

Sr. No	Date of order/ proceeding	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;">17.01.2019</p>		<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>AT CAM COURT ABBOTTABAD</u></p> <p style="text-align: center;">Petition No. 1447/2018</p> <p style="text-align: center;">Date of Institution ... 03.12.2018 Date of Decision ... 17.01.2019</p> <p>Sarfraz Khan, Principal GDC, Nathiagali Tehsil & District, Abbottabad.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar. 2. Secretary Higher Education, Khyber Pakhtunkhwa Peshawar. 3. Director Higher Education, Khyber Pakhtunkhwa Peshawar. 4. Dilawar Khan, Associate Professor, GPGC Mandian, Abbottabad. <p style="text-align: right;">Respondents</p> <p>MR. MUHAMMAD HAMID MUGHAL-----MEMBER (J) MR. HUSSAIN SHAH-----MEMBER (E)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant</u></p> <p>with counsel present. Mr. Muhammad Bilal learned Deputy District Attorney on behalf of official respondents present. Private respondent No.4 with counsel present.</p> <ol style="list-style-type: none"> 2. Names of the private respondent No.4 and the appellant fall at Serial No.23 and 24 respectively in the posting transfer order dated 27.09.2018, issued in respect of 37 Professors/Associate Professors. 3. Appellant Sarfraz Khan craves for his retention at the post of Principal GDC Nathia Gali and therefore challenged his transfer as Associate Professor GPGC No.2 Mandian Abbottabad whereas private respondent No.4 Dilawar Khan is also striving hard to secure

his new appointment as Principal GDC Nathia Gali and as such strenuously contested the present petition/appeal.

4. Learned counsel for the appellant argued that the appellant was posted as Principal GDC Nathia Gali vide order dated 13.06.2017 but prior to the completion of his normal tenure as mentioned in the transfer posting policy, he has been prematurely transferred to GPGC Mandian Abbottabad vide impugned order dated 27.09.2018. Further argued that the allegations against the appellant as to his poor performance and financial irregularities as mentioned in the written reply/parawise comments of the official respondents, are just an afterthought. Further argued that the impugned order is malafide, perverse and against the norms of justice. Further argued that the private respondent No.4 being an influential person and backed by political figures secured his posting as a Principal GDC Nathia Gali. Further argued that respondent No.4 is also affiliated with KPLA (Khyber Pakhtunkhwa Professors, Lecturers Association) and he also remained Provincial General Secretary of PACTA and with the influence of KPLA cum political backup he got himself posted as Principal GDC Nathia Gali to facilitate the Association leadership cum his group at the picnic point of Nathia Gali. Next contended that the respondent No.4 is junior to the appellant. Appellant next contended that the respondent No.4 asked the Speaker Provincial Assembly for his posting as Principal GDC Nathia Gali. Appellant next contended that the respondent No.4 remained posted at GDC Nathia Gali from the year 2013 to the year 2017 as Associate Professor and during his stay at

GDC Nathia Gali, he made request for temporary detailment to GPGC No.1 Abbottabad quoting the reason that he was a diabetic patient and could not travel to the rough and hilly area of Nathia Gali and resultantly he was detailed temporarily to work at GPGC No.1 Abbottabad vide order dated 31.08.2017.

5. As against that learned Deputy District Attorney and learned counsel for private respondent No.4 argued that there are serious allegations of inefficiency and corruption against the appellant; that departmental inquiry has also been initiated against him and it was due to such reasons that the appellant was transferred from the administrative Post of Principal Nathia Gali and posted near to his home town in the same district. Further argued that the respondent department has annexed sufficient material with its written reply/comments to vindicate the transfer of the appellant from the administrative post of Principal.

6. Arguments heard. File perused.

7. Appellant was adjusted against the post of Principal GDC Nathia Gali vide order dated 13.06.2017. The impugned order was issued on 27.09.2018, but the operation of the same remained under suspension until yet hence few months are still left in the completion of normal tenure of two (02) years as mentioned in the updated transfer posting policy.

8. It is not the case of the appellant that he was transferred after a month or subjected to repeated postings in a short period of time.


9. This Tribunal is of the considered opinion that it is public interest which is to be given precedence, prime importance and due


weightage. The tenure policy should be honored but the same is also subservient to the public interest. Thus if a posting of a civil servant at a particular post or station is found not in the public interest he must be transferred there and then through speaking order stating the compelling reasons for his transfer.

10. The administrative post of Principal GDC Nathia Gali is considered is lucrative and prize posting. After having gone through the material on record, this Tribunal reaches to the conclusion that posting of both, either the appellant Mr. Safaraz Khan or respondent No.4 Mr. Dilawar Khan as Principal GDC Nathia Gali would not serve the public interest.

11. It is settled proposition that bureaucrats are there to serve the people and not the whims of political executives.

12. In the light of above, the respondent department is hereby directed to appoint, in the prescribed manner, a suitable gentleman against the post of Principal GDC Nathia Gali by issuing fresh posting transfer order strictly on merits, within three (03) days of the receipt of this judgment. Until then the post of Principal GDC Nathia Gali shall be deemed as vacant. The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member


Camp Court Abbottabad

ANNOUNCED
17.01.2019

17.01.2019

Appellant with counsel and and Mr. Muhammad Bilal learned Deputy District Attorney for official respondents present. Private respondent No.4 with counsel present. Vide separate judgment of today of this Tribunal placed on file, the respondent department is directed to appoint, in the prescribed manner, a suitable gentleman against the post of Principal GDC Nathia Gali by issuing fresh posting transfer order strictly on merits, within three (03) days of the receipt of this judgment. Until then the post of Principal GDC Nathia Gali shall be deemed as vacant. The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

Camp Court Abbottabad

ANNOUNCED
17.01.2019

14.01.2019

Appellant in person and Mr. Muhammad Bilal learned Deputy District Attorney present. Khushi Muhammad SO litigation representative of respondents No.2 & 3 present and submitted written reply/comments. Learned counsel for private respondent No.4 also present and relies upon the reply submitted on behalf of respondents No.2 & 3. Learned Deputy District Attorney stated that respondent No.1 also relies on the same. Adjourn. To come up for rejoinder/arguments on 17.01.2019 before D.B at Camp Court Abbottabad.


Member

Camp Court Abbottabad


Contd. 21.12.18

Initially, the appellant approached Hon'ble Peshawar High Court, Abbottabad Bench through Writ Petition No. 1224-A/2018 for redressal of his grievance as this Tribunal was not functional at the relevant time. The Hon'ble High Court was pleased to issue notices to the respondents in the matter and also passed an order requiring suspension of the impugned notification/order on 15.11.2018. On 27.11.2018 the Writ Petition alongwith C.O.C application was required to be transmitted to this Tribunal and parties were directed to appear here on 03.12.2018.

Prima-facie, the grievance of appellant appears to be genuine requiring interference by this Tribunal, therefore, the appeal is admitted for regular hearing. Appellant is directed to deposit security and process fee within 10 days. All the respondents shall be issued notices for 14.01.2019 at camp court, Abbottabad. The respondents, official as well as private, shall submit written reply/comments to the appeal within a fortnight at Principal Seat and the matter shall be argued on the next date.

There is a prayer for grant of interim relief by way of suspension of impugned notification dated 27.09.2018. Notice of interim application be also given to the respondents for the date fixed. The operation of transfer order of the appellant to Government Degree College Mandian by notification dated 27.09.2018 shall remain suspended till the date fixed.


Appellant Deposited
Security & Process Fee


Chairman
Camp court, A/Abad

19.12.2018

Counsel for the appellant, Mr. Ziaullah, DDA for official respondents present. Mr. Abdur Rahman Qazi, Advocate for private respondent No. 4 also present and submitted Wakalatnama on behalf of private respondent No. 4, which is placed on file.

Learned counsel for the parties request for adjournment. Adjourned to 21.12.2018 before S.B.



Chairman
Camp Court, A/Abad

21.12.2018

Counsel for the appellant, Mr. Ziaullah, Deputy District Attorney alongwith Asif Khan, A.D (Litigation) for the official respondents and Mr. Abur Rahman Qazi, Advocate for private respondent No. 4 present.

The appellant is aggrieved of notification dated 27.09.2018 whereby he was transferred to Government Degree College Mandian, Abbottabad from Government Degree College, Nathiagali, ~~Abbottabad~~ although his transfer and posting to the said college at Nathiagali was made vide order dated 13.06.2018.

Learned counsel for the appellant contends that the subsequent transfer of appellant to Mandian Abbottabad was against the posting/transfer policy of Provincial Government drawn on 15.02.2003, which provides a normal tenure of posting to be three years while for officials posted at unattractive areas such period shall be two years and for hard areas it shall be one year.




Learned counsel for private respondent No. 4 does not controvert the fact that Nathiagali is neither unattractive nor hard area.

Form-A

FORM OF ORDER SHEET

Court of _____

Case No. 1447/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	03/12/2018	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court A.Abad Bench and the Hon'ble High Court vide its order dated 27.11.2018 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;">  REGISTRAR </p> <p>2-</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on - 19-12-2018</p> <p style="text-align: right;">  CHAIRMAN </p>



THE
PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Ph: 0992-9310058
Fax: 00992-931055

No: 722-

Dated Abbottabad 30 - November, 2018

From

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.

Khyber Pakhtukhwa
Service Tribunal

Diary No. 2198

To

The Chairman,
Service Tribunal,
KPK Peshawar.

Dated 3-12-2018

Subject:

WRIT PETITION NO. 1224-A OF 2018.

Sarfraz Khan

Petitioner.

Versus

Govt. of KPK & others

Respondents.

CONTEMPT OF COURT PETITION NO. 111-A OF 2018.

Sarfraz Khan

Petitioner.

Versus

Manzoor Ahmed & others

Respondents.

Respected Sir,



I am directed to forward herewith the subject writ petition & COC alongwith order of Honourable Division Bench, dated 27.11.2018 for further necessary action please.


Additional Registrar

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.**FORM OF ORDER SHEET**

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
27.11.2018	<p><u>WP No. 1224-A/2018.</u></p> <p>Present: Syed Amjad Shah, Advocate for petitioner.</p> <p>Mr. Yasir Zahoor Abbasi, Assist: AG for official respondents.</p> <p style="text-align: center;">***</p> <p><u>LAL JAN KHATTAK, J.</u> As by now <i>The Khyber Pakhtunkhwa Services Tribunal</i> is functioning, therefore, office is directed to send this writ petition alongwith COC No. 111-A/2018 to the tribunal, for its decision in accordance with law, after retaining its copies for record.</p> <p>Parties are directed to appear before <i>The Khyber Pakhtunkhwa Services Tribunal</i> on 03.12.2018.</p> <p style="text-align: right;">  JUDGE </p> <p style="text-align: right;">  JUDGE </p>

IN THE PESHAWAR HIGH COURT ABBOTTABAD BENCH

W.P.S. - NO 1224 of 20 18

Petition Presented By Syed Anjad Shah Adil
(Petitioner Personally). The Petition is in proper form and is accompanied
by copies of all necessary documents. Register and place before a Judge/DB
for order on the 15th
Day of November 20 18

A slip showing the date of hearing has this day been delivered to the petitioner.

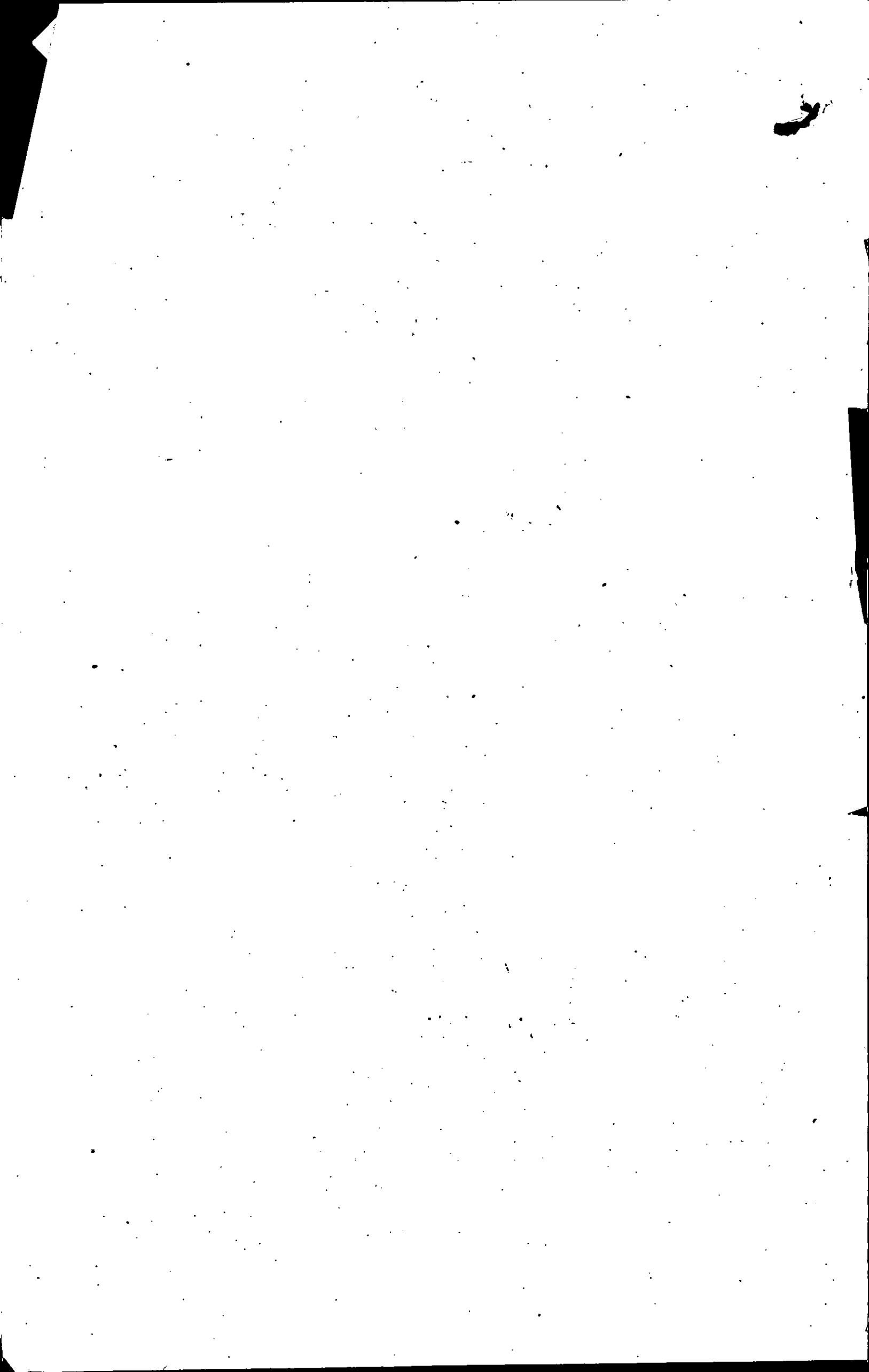
Dated 12/11/18

*Notes
me
[Signature]*

[Signature]
Reader

Countersigned

~~FILED TODAY~~
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
Additional Registrar
[Signature]



**IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
OPENING SHEET FOR WRIT BRANCH**

Case No. WP-1223/18
Date of Filing: _____
District: Abbottabad

Case Type: WRIT PETITION

Nature of Original Proceedings:

Category Code:

(Categories & Sub Categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of

Writ of; Habeas Corpus Prohibition Mandamus Quo Warranto Certiorari

If Certiorari;

Forum	Date	Interlocutory /Final Order	Caste Pertains to
		Interlocutory order	<input type="checkbox"/> SB
			<input type="checkbox"/> DB

Petitioner Name	Sarfraz Khan,
Mobile No.	
Address	Principal GDC, Nathiagali, Tehsil & District, Abbottabad.
CNIC No.	
Email Address	

Counsel for Petitioner(s)	Syed Amjad Shah, ASC
Mobile No.	0333-5069515
Address	Office at District Courts, Abbottabad
CNIC No.	13101-6323848-5
Email Address	

Respondent(s)	Govt. of Khyber Pakhtunkhwa & others.
Address	Correctly given in the heading of writ petition.

Original Order/ Action/ Inaction Complained of;
Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

Prayer;
On acceptance of the instant writ petition, impugned notification No.SO(E-I)E&AD/9-88/2018 dated 27/09/2018 may graciously be set aside and respondents department may be directed to restore notification No.SO(E-I)E&AD/9-88 dated 12/06/2017. Any other relief which this Honourable court deem appropriate in the circumstances of the case may also be granted to the petitioner.

Law/Rules/Governing the original proceedings/action/Inaction

- Constitution of Islamic Republic of Pakistan, 1973
-
- Other relevant case law will be cited at the bar.

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

Signature: 

BEFORE THE PESHAWAR HIGH COURT

ABBOTTABAD BENCH.

Writ Petition No. 1224/2018.

Service Appeal No. 1447/2018

Sarfraz Khan, Principal, GDC, Nathiagali, Tehsil and
District Abbottabad.

PETITIONER.

Versus.

Govt. of Khyber Pakhtunkhwa, through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar and others.

RESPONDENTS.

WRIT PETITION.

INDEX.

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4.	Copy of notification dated 12/06/2017	A	15
5.	Copy of impugned notification dated 27.09.2018	B	16 to 19
6.	Copy of Departmental appeal	C	20 to 23
7.	Copy of rejection letter.	D	24
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9.	Copy of relieving order	F	34 to 35
10.	Posting/Transfer policy	G	36 to 37
11.	Copies of notice and receipt		38 to 39
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SCANNED FILE

Date 10/11/18

Sign *[Signature]*

[Signature]
PETITIONER.

Through:

[Signature]
(SYED AMJAD SHAH)

**Advocate Supreme Court of Pakistan,
At Abbottabad**

[Signature]
Dated 10/11/2018
**ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH**
[Signature]

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. 1224 -A/2018

Service Appeal No. 1447/2018

Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
4. Dilawar Khan, Associate Professor, GPGC Mandian, Abbottabad.

...RESPONDENTS

No. 58357
12/11/18

WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN, 1973, FOR DECLARATION TO
THE EFFECT THAT THE PETITIONER WAS
TRANSFERRED TO GDC NATHIAGALI AS
PRINCIPAL THROUGH NOTIFICATION

FILED TODAY

**ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH**

12/11

NO.SO(E-I)E&D/9-88/2017 DATED 13/06/2017 AND WITHOUT COMPLETION OF SERVICE TENURE, THE PETITIONER HAS BEEN TRANSFERRED FROM GDC NATHIAGALI TO GPGC MANDIAN, ABBOTTABAD VIDE NOTIFICATION NO.SO(E-I)/E&AD/9-88/2018 DATED 27/09/2018, RESPONDENT NO.4 HAS BEEN TRANSFERRED FROM GDGC MANDIAN TO GDC NATHIAGALI, ABBOTTABAD AGAINST THE POSTING OF THE PETITIONER WHICH IS PREMATURE, DISCRIMINATORY, AGAINST THE LAW AND WITHOUT ANY LAWFUL JUSTIFICATION. THEREFORE, THE IMPUGNED NOTIFICATION NO.SO(E-I)E&AD/9-88/2018 DATED 27/09/2018 IS LIABLE TO BE SET ASIDE.

PRAYER: ON ACCEPTANCE OF THE INSTANT WRIT PETITION, IMPUGNED NOTIFICATION NO.SO(E-I)E&AD/9-88/2018 DATED 27/09/2018 MAY GRACIOUSLY BE SET ASIDE AND RESPONDENTS DEPARTMENT MAY BE DIRECTED TO RESTORE NOTIFICATION NO.SO(E-

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

9/27/18

DE&AD/9-88 DATED 13/06/2017. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE PETITIONER.

Respectfully Sheweth: -

1. That the petitioner is serving in the department for the last 29 years and served the department with diligence and honesty. The petitioner earned good name for the department and left no stone unturned to run the show smoothly.
2. That the petitioner remained as Associate Professor at GDC Sherwan near about 10 years prior to the posting as principal at GDC Nathiagali which is a far flung area from the place of abode of the petitioner. Therefore, the petitioner after serving 10 years in hard area has been transferred from GDC Sherwan to GDC Nathiagali as

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 ABBOTABAD BENCH

9/12/17

Principal vide Notification No.SO(E-I)E&AD/88 on 12/06/2017. Copy of notification dated 12/06/2017 is attached as Annexure "A".

3. That prior to the completion of tenure as per Transfer/ Posting Policy of the respondents' department. The petitioner was transferred from GDC Nathiagali to GPGC Mandian Abbottabad vide impugned notification No.SO(E-I)E&AD/9-88 dated 27/09/2018 which is malafide and is liable to be set aside. Copy of impugned notification dated 27/09/2018 is attached as Annexure "B".
4. That the petitioner filed departmental appeal on 28/09/2018. Copy of departmental appeal is attached as Annexure "C",
5. That departmental appeal of the petitioner has been rejected by the competent authority on 06/11/2018. Copy of rejection letter is attached as Annexure "D".

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTABAD BENCH

dm
12/11

Hence, the instant writ petition is filed, inter-alia, on the following grounds:-

GROUNDS:-

- (a) That transfer order of the petitioner dated 27/09/2018 is malafide, against the law, premature and the said transfer order is liable to be cancelled.
- (b) That the respondent No.3 has been transferred in place of petitioner. He is an influential person and he is backed by the political figures. Respondents, department without following the prescribed procedure required for transfer and posting issued transfer order of the petitioner which is not maintainable at law. The law prescribe that no one can be transferred unless his service tenure is completed. Resultantly, the impugned order is null and void upon the rights of the petitioner.

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**ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTABAD BENCH**

12/11

(c) That the respondent No.4 being junior Associate Professor cannot be posted as Principal at GDC Nathiagali in place of petitioner because the petitioner is senior to him. Besides, the petitioner achieved excellent Result within a limited span of time. The nobilities of the locality are happier due to the production of results upto the mark. Copies of seniority list and result synopsis are attached as Annexure "E".

(d) That the newly posted Principal at GDC Nathiagali, Mr. Dilawar Khan remained posted at GDC Nathiagali w.e.f May, 2013 to December, 2017. During his stay under the petitioner, he made request for temporary detailment to GPGC No.1 Abbottabad quoting the reason that he was a diabetic patient and could not travel to such a rough and hilly area of Nathiagali. Hence, joint management council has ordered for his temporary

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 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH

12/11

detainment to GPGC No. 1 and was relieved on 22/11/2017 Abbottabad. After 06 months, he was again transferred to GPGC Mandian, Abbottabad after completing his normal tenure of five years at GDC Nathiagali, Abbottabad.

- (e) That respondent No.4 as per his own request and choice got himself transferred to GPGC Mandian in April 2018 which is also his home station and he was relieved of from the strength of GDC Nathiagali on 22/11/2017. Copy of the relieving order is attached as Annexure "F".
- (f) That the respondents' department has used a sledge hammer which destroyed the savory of the nut, when a nut cracker is available to crack the nut.
- (g) That the good governance demand that whatever is provided in the law,

~~THE CHIEF JUSTICE~~
 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD PENCH
 27/11

that is to be followed by stricto sensu,
Hence, the transfer of the petitioner
the way it has been issued is utterly
unknown to the law as well as
jurisprudence and natural justice.
Therefore, the impugned order i.e
27/09/2018 is liable to be cancelled.

(h) That this fact may not be left to fade
in oblivion that the petitioner transfer
order is malafide, perverse and the
same is to be set aside.

(i) That no stretch of the imagination
confess any right of posting of
respondent No. 4 being junior to the
applicant as principal GDC
Nathiagali.

(j) That the Service Tribunal has gone
defunct due to the retirement of the
Chairman of the Service Tribunal.

Hence, the Honourable High Court
bench Abbottabad has ample

FILED TODAY
12
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH II

21/11

jurisdiction to entertain the present writ petition.

- (k) That there is no other prompt and efficacious remedy available to the petitioner except the invocation of jurisdiction of this Honourable Court.
- (l) That the necessary notices as per law have been served upon the respondents through registered mail. Copies of notice and receipts are attached as Annexure "G".
- (m) That court fee stamp paper worth Rs.500/- is affixed.
- (n) That the other grounds shall be urged at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant writ petition, impugned notification No.SO(E-I)E&AD/9-88/2018 dated 27/09/2018 may graciously be set aside and respondents department may be directed to restore

~~FILED TODAY~~

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD

[Handwritten signature]

notification No.SO(E-I)E&AD/9-88 dated 12/06/2017. Any other relief which this Honourable court deem appropriate in the circumstances of the case may also be granted to the petitioner.

INTERIM RELIEF:

That the petitioner has illegally been transferred from GDC Nathiagali to GPGC Mandian Abbottabad vide impugned order dated 27/09/2018. That valuable rights of the petitioner are at stake. The petitioner is likely to be succeeded in the case. Therefore, on acceptance of interim relief, impugned notification dated 27/09/2018 may graciously be suspended and status quo may graciously be ordered to be maintained till final disposal of the main writ petition.


...PETITIONER

Through

Dated: 10/11 /2018

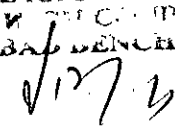

(SYED AMJAD SHAH)

Advocate Supreme Court of Pakistan,
At Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

FILED TODAY

ADDITIONAL REGISTRAR
PESHAWAR
ABBOTTABAD BENCH



...PETITIONER

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No: 1224 -A/2018

Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad.

...PETITIONER

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

WRIT PETITION

AFFIDAVIT

I, Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad, do hereby declare on oath that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and that nothing has been suppressed from this Honourable Court.

13101-3542411-1

AFFIDAVIT

S.No: 7203/202 Receipt No: 202

Certified that the above was verified on Solemn affirmation Ad before me on this 10 day of Nov 20018 by Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad who was identified by Ad Who is personally know is me.


DEPONENT

~~THE REGISTRAR~~
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT (Circuit) Bench
ABBOTTABAD BENCH


Oath Commissioner
(Additional Registrar)

12/11/18

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. 1224 -A/2018

Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad.

...PETITIONER

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

WRIT PETITION

CERTIFICATE

Certified that no writ petition has earlier been filed by the petitioner on the subject.

It is further certified that notice of writ petition alongwith grounds of writ has been dispatched to the respondents.

Through

Dated: 10/11/2018

~~THE CHIEF JUSTICE~~
 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH

10/11/18

...PETITIONER

(SYED AMJAD SHAH)

Advocate Supreme Court of Pakistan,
 At Abbottabad

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. 1224 -A/2018

Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad.

...PETITIONER

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

WRIT PETITION

LIST OF BOOKS

1. Constitution of Islamic Republic of Pakistan 1973.
- 2.
3. Other law books shall be cited at Barr.


...PETITIONER

Dated: 10/01 /2018

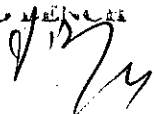
Through


(SYED AMJAD SHAH)

Advocate Supreme Court of Pakistan,
 At Abbottabad

~~FILED TODAY~~

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH



BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. 1224 -A/2018

Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad.

...PETITIONER

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

WRIT PETITION

ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under;-

Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
4. Dilawar Khan, Associate Professor, GPGC Mandian, Abbottabad.

...RESPONDENTS

...PETITIONER

Dated: 10/10 /2018

Through

FILED TODAY

**ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH**

(SYED AMJAD SHAH)

Advocate Supreme Court of Pakistan,
At Abbottabad

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Annexure - "A"



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

DATED Peshawar, the June 13, 2017

NOTIFICATION

NO. 30 (E) / 19-83/2017. Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following Professors (BS-19/20) (Male/Female) of College Cadre of Higher Education Department, in the public interest, with immediate effect:-

SR.#	NAME OF OFFICER	FROM	TO
1.	Ms. Shaheena Shaheer (BS-20)	Principal, GGDC, Pabbi (Nowshera)	Professor, GPGC (W) Mardan, against the vacant post.
2.	Ms. Zile Huma (BS-20)	Principal GGDC, Panjpic (Swabi)	Principal, GGDC Pabbi Nowshera vice Sr. No. 1
3.	Ms. Shahana Samin (BS-19)	Principal, GGDC Gulehan Rahman, Kohat Road, Peshawar	Associate Professor GFCW Peshawar against the vacant post.
4.	Ms. Shaheena Hassan (BS-20)	Principal, Govt. Tajo Bibi Girls Degree College, Charsadda	Principal, GGDC, Gulehan Rahman Colony, Peshawar, vice Sr. No. 3.
5.	Ms. Maroof Roheena (BS-19)	Associate Professor, GGDC Tajo Bibi Charsadda	Principal at Govt. Tajo Bibi Girls Degree College, Charsadda, in her own pay and scale vice Sr. No. 4
6.	Ms. Gazina (BS-19)	Associate Professor, GGDC No. 1, Mansehra	Principal in GGDC No. 1 Mansehra in her own pay and scale, against the vacant post.
7.	Ms. Nasira Bano (BS-20)	Professor, GGDC No. 1 Abbottabad	Principal, GGDC No. 3 Mandian Abbottabad against the vacant post.
8.	Ms. Nabeem Murtaza (BS-20)	Principal, CGDC Nawashehr Abbottabad.	Professor GGDC No. 2 Mandian Abbottabad against the vacant post.
9.	Ms. Sabiha Nazil (BS-19)	Associate Professor, GPGC (W), Mardan	GGDC, Pabbi Nowshera, against the vacant post.
10.	Ms. Rehmania Begum (BS-19)	Associate Professor, GGDC, Pabbi Nowshera	GGDC Gulbahar Peshawar, against the vacant post.
11.	Ms. Sadia Mahjabeen (BS-19)	Associate Professor, GGDC, KTS Haripur	GGDC, Havelian Abbottabad, against the vacant post.
12.	Ms. Farhat Sultana (BS-19)	Principal, GGDC No. 2 Haripur	Associate Professor at GGDC KTS, Haripur, vice Sr. No. 11
13.	Ms. Nighat Shahaeen (BS-19)	Associate Professor, GPGC Haripur	Principal at GGDC, No. 2 Haripur, against the vacant post.
14.	Ms. Anwer Noor (BS-19)	Principal, GGDC, Dagger (Buner)	Associate Professor, GGDC No. 1 D.I. Khan, against the vacant post.
15.	Ms. Shaheena Zaman (BS-19)	Associate Professor, GGDC, Nawashehr Abbottabad	Principal, GGDC Malipura Abbottabad, against the vacant post.

Serjeant
BPS 19
Page No 387



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Annex B 2

DATED PESHAWAR THE SEPTEMBER 27, 2018

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NOTIFICATION

NO.SO(E-I)E&AD/9-88/2018. Government of Khyber Pakhtunkhwa is pleased to order postings/transfers of the following Professors/Associate Professors of Higher Education Department, in the public interest, with immediate effect:-

SR.#	NAMES OF OFFICERS	FROM	TO
1.	Mr. Altaf Haider	Principal, GDC, Takht Bhai.	Principal, GPGC, Mardan, against the vacant post.
2.	Muhammad Iftikhar	Professor, GPGC, Swabi.	Principal, GDC, Tkhat Bhai, vice Sr. No. 1.
3.	Dr. Asfnad Ahmad	Professor, GPGC, Haripur.	Principal, GPGC, Haripur, vice Sr. No. 4.
4.	Mr. Abdul Warab	Principal, GPGC, Haripur.	Principal, GPGC, Swat against the vacant post.
5.	Mr. Saadul Khan (BS-19)	Associate Professor of Botany, GDC, Charsada (Bannu).	Principal GDC, Kakki (Bannu), against the vacant post.
6.	Mr. Fazli Sadiq (BS-19)	Associate Professor of English, GPGC, Dargai (Malakand).	Principal GDC, Patal Malakand, against the vacant post.
7.	Mr. Abul Latif (BS-20)	Professor of Zoology, GDC, Batkhela Malakand.	Principal, GDC, Batkhela Malakand, against the vacant post.
8.	Mr. Istiraj Khan (BS-19)	Associate Professor of Maths, GDC, Yar Hussain Swabi.	Principal GDC, Gandaf Swabi, against the vacant post.
9.	Mr. Amir Imdad Khan (BS-20)	Professor of History, GPGC, Bannu.	Principal GDC, No.2 Bannu, against the vacant post.
10.	Mr. Rahmat Karim (BS-20)	Professor of Statistics, GPGC, Timergara, Dir Lower.	Principal GDC, Gulabad, Dir Lower, against the vacant post.
11.	Mr. Irfanullah (BS-20)	Professor of Statistics, GDC, Daggar Buner.	Principal GDC, Mathra, Peshawar, against the vacant post.
12.	Mr. Malqias Khan (BS-20)	Principal, GDC, Takht-e-Nasrati, Karak	Principal GPGC, Karak, against the vacant post.
13.	Mr. Muhammad Laiq (BS-20)	Professor GDC, Takht-e-Nasrati Karak.	Principal, GDC, Takht-e-Nasrati, Karak vice Sr. No. 12.

Continued at Page-2



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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14.	Mr. Inayat-ur-Rehman (BS-20)	Professor of Islamiyat GPGC, Dargai Malakand.	Principal GDC, Totakan, Malakand, against the vacant post.
15.	Mr. Mumtaz Hussain (BS-20)	Professor of Pak- Study. Government Degree College, Bonni Chitral.	Principal GDC, Chitral, against the vacant post.
16.	Mohammad Javid (BS-20)	Professor of English GPGC, Mardan.	Principal GDC, Totalai Buner, against the vacant post.
17.	Mr. Wali Ahad (BS-19)	Associate Professor of Statistics/Principa- GDC, Agra Malakand.	Associate Professor at GDC, Totakan Malakand, against the vacant post.
18.	Mr. Muhammad Yousef (BS-19)	Associate Professor of Statistics, GPGC Matta Swat.	Principal GDC, Agra Malakand, vice Sr. No.17.
19.	Mr. Saad Mohammad (BS-20)	Professor of Islamiyat, GPGC, Bannu.	Principal GPGC, Bannu, against the vacant post.
20.	Mr. Anwar Baig (BS-19)	Associate Professor of Political Science, GDC, Battagram.	Principal at GDC Darband Mansehra, vice Sr. 21.
21.	Mr. Ishaq Ahmad (BS-19)	Principal at GDC, Darband Mansehra.	Associate Professor GDC, Darband Mansehra
22.	Mr. Nisar Khan	Associate Professor, GDC, Serai Naurang Lakki Marwat.	Associate Professor at GPGC, Bannu.
23.	Mr. Dilawar Khan	Associate Professor, GPGC, No.2 Mandian- Abbottabad.	Principal, GDC, Nathiagali Abbottabad, vice Sr. No.24.
24.	Mr. Sarfaraz Khan	Principal, GDC, Nathiagali, Abbottabad.	Associate Professor, GPGC No.2, Mandian Abbottabad, vice Sr No.23
25.	Muhammad Shoukat (BS-19)	Associate Professor, GDC, Balakot, Mansehra.	Associate Professor, GDC, Sherwan, Abbottabad
26.	Syed Shams-ul-Abbas (BS-19)	Associate Professor, GDC, Balakot, Mansehra.	Associate Professor GDC, Nathiagali, Abbottabad.
27.	Muhammad Nisar (BS-19)	Associate Professor, Physics, GDC, Khanpur, Haripur.	Associate Professor, GDC, Kalabat against the vacant.

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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

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28.	Prof. Abdul Jabbar (BS-20)	Principal Government Postgraduate College, Charsadda.	Principal GDC, Hayatabad Peshawar, against, the vacant post.
29.	Mr. Mohammad Raza Shah (BS-20)	Professor of Statistics, GPGC, Charsadda.	Principal, GPGC, Charsadda, vice Sr. No.28.
30.	Muhammad Zaman (BS-19)	Associate Professor Government Degree College, Wadpagg Peshawar.	Additional Director (P&D) at Directorate of Higher Education Khyber Pakhtunkhwa, Peshawar.
31.	Dr. Riaz-ud-Din (BS-19)	Associate Professor Government Degree College, Shabqadar	Associate Professor, GDC, Wadpagg Peshawar, vice Sr. No.30.
32.	Mr. Zahoor-ul-Haq (BS-19)	Associate Professor, of Physics repatriated from the post of Director, S&T	Associate Professor, GDC, Pabbi Nowshera.
33.	Muhammad Attaullah Shah (BS-19)	Associate Professor of Zoology, repatriated from the post of GM, FDA.	Associate Professor of Zoology, GPGC, Mardan
34.	Muhammad Naeem (BS-19)	Associate Professor Government College, Peshawar.	Associate Professor, GPGC, Charsadda, against the vacant post.
35.	S. Farkhanda Shah (BS-20)	Professor of Economics, GPGC, Swabi.	Principal, Government Degree College, Yar Hussain Swabi, vice Sr. No.36.
36.	Dr. Muhammad Zubair (BS-20)	Professor/Principal government Degree College, Yar Hussain Swabi.	Professor Government Postgraduate College, Swabi, vice Sr. No.35.
37.	Mr. Azhar Latif (BS-19)	Associate Professor, of Maths, Government Degree College, Balakot Mansehra.	Principal Government Degree College, Bori Abbottabad.

2. Moreover, Professor Muhammad Ilyas (BS-20) Matta Degree College is authorized to hold additional charge of the post of Principal Matta Degree College, Swat, till further order.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
Continued at Page-4



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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Endst. No. & date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Director, Higher Education, Khyber Pakhtunkhwa.
6. Director Information, Khyber Pakhtunkhwa Peshawar.
7. District Accounts Officer, concerned.
8. PS to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Secretary Establishment/PS to SS(E)/PA AS(E), AS(HRD)/D.S(A)/D.S(E)/ SO(Secret)/ SO(E.II)/SO (HRD-I)/SO(E.IV)/E.O/ACSO Cypher/D.D. IT and Director Protocol E&AD, Khyber Pakhtunkhwa.
10. Officers concerned.
11. Manager, Govt. Printing Press Peshawar.

(ISHTIAQ AHMAD)
SECTION OFFICER (ESTT. I)

A.LATIF

To

Annex C-2

Honorable Chief Minister
Khyber Pakhtunkhwa
Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST THE TRANSFER
NOTIFICATION NO. SO (E-1) E&AD/9-88/2018 DATED
27-09/2018 FALLING AT SERIAL No .24.

Respectfully Sheweth,

It is submitted as under :-

1. That the appellant was transferred from GDC Sherwan after almost ten Years and posted at GDC Nathiagali as principal vide notification No. SO(E-1)E&AD/9-88/2017 Dated 13 June 2017 copy of notification attached as ANNEXURE "A")
2. That on dated 21/06/2017 appellant took over the Charge as principal GDC Nathiagali, (copy of the charge report is attached as Annexure "B")
3. That GDC Nathiagali is situated in the native town of the appellant and also the home station of appellant.
4. That, the appellant after took over the charge of principal GDC Nathiagali and worked hard for the betterment of students and institution and thus annual results of BISE of HSSC 2013 raised to 17th to 81% which previously were floating from 14 to 17% only

during the last proceeding years consequently GDC Nathiagali stood first among the male college District Abbottabad. It is worth to mentioned here that at university level one of B.A/BSC Part-I student grabbed first position in university in the Annual 2018 BA/BSc exam of AUST, Abbottabad University of science of Technology. Copy of the result is attached as Annexure "C".

5. That the appellant is prematurely transferred from GDC Nathiagali to GPGC Mandian vide notification No. SO(E-1)E&AD/9-88/2017 dated. 27/09/2018 after shortest period of one year without completion of service. Normal tenure of Service of 3 year laid down in the transferred and posting policy of KPK. Copy of the transfer notification is attached as Annexure "D".

6. That the Premature transfer of appellant is illegal, unconstitutional, ultra wire and sheer violation of the transfer and posting policy of the KPK Govt.

7. That the newly Posted Principal at GDC Nathiagali Mr. Dilawar Khan remained Posted at GDC Nathiagali w.e.f May 2013 to Dec, 2017. During his stay under the appellant he made request for Temporary detailment to GPGC No 1 Abbottabad Quoting the Reason that, he is a diabetic Patient and could not Travel to such a rough and tough area of Nathiagali. Thus in compliance of JMC Order he was relieved to GPGC No. 1 on 22/11/2017 on

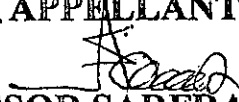
detailment. After 6 months he was transferred to GPGC Mandian, after completing his Normal tenure of Five years at GDC Nathiagali.

8. That Mr. Dialawar Khan is per his own request and choice got himself transferred to GPGC Mandian in April 2018 which is also his home Station and he was relieved of from the strength of GDC Nathiagali on 22/11/2017. (Copy of the releaving order is attached as **ANNEXURE "G"**
9. That Mr. Dilawar Khan who has been posted as principal GDC Nathiagali replacing the appellant is affiliated with KPLA(Khyber Pakhtunekhwa professors of lectures Association) and remained Provincial General Secretary of PACTA during 2010 to 2013 with president PACTA Prof: Nasrullah Khan Yousaf Zai, who is now the Principal of Superior Science College Peshawar and with the influence of KPLA Association cum political backup he got himself posted as principal GDC Nathiagali to facilitate the Association leadership cum his group at the picnic point of Nathiagali. Thus his posting is Malicious & violation of Service rule.
10. That the appellant is also senior to Mr: Dilawar Khan, whereas the criteria laid down for principal ship is seniority cum fitness which has absolutely been violated in the current transfer and posting notification.(copy of seniority list is attached as **ANNEXURE "H"**)

14. That the appellant has also qualified the relevant administrative training course of management and leadership for Principal and DDo,s Heart KPK Peshawar whereas Mr. Dilawar Khan has not undergone through such training course. (Copy of training certificate is attached as ANNEXURE "T")

Keeping in view the above stated facts and figures, it is humbly prayed/requested that on acceptance of instant departmental appeal, premature transfer order of appellant dated 27/09/2018 may graciously be set aside and previous order of appellant as principal GDC Nathiagali be restored.

Dated: 28/09/2018

APPELLANT

(PROFESSOR SARFRAZ KHAN)
Principal GDC Nathiagali

Annex 02 (24)

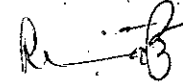
GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT
CIVIL SECRETARIAT.

NO.SO(C-I)HE/1-5/Transfer Appeal/2018/Sarfaraz Khan
Dated Peshawar the 06/11/2018

Mr. Sarfaraz Khan,
Associate Professor (BPS-19) / Principal,
Government Degree College, Nathiagali.

**DEPARTMENTAL APPEAL AGAINST THE TRANSFER NOTIFICATION
NO.SO(E-I)E&AD/9-88/2018 DATED 27-09-2018 FALLING AT SERIAL NO.24.**

I am directed to refer to your self-explanatory application on the subject noted above and to state that your appeal was processed and considered at appropriate level but the competent authority does not accede to your request as it was not satisfactory/convincing.



(RIAZ)
SECTION OFFICER (COLLEGES-I)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT
CIVIL SECRETARIAT

NO.SO(C-I)HE/1-5/Transfer Appeal/2018/Sarfaraz Khan
Dated Peshawar the 06/11/2018

To

Mr. Sarfaraz Khan,
Associate Professor (BPS-19) / Principal,
Government Degree College, Nathiagali.

**Subject: DEPARTMENTAL APPEAL AGAINST THE TRANSFER NOTIFICATION
NO.SO(E-DE&AD/9-88/2018 DATED 27-09-2018 FALLING AT SERIAL NO.24.**

I am directed to refer to your self-explanatory application on the subject noted above and to state that your appeal was processed and considered at appropriate level but the competent authority does not accede to your request as it was not satisfactory/convincing.

(RIAZ)
SECTION OFFICER (COLLEGES-I)

Annex E

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FINAL SENIORITY LIST OF ASSOCIATE PROFESSOR IN BPS-19 (MALE) COLLEGE CADRE CORRECTED UPTO 24.09.2018

S.No	Name of Officers with Qualification	Date of Birth/ Domicile	Date of 1st Entry in to Govt. Service	Date of Regular Appointment to the service/cadre.	Regular/Promotion to the present post.		Mode of App:	Remarks
					Date	BPS		
1	Muhammad Karim S/O Sabir Gul M.Sc Stats, Principal GDC, Lachi	01.02.1966 Karak	01.09.1991	01.09.1991	01.02.2011	19	Initial Recruitment	
2	Mr. Hidayatullah Jan M.Sc Comp.Sc: GPGC, Nowshera.	30.03.1965 Malakand	17.07.1990	17.07.1990	9.1.2012	19	Promotion	
3	Mr. Shafi-Ur-Rehman M.A Urdu, GDC, Booni Chitral	01.04.1963 Abbottabad	19.09.1989	19.09.1989	9.1.2012	19	Promotion	
4	Wali Muhammad S/O-Mustaqeem M.A Islamiyat/Arabic. GC, Tank	18.04.1961 Bannu	07.05.1986	21.01.87	29.05.2013	19	Promotion	
5	Mr. Naseer Khan S/O Habitué Rehman Economics, GDC, Hayat Abad	01.08.1962 Karak	16.09.1987	16.09.87	29.05.2013	19	Promotion	
6	Fazle Mabood S/O Mian Syed Wahid M.A Pak Study, GJPGC, Swat	24.04.1962 Swat	07.03.1987	31.08.87	29.05.2013	19	Promotion	
7	Muhammad Kamal Khan S/O Abdul Hanan, M.A English, Principal GDC Achini Peshawar	07.02.1959 Swat	01.09.1987	01.09.87	10.06.2013	19	Promotion	
8	Liaqat Ur Rehman S/O Mailk Muhd: Ismail, M.A Pak Study, GDC, Khanpur	08.04.1962 Abbottabad	13.09.1987	13.09.87	29.05.2013	19	Promotion	
9	Adalat Khan S/O Ahmad Gul M A Economics, GPGJC, Swat.	25.01.1961 Swat	07.09.1987	07.09.87	29.05.2013	19	Promotion	

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S.No	Name of Officers with Qualification	Date of Birth/ Domicile	Date of 1st Entry in to Govt. Service	Date of Regular Appointment to the service/cadre.	Regular/Promotion to the present post.		Mo
					Date	BPS	
205	Fazli Malik S/O Awal Khan M.Sc Stats, GC, Babuzai.	05.06.1961 Mardan	28.03.1989	28.03.89	05.08.2014	19	Pro
206	Sardar Hussain S/O Lajbar Khan M.Sc Stats, GDC, Ghari Kapoor (Mardan)	28.03.1963 Mardan	28.03.1989	28.03.89	05.08.2014	19	Pro
207	Shah Zamin S/O Rozamin Khan M.A, Pol: Sc GC, At the disposal of DE (FATA)	01.01.1961 Bajaur	29.03.1989	29.03.89	05.08.2014	19	Pro
208	Rifaqat Ali S/O Arbab Sardar Ali Khan M.Sc Stats, GDC, Mathra Peshawar	18.01.1961 Peshawar	29.03.1989	29.03.89	05.08.2014	19	Pro
209	S.Arif Raza Zaidi S/O Muzaffar Hussain, M.Sc Stats, GDC, Wadpaga (Peshawar)	08.10.1964 Peshawar	29.03.1989	29.03.89	05.08.2014	19	Pro
210	Zubair Anwar S/O Muhammad Anwar M.Sc Stats, GSSC, Peshawar	09.08.1960 Peshawar	30.03.1989	30.03.89	05.08.2014	19	Pro
211	Muhammad Yousaf S/O Abdul Jabbar M.A Economics, GPGC, Mansehra	25.03.1961 Mansehra	30.03.1989	30.03.89	05.08.2014	19	Pro
212	Ishtiaq Ahmad S/O Muhammad Faqirullah, M.A Economics, GC, Darband Manshera	20.04.1962 Mansehra	30.03.1989	30.03.8	05.08.2014	19	Pro
213	Abdur Rab S/O Faiz Talab M.A Economics, GC, Balakot.	11.02.1959 Mansehra	01.04.1989	01.04.89	05.08.2014	19	Pro
214	Eid Muhammad Khan S/O Sharif Khan M.Sc Chemistry, GPGC, Miranshah	16.06.1959 N.W.A	01.04.1989	01.04.89	05.08.2014	19	Pro
215	Muhammad Asif Raza S/O Muhammad	09.02.1961	01.04.1989	01.04.89	05.08.2014	19	Pro

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S.No	Name of Officers with Qualification	Date of Birth/ Domicile	Date of 1st Entry in to Govt. Service	Date of Regular Appointment to the service/cadre.	Regular/Promotion to the present post.		Mode of App:
					Date	BPS	
266	Muhammad Raza Shah S/O Umar Shah, M.A History/Civics, GC, Takht Bhai	30.10.1961 Mardan	12.10.1989	12.10.89	05.08.2014	19	Promotion
267	Muhammad Ibrahim Shah S/O Khush Wazir Shah .A Islamiyat/Arb. GC, Tangi Charsadda	03.03.1962 Chitral	12.10.1989	12.10.89	05.08.2014	19	Promotion
268	Muhammad Yousaf S/O Shabaroz Khan M.A History/Civics, GC, Esak Khel	16.08.1960 Bannu	18.09.1989	18.09.89	05.08.2014	19	Promotion
269	Fazli Rehman S/O Mohd Naeem M.A History/Civics, GDC, Lahor Swabi	10.06.1963 Swabi	12.10.1989	12.10.89	05.08.2014	19	Promotion
270	Sarfraz S/O Muhammad yaqoob M.A.Economics, GDC, Nathagai	10.02.1962 Abbottabad	13.09.1989	13.09.89	05.08.2014	19	Promotion
271	Abdul Waheed S/O Rahm Khan M.Sc Zoology, GDC, Oghi	20.03.1966 Mansehra	19.06.1990	19.06.90	05.08.2014	19	Promotion
272	Habibun Nabi S/O Fazal Rabbi M.Sc Comp:Sc, GDC, Jowar	01.05.1963 Swat	16.07.1990	16.07.90	05.08.2014	19	Promotion

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S.No	Name of Officers with Qualification	Date of Birth/ Domicile	Date of 1st Entry in to Govt. Service	Date of Regular Appointment to the service/cadre.	Regular/Promotion to the present post.		Mode of App:	Remarks
					Date	BPS		
348	Hisamud Din S/O Momin Imam M.Sc Geography, GC, Chitral	25.01.1963 Chitral	14.02.1991	14.02.91	12.12.2014	19	Promotion	
349	Arbab Hussain S/O Mobin Ali M.A Pol.Sc GC, Parachinar	03.07.1963 Kur Agency	09.02.1991	09.02.91	12.12.2014	19	Promotion	
350	Jalalud Din S/O Aminud Din M.Ā Pol. Sc GC Dargai	03.02.1964 Dir	10.02.1991	10.02.91	12.12.2014	19	Promotion	
351	Anwar Shah S/O Gul Badshah M.Sc Maths, GDC, Barkaloszai	05.04.1966 Bajaur	01.09.1991	01.09.91	12.12.2014	19	Promotion	
352	Ahmad Zeb S/O Amir Dost M.Sc Maths, GC, Paniaia D.I.Khan	15.02.1964 Swat	01.09.1991	01.09.91	12.12.2014	19	Promotion	
353	Naveed Akhtar S/O Muhammad Akhtar M.A English, GPGC, Abbottabad	23.03.1966 Manschra	22.08.1991	22.08.91	12.12.2014	19	Promotion	
354	Mohib Ullah S/O Muhammad Zarin	30.09.1964	25.08.1991	25.08.91	12.12.2014	19	Promotion	

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S.No	Name of Officers with Qualification	Date of Birth/ Domicile	Date of 1st Entry in to Govt. Service	Date of Regular Appointment to the service/cadre.	Regular/Promotion to the present post:		Mode of App:
					Date	BPS-	
356	Muhammad Roz Khan S/O Fazle Rehman M.A English, Additional Director Higher Education	02.04.1966 Dir	01.09.1991	01.09.91	12.12.2014	19	Promotion
357	Dilawar Khan S/O Gulistan Khan M.A English, GDC, Natiagali Abbottabad	07.01.1964 Abbottabad	05.09.1991	05.09.91	12.12.2014	19	Promotion
358	Abbas Hussain Shah S/O Yousaf Shah M.Sc Botony, GPGC, No.1 Abbottabad	05.05.1964 Abbottabad	16.09.1991	16.09.91	12.12.2014	19	Promotion
359	Asim Jamshed Kiyani S/O Manocher Kiyani, M.A English, GC. Mingora.	10.06.1964 Swat	22.08.1991	22.08.91	12.12.2014	19	Promotion

SARBAR
SARFRA 2

INSTITUTION WISE RESULT PERCENTAGE

HSSC (PART-I) 2018

① 30

Principal 2017-18

(Annexure - C)

EMIS	School Name	Appeared	Pass	%age
	GPGC NO.1 ABBOTTABAD	922	784	85
	GPGC MANDIAN ABBOTTABAD	295	187	63
	GDC HAVELIAN ABBOTTABAD	353	58	16
	GDC SHERWAN ABBOTTABAD	78	27	35
✓	GDC NATHIAGALI ABBOTTABAD	133	72	54 ✓
	GGDC NO.1 ABBOTTABAD	531	481	91
	GGDC MANDIAN ABBOTTABAD	347	216	62
	GGDC NAWANSHEHR ABBOTTABAD	248	110	44
	GGDC HAVELIAN ABBOTTABAD	209	104	50
	GGDC QALANDARABAD ABBOTTABAD	206	150	73
	GGDC NELOAR SAIDAN ABBOTTABAD	13	7	54
	GOVT. HOME ECONOMICS COLLEGE ABBOTTABAD	16	9	56
	GOVT. GIRLS DEGREE COLLEGE MALIKPURA ABBOTTABAD	150	102	68
36635	GHSS BAGNOTAR ABBOTTABAD	33	22	67
36638	GHSS KHANISPUR AYUBIA ABBOTTABAD	15	8	53
36639	GHSS LORA ABBOTTABAD	126	122	97
36634	GHSS NAWANSHEHR ABBOTTABAD	112	45	40
36641	GHSS RICH BEHN ABBOTTABAD	43	17	40
35947	GHSS BOI ABBOTTABAD	50	49	98
35998	GHSS ZIARAT MASOOM ABBOTTABAD	10	8	80
36637	GHSS DALOLA ABBOTTABAD	10	10	100
35945	GHSS BANDI DHUNDAN ABBOTTABAD	77	26	34
35970	GHSS LANGRIAL ABBOTTABAD	15	14	93
36636	GHSS BIROTE ABBOTTABAD	45	39	87
	GHSS TAJWAL ABBOTTABAD	14	11	79
35976	GHSS MOHRI BED BHEN ABBOTTABAD	29	22	76
35978	GHSS NAGRI BALA ABBOTTABAD	2	1	50
	GHSS HARNOO ABBOTTABAD	19	14	74
38718	GOVT. GIRLS COMPREHENSIVE H.S SCHOOL ABBOTTABAD	298	183	61
38719	GGHSS HAVELIAN ABBOTTABAD	258	177	69
38721	GGHSS MALIKPURA ABBOTTABAD	62	46	74

SARDAR
SARFAZ
Principal 2017-18

INSTITUTION WISE RESULT PERCENTAGE
HSSC (PART-II) 2018

31

Abbottabad District

EMIS	School Name	Aprd:	Pass	%age	A1	A	B	C	D	E
	GPGC NO.1 ABBOTTABAD	736	579	79	10	57	175	151	138	3
	GPGC MANDIAN ABBOTTABAD	330	259	78	0	3	29	121	105	1
	GDC HAVELIAN ABBOTTABAD	273	73	27	0	0	5	26	40	2
	GDC SHERWAN ABBOTTABAD	82	36	44	0	1	1	12	22	0
	GDC NATHIAGALI ABBOTTABAD	71	57	80	0	0	2	30	23	2
	GGDC NO.1 ABBOTTABAD	569	531	93	5	81	243	187	15	0
	GGDC MANDIAN ABBOTTABAD	362	228	63	0	8	72	118	30	0
	GGDC NAWANSHEHR ABBOTTABAD	228	104	46	0	2	30	52	17	3
	GGDC HAVELIAN ABBOTTABAD	190	134	71	0	6	28	78	22	0
	GGDC QALANDARABAD ABBOTTABAD	181	139	77	0	2	38	86	13	0
	GGDC NELOAR SAIDAN ABBOTTABAD	25	23	92	0	0	9	11	3	0
36635	GHSS BAGNOTAR ABBOTTABAD	55	28	51	0	0	0	7	20	1
36638	GHSS KHANISPUR AYUBIA ABBOTTABAD	10	10	100	0	0	1	6	3	0
36639	GHSS LORA ABBOTTABAD	118	112	95	0	0	4	63	45	0
36634	GHSS NAWANSHEHR ABBOTTABAD	69	32	46	0	0	1	13	18	0
36641	GHSS RICH BEHN ABBOTTABAD	17	15	88	0	0	0	6	9	0
35947	GHSS BOI ABBOTTABAD	24	24	100	0	0	4	11	9	0
35998	GHSS ZIARAT MASOOM ABBOTTABAD	20	18	90	0	0	0	3	14	1
36637	GHSS DALOLA ABBOTTABAD	23	21	91	0	0	0	12	9	0
35945	GHSS BANDI DHUNDAN ABBOTTABAD	83	21	25	0	0	1	2	17	1
35970	GHSS LANGRIAL ABBOTTABAD	18	18	100	0	1	0	14	3	0
36636	GHSS BIROTE ABBOTTABAD	71	52	73	0	0	3	28	21	0
	GHSS TAJWAL ABBOTTABAD	5	4	80	0	0	0	1	3	0
35976	GHSS MOHRI BED BHEN ABBOTTABAD	25	22	88	0	0	1	11	10	0
35978	GHSS NAGRI BALA ABBOTTABAD	2	2	100	0	0	0	1	1	0
	GHSS HARNOO ABBOTTABAD	43	37	86	0	0	1	14	21	1
36718	GOVT. GIRLS COMPREHENSIVE H.S SCHOOL ABBOTTABAD	283	201	71	0	2	23	109	67	0
36719	GGHSS HAVELIAN ABBOTTABAD	252	206	82	2	7	63	97	37	0
36721	GGHSS MALIKPURA ABBOTTABAD	69	49	71	0	4	23	18	4	0
36452	GGHSS LORA ABBOTTABAD	64	57	89	0	1	6	32	18	0

Principals

Principal (Jsting Sarwar)

INSTITUTION WISE RESULT PERCENTAGE

HSSC (PART-I) 2017

32

Abbottabad District

EMIS	Institution Name	Appeared	Pass	%age
	GDC NATHIAGALI ABBOTTABAD	108	20	19
	GPGC NO.1 ABBOTTABAD	912	481	53
	GDC SHERWAN ABBOTTABAD	96	57	59
	GPGC MANDIAN ABBOTTABAD	411	154	37
	GDC HAVELIAN ABBOTTABAD	410	75	18
36636	GHSS BIROTE ABBOTTABAD	82	51	62
35998	GHSS ZIARAT MASOOM ABBOTTABAD	33	12	36
	GHSS TAJWAL ABBOTTABAD	21	0	0
36634	GHSS NAWANSHEHR ABBOTTABAD	95	33	35
35945	GHSS BANDI DHUNDAN ABBOTTABAD	108	25	23
35978	GHSS NAGRI BALA ABBOTTABAD	2	1	50
36635	GHSS BAGNOTAR ABBOTTABAD	74	6	8
	GHSS HARNOO ABBOTTABAD	55	19	35
36641	GHSS RICH BEHN ABBOTTABAD	22	15	68
35970	GHSS LANGRIAL ABBOTTABAD	18	11	61
36639	GHSS LORA ABBOTTABAD	131	54	41
36638	GHSS KHANISPUR AYUBIA ABBOTTABAD	12	8	67
35976	GHSS MOHRI BED BHEN ABBOTTABAD	31	4	13
36637	GHSS DALOLA ABBOTTABAD	26	11	42
35947	GHSS BOI ABBOTTABAD	26	9	35
	GGDC HAVELIAN ABBOTTABAD	201	120	60
	GGDC NAWANSHEHR ABBOTTABAD	267	138	52
	GGDC NELOAR SAIDAN ABBOTTABAD	26	16	62
	GGDC NO.1 ABBOTTABAD	596	418	70
	GGDC MANDIAN ABBOTTABAD	369	217	59
	GGDC QALANDARABAD ABBOTTABAD	187	152	81
36719	GGHSS HAVELIAN ABBOTTABAD	280	166	59
	GGHSS GARHI PHULGRAN ABBOTTABAD	21	19	90
36450	GGHSS KAKUL ABBOTTABAD	37	23	62
36447	GGHSS HAJIA GALI ABBOTTABAD	65	45	69
36451	GGHSS KERI RAIKI ABBOTTABAD	37	12	32

CONTROLLER OF EXAMS
Govt. Degree College
Nathiagali, Abbottabad

EXAMINER
GDC (NATHIAGALI) ABBOTTABAD

Principal (Sherwan) INSTITUTION WISE RESULT PERCENTAGE
 HSSC (PART-II) 2017
 Abbottabad District

(C) 33

EMIS	Institution Name	Aprd:	Pass	%age	A1	A	B	C	D	E
	GDC SHERWAN ABBOTTABAD	50	22	44	0	0	3	7	12	0
	GPGC NO.1 ABBOTTABAD	980	332	34	2	23	97	139	65	6
	GDC NATHIAGALI ABBOTTABAD									
	GDC HAVELIAN ABBOTTABAD	322	96	30	0	1	3	21	65	6
36636	GHSS BIROTE ABBOTTABAD	288	101	35	0	2	19	61	19	0
36634	GHSS NAWANSHEHR ABBOTTABAD	40	17	43	0	0	0	9	7	1
35945	GHSS BANDI DHUNDAN ABBOTTABAD	72	16	22	0	0	2	7	7	0
36637	GHSS DALOLA ABBOTTABAD	80	44	55	0	0	2	11	29	2
36635	GHSS BAGNOTAR ABBOTTABAD	15	7	47	0	0	0	1	6	0
36641	GHSS RICH BEHN ABBOTTABAD	78	23	29	0	0	2	8	12	1
35970	GHSS LANGRIAL ABBOTTABAD	9	5	56	0	0	0	2	3	0
36639	GHSS LORA ABBOTTABAD	25	14	56	0	0	0	8	6	0
35976	GHSS MOHRI BED BHEN ABBOTTABAD	110	44	40	0	0	0	12	32	0
36638	GHSS KHANISPUR AYUBIA ABBOTTABAD	20	15	75	0	0	1	2	10	2
35978	GHSS NAGRI BALA ABBOTTABAD	6	4	67	0	0	0	2	2	0
35947	GHSS BOI ABBOTTABAD	3	1	33	0	0	0	0	1	0
	GGDC HAVELIAN ABBOTTABAD	6	3	50	0	0	0	1	2	0
	GGDC NO.1 ABBOTTABAD	270	147	54	0	3	50	82	12	0
	GGDC NAWANSHEHR ABBOTTABAD	520	403	78	9	46	181	151	16	0
	GGDC MANDIAN ABBOTTABAD	248	114	46	0	7	27	64	16	0
	GGDC QALANDARABAD ABBOTTABAD	299	162	54	0	13	52	84	13	0
	GGDC NELOAR SAIDAN ABBOTTABAD	180	118	66	0	4	47	57	10	0
4452	GGHSS LORA ABBOTTABAD	18	12	67	0	2	3	7	0	0
4447	GGHSS HAJIA GALI ABBOTTABAD	30	28	93	0	0	5	21	2	0
4455	GGHSS RICHBHEN ABBOTTABAD	49	41	84	0	2	20	17	2	0
4471	GGHSS MALIKPURA ABBOTTABAD	30	29	97	0	0	1	23	5	0
4448	GGHSS DHAMTOUR ABBOTTABAD	82	62	76	0	5	32	23	2	0
4476	GGHSS KUTHIALA ABBOTTABAD	59	40	68	1	7	19	13	0	0
4459	GGHSS HAVELIAN ABBOTTABAD	51	40	78	0	3	17	19	1	0
4458	GGHSS SHERWAN ABBOTTABAD	228	146	64	0	7	52	77	10	0
		43	41	95	0	1	24	16	0	0

GOVT: POSTGRADUATE COLLEGE NO.1 ABBOTTABAD

Dated 31/8/2017

F 2

(34)

TEMPORARY DETAILMENT

Consequent upon the recommendation OF Chairman , Department of English (Local College) and NOC from the Principal , GDC Nathiagali, Mr. Dilawar Khan, Associate Professor of English of Govt: Degree College Nathiagali is hereby detailed temporarily to work at GPGC No.1 Abbottabad with immediate effect till further order.

sd
Principal,
Govt: Postgraduate College No. 1
Abbottabad.

Endst: No. 2288-91
Copy to:-

1. The Director of Higher Education, Khyber Pakhtunkhwa Peshawar.
- ✓ 2. The Principal, Govt: Degree College Nathiagali
3. Chairman, Department of English (Local College)
4. Officer concerned.

MR. Intiaz
File of the P/F
of the 7/1/15. Concern
A

Sajid J
Principal,
Govt: Postgraduate College No. 1
Abbottabad
A

(35)

**OFFICE OF THE PRINCIPAL, GOVT: DEGREE COLLEGE NATHIAGALI
ABBOTTABAD**


Dated Nathiagali the 22 / 11 / 2017

RELIEVING CHIT

In compliance with Notification No. No. SO(E-I) E&AD/9-88/2017, Dated 14-11-2017.

Professor Dilawar Khan, Associate Professor (English) of this College is hereby relieved from his duty today on 22-11-2017 (AN) and directed to report to the Principal Govt: Postgraduate College, Mandian Abbottabad for his duties.

He availed 10 casual leave during the current calendar year 2017.


PRINCIPAL
**GOVT: DEGREE COLLEGE NATHIAGALI
ABBOTTABAD**

NO.SOR-II (E&AD) 1-1/85(VOL-II)
Dated Peshawar the 15th February 2003.

Subject: POSTING /TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following posting Transfer Policy.

- i. All the postings /transfers shall be strictly in public interest and shall not be abused misused to victimize the Government servants.
- ii. All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting /transfer authorities for seeking posting /transfers of their choice and against the public interest.
- iii. All contract Government employees, appointed against specific posts, cannot be posted against anyother post.

✓ iv. The normal tenure of posting shall be three years subject to the condition that for the officers /officials posted in unattractive areas, the tenure shall be two years and for hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.

- v. Months of March and July are fixed for posting /transfer of the officers /officials. excluding the officers in B-19 and above in the Province. Posting /transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting /transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where posting /transfer of Government employees become inevitable in other months due to promotion /retirement /creation of new posts/return from long leave/involvement in

disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

vi. While making postings transfers from settled areas to FATA and vice versa specific approval of the Governor, NWFP needs to be obtained.

vii. Officers may be posted on executive /administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area /resident is situated.

viii. No postings /transfers of the officers/officials on detailment basis shall be made.

ix. Regarding the posting of husband /wife, both in Provincial services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.

x. All the posting /transferring authorities may facilitate the postings /transfers of the unmarried female Government Servants at the station of the residence of their parents.

xi. Officers /officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Districts of their domicile and be allowed to serve their till the retirement.

xii. In terms of Rules-17 (1) and (2) read Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against.

OFFICE OF SYED AMJAD SHAH

Advocate Supreme Court of Pakistan

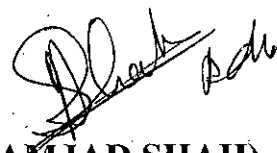
38

To,

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
4. Dilawar Khan, Associate Professor, GPGC Mandian, Abbottabad.

Subject: **NOTICE OF FILING OF WRIT PETITION.**

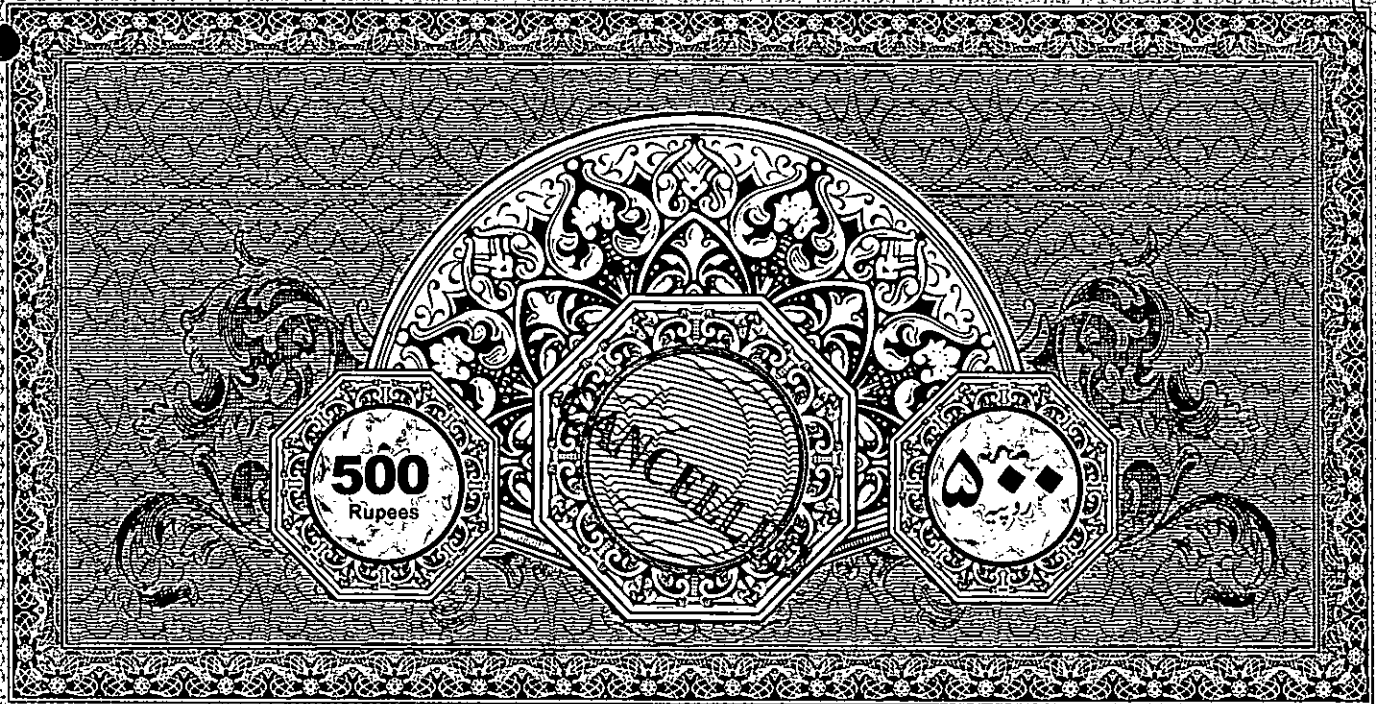
On the advice of my client, Sarfraz Khan, Principal GDC, Nathiagali, Tehsil & District, Abbottabad, a writ petition is being filed before the Honourable Peshawar High Court, Abbottabad Bench. A notice/intimation of the same is being sent to you for information/ necessary action under the law. Copy of writ petition is attached herewith.

Dated: 9/11 /2018.

(SYED AMJAD SHAH)
Advocate Supreme Court of Pakistan
At Abbottabad



40



PAKISTAN COURT FEE

Before The Peshawar High Court
Abbottabad Bench



Sarfraz Khan

CANCELLED

V/S

Grant of RPL

Court Fee RS 300/2

ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
27/11

9312 . 500 روپے سٹامپس جینز رفاہی سوسائٹی ڈیپارٹمنٹ صوبائی حکومت سندھ حکومت نوابشاہ

09/11
2018

[Handwritten signature]



Muhammad Rafique
STAMP VENDER
Kutchery Abbottabad



THE
PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Ph: 0992-9310058
Fax: 0992-9310055

No: 631 to 632

Dated Abbottabad 20 November, 2018

From

The Additional Registrar,
Peshawar High Court,
Abbottabad Bench.

To

1. The Secretary Higher Education,
Govt. of KPK Peshawar.
2. The Director Higher Education,
Govt. of KPK Peshawar.

Subject:

WRIT PETITION NO. 1224-A OF 2018.

Sarfraz Khan

Petitioner.

VERSUS

Govt. of KPK & others

Respondents.

Memo,

Reproduce order of the Honourable Court Division Bench dated 15.11.2018

passed in the subject writ petition for immediate compliance.

“Inter alia, contends that the impugned Notification dated 27.09.2018 is contrary to the Posting/Transfer Policy of the Provincial Government, therefore, same is liable to be reversed. Before we could pass any order in this case, let a notice be issued to the respondents No.2 and 3 to file their para-wise comments within a fortnight.

Interim Relief.

Notice to the respondents for 27.11.2018. in the meanwhile, operation of the impugned Notification dated 27.09.2018 is suspended but to the extent of the petitioner.

In the light of above of above order you are directed to send your comments in

quadruplicate duly supported by an attested affidavit within a fortnight positively,

As the subject case is fixed before Honourable Division on 27.11.2018 for hearing.

(Copy of writ petition has already been sent by the petitioner/Counsel vide Register Receipt No. 1129 to 1132 dated 09.11.2018.)


(Additional Registrar)

کورٹ فیس

وکالت نامہ

بعدالت عالیہ لہور وریاضی و تجارتی کورٹ آف ایبٹ آباد

عنوان: سرفراز خان بنام گورنمنٹ وٹھرن

منجانب: سید امجد شاہ

نوعیت مقدمہ: WP

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

سید امجد شاہ ایبٹ آباد کے واسطے آرٹیکل 21

0333-5069515

13101-6324848

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کالعدم اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرنے اجراء وصولی چیک روپیہ کے لئے تیار رہے گا۔ اس کے لئے اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جز

بجائے تقرر کا اختیار بھی ہوگا اور

ساختہ پر داختم مجھ کو منظور و قبول

مستحق وکیل صاحب ہوں

حد سے باہر ہو تو وکیل صاحب

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں۔

استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

HIGH COURT BAR ASSOCIATION
ABBOTTABAD BENCH

S. No. 7101

Name of Advocate: Syed Amjad Shah

B.C. No. 10.11-13.12

H.C.B.A. No. 166

Other Bar Adv's I.D. No.

Place of Practice: Abbottabad

Sign. of Issuing Authority

2078

10 نومبر

المقوم

Accepted

Syed Amjad Shah

Advocate Supreme Court of Pakistan
C-1, Lawyer's Chamber Ayub Tanoli
- Lawyer Plaza Abbottabad

وقاص نوٹوشیٹ چیمبری (ایبٹ آباد)



بمقام: ایبٹ آباد

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
15.11.2018	<p><u>W.P.No.1224-A/2018.</u></p> <p>Present:- Mr. Syed Amjad Shah, Advocate for the petitioner.</p> <p>***</p> <p>Inter alia, contends that the impugned Notification dated 27.09.2018 is contrary to the Posting/Transfer Policy of the Provincial Government, therefore, same is liable to be reversed. Before, we could pass any order in this case, let a notice be issued to the respondents No.2 and 3 to file their para-wise comments within a fortnight.</p> <p><u>INTERIM RELIEF.</u></p> <p>Notice to the respondents for 27.11.2018. In the meanwhile operation of the impugned Notification dated 27.09.2018 is suspended but to the extent of the petitioner.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

وکالت نامہ

بعدالت جناب BEFORE KPK SERVICE TRIBUNAL PSU

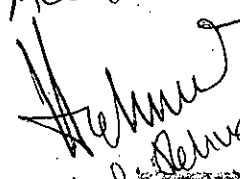
مخانب Report No. 3

Safraz Khan ^{vs} Govt of KPK Others

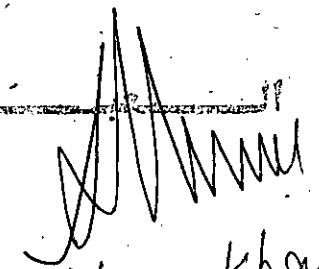
2 دعوی یا جرم Service Appeal باعث تحریر آئندہ

Abdullah مندرجہ بالا عنوان میں اپنی طرف سے بیرونی و جوابدہی مقام

ABDUL REHMAN QADAR ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاں، روز بروز عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طریقہ ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز پکھری کے اوقات کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطہ کی معاوضہ ادا کرنے میں مختار نامہ داخل کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر درخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور واپس کرنے کا ہر قسم کا بیان دینے اور سپروٹا لشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اختتامی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایڈووکیٹ کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کیا بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سنا رہے ہیں۔

Accepted

 (Abdul Rehman Qadri)
 ASE - 100

مورخہ: 18 دسمبر 2008ء


 Dilawar Khan

Respect No. 4

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2473 /ST

Dated 28 /12/ 2018

To


The Secretary Establishment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: -

ORDER IN APPEAL NO. 1447/2018, MR. SARFARAZ KHAN

I am directed to forward herewith a certified copy of order dated 21.12.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No. 1447-A/2018

Sarfaraz Khan..... (Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through the worthy Secretary Higher Education, Archives & Libraries Department & Others..... (Respondents)

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4.	Security Advisory Note of Deputy Superintendent of Police Galyat dated 17-10-2018	Annexure-B	5-6
5.	Various complaints against appellant	Annexure-C, D	7-12
6.	Letter of Principal about Financial Irregularities	Annexure-E	13
7.	Letter regarding complaints	Annexure-F	14

8- Reply to Col

— 15-16

[Signature]
Section Officer (Litigation)
Higher Education Department
Khyber Pakhtunkhwa Peshawar.

14
10

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL, CAMP COURT
ABBOTTABAD

SA # 1447-A/2018

Sarfaraz Khan..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa
Through Chief Secretary,
and others.....

Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2 AND 3.

Respectfully Sheweth: -

Preliminary Objections: -

1. That the Appellant has got neither cause of action nor locus standi to file the instant service appeal.
2. That the Appellant has not come to the Honourable Tribunal with clean hands and is trying to conceal material facts.
3. That under Section 10 of Civil Servant Act 1973, every civil servant is liable to be transferred anywhere in the Province.
4. That the appellant is estopped by his own conduct to file the instant service appeal.
5. That the instant service appeal is hit by doctrine of laches.

Facts: -

- 1- Correct to the extent that Appellant is serving in Higher Education Department, but there is nothing on record which reflect his exemplary performance.
- 2- Correct.
- 3- Correct that the appellant was transferred as Principal, Government Degree College, Nathiagali, from Government Degree College, Sherewan but his performance was not satisfactory. Being an administrative head he was unable to deliver in an effective manner as an explanation is evident to the fact that he failed in Publication of College Magazine for the year 2017-18 and even did not submit reply to the explanation. (**Annex-A**) Furthermore, the security advisory note from Deputy Superintendent of Police Galyat dated: 17-10-2018 also show that the administration in the college was not sufficient strong to make all security related arrangements. (**Annex-B**). Besides these, Department has also received multiple other complaints against the appellant from different authorities as well as Class-IV employees and a private owner of a hotel pertaining to some outstanding amounts against him. (**Annex-C,D**) A detailed letter from Government Degree College Nathiagali, explicitly mention all the financial irregularities (**Annex-E**) and the office of Directorate of Higher Education, has requested the Principal, Government Degree College, Nathiagali, to provide cell number and CNIC of the complainants along with original complaints to the office for verification and probing into the matter (**Annex-F**). In view of the afore referred grounds, the appellant was transferred within his own district to GPGC, Mandian Abbottabad which is adjacent to the home town of the appellant, due to his poor performance. Moreover, posting/transfer against administrative post is the domain of Respondent Department, which can be materialized at any stage irrespective of maturity of tenure.
- 4- Correct.
- 5- Correct to the extent that the Department has rightly regretted his departmental appeal on the basis of cogent grounds.

Grounds: -

- a) Incorrect. The appellant has been transferred in accordance with rules/regulations on the basis of poor performance within his own district to Government Postgraduate College, Mandian, Abbottabad as already explained in Para 3 of facts.
- b) Incorrect. The officer namely Mr. Dilawar Khan has a good record to his credit during his career and he was transferred on the ground of his administrative acumen. Furthermore, Transfer/Adjustment of respondent No. 4 has been made within the administrative ambit of the Higher Education Department, devoid of any ill intentions. As all administrative posts i.e. Principals of the Colleges regularly get transferred in accordance with the APT rules.
- c) Incorrect. The Plea of the appellant is devoid of merit as the officer, who has substituted the appellant is in BPS-19 and posted against the relevant post and no question of seniority or otherwise arise as the appellant has been transferred on the basis of his weak output as already explained in para 3 of facts.
- d) Incorrect. The plea forwarded by the appellant against Mr. Dilawar Khan holds no weight and is irrelevant.
- e) Incorrect. Respondent No. 4 was transferred as Associate Professor, but being most suitable officer, he has been posted as Principal, Government Degree College, Nathiagali, Abbottabad.
- f) Incorrect as already explained in the preceding paras of facts.
- g) Incorrect as already explained in the preceding paras of facts.
- h) Incorrect as already explained in the preceding paras of facts.
- i) Incorrect as already explained in the preceding paras of facts.
- j) Needs no comments.
- k) Denied as explained in para (j) of grounds.
- l) Needs no comments.
- m) Needs no comments.
- n) That respondents may be allowed to raise additional grounds at the time of arguments.

Prayers: -

It is, therefore, humbly prayed that the instant service appeal is devoid of merit, hence may graciously be dismissed with appropriate costs.

~~Secretary~~
~~Higher Education Department~~
 Respondent No. 02

[Signature]
Secretary,
 Higher Education Department
 Respondent No. 02

[Signature]
Director,
 Higher Education Department
 Respondent No. 03

3.
 19/12/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ABBOTTABAD

S.A No. 1447/2018

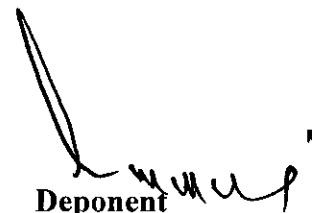
Sarfaraz Khan.....Appellant

Versus

**Govt of KP
through Secretary HED & others.....Respondents**

AFFIDAVIT

I, Asif Khan, Assistant Director (Litigation), Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa, do hereby declare and affirm on oath, that the contents of parawise comments are correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Deponent

CNIC No. 17301-6043213-9

0345-9158636

4/11/18

Annex - A

REMINDER

(12)



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

Tel # 091-9210242 / 9211025 Fax # 091-9211803

E-mail:- dhekpkpesh@gmail.com Facebook.com/dhekppeshawar Twitter.com/dhekppeshawar1

No. 24787 /DHE/AD (Academics)

Dated Peshawar the 27 / 08 /2018

To

The Principal,
Government Degree College,
Nathia Gali Abbottabad.

SUBJECT: NON PUBLICATION OF COLLEGE MAGAZINE FOR THE YEAR 2017-18.

Respected Sir/Madam, السلام عليكم

I am directed to refer to this department letter No. 22118-300 dated 27/08/2018 regarding explanation for Non-Publication of College Magazine for the Year 2017-18. The reply of the above mentioned letter is still awaited.

Therefore, you are directed to submit your explanation within 02 days positively otherwise strict disciplinary action will be initiated against you.

Assistant Director (Academics)

Ends No. 24787
Copy to:

1. Assistant Director (ACR) Local Directorate Higher Education Khyber Pakhtunkhwa.

Assistant Director (Academics)

response still pending

26/11

Annex - B.

(4)

OFFICE OF DEPUTY SUPERINTENDENT OF POLICE CIRCLE
GALIYAT.

To:- The Owner/Manager petrol pump ^{Princedal.} Govt. D. Collage. Mathiyagal.

No. 5 PA, Dated Galiyat, the 17-10 /2018.

Subject SECURITY ADVISORY NOTE.

Memo:

Keeping in view the present security threat, the undersigned alongwith team of police Officials visited your educational institution on 17-10-18 to review the security arrangements. Following are the observations made by the inspection team.

1. Walk through gate
2. Security guards
3. SOS installed
4. Security alarm
5. CCTV cameras
6. CCTV Storage Device on safe place
7. Emergency numbers list
8. Communication system
9. CCTV Cameras night vision with backup power
10. Kind of weapons
11. Number of search lights
12. Boundary wall
13. Fire extinguisher equipments

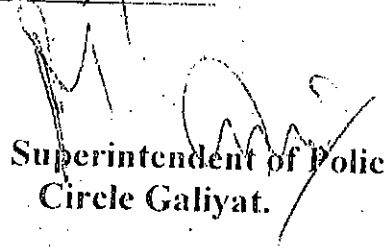
are recommended for augmenting the security arrangements of your institutions.

5

1. Walk Through Route.
2. Security alarm.
3. No. CCTV Camras
4. No - Device storage
5. Emergency number list
6. Community system - phones
7. No - Search light
8. Fire equipment
- 9.
- 10.
- 11.
- 12.
- 13.

It may be appreciated that the key to fighting and winning the war against terrorism lies in the mutual cooperation of the citizens and law enforcement agencies. The above mentioned security arrangements are essential for ensuring the safety and protection of the students and staff working in your organization.

We request you to get the above recommended security arrangements completed by 24-10-2018

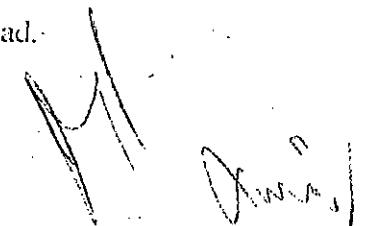

Dy: Superintendent of Police,
Circle Galiyat.

No.

1.

Copy of above is submitted for favor of information to the:-

61. Worthy District Police Officer Abbottabad.


Dy: Superintendent of Police,
Circle Galiyat.



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION ARCHIVES & LIBRARIES DEPARTMENT**

HEMIS Cell, 2nd Floor DG Commerce Building Rano Garrhi Peshawar

HED/HEMIS/Installation/II-

Dated: 23/11/2018

To,

The Director,
Directorate of Higher Education, Peshawar

SUBJECT: **Offline Biometric Machines**

Dear Sir,

I am directed to refer to the subject cited above and to enclose herewith list of biometric devices which are reflected as offline since long in the online device management system.

I am further directed to request that reason for non-functional devices from the concerned college may please be solicited so as to proceed further into the matter, please.

Farrukh Nawaz

Monitoring Officer-II (HEMIS Cell)

Encl. as above

Copy to:-

1. P.S to Secretary, Higher Education Department
2. Section Officer (C-IV), Higher Education Department
3. P.A to Deputy Secretary (Admin), Higher Education Department
4. P.A to Deputy Director(IT) HEMIS CELL, Higher Education Department

Monitoring Officer-II (HEMIS Cell)

OFFLINE DEVICES AS ON 16 Nov 2018

Sr No	College Name	Status	Last Communication	Remarks
1	GDC Alpuri Shangla	Offline	26/01/18 12:08	
2	Replaced GPGC Matta	Offline	02/02/18 10:11	
3	GDC Yar Husain Swabi	Offline	07/03/18 12:53	
4	GDC No.2, DI Khan	Offline	08/03/18 12:51	
5	GDC Nathia Gali ATD	Offline	22/03/18 10:11	
6	GDC Amakhel Tank	Offline	24/03/18 10:27	
7	GDC Karak	Offline	27/03/18 12:52	
8	GDC Kabal Swat	Offline	02/04/18 16:44	
9	GDC Tangi Chsda	Offline	10/04/18 12:38	
10	GDC Aagra Malakand	Offline	25/04/18 14:05	
11	GAKLPGC Matta Swat	Offline	01/05/18 5:59	
12	GDCB-3 TShip DIKhan	Offline	12/05/18 9:16	
13	GDC Jowar Buner	Offline	16/07/18 9:55	
14	GGDC TNusrti Karak	Offline	29/08/18 20:10	
15	GDC Ahmadabad Karak	Offline	13/10/18 13:58	
16	GDC Pattan Kohistan	Offline	15/10/18 12:32	
17	GGDC, Chitral	Offline	17/10/18 9:50	
18	GDC Darband Mansehra	Offline	24/10/18 10:58	
19	GGDC Samarbagh Dir L	Offline	27/10/18 12:15	
20	GGDC Tull Hangu	Offline	23/12/16 12:53	
21	GDC Oghi Mansehra	Offline	28/08/18 9:12	Damaged Due to Thunder Shower
22	GDC Wadpga, Peshawar	Offline	16/10/18 0:27	Damaged Due to Thunder Shower
23	GPGC Nowshehra	Offline	16/10/18 1:52	Damaged Due to Thunder Shower

محترم جناب سر اسد علی صاحب زرفند ڈائری کالج گلپانہ ایف اے

جناب عالی

حلفاً گزارش کیجئے سابقہ سالانہ پرنسپل پروفیسر سر فریاد صاحب نے -/10000
 دینے میں۔ میں ایک فریب آدمی ہوں اور کالج میں جو کچھ اور جی ڈیوٹی سر انجام
 دیتا ہوں۔ آپ سے عاجزانہ درخواست کیجئے مجھے میرے پاس ہے جو کہ -/10000 Rs.
 میں بھی نہ کروا سکا دینے کا شیش۔ سائل کا عمر آپ کا منظور دینے
 کا شکریہ

الکافری

شعبہ
 چوکیہ اور کالج گلپانہ

مورخہ 3/10/2018

- گواہتیں
- ① محمد امین
- ② محمد



کمزیت حساب پر لیشن حساب گورنمنٹ ڈپارٹمنٹ برائے مالیات

حساب عالی

میں خلیفہ بیانی بیوی کے میری رقم مبلغ 755000 روپے
 ساتھ ساتھ حساب پر ڈسکریٹری فرار سے دیئے گئے ہیں
 اور الٹریکٹ مجھے ادا نہیں ہے۔ سید اجمال
 جانی ہے۔ مجھے میری رقم مبلغ 755000 روپے
 رولڈ ہاسپس

انعام

سائن عبد حسین ولد بخاری خان
 خیرا دار گورنمنٹ ڈپارٹمنٹ برائے مالیات

گواہ شدہ

حقیقت علی
 3/10/2018

- ① محمد سید
- ② محمد سید

جناب عالی

صوبہ گزارش ہے کہ نتیجہ علی کالج کے پرنسپل سرفراز صاحب
نے میرے پوئل سے مبلغ 1300 روپے کا کھانا منگلوایا
مگر ابھی تک بل ادا نہیں کیا۔ میں ایک غریب
آدمی ہوں اور ایک کرایہ کے ایک چھوٹا سا
پوئل ہے۔ لہذا گزارش ہے کہ میرے بل پر
رحم کرتے ہوئے میرے مبلغ 1300 روپے
واپس دلوا کر مشکور فرمائیں۔

العارضی

محمد ارشد

دیپلج صلاح پوئل

شناختی کارڈ نمبر : 13151-0834093-7

فون نمبر : 0341-9514230

خدمت حساب ڈائریکٹر صاحب ایئر لکھنؤ کینس خلیفہ

حساب عالی

خود بانہ گزارش ہے میں مسہی شہادت خان (Seamers)

کالج حلفاً بیان کرتا ہوں پیرسٹیل ہفتیا طی پیرسٹیل

سرفراز صاحب نے مجھ سے 1100 روپے لئے ہیں

اکھیٹنگ والہ نہیں کیا میں غریب آدمی ہوں میرے

والہیں دو کر مسئلہ فرمائے

شکر ہے (کلیفہ)

شہادت خان (Seamers)

ڈائریکٹر صاحب

کارڈ نمبر 3-9210155-13101 موبائل 8918462 0343

موبائل نمبر



جواب مالی

گزارش ہے کہ مستحق رعایت تعمیر خلیا بیان کرتا ہوں کہ درج ذیل

سرکار صاحب نے مبلغ 25000 روپے عرض کیا ہے اور اسے (Twenty five thousand)

تک والیوں میں کیا ہے کالج میں کوششیں بلکہ شرح

کے اور اپنی رقم ڈالیں تاکہ مطالبہ کیا تو مجھے کوششیں

سے نکال جائیں اس ضمن میں درج ذیل ہیں

پولیس سٹیشن ڈونگھلی ، نتویا گلی روڈ جس میں 25000 روپے

اور اس کے علاوہ متعدد سٹاف کے بھی رقم ڈالیں تاکہ وہ بھی

مگر انہوں نے رقم والیوں میں کی ۔

لہذا میری گزارش ہے کہ میرے 25000 روپے والیوں (Twenty five thousand) کو

اور میں بنیاد غریبوں کی بنیاد آج کے متعلقہ ہیں

العارض

رعایت تعمیر ملاحو نتویا گلی

اللہ

فون نمبر 9566312-0345

NIDC: 13101-6861211-9

Annex-0E

**OFFICE OF THE PRINCIPAL
GOVT. DEGREE COLLEGE NATHIAGALI
ABBOTTABAD**



12

13

No. 2398 /-

Dated Nathiagali the 01 / 11 / 2018

To,

The Director Higher Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: **FINANCIAL IRREGULARITIES/ REQUEST FOR AN INQUIRY.**

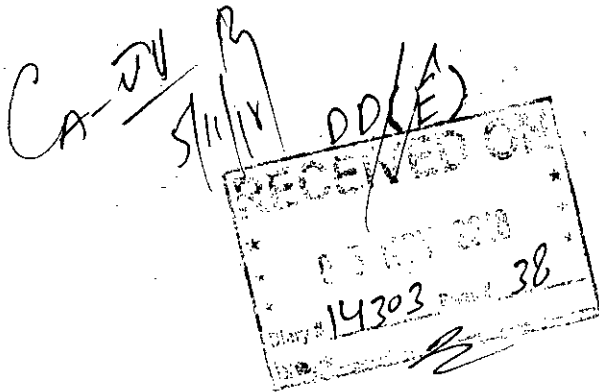
Dear Sir,

The undersigned has received a lot of formal complaints/ irregularities against Mr. Sarfaraz Ex-Principal GDC Nathiagali, from the class IV servants, canteen owner, hotel owner, some important attached herewith, with requests to redress their grievances. The case with the relevant documents and following details is hereby forwarded to your good self for further necessary action/ guidance please.

1. The undersigned has received three applications from the class IV servants of the college (copies attached) who claimed that Mr. Sarfaraz Ex-Principal owed their money, mentioned in their applications, and refused to pay them back.
2. Mr. Rifaqat Ex-owner of the college canteen also solemnly declared and claimed that Ex-Principal Mr. Sarfaraz received Rs. 25000/- (twenty five thousand) without issuing in any receipt and refused to pay him back his money, he also wants an Inquiry in this regard.
3. One Mr. Irshad owner of Malach Hotel also submitted an application (copy attached) claiming Rs. 1300/- (Thirteen Hundred) in the name of Ex-Principal, Mr. Sarfaraz and requested for the payment of the said money.
4. A serious financial irregularity has also been found in renting 2 rooms of College property as college canteen (out of College premises) without fulfilling canteen SOPs (copy attached) by receiving Rs. 50000/- (Fifty Thousand) from one Mr. Basit without any written agreement and no amount from the said Rs. 50000/- (Fifty Thousand) received in March 2018, was deposited in the College Account till by handing over of my charge i.e. September, 29th 2018, and on my interference into the matter Rs. 33000/- (Thirty Three Thousand) were deposited in College Bank Account with Receipt No. 805/91 Dated 03-09-2018. There is also a dispute between Ex- canteen in charge and the canteen owner over the rent and tenure/period. This issue needs to be resolved in the earliest otherwise it may have serious consequences for the institution.
5. Ex-Principal Mr. Sarfaraz is also missing since Sept 26, 2018 (more than a month) with the important college records especially Bank Cheque book and didn't appear to hand over the charge of principal ship properly. He may also be directed to hand over the important college record.

Dear Sir, keeping in view the above facts, your guidance and directions are requested please.

**PRINCIPAL
GOVT. DEGREE COLLEGE NATHIAGALI
ABBOTTABAD**





Annex — F
DIRECTORATE OF HIGHER EDUCATION
KHYBER PAKHTUNKHWA
KHYBER ROAD, PESHAWAR

127

Tel # 091-9210242 / 9211025 Fax # 091-9210215
E-mail:- dhekpesh@gmail.com Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1
No. / CA-1/ Estt: Branch/A-12/General Complaint File Dated Peshawar the 11/11/2018

To 31223

The Principal
Govt; Degree College, Nathiagali,
Abbottabad.

SUBJECT FINANCIAL IRREGULARITIES / REQUEST FOR AN INQUIRY.
Respected Sir, السلام عليكم

I am directed to refer to your letter No. 2398 dated 01.11.2018 on the subject cited above and to request to forward cell numbers and CNICs of the complainants alongwith original complains to this office at the earliest.

19/11/18

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DY: DIRECTOR (ESTABLISHMENT)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

COC # 111-A/2018.

in

WP No.1224-A/2018

Now

SA No.1447-A/2018

Sarfaraz Khan.....Complainant

Versus

Govt. of Khyber Pakhtunkhwa

Through Chief Secretary, Secretary and Others..... Respondents

SUBJECT: REPLY TO COC ON BEHALF OF RESPONDENT NO. 1


PRELIMINARY OBJECTIONS: -

Respectfully Sheweth: -

1. The appellant is trying to mislead the Honorable Tribunal. He failed to perform/deliver and several explanations were called during his tenure as Principal. Detail reply with complete documentary proof has already been given in para-3 of the facts of the main appeal in parawise comments.
2. Correct to the extent that the impugned notification was suspended in preliminary before knowing view/reply of the respondents and the Honorable Court was kept in dark as no tenure policy runs in an administrative post. In the instant case fortune of thousands of students was at risk and several complaints were received against the appellant, therefore, the respondents were compelled to transfer him in the best public interest.
3. That the appellant is again trying to mislead the Honorable Tribunal, he was informed accordingly for taking over the charge but he refused (**Annexed-A**).
4. Incorrect, hence denied.
5. Incorrect, hence denied.
6. Incorrect, hence denied.
7. Incorrect, hence denied.

Prayers: -

It is, therefore, humbly prayed that the instant COC in based on misconception/misstatements, hence may graciously be dismissed with appropriate costs.

 Secretary,

Higher Education, Archives & Libraries Department

Respondent No.1



**OFFICE OF THE PRINCIPAL
GOVT. DEGREE COLLEGE NATHIAGALI
ABBOTTABAD**

Phone # 0992-355065 E-Mail: gdcnathiagali@gmail.com

No. 2938 /-

Dated Nathiagali the 07 // 12 // 2018

To,

The Director Higher Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: **GUIDANCE REGARDING SUSPENSION OF TRANSFER ORDER**

Dear Sir,

Reference your letter No: 32125 dated 03/12/2018 I hereby relinquish the charge of the Principal GDC Nathiagali on 07/12/2018 (AN). The Ex-Principal Mr. Sarafaz Khan was invited through office supdt: Mr. Imtiaz Ahmed to take charge who contacted him on his personal mobile No 03469688900 on 04/12/2018 and then on 05/12/2018 but the Ex-Principal refused to come by saying that he will think over it. Therefore, I hereby hand over the charge, to the senior most Associate Professor Tariq Mehmood Abbasi till further order.

PRINCIPAL
GOVT. DEGREE COLLEGE NATHIAGALI
ABBOTTABAD

تقدیراً کی جانب سے
نور ان سہیل نے 0346-9688900 پر درجہ الملغیہ
کا کال کر کے 4/12/18 کو اطلاع دی کہ موجودہ
مہار دلور خان صاحبہ کے ارا حیا اور دلور خان
سین کا ہال میں آئے اور نیبا سے
میں نے ڈسکس کیا۔
محمد امین ڈائری اسٹینٹ

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 132-33 /ST

Dated 21-1- / 2019


To

1. The Chief Secretary ,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. The Secretary Higher Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - JUDGMENT IN APPEAL NO. 1447/2018, MR. SARFARAZ KHAN.

I am directed to forward herewith a certified copy of Judgement dated 555517.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 132-35/S

Dated 21-1-2019

To

- ✓ 1. The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. The Secretary Higher Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

R. A.
A.
21/01/19

[Signature]
21/1

Subject: -

JUDGMENT IN APPEAL NO. 1447/2018, MR. SARFARAZ KHAN.

I am directed to forward herewith a certified copy of Judgement dated 555517.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

[Signature]
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.