11.09.2020 Appellant is present in person. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondent is also present.

Appellant states that his counsel is not available today. Requested for adjournment. Adjourned to 16.10.2020 on which to come up for arguments before D.B.

(Attiq-ur-Rehman)
Member (Executive)

(Muhammad Jamal Khan)
Member (Judicial)

16.10.2020 Appellant in person present.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former requests for adjournment as his counsel is not available. Adjourned. To come up for arguments on 23.11.2020 before D.B.

(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

23.11.2020 Appellant in person and Assistant A.G for the respondents present.

Former produced copy of office order No. 3424-27/F.No. 261-A/23/M.S/Kohat Vol-II dated 23.10.2020 of respondent No. 1 and states that his grievance has been redressed and he is no more interested in prosecution of instant appeal

In view of the above, instant appeal has become infructuous and is filed. File be consigned to the record room.

(Mian Muhammad)
Member

Chairman

ANNOUNCED
23.11.2020

28.02.2020 Appellant present. Learned Assistant Advocate General present.

Learned counsel for the appellant not available.

In the present service appeal, pertaining to the year 2018, transfer/adjustment order has been made impugned. As such last opportunity is granted for arguments. Adjourn. To come up for arguments on 13.03.2020 before D.B.

Perusal of order sheets would show that ad-interim relief/status-quo order was granted till 27.02.2019 and was not extended any further, hence ad-interim relief in favor of appellant is no more in field.

Member Member

13.03.2020 None present on behalf of appellant. Mr. Zia Ullah learned Deputy District Attorney present. Adjourn. To come up for arguments on 30.04.2020 before D.B. Appellant be put to notice for the date fixed.

Member Member

30.04.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.

Reader

06.08.2020 Due to summer vacation case to come up for the same on 11.09.2020 before D.B.

Reader

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddadmn.ese@gmail.com

Office Order

The posting/transfer order issued vide this office order No. 4433-38/F.No. 261/A-23/MS/Kohat-II dated 11/10/2018 is here by **Withdrawn**.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3424-27 /F.No.261 /A-23/MS/Kohat Vol-II Dated Peshawar the 23/10/2020.

Copy forwarded to the: -

1. District Education Officer (Male) Kohat
2. District Education Officer (Female) Hangu.
3. District Accounts Officer concerned.
4. Officials concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master file.

Assistant Director (Admn)
Directorate of E&SE KP, Peshawar

E:\Farman Data\MS\Transfer\Mutual Transfer\Rooh ul Amin withdrwan order.doc

24.09.2019 Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned to 25.10.2019 for arguments before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

25.10.2019 Due to tour of the Hon'ble Members to Camp Court Abbottabad, To come up for the same on 29.11.2019 before D.B.

Reader

29.11.2019 Appellant in person present. Asst: AG alongwith Mr. Irfanullah, Assistant for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 24.12.2019 before D.B.

Member

Member

24.12.2019 Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 28.02.2020 before D.B.

Member

Member

29.03.2019 Appellant in person and Mr. Ziaullah, DDA for the respondents present.

Appellant requests for adjournment due illness of his learned counsel today.

Adjourned to 15.05.2019 before the D.B.

Member Chairman

15.05.2019 Appellant in person and Mr. Ziaullah, DDA for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 09.07.2019 for further proceedings before the D.B.

Chairman

09.07.2019 Appellant with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 24.09.2019 before D.B.

Member Member

23.01.2019 Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment for filing of rejoinder. Adjournment granted. Case to come up for rejoinder and arguments on 04.02.2019 before D.B. In the meanwhile status-quo be maintained till the next date of hearing.

(HUSSAIN SHAH)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

04.02.2019 Appellant in person present. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Appellant requested for adjournment on the ground that her counsel is not available today. Adjourned to 26.02.2019 for rejoinder and arguments before D.B. In the meanwhile status-quo be maintained till the date fixed.

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

27.02.2019 Junior to counsel for the appellant and Assistant A.G for the respondents present.

Request for adjournment is made on account of engagement of learned senior counsel for the appellant before the Honourable High Court today.

Adjourned to 29.03.2019 before D.B.

Member

Chairman

Service Appeal No. 1401/2018

12.12.2018 Appellant alongwith her counsel present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on 26.12.2018 before S.B. The restraint order already granted shall continue till the date fixed.

Muhammad Amin Khan Kundi
Member

26.12.2018 Petitioner present. Mr. Kabirullah Khatttak learned Additional Advocate General alongwith Hayat Khan AD present. Representative of the respondents seeks time o furnish reply. Granted. To come up for written reply/comments on 10.01.2019 before S.B. Status-quo already granted shall continue till the date fixed.

Member

10.1.2019 Counsel for the appellant and Addl. AG for the respondents present.

Parawise comments on behalf of respondents No. 1 to 5 has been submitted. To come up for arguments on 23.01.2019 before the D.B. The appellant may submit rejoinder within a week, if so advised. The order of maintenance of status quo passed on 20.11.2018 shall remain operative till next date of hearing.

Chairman

Appeal No. 1401/2018,

20.11.2018 Counsel for the appellant Rooh Ul Amin present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant is serving in Education Department as Computer Operator. It was further contended that the appellant was transferred from the office of DEO Hangu to the office of DEO Kohat vide order dated 18.08.2017. It was further contended that the appellant was again transferred from the office of DEO Kohat to the office of DEO Hangu vide order dated 11.10.2018 before the completion of his normal tenure. It was further contended that the appellant was transferred on the recommendation of Amjid Khan Afridi MPA by the competent authority and the copy of the said recommendation address by the Amjid Khan Afridi to the Director Education Khyber Pakhtunkhwa is available on the record. It was further contended that the appellant filed departmental appeal but the same was not responded. It was further contended that the post of Computer Operator in the DEO office Kohat is still vacant and no other employee has been transferred at the place of appellant and the appellant has been transferred on political influence and without completing of normal tenure therefore, the impugned order is illegal and liable to be set-aside. It was further contended that after decision of departmental appeal this Service Tribunal was defunct therefore, the appellant approached the worthy Peshawar High Court against the transfer order and the worthy Peshawar High Court has also suspended the impugned order.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 12.12.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of operation of impugned transfer order. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile status-quo be maintained till the date fixed.

ant Deposited
ty & Process Fee

MA

Muhammad Amin Khan Kundi
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1401/**2018**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2018	The appeal of Mr. Roohul Amin presented today by Sophia Noreen Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 19/11/18
2-	20-11-2018	This case is entrusted to S. Bench for preliminary hearing to be put up there on 20-11-2018 CHAIRMAN

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1401 /2018

Rooh Ul Amin

VERSUS

Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar etc

INDEX

Appellant

Through

SOPHIA NOREEN, Advocate
&
IMRAN KHAN ADVOCATE
High Court Peshawar,

Dated 19/11/2018

(1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Khyber Pakhtukhwa Service Tribunal

Service Appeal No. 1401 /2018 Diary No. 1656

Dated 19-11-2018

Rooh Ul Amin Presently serving as Computer Operator District Education Office (Male) Kohat.

APPELLANT

VERSUS

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Assistant Director (Admin) Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Kohat.
4. Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
5. Government of Khyber Pakhtunkhwa, through Chief Secretary Pakhtunkhwa Peshawar.

... RESPONDENTS

Filed to-day
Registrar
19/11/18

APPPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ILLEGAL TRANSHER FROM KOHAT TO HUNGU THROUGH ORDER NO. 4433-38/F# 261/A-23/MS/KKOHAT/VOL-II/DATED 11/10/2018 PASSED BY THE RESPONDENTS PUERLY ON POLITICLE GROUND, AND AGAINST THE REJECTION

ORDER ON APPEAL OF THE APPELLANT OFFICE ORDER NO.78-72/F#261/A-23/MS/KOHAT/VOL-II/DATED 22/10/2018 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS DISMISSED

PRAYER:

On acceptance of this service appeal the illegal transfer order of the appellant from Kohat to Hangu purely on political grounds passed by the respondent through office order 4433-38/F.#.261/A-23/MS/Kohat/Vol-II/Dated 11/10/2018, and against the rejection order No.78-72/F.#.261/A-23/MS/Kohat/Vol-II/Dated22/10/2018 where by the appeal of the appellant was dismissed, may kindly be declared illegal, unconstitutional, without lawful authority, void may kindly be set aside and the appellant be allowed/retain on his present post at District Kohat in the legal interst of justice.

Respectfully Sheweth,

1. That the appellant has initially appointed as Data Entry Operator in BPS-10 vide Endst No.380-387/ADO (Estab)/Apt of Lab Asstt 2008 Dated 10/01/2009 at the office of Executive District Officer Elementary & Secondary

Education Kohat and the appellant took his charge on 10/01/2009 vide Endst No.434-35/PA to EDO(E&SE). (Copy of Appointment Order and Charge Report are attached as annexure A&B).

2. That the appellant is a law abiding citizen of Pakistan and basically belongs to the Chorlakki District Kohat (Copy of CNIC is attached as annexure C).

3. That the appellant presently serving the respondents department as Computer Operator Post at the office of the District Education Officer (Male) Kohat in BPS-16.

4. That the appellant through Endst No.4804-10/A-23/MS/Asstt: Prog/Prom:/2017 Dated 29/05/2017, was promoted to the Assistant Programmer in BPS-16 on regular basis and was transferred from the Office of the DEO Male Kohat to the Office of the DEO (Female) Hangu (Copy of Promotion Order dated 29/05/2017 is attached as annexure D).

5. That the appellant immediately took his charge according to the notification noted above, in the concerned office as per direction of the respondents.

6. That the appellant was again transfered on vacant post from Hangu to Kohat by the Office Order No.4301-05/F.No.261/A-23/MS/Kohat dated 18/08/2017, pursuing/obeying the order of the respondents, and took his charge in the concerned office on dated 24/08/2017

vide Endst No.9978.80. (Copy of Transfer Order and Charge Report are attached as annexure E&F).

7. That all of a sudden the respondents malafidely, illegally transferred the appellant through office order 4433-38/F.#.261/A-23/MS/Kohat/Vol-II/Dated 11/10/2018 purely on political grounds by the illegal recommendation letter of MPA PK-80 Kohat (Copy of Order Dated 11/10/2018 and illegal recommendation letter of MPA PK-80 are attached as annexure G & H).

8. That the appellant has filed a departmental appeal/representation against the impugned transfer order to the respondents, which was turned down by the respondents (Copy of the Appeal, rejection order are attached as annexure I).

9. That at the time of passing impugned orders the chairman of the service tribunal was retired, and the service tribunal was defunct being not having any other alternate remedy available to the appellant at the relevant time, therefore the appellant filed a writ petition before the honorable Peshawar high court Peshawar.

10. That being aggrieved from the impugned order 4433-38/F.#.261/A23/MS/Kohat/VolII/Dated11/10/2018 and rejection order No.78-72/F.#.261/A-23/MS/Kohat/Vol-II/ Dated 22/10/2018 passed by the respondents, the appellant filed a writ petition No.5198-P/2018 before the Peshawar high court Peshawar which was disposed of on 30/10/2018 where by both the impugned order were

suspended (copy of the writ petition and order are attached as annexure J&K)

11. That now the service tribunal Khyber Pakhtunkhwa is functioning and got the jurisdiction to adjudicate upon the matter, being aggrieved from the impugned order 4433-38/F.#.261/A23/MS/Kohat/VolII/Dated11/8/2018 and rejection order No.78-72/F.#.261/A-23/MS/Kohat/Vol-II/ Dated 22/10/2018 passed by the respondents the appellant is having no other alternate remedy except to knock the door of this Honourable Tribunal in its original jurisdiction on the following grounds amongst the others.

GROUNDS:

A. That the impugned transfer Order and No.4433-38/F.#.261/A23/MS/Kohat/VolII/Dated 11/10/2018 and rejection order No.78-72/F.#.261/A-23/MS/Kohat/Vol-II/ Dated 22/10/2018 passed by the respondents are illegal, unconstitutional without lawful authority, void purely on political grounds hence liable to be set aside.

B. That according to the posting /transfer policy of the government specific condition must be followed as mentioned in the same policy as under.

C. **That "all the posting/transfer be strictly in public interest and shall not be abused /misused to victimized the Government"** (Copy of posting/transfer policy is attached as annexure I).

D. That the impugned transfer order mentioned above is purely on political basis and bed in the eyes of law.

E. That the appellant is politically victimized which is not allowed, and be condemned on every forum.

F. That the job tenure of the appellant is still not completed according to posting/transfer policy.

G. That the Appellant has always obeyed all the legal order /directions of the high ups, and there is no negitave remarks and any complaint regarding the service of the appellant throughout his carrier.

H. That the current post of the appellant is kept vacant, which also shows malafide on the part of the respondent department.

I. That the DEO (Male) Kohat Never sent the proposal of transfer to the respondent no.1 regarding the transfer of the appellant.

J. That the impugned orders are clear violation of Article 4 and 25 of constitution Islamic republic of Pakistan 1973.

K. That the transfer order is totally illegal and not accordance with law.

L. That any other ground would be raised at the time of arguments with prior permission of this Honorable tribunal.

It is therefore most humbly prayed that on acceptance of this Service appeal the illegal transfer order of the appellant from Kohat to Hangu purely on political grounds, passed by the respondent through office order 4433-38/F.#.261/A-23/MS/Kohat/Vol-II/Dated 11/10/2018, and against the rejection order No.78-72/F.#.261/A-23/MS/Kohat/Vol II/Dated22/10/2018 where by the appeal of the appellant was dismissed, may kindly be declared illegal, unconstitutional, without lawful authority, void may kindly be set aside and the appellant be allowed/retain on his present post at District Kohat in the larger interest of justice.

Any other remedy which this August tribunal deems fit and appropriate in the circumstances may also very kindly be awarded in favor of appellant.

Dated: 19/11/2018

Appellant

Through

SOPHIA NOREEN, Advocate

&

IMRAN KHAN ADVOCATE

High Court Peshawar,

(8)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2018

Rooh Ul Amin

VERSUS

Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar etc

AFFIDAVIT

I, Rooh Ul Amin Presently Computer Operator District Education Office (Male) Kohat do hereby solemnly affirm and declare on oath that the contents of the instant writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court and there is no other alternate remedy available to the appellant to file the present writ petition.

ATTESTED

AMJAD SHAH ADVOCATE Distt: Courts Peshawar

Deponent

ROOH UL AMIN

CNIC NO.14301-5809729-1

Identified by: -

SOPHIA NOREEN

Advocate, High Court Peshawar

(9)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2018

ROOH UL AMIN

VERSUS

Director Elementary & Secondary Education etc

ADDRESSES OF THE PARTIES

ADDRESS OF APPELLANT:

Rooh Ul Amin Presently Computer Operator District Education Office (Male) Kohat.

ADDRESSES OF THE RESPONDENTS

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Assistant Director (Admin) Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Kohat.
4. Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
5. Government of Khyber Pakhtunkhwa, through Chief Secretary Pakhtunkhwa Peshawar.

Appellant

Through

SOPHIA NOUREEN, Advocate
High Court Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2018

Rooh Ul Amin

VS

Director Elementary & Secondary Education Etc

APPLICATION FOR SUSPENDING THE OPERATION OF ILLEGAL TRANSFER ORDER OF THE PETITIONER FROM KOHAT TO HANGU PURELY ON POLITICAL GROUNDS, PASSED BY THE RESPONDENTS THROUGH OFFICER ORDER NO. 4433-38/F£261/A-23/MS/KKOHAT/VOL-II/DATED 11/10/2018, AND THE REJECTION ORDER ON APPEAL OF THE APPELLANT OFFICE ORDER NO.78-72/F£261/A-23/MS/KOHAT/VOL-II/DATED 22/10/2018 TILL THE FINAL DESPOSAL OF THE SERVICE APPEAL

RESPECTFULLY SHEWETH

1. That the above noted case is pending case is pending before this honorable tribunal which is yet not fixed for hearing.

2. That the facts and grounds take in the body of instant appeal may kindly be taken as an integral part of this

application which make out and excellent prime facie case in favor of appellant/applicant and if the impugned orders have not been suspended the petitioner will suffer irreparable loss.

3. That the impugned orders framed in violation of law which adversely affects the applicant.

Applicant

Through

Sophia Noreen
Advocate High Court
Peshawar

(12)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEM & SECY EDUCATION KOHAT

APPOINTMENT ORDER

Consequent upon the approval of the District Selection Committee Kohat for the appointment of Data Entry Operator Candidate is hereby appointed on open merit basis in BPS-10 (Rs. 3955-260-11755) Regular Basis against the post at the school noted against each in the interest of Public Service with effect from the date of taking over charge.

Sr No:	Roll No:	Merit Position in M/List	Name of Candidate	Fathers Name	Place of posting	Home Address	Remarks
1	17	03	Rooh ul Ameen	Jan Muhammad	Office of EDO Elem & Secy Edu Kt	Vill: Chorlaki Tehsil & District Kohat	Against /Post

TERMS AND CONDITIONS

1. They Will be governed by such Rules & regulations as may be issued from time to time by the Government
2. Their services will be terminated by any time in case their performance is found unsatisfactory/found and error/fraud they will be processed against under the Removal from Service Special Ordinance 2000 and E&D Rules 1973.
3. They are required to produce Health and Age Certificate from Medical authority concerned before taking over charge (In-Service Candidate are exempted)
4. They will be produce Bank receipt for the fee deposited in connection with verification of their certificates/Diploma/Degree etc before handing and taking over charge to this office. In case their documents proved fake their appointment will be considered as cancelled without any right or privilege.
5. The concerned DDO will not draw their Pay till the process of verification of their documents as completed.
6. No TA/DA etc is allowed.
7. They will not be handed over charge if they are under 18 Years and above ~~25~~ 30 Years of Age (Not for In-service candidates)
8. Their service will be considered as Regular but without Pension and gratuity in term of Section 19 of NWFP Civil servant Act 1973 as amended by NWFP Civil Servant amendment act 2005.
9. They will be contribute CP Fund @ 10% at the minimum of pay and 10% contribution will be made by Government.
10. They will have to take over charge within 15 days after the issuance of this order otherwise the order will stand null and void.

IMTIAZ UL HAQ
EXECUTIVE DISTRICT OFFICER
ELEM & SECY EDUCATION KT

Endst No. 380-387 /ADO (Estab)/Apptt of Lab Asstt 2008 Dated Kohat the 10/1/09

Copy of the above is forwarded for information and n/action to the:-

1. PS to Secretary to Government of NWFP Elem & Secy Education Peshawar.
2. PA to Director Elem & Secy Education NWFP Peshawar.
3. PA to District Co Ordination Officer Kohat
4. Principal concerned
5. District Account Officer Kohat with the request that the bill of the above named candidate may not be honored till the verification process is completed duly authenticated by this office.
6. Candidate concerned
7. ADO (Estab) Local office.
8. Master file.

DISTRICT OFFICER (MALE)
ELEM & SECY EDUCATION KT

Attested to be true copy
19/11/2018

(9) (13)

CHARGE REPORT

Certified that we have on the Fore/After noon of this day on 10/01/2009 respectively made & received the charge of the Post of Data Entry operator in the office of Executive District Officer Elementary & Secondary Education Kohat vide Endst: No. 380-387/ADOEstb: Apptt: of Lab: Asstt: dated 10/01/2009.

STATION: KOHAT
DATED10/01/2009

Signature of Relieving
Govt: Servant_____
(Rooh ul Amin)
D.E.O.

(Vacant Post)
Signature of Relieved
Govt: Servant_____

Endst No 484-35 /PA to EDO (E & SE) Dated 10/1 /2009.

Copy forwarded to: -

1. ***District Accounts Officer, Kohat***
2. ***Accountant Local Office***

DISTRICT OFFICER (Male)
ELEMENTARY & SECY EDU: KOHAT

Attested to be true copy
19/4/2018

(14)

حکومت پاکستان

قومی شناختی کارڈ

14301-5809729-1

نام : روح الامین

جنس : مرد

والد کا نام : جان محمد

شناختی علامت : ٹھوڑی پر تل

امتیاز تاجور

تاریخ پیدائش : 12/04/1984

دستخط حامل کارڈ

دستخط رجسٹرار جنرل

شناختی نمبر : 14301-5809729-1 خاندان نمبر : U2W46K

موجودہ پتہ : محلہ میاں جی خیل، چورلکی، تحصیل و ضلع کوہاٹ

مستقل پتہ : ایضاً

تاریخ اجراء : 06/01/2015 تاریخ میعاد : 06/01/2025

گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں

Attested to be true copy

19/11/2018

(15)

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

NOTIFICATION.

Consequent upon the approval by the Departmental Promotion Committee (DPC) meeting held on 26-04-2017 at 10-00 AM, the following KPO/Comp: Operators (B-16) working in various Districts under Elementary & Secondary Education Department Khyber Pakhtunkhwa are hereby promoted to the post Assistant Programmer (BPS-16) on regular basis with immediate effect in the interest of public service posted/adjusted in the offices as noted against each:-

Sr No	Name & Designation	Present address as KPO/Comp:Optr	Adjusted as Assistant Programmer at	Remarks
1	Khalid Babar	Office of the DEO (F) Dir Upper.	Office of the DEO (F) Dir Upper	Against vacant post
2	Ashfaq Khan	Office of the DEO (M) Dir Lower	Office of the DEO (M) Malakand at Batkhela.	Against vacant post
3	Naik Amal	Office of the DEO (F) Malakand at Batkhels	Office of the DEO (F) Malakand at Batkhels	Against vacant post
4	Roohul Amin	Office of the DEO (M) Kohat	Office of the DEO (F) Hangu	Against vacant post
5	Abdul Nasir Mehmood	Office of the DEO (F) Karak	Office of the DEO (M) Karak	Against vacant post

Note:- 1. Charge reports should be sent to all concerned.

2. They will be on probation for a period of one year, extendable for another term of one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

3. The academic/professional Degree i.e. 2nd Class Master Degree in Computer Science/IT or 4-Years Bachelor Degree in Computer Science/IT or equivalent in Computer Science/IT from recognized University in respect of the above mentioned promotes/Assistant Programmer may be got verified from the concerned University/Institution before drawl of their pay by the Drawing and Disbursing Officer (DDO) concerned.

(Mohammad Rafiq Khattak)
DIRECTOR

Endst:No. 4804-10 /A-23/MS/Asstt: Prog/Prom:/2017/Dated Pesh:the, May, 29/5/2017

Copy forwarded for information to the:-

1. P.S to Minister for Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. P.S. to Secretary to Govt: of Khyber Pakhtunkhwa, E&SE Deptt:
3. Section Officer (Primary) Govt: of Khyber Pakhtunkhwa, E&SE Department.

Attested to be true copy
19/11/2018

(13) (16)

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Office Order.

Mr. Rooh ul Amin, Assistant Programmer Office of the DEO (F) Hangu is hereby transferred against vacant post of Computer Operator BPS-16 at office of the DEO (M) Kohat on his own pay and BPS on stop [illegible] basis in the interest of public service with effect from the date of His taking over charge.

Note:

1. Charge report should be submitted to all concerned.
2. NO TA/DA is allowed.
3. The official will not claim any Period Seniority or Computer [illegible]

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 4301-05 /E-V-61/A-23/M/Kohat [illegible] Dated the 18/8

Copy forwarded to the:-

1. Director E&SE Education Officer (Female)
2. District Education Officer (M) Kohat
3. District Accounts Officer Kohat
4. Official Concerned.
5. Master File.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

18/8/2017

Assistant Director [illegible]
Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Attested to be true copy
19/11/2018

[illegible] Desktop Moazwar transfer Rooh ul Amin Assistant Programmer Office of DEO (F) [illegible]

(16)

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar

Office Order.

MR. Rooh Ul Amin, Assistant Programmer Office of the DEO (F) hangu is hereby transferred against vacant post of Computer Operator, BPS-16 at office of the DEO (M) Kohat on his own pay and BPS on stop gap arrangement basis in the interest of public service with effect from the date of his taking over charge.

Note:

1. Charge report should be submitted to all concerned
2. NO TA/DA is allowed.
3. The official will not claim any benefit/Seniority of Computer operator post

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

(14) (17)

CHARGE REPORT

Certified that I **Rooh Ul Amin** ***Assistant Programmer BPS-16*** on this day 24/08/2017 (F/N) took over charge of the Computer Operator **BPS-16** Vide Directorate of Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar Endst: No. 4301-05/F.No.261/A-23/MS/Kohat-II Dated Peshawar the 18/08/2017.

Signature of Relieved Govt: Servant — Vacant Post
Vacant Post

Date: 24/08/2017.

Signature of Relieving Govt: Servant
Designation — Rooh Ul Amin

Station: DEO (Male) Kohat.

Endst: No. 9978-80 Dated 24 / 08 /2017.

Copy of the above is forwarded to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer Kohat.

24/8/17
DY: DISTRICT EDUCATION OFFICER
(MALE) KOHAT

Attested to be true copy
19/11/2018

(15) (18)

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

Mr. Roohul Amin Assistant Programmer working against Computer Operator post at Office of the District Education Officer (Male) Kohat is hereby transferred/adjusted at office of the District Education Officer (Male) Hangu against vacant Assistant Programmer post on his own pay and BPS in the interest of public service with immediate effect.

Note:

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

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 4433 38 /F.#.261/A-23/MS/Kohat/Vol-II. /Dated Peshawar the 11/X/2018.

Copy forwarded to the: -

1. District Education Officer (Male) Kohat.
2. District Education Officer (Female) Hangu.
3. District Accounts Officer Kohat & Hangu.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

11/10/2018

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

Attested to be true copy
19/11/2018

C:\Users\Tahir\Documents\Transfer - Roohul Amin AP Kohat.doc

(19)

Khyber Pakhtunkhwa

AMJAD KHAN AFRIDI
MPA-PK80 Kohat
Ex-Minister on Housing
Ex-Advisor to Chief Minster
on Tourism, Sports, Culture
Archaeology, Museums & Youth Affairs

To
Director Education
KP

Subject: Computer operator Transfer

Pl transfer Computer operator Roohul Amin Presently posted in office of DEO Male Kohat. Maybe Transfer to Any other Distt it is Most Exgent

Thanks

25/9/2018

AZEEM BAGH BABRI BANDA PINDI ROAD, KOHAT
Cell: 0300-8150005 / 0345-8300005

Attested to be true copy

19/11/2018

(17) (20)

بخدمت جناب ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

درخواست بمراد منسوخ فرمانے غیر قانونی ٹرانسفر سائل ڈسٹرکٹ ایجوکیشن آفس میل کوہاٹ تاہنگو جاری کردہ محکمہ سراسر سیاسی بنیاد پر بذریعہ ٹرانسفر آرڈر نمبر 38-4433 محررہ 11-10-2018

جناب عالی

گزارش ہے

کہ سائل ڈسٹرکٹ ایجوکیشن آفیسر مردانہ میں بطور Computer Opererator مورخہ 10-01-2009 کو بھرتی ہوا تھا جبکہ موجودہ وقت میں سائل بطور Computr Operator میں (BPS-16) تعینات ہے۔ اور اپنی ڈیوٹی سر انجام دے رہا ہے۔ جبکہ اس تمام عرصہ میں من سائل اپنی ڈیوٹی نہایت ایمانداری سے سرانجام دیتا رہا ہے۔ جبکہ من سائل نے محکمہ کو کبھی بھی شکایت کا موقع نہیں دیا ہے۔ اور نہ ہی سائل کے خلاف کوئی شکایت یا انکوائری درج ہوئی ہے۔

یہ کہ مورخہ 11-10-2018 کو محکمہ نے بذریعہ آڈر نمبر 38-4433 سائل کا ٹرانسفر سراسر غیر قانونی غیر آئینی اور سیاسی بنیادوں پر DEO Male کوہاٹ سے DEO Male ضلع ہنگو کر دیا جبکہ سائل کا Tennur کوہاٹ میں تاحال مکمل نہیں ہوا ہے۔ یہاں یہ امر ضروری ہے کہ حکومت کی جانب سے محکمہ میں ٹرانسفر اور پوسٹنگ پر بین ہے۔

مہربانی کر کے من سائل کا غیر قانونی اور سیاسی بنیادوں پر کیا ہوا ٹرانسفر آڈر محررہ 11-10-2018 منسوخ فرمایا جائے اور من سائل کو Political Victimization سے بچایا جائے جس سے قانون اور انصاف کے تقاضے پورے ہونگے۔

العارض

المرقوم 19-10-2018

آپ کا تابعدار روح الامین Computer Operator DEO Male Kohat

شناختی کارڈ نمبر 14301-5809729-1 موبائل نمبر 0344-5667095

دستخط ----- Ramin -----

Attested to be true copy

19/11/2018

(21)

Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
No. 7872 /F.No. 261/A-23/MS/Kohat-II
Dated Peshawar the 22/10 /2018

To

Mr.Rooh-ul-Amin, Assistant Programmer/Computer Operator,
Office of the District Education Officer,
(Male) Kohat

Subject: APPEAL FOR CANCELLATION OF TRANSFER.

Memo:

I am directed to refer to your appeal dated 19/10/2018 on the subject noted above and to inform you to implement this office order issued under Endst No 4433-38 dated 11/10/2018 immediately.

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

Endst; No. 7873 /

Copy forwarded to the: -

1. District Education Officer (Male) Kohat with the remarks to relieve the official concerned.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

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

22/10/2018

C:\Users\Tahir\Documents\Transfer - Roohul Amin AP Kohat.doc

(22)

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

SEAL OF HIGH COURT PESHAWAR عدالت عالیہ پشاور

Writ Petition No. 5187-P /2018

Rooh Ul Amin Presently serving as Computer Operator District Education Office (Male) Kohat.

... PETITIONER

VERSUS

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Assistant Director (Admin) Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Kohat.
4. Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
5. Government of Khyber Pakhtunkhwa, through Chief Secretary Pakhtunkhwa Peshawar.

... RESPONDENTS

WIRT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AMENDED UPTO DATE

PRAYER:

ON ACCEPTANCE OF THIS WRIT PETITION THE ILLEGAL TRANSFER ORDER OF THE PETITIONER FROM KOHAT TO HANGU PURELY ON POLITICAL GROUNDS PASSED BY THE RESPONDENT THROUGH OFFICE ORDER 4433-38/F.#.261/A-23/MS/KOHAT/VOL-II/DATED 11/8/2018, AND AGAINST THE REJECTION ORDER NO.78-72/F.#.261/A-

FILED TODAY
Deputy Registrar
23 OCT 2018

ATTESTED
EXAMINER
Peshawar High Court
03 NOV 2018

ATTESTED
EXAMINER
03 NOV 2018

(23)

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
30.10.2018	**W.P.No.5198-P of 2018 with interim relief.** **Present:** Ms.Sophia Noreen, advocate for the petitioner. --- **MUHAMMAD AYUB KHAN, J.-** Petitioner through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 has prayed this court seeking issuance of an appropriate writ in the following manner:- "It is therefore prayed that on acceptance of this writ petition the illegal transfer order of the petitioner from Kohat to Hangu purely on political grounds, passed by the respondent through office order 4433-38/F.#.261/A-23/MS/Kohat/Vol-II dated 11/8/2018 and against the rejection order No.78-72/F.##.261/A-23/MS/Kohat/Vol-II dated 22.10.2018, whereby the appeal of the petitioner was dismissed, may kindly be declared illegal, unconstitutional, without lawful authority, void may kindly be set aside and the petitioner be allowed/retain on his present post at District Kohat in the larger interest of justice". 2. Preliminary arguments heard and record gone through. 3. In the case in hand the petitioner seeks to declare his transfer order from Kohat to Hangu and dismissal of

ATTESTED
EXAMINER
Peshawar High Court
03 NOV 2018

(24)

his appeal by the Departmental Appellate Authority as illegal and unlawful. While hearing this petition, we were informed that the Services Tribunal is not functioning because the incumbent Chairman has not taken the charge. As the petitioner was having no alternate but to approach this court, therefore, the impugned order of his transfer from Kohat to Hangu bearing No.4433-38/F.##.261/A-23/MS/Kohat/Vol-II dated 11.08.2018 is suspended till the incumbent Chairman, Services Tribunal takes charge of the post. The petitioner may file appeal/application for relief to Services Tribunal, if so desired.

Petition disposed of in the above terms.

JUDGE

JUDGE

No. 11766
Date of Presentation of Application 3-11-18
No of Pages 22
Copying Fee
Urgent Fee
Total Rs.
Date of Preparation of Copy 3-11-18
Date of Delivery of Copy 3-11-18
Received By

CERTIFIED TO BE TRUE COPY
EXAMINER
High Court, Peshawar
Under Article 87 of the Qanun-e-Shahadat Order 1984
03 NOV 2018

Sadiq Shah, PS (DB) (Hon'ble Mr.Justice Ikramullah Khan and Hon'ble Mr.Justice Muhammad Ayub Khan)

(i) (Deleted).

[1](j) i) 2% quota for disabled persons already fixed shall stand and should be enforced strictly.

ii) 10% quota has also been fixed for female candidates in all the Provincial services which are filled up through initial recruitment in addition to their participation in the open merit. However, it shall not be applicable to cadres exclusively reserved for females. The vacancies reserved for women for which qualified women candidates are not available shall be carried forward and filled by women.

iii) The above orders shall also apply to initial appointments in all autonomous/semi-autonomous bodies/ corporations etc which are administratively controlled by the Provincial Government.

iv) The Commission shall revise the Requisition Form for all such posts for specifying the women's quota in the available vacancies and the Administrative Department shall intimate the quota for the women in the Requisition Form accordingly.

v) The above reservation shall not apply to:-

(i) the percentage of vacancies reserved for recruitment on the basis of merit;

(ii) Short term vacancies likely to last for less than six months;and

(iii) Isolated posts in which vacancies occur only occasionally."]

[2][(jj) 0.5 percent quota has been fixed for candidates belonging to minorities in all the Provincial services which are filled in through initial recruitment in addition to their participation in the open merit. However, this reservation shall not apply to:-

(i) the percentage of vacancies reserved for recruitment on the basis of merit;

(ii) Short term vacancies likely to last for less than six months; and

(ii) Isolated posts in which vacancies occur only occasionally.]

(k) For initial appointment to posts in BPS-17 and below in the Autonomous Bodies/Corporations, the zonal allocation formula applicable for Provincial Services may be adopted. The method of recruitment shall also conform to sub-para (c) above.

(l) The Provincial Government have already agreed that recruitment to the post of PTC in Education Department in various districts shall be made on constituency-wise basis. For this purpose, the existing districts have been divided into various zones. Each zone shall correspond to the area of constituency of the Provincial Assembly. However, recruitment to the posts shall, in each case, be 50% on merit in open competition on district basis and 50% on constituency basis.

I am directed to request that the above decisions of the Provincial Government may be brought to the notice of all concerned for strict compliance.

(Authority No.S&GAD's letter No.SOR.I(S&GAD)1-117/91(C),dated 12.10.1993.)

****

The competent authority has decided that henceforth all the Government Departments/Offices shall ensure that requisitions are sent to the KHYBER PAKHTUNKHWA Public Service Commission complete in all respects and should reflect not only all the existing vacant posts but also posts likely to become vacant during the next eighteen months on account of retirement etc falling to the initial recruitment quota under the rules.

Posting / Transfer Policy of the Provincial Government

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(Regulation Wing)

[2]POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.

ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.

...ment employees appointed against specific posts, can not be posted against any other post.

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

v) [1]{ }

vi) While making postings/transfer from settled areas to FATA and vice-versa specific approval of Governor, KHYBER PAKHTUNKHWA needs to be obtained

[2]While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary KHYBER PAKHTUNKHWA needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor KHYBER PAKHTUNKHWA shall be obtained.

vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.

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

viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

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

x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

1 Para-1(v) regarding months of March and July for posting/transfer and ... deleted vide letter No: SOR-VI (E&AD) 1-...

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

[1]DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

xii) In terms of Rule-17(1) and (2) read with Schedule-III of the KHYBER PAKHTUNKHWA Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

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

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

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

a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.

b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

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

i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

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

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

3. As per Rule 25(2) of the Rules

a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.

b) Require an officer to hold charge of more than one post for a period exceeding two months.

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

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

***Authority**: Latter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.*

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF KHYBER PAKHTUNKHWA
NAME OF ADMINISTRATIVE DEPARTMENT
Dated Peshawar,_____

NOTIFICATION

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

CHIEF SECREARY
GOVERMENT OF KHYBER PAKHTUNKHWA

Endst. No. and date even.
Copy forwarded

بعدالت جناب سروس ٹریبونل KP پشاور

(28)

روح الدین
Campaign
Operation
DEO (Male)
کوہاٹ

مورخہ Service Appeal 2018ء منجانب روح الدین بنام حکومت

مقدمہ U/S 4 of

دعویٰ Service Tribunal

جرم Act 1974

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام Peshawar کیلئے محمد نوید عمران خان ایڈووکیٹس

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک وروپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہٰذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 19 ماہ نومبر 2018ء

العبد گواہ العبد

مقام Peshawar کے لئے منظور ہے۔

Accepted

عدنان سٹیشنری مارٹ
چوک مشتاق سٹی پشاور فون 2220193
Mob: 0345-9223239

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 1401/2018

Roohul Amin Computer Operator office of the DEO (M) Kohat. ....Appellant

VERSUS

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

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4	Copy of the Departmental Appeal	C	7
5	Copy of rejection 22/10/2018	D	8
6	Copy of the judgment dated 30/ 10/ 2018 of the Peshawar High Court Peshawar.	E	9-11

Asstt: Director (Lit: II)
E&SE Department, Khyber Pakhtunkhwa, Peshawar.

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 1401/2018

Roohul Amin Computer Operator office of the DEO (M) Kohat. ....Appellant

VERSUS

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

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-5.

Respectfully Sheweth :-

The Respondents submit as under :-

PRELIMINARY OBJECTIONS.

1 That the Appellant has got no cause of action/locus standi.

2 That the instant Service Appeal is badly time barred.

3 That the Appellant has concealed material facts from this Tribunal.

4 That the instant appeal is based on mala fide intentions.

5 That the Appellant has not come to this Honorable Tribunal with clean hands.

6 That the instant Service Appeal is against the prevailing law & rules.

7 That the Appellant has been treated as per law, rules & policy.

8 That the appeal is not maintainable in its present form.

9 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.

10 That the instant Service Appeal is barred by law.

11 That the Transfer & Posting is the discretionary powers of the competent authority.

12 That the impugned Notification No: 4433-38 F. No: 261/A-23/MS Kohat/ Vol-II dated 11/10/2018 is legally competent & liable to be maintained in favour of the Respondent Department in the interest of justice.

13 That the appellant has completed his normal tenure in the office of the DEO(M) Kohat.

14 That the Respondent Department has acted in view of Sections-10 of Civil Servants Act-1973.

15 That the appellant has been posted against his original post of Assistant Programmer in BPS-16 by the Respondent Department.

ON FACTS

1 That Para-1 is correct to the extent of the appointment of the appellant vide appointment order dated 10/01/2009 & adjusted in the office of the Respondent No: 3 against the Data Entry Operator in BPS-10. (Copy of the appointment order dated 10/ 01/2009 is attached as Annexure-A).

2 That Para-2 is needs no comments as each & every Civil Servant is liable to be loyal to his Department under the relevant provisions of Law against the post he holds.

3 That Para-3 is incorrect & denied on the grounds that vide the impugned notification dated 22/10/2018 issued by the Respondent No; 2 upon the approval of the Respondent No: 1 has been transferred & posted against the Assistant Programmer BPS-16 Post in the office of the DEO(M) Hangu under the mandatory provisions of Section-10 of civil servants Act 1973 after completion of his normal tenure of 03-years in the office of the DEO(M) Kohat against the Computer Operator post in BPS-16 upon which the appellant was wrongly posted in District Kohat. Therefore, the stand of the appellant regarding his posting in the office of the DEO (M) Kohat is baseless & liable to be struck down in favour of the Respondents in the interest of justice. **(Copy of the impugned transfer order is attached as Annexure-B).**

4 That Para-4 is incorrect & misleading on the grounds that under the mandatory provisions of Appointment Posting & Transfer rules 1989 transfer & postings is must as there was no vacant post of Asstt: Programmer in BPS-16 available in District Kohat upon which the appellant could be adjusted of being a Provincial cadre post in the Respondent Department.

5 That Para-5 is also needs no comments as the appellant is directly falls within the ambit of Section-2(b) of Civil Servants Act: 1973 read with Section-10 of the said Act & is liable to serve any the where in the Province as & when his services are required by the competent authority.

6 That Para-6 is correct to the extent of transfer order dated 18/8/2017 for which the appellant has exerted Political pressure for his posting against the Computer Operator post in District Kohat which is wrongly posted for the sole purpose of sticking to the post & station of his choice as no vacant post of Asstt: Programmer was available in District Kohat at that time upon which the appellant could be adjusted.

7 That Para-7 is also incorrect & denied on the grounds that the appellant has been transferred & adjusted in the office of the DEO (M) Hangu against the Asst: Programmer post in BPS-16 post under the above cited provisions of law & rules vide the impugned order dated 11/10/2018 issued by the Respondent No: 2 upon the approval of the Respondent No: 1 having no question of mala-fide, Political motivation & illegality on the part of the Respondent Department. Therefore, the stand & plea of the appellant is baseless & even without any cogent proof & justification.

8 That Para-8 is correct to the extent of filing of Departmental Appeal against the transfer order dated 11/10/2018. Which has been rejected on merits of the case by the competent authority? **(Copies of the Departmental Appeal & its rejection order dated 22/10/2018 are attached as Annexures C&D).**

9 That Para-9 is also incorrect & denied on the grounds that the appellant has invoked the jurisdiction of the Peshawar High Court Peshawar under Article 199 of 1973 Constitution of Pakistan in Writ Petition No: 5198-P/2018 under the above mentioned case title which was dismissed vide order dated 30/10/2018 under the mandatory provisions of Article-212 of the 1973 Constitution of Pakistan by the Peshawar High Court Peshawar. Hence, the instant case before this Honorable Tribunal. **(Copy of the order dated 30/10/2018 of the Honorable Court is annexure-E).**

10 That Para-10 needs no further comments as detailed reply to this para has been given in Para-9 of the instant reply.

11 That Para-11 is incorrect & denied on the grounds that this Honorable Tribunal has never remind defunct & the appeal of the appellant is badly time barred under the mandatory provisions of law of limitation Act: 1908. Hence, liable to be rejected/dismissed on the following grounds inter alia :-

GROUNDS:

A Incorrect & denied. The impugned orders dated 11/10/2018 & 22/10/2018 are within legal sphere &liable to be maintained in favour of the Respondents in the interest of justice having no aspect of illegality, exertion of Political pressure & unlawful authority.

B Incorrect & denied. The post of the appellant is a Provincial cadre post under which the appellant can be transferred & posted anywhere in the Province. Therefore, the claim of the appellant deserves to be dismissed in view of the foregoing submissions.

C Incorrect & denied. The act of the Respondent Department with regard to both the Notifications dated 11/10/2018 & 22/10/2018 are in accordance with law, rules & policy & even in interest of public. Therefore, the plea of the appellant is liable to be rejected.

D Incorrect & denied. The impugned order dated 11/10/2018 is within legal parameter & liable to be maintained.

E Incorrect & denied. The appellant has failed to annexed any proof regarding political motivation in the impugned orders. Hence, the stand of the appellant deserves to be rejected.

F Incorrect & denied. The post of the appellant is a Provincial cadre post in the Respondent Department having no question of tenure completion.

G Incorrect & not admitted. The appellant is a habitual litigant in the Respondent Department & always exert illegal pressure upon the Respondents for sticking to the post & station of his choice.

H Incorrect & denied. The stand of the appellant is without any cogent proof & justification. Hence, liable to be rejected.

I Incorrect & denied. Hence, needs no comments.

J Incorrect & denied. The impugned orders are within legal sphere & liable to be maintained having no question of violation of the Articles 4 & 25 of the Constitution of 1973 of Pakistan.

K Incorrect & not admitted. The impugned orders are legal & liable to be maintained in view of above made submissions.

L Legal. The Respondent also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

PRAYER

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

Dated ___/ /2018.

Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1,2&3)

Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No:4&5)

AFFIDAVIT

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

Deponent

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 1401/2018

Roohul Amin Computer Operator office of the DEO (M) Kohat. ....Applicant

VERSUS

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

REPLY TO THE APPLICATION FOR THE SUSPENTION OF OPERATION OF THE IMPUGNED ORDERS DATED 11/10/2018 & 22/10/2018 ON & FOR BEHALF OF THE RESPONDENTS.

Respectfully Sheweth :-

The Respondents submit as under :-

1. That Para-I needs no comments being pertains to the record of this Honorable Tribunal.

2. That Para-2 is incorrect & denied. The facts & grounds as agitated by the replying Respondents in reply to the main Service Appeal may also be treated as an integral part of the reply to the present application on & for behalf the Respondents as the Respondents have got a very good prima facie case in their favour with bright chances of success & if the operation of the impugned orders as mentioned above have not maintained, then the Respondents shall suffer irreparable losses.

3. That Para-3 is also incorrect & denied. The impugned orders are within legal sphere &liable to be maintained in favour of the Respondents in the interest of justice as the appellant has been posted on his original post of Asstt: Programmer in Respondent Department .

PRAYER

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

Dated ___/ /2018.

Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No: 1-3)

Secretary
E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No:4&5).

AFFIDAVIT

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

Deponent

134/50

Transfer order on P.1

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

NOTIFICATION.

Consequent upon the approval by the Departmental Promotion Committee in meeting held on 26-04-2017 at 10-00 AM, the following KPO/Computer [illegible] (B-16) working in various Districts under Elementary & Secondary Education Department Khyber Pakhtunkhwa are hereby promoted to the post Assistant Programmers (BPS-16) on regular basis with immediate effect in the interest of public service and [illegible] adjusted in the offices as noted against each:-

Sr No	Name & Designation	Present address as KPO/Comp:Optr	Adjusted as Assistant Programmer at	Remarks
1	Khalid Babar	Office of the DEO (F) Dir Upper.	Office of the DEO (F) Dir Upper	Against vacant post
2	Ashiaq Khan	Office of the DEO (M) Dir Lower	Office of the DEO (M) Malakand at Batkhela.	Against vacant post
3	Naik Amal	Office of the DEO (F) Malakand at Batkhela	Office of the DEO (F) Malakand at Batkhela	Against vacant post
4	Roohul Amin	Office of the DEO (M) Kohat	Office of the DEO (F) Hangu	Against vacant post
5	Abdul Nasir Mehmood	Office of the DEO (F) Karak	Office of the DEO (M) Karak	Against vacant post

Note:- 1. Charge reports should be sent to all concerned.

2. They will be on probation for a period of one year, extendable for another term of one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

3. The academic/professional Degree i.e. 2nd Class Master Degree in Computer Science/IT or 4-Years Bachelor Degree in Computer Science/IT or equivalent in Computer Science/IT from recognized University in respect of the above mentioned promotes/Assistant Programmer may be got verified from the concerned University/Institution before drawl of their pay by the Drawing and Disbursing Officer (DDO) concerned.

(Mohammad Rafiq Khattak)
DIRECTOR

Endst:No.4804-10/A-23/MS/Asstt: Prog/Prom:/2017/Dated Pesh:the, May.29th, 2017.

Copy forwarded for information to the:-

1. P.S to Minister for Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. P.S. to Secretary to Govt: of Khyber Pakhtunkhwa, E&SE Deptt:
3. Section Officer (Primary) Govt: of Khyber Pakhtunkhwa, E&SE Department.
4. District Education Officers concerned
5. District Accounts Officers concerned
6. Assistant Programmer concerned.
7. PA to DE&SE, Khyber Pakhtunkhwa.
8. Master File.

29/5/2017

Assistant Director (Admn)

79 (50)

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

Transfer order on P. 1

NOTIFICATION.

Consequent upon the approval by the Departmental Promotion Committee in its meeting held on 26-04-2017 at 10-00 AM, the following KPO/Computer Operators (B-16) working in various Districts under Elementary & Secondary Education Department Khyber Pakhtunkhwa are hereby promoted to the post Assistant Programmers (BPS-16) on regular basis with immediate effect in the interest of public service and are adjusted in the offices as noted against each:-

Sr No	Name & Designation	Present address as KPO/Comp:Optr	Adjusted as Assistant Programmer at	Remarks
	Khalid Babar	Office of the DEO (F) Dir Upper.	Office of the DEO (F) Dir Upper	Against vacant post
	Ashfaq Khan	Office of the DEO (M) Dir Lower	Office of the DEO (M) Malakand at Batkhela.	Against vacant post
	Naik Amal	Office of the DEO (F) Malakand at Batkhels	Office of the DEO (F) Malakand at Batkhels	Against vacant post
	Noohul Amin	Office of the DEO (M) Kohat	Office of the DEO (F) Hangu	Against vacant post
5	Abdul Nasir Mehmood	Office of the DEO (F) Karak	Office of the DEO (M) Karak	Against vacant post

Notes:-
1. Charge reports should be sent to all concerned.
2. They will be on probation for a period of one year, extendable for another term of one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.
3. The academic professional Degree i.e. 2nd Class Master Degree in Computer Science/IT or 4-Years Bachelor Degree in Computer Science/IT or equivalent in Computer Science/IT from recognized University in respect of the above mentioned promotes/Assistant Programmer may be got verified from the concerned University/Institution before drawl of their pay by the Drawing and Disbursing Officer (DDO) concerned.

(Mohammad Rafiq Khattak)
DIRECTOR

Endst:No.4804-10/A-23/MS/Asstt: Prog/Prom:/2017/Dated Pesh:the, May,29th, 2017.

Copy forwarded for information to the:-
1. P.S to Minister for Elementary & Secondary Education, Khyber Pakhtunkhwa.
2. P.S. to Secretary to Govt: of Khyber Pakhtunkhwa, E&SE Deptt:
3. Section Officer (Primary) Govt: of Khyber Pakhtunkhwa, E&SE Department.
4. District Education Officers concerned
5. District Accounts Officers concerned.
6. Assistant Programmer concerned.
7. PA to DE&SE, Khyber Pakhtunkhwa,
8. Master File.

29/5/2017

Assistant Director (Admn)

133 49

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

Mr. Rooh ul Amin, Assistant Programmer Office of the DEO (F) Hangu is hereby transferred against vacant post of Computer Operator BPS-16 at office of the DEO (M) Kohat on his own pay and BPS on stop gap arrangement basis in the interest of public service with effect from the date of his taking over charge.

Note:

1. Charge report should be submitted to all concerned.
2. NO TA/DA is allowed.
3. The official will not claim any benefit/ Seniority of Computer operator post.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 4301-05/F.No. 261/A-23/MS/Kohat-II Dated Peshawar the 18/8/2017.

Copy forwarded to the: -

1. District Education Officer (Female) Hangu.
2. District Education Officer (Male) Kohat.
3. District Accounts Officer Kohat/Hangu.
4. Official concerned.
5. Master File.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

18/8/2017

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

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(C) (17) (20) (8)

بخدمت جناب ڈائریکٹر ایلمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

درخواست بمراد منسوخ فرمانے غیر قانونی ٹرانسفر سائل ڈسٹرکٹ ایجوکیشن آفس میل کوہاٹ تاہنگو جاری کردہ محکمہ سراسر سیاسی بنیاد

پر بذریعہ ٹرانسفر آرڈر نمبر 38-4433 محررہ 11-10-2018

جناب عالی

گزارش ہے

کہ سائل ڈسٹرکٹ ایجوکیشن آفیسر مردانہ میں بطور Computer Opererator مورخہ 10-01-2009 کو بھرتی ہوا تھا جبکہ موجودہ وقت میں سائل بطور Computr Operator میں (BPS-16) تعینات ہے۔ اور اپنی ڈیوٹی سر انجام دے رہا ہے۔ جبکہ اس تمام عرصہ میں من سائل اپنی ڈیوٹی نہایت ایمانداری سے سرانجام دیتا رہا ہے۔ جبکہ من سائل نے محکمہ کو کبھی بھی شکایت کا موقع نہیں دیا ہے۔ اور نہ ہی سائل کے خلاف کوئی شکایت یا انکوائری درج ہوئی ہے۔

یہ کہ مورخہ 11-10-2018 کو محکمہ نے بذریعہ آڈر نمبر 38-4433 سائل کا ٹرانسفر سراسر غیر قانونی غیر آئینی اور سیاسی بنیادوں پر DEO Male کوہاٹ سے DEO Male ضلع ہنگو کر دیا جبکہ سائل کا Tennur کوہاٹ میں تاحال مکمل نہیں ہوا ہے۔ یہاں یہ امر ضروری ہے کہ حکومت کی جانب سے محکمہ میں ٹرانسفر اور پوسٹنگ پر بین ہے۔

مہربانی کر کے من سائل کا غیر قانونی اور سیاسی بنیادوں پر کیا ہوا ٹرانسفر آڈر محررہ 11-10-2018 منسوخ فرمایا جائے اور من سائل کو Political Victimization سے بچایا جائے جس سے قانون اور انصاف کے تقاضے پورے ہونگے۔

العارض

المرقوم 19-10-2018

آپ کا تابعدار روح الامین Computer Operator DEO Male Kohat

شناختی کارڈ نمبر 14301-5809729-1 موبائل نمبر 0344-5667095

دستخط ---------- Ramin

Directorate of Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
No. 78-72 /F.No. 261/A-23/MS/Kohat-II
Dated Peshawar the 22/10/2018

To

Mr.Rooh-ul-Amin, Assistant Programmer/Computer Operator,
Office of the District Education Officer,
(Male) Kohat

Subject: APPEAL FOR CANCELLATION OF TRANSFER.

Memo:

I am directed to refer to your appeal dated 19/10/2018 on the subject noted above and to inform you to implement this office order issued under Endst No 4433-38 dated 11/10/2018 immediately.

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

Endst; No. 7873-74

Copy forwarded to the: -

1. District Education Officer (Male) Kohat with the remarks to relieve the official concerned.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

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

22/10/2018

C:\Users\Tahir\Documents\Transfer - Roohul Amin AP Kohat.doc

22

6

BEFORE THE HONOURABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 5187-P /2018

Rooh Ul Amin Presently serving as Computer Operator District Education Office (Male) Kohat.

... PETITIONER

VERSUS

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Assistant Director (Admin) Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Kohat.
4. Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
5. Government of Khyber Pakhtunkhwa, through Chief Secretary Pakhtunkhwa Peshawar.

... RESPONDENTS

WIRT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AMENDED UPTO DATE

PRAYER:

ON ACCEPTANCE OF THIS WRIT PETITION THE ILLEGAL TRANSFER ORDER OF THE PETITIONER FROM KOHAT TO HANGU PURELY ON POLITICAL GROUNDS PASSED BY THE RESPONDENT THROUGH OFFICE ORDER 4433-38/F.#.261/A-23/MS/KOHAT/VOL-II/DATED 11/8/2018, AND AGAINST THE REJECTION ORDER NO.78-72/F.#.261/A-

FILED TODAY
Deputy Registrar
23 OCT 2018

ATTESTED
EXAMINER
Peshawar High Court
03 NOV 2018

(23) (E) 5

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of the Judge
30.10.2018	**W.P.No.5198-P of 2018 with interim relief.** **Present:** Ms.Sophia Noreen, advocate for the petitioner. --- **MUHAMMAD AYUB KHAN, J.-** Petitioner through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 has prayed this court seeking issuance of an appropriate writ in the following manner:- "It is therefore prayed that on acceptance of this writ petition the illegal transfer order of the petitioner from Kohat to Hangu purely on political grounds, passed by the respondent through office order 4433-38/F.#.261/A-23/MS/Kohat/Vol-II dated 11/8/2018 and against the rejection order No.78-72/F.##.261/A-23/MS/Kohat/Vol-II dated 22.10.2018, whereby the appeal of the petitioner was dismissed, may kindly be declared illegal, unconstitutional, without lawful authority, void may kindly be set aside and the petitioner be allowed/retain on his present post at District Kohat in the larger interest of justice". 2. Preliminary arguments heard and record gone through. 3. In the case in hand the petitioner seeks to declare his transfer order from Kohat to Hangu and dismissal of

ATTESTED
EXAMINER
Peshawar High Court
03 NOV 2018

his appeal by the Departmental Appellate Authority as illegal and unlawful. While hearing this petition, we were informed that the Services Tribunal is not functioning because the incumbent Chairman has not taken the charge. As the petitioner was having no alternate but to approach this court, therefore, the impugned order of his transfer from Kohat to Hangu bearing No.4433-38/F.##.261/A-23/MS/Kohat/Vol-II dated 11.08.2018 is suspended till the incumbent Chairman, Services Tribunal takes charge of the post. The petitioner may file appeal/application for relief to Services Tribunal, if so desired.

Petition disposed of in the above terms.

JUDGE

JUDGE

No. 11766
Date of Presentation of Application 3-11-18
No of Pages 22
Copying Fee
Urgent Fee
Total 02
Date of Preparation of Copy 3-11-18
Date of Delivery of Copy 3-11-18
Received By

CERTIFIED TO BE TRUE COPY
EXAMINER
High Court, Peshawar
Under Article 87 of
Qanun-e-Shehadat Order 1984
03 NOV 2018

Sadiq Shah, PS (DB) (Hon'ble Mr.Justice Ikramullah Khan and Hon'ble Mr.Justice Muhammad Ayub Khan)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Khyber Pakhtukhwa
Service Tribunal
Diary No. 2312
Dated 21-12-2018

Appeal No. 1401 /2018

Rooh Ul Amin

VERSUS

Education Deptt

Part of the Record already with in original file.
21/12/

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:-

1. That the above noted appeal is pending before this Honourable Court which is fixed for 26/12/2018.

2. That the counsel for the petitioner will be unable on dated: 26/12/2018 to attend this honorable Court, due to her personal engagement/un-avoidable circumstances.

It is therefore, most humbly prayed that on acceptance of this application the above noted case may kindly be adjourned.

Dated: 21/12/2018

Petitioner

Through

21/12/18

Sophia Noreen

Advocate, High Court
Peshawar