

Form-A  
FORM OF ORDERSHEET

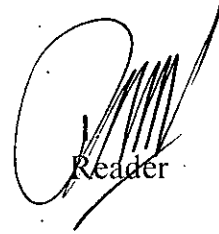
Court of \_\_\_\_\_

Case No. 414/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26/03/2018	<p>The appeal of Mr. Akhtar Nawab presented today by Dr. Adnan Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 26/3/18</p>
2-	27-3-18	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>06-04-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
06.04.2018		<p>Counsel for the appellant had requested on 4.4.2018 for short adjournment. Adjourned. To come up for preliminary hearing on 11.05.2018 before S.B at camp court, Swat.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman Camp court, Swat</p>

09.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 08.06.2018 before the S.B at camp court, Swat.

  
Reader

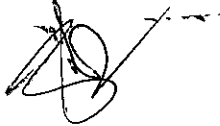
08.06.2018


Appellant Akhtar Nawab in person alongwith Dr. Adnan Khan, Advocate present and heard in limine.

The main grievance of the appellant is that without observing the posting/transfer policy, appellant has been transferred and placed junior in the fresh posting without any valid reason.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 4.07.2018 before S.B at camp court, Swat. Notice of stay application be also given to the respondents for the date fixed

Appellant Deposited  
Security & Process Fee



  
Chairman  
Camp Court, Swat

04.07.2018

Appellant Akhtar Nawab in person present. Mr. Bakht Rehman ADO alongwith Mr. Usman Ghan learned District Attorney for official respondents present. Private respondents No.5 & 6 in person present. Written reply not submitted. Adjourned. To come up for written reply/comments on 07.08.2018 before S.B at camp court Swat.

  
Chairman  
Camp Court, Swat

07.08.2018

Clerk to counsel for the appellant and Mohammad Saeed SS, for official respondents and private respondents no 5, and 6 in person present. Due to summer vacations, the case is adjourned. To come up for the same on 05.09.2018 at camp court Swat.



Member  
Camp Court Swat

05.09.2018

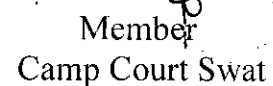
Clerk to counsel for the appellant present. Mr. Muhammad Saeed, S.S for respondents no. 1 to 4 alongwith Mr. Usman Ghani, District Attorney present. Private respondents no. 5 and 6 in person present. Written reply on behalf of respondents no. 1 to 4 submitted. Case to come up for written reply of private respondents no. 5 and 6 on 03.10.2018 before S.B at camp court Swat.



Member  
Camp Court Swat

03.10.2018

None for the appellant present . Mr. Muhammad Saeed, SS alongwith Mr. Usman Ghani, District Attorney for the official respondents present. Private respondent No. 5 in person present and Mr. Saeed Khan, Advocate for respondent No. 6 present and submitted wakalatnama which is placed on file. Private respondent No. 5 relied on the written reply already submitted by the official respondents. The newly engaged counsel for private respondent No. 6 made a request for adjournment. Granted. To come up for written reply of respondent No. 6 on 08.11.2018 before the S.B at camp court, Swat.



Member  
Camp Court Swat

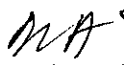
08.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 07.01.2019 at camp court Swat.

  
Reader


07.01.2019


Clerk of the counsel for appellant present. Mr. Mian Amir Qadir, District Attorney on behalf of official respondents No. 1 to 4 and counsel for private respondent No. 6 present. Learned counsel for private respondent No. 6 submitted written reply today while written replies on behalf of remaining respondents have already been submitted. Adjourned to 01.04.2019 for rejoinder and arguments before D.B at camp court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

01.04.2019

Appellant in person and Mr. Mian Ameer Qadir, District Attorney for the respondents present. Learned District Attorney stated that the present appeal has become infructuous and in this respect submitted copy of transfer posting order dated 12.02.2019. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourn. To come up for further proceedings on 03.04.2019 before D.B at Camp Court Swat.

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat


  
(M. Hamid Mughal)  
Member  
Camp Court Swat


03.04.2019

Counsel for the appellant and Mr. Mian Ameer Qadir, District Attorney for the respondents present. Learned counsel for the appellant stated at the bar that the grievance of the appellant has been redressed and as such he wants to withdraw the present appeal. On the request of learned counsel for the appellant, the present service appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED

03.04.2019

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

  
(M. Hamid Mughal)  
Member  
Camp Court Swat

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

Service Appeal No. 414 of 2018

Akhtar Nawab ..... *Appellant*

VERSUS


Government of Khyber Pakhtunkhwa and others

.....*Respondents*

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Appellant through Counsel

  
Dr. Adnan Khan, Barrister-at-Law  
Office: Adnan Law Associates,  
Opp. Grassy ground Mingora Swat.  
Cell: 0346-9415233

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 449  
Date 26/03/2018

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

Service Appeal No. 449 of 2018

Akhtar Nawab, Subject Specialist Economics Government Higher  
Secondary School Khwaza Khela, District Swat.

..... Appellant

**VERSUS**

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary,  
Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Department, Civil  
Secretariat, Peshawar.
- 3) Director, Elementary & Secondary Education, Peshawar.
- 4) District Education Officer (Male), District Swat.
- 5) Fazal Rehman, Vice Principal Government Higher Secondary  
School Khwaza Khela, District Swat.
- 6) Anwar-ul-Haq, Physical Education Teacher Government Higher  
Secondary School Khwaza Khela, District Swat.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE**  
**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT, 1974.**

Respectfully Sheweth:

- 1) That appellant was appointed as Subject Specialist in the  
Education Department on 16-04-2015. Later on, appellant  
posted as Vice Principal GHSS Khwaza Khela, Swat (Copy of  
order attached as Annexure "A").
- 2) That respondent No.5 was appointed as Subject Specialist  
Economics on 02-12-2016.

Filed to-day  
26/3/18.

3) That in the capacity of Vice Principal, appellant has served his parent institution to the best of his capabilities. On many occasions, appellant had to serve as full principal when the principal had been absent.

4) That respondent No.6, who is an active politician and supporter of the ruling party, has been hesitant to abide by the discipline of the school in the administrative hierarchy.

5) That respondent No.6 while using his political affiliation has always been a trouble maker. In this respect appellant has issued various instructions to the said respondent in the capacity of Vice Principal/Acting Principal (Copies of various instructions & warnings are attached as Annexure "B").

6) That respondent No.6 while challenging the authority of the appellant openly defied the appellant's instructions. So much so, respondent No.6 finally threatened the appellant of his removal from the post of Vice Principal.

7) That political efforts of respondent No.6 bore its fruits, where appellant, was by virtue of impugned order dated 26-10-2017, was transferred from the post of Vice Principal against appellant, was respondent No.5 was posted as Vice Principal (Copy of order dated 26-10-2017 is attached as Annexure "B").

8) That feeling aggrieved of the above mentioned transfer order, appellant filed Departmental Appeal on 03-11-2017, which was forwarded to Respondent No.1 through diary on 09-11-



2017 before respondent No.1 (Copy of memo of appeal is attached as Annexure "D").

9) That the above mentioned departmental appeal has not been responded to as yet. Hence, this appeal, *inter alia*, on the following grounds:

### GRUNDS:

A) That the impugned order is illegal, malafide and violation of the relevant policy. Hence, the same is liable to be set aside.

B) That the post of Vice Principal as per the relevant policy has to be occupied by the senior teachers. Appellant being senior than respondent No.5, was entitled to continue as Vice Principal.

C) That the impugned order is politically oriented whose purpose is to victimize the appellant and nothing else. Being malafide, the said order is liable to be set aside.

D) That appellant has yet to complete the prescribed tenure to be spent on a certain post under the transfer policy. By virtue of the impugned order, appellant has been transferred prematurely and that too without any reason.

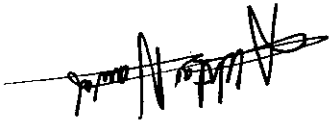
E) That further grounds with leave of this Hon'ble Tribunal will be raised at the time of oral submissions.

Therefore, it is humbly prayed that on acceptance of this appeal, the impugned order to the extent of appellant be declared as illegal. Consequently, the impugned order in respect of appellant be set aside and appellant be allowed to continue as Vice Principal. Any other

remedy though may not specifically prayed for but which circumstances of the case would in the interests of justice demand may also be granted.

**CERTIFICATE:**  
Certified that no such like appeal has earlier been filed before this Hon'ble Tribunal on the subject matter.

Appellant



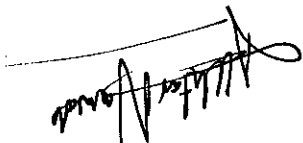
Through Counsel



Dr. Adnan Khan, Barrister-in-Law.

Dr. Adnan Khan, Barrister-in-Law.

Through Counsel



Appellant



5

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

Service Appeal No. \_\_\_\_\_ of 2018

Akhtar Nawab ..... *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa and others

..... *Respondents*

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Akhtar Nawab, Subject Specialist Economics Government Higher  
Secondary School Khwaza Khela, District Swat.

NIC# 15602-8417203-3

Cell# 0346-9472944

**RESPONDENTS:**

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
- 3) Director, Elementary & Secondary Education, Peshawar.
- 4) District Education Officer (Male), District Swat.
- 5) Fazal Rehman, Vice Principal Government Higher Secondary School Khwaza Khela, District Swat.
- 6) Anwar-ul-Haq, Physical Education Teacher Government Higher Secondary School Khwaza Khela, District Swat.

Appellant



Through Counsel



Dr. Adnan Khan, Barrister-in-Law.

6

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

Service Appeal No. \_\_\_\_\_ of 2018.

Akhtar Nawab..... *Appellant*

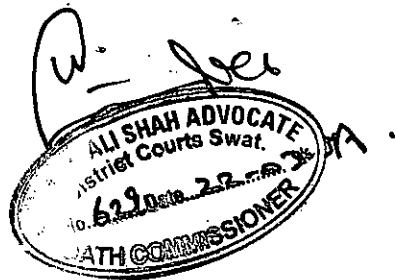
VERSUS

Government of Khyber Pakhtunkhwa and others

.....*Respondents*

**AFFIDAVIT**

I, **Akhtar Nawab** (Appellant), do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Hon'ble Tribunal or elsewhere on this subject matter



DEPONENT

*Akhtar Nawab*  
Akhtar Nawab

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

In Service Appeal No. \_\_\_\_\_ of 2018

Akhtar Nawab.....*Appellant/Applicant*

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary & others

.....*Respondents*

**APPLICATION FOR CONDONATION OF DELAY  
IN FILING SERVICE APPEAL.**

Respectfully Sheweth;

1) That the accompanying appeal is being filed before this Hon'ble Tribunal, which is apparently filed after the prescribed thirty days limitation period.

2) That the official respondents had unofficially communicated to appellant that he should wait for the outcome of the Departmental Appeal where the appellant's grievance shall hopefully be redressed.

3) That on the above mentioned assurance, appellant did not file the instant appeal promptly.

4) That any lapse in this respect is innocent and in good faith.

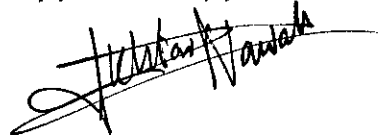
5) That the apparent excessive period is only of a few days and not a substantial one.

6) That it is in the interests of justice that disputes are adjudicated upon merits rather on the technicalities.

8

It is, therefore, humbly prayed that on acceptance this application, any delay in filing the instant appeal be condoned in the interests of justice.

*Appellant/applicant*



Through Counsel



Dr. Adnan Khan, Barrister-in-Law.

(9)

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

In Service Appeal No. \_\_\_\_\_ of 2018

Akhtar Nawab..... *Appellant/Applicant*

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary & others

..... *Respondents*

**APPLICATION FOR SUSPENSION OF THE  
IMPUGNED ORDER.**

Respectfully Sheweth;

- 1) That the accompanying appeal is being filed before this Hon'ble Tribunal, which is yet to be admitted for regular hearing.
- 2) That applicant/appellant seeks suspension of the impugned order dated 26-10-2017, *inter alia*, on the following grounds;

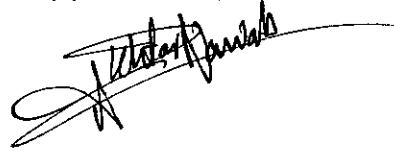
**GROUND:**

- A) That a good prima facie case exists in favour of appellant/applicant.
- B) That balance of convenience lies in grant of interim relief for the reason that things are kept on their course till the disposal of final appeal.
- C) That removal from office and that too without the authority of law is something which cannot be compensated *stricto sensu* in terms of money. Hence, the ingredient of irreparable loss also exists in the instant case.

70

It is, therefore, humbly prayed that on acceptance this application, the impugned order be kept in suspension till the final disposal of the instant service appeal.

*Appellant/applicant*



Through Counsel



Dr. Adnan Khan, Barrister-in-Law.





(11)

Annex A

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated Peshawar the April 16, 2015

**NOTIFICATION**

**NO.SO(S/M) E&SED/1-3/2014/Promotion BS-17 to BS-18/4-tier 2<sup>nd</sup> Phase :** The Competent Authority on the recommendations of the Provincial Selection Board is pleased to promote/appoint the following (520) Officers of Teaching Cadre of Elementary & Secondary Education Department from BS-17 to BS-18 on regular basis with immediate effect as under except Sr. No. 17.

Sr.#	Name	Sr.#	Name	Sr.#	Name
1	Mr. Gul Yar Khan	2	Mr. Fateh Gul	3	Mr. Nusratullah
4	Mr. Ghulam Baqi Jan	5	Mr. Amal Shah	6	Mr. Aurang Zeb
7	Mr. Inayatullah	8	Mr. Kifayat Ullah Jan	9	Mr. Ghulam Rabbani
10	Mr. Muhammad Yaqoob	11	Mr. Muqarrab Khan	12	Mr. Abdur Rashid
13	Mr. Mir Haider	14	Mr. Ismail	15	Mr. Abdur Rehman
16	Mr. Nizakat-ur-Rehman	17	Mr. Iqbal Munir	18	Mr. Muhammad Siraj
19	Mr. Naeem Jan	20	Mr. Muhammad Pervez	21	Mr. Abdullah Shah
22	Mr. Hakam Khan	23	Mr. Gul Ambar Khan	24	Muhammad Idrees Khan
25	Mr. Abdul Malik	26	Mr. Mustafa Khan	27	Mr. Abbas Gul
28	Muhammad Zareen Khan	29	Muhammad Khurshid	30	Mr. Mehboob Ilahi
31	Mr. Fazal Rehman	32	Mr. Sherzada	33	Mr. Suhrab Khan
34	Mr. Akhtar Hussain	35	Mr. Abdul Qayum	36	Mr. Inayat ullah
37	Mr. Muhammad Sadiq	38	Mr. Hidayatullah Kahn	39	Mr. Fida Muhammad
40	Mr. Ghazi Marjan	41	Muhammad Sher Ali Khan	42	Mr. Fazal Muhammad
43	Mr. Riaz Hussain	44	Mr. Farzand Ali	45	Mr. Sharif ullah Khan
46	Mr. Abdul Latif	47	Mr. Zahid Hussain	48	Mr. Ihsan-ul-Haq
49	Mr. Muhammad Jamshaid	50	Mr. Hidayat-ur-Rehman	51	Mr. Gul Aslam
52	Mr. Irshad Ahmad	53	Mr. Almas Khan	54	Mr. Muhammad Ali
55	Mr. Abdullah Khan	56	Mr. Muhammad Shafiq	57	Mr. Khalid Ahmad
58	Mr. Iftikhar Ahmad	59	Mr. Saeed Ahmad	60	Mr. Muhammad Mubashir
61	Mr. Shah-e-Room	62	Mr. Zulfiqar Ali	63	Mr. Zafar Javed Qureshi

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*Dr. Adnan Khan*  
Barrister  
Dr. Adnan Khan  
Advocate High Court

*[Signature]*

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Sr.#	Name	Sr.#	Name	Sr.#	Name
445	Mr. Mukhtiar Muhammad	446	Mr. Ghulam Murtaza	447	Mr. Zahid Iqbal
448	Muhammad Ali Asghar	449	Mr. Muddasir Shah	450	Mr. Anees Muhammad
451	Mr. Jehangir Khan	452	Mr. Askar Ali	453	Mr. Dira Wadan
454	Mr. Nazir Ullah	455	Mr. Sikandar Hayat	456	Mr. Muhammad Amin
457	Mr. Khan Wali Shah	458	Haji Khuda Bakhsh	459	Mr. Nasib Gul
460	Mr. Muhammad Nawaz	461	Mr. Abdur Rauf	462	Mr. Bahadar Zeb
463	Mr. Nasrullah	464	Mr. Murad Ali	465	Mr. Muhammad Shafiq
466	Mr. Muhammad Idress	467	Mr. Zaheen ullah	468	Mr. Murad Ali
469	Mr. Sanat Ullah	470	Mr. Muhammad Abid	471	Mr. Saeed-ur-Rehman
472	Said Akbar	473	Mr. Amjid Ali	474	Mr. Farshed ullah
475	Mr. Saran zeb Mian	476	Mr. Muntazir	477	Mr. Sajid Ahmad
478	Mr. Abdur Rauf	479	Mr. Maqsood Ali	480	Mr. Ghani-ur-Rehman
481	Mr. Muhammad Iqbal	482	Mr. Saifullah	483	Mr. Munawar Shah
484	Mr. Farooq Shah	485	Mr. Khurshid Alam	486	Bakhtiar Muhammad
487	Mr. Muhammad Ishaq	488	Mr. Riaz Ahmad	489	Mr. Taj Muhammad
490	Mr. Sher Nawab	491	Khawaja Muhammad	492	Mr. Ghulam Hussain
493	Mr. Liaqat Ali Khan	494	Mr. Amir Muhammad	495	Muhd. Naveed Safdar
496	Mr. Noor-ul-Basar	497	Mr. Hayat Muhammad	498	Mr. Zainullah
499	Mr. Muhammad Javed	500	Muhammad Iqbal Khan	501	Mr. Sher Muhammad
502	Mr. Iftikhar	503	Mr. Alamzeb	504	Mr. Muhammad Zahir
505	Mr. Inam ullah	506	Muhammad Zakirullah	507	Mr. Raees Ahmad
508	Mr. Niaz Khan	509	Syed Farooq shah	510	Mr. Akhtar Nawab
511	Syed Raza Shah	512	Mr. Shah Faisal	513	Mr. Hayat Khan
514	Mr. Munir Ahmad	515	Mr. Sami Ullah	516	Mr. Khalil-ur-Rehman
517	Mr. Niamat Ali	518	Mr. Khalid Iqbal	519	Muhammad Sarwar
520	Mr. Mukhtiar Ahmad				

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servent Act, 1973 read with rule-15(1) of the Khyber Pahtunkhwa Civil Servent (Appointment, Promotion & Transfer) rules, 1989 the above male officers of the Teaching Cadre on their promotion shall be on probation for a period of one year.

3. Consequent upon the above, the following postings/transfers are hereby ordered henceforth.

**CERTIFIED TO  
BE TRUE COPY**

*[Signature]*  
Barrister  
*Dr. Adnan Khan*  
Advocate High Court

*[Signature]*

S#	Name of Officers and Designation	To be proposed	Remarks
498	Zain Ullah s/o Mian Shahzada HM B-17 GHS Degan Taji Killa Bannu	Pri: B-18 GHS Degan Taji Killa Bannu	Already Occupied
499	Muhammad Javed s/o M.Nawab Khan B-17 HM GHS Aboha Swat	Pri: B-18 GHS Aboha Swat	Already Occupied
500	Muhammad Iqbal Khan s/o Abdul Sattar SS (Pak.Study) B-17 GHSS Pairan Mansehra	SS PS B-18 GHSS Bagnotar Abbottabad	Vice Sr:No.634
501	Sher Muhammad s/o Jan Gul SS (Islamiat) B-17 GHSS No.1 Kohat	SS (Islamiat) B-18 GHSS No.1 Kohat	Already Occupied
502	Ifikhar s/o M.Yousaf SS(Stat) B-17 GHSS Richbhen Abbottabad	SS Stat B-18 GHSS Nawashera Abbottabad	Vice Sr:No.635
503	Alamzeb s/o Haji Amir Nawaz Khan SS (Pak.Study) B-17 GHSS Ghallani Mohmand Agency	Promoted to BS-18	Place at the disposal of Director of Education FATA
504	Muhammad Zahir s/o Aziz ur Rehman SS (Pak.Study) B-17 GHSS Hazar Khwani Peshawar	SS(PS) B-18 GHSS No.4 Kakshal Peshawar	Vice Sr:No.103
505	Inam Ullah s/o Abdul Hameed SS (Economics) B-17 GTHSS Gul Bahar Peshawar	SS Eco B-18 GHSS Sherpao Charsadda	Vice Sr:No.636
506	Muhammad Zakirullah s/o Fazal Muhammad SS (History Cum Civics) B-17 GHSS Qilla Dir (L)	VP B-18 GHSS Qilla Dir(L)	Against Vacant Post
507	Races Ahmad s/o Saeed Ahmad SS (Stat) B-17 GHSS Chakdara Dir (L)	VP B-18 GHSS Ouch Dir (Lower)	Against Vacant Post
508	Niaz Khan s/o Abbas Khan SS (Urdu) B-17 GHSS Nurar Bannu	SS Urdu B-18 GHSS Domel Bannu	Against Vacant Post
509	Syed Farooq Shah s/o Sardar Khan SS (Maths) B-17 GHSS Ismail Khel Bannu	SS (Maths) B-18 GHSS Ismail Khel Bannu	Already Occupied
510	Akhtar Nawab s/o Bakht Nawab SS (Economics) B-17 GHSS Khwza Khela Swat	VP B-18 GHSS Khwza Khela Swat	Against Vacant Post
511	Syed Raza Shah s/o Syed Hamid Shah SS (Chem) B-17 GHSS Fatima Mardan	SS Chem B-18 GHSS Dosehra Charsadda	Vice Sr:No.637
512	Shah Faisal s/o Saeed ur Rehman SS (History Cum Civics) B-17 GHSS Baghhicha Dheri Mardan	SS(History Cum Civics) B-18 GHSS No.1 Mardan	Against Vacant Post
513	Hayat Khan s/o Muhammad Miskeen SS (Pak.Study) B-17 GHSS Sherpur Mansehra	SS PS B-18 GHSS Baffa Manshera	Against Vacant Post
514	Munir Ahmad s/o Sher Muhammad SS (History Cum Civics) B-17 GHSS Dalan Hangu	SS (H/C) B-18 GHSS Doaba Hangu	Vice Sr:No.638
515	Sami Ullah s/o Zarmat Khan SS (History Cum Civics) B-17 GHSS Eidak NWA	Promoted to BS-18	Place at the disposal of Director of Education FATA
516	Khalil ur Rehman s/o Lair Jan SS (English) B-17 GHSS Kalaya Orakzai Agency	Promoted to BS-18	Place at the disposal of Director of Education FATA
517	Niamat Ali s/o Fazal Ali SS (Biology) B-17 GHSS Dheri Lakpani Mardan	SS Bio B-18 GHSS Dheri Lakpani Mardan	Already Occupied
518	Khalid Iqbal s/o Naseer Khan SS (Biology) B-17 GHSS Lachi Kohat	SS (Biology) B-18 GHSS Lachi Kohat	Already Occupied
519	Muhammad Sawar s/o Muhammad Nisar SS (English) B-17 GHSS Khanpur Dir (L)	Instructor B-18 RITE(M) Timaraghar Dir	Against Vacant Post

**CERTIFIED TO  
BE TRUE COPY**

*Dr. Adnan Khan*  
Barrister  
Dr. Adnan Khan  
Advocate High Court

14

S#	Name of Officers and Designation	To be proposed	Remarks
698	Abdur Rauf SS Chem B-17 GHSS Kath Garh DIK	SS Chem B-17 GHSS No.1 Paharpur DIK	Against Vacant Post
699	Muhammad Ashraf HM B-17 Working on B-18 VP at GHSS Lasan Thakral Manshera	HM B-17 GHS M.M.Pol Manshera	Against Vacant Post
700	Wali Dad Khan SS Stat B-17 GHSS Dakki Charsadda	SS Stat B-17 GHSS Musazai Peshawar	Vice Sr:No.371
701	Alam Said SS Phy B-17 GHSS Nissata Charsadda	SS Phy B-17 GHSS Chamtar Mardan	Against Vacant Post
702	Fazli Rabbi, V/P BS-18 GHSS Tahkal Peshawar	Principal BS-18 GHSS Ormar Peshawar.	Against Vacant Post
703	Sardar Ali, SS Chemistry BS-17 working on BS-18 GHSS Barikot Swat	SS Chemistry BS-17 GHSS Balogram Swat	Vice Sr. No. 424
704	Sajad Ali, SS Bio BS-17 working on BS-18 GHSS Barikot Swat	SS Bio BS-17 GHSS Balogram Swat	Vice Sr. No. 111
705	Saadullah Jan, HM BS-17 GHS Tajori Lakki Marwat	HM BS-17 GHS Top Takhti Khel Lakki Marwat	Vice Sr. No.553

4. No TA/DA will be allowed to the oppointees for joining their duty.

**CHIEF SECRETARY**

Endst: of even No. & Date

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Additional Accountant General Pakistan Revenue Sub Office, Peshawar.
3. PS to Governor Khyber Pakhtunkhwa, Peshawar.
4. PSO to Chief Minister Khyber Pakhtunkhwa, Peshawar.
5. Director, E&SE Khyber Pakhtunkhwa, Peshawar in response to his Letter/Proposal No. .
6. Director, Curriculum & Teacher Education, Abbottabad.
7. Director, Provincial Institute of Teacher Education, Peshawar.
8. Director, Education FATA, FATA Secretariat Warsak Road, Peshawar.
9. Manager Printing Press Khyber Pakhtunkhwa, Peshawar.
10. District Accounts Officers concerned.
11. District Education Officers concerned.
12. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
13. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
14. PS to Minister E&SE Khyber Pakhtunkhwa, Peshawar.
15. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
16. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
17. PA to Additional Secretary E&SED, Khyber Pakhtunkhwa.
18. Incharge EMISE E&SE Department.
19. Officers Concerned may download the Notification from our official website: [www.kpese.gov.pk](http://www.kpese.gov.pk)
20. Office order file.

(MUJEEB-UR-REHMAN)

SECTION OFFICER (SCHOOLS/MALE)

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Barrister

*Dr. Adnan Khan*  
Advocate High Court

Mr. Anwar ul-Hassan PET (15) Anwar ul B<sup>55</sup>

why you left school without permission although I sent you clear directives via Umar Mohammad Peon. You have been assigned Pashto subject with class 8th and have been ignoring your duties. What you will say in this regard?

Principal,  
GHSS, Khwazakhela,  
Distt: Swat.

14/6/16

No. 535 dt. 14/6/16

Copy forwarded to

- 1 - Principal
- 2 - Personal file
- 3 - DEO (M) Swat

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Barrister  
Dr. Adnan Khan  
Advocate High Court



Swat Education Department, Govt. Of Khyber Pakhtunkhwa

# GOVT. HIGHER SECONDARY SCHOOL

Khwaza Khela Swat. Tel: 0946-744050

Email: ghss.kkhela@gmail.com

Web: www.ghsskkhela.sed.edu.pk

EMIS Code: 36564

Ref. No. \_\_\_\_\_

(16)

Date \_\_\_\_\_

NO: 782

DT: 16-X-17

Mr. Anwar-ul-Hassan PET

On 16-X-17, you submitted an application for c/leave, c/leave means to come across an emergency / to meet an emergency. However you came to school on that day at 8/30 am in a last path dress to show that you are in full strength.

Mr. This is a deliberate attempt on your part to evade your duties, to disturb the school discipline and your non-cooperation with undersigned. Therefore your application is hereby rejected.

*[Signature]*  
V.P  
GHSS Kh. Khela

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Barrister *[Signature]*  
Dr. Adnan Khan  
Advocate High Court

آڈیٹ

(17)

دستخط اساتذہ مورخہ 17/11/77

شمارہ الوار الحسن PET

17 - 7

آج ایک چار دن مسلسل leave  
 الجوائن کرنے کے بعد 8/35 بجے صبح سکول تشریف  
 لائے جبکہ سکول کھولنے کا وقت 8/15 بجے ہے۔ اور اس عمل  
 میں موجود نہیں تھے۔ اس عمل کو میں نے اور عباس نے  
 نے کاڈنگ کیا ہے۔ اور پھر ایک سکول میں دس منٹ  
 رہنے کے بعد پھر کسی اجازت کے روئے ہوئے۔  
 اس کو وضاحت سے لکھا جاتا ہے۔ تاہم ایک بار

احقر کو

جی

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Barrister  
 Dr. Adnan Khan  
 Advocate High Court

# STAFF / TEACHER ATTENDANCE REGISTER

For the month of OCTOBER Year 2017

No. 43 No. 44 No. 45 No. \_\_\_\_\_

Name <u>FAZAL-MUHAMMAD</u>					ANWAAR-UL-HUSSAH					HAZRAT UMAR					
Designation: <u>DR</u>					S-PET					SDM					
Date	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.	Sig.	Arr.	Sig.	Dep.
1															
2	8/15		2/20		8/15		2/20								
3	8/15		2/20						8/15		2/20				
4	8/15		2/20						8/15		2/20				
5	8/15		2/20						8/15		2/20				
6	8/15		12/						8/15		12/				
7	8/15								8/15						
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31															

## STATEMENT OF LEAVES TAKEN

	Sick	Casual	Pri	Total	Sick	Casual	Pri	Total	Sick	Casual	Pri	Total	Sick	Casual	Pri	Total
This Month																
Previous		3				11				4						
Total:																

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Barrister  
*Dr. Adnan Khan*  
 Advocate High Court





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the October 26, 2017.

**NOTIFICATION**

**NO.SO(S/M) E&SED/2-1/2017/Akhtar Ali & others:** Posting transfer of the following Officers is hereby ordered on the posts/stations as mentioned against their names in the interest of public service with immediate effect:

S.#	Name & Designation	Transferred To	Remarks
1	Mr. Akhtar Nawab, Vice Principal GHSS Khwazakhel Swat	SSS Economics (BS-18) GHSS Khwazakhela Swat	Vice Sr. No. 2
2	Mr. Fazal Rehman, SSS Economics (BS-18) GHSS Khwazakhela Swat	Vice Principal GHSS Khwazakhel Swat	Vice Sr. No. 1
3	Mr. Ali Shah, SS (English) BS-17 GHSS Dherai Swat	SS (English) BS-17 GHSS Charbagh swat	Vice Sr. No.4
4	Mr. Amir Hamza, SS (English) BS-17 GHSS Charbagh	SS (English) BS-18 GHSS Khwazakhela Swat in his own pay & scale	Against vacant post
5	Dr. Ihsan Ali, SS (Chemistry) BS-17 GHSS Mankiyal Swat	SS (Chemistry) BS-17 GHSS Charbagh Swat	Against vacant post

2. No TA/DA is allowed.

3.

SECRETARY

**Endst: of even No. & Date**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (M), Concerned
4. District Account Officer, Concerned
5. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
6. Incharge EMIS E&SE Department.
7. Officers concerned.
8. Office order file.

(MUJEEB UR-RAHMAN)  
SECTION OFFICER (SCHOOLS MALE)

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*Dr. Adnan Khan*  
Advocate High Court

Annex D

(20)

جناب چیف سیکریٹری صاحب  
کے پی ٹی -

95/1  
3-11-17

براہ :-

عنوان :- اپیل بزرگ خلاف تبادلہ I/R/O اختر نواب ۷/۲۰ خوارزہ خیلہ

از خوارزہ خیلہ - تا SSSb #18 خوارزہ خیلہ

جناب عالی

عرض ہے کہ مجھے #17 SSSb سے ترقی دے کر

#18 Principal ۷/۲۰ خوارزہ خیلہ 16 اپریل 2015 کو لگایا گیا اور تاحال

پوری ایمانداری کیا ہے اپنا فرض منصبی کسی بھی سیاسی تقصیر سے  
بالا تر ہو کر ادا کرتا رہتا ہے۔ اس دوران میرے خلاف کسی قسم کی  
بے قاعدگی کی شکایت نہیں تھی۔

PEET  
جناب عالی! لیکن اس دوران میرا ایک سٹاف ممبر الوار الحسن

جو واضح طور پر سیاسی وابستگی رکھتا ہے۔ میرے ساتھ عدم تعاون  
کرتا رہا۔ اور اپنی ڈیوٹی کو نظر انداز کرتا رہا۔ اور جب بھی میں سکول کا  
ایجنڈہ مقرر ہوتا رہا اس کی عدم موجودگی میں تو وہ میری ساتھ لٹھیا  
رو بہ ایٹا رہا ہے۔ میں نے کسی بار اس کو زبانی اور تحریری طور پر سمجھانا  
رہا۔ وہ ہر بار مجھ سے یہی کہتا کہ وہ مجھے جوابدہ نہیں ہے۔ اور نہ ہی میری  
تحریر کا کوئی جواب دیتا بلکہ مجھے ٹرانسفر کی دھمکیاں دیتا۔

جناب عالی! ایسے تو بے شمار واقعات ہیں جن سے  
کسی معلومت کے تحت چشم پوشی کرتا رہا۔ لیکن چند واقعات  
یہ ہیں جن کو میں نے ریکارڈ کا حصہ بنایا ہے۔

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Advocate High Court

۱۔ 14<sup>6</sup>/<sub>16</sub> کو اس نے حال کو چھوڑ کر اپنا ملاسن چھوڑ دیا۔ میں نے اسے زبانی اور تحریری طور پر آگاہ کیا۔ لیکن اس کا جواب بھی نہیں دیا۔

۲۔ اگست 2017 میں پورے مہینے میں اس کا پتلا نہ رہا۔ اس صحت کے سکول میں ایسے ڈرننگ ملاسن کیا جسے انڈر سٹوڈنٹ سے حکم کر کے اس صحت بخون کی طرف سے مجھے ایم ڈرخواست موصول ہوئی تھی۔ تو میں نے اس سے بات کی۔ اس نے مجھے ٹرانسفر کی دھمکی دی۔

۳۔ 7<sup>x</sup>/<sub>17</sub>۔ ستمبر P.E.T کے بجائے 8/35 کو سکول حاضر ہوا۔ اور دس گھنٹے گزرنے کے بعد احاطہ کے سکول سے چلا گیا۔ میں نے اس کے حوالے میں W.P لکھا اور اس کے ساتھ ہی انڈر ٹیک کے ذریعے اس کو مشہد کیا۔ اگلے روز اس نے W.P کو متاثر نہ کر دیا۔

۴۔ 16<sup>x</sup>/<sub>17</sub> کو اس نے سکول میں رہ کر leave لینے کی درخواست جمع کیا اور پھر اگلے دن سکول میں موجود رہا۔ میں نے اس کی درخواست کو نامنظور کیا اور اس کو تحریری طور پر آگاہ کیا۔ یہ آپ نے شاید اس سے نہ لکھا اور اگلے روز اسے سکول میں دیکھا گیا۔

۵۔ جیسا کہ بالا میں واضح ہے کہ 26<sup>x</sup>/<sub>17</sub> کو اس نے اپنا سبک انڈر ٹیک استعمال کرنے سے پہلے تیار کر لیا۔ مجھے اس پر اعتراض نہیں ہے۔

۶۔ لیکن یہاں یہ عرض ہے کہ میں اس کے ڈیوٹی مانتا ہوں اور خود ڈیوٹی کرتا ہوں۔ عرض ہے کہ میرا انڈر ٹیک کرنے سے پہلے اس کے تصاحب کیا جائے۔ اور اسے اس کے مانتے میں غیر متاثر انداز میں لکھی جائے۔

العارض  
احقر خواجہ U.P  
9.H.S.S حوازہ صلیب

0346-9472944

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Barrister  
Dr. Adnan Khan  
Advocate High Court

# بعدالت خبر مختوخواہ سروکس ٹریبونل شاور



مورخہ 20 مارچ 2018ء منجانب اسٹینٹ  
 مقدمہ اختر نواب  
 دعویٰ سروکس اسٹیل  
 جرم  
**باعث تحریر آنکہ**  
 بنام حکومت وکسرس

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام شاور / کسمبے کوٹ سوائے سٹاڈ سیرس ڈاکٹر عبدالرشید خان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل احتیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم 20 مارچ 2018ء

السید گواہ شہد العیبد

Attested & Accepted

کے لئے منظور ہے

بمقام شاور / سوات

Barrister  
 Dr. Adnan Khan  
 Advocate High Court

احقر نواب دلہ بنت نواب

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

Service Appeal No: 414/2018

**Akhtar Nawab SS(Economics) GHSS Khwaza khela District Swat. .... Appellant.**

**VERSUS**

Secretary E&SE Department, Khyber Pakhtunkhwa & others. .... Respondents

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-4.**

Respectfully Sheweth :-

The Respondents submit as under:-

**PRELIMINARY OBJECTIONS.**

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Tribunal.
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 10 That the instant Service Appeal is barred by law.
- 11 That the Transfer & Posting is the discretionary powers of the competent authority in view of the judgment 2008, SCMR Page-531.
- 12 That the impugned Notification dated 26/10/2017 of the Respondent No: 2 is legally competent & liable to be maintained in favour of the Respondent Department in the interest of justice.
- 13 That the Respondent No: 1-4 are entitled to transfer & posting a Civil Servant anywhere, wherever his services are required by the competent authority.
- 14 That the appellant is working against a BPS-18 Post of Subject Specialist (Economics) / Vice Principal of teaching cadre & is liable to serve the Respondent Department anywhere in the Province against the Teaching Cadre Post (BPS-18).
- 15 That the Respondent Department has acted in view of Sections-10 of Civil Servants Act- 1973.

## ON FACTS

- 1 That Para-1, needs no comments being pertains to the transfer & posting record of the appellant under the mandatory provisions of Section-10 of Civil Servants Act 1973.
- 2 That Para-2 is needs no comments as each & every Civil Servant falling under the ambit of Section-2(b) of Civil Servants Act 1973 is entitled to be posted anywhere in the Province after his selection department. Hence, same is the case with the Respondent No: 5. Therefore, the plea of the appellant for using the posting of the Respondent No: 5 as a shelter for seeking his posting against Vice Principal in the same school is baseless & liable to be dismissed.
- 3 That Para-3 is incorrect & denied on the grounds that each & every Civil Servant is liable to serve his parent Department with his utmost devotion and honesty for the reward & salaries he is being paid from the National exchequer by the Respondent Department.
- 4 That Para-4 is incorrect & denied The appellant has not annexed any cogent proof in support of his plea regarding the affiliation with a Political parity of the Respondent No: 6. Hence, the stance of the appellant cannot be substantiated in the given circumstances of the case being based on mala-fide intentions.
- 5 That Para-5 is also incorrect & denied. The appellant is not competent to issue instructions to the Respondent No: 6 as he is not competent to do so & if any such violation has been occurred, then the matter should have been reported to the District Education Officer(M) Swat for onward submission to the competent authority for taking Departmental action against the Respondent No: 6 under the mandatory provisions of rules-4 of E&D Rules 2011 nor the acting Principal is empowered to do so rather he is supposed to run the day to day affairs of the school as & when he has been directed to do so in acting/adhoc capacity by the competent authority.
- 6 That Para-6 is incorrect & denied. Perusal of the record shows that both the appellant & Respondent No: 6 were not enjoying good working relationship at the said school as both are in BPS-18 & are desirous of sticking to the post of choice. Hence, the stance of the appellant is also liable to be struck down in favour of the Respondents.
- 7 That Para-7 is incorrect & denied on the grounds that transfer & posting of a Civil Servant in the Respondent Department is a routine matter under the mandatory provisions of Section-10 of Civil; Servants Act 973 read with the transfer & postings policy 2009 which has also resulted in the removal of the appellant from the Vice Principal post, vide the impugned Notification dated 26/10/2017 issued by the Respondent No: 2 in view of his legal mandate by posting the Respondent No: 5 at GHSS Khawaza Khela District Swat in best interest of public service . **(Copies of the cited transfer policy 2009 & impugned Notification dated 26/10/2017 are annexed as Annexures A&B).**
- 8 That Para-8 is incorrect & denied. The Departmental Appeal of the appellant is badly time barred & when the Departmental Appeal is time barred then the instant Service Appeal also becomes time barred under the relevant provision of law of limitation Act 1908 & liable to be dismissed.
- 9 That Para-9 is also incorrect & misleading. As no Departmental Appeal has been filed by the appellant against the impugned Notification dated 26/10/2017. Hence, got finality & that is why the appellant has already relinquished his duty charge of the Vice Principal post District Swat in compliance of the Notification under reference dated 26/20/2017. Hence, the appeal of the appellant is liable to be rejected on the following grounds inter alia :-

## GROUND


- A Incorrect & not admitted. The impugned Notification dated 26/10/2017 is within legal sphere as well as in the best interest of public service. Hence, liable to be maintained.
- B Incorrect & not admitted. The adjustment & nomination of the Respondent No: 5 in the result of personal fude & differences between the appellatant & Respondent No: 6 at GHSS Khwaza Khel District Swat. Hence, legally competent & liable to be maintained in favour of the E&SE Department.
- C Incorrect & not admitted. The stance of the appellatant is without any cogent reason, justification & even without proof of political motivation with the submission that both the appellatant & Respondent No: 6 are not enjoying good relations at the said school & has created mutual confrontation. Hence, resulted in the impugned Notification dated 26/10/2017 issued by the Respondent No: 2.
- D Incorrect & not admitted on grounds that tenure is normally upon a place of posting & not upon a certain specific post. Hence, the stance of the appellatant is illegal & without any cogent reason as he has only be removed from the vice. Principal-ship post vide the said Notification & has been allowed to serve the Respondent against the senior Subject Specialist Post (Economics) BPS-18 at the same school which is not falls within the ambit of transfer rather it is an administrative internal changes in the said school for the welfare of the students.
- E Legal. However, the Respondents further seek leave of this Honorable Tribunal to submit additional grounds & case law /record at the time of arguments.

**In view of the above made submissions, it is most humbly requested that this Tribunal may very graciously be pleased to dismiss the instant Service Appeal with cost in favour of the Respondent Department.**

Dated \_\_\_ / \_\_\_ /2018.

  
Secretary

E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondents No:1&2)

  
Director  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 3&4)

## AFFIDAVIT

I, Hameedur Rehman Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

  
Deponent

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

Service Appeal No: 414/2018

**Akhtar Nawab SS(Economics) GHSS Khwaza khela District Swat. .... Applicant.**

**VERSUS**

**Secretary E&SE Department, Khyber Pakhtunkhwa & others. .... Respondents**

**AFFIDAVIT**

I, Hameedur Rehman Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare on oath that the contents of the instant reply to the application are true & correct to the best of my knowledge & belief.

  
Deponent



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

Service Appeal No: 414/2018

**Akhtar Nawab SS(Economics) GHSS Khwaza khela District Swat. .... Appellant.**

**VERSUS**

**Secretary E&SE Department, Khyber Pakhtunkhwa & others. .... Respondents**

**REPLY TO THE SUSPENSION OF THE OPERATION OF THE IMPUGNED NOTIFICATION DATED 26/  
10/2017 FOR & ON BEHALF OF RESPONDENTS No: 1-4.**

Respectfully Sheweth :-

The Respondents submit as under:-

- 1 That Para-I needs no comments.
- 2 That Para-2 is incorrect on the grounds that the case of the appellant is badly time barred. Hence, further seek leave of this Tribunal to submit on the following grounds inter alia :-


**Grounds**

- A Incorrect & denied. The Respondents have got a good prima facie case & its chances of success are very bright.
- B Incorrect. The factor of balance of conveyance is also lies in favour of the Respondents as the case of the appellant is badly time barred.
- C Incorrect. The Respondent No: 2 is competent to remove & adjust the appellant as Senior Subject Specialist in BPS-18 due to his personal fude with the Respondent No: 6 at GHSS Khawaza Khela, Swat resulted in the impugned Notification dated 26/10/2017 & if the operation of the said impugned Notification is not maintained then the Respondent Department shall suffer huge loss of school administration as both the appellant & Respondent No: 6 are not enjoying good relations which is putting negative impact upon the smooth function of the school under reference.

**Therefore, it is humbly prayed that on the acceptance of this reply to, the application in hand may kindly be dismissed with cost.**

Dated \_\_\_/\_\_\_/2018

**Secretary**  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondents No:1&2)

  
**Director**  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 3&4)



AMMEXAMINE  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the October 26, 2017.

**NOTIFICATION**

**NO.SO(S/M) E&SED/2-1/2017/Akhtar Ali & others:** Posting transfer of the following Officers is hereby ordered on the posts/stations as mentioned against their names in the interest of public service with immediate effect:

S.#	Name & Designation	Transferred To	Remarks
1	Mr. Akhtar Nawab, Vice Principal GHSS Khwazakhel Swat	SSS Economics (BS-18) GHSS Khwazakhela Swat	Vice Sr. No. 2
2	Mr. Fazal Rehman, SSS Economics (BS-18) GHSS Khwazakhela Swat	Vice Principal GHSS Khwazakhel Swat	Vice Sr. No. 1
3	Mr. Ali Shah, SS (English) BS-17 GHSS Dherai Swat	SS (English) BS-17 GHSS Charbagh swat	Vice Sr. No.4
4	Mr. Amir Hamza, SS (English) BS-17 GHSS Charbagh	SS (English) BS-18 GHSS Khwazakhela Swat in his own pay & scale	Against vacant post
5	Dr. Ihsan Ali, SS (Chemistry) BS-17 GHSS Mankiyal Swat	SS (Chemistry) BS-17 GHSS Charbagh Swat	Against vacant post

2. No TA/DA is allowed.

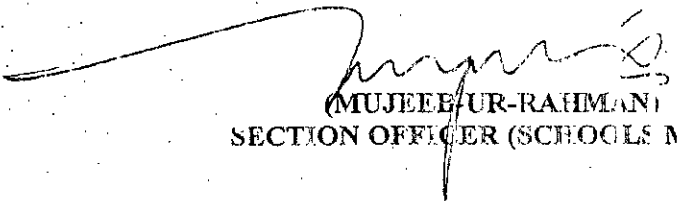
3.

SECRETARY

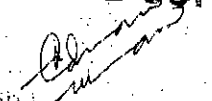
**Endst: of even No. & Date**


Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (M), Concerned
4. District Account Officer, Concerned
5. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
6. Incharge EMIS E&SE Department.
7. Officers concerned.
8. Office order file.


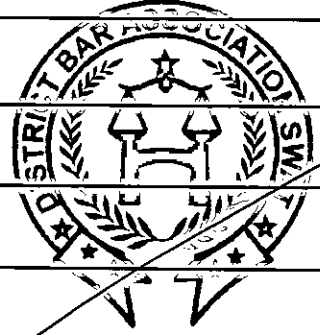
  
(MUJEEB-UR-RAHMAN)  
SECTION OFFICER (SCHOOLS MALE)

**CERTIFIED TO  
BE TRUE COPY**

  
Barrister  
Dr. Adnan Khain  
Advocate High Court

 <p>بار کونسل نمبر: 5899 بار ایسوسی ایشن نمبر: 5899 رابطہ نمبر: 03149923972</p>	<p>بریل نمبر: 47767</p>   <p><b>ڈسٹرکٹ پار ایسوسی ایشن سوات</b></p>
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بعدالت جناب: **صدر سینیٹ سر دھرم سنگھ ڈیپوٹل ایڈووکیٹ کورٹ بمقام محلہ کدہ سیدو سوات**

<p>مخانب: مدعا علیہ نمبر کا (الوزار الحسن) افترا نمبر: 5899 سیکریٹری وغیرہ</p> 	<p>دعویٰ اور درخواست: علت نمبر: مورخہ: جرم: تھانہ:</p> 
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**بابت تحریر آتکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام **کدہ** کیلئے **سیدو سوات ایڈووکیٹس** کو مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سہ سہنگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا نیز دائر کرنے کے لیے نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی ڈیگر وکیل یا مختار قانون کو اپنے ہمزارہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداخت منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا وکالت نامہ لکھ دیا کہ سندر ہے

مقام **سیدو سوات** کے لئے منظور ہے۔

الوزار الحسن (موصوفہ) (6)

Attested & Accepted

SPED KHAN

ایڈووکیٹ دستخط: 

المرقوم: 3/10/18

**BEFORE THE HON'BLE KHYBER PAKHATUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service appeal No: 414 of 2018

Akhtar Nawab

**VERSUS**

Chief Secretary and others

**Comments/Reply on Behalf of Respondent No:6 (Anwar-ul-Hasan)**

*Respectfully Sheweth:*

The Respondent No: 6 submits as under:

**Preliminary Objection:**

- 1) That the appellant has got no cause of action/locus standi against the answering respondent.
- 2) That the appeal is bad for mis-joinder, non-joinder and joinder of the necessary/unnecessary parties.
- 3) That the Transfer and Posting is one of the terms and condition of the civil servant and is the discretionary powers of the competent authority in view of the *ratio decidendi* rendered by the Apex court in the case reported as 2008 SCMR 531.
- 4) That the respondents No: 1 to 4 are vested with the powers to transfer and post a civil servant anywhere in the public interest, wherever his services are required.

- 5) That the appellant is working against the post of BPS-18 as a Subject Specialist(Economics) of teaching Cadre and is liable to serve the respondent Department anywhere in the province against the said teaching cadre post.
- 6) That the appeal in hand is time barred and also not maintainable.
- 7) That from the record, it is established that the appellant is not transferred from the same school rather he has been relieved from the post of vice principal only.
- 8) That the charges/allegations leveled against the answering respondent by the appellant have already been turned down by the principal vide letter No: 826 dated: 13/9/2018.

**Objection On facts:**

- 1) No comments, being factual.
- 2) No comments, being factual.
- 3) No comments, however the ability and credibility of a Govt: servant always reflects from his personal file which has not been annexed with the instant appeal. Moreover, self praise has no recommendation.
- 4) Denied. No materials whatsoever are available on record to connect the answering respondent with any sort of political activities or affiliations. The allegation is baseless and the appellant try to hide himself behind it.
- 5) Denied. The answering respondent has never been served by such directions or instructions from the appellant and if for

the sake of arguments, these have been served upon the answering respondent, then there must be replies of the answering respondent to those forged and concocted directions/ instruction/ explanation to them (annexure B). Moreover, the vice principal of a school have no say in the administrative work of a school in presence of a principal. It is also worth mentioning that no official endorsement/ dispatch reflect from the documents annexed as annexure (B) by the appellant. Needless to mention that the answering respondent reserve the right of claiming damages from the appellant in a competent forum for the derogatory remarks and baseless allegations in due course of time.

6) Denied. A clumpy and ridiculous base has been built by the appellant to make his transfer illegal, by attributing threats to the answering respondent. The answering respondent has never ever threatened the appellant in the discharge of appellant's duties and has always tried to remain cooperative. Moreover, neither any kind of affidavit and report in this behalf to the high ups regarding the alleged unbecoming attitude of the answering respondent.

7) Denied. The answering respondent has no authority to transfer the appellant. Even the transfer of answering respondent is also at the disposal of the Directorate of E&SE KPK. Being a Govt: servant one has to perform one's duties at any station transferred to by the competent authority and challenging that transfer is illegal and amounts to misconduct and is equal to lack of sense of responsibility. Moreover, the charges/allegations leveled against the answering respondent by the appellant have already been turned down by the principal vide letter No 826 dated 13/9/2018. ( letter No:826 dated: 13/9/2018 as attached as annexure "A" )

8) Denied. Being unaware.

9) Irrelevant.

On Grounds:

- a) Incorrect. The transfer of the appellant is in accord with the existing policy of posting and transfer.
- b) Incorrect, therefore, denied. It is the sole prerogative of the competent authority to assign any duty to any Govt; servant/teacher. Moreover, the appellant is the Subject Specialist in Economics and has rightly been transferred to his original post/position. Hence no illegality or divergence from the existing policy has occurred.
- c) Incorrect, hence denied. No mention of name of political elite floats on record except the lame excuse by the appellant. More so, the appellant is still in the same school.
- d) Denied. As stated earlier, the appellant is still in the same school and he has been only relieved from the post of vice principal.
- e) Legal. However with leave of this Hon'ble Tribunal additional grounds will be given at the time of arguments.

It is therefore humbly prayed that by accepting the reply, the instant appeal may very graciously be dismissed with special compensatory cost for the answering respondent for dragging to this Hon'ble Tribunal without any plausible reason.

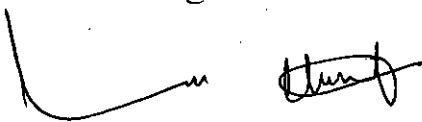
Affidavit:

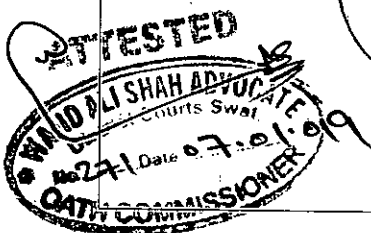
I Anwar ul Hassan do hereby solemnly affirm and declare on oath that the contents of the instant parawise comments/reply are true and correct to the best of my knowledge and belief.

Deponent  
Anwar ul Hassan

Respondent No: 6

Through counsel

  
Saeed Khan & Abdul Nasir  
Advocates





**OFFICE OF THE PRINCIPAL GOVT HIGHER SECONDARY SCHOOL**  
**KHWAZA KHELA DISTRICT SWAT**

No 826 /-

Dated 13/ 9/2018

To: - The District Education Officer (M)  
Distract Swat.

Subject: COMMENTS IN THE CASE TITLED AKHTAR NAWAB SS. GHSS KHWAZA KHELA


Dear Sir,

It is referring to your esteemed office letter NO: 1888 dated 03.09.2018. The charges framed against Mr. Anwarul Hassan PET by the Ex-Vice Principal Mr., Akhtar Nawab are based & based on personal grudges.

As a principal of the school, I have found Mr. Anwarul Hassan PET as polite, Obedient, Cooperative Punctual. He is professionally competent.

It merits to mention here that Ex-V/P has never brought his graveness to the principal in written form. The report is hereby submitted for perusal & further guidance please.

It further added that I am fully satisfied from the duties of present vice principal Mr., Fazal Rahman.

  
(ABDULLAH SHAH)  
PRINCIPAL GHSS  
KHWAZA KHELA SWAT

Principal,  
GHSS, Khwaza Khela,  
Distt Swat.