation. There is also nothing that the said transfer order has been issued in persuance or in the light of appellant's appeal or representation.
6. That Para No.6 of the appeal is incorrect, hence denied. Since respondent No.4 was subjected to pre mature transfer order therefore, the same was withdrawn/cancelled vide order dated 17-08-2013.
7. That Para No. 7 of the appeal is incorrect, hence denied. The order dated 04-09-2013 is the result of political and extraneous means of appellant for his choice posting.
8. That Para No.8 of the appeal is incorrect, hence denied. Appellant has always pressured the posting and transfer authorities for his choice posting therefore the same has been recalled again and again.

9. That appellant himself admitted the he in order to secure his choice posting even involved the Minister vide Para of his appeal.
10. That appellant has admitted the fact that in the light of Ministrater directives the order dated 14-06-2013 has been with drawn.
11. That Para No.11 of the appeal is incorrect, hence denied. Since the order dated 08-11-2013 was politically motivated therefore, in the best interest of justice and fair play the same was withdrawn vide order dated 20-11-2013.
12. That Para No.12 of the appeal is incorrect from bare persual of so called departmental appeal. No dairy number has been endorsed on the so called departmental appeal.
13. That Para No.14 of the appeal in incorrect, hence denied. The departmental appeal has rightly been rejected being meritless.

**Grounds:**

- A. That the grounds taken by the appellant vide his memo of appeal is incorrect, hence denied. Appellant has been remained at the impugned station of posting for about 6 and a half years and after completion of double of his normal tenure was transferred. Appellant has used political and extraneous means for his choice posting therefore, he is liable to be proceeded under misconduct as per posting and transfer policy.

B. That Ground B to M of the appeal are incorrect, hence denied. Respondent No.4 would like to seek the permission of this Honourble Tribunal to advance rebuttal during the course of hearing. However, it is submitted that no violation of posting and transfer policy has been committed. Appellant has made every efforts to secure his choice posting which is not only against the norms of posting/transfer and section 10 of the Civil Servant Act, 1973 but also highly unwarranted and un-desireable.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Through

Respondent No.\_\_\_\_.

  
Ashraf Ali Khattak,  
Advocate, Peshawar.

Dated: \_\_\_\_\_ / 01/ 2015

**Counter Affidavit**

I, Muhammad Afzal S/o Seman Khan R/o Rehmat Abad DM Govt: High School Rehmat Abad , do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



  
Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.92/2014

Muzaffar Ahmad S/o Gul Jaman D M .....Appellant.

Versus

The Secretary Education and others .....Respondents.

---

**REPLY ON BEHALF OF RESPONDENT NO.4.**

---

Respectfully Sheweth,

**Preliminary objections.**

- I. That appellant has no cause of action and locus standi.
- II. That appeal is not maintainable.
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his political bosses managed his transfer to Govt: High School Bahadur Khel once again. However it is pertinent to explain that respondent No.4 has nothing to do with transfer order dated 24-06-2013.

5. That Para No.5 of the appeal is incorrect, hence denied. The so called representation is fake and self made. Appellant has never submitted representation but has acquired the transfer order dated 15-07-2013 with convenience of his political bosses. There is no endorsement or dairy number on his so called representation. There is also nothing that the said transfer order has been issued in persuance or in the light of appellant's appeal or representation.
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9. That appellant himself admitted the he in order to secure his choice posting even involved the Minister vide Para of his appeal.
10. That appellant has admitted the fact that in the light of Ministrater directives the order dated 14-06-2013 has been with drawn.
11. That Para No.11 of the appeal is incorrect, hence denied. Since the order dated 08-11-2013 was politically motivated therefore, in the best interest of justice and fair play the same was withdrawn vide order dated 20-11-2013.
12. That Para No.12 of the appeal is incorrect from bare persual of so called departmental appeal. No dairy number has been endorsed on the so called departmental appeal.
13. That Para No.14 of the appeal in incorrect, hence denied. The departmental appeal has rightly been rejected being meritless.

**Grounds:**

- A. That the grounds taken by the appellant vide his memo of appeal is incorrect, hence denied. Appellant has been remained at the impugned station of posting for about 6 and a half years and after completion of double of his normal tenure was transferred. Appellant has used political and extraneous means for his choice posting therefore, he is liable to be proceeded under misconduct as per posting and transfer policy.



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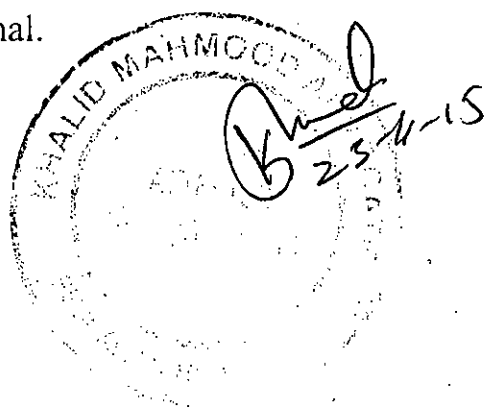
It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Through Respondent No.\_\_\_\_.  
Ashraf Ali Khattak,  
Advocate, Peshawar.

Dated: \_\_\_\_\_ / 01/ 2015

**Counter Affidavit**

I, Muhammad Afzal S/o Seman Khan R/o Rehmat Abad DM Govt: High School Rehmat Abad , do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



M. Afzal  
Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.92/2014

Muzaffar Ahmad S/o Gul Jaman D M .....Appellant.

Versus

The Secretary Education and others .....Respondents.

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REPLY ON BEHALF OF RESPONDENT NO.4.

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Respectfully Sheweth,

Preliminary objections.

- I. That appellant has no cause of action and locus standi.
- II. That appeal is not maintainable.
- III. That appellant has not come to the Court with clean hand and suppressed material facts. The appellant has stay in the impugned station of posting for more than 6 and a half years. Appellant has been remained in the impugned station of posting from 18-05-2007 to 14-06-2013. Appellant has suppressed this fact from the notice of this Honourable Tribunal.
- IV. That appellant is in the habit of using political means for securing choice posting. The same is evident from his continuous order, where respondent No.4 is not even a party.

V. That the principle of Estoppel lie against the appellant.

VI. That the appeal is badly time bar.

**Facts:**

1. That Para No.1 of the appeal is incorrect, hence denied. Appellant has always remained over his choice posting. He has stay in the impugned station of posting for more than 6 and a half year.
2. That Para No.2 of the appeal is incorrect, hence denied. Respondent No.4 is not an transferring authority to transfer any body rather he is petty/low paid D M teacher who has got 28 years service at his credit with unblemished and clean sheeted conduct record and has been remained out of his home union counsel through out this long standing service. More over the transfer order dated 14-06-2014 has been issued purly in public interest as appellant had stayed Govt: High School Rehmat abad for about 7 years.
3. That Para No.3 of the appeal is incorrect, hence denied. It is again retirerated that respondent No.4 is not transferring authority to transfer any body. The transfer order dated 19-06-2014 has also been issued on his own initiatio. The said transfer order has no relation with respondent No.4.
4. That Para No.4 of the appeal is also incorrect, hence denied. As appellant was not willing to join duty therefore, he again with the convenience of

his political bosses managed his transfer to Govt: High School Bahadur Khel once again. However it is pertinent to explain that respondent No.4 has nothing to do with transfer order dated 24-06-2013.

5. That Para No.5 of the appeal is incorrect, hence denied. The so called representation is fake and self made. Appellant has never submitted representation but has acquired the transfer order dated 15-07-2013 with convenience of his political bosses. There is no endorsement or dairy number on his so called representation. There is also nothing that the said transfer order has been issued in persuance or in the light of appellant's appeal or representation.
6. That Para No.6 of the appeal is incorrect, hence denied. Since respondent No.4 was subjected to pre mature transfer order therefore, the same was withdrawn/cancelled vide order dated 17-08-2013.
7. That Para No. 7 of the appeal is incorrect, hence denied. The order dated 04-09-2013 is the result of political and extraneous means of appellant for his choice posting.
8. That Para No.8 of the appeal is incorrect, hence denied. Appellant has always pressured the posting and transfer authorities for his choice posting therefore the same has been recalled again and again.

9. That appellant himself admitted the he in order to secure his choice posting even involved the Minister vide Para of his appeal.
10. That appellant has admitted the fact that in the light of Ministrater directives the order dated 14-06-2013 has been with drawn.
11. That Para No.11 of the appeal is incorrect, hence denied. Since the order dated 08-11-2013 was politically motivated therefore, in the best interest of justice and fair play the same was withdrawn vide order dated 20-11-2013.
12. That Para No.12 of the appeal is incorrect from bare persual of so called departmental appeal. No dairy number has been endorsed on the so called departmental appeal.
13. That Para No.14 of the appeal in incorrect, hence denied. The departmental appeal has rightly been rejected being meritless.

**Grounds:**

- A. That the grounds taken by the appellant vide his memo of appeal is incorrect, hence denied. Appellant has been remained at the impugned station of posting for about 6 and a half years and after completion of double of his normal tenure was transferred. Appellant has used political and extraneous means for his choice posting therefore, he is liable to be proceeded under misconduct as per posting and transfer policy.

B. That Ground B to M of the appeal are incorrect, hence denied. Respondent No.4 would like to seek the permission of this Honourble Tribunal to advance rebuttal during the course of hearing. However, it is submitted that no violation of posting and transfer policy has been committed. Appellant has made every efforts to secure his choice posting which is not only against the norms of posting/transfer and section 10 of the Civil Servant Act, 1973 but also highly unwarranted and un-desireable.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Through

Respondent No. \_\_\_\_\_

*Jal*  
Ashraf Ali Khattak,  
Advocate, Peshawar.

Dated: \_\_\_\_\_ / 01/ 2015

Counter Affidavit

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