

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1442/2018

Date of institution ... 29.11.2018

Date of judgment ... 26.03.2019

Muhammad Gohar S/O Gul Rehman Senior Clerk
Government Girls Higher Secondary School Sufaid Sang, Peshawar.

... (Appellant)

VERSUS

1. Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar at Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Assistant Director (Admn) Directorate of Elementary & Secondary Education Peshawar.
4. District Education Officer Female Peshawar (DEO).

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OFFICE ORDER NO. 316-22/F.NO.01/A-23/MS/PESHAWAR-II DATED 01.08.2018 AND IMPUGNED OFFICE ORDER NO. 1529-35/A-23/MS/ CORRIGENDUM/PESHAWAR DATED 18.09.2018 WHEREBY THE APPELLANT WAS TRANSFERRED FROM GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL SUFAID SANG PESHAWAR TO DEO (F) TORGHAR WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS DISMISSED. IMPUGNED ORDER NO. 6608/F.1/A-23/MS/PESHAWAR-II ON DATED 27.11.2018.

Mr. Saghir Iqbal Gulbela, Advocate

.. For appellant.

Mr. Muhammad Jan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Arshed Ali, ADO for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Senior Clerk. He was transferred from Government Girls Higher Secondary School Sufaid Sang Peshawar to the office of DEO (Female) Torghar vide order dated 01.08.2018. Later on corrigendum was issued on 18.09.2018 that in the order dated 01.08.2018 the word Junior Clerk will be read as Senior Clerk. The appellant filed departmental appeal on 24.09.2018 which was rejected on 27.11.2018 hence, the present service appeal on 29.11.2018.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was transfer to Government Girls Higher Secondary School Sufaid Sang Peshawar on 19.09.2017 but he was transferred from Government Girls Higher Secondary School Sufaid Sang Peshawar to the office of DEO (Female) Torghar vide order dated 01.08.2018 just after eleven months without completing his normal tenure. It was further contended that the said transfer order is violation of transfer posting policy/rules. It was further contended that normal tenure as per transfer posting policy is three years but the respondent-department has ignored the said policy. It was further contended that the appellant belong to Peshawar and the present post of Senior Clerk is a district cadre post but the appellant was transferred malafidely by the respondent-department to a far flung area in other district. It was further contended that the post of Senior Clerk in Government Girls High Secondary School is still vacant as no other employee has been transferred by the respondent-department in the place of appellant and the appellant has not relinquish the charge so far therefore, it was contended that the impugned premature transfer order is illegal and liable to be set-aside and prayed for acceptance of appeal.

M. Amin
26.13.2019

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving as Senior Clerk in Education Department. It was further contended that under Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 a civil servant is liable to serve anywhere in the province and he cannot claim posting of his own choice. It was further contended that the post of senior clerk is not a district cadre post rather the same is a provincial cadre post. It was further contended that the appellant remained eleven months in the said school therefore, he was rightly transferred and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Education Department as Senior Clerk. Earlier he was transferred to the post of Senior Clerk at Government Girls Higher Secondary School Sufaid Sang Peshawar vide order dated 19.09.2017. The record further reveals that he was transferred from the said school to the office of DEO (F) Torghar vide order dated 01.08.2018 after eleven months. Meaning thereby that he was prematurely transferred from Government Girls Higher Secondary School Sufaid Sang Peshawar to the office of DEO (F) Torghar against the class (1) &(iv) of transfer posting policy notified by the Provincial Government read with letter of the Establishment Department dated 27.02.2013 pertaining transfer etc, attention drawn to para-2 of the said letter which is reproduced below

Tenure, Posting and Transfer: When the ordinary tenure for a posting has been specified in the law or rules made there-under, such tenure must be respected and cannot be varied, except for compelling reasons which should be recorded in writing and are judicially reviewable.

M. Amin
26.3.2019

7. Both the parties were confronted as to whether there is any complaint against the appellant but they stated at the bar that there is no complaint against the appellant, therefore, we are of the considered view that the impugned order of transfer of the appellant was passed prematurely hence, the same is illegal, unlawful, not tenable in the eyes of law and liable to be set-aside. As such, we accept the appeal, set-aside the impugned transfer order of the appellant. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

26.03.2019



(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

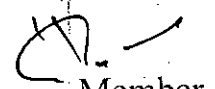
19.02.2019

Appellant in person present. Arshid Ali ADO representative of the respondent department present. Written reply not submitted on behalf of respondent department ~~submitted~~. Representative of the respondent department seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 12.03.2019 before S.B.


Member

12.03.2019

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Hayat Assistant Director present. Written reply submitted on behalf of respondents. Adjourn. To come up for rejoinder/arguments on 26.03.2019 before D.B


Member

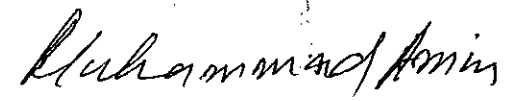
26.03.2019

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Arshed Ali, ADO for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we are of the considered view that the impugned order of transfer of the appellant was passed prematurely hence, the same is illegal, unlawful, not tenable in the eyes of law and liable to be set-aside. As such, we accept the appeal, set-aside the impugned transfer order of the appellant. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
26.03.2019


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.12.2018

Appellant with counsel present. Preliminary arguments heard.

Through the present service appeal the appellant (Senior Clerk) has challenged his posting/transfer order dated 01.08.2018 through which he was transferred from Government Girls Higher Secondary School Sufaid Sang Peshawar to the office of DEO (F) Tor Gher. The appellant has also challenged the order dated 17.11.2018 issued on the departmental appeal of the appellant.

Points raised need consideration. The appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 08.01.2019 before S.B

Appellant Deposited
Security & Process Fee

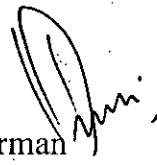
Annexed with the memo of appeal is an application for interim relief. Notice of the same be also given to the respondents for the date already fixed as 08.01.2019 before S.B.


Member

08.1.2019

Appellant in person. Nemo for the respondents.



Notices be repeated to respondents for attendance and submission of written reply/comments on 19.02.2019 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1442/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/11/2018	<p style="text-align: center;">The appeal of Mr. Muhammad Gohar presented today by Mr. Javed Iqbal Gulbella 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;"> REGISTRAR 29/11/18</p>
2-	07/12/2018	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/12/2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

APPROVED
Secretary & Registrar

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 1442 /2018

Muhammad Gohar

VERSUS

Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar and Others

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5.	Copy of CNIC	"A"	15
6.	Copy of notification 5018/5218/A-23/MS/Promotion JC to SC/2017	"B"	16-19
7.	Copy of the office order NO. 3420-23/F.NO.01/A-23/MS/PESHAWAR-I dated Peshawar the 19/09/2017	"C"	20
8.	Copy of the impugned office order No. 316-22/F.NO.01/A-23/MS/PESHAWAR-II dated 01-08-2018 and impugned Corrigendum office order NO. 1529-35/A-23/MS/CORRIGENDUM/ PESHAWAR dated 18/09/2018	"D & E"	21-22
9.	Copies of the departmental appeal and impugned office order No. 6608/F.NO1.A-23/MS/ PESHAWAR-II dated 27/11/2018	"F & G"	23-24
10.	Copies of office order NO. SO(SM)E&SED/3-2/2018/MISC dated September, 24 2018 and " <i>Certificate of Transfer of Charge</i> "	"H & I"	25-26
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Dated: 29/11/2018

Through

M. Qureshi
APPELLANT

Saghir Iqbal Gulbela
&

Javed Iqbal Gulbela

Advocates, High Court
Peshawar.

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk
Peshawar

(1)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1693

Dated 29-11-2018

In Re S.A. 1442 /2018

Muhammad Gohar S/O Gul Rehman Senior Clerk,
Government Girls Higher Secondary School Sufaid
Sang, Peshawar.

.....Appellant

VERSUS

1. Secretary Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar at Civil Secretariat
Peshawar.
2. Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.
3. Assistant Director (Admn) Directorate of Elementary
and Secondary Education Peshawar.
4. District Education Officer Female Peshawar (DEO)

....Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
OFFICE ORDER NO.316-22/F.NO.01/A-
23/MS/PESHAWAR-II DATED 01-08-2018
AND IMPUGNED OFFICE ORDER
NO.1529-35/A-23/MS/ CORRIGENDUM/
PESHAWAR DATED 18/09/2018
WHEREBY THE APPELLANT WAS
TRANSFERRED FROM GOVERNMENT
GIRLS HIGHER SECONDARY SCHOOL
SUFaid SANG PESHAWAR, TO DEO (F)
TORGHAR WHEREBY DEPARTMENTAL
APPEAL OF THE APPELLANT WAS
DISMISSED, IMPUGNED ORDER
NO.6608/F.NO.1/A-23/MS /PESHAWAR-II
ON DATED 27/11/2018.**

Filed to-day

Registrar

29/11/18

Respectfully Sheweth:

1. That the Appellant is naturally born bonafide citizen of the Islamic Republic of Pakistan and hails from a respectable family. **(Copy of CNIC is annexed herewith as annexure "A")**

2. That the Appellant is presently serving as Senior Clerk, Government Girls Higher Secondary School Sufaid Sang, Peshawar in the Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

3. That infact the Appellant was inducted into service as Junior Clerk via competitive examination arranged and hold by District Education Officer Peshawar in 1991, and the appellant was promoted to Senior Clerk on 30/05/2017 office notification 5018/5218/A-23/MS/Promotion JC to SC/2017, and on promotion the appellant was transferred to Government Higher Secondary School Khanpur Dir Lower. **(Copy of notification 5018/5218/A-**

23/MS/Promotion JC to SC/2017 is annexed herewith as annexure "B").

4. That from Government Higher Secondary School Khanpur Dir Lower the Appellant was transferred to Government Girls Higher Secondary School Sufaid Sang, Peshawar just after four months through office order NO.3420-23/F.NO.01/A-23/MS/PESHAWAR-I dated Peshawar the 19/09/2017. **(Copy of the office order NO. 3420-23/F.NO.01/A-23/MS/PESHAWAR-I dated Peshawar the 19/09/2017 is annexed as annexure "C")**

5. That while being posted here at Government Girls Higher Secondary School Sufaid Sang, Peshawar the respondents without observing the tenure policy of the Government of Khyber Pakhtunkhwa and by violating the normal course of transfer and posting rules, the Appellant was abruptly transferred out from the Government Girls Higher Secondary School Sufaid Sang, Peshawar vide the impugned office order No. 316-22/F.NO.01/A-23/MS/PESHAWAR-II dated 01-08-2018

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and impugned Corrigendum office order NO.1529-35/A-23/MS/ CORRIGENDUM/ PESHAWAR dated 18/09/2018, circulated from the office respondent No.2, which news of such stunning transfer fall upon the Appellant like bolt from the blue. (Copy of the impugned office order No. 316-22/F.NO.01/A-23/MS/PESHAWAR-II dated 01-08-2018 and impugned Corrigendum office order NO.1529-35/A-23/MS/ CORRIGENDUM/ PESHAWAR dated 18/09/2018 are annexed herewith as annexure "D & E")

6. That feeling aggrieved the Appellant moved departmental appeal to the Secretary Government of Secondary and Elementary Education Khyber Pakhtunkhwa Peshawar on 24/09/2018 which was decided ambiguously impugned office order No.6608/F.NO1.A-23/MS/PESHAWAR-II dated 27/11/2018 and indirectly dismissed the departmental appeal of the appellant with direction as " I am directed to refer to your appeal dated Nil on the subject cited above and to ask you to take charge at your new assignment at District Education Office (Female)

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Torghar Immediately". (Copies of the departmental appeal and impugned office order No. 6608/F.NO1.A-23/MS/PESHAWAR-II dated 27/11/2018 is annexed as annexure "F & G")

7. That thus feeling aggrieved and having no other remedy available elsewhere, the Appellants approaches this Hon'ble Tribunal for recognition, acknowledgment & enforcement of his due and vested rights, in shape of cancellation of impugned transfer order, upon the following grounds inter alia:-

Grounds:

- A. That there exist no other expedient-cum-expeditious and adequate remedy available elsewhere, hence the instant petition under the extraordinary jurisdiction of this August court.
- B. That the Appellant is a naturally born bonafide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of

the land, interpreted, guaranteed and enforced by the laws of the land.

- C. That impugned transfer order is illegal, unlawful, coram nonjudice, void at ab initio and is liable to be recalled and cancelled.

- D. That as per the transfer and posting policy, of the Government of Khyber Pakhtunkhwa the normal tenure is three years, which is blatantly violated here again and again for the appellant by the Respondents.

- E. That the normal tenure can only be bypassed and overlooked in exceptional cases and the reasons must be detailed out in the transfer order, which reason are not only missing in the instant case, but as well as there exists no exceptional circumstances.

- F. That persistent transfer and posting orders not only minimize the potential and capabilities of Civil Servants but as well as it, inversely, accumulates its share to already unfettered discretionary powers of the Competent Authorities which is always checked down by the Superior Court of the land.

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K. That the impugned transfer order is the result of mal interference of the political persons/leader in the executive/administrative matter of Government which is clearly proved from the impugned office order where departmental appeal was ambiguously dismissed. The malafide of the Respondents is also cleared from the office order NO. SO(SM)E&SED/3-2/2018/MISC dated September, 24 2018 whereby the Respondents admitted Political interference/pressure in the case of appellant. The malafide of the Respondent is further clear and prove from the "*Certificate of Transfer of Charge*" of the Principal Government Girls Higher Secondary School Sufaid Sung Peshawar, officer order 56-60 dated: 18/09/2018 as the impugned transfer order was made on 18/09/2018 than how principal of the said School issued the "*Certificate of Transfer of Charge*" on the same day i.e. 18/09/2018 as well as the appellant did not signed the said certificate but even then he was relieved to work which is violation of law. (Copies of office order NO. SO(SM)E&SED/3-2/2018/MISC dated September, 24 2018 and "*Certificate of Transfer of Charge*" are annexed as annexure "H & I")

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L. That any other ground not raised here may kindly be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant appeal the impugned office order No.316-22/F.NO.01/A-23/MS/PESHAWAR-II dated 01-08-2018 and impugned office corrigendum order No.1529-35/A-23/MS/ CORRIGENDUM/ PESHAWAR dated 18/09/2018 of the office of respondent No.2 may graciously be set aside and cancelled and the Appellant be allowed to serve as Senior Clerk Government Girls Higher Secondary School Sufaid Sang, Peshawar.

Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in the circumstances of the case.

Dated: 29/11/2018

Through

MS. [Signature]
APPELLANT
[Signature]
Saghir Iqbal Gulbela
&
Javed Iqbal Gulbela
Advocates, High Court
Peshawar.

CERTIFICATE:-

As per instructions of my client no such appeal has earlier been filed by the Appellant before this Tribunal.

[Signature]
Advocate.

LAW BOOKS:-

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Civil Servant Act.
3. Khyber Pakhtunkhwa Service Tribunal Act.
4. Case Law according to need.

[Signature]
Advocate.

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Muhammad Gohar

VERSUS

Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar and Others

AFFIDAVIT

I, Muhammad Gohar S/O Gul Rehman Senior Clerk,
Government Girls Higher Secondary School Sufaid Sang,
Peshawar, do hereby solemnly affirm and declare that all
the contents of the accompanied **appeal** is true and correct
to the best of my knowledge and belief and nothing has
been concealed or withheld from this Hon'ble Tribunal.

M. Gohar
DEPONENT

Identified By: *J. Iqbal Gulbela*
Javed Iqbal Gulbela
Advocate High Court
Peshawar.



(11)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Muhammad Gohar

VERSUS

Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar and Others

ADDRESSES OF PARTIES

APPELLANT.

Muhammad Gohar S/O Gul Rehman Senior Clerk,
Government Girls Higher Secondary School Sufaid
Sang, Peshawar.

RESPONDENTS:

1. Secretary Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar at Civil Secretariat
Peshawar.
2. Director Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.
3. Assistant Director (Admn) Directorate of Elementary
and Secondary Education Peshawar.
4. District Education Officer Female Peshawar (DEO)

Dated: 29/11/2018

Through

M. Gohar
APPELLANT

Saghir Iqbal Gulbela
Saghir Iqbal Gulbela

Javed Iqbal Gulbela
**&
Javed Iqbal Gulbela**

Advocates, High Court
Peshawar.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re C.M No# _____ / 2018

In Re S.A _____ /2018

Muhammad Gohar

VERSUS

Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar and Others

**APPLICATION FOR SUSPENSION OF IMPUGNED
OFFICE ORDER NO.316-22/F.NO.01/A-
23/MS/PESHAWAR-II DATED 01-08-2018 AND
IMPUGNED OFFICE CORRIGENDUM ORDER
NO.1529-35/A-23/MS/ CORRIGENDUM/ PESHAWAR
DATED 18/09/2018 AND THE APPELLANT BE
ALLOWED TO WORK ON HIS POST AT
GOVERNMENT GIRLS HIGHER SECONDARY
SCHOOL SUFAID SANG, PESHAWAR TILL THE
FINAL DISPOSAL OF THE ACCOMPANIED
APPEAL**

RESPECTFULLY SHEWETH,

- 1.That the petitioner is filing the accompanying appeal, the contents of which may graciously be considered as integral part and parcel of the instant petition.
- 2.That prima facie case exists in favour of the Petitioner.
- 3.That balance of convenience is also lies in favor of Petitioner and his quite sanguine of his success.

4. That if the instant application is not allowed the petitioner shall suffer irreparable loss.



It is, therefore, most humbly prayed that on acceptance of the instant application the *impugned office order No.316-22/F.NO.01/A-23/MS/PESHAWAR-II dated 01-08-2018 and impugned office corrigendum order No.1529-35/A-23/MS/CORRIGENDUM/ PESHAWAR dated 18/09/2018* may kindly be suspended and the appellant be allowed to work on his post at Government Girls Higher Secondary School Sufaid Sang, Peshawar till the final disposal of the accompanied appeal in the best interest of justice.

Any other relief not specifically asked for may also graciously be extended in favour of the petitioner in the circumstances of the case.

Dated: 29/11/2018


APPELLANT

Through


Saghir Iqbal Gulbela
&

Javed Iqbal Gulbela
Advocates, High Court
Peshawar

14

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re C.M No# _____ / 2018
In Re S.A _____ / 2018

Muhammad Gohar

VERSUS


Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa Peshawar and Others

AFFIDAVIT

I, Muhammad Gohar S/O Gul Rehman Senior Clerk,
Government Girls Higher Secondary School Sufaid Sang,
Peshawar, do hereby solemnly affirm and declare that the
contents of the instant **application** are true and correct to
the best of my knowledge and belief and nothing has been
concealed from this Hon'ble Tribunal.

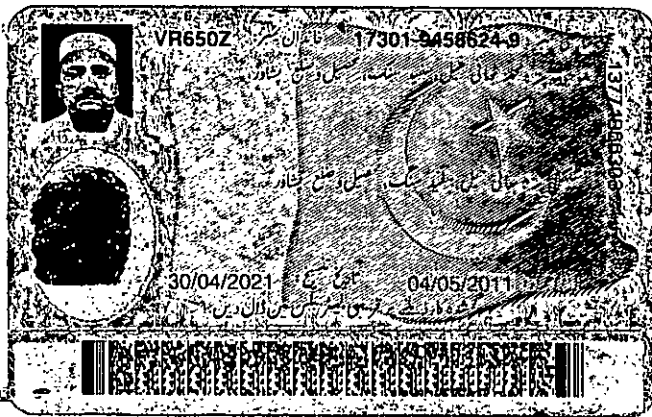
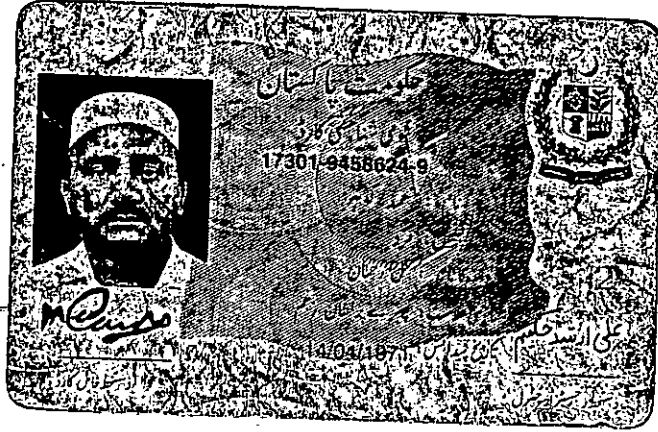

DEPONENT

Identified By:


JAVED IQBAL GULBELA
Advocate High Court
Peshawar



Annexe - A



~~ATTESTED~~

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Annexure - B

NOTIFICATION.

Consequent upon the recommendations of Departmental Promotion Committee (DPC) in its meeting held on 24.5.2017, the following Junior Clerks (B-11)/Assistant Store Keepers (B-5)/Lab Assistants (B-7) working in and under the Directorate of E&SE/DC&TE/ FATA/PITE are hereby promoted to the post of Senior Clerks (B-14) on regular basis and posted/adjusted against vacant post of Senior Clerks BPS-14 in the office/school as noted against each in the interest of public service with immediate effect:-

S.#	Sen #	Name/Design	Father's Name	Present place of posting	place of posting as S/Clerk	Remarks
1	4	Imtiaz Ali Lab Asstt	Fazli Qadir	GHSS Pirsaddi Mardan	GHSS Pir Saddi Mardan	Against Vacant post
2	29	Islam Gul J/Clerk	Israr Gul	PITE Peshawar	Directorate PITE Peshawar	Already occupied
3	31	Taj Muhammad J/Clerk	Gul Rab Khan	GHS Zardana SWA	Services placed at the Disposal of DE FATA	
4	40	Izzat Muhammad Lab Asstt	Muhammad Khaliq	GHSS Mazdoor Abad Mardan	GGHSS Takht Bai Mardan	Against Vacant post
5	49	Farid Khan J/Clerk	Rab Nawaz	GHS Said Khan Kot SWA	Services placed at the Disposal of DE FATA	
6	50	Niaz Bad Shah J/Clerk	Lal Badshah	PITE Peshawar	Directorate PITE Peshawar	Already occupied
7	51	Gauhar Ali J/Clerk	Hayat Gul	GHS Ghazgi Charsadda	DEO (M) Charsadda	Against Vacant post
8	52	Ghulam Shahi J/Clerk	Gul Amin	GHS Din Muhammad Korona FR Tank	Services placed at the Disposal of DE FATA	
9	55	Mehir Dil Khan J/Clerk	Qalander Shah	AEO Orakzai Agncy	Services placed at the Disposal of DE FATA	
10	56	Muhammad Tahir Lab Asstt	Khar Bahadar	GHSS Mazdoor Abad Mardan	SDEO (M) Takht Bhai	Against Vacant post
11	62	Nasim Gul J/Clerk	Umar Khitab	PITE Peshawar	Directorate PITE Peshawar	Already occupied
12	70	Shahid Khan J/Clerk	Abdur Raziq	GGHS Tarkha NSR	GHSS Jabbi Nowshera	Against Vacant post
13	71	Reyatullah J/Clerk	Zafar Khan	GHS Ragna Sar FR D.I.K	Services placed at the Disposal of DE FATA	
14	83	Isam Khan J/Clerk	Gulapur Khan	DEO (F) Karak	GHSS Chanda Khuram Karak	Against Vacant post
15	86	Khalid Mehmood J/Clerk	Samundar Khan	Abbottabad	DEO (M) Torghar	Against Vacant post
16	87	Saif Ul Islam J/Clerk	Bashir Ahmad	GGHS Bughdada Mardan	GHSS Bughdada Mardan	Against Vacant post
17	88	Javed Akbar J/Clerk	Muhammad Akbar	PITE Peshawar	Directorate PITE Peshawar	Already occupied
18	91	Mukhtiar Ali J/Clerk	Sabz Ali	GGHS Haryan Swabi	DEO (F) Swabi	Against Vacant post
19	92	Sirajuddin J/Clerk	Pir Mohammad	GDC Jamrud Khy Agny	Services placed at the Disposal of DE FATA	

~~ATTESTED~~

173	275	Muhammad Ijaz J/Clerk	Malik Aman	GGHS Moorat Maira Mansehra	SDEO (F) Torghar	Against Vacant post
174	277	Faiz ur Rehman J/Clerk	Raees Khan	GGHS Warana Karak	DEO (M) Karak	Against Vacant post
175	278	Qazi Syed Anwar Shah J/Clerk	Qazi Syed M. Shah	SDEO (M) Karak	SDEO (M) Karak	Against Vacant post
176	279	Said Muhammad J/Clerk	Sher Muhammad	GHS Jabba Khush NSR	GHSS Shaidu NSR	Against Vacant post
177	280	Muhammad Nazir J/Clerk	Muhammad Suleman	GHS Mir Pur A. Abad	Services placed at the disposal of DEO (M) Kohistan	
178	281	Ghulam Sarwar J/Clerk	Karim Jan	GGHS No.1 Pabbi	GGHSS Muhib Banda Nowshera	Against Vacant post
179	282	Zakir Hussain J/Clerk	Gulzar Khan	GGHS Turlandi Swabi	GGHSS Dagai Swabi	Against Vacant post
180	283	Musafar Khan J/Clerk	Abdur Rauf	GHSS Khushgi Payan NSR	SDEO (M) Nowshera	Against Vacant post
181	284	Alif Zada J/Clerk	Amir Zada	GHS Baghbanpura Akora Khattak NSR	DEO (M) Nowshera	Against Vacant post
182	286	Abdul Haleem J/Clerk	Shahib Khan	GHS Town Committee Karak	DEO (M) Karak	Against Vacant post
183	288	Jamal Ud Din J/Clerk	Abdur Rahman	GGHSS Kabal Swat	SDEO (M) Samar Bagh	Against Vacant post
184	289	Fazli Raziq J/Clerk	Fazli Khaliq	GHSS Panj Pir Swabi	GHSS Panjpir Swabi	Against Vacant post
185	290	Shujaud Din J/Clerk	Saraf ud Din	GHS Shahqadar Fort, Charsadda	GHSS Kata Khat Mardan	Against Vacant post
186	292	Abdul Aziz J/Clerk	Abdul Hameed	SDEO (F) Nowshera	SDEO (F) NSR	Against Vacant post
187	294	Rahmatullah J/Clerk	Abdur Rashid	DEO (M) Swat	GCMHSS Timergara Dir (L)	Against Vacant post
188	295	Mir Bashir J/Clerk	Deedar Gul	GGHSS Nowshera Cantt	GGHSS Nowshera Cantt	Against Vacant post
189	296	Tariq Ali J/Clerk	Bakht Rawan	DEO (M) Swat	SDEO (M) Timargara Dir Lower	Against Vacant post
190	297	Nadir Khan J/Clerk	Azim Gul	GHS Dagi Banda NSR	GGHSS AZAKHEL BALA NSR	Against Vacant post
191	298	Iftikhar Mohammad J/Clerk	Gul Mohammad	GGHS Par Hoti Mardan	GGHSS RUSTAM KHEL MARDAN	Against Vacant post
192	299	Mohammad Saeed J/Clerk	Abdul Malik	GHS Hoti Landaki Mardan	GGHSS NO.1 MARDAN	Against Vacant post
193	300	M/KARIM J/Clerk	FATEH KHAN	GHS Haji Muhammad Noor Kali Peshawar	GGHSS ALO MARDAN	Against Vacant post
194	301	Amir Ali J/Clerk	Umar Wahid	GHSS Sher Garh Mardan	GHSS SHERGARH MARDAN	Against Vacant post
195	302	Iqrar Ahmad J/Clerk	Ali Jan	GGHS Marghuz Swabi	GGHSS BAJA SWABI	Against Vacant post
196	303	Abdul Khaliq J/Clerk	Sain Muhammad	GHS Jaba Mansehra	GHSS Thakot Battagram	Against Vacant post
197	305	MUHAMMAD GOHAR J/Clerk	GUL REHMAN	GSMDHS Mathra Peshawar	GHSS Khanpur Dir Lower	Against Vacant post

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198	308	Muhammad Zahid Khan J/Clerk	Mughal Khan	GHS Shaghali Payan Peshawar	GHS Gul Bela Peshawar	Against Vacant post
199	309	Abdul Nasir J/Clerk	Amir Zada	GGHS School Sherpao CHD	GHSS Garhi Kapura Mardan	Against Vacant post
200	310	MUMTAZ GUL J/Clerk	TAJ GUL	GHS Haryankot Mkd	DEO (M) Malakand	Against Vacant post
201	311	Mushtaq Hussain J/Clerk	Fazal Shah	Directorate E&SE kpk	GHSS Ikarimpur Mardan	Against Vacant post
202	313	MUTAHER ZAIB J/Clerk	MIAN GUL	SDEO (M) Dargai MKD	SDEO (M) Dargai MKD	Against Vacant post
203	314	NASIB KHAN J/Clerk	GUL BADSHAH	GHS G.U.Khel MKD	GHSS Shakhakat No.1 MKD	Against Vacant post
204	315	ISHAQ MUHAMMAD J/Clerk	SALAR MUHAMMAD	GHS Matkan: MKD	SDEO (M) Malakand	Against Vacant post

(Consequential Transfers)

The following posting/transfer/adjustment in respect of following Junior & Senior Clerks of E&SE District Karak, Charsadda & DIKhan are hereby ordered on their own pay and BPS in the interest of public service with effect from the date of their taking over charge:-

S.#	Name & Designation	Present posting	Adjusted at	Remarks
1	Saifullah J/Clerk	Working against S/C post at CGHSS Karak	J/Clerk GGHSS Karak	Against vacant post
2	Tamheed J/Clerk	Working against S/C post at DEO (M) Charsadda	GHS Munshiano Killi Charadadda	Against vacant post
3	Attiqullah S//C	DEO (M) Karak (under transfer to GGHSS Karak)	GHSS Karak	Vice S.No.4
4	Dakhil Badshah S/C	GHSS Karak	GHSS Jandrai Karak	Against vacant post
5	Niamatullah S/C	GHSS Darban Kallan DIK	GHSS Hathala DIK	Against vacant post

Note:-

1. Charge reports should be submitted to all concerned.
2. They will be on probation for one year, extendable for another term of one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

(Muhammad Rafiq Khattak)
DIRECTOR

Endst: No 5018-5218/A-23/MS/Promotion JC to SC/ 2017. Dated Peshawar the 30/5/2017

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


- 1) Account General, Khyber Pakhtunkhwa, Peshawar.
- 2) Director Curriculum & Teacher Education, Khyber Pakhtunkhwa, Abbottabad.
- 3) Director of Education (FATA) Peshawar.

ATTESTED

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- 4) Director PITE, Khyber Pakhtunkhwa, Peshawar.
- 5) District Education Officers (Male & Female) concerned.
- 6) Agency Education Officers concerned.
- 7) District Accounts Officers concerned.
- 8) Principals/ Headmasters/Headmistress concerned.
- 9) Principal Govt: Vocational School for Women Peshawar.
- 10) Sub: Divisional Education Officers (Male & Female) concerned.
- 11) Assistant Director (Exam) at PITE Peshawar.
- 12) Officials concerned.
- 13) PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 14) PA to Additional Director (Estab) E&SE Khyber Pakhtunkhwa, Peshawar.
- 15) Master File.

W/ 2017
30/5/2017


Assistant Director (Admn)
Directorate E&SE Khyber Pakhtunkhwa
Peshawar


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Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

Annexure - "C"

Mr. Muhammad Gohar Senior Clerk, GESS Khan Pur District Dir Lower is hereby transferred and adjusted against vacant post of Senior Clerk at GESS Safid Sing District Peshawar on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:

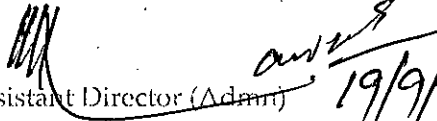
1. Charge report should be submitted to all concerned.
2. NO TA/DA is allowed.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3480-23 /F.No. 01/A-23/MS/Peshawar-1, Dated Peshawar the 19/9 /2017.

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Male) Dir Lower.
3. District Education Officer (Female) Peshawar
4. District Accounts Officer Dir Lower.
5. Principal/HM concerned.
6. Official concerned.
7. Master File.
8. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.


Assistant Director (Admin)
Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
19/9/2017

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Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

Annexure - "D"

Mr. Gohar Junior Clerk GGHS Sufaid Sang Peshawar is hereby transferred against vacant post of Junior Clerk to office of the DEO (F) Torgher on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:

1. Charge report should be submitted to all concerned.
2. NO.TA/DA is allowed.
3. The DEO concerned is directed to verify the service documents before making/drawl of salary.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 316-22 /F.No. 01/A-23/MS/Peshawar-II Dated Peshawar the 1-8 /2018.

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Female) Peshawar.
3. District Education Officer (Female) Torgher.
4. District Accounts Officer Torgher.
5. Principal/HM concerned.
6. Official concerned.
7. Master File.
8. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admin)

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

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Directorate of Elementary & Secondary Edu: Khyber Pakhtunkhwa, Peshawar.

CORRIGENDUM.

Annexure - "E"

Please read "Senior Clerk" instead of "Junior Clerk" in the order issued vide this office Endst: No. 316-22/A-23/MS/ Peshawar-II, dated 1.8.2018 in r/o Mr. Gohar Senior Clerk at GGHSS Sufaid Sung Peshawar to DEO (F) Torgher.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 1529-35 /A-23/MS/Corrigendum/Dated Peshawar the 18/9 /2018.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Female) Peshawar.
3. District Education Officer (Female) Torgher.
4. District Accounts Officer Torgher.
5. Principal/IIM concerned.
6. Official concerned.
7. Master File.
8. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.



Assistant Director (Admn)
Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

ATTESTE-

(23)

~~Annexure (S.M.)~~

please get Report from Director put up.

24/9

To

The Secretary

Govt: of Elementary and Secondary

Education Khyber Pukhtun Khwa Peshawar.

Subject: **APPEAL REGARDING TRANSFER ON POLITICAL BASIS**

Respected Sir,

With profound reverence I submit the following few lines for your sympathetic action and favorable consideration.

I am serving a Senior Clerk BPS -14 at GGSSC Sufaid Sung Peshawar since 20-09-2017. Prior to this was promoted to the post of senior clerk BPS -14 and adjusted at GHSS Khanpur Distt: Dir. Since I was permanently resident of village Sufaid Sung warsk Road Peshawar therefore I was transferred to GGHSSC Sufaid Sung Peshawar vide Director of E&SE KPK Peshawar Endst: No:3420-23 and taken over the change with effect from 20-09-2017.

But unfortunately with the evil interference of political elements the Director of E&SE KPK Peshawar issued my transfer order from GGHSS Sufaid Sung to DEO (Male) Torghar without mentioning any reason or any fault at my end vide Endst:No: 316-22 dated:01-08-2018 and corrigendum No:1529-35 dated:18-09-2018 respectively.

It is worth mention have that my transfer order has been issued on 18-09-2018 and the concerned Principal Mrs Ambreen Anjum (Head Mistress BPS-17) of the said school has taken one sided action and issued my relieving order on the same date i.e 18-09-2018. Whereas as per Govt: posting policy sufficient time is allowed /given to each incumbent for handing and taking over the charge.

Sir, neither any reliever is posted so far nor I have handed over the charge of my post (Senior Clerk) to the new incumbent. Due to political pressure Principal of the school. Carried out one sided action and prepared my charge report under her own signatures instead of my new incumbent and relieved me which is un-justification.

Moreover, I have rendered about Department with unblemished record. I have been doing my duty diligently with most professional orientation and up to the entire satisfaction of my superiors. During my entire career I have given no single chance of embarrassment for my seniors.

Dear Sir, I am permanently resident of village Sufaid Sung and GGHSS Sufaid Sung Peshawar is the only my nearest home station. My posting is purely on political basis to embarrass me and great domestic problems for my family in general and my school going children particularly.

Date:24-09-2018

Say Case

For favour of me

Yours Obediently

Muhammad Gohar Ex.Senior Clerk BPS -14

GGHSS Sufaid Sung Peshawar.

mob: - 0315 5735531

24/9/18
Senior Private Secretary to
Chief Minister
Khyber Pakhtunkhwa.

ATTESTE

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

No. 6608 /F.No. 1/A-23/MS/Peshawar-II

Dated Peshawar the 27/11 /2018.

To

Mr. Gohar Ex-Senior Clerk,
Care of Principal GGHSS Sufaid Saing
Peshawar.

Ammevse - G

Subject: REQUEST FOR CANCELLATION OF TRANSFER.

Memo:

I am directed to refer to your appeal dated Nil on the subject cited above and to ask you to take over charge at your new assignment at District Education Office (Female) Torgher immediately.

Ammevse
27/11/2018
Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

Endst; No. _____ /

Copy forwarded to the: -

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

Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

ATTESTED



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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annexure - H

No.SO(SM)E&SED/3-2/2018/Misc
Dated Peshawar the September 24, 2018.

To


The Director E&SE,
Khyber Pakhtunkhwa, Peshawar.

Subject: - **APPEAL REAGARDING TRANSFER ON POLITICAL BASIS**

I am directed to enclose herewith a self-explanatory application submitted by Mr. Muhammad Gohar, Ex-Senior Clerk, GGHSS Sufaid Sang Peshawar requesting for cancellation of his transfer order.

It is requested that a detailed report in the matter may be furnished to this department for further necessary actions.


Encl: As Above:


(MIAN HUSSAIN DIN)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:

1. PS to Secretary, E&SE Department.


SECTION OFFICER (SCHOOLS MALE)

~~ATTESTED~~

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Annexure-I

CERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the Principal GGHSS Sufaid Sung Peshawar vides Director of (E & SE) KPK Peshawar Endst: No316-22 dated 01/08/2018 and Corrigendum No,1529-35 dated 18/09/2018
2. Particulars of cash and important secret and confidential documents handed over are noted on the revers:-

Station GGHSS Sufaid
Sung Peshawar

Signature of relieved -----

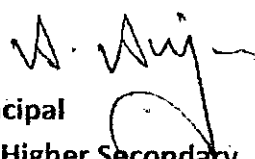
Government Servant-Muhammad Gohar

Designation _____ Senior Clerk BPS-14

Signature of of relieving _____

Government Servant _____

Designation _____



Principal
Govt: Girls Higher Secondary
School Sufaid Sung Peshawar

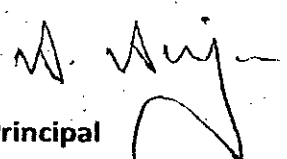
PRINCIPAL
G.G.H.S.S. *
Sung Peshawar

Dated _ 18/9/2018

Endst: No 56-60 Dated 18/9 /2018

Copy to the:-

1. Accountant General KPK Peshawar
2. District Education Officer(Female) Peshawar/Torghar
3. PA to Director of (E & SE) KPK Peshawar.
4. ^{official}Teacher concerned
5. Personal File



Principal
Govt:Girls Higher Secondary
School Sufaid Sung Peshawar

PRINCIPAL
* G.H.S.S. *
Sung Peshawar

ATTESTED

وکالت نامہ

بعدالت: جس بہتوں نے اس کے دستے کی نمائندگی کی ہے
 حکم گو سر نام حکومت خیر خیر خیر خیر خیر
 منجانب سائل Appellant دعویٰ 2018 - S.A
 تاریخ 29/11/2018

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی ہو جو اب دہی
 بمقام کے لیے جاوید اقبال گل بیلہ ایکٹو کیٹ ہائی کورٹ کو بدین شرط وکیل
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر
 مقام پچھری کی کسی اور جگہ یا پچھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر
 مقدمہ علاوہ صدر مقام پچھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پچھری کے اوقات کے آگے پیچھے پیش ہونے پر
 من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی
 صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پرواختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل
 کرنے اور ہر قسم کے بیان دینے اور سپروائٹش و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف
 کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا
 اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ
 مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند ہے۔
 مورخہ 29/11/2018 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted

28/11/2018

29/11/2018

29/11/2018 (Appellant) حکم گو سر

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

In Re C.M # _____/2019

In S.A # 1442/2018

*Put up to the court
with relevant app.*

Muhammad Gohar

Versus

17/11/19
Leadu
Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa and Others

INDEX

S#	Description of Documents	Annex	Page#
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*Let it be ported
to the date already filed
in the matter.*
25/11

M. Gohar
Petitioner

Through

Javed Iqbal Gulbela
Javed Iqbal Gulbela

Saghir Iqbal Gulbela
Saghir Iqbal Gulbela

&

Israr Khan

Advocates, High Court
Peshawar

Dated: 10/01/2019

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

In Re C.M # _____/2019

In S.A # 1442/2018

Khyber Pakhtukhwa
Service Tribunal

Diary No. 99

Dated 17-1-2019

Muhammad Gohar

Versus

Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa and Others

APPLICATION FOR EARLY HEARING CLUB

Respectfully Sheweth,

1. That the captioned Service Appeal # 1442/2018 is pending adjudication before this Hon'ble Tribunal and is fixed for 19/02/2019.
2. That salary of the appellant has been stopped by the Respondents to the appellant, due to which the appellant as well as the family of the appellant are severely suffering and are in a miserable condition.
3. That the whole family of the appellant dependent on the salary of the appellant, and stoppage of the salary of the appellant by the Respondent is not only violation of law and rules but is also violation of the rights of the members of the family of the appellant, because the daily livelihood of the

family of appellant depends on the salary of the appellant.

4. That in the given circumstances, the fixation of the captioned case for an early date is indispensable.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the captioned case may very graciously be fixed for an early hearing in the best interest of justice as convenient to this Hon'ble Tribunal.

Dated: 10/01/2019



Petitioner

Through



Javed Iqbal Gulbela



Saghir Iqbal Gulbela

&

Israr Khan

Advocates, High Court
Peshawar.

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

In Re C.M # _____/2019

In S.A # 1442/2018

Muhammad Gohar

Versus

Secretary Elementary and Secondary Education Khyber
Pakhtunkhwa and Others

AFFIDAVIT

I, **Muhammad Gohar** appellant/applicant, do hereby solemnly affirm and declare on oath that the contents of this **application** are true and correct to the best my knowledge and belief and nothing has been concealed from this honorable Tribunal.

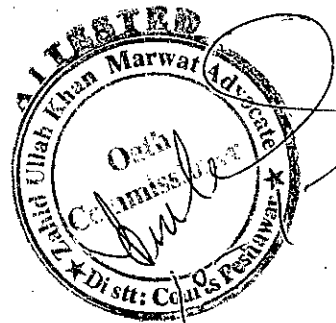
M. Gohar

Deponent

CNIC No. 17301-9458624-9

Identified By:-

Javed Iqbal Gulbela
JAVED IQBAL GULBELA
Advocate, HIGH Court
Peshawar



19

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

Service Appeal No: 1442/2018

Muhammad Gohar Sr: Clerk GGHS Sufaid Sung District Peshawar.

..... 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.
- 12 That the impugned Notifications dated 01/8/2018 & 27/11/2018, are legally competent & liable to be maintained in favour of the Respondent Department in the interest of justice.
- 13 That the Respondents are entitled to transfer & post a Civil Servant anywhere, wherever his services are required by the competent authority.
- 14 That the Respondent Department has acted in view of Sections-10 of Civil Servants Act 1973.

- 15 That there were complaints both written & verbal against the appellant regarding the attitude & conduct of the appellant.
- 16 That all codal formalities have been observed prior to the issuance of impugned Notification dated 01/8/2018.
- 17 That the post of the appellant is a Provincial Ministerial post & liable to be post anywhere in the Province under the mandatory provision of Section-10 of Civil Servants Act: 1973 by the competent authority.

ON FACTS

- 1 That Para-1, needs no comments being relates to the family & Country of the appellant.
- 2 That Para-2 is incorrect & denied on the grounds that vide the Notification dated 01/8/2018 the appellant has been transferred in the public interest as well as on the Admn: Staff complaints to the office of the District Education (F) Toorghar & where against the appellant has preferred a Departmental Appeal dated 24/9/2018 for setting aside the said Notification dated 01/8/2018 which was also rejected vide order dated 27/11/2018 on merits of the case. The appellant has also relinquished his previous duty station at GGHS Saufaid Sang District Peshawar & has resumed his official duty at the office of the District Education Officer (F) Toorghar. Hence, the order dated 01/8/2018 has got finality against the appellant. **(Copies of the said orders/Notifications dated 01/8/2018 & 27/11/2018 & complaint dated 18/11/2017 & Departmental Appeal are annexed as Annexure-A, B, C&D).**
- 3 That Para-3 is correct, that vide notification in 1991, the appellant was inducted against the Junior /clerk post (BPS-7) & later on promoted against the Senior Clerk post vide notification dated 30/5/2017 alongwith his adjustment at GHSS Khanpur District Dir (Lower) falling at S/No: 197 with his Seniority Number as 305 against the Junior Clerk Cadre in the Respondent Department under provisions of (Appointment Promotion & Transfer) APT Rules 1989. **(Copy of the said Notification dated 30/5/2017 is annexed as Annexure-E).**
- 4 That Para-4 is also correct, that vide notification dated 19/9/2017, the appellant has transferred from GGHS Khanpur District Dir(Lower) to GGHSS Sufaid Sung District Peshawar against the Senior Clerk pos by the competent authority . (Copy of the order is annexed as Annexure-F).
- 5 That Para-5 is incorrect & denied on the grounds that there were so many complaints against the appellant both verbal & written from the school administration as well as & General public regarding his conduct & character. Hence, the competent authority has left no option but to posted out the appellant to the office of the District Education (F) Toorghar under the jurisdiction conferred upon the competent authority U/S-10 of the Civil Servants Act: 1973 in the best interest of public at large. Hence, the plea of the appellant regarding non-completion of his tenure at the said school in District Peshawar is without any legal & moral justification & is liable to be dismissed in favour of the Respondents in the interest of justice.
- 6 That Para-6 is incorrect & denied. The Departmental Appeal dated 24/9/2018 of the appellant has been rejected vide order dated 27/11/2018 on merits of the case as well as material available on record against the appellant. Therefore, the stand of the appellant is not only baseless but is also needs to be rejected in the favour of the Respondents.

- 7 That Para-7 is legal. However, the Respondents further submit on the following grounds inter alia:-

GROUND.

- A Incorrect & denied. The act of the Respondent Department with regard to Notification dated 01/8/2018 & 27/11/2017 is within legal sphere. Therefore, the stand of the appellant is without any legal force & justification. Hence, this Tribunal needs no interference in the impugned Notifications of the Respondent Department.
- B Incorrect & denied. The post of the appellant is a Provincial Ministerial case he is liable to serve anywhere in the Province, wherever, his services, are required by the competent authority against the Senior Clerk Post. Hence, the impugned Notification dated 01/8/2018 is legal in view of the foregoing submissions in the instant reply.
- C Incorrect & misleading. The impugned Notification dated 01/8/2018 is within legal parameter as well as the outcome of the complaints against the appellant. Therefore, the stand of the appellant is liable to be rejected.
- D Incorrect & denied. The case of the appellant is related to the law & order & even the integrity of the female students. Therefore, the plea of tenure completion is not made any sense in the given circumstances of the case.
- E Incorrect & denied. The case of the appellant is directly falls within the ambit of exceptional cases in view of the foregoing discussion & authentic proofs against the appellant regarding his behavior, conduct & character during his stay at GGHSS Sufaid Sung, District Peshawar.
- F Incorrect & denied. The transfer of the appellant is an evident proof of his poor & loose character. Therefore, the impugned notification dated 01/8/2018 is legal & liable to be maintained.
- G Incorrect & denied. All codal formalities have been observed by the Respondent Department prior to the impugned Notification dated 01/8/2018 against the appellant.
- H Incorrect & denied. The competent authority has acted as per law, rules & criteria in the instant.
- I Incorrect & denied. The impugned Notification dated 01/8/2018 is the result of legality & even facts & circumstances of the case are narrated in the foregoing paras of the instant reply.
- J Incorrect & denied. The post of the appellant is a Provincial Cadre & is directly falls within the administrative domain of the Director E&SE Department. Similarly the seniority of the appellant is also determined & maintained at the Provincial level & issued by the Director ESE Department. Therefore, the stand of the appellant is mainly based on mala-fide & willful concealment of facts from this Tribunal.
- K Incorrect & denied. The impugned transfer notification dated 01/8/2018 is based on equity & justice. Therefore, the plea of the appellant is liable to be rejected of being without any legal grounds & submissions.

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A# 1442/2018

Muhammad Gohar

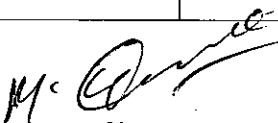
Versus


Secretary E&SE Department Khyber Pakhtunkhwa and
Others

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2	Affidavit	5

Through


Appellant

SAGHIR IQBAL GULBELA
& 
JAVED IQBAL GULBELA
Advocates, High Court
Peshawar

Dated: 12/03/2019

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

In S.A# 1442/2018

Muhammad Gohar

Versus

Secretary E&SE Department Khyber Pakhtunkhwa and
Others

**REJOINDER ON BEHALF OF THE
APPELLANT TO THE COMMENTS
FILED BY THE RESPONDENTS NO:
1-4**

Respectfully Sheweth,

Reply to Preliminary objections:-

1. Incorrect and Denied. The appellant has got a good cause of action.
2. Incorrect and denied.
3. Incorrect and denied.
4. Incorrect and denied.
5. Incorrect and denied.
6. Incorrect and denied.

7. Incorrect and denied.
8. Incorrect and denied.
9. Incorrect and denied.
10. Incorrect and denied. the appellant filed the appeal under the law for recognition and enforcement of his fundamental rights.
11. Incorrect and denied. Moreover the competent authority is authorized for transfer and posting as per law as well as they will exercise their discretionary power as per law and not goes beyond the law.
12. Incorrect and denied. Moreover the impugned notification dated 01/08/2018 and 27/08/2018, is not only unlawful, illegal, but is also against the law and fundamental rights of the appellant protected and guaranteed by the law and thus liable to be turned down.
13. Incorrect, misleading hence denied. Moreover the Respondents can transfer and post Civil Servant as per law and rules and not as per his whims and wishes.
14. Incorrect, misleading hence denied.
15. Incorrect, misleading hence denied.

16. Incorrect, misleading hence denied.

17. Incorrect, misleading hence denied.

On Facts:-

1. No comments.
2. Incorrect and hypocritical, hence denied while that of the appeal is true and correct.
3. No Comments.
4. No Comments.
5. Incorrect. True and detailed picture is given in the corresponding paras of the main appeal.
6. Incorrect, hypocritical and misleading. While that of the appeal is true and correct as well as a true and detailed picture is given in corresponding paras of the main appeal.
7. Incorrect and denied.

On Grounds:-

A. Hypocritical and malicious. True picture is given in the main appeal.

B. Incorrect and malicious. While that of the main appeal is true and correct.

C. Misleading and hypocritical. True and detailed picture is given above and as well as in appeal.

D. Incorrect and denied, as well as hypocritical and malicious, while that of the main appeal is true and correct.

E. Incorrect and denied while that of the main appeal is true and correct.

F. Incorrect and denied.

G. Incorrect and denied while that of the main appeal is true and correct

H. Incorrect and denied.

I. Incorrect and denied while that of the main appeal is true and correct.

J. Incorrect and denied while that of the main appeal is true and correct.

K. Hypocritical and misleading, hence denied.


L. Hypocritical and misleading, hence denied.

It is, therefore, most humbly prayed that on acceptance of instant rejoinder, the appeal of the appellant may graciously be allowed, as prayed for therein.



Appellant

Through



SAGHIR IQBAL GULBELA,
&
JAVED IQBAL GULBELA
Advocates High Court
Peshawar

Dated: 12/03/2019

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A# 1442/2018

Muhammad Gohar

Versus

Secretary E&SE Department Khyber Pakhtunkhwa and
Others

AFFIDAVIT

I, **Muhammad Gohar (Appellant)**, do hereby solemnly affirm and declare on oath that contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Muhammad Gohar
Deponent

CNIC: 17301-9458624-9

Identified By:-

Javed Iqbal Gulbela
Javed Iqbal Gulbela
Advocate High Court
Peshawar



Legal. However, the Respondents further seek leave of this Honorable Tribunal to submit additional grounds, case law & record at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly prayed that this Tribunal may very graciously be pleased to dismiss the instant Appeal in favour of the Respondent Department in the interest of justice.

Dated ___ / ___ /2019.



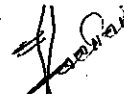
Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondent No: 1)



Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2-4)

AFFIDAVIT

I, Hayat Khan 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

34

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

Service Appeal No: 1442/2018

Muhammad Gohar Sr: Clerk GGHS Sufaid Sung District Peshawar.

..... Appellant.

VERSUS

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- 33
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 - 17 That the post of the appellant is a Provincial Ministerial post & liable to be post anywhere in the Province under the mandatory provision of Section-10 of Civil Servants Act: 1973 by the competent authority.

ON FACTS

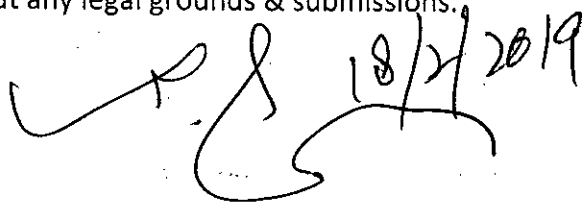
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18/2/2019

7 That Para-7 is legal. However, the Respondents further submit on the following grounds inter alia:-

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 18/2/2019

Legal. However, the Respondents further seek leave of this Honorable Tribunal to submit additional grounds, case law & record at the time of arguments on the date fixed.

In view of the above made submissions, it is most humbly prayed that this Tribunal may very graciously be pleased to dismiss the instant Appeal in favour of the Respondent Department in the interest of justice.

Dated ___ / ___ / 2019.

↓
of

Director

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2-4)

Secretary

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

VERIFICATION

I, Hayat Khan 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

Submitted for vetting please.

[Signature]

vetted subject to necessary correction, attachment of annexures and affidavit.

18/2/2019
Assistant Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

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Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

NOTIFICATION.

Annexure - B

Consequent upon the recommendations of Departmental Promotion Committee (DPC) in its meeting held on 24.5.2017, the following Junior Clerks (B-11)/Assistant Store Keepers (B-5)/Lab Assistants (B-7) working in and under the Directorate of E&SE/DC&TE/ FATA/PITE are hereby promoted to the post of Senior Clerks (B-14) on regular basis and posted/adjusted against vacant post of Senior Clerks BPS-14 in the office/school as noted against each in the interest of public service with immediate effect:-

S.#	Sen #	Name/Design	Father's Name	Present place of posting	place of posting as S/Clerk	Remarks
1	4	Imtiaz Ali Lab Asstt	Fazli Qadir	GHSS Pirsaddi Mardan.	GHSS Pir-Saddi Mardan	Against Vacant post
2	29	Islam Gul J/Clerk	Israr Gul	PITE Peshawar	Directorate PITE Peshawar	Already occupied
3	31	Taj Muhammad J/Clerk	Gul Rab Khan	GHS Zardana SWA	Services placed at the Disposal of DE FATA	
4	40	Izzat Muhammad Lab Asstt	Muhammad Khaliq	GHSS Mazdoor Abad Mardan	GGHSS Takht Bai Mardan	Against Vacant post
5	49	Farid Khan J/Clerk	Rab Nawaz	GHS Said Khan Kot SWA	Services placed at the Disposal of DE FATA	
6	50	Niaz Bad Shah J/Clerk	Lal Badshah	PITE Peshawar	Directorate PITE Peshawar	Already occupied
7	51	Gauhar Ali J/Clerk	Hayat Gul	GHS Ghazgi Charsadda	DEO (M) Charsadda	Against Vacant post
8	52	Ghulam Shahi J/Clerk	Gul Amin	GHS Din Muhammad Korona FR Taik	Services placed at the Disposal of DE FATA	
9	55	Mehir Dil Khan J/Clerk	Qalander Shah	AEO Orakzai Agncy	Services placed at the Disposal of DE FATA	
10	56	Muhammad Tahir Lab Asstt	Khan Bahadar	GHSS Mazdoor Abad Mardan	SDEO (M) Takht Bai	Against Vacant post
11	62	Nasim Gul J/Clerk	Umar Khitab	PITE Peshawar	Directorate PITE Peshawar	Already occupied
12	70	Shahid Khan J/Clerk	Abdur Raziq	GGHS Tarkha NSR	GHSS Jabbi Nowshera	Against Vacant post
13	71	Reyatullah J/Clerk	Zafar Khan	GHS Ragna Sar FR D.I.K	Services placed at the Disposal of DE FATA	
14	83	Isam Khan J/Clerk	Gulapur Khan	DEO (F) Karak	GHSS Chanda Khuram Karak	Against Vacant post
15	86	Khalid Mehmood J/Clerk	Samundar Khan	Abbottabad	DEO (M) Torghar	Against Vacant post
16	87	Saif Ul Islam J/Clerk	Bashir Ahmad	GGHS Bughdada Mardan	GHSS Bughdada Mardan	Against Vacant post
17	88	Javed Akbar J/Clerk	Muhammad Akbar	PITE Peshawar	Directorate PITE Peshawar	Already occupied
18	91	Mukhtiar Ali J/Clerk	Sabz Ali	GGHS Haryan Swabi	DEO (F) Swabi	Against Vacant post
19	92	Sirajuddin J/Clerk	Pir Mohammad	GDC Jamrud Khy Agny	Services placed at the Disposal of DE FATA	

ATTESTED

W/O For

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173	275	Muhammad Ijaz J/Clerk	Malik Aman	GGHS Moorat Maira Mansehra	SDEO (F) Torghar	Against Vacant post
174	277	Faiz ur Rehman J/Clerk	Raees Khan	GGHS Warana Karak	DEO (M) Karak	Against Vacant post
175	278	Qazi Syed Anwar Shah J/Clerk	Qazi Syed M. Shah	SDEO (M) Karak	SDEO (M) Karak	Against Vacant post
176	279	Said Muhammad J/Clerk	Sher Muhammad	GHS Jabba Khush NSR	GHSS Shaidu NSR	Against Vacant post
177	280	Muhammad Nazir J/Clerk	Muhammad Suleman	GHS Mir Pur A. Abad	Services placed at the disposal of DEO (M) Kohistan	
178	281	Ghulam Sarwar J/Clerk	Karim Jan	GGHS No. 1 Pabbi	GGHSS Muhib Banda Nowshera	Against Vacant post
179	282	Zakir Hussain J/Clerk	Gulzar Khan	GGHS Turlandi Swabi	GGHSS Dagai Swabi	Against Vacant post
180	283	Musafar Khan J/Clerk	Abdur Rauf	GHSS Khushgi. Payan NSR	SDEO (M) Nowshera	Against Vacant post
181	284	Alif Zada J/Clerk	Amir Zada	GHS Baghbanpura Akora Khattak NSR	DEO (M) Nowshera	Against Vacant post
182	286	Abdul Haleem J/Clerk	Shahib Khan	GHS Town Committee Karak	DEO (M) Karak	Against Vacant post
183	288	Jamal Ud Din J/Clerk	Abdur Rahman	GGHSS Kabal Swat	SDEO (M) Samar Bagh	Against Vacant post
184	289	Fazli Raziq J/Clerk	Fazli Khaliq	GHSS Panj Pir Swabi	GHSS Panjpir Swabi	Against Vacant post
185	290	Shujaud Din J/Clerk	Saraf ud Din	GHS Shahqadar Fort, Charsadda	GHSS Kata Khat Mardan	Against Vacant post
186	292	Abdul Aziz J/Clerk	Abdul Hameed	SDEO (F) Nowshera	SDEO (F) NSR	Against Vacant post
187	294	Rahmatullah J/Clerk	Abdur Rashid	DEO (M) Swat	GCMHSS Timergara Dir (L)	Against Vacant post
188	295	Mir Bashir J/Clerk	Deedar Gul	GGHSS Nowshera Cantt	GGHSS Nowshera Cantt	Against Vacant post
189	296	Tariq Ali J/Clerk	Bakht Rawan	DEO (M) Swat	SDEO (M) Timargara Dir Lower	Against Vacant post
190	297	Nadir Khan J/Clerk	Azim Gul	GHS Dagi Banda NSR	GGHSS AZAKHEL BALA NSR	Against Vacant post
191	298	Iftikhar Mohammad J/Clerk	Gul Mohammad	GGHS Par Hoti Mardan	GGHSS RUSTAM KHEL MARDAN	Against Vacant post
192	299	Mohammad Saeed J/Clerk	Abdul Malik	GHS Hoti Landaki Mardan	GGHSS NO.1 MARDAN	Against Vacant post
193	300	M/KARIM J/Clerk	FATEH KHAN	GHS Haji Muhammad Noor Kali Peshawar	GGHSS ALO MARDAN	Against Vacant post
194	301	Amir Ali J/Clerk	Umar Wahid	GHSS Sher Garh Mardan	GHSS SHERGARH MARDAN	Against Vacant post
195	302	Iqar Ahmad J/Clerk	Ali Jan	GGHS Marghuz Swabi	GGHSS BAJA SWABI	Against Vacant post
196	303	Abdul Khaliq J/Clerk	Sain Muhammad	GHS Jaba Mansehra	GHSS Thakot Battagram	Against Vacant post
197	305	MUHAMMAD GOHAR J/Clerk	GUL REHMAN	GSMDHS Mathra Peshawar	GHSS Khanpur Dir Lower	Against Vacant post

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Attest

W/S
Forist
ostas
on

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308	Muhammad Zahid Khan J/Clerk	Mughal Khan	GHS Shaghali Payan Peshawar	GHS Gul Bela Peshawar	Against Vacant post
309	Abdul Nasir J/Clerk	Amir Zada	GGHS School Sherpao CHD	GHSS Garhi Kapura Mardan	Against Vacant post
310	MUMTAZ GUL J/Clerk	TAJ GUL	GHS Haryankot Mkd	DEO (M) Malakand	Against Vacant post
311	Mushtaq Hussain J/Clerk	Fazal Shah	Directorate E&SE kpk	GHSS Ikarimpur Mardan	Against Vacant post
313	MUTAHER ZAIB J/Clerk	MIAN GUL	SDEO (M) Dargai MKD	SDEO (M) Dargai MKD	Against Vacant post
314	NASIB KHAN J/Clerk	GUL BADSHAH	GHS G.U.Khel MKD	GHSS Shakhakat No.1 MKD	Against Vacant post
315	ISHAQ MUHAMMAD J/Clerk	SALAR MUHAMMAD	GHS Matkani MKD	SDEO (M) Malakand	Against Vacant post

(Consequential Transfers)

The following posting/transfer/adjustment in respect of following Junior & Senior Clerks of E&SE District Karak, Charsadda & DIKhan are hereby ordered on their own pay and BPS in the interest of public service with effect from the date of their taking over charge:-

S.#	Name & Designation	Present posting	Adjusted at	Remarks
1	Saifullah J/Clerk	Working against S/C post at GGHS Karak	J/Clerk GGHS Karak	Against vacant post
2	Tamheed J/Clerk	Working against S/C post at DEO (M) Charsadda	GHS Munshiano Killi Charadadda	Against vacant post
3	Attiqullah S/C	DEO (M) Karak (under transfer to GGHS Karak)	GHSS Karak	Vice S.No.4
4	Dakht Badshah S/C	GHSS Karak	GHSS Jandrai Karak	Against vacant post
5	Niamatullah S/C	GHSS Darban Kallan DIK	GHSS Hathala DIK	Against vacant post

Note:-

1. Charge reports should be submitted to all concerned.
2. They will be on probation for one year, extendable for another term of one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

(Muhammad Rafiq Khattak)
DIRECTOR

Endst: No 5018-5218/A-23/MS/Promotion JC to SC/ 2017, Dated Peshawar the 30/5/2017

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

- 1) Account General, Khyber Pakhtunkhwa, Peshawar.
- 2) Director Curriculum & Teacher Education, Khyber Pakhtunkhwa, Abbottabad.
- 3) Director of Education (FATA) Peshawar.

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- 4) Director PITE, Khyber Pakhtunkhwa, Peshawar.
- 5) District Education Officers (Male & Female) concerned.
- 6) Agency Education Officers concerned.
- 7) District Accounts Officers concerned.
- 8) Principals/ Headmasters/Headmistress concerned.
- 9) Principal Govt: Vocational School for Women Peshawar.
- 10) Sub: Divisional Education Officers (Male & Female) concerned.
- 11) Assistant Director (Exam) at PITE Peshawar.
- 12) Officials concerned.
- 13) PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 14) PA to Additional Director (Estab) E&SE Khyber Pakhtunkhwa, Peshawar.
- 15) Master File.

W/mt
30/9/2017

Assistant Director (Admn)
Directorate E&SE Khyber Pakhtunkhwa
Peshawar

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Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Annexure - C

Office Order.

Mr. Muhammad Gohar Senior Clerk, GHSS Khan Pur District Dir Lower is hereby transferred and adjusted against vacant post of Senior Clerk at GGJSS Safid Sing District Peshawar on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:


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

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Indst: No. 3480-23 /F.No. 01/A-23/MS/Peshawar-1 Dated Peshawar the 19/9 2017.

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Male) Dir Lower.
3. District Education Officer (Female) Peshawar
4. District Accounts Officer Dir Lower.
5. Principal/HM concerned.
6. Official concerned.
7. Master File.
8. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.


Assistant Director (Admin) 19/9/2017
Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar


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Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

Annexure - "D"

Mr. Gohar Junior Clerk GGHS ~~Safaid~~ Sang Peshawar is hereby transferred against vacant post of Junior Clerk to office of the DEO (II) Torgher on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Work For sig

Note:


1. Charge report should be submitted to all concerned.
2. NO TA/DA is allowed.
3. The DEO concerned is directed to verify the service documents before making/drawl of salary.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 316-22 /F.No. 01/A-23/MS/Peshawar-II Dated Peshawar the 1-8 /2018.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Female) Peshawar.
3. District Education Officer (Female) Torgher.
4. District Accounts Officer Torgher.
5. Principal/IM concerned.
6. Official concerned.
7. Master File.
8. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.


Assistant Director (Admin)
Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

1/8/2018

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

CORRIGENDUM.

Annexure - "E"

Please read "Senior Clerk" instead of "Junior Clerk" in the order issued vide this office Indst: No. 316-22/A-23/MS/ Peshawar-31, dated 1.8.2018 in r/o Mr. Gohar Senior Clerk at GGHSS Sufaid Sung Peshawar to D.E.O. Torghher.

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DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

1529-35

Indst: No. /A-23/MS/Corrigendum/Dated Peshawar the 18/9 /2018.

Copy forwarded to:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Female) Peshawar.
3. District Education Officer (Female) Torghher.
4. District Accounts Officer Torghher.
5. Principal/IM concerned.
6. Official concerned.
7. Master File.
8. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Roman

Assistant Director (Admn)
Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

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Annexure (S.M.)
please get report
from Director and
put up.

24/9

10/ky DTE
signature

To

The Secretary

Govt: of Elementary and Secondary

Education Khyber Pakhtun Khwa Peshawar.

Subject: APPEAL REGARDING TRANSFER ON POLITICAL BASIS

Respected Sir,

With profound reverence I submit the following few lines for your sympathetic action and favorable consideration.

I am serving a Senior Clerk BPS -14 at GGSSC Sufaid Sung Peshawar since 20-09-2017. Prior to this was promoted to the post of senior clerk BPS -14 and adjusted at GHSS Khanpur Distt: Dir. Since I was permanently resident of village Sufaid Sung warsk Road Peshawar therefore I was transferred to GGSSC Sufaid Sung Peshawar vide Director of E&SE KPK Peshawar Endst: No:3420-23 and taken over the change with effect from 20-09-2017.

But unfortunately with the evil interference of political elements the Director of E&SE KPK Peshawar issued my transfer order from GGSSC Sufaid Sung to DEO (Male) Torghar without mentioning any reason or any fault at my end vide Endst:No: 316-22 dated:01-08-2018 and corrigendum No:1529-35 dated:18-09-2018 respectively.

It is worth mention have that my transfer order has been issued on 18-09-2018 and the concerned Principal Mrs Ambreen Anjum (Head Mistress BPS-17) of the said school has taken one sided action and issued my relieving order on the same date i.e 18-09-2018. Whereas as per Govt: posting policy sufficient time is allowed /given to each incumbent for handing and taking over the charge.

Sir, neither any reliever is posted so far nor I have handed over the charge of my post (Senior Clerk) to the new incumbent. Due to political pressure Principal of the school. Carried out one sided action and prepared my charge report under her own signatures instead of my new incumbent and relieved me which is un-justification.

Moreover, I have rendered about Department with unblemished record. I have been doing my duty diligently with most professional orientation and up to the entire satisfaction of my superiors. During my entire career I have given no single chance of embarrassment for my seniors.

Dear Sir, I am permanently resident of village Sufaid Sung and GGSSC Sufaid Sung Peshawar is the only my nearest home station. My posting is purely on political basis to embarrass me and great domestic problems for my family in general and my school going children particularly.

Date:24-09-2018

Sd/-

For Muhammad Gohar Ex. Senior Clerk BPS -14

Yours Obediently

Muhammad Gohar Ex. Senior Clerk BPS -14

GGSSC Sufaid Sung Peshawar.

24/9/18
Senior Private Secretary to
Chief Minister
Khyber Pakhtunkhwa.

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Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
No. 6608 /F.No. 1/A-23/MS/Peshawar-II
Dated Peshawar the 27/11 /2018.

To

Mr. Gohar Ex-Senior Clerk
Care of Principal GGHSS Sufaid Saing
Peshawar.

Annexure - G

Subject: REQUEST FOR CANCELLATION OF TRANSFER.

Memo:

I am directed to refer to your appeal dated Nil on the subject cited above and to ask you to take over charge at your new assignment at District Education Office (Female) Torgher immediately.

Amir
27/11/2018
Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

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For sig

Endst; No. _____/

Copy forwarded to the:-

1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)
Directorate of E&SE K.P, Peshawar

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 812 /ST

Dated 25-4- / 2019

To


The Director E&SE
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 1442/2018, MR. MUHAMMAD GOHAR.

I am directed to forward herewith a certified copy of Judgement dated 26.03.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.