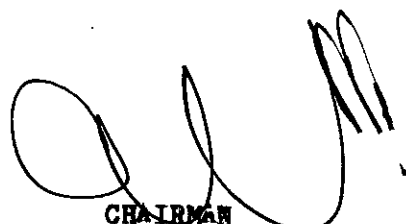


SET. Above all, posting of the appellant, as would be seen from notification dated 31.12.2012, was a stop gap arrangement till further orders.

As such, the existence of above three conditions would divest the appellant of any vested right to claim for the particular post, which is even otherwise barred under section 4(b)(1) of the NWFP (KPK) Service Tribunal Act, 1974.

Consequently, the appeal is bereft of merit and dismissed in limine with costs.

**ANNOUNCED
5.5.2014.**



**CHAIRMAN
Camp Court Swat**

APPEAL NO.1371/2013

(Said Karim-vs-Secretary, E&SE, KPK, Peshawar and three others)

5.5.2014

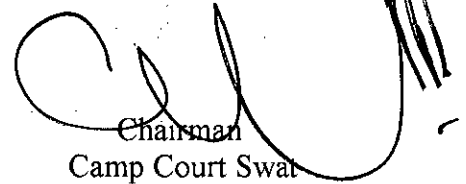
Appellant in person and Mr. Ubaid-ur-Rehman, ADO on behalf of respondents with Mr. Muhammad Zubair, Sr.G.P present. Representative of the respondents produced copy of the despatch register showing entries in respect of communication to the appellant on 8.11.2012. Further preliminary arguments also heard, and file perused.

The perusal of record would reveal that appellant is aggrieved of the notification dated 19.6.2013 whereby the competent authority i.e. Secretary, Elementary & Secondary Education Department (Respondent No.1) transferred him on 'administrative grounds' and placed his services at the disposal of Directorate, E&SE for further posting/adjustment against his original post i.e. SET (BS-16). The main contention of the appellant is that after acceptance of his earlier appeal vide order of the Tribunal dated 7.8.2012, he was again transferred and posted as Sub Divisional Education Officer(SDEO (Male) Buner vide notification dated 31.12.2012; but prematurely transferred from the post vide the impugned notification dated 19.6.2013 on considerations other than merit.

It may be pointed out at the outset that the appellant is SET in BPS-16, as notification dated 19.6.2013 would show, and has been granted personal grade-17, as revealed in the order dated 6.11.2012 of respondent No.1. Representative of the respondents stated that post of the SDEO(Male) Buner is a regular BPS-17 post; and notification dated 31.12.2012 would also show that the appellant was posted as SDEO(Male) Buner in his own pay and BPS. Additionally, the post of SDEO(Male) Buner is a management cadre post while appellant is admittedly

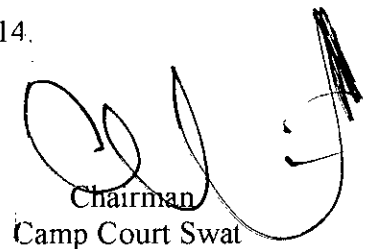
06.01.2014

Appellant in person and Mr. Ubaid-ur-Rehman, ADO on behalf of respondents with Mr. Muhammad Zubair, Sr. GP present. Representative of the respondents submitted copies of notification dated 19.6.2013 and letter dated 6.11.2012 by the Secretary, E&SE, KPK, Peshawar addressed to the appellant, the letter showing rejection of the departmental appeal, remanded to the appellate authority by this Tribunal vide order/judgment dated 7.8.2012, while furnishing reasons for rejection of the appeal of the appellant. The record of this appeal would reveal and the appellant also admitted that he has not mentioned order of the appellate authority on his departmental appeal, as, according to the appellant, he did not receive the order, which has been brought to the notice of the Tribunal by the respondent-department today. Since the said letter is addressed to the appellant, he should submit an affidavit stating therein on oath that he did not receive order of the appellate authority, before further proceedings in the appeal at camp court Swat on 3.3.2014.


Chairman
Camp Court Swat

3.3.2014




Appellant in person and Mr. Ubaid-ur-Rehman, ADO on behalf of respondents with Mr. Muhammad Zubair, Sr. GP present. Appellant filed affidavit, copy whereof is handed over to the learned Sr. GP for counter-affidavit, if any, and further preliminary arguments at camp court Swat on 5.5.2014.


Chairman
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1371/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/09/2013	<p>The appeal of Mr. Said Karim presented today by him may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-9-13	<p>This case is entrusted to Touring Bench Swat for preliminary hearing to be put up there on <u>04-11-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	04.11.2013	<p>Appellant present in person, and heard.</p> <p>In view of earlier judgment/order of the Tribunal dated 7.8.2012 in the case of the appellant, a pre-admission notice be issued to the respondent-department and learned G.P for production of complete record in the case, showing order of the authority in pursuance of the judgment/order of the Tribunal dated 7.8.2012 and also record of the subsequent transfer of the appellant for further preliminary hearing at camp court Swat on 6.1.2014.</p> <p style="text-align: right;"> Chairman Camp Court Swat</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL , PESHAWAR

Service Appeal NO 1371 / of 2013

Said Karim,..... Appellant
Ex-Sub Divisional Education Officer (Male),
District Buner.

Versus

- 1) Secretary, Respondent No. 1
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
- 2) Director,..... Respondent No. 2.
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
- 3) District Education Officer (Male), Buner..... Respondent No. 3.

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Dated 26/09/2013

(Said Karim)
Appellant in Person

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal. NO 1371 / of 2013

Said Karim,..... Appellant
 Ex-Sub Divisional Education Officer (Male),
 District Buner.

A.W.F. Peshawar
 14/10
 26/9/13

Versus

- 1) Secretary,..... Respondent No.1
 Elementary & Secondary Education,
 Khyber Pukhtunhwa, Peshawar.
- 2) Director,..... Respondent No.2
 Elementary & Secondary Education,
 Khyber Pukhtunhwa, Peshawar.
- 3) District Education Officer(Male),..... Respondent No.3
 Buner.

Service appeal under KHYBER PAKHTUNKHWA SERVICE TRIBUNAL-Act 1974 against the transfer order /notification issued by the Secretary, Elementary & Secondary Education, KP Peshawar, dated 19th June, 2013.

Prayer in the Appeal:

By accepting the appeal the impugned transfer /posting order/notification, dated 19th June, 2013 issued by the Secretary, Elementary & Secondary Education, KP Peshawar may be set aside and I may be allowed to work as SDEO(Male), Buner.

Respectfully Sheweth:

1. That I had been serving as SST(BPS-17) and as in-charge Principal of the Govt High School Chanar, Buner.
2. That on 21/12/2012 through notification No. SO(S/N)E&SE/4-16/2012/ Said Karim, I was authorized to look after the work of the vacant post of the Dy. District Officer(Male), Buner without my transfer/posting.
3. That I carried on my duty of the post of the Dy. District Officer(Male), Buner from GHS Chanar by recording this fact in the log book of my official vehicle.
4. That then on 31/12/2012, I was regularly transferred and posted as Sub-Divisional Education Officer (Male), Buner but this notification was not communicated to me. **(copy attached)**
5. That on 19/06/2013, I was transferred on administrative ground from the post of SDEO and my services were placed on the disposal of the directorate unexpectedly when on 20/06/2013, I was on a surprise visit of a hilly area school, the GPS Shpol although no complaint had been made and no enquiry for any charge had been conducted against me before the transfer. I had not even been called upon to explain in any matter before the transfer. **(Copy Attached)**
6. That the DEO (Male) Buner very quickly, without following the service rules especially the appeal rules 1986 of waiting for 30 days, relieved me of my duty on 20/06/2013 **(Copy attached)**, one day before the faxed order/ notification of by the **Minister Auqaf on 21/06/2013 at 02:08 am at midnight**. The DEO even did not wait for the original order/notification and taking over/handing over of the official vehicle, office keys and settling accounts of the DDO ship etc and sent the relieving chit to my home through a special messenger that I should not come to the office for having been relieved of the post of the SDEO.
7. That I belong to the constituency No. KP-78 of Mr. Habibur Rahman, Minister for Auqaf, Ushr and Zakat, who rendered my transfer and who had special interest in it (Fax Copy reveals ministry of Auqaf, Fax .No., Date and time).
8. That Mr. Mehboob Ali, the son-in-law of Mr. Habibur Rahman, Minister for Auqaf, is a primary school teacher and a government contractor as well.
9. That earlier before my posting as SDEO, I along with Mr. Sabir Rahman, Principal GHSS Gagra, Buner conducted an enquiry against Mr. Mehboob Ali, PST/Contractor and had unanimously recommended to the DEO a major penalty of removal from service for his long absence from duty **(Copy attached)**. But he has so far not been removed from service, and only his pay has been stopped.

26/9/13

10. That the salary of the said Mr. Mehboob Ali, PST /contractor and the son in law of Minister Auqaf has been stopped for the last so many years but he is still in service in Govt. Primary School Sabir Banda, Buner, and he waited for the day when his father-in-law would be MPA/Minister for Auqaf.
11. That it was impossible for the teacher/contractor and the minister to get release of the past salaries when I was SDEO (Male), Buner.
12. That promotion of the teacher/contractor from BPS-12 to BPS-14 and BPS-15 was similarly blocked by me owing to disciplinary action under E&D rules-2011 against him.
13. That the Minister, Auqaf wished that his party teachers be brought nearer/ transferred against merit/tenure and again I was the only obstacle in his way.
14. That other similar reasons were behind my transfer although I don't take a penny and don't spare others do corruption inside my jurisdiction. It was the only reason that Maulana Fazal Ghafoor MPA of another constituency i.e. PK-79 made objections over my transfer on AVT Khyber on 24/06/2013 in a talk show with Mr. Shoukat Yousafzai, Health/Information Minister that instead of evicting the corrupt the government of PTI had started evicting the fair, honest, transparent and God fearing officers.
15. That on 31/07/2013 after one and a half month of my transfer the newly posted SDEO of Jamate Islami, Mr. Said Zada, without any authority, issued another order No. 892-99 (**Copy Attached**). transferring and posting all those 385, B-15 Primary School Teachers who were earlier on 21/02/2013 promoted and posted (**Copy Attached**) by the former DEO (M) Buner on my proposals according to the guidelines of the directorate. All this was done just to please the Minister Auqaf.
16. That not only this but another order on 01/08/2013 was issued by the SDEO on the next day of the first order when their own teachers of JI were not satisfied and they raised fresh objections. They were pleased and posted in Maktab Primary Schools (MPS) where B-14 and B-15 PSTs cannot be posted as per guidelines of the directorate and their postings there is just like posting the High School Head Master in a Primary School. (**Copies of the New order dated 01/08/2013 and of the guidelines attached**)
17. That these transfers/postings were issued after six months of the first order on 21/02/2013 and majority of the Primary School Teachers have made departmental appeals and after expiry of the mandatory period they will come to this tribunal and thus will waste its precious time giving rise to delay in justice in other genuine cases.
18. That these transfers/postings have supported my plea that the Minister Auqaf was unhappy with me and he wanted his teachers brought nearer against Merit/Guidelines/Tenure.
19. That my transfer is politically motivated, rendered on the sweet will of the minister Auqaf , Mr. Habibur Rahman of the JI ,against the supreme court judgment in the famous Anita Turab Case of 2012.
20. That I have so far not received original copy of the impugned order from the education department and I have been relieved on the copy faxed by Minister Auqaf.
21. That my transfer is premature as I have not completed my normal tenure of three (03) years as decided by the Supreme Court in the above said judgment.
22. That this tribunal had on 07/08/2012 decided in my favour when I had been transferred prematurely from the post of District Officer Male Buner. (**Copy Attached**)
23. That the mandatory period of ninety (90) days expired yesterday, on 25/09/2013 as I made a departmental appeal to the chief Secretary KP on 27/06/2013 but it was not responded till date, hence this service appeal.

REASONS/GROUNDS

1. That my transfer/posting is politically motivated rendered on the sweet will of Mr. Habibur Rahman, Minister Auqaf, of the Jamate Islami and a coalition partner of the PTI Government.
2. That I have so far not received original copy of my transfer order and instead the copy faxed by the Minister Auqaf has been communicated to me.

3. Every thing including my relieving from the post of SDEO Buner has been done very quickly even one day before the fax order on 21/06/2013 at 02:08 am at midnight.
4. That the education department trusted me by first giving me additional charge of the post before my regular transfer as SDEO when I was not in the District Office but seven (07) km away from the SDEO Office, in Govt. High School Chanar, Buner but it couldn't stand to the pressure of the political Government having JI as coalition partner.
5. That I have a lot of administrative experience as I have been ADO litigation and District Officer Male Buner in addition to my present post of SDEO.
6. That I have a sound and corruption free reputation by the grace of Almighty Allah and that is the reason that the MPA of PK-79 has strongly objected to my premature transfer in a talk show on AVT Khyber on 24/06/2013.
7. That my transfer is pre-mature and without completion of three years normal tenure as decided by the supreme court in Anita Turab Case of 2012.
8. That no one had complaint against me before my transfer from the post of SDEO. No enquiry has so far been conducted against me for any charge and nothing has been proved against me. I have not even been called upon to explain in any matter till my transfer from the post and putting my services at the disposal of Directorate of E&SE, KP, Peshawar.
9. That I am servant of the state and not of the Government. I have to perform my duty in accordance with Law and Rules, and I am not bound to obey the unlawful orders of my superiors not to talk of the dictation of the MPAs/MNAs/Ministers as decided in the judgment of the Supreme Court *ibid*.

It is therefore, prayed that on acceptance my this service appeal the impugned order/notification of the secretary E&SE KP dated 19/06/2013 may be set aside and I may be allowed to work as SDEO (Male), Buner. Any other remedy the tribunal may deem appropriate, may also be granted.

(Said Karim)

(Appellant in person)

INTERIM RELIEF:-

By way of interim relief the impugned order/notification of the secretary E&SE KP, dated 19/06/2013 may be suspended till the final adjudication of the appeal.

(Said Karim)

(Appellant in person)

Dated: 26/09/2013

Annexure 1

Affidavit/Certificate of Facts

I, Said Karim do hereby affirm and declare as under:-

1. That the averments of facts contained in the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this tribunal.
2. That the facts have been obtained from the record of the case.
3. No such appeal is pending before this tribunal.

Sworn at Peshawar this day, dated
26/09/2013.


(Said Karim)

(Appellant in person)

Peshawar, dated 26/09/2013

Annexure 2

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Subject: Request for Hearing in Camp Court Swat

Sir,

I beg to state that I belong to District Buner, Malakand Division. Two of the four parties to this service appeal belong to District Buner. The Peshawar High Court, Peshawar has also established Mingora Bench/Darul Qaza Swat for hearing cases of the petitioners belonging to the region.

It is therefore, requested that my this service appeal may kindly be heard and decided in Camp Court of the Tribunal at Saidu Sharif, Swat.


(Said Karim)

(Appellant in person)

Peshawar, dated 26/09/2013

TO BE SUBSTITUTED BEARING THE SAME NUMBER AND DATE



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

NOTIFICATION

Dated Peshawar the December 31, 2012

NO.SO(S/M)E&SED/3-2/2012/Management Cadre:

The Competent Authority is

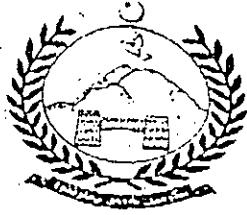
pleased to order the posting/ transfer of the following officers on the posts/ stations as mentioned against each in the interest of public service w.e.f. 01-01-2013:-

S.No	Name of Officers	Presently working as	Posted as
1	Mr. Ghulam Sardar (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Abbott Abad	Sub Divisional Education Officer (Male) Abbott Abad
2	Mr. Liaqat Ali (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Charsadda	Sub Divisional Education Officer (Male) Charsadda
3	Mr. Riaz Khan (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Tangi Charsadda	Sub Divisional Education Officer (Male) Tangi Charsadda
4	Mr. Aman ullah (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE D I Khan	Sub Divisional Education Officer (Male) D I Khan
5	Mr. Inayat ullah (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Prova D I Khan	Sub Divisional Education Officer (Male) Prova D I Khan
6	Mr. Muhammad Sajid (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Pahar Pur D I Khan	Sub Divisional Education Officer (Male) Pahar Pur D I Khan
7	Mr. Abdur Rashid SST (Teaching Cadre) B-16	Former Deputy District Officer (Male) E&SE Kulachi D I Khan	Sub Divisional Education Officer (Male) Kulachi D I Khan in his own pay and BPS on stop gap arrangement.
8	Mr. Taj Faqir SST (Teaching Cadre) B- 16	Former Deputy District Officer (Male) E&SE Dir Upper	Sub Divisional Education Officer (Male) Dir Upper in his own pay and BPS on stop gap arrangement.
9	Mr. Suliman SST (Teaching Cadre) B-16	Former Deputy District Officer (Male) E&SE Wari Dir Upper	Sub Divisional Education Officer (Male) Wari Dir Upper in his own pay and BPS on stop gap arrangement.
10	Mr. Shah Nawaz (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Karak	Sub Divisional Education Officer (Male) Karak
11	Mr. Qudrat Ali SS/ (Teaching Cadre) B-17 /	Former Deputy District Officer (Male) E&SE B D Shah Karak	Sub Divisional Education Officer (Male) B D Shah Karak in his own pay and BPS on stop gap arrangement.
12	Shahzullah (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Takht e Nasrati Karak	Sub Divisional Education Officer (Male) Takht e Nasrati Karak
13	Mr. Abdul Majid (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Mansehra	Sub Divisional Education Officer (Male) Mansehra

14	Mr. Shafqat Ali Khan (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Swabi	Sub Divisional Education Officer (Male) Swabi
15	Mr. Sher Rehman (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Lahore Swabi	Sub Divisional Education Officer (Male) Lahore Swabi
16	Mr. Gul Chaman (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Topi Swabi	Sub Divisional Education Officer (Male) Topi Swabi
17	Mr. Ihsan ud Din (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Tank	Sub Divisional Education Officer (Male) Tank
18	Mr. Faqir Shah (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Haripur	Sub Divisional Education Officer (Male) Haripur
19	Mr. Mian Wazir Jan (Teaching Cadre) B-17	Deputy District Officer (Male) E&SE Swat	Sub Divisional Education Officer (Male) Swat
20	Mr. Sairullah Shah (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Bannu	Sub Divisional Education Officer (Male) Bannu
21	Mr. Ghafoor Shah SST (Teaching Cadre) B-16	Former Deputy District Officer (Male) E&SE Kohat	Sub Divisional Education Officer (Male) Kohat in his own pay and BPS on stop gap arrangement.
22	Mr. Akber Jan SST (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Lachi Kohat	Sub Divisional Education Officer (Male) Lachi Kohat
23	Mr. Rehmat Ullah SST (Teaching Cadre) B-16	Former Deputy District Officer (Male) E&SE Lakki Marwat	Sub Divisional Education Officer (Male) Lakki Marwat in his own pay and BPS on stop gap arrangement.
24	Mr. Ihtesh ul Haq (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Nowshera	Sub Divisional Education Officer (Male) Nowshera
25	Mr. Said Karim SST (Teaching Cadre) B-17 (B-17)	Former Deputy District Officer (Male) E&SE Bunner	Sub Divisional Education/ Officer (Male) Bunner in his own pay and BPS on stop gap arrangement till further orders.
26	Mr. Darwish Khan (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Peshawar	Sub Divisional Education Officer (Male) Peshawar
27	Mr. Mosa Hassan (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Hangu	Sub Divisional Education Officer (Male) Hangu
28	Mr. Falak Naz (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Mardan	Sub Divisional Education Officer (Male) Mardan
29	Mr. Shah Zarin (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Takht Bhai Mardan	Sub Divisional Education Officer (Male) Takht Bhai Mardan
30	Mr. Essa Muhammad (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Chitral	Sub Divisional Education Officer (Male) Chitral
31	Mr. Nasir ullah (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Booni Chitral	Sub Divisional Education Officer (Male) Booni Chitral
32	Mr Haider Ali SST (Teaching Cadre) B-16	Former Deputy District Officer (Male) E&SE Shangla	Sub Divisional Education Officer (Male) Shangla
33	Mr. Muhammad Ayaz (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Batkhela Malakand	Sub Divisional Education Officer (Male) Batkhela Malakand
34	Mr. Muhammad Hussain (Teaching Cadre) B-17	Former Deputy District Officer (Male) E&SE Dargai Malakand	Sub Divisional Education Officer (Male) Dargai Malakand

✓

Attested
[Signature]



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

NOTIFICATION

Dated Peshawar the June 19, 2013

NO.SO(S/M)E&SED/4-16/2011/Mr. Said Karim SDEO Buner: Mr. Said Karim, SET (BS-17) posted as Sub-Divisional Education Officer (BS-17) (Male) District Buner in his own pay and scale is hereby transferred on administrative grounds and his services are placed at the disposal of Directorate E&SE for further posting/ adjustment against his original post in the interest of public service with immediate effect.

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer Buner.
4. District Education Officer (Male) Buner.
5. Incharge EMISE E&SE Department
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Officer concerned.
8. Office order file.

SECRETARY

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Annexure - 5
Annexure - 5

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OFFICE OF THE DISTRICT EDUCATION OFFICER MALE DISTRICT BUNER

OFFICE ORDER

Reference Secretary Govt; of Elementary & Secondary Education
Khyber PakhtunKhwa Peshawar, Notification No.SO (S/ME&SED/4-16/2011,
dated 19/6/2013. **Mr. Said Karim SDEO (Male) Pry;** Buner is hereby relieved
of his duties with immediate effect in the interest of public service.

He is further directed to report the Directorate (E&SE) Khyber
PakhtunKhwa, Peshawar. for further posting/adjustment against his original
post

Mr. Said Zada Dy; DEO, (Male) of the local office is hereby
authorized to perform additional duties as SDEO (Male Pry;) Buner till
further order.

(FIDA MUHMMAD)
DISTRICT EDUCATION OFFICER MALE
BUNER

Endst: No 15595-601 Dated 20 / 6 / 2013.

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

1. Accountant General, Khyber PakhtunKhwa Peshawar.
2. PS to Secretary Elementary & Secondary Education Khyber PakhtunKhwa Peshawar.
3. Director, Elementary & Secondary Education Khyber PakhtunKhwa Peshawar.
4. District Accounts Officer Buner at Daggar.
5. Deputy District Education Officer (Male) Local Office.
6. Officer Concerned.
7. PA to DEO Male Local Office.


DISTRICT EDUCATION OFFICER MALE
BUNER

... Auqaf, PSI /contractor and the son in law
of Minister Auqaf has been stopped for the last so many years but he is still in
service in Govt. Primary School Sabir Banda, Buner and waited for the day
when his father in law would be MPA/Minister for Auqaf.

Annexure-6
Page-11
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To
The Chief Secretary,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE TRANSFER ORDER/
NOTIFICATION ISSUED BY THE SECRETARY E&SE, KHYBER
PAKHTUNKHWA, PESHAWAR.

Respected Sir,

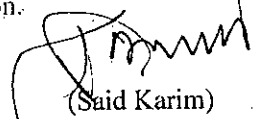
With reverence it is stated :-

1. That I have been serving as SST (B-17) and as Incharge Principal of Govt. High School Chanar, Buner since 2012.
2. That on 21/12/2012, through notification No. SO(S/N)E&SE/4-16/2012/saidkarim, I was authorized to look after the work of the vacant post of the Deputy District Officer Buner without my transfer/posting (Copy attached).
3. That on 26/12/2012, I assumed/started the additional duties of the post of Deputy District Officer Buner without transferring my pay from GHS Chanar as it was a simple authorization and not a transfer, and I carried on my duty in the school too.
4. That I carried on my additional duty of the post of deputy Dy. DO from GHS Chanar by recording this fact in the log book of my official vehicle (Copy Attached).
5. That on 12/01/2013 Mr. Raj Muhammad Khan, the then DEO Buner wrote a letter to me both in capacity as SST GHS Chanar and as SDEO Buner (old deputy DO) asking for fulfilling of the conditions of authorization of the above mentioned notification (Copy attached).
6. That on 19/06/2013, I was transferred on administrative ground from the post of SDEO and my services were placed on the disposal of the directorate unexpectedly when on 20/06/2013, I was on a surprise visit of a hilly area school, the GPS Shpol although no complaint has been made and no enquiry for any charge has been conducted against me before this transfer. I have not even been called upon to explain in any matter before the recent transfer.
7. That this notification of transfer reveals that I had been transferred to the post of SDEO Buner on regular basis after the first notification of authorization of additional duty. This transfer posting has not been communicated to me so far and that is the reason that I carried on my duty at GHS Chanar.
8. That the DEO Buner, very quickly, without following the service rules especially the appeal rules 1986 of waiting for 30 days, relieved me of my duty on 20/06/2013 (Copy attached) one day before the faxed order/ notification of the Minister for Auqaf on 21/06/2013 at 02:08 am at midnight. The DEO even did not wait for the original order/notification, and taking over/handling over of the official vehicle, office keys and setting accounts of the DDO ship etc. I have so far not relinquished the charge and have not signed on the charge relinquishing certificate.
9. That I belong to the constituency No. KP-78 of Mr. Habibur Rahman, Minister for Auqaf, Ushr and Zakat, who rendered my transfer and who had special interest in it (Fax Copy reveals ministry of Auqaf, Fax No., Date and time).
10. That Mr. Mehboob Ali, son in law of Mr. Habibur Rahman, Minister for Auqaf, is a primary school teacher and a government contractor as well.
11. That earlier I along with Mr. Sabir Rahman, Principal GHSS Gagra Buner conducted an enquiry against Mr. Mehboob Ali, PST/Contractor and had unanimously recommended to the DEO a major penalty of removal from service for his long absence from duty. (Copy attached). But he has so far not been removed from service and only his pay had been stopped.
12. That the salary of the said Mr. Mehboob Ali, PST /contractor and the son in law of Minister Auqaf has been stopped for the last so many years but he is still in service in Govt. Primary School Sabir Banda, Buner and waited for the day when his father in law would be MPA/Minister for Auqaf.

Accepted
[Signature]

13. That it was impossible for the teacher and the minister to get release of the past salaries when I was SDEO Primary Buner.
14. That promotion of the teacher/contractor from BPS-12 to BPS-14 and BPS-15 was similarly blocked by me owing to disciplinary action under E&D rules 2011 against him.
15. That the Minister, Auqaf wishes that his party teachers be brought nearer/ transferred against merit/tenure and again I was the only obstacle in his way.
16. That other similar reasons were behind my transfer although I don't take a penny and don't spare others do corruption inside my jurisdiction. It was the only reason that MPA of KP 79 has made objections over my transfer on AVT Khyber on 24/06/2013 in a talk show with Health/Information Minister that instead of evicting the corrupt the government has started evicting the fair, honest, transparent and God fearing officers.
17. That the notification of my recent transfer reveals that I had regularly been transferred to the post of SDEO Buner before my recent transfer but no such order has so far been communicated to me.
18. That then my transfer without completion of normal tenure of three years as SDEO Buner is against the Supreme Court judgment in Aneetha Turab Case of 2012. This Judgment also directs Government servants that they are not bound to obey the unlawful orders of their superiors.
19. That I intend to knock at the door of court, even resorting to the supreme court without the need of an advocate for being law graduate with experience of court cases, after expiry of the mandatory period.
20. That in a similar case the tribunal had directed the chief secretary to review my transfer order/notification when I was District Officer Male Buner (Copy Attached).

It is, therefore, very humbly requested that my transfer order/ notification may be cancelled/withdrawn like that of Muhammad Ayaz DC Sawabi and I and the department may be saved from litigation.

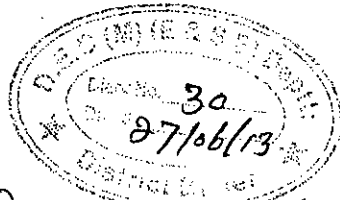

(Said Karim)

SST (B-17) / SDEO (B-17)
GHS Chanar, / Primary (M),
Buner / Buner.

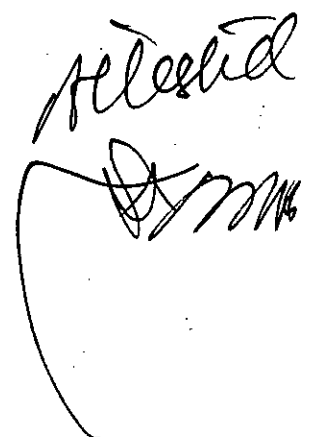
Dated: 27/06/2013

Copy for information and necessary to the :-

1. DEO (M) Buner.
2. Director E&SE, KP, Peshawar.
3. Secretary E&SE, KP, Peshawar.



Received
J/c
27/06/13



Annexure: 6A

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Annexure: 6-A
Page-13

OFFICE OF THE PRINCIPAL GHS, CHANAR (ENGLISH MEDIUM), BUNER

No. 304

Dated: 04/10/2012

The EDO (E&SE),
Buner.

Subject: Submission of Inquiry Report under Section 11, sub-section 7 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011

R/Sir,

Reference your Endst.No: 12076-79, file No. DA.6, dated 19/09/201, we, the Inquiry Officers submit as under.

Through a letter No. 294, dated 20/9/2012, Mr. Mehboob Ali (PST) at GPS Sabar Banda, Tehsil Mandanr was informed through Mr. Abdul Shakoor, CT, of this school as assistant and departmental representative, that the inquiry committee will pay a visit, on 25/09/2102, to GPS Sabar Banda in connection with the inquiry (Page 3 at Annexure A). He and the Head Teacher of the School were directed to ensure their presence and the presence of the entire staff. We reached the school after travelling an arduous distance by my personal car, by two motor bikes provided by the departmental representative, and by foot. Mr. Mehboob Ali (accused), did not bother to pay a visit to the school for inquiry not to talk of duty to be performed by him. We took statements of the staff including the head teacher, and the PTC/PTA of the locality.

FINDINGS:

The charges of absence from duty and its subletting to Mr. Fazle Rabbi stood proved beyond any doubt through the statements taken above and our personal queries of the inhabitants of the locality. The statements of Mr. Noor sahib Shah, Head Teacher, Mr. Irshad Khan, PST, Mr. Bakhti Shah, Chowkidar of the school are attached (page No: 4,5,6 at Annexure B, C and D).

The chairman and members of the PTC/PTA, of the school were unanimous in the opinion that Mr. Mehboob Ali, PST, be penalised for his wilful absence from duty. They further argued that the teacher is son-in-law of an influential and former MPA and for the reason he has been threatening us of dire consequences if they lodged any complaint against him for his absence from duty. They further argued that he has ruined the future of our young generation.

RECOMMENDATIONS:

We, the undersigned in capacity as members' inquiry committee are of the opinion that the above mentioned Mehboob Ali has no interest in the post of PST for its meagre pay as he is a Govt Contractor, earning a lot of money in contracts awarded by the Govt. We, therefore, recommend that he may be awarded major penalty of removal from service under *Section 4 (1) (b) (iii) of the E&D Rules 2011*, first giving him chance of personal hearing for resuming duty and improving his position.

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S.No	Name	Father Name	Present School	Place of Posting	Remarks
383	Mohd Sarwar	Sher Umar	GPS Dagai No 1	GPS Marogai	
384	Dawlat Khan	Zaiwar Shah	GPS Qasim Khail	GPS Nawakalay Charorai	
385	Ibrar Husain	Gul Zar Husain	GPS Manjar	GPS Kandar Amazai	

Terms and Conditions:

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Sc-Seniority on lower post will remain intact.
6. No TA/DA is allowed for joining their duty
7. They will give an undertaking to this effect to be recorded in their service books accordingly.

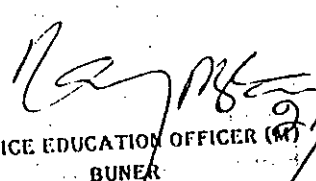
RAJ MUHAMMAD KHAN
DISTRICT EDUCATION OFFICER (M)
BUNER

Endstt: No. 12502-07

Dated. 21/02/2013

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

- 1 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- 2 District Accounts Officer Buner
- 3 Dy:D.E.O(M) local office
- 4 S.D.E.O(M) Buner
- 5 Officials concerned
- 6 PA to D.E.O (M) Local Office.


DISTRICT EDUCATION OFFICER (M)
BUNER

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 OFFICE OF THE SUBDIVISIONAL EDUCATION OFFICER (M) DISTRICT BUNER AT DAGGAR.

OFFICE ORDER.

Consequent upon the acceptance of appeals of PSHTs B-15 and as recommended by the review committee constituted by the Deputy Commissioner Buner, The competent authority has approved to order revised placement/posting of the following PSHTs B-15 in the schools noted against their names with immediate effect in the interest of public service.

*Liaqat Hussain
 Waheed Raza
 Sadar ATA*

S.No	Name	Father Name	Present posting	Place of posting	Remarks
1	Muneer Khan	Zareef Khan	GPS Kawsar Abad	GPS Kawsar Abad	
2	ZAHIR SHAH	SAID RASAN	GPS GHAZI KOT	GPS GHAZI KOT	
3	Hamid Karim	Abdul Qados	GPSKankowi	GPSKankowi	
4	Faramosh Khan	Hazratullah	GPS Kawga NO 1	GPS Kawga NO 1	
5	Hameed ullah	Abduar rahman	GPS Manjaray	GPS Manjaray	
6	Fazal Hadi	Fazal Rahim	GPS Shalbandi	GPS Shalbandi	
7	Aurangzaib	Muhda khan	GPS Tangora	GPS Tangora	
8	Shah Pasand	Gujar	GPS Karapa	GPS Karapa	
9	Muntazir shah	Matab shah	GPS Kund Shalbandi	GPS Kund Shalbandi	
10	Zamrrod shah	Ikram shah	GPS Amnawar No.2	GPS Amnawar No.2	
11	Ashtar gul	Hameed Gui	GPS Barkalay	GPS Hassan Khall	
12	Hamid Raziq	Abdul Qadir	GPS Kund Shalbandi	GPS Bambalai	
13	Mohd Ayub Khan	Muntazir khan	GPS Sura No1	GPS Sura No1	
14	Bakht Rawan	Muhammad Amin	GPS Inzer Maira 2	GPS Inzer Maira 2	
15	Ahmad jan	Husan wali	GPS Jali dand	GPS Jali dand	
16	Hazarat wahib	Syed sajid	GPS Kiraramal	GPS Kiraramal	
17	Imroz khan	Hazrat bilal	GPS Inzarmaira No1	GPS Inzarmaira No1	
18	Sher Zaman	Malakay	GPS Marghai Jala	GPS Marghai Jala	
19	Shah zada	sher dad	GPS Kohay	GPS Kohay	
20	Najmul Hadi	Mohd Ismail	GPS-Sro	GPS-Sro	
21	Barakat Shah	Mirza Shah	GPS Ambela	GPS Ambela dara	
22	Habibullah	Gul Bad Shah	GPS Elum	GPS Elum	
23	Sher Bahadar Khan	Abdur Rahman	GPS Makhranai	GPS Makhranai	
24	Gul Zamin Shah	Ibne Amin Shah	GPS Miana Chamla	GPS Miana Chamla	
25	Umbaras khan	Nadar Shah	GPS Mughdara	GPS Mughdara	
26	Salim javid	said farosh	GPS Totalai No 2	GPS Totalai No 2	
27	Zafar ali shah	Mehmood shah	GPS Wakeel abad	GPS Bangeray	
28	Azizur-Rahman	Sobat khan	GPS Koz teraj sur	GPS Koz teraj sur	
29	Zahir shah	Sahib zar khan	GPS Malak pur	GPS Malak pur	
30	Akbar Hassan	Sadbar Khan	GPS Ghurgushto	GPS Ghurgushto	
31	Din Mohammad	Fazal Shah	GPS Qudratullah Garai	GPS Kahosar	
32	Najmul uloom	Qandhar	GPS Kot sorryay	GPS Kot sorryay	
33	Mohd Shoaib	Bakht said	GPS Gumbat	GPS Gumbat	
34	Mohd Dildar	Khawaja Noor	GPS Sowarai	GPS Sowarai	
35	Rashid ahmad	Mohd yousaf	GPS Banr Shalbandi	GPS Laila	
36	Bakht Jehan	Qasem Jan	GPS Mangal thana	GPS Mangal thana	
37	Munir Khan	Gulzar	GPS Banda tangai	GPS Banda tangai	
38	Bahram said	Taj Mohd	GPS Tegaray	GPS Tegaray	
39	Maskin	Sher Mohammad	GPS Dagai	GPS Dagai No1	
40	Mohd yousaf	Bukhari	GPS karapa	GPS Shanai N/Kalay	
41	Amir dad Khan	Sharif khan	GPS karapa	GPS Dambar Dara	
42	Faqir Gul	Taza Gul	GPS Ghurghushto	GPS Qasim khail	
43	Javid Iqbal	Yaqoot Khan	GPS Mirzakai	GPS Mirzakai	
44	Gohar Zaman	Zaman Khan	GPS Totalai No 1	GPS Totalai No 1	
45	Mohd Islam	Said nabi	GPSKalan	GPS Kalan	
46	Saeedullah khan	salih Khan	GPS Buragat No.1	GPS Buragat No.1	

*Approved
 [Signature]*

S.No	Name	Father Name	Present posting	Place of posting	Remarks
378	Habib ullah	hameed ullah	GPS Ber shamnai	GPS Ber shamnai	
379	Noor Mohd Khan	Sarfraz Khan	GPS Kandaw Patay	GPS Kandaw Patay	
380	Raj wali khan	Resham khan	GPS Jawar, No 1	GPS Shahtoot	
381	Zakirullah	Pirdad	GPS Dehrai	GPS Shangra	
382	Sher Ali Khan	Jafar khan	GPS Rega NO2	GPS Karapa sarsodair	
383	Mohd Sarwar	Sher Umar	GPS Dagai No 1	GPS Marogai	
384	Dawlat Khan	Zaiwar Shah	GPS Qasim Khail	GPS Charkot	
385	Ibrar Husaln	Gul Zar Husaln	GPS Manjar	GPS Ahmad ali Dehrai	

Note:-1- Charge report should be submitted to all concerned.
2- No T/A D/A is Allowed.

(SAID ZADA)
SUBDIVISIONAL EDUCATION OFFICER
MALE PRY; BUNER

Endst;No: 892-99 Dated: 31 / 07 / 2013.

Copy of the above is forwarded to The:-

- 1 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2 District Eduaction Officer Male Buner.
- 3 Deputy commissioner Buner.
- 4 District Accounts Officer Buner.
- 5 Deputy D.E.O Buner.
- 6 Official concerned.

Said Zada
SUBDIVISIONAL EDUCATION OFFICER
MALE PRY; BUNER

Accepted
[Signature]

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Anneville-9

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OFFICE OF THE SUBDIVISIONAL EDUCATION OFFICER (M) PRIMARY DISTRICT BUNER.
ADJUSTMENT ORDER.

As approved by the competent authority, the following PSHTs B-15 are hereby adjusted on need basis in the schools noted against their names to perform their duties in the interest of public service till further order of this office

S.No	NAME OF PSHT	FROM	TO
1	Hamdullah	Charamar	Buda Baba
2	Ihsanullah Khan	Taghan	Beshpur
3	Bakht Nawab	Kursar	Badraga
4	Zafar Iqbal	Kulyarjabo	Bajkata
5	Shamsul Wahab	Ghundakay	Kajalay
6	Alim Zar	Malang Dara	Ghundakay Norizi
7	Sher Ali Khan	Karapa sarsodair	Daggar Qilla

Said

SUBDIVISIONAL EDUCATION OFFICER
(M) PRIMARY DISTRICT BUNER.

No:- 900-903 Dated: 01/08/2013.

Copy forwarded to the:-

- 1 District Education Officer (M) Buner.
- 2 District Account Officer Buner at Daggar.
- 3 Official concerned.

Sd

SUBDIVISIONAL EDUCATION OFFICER
(M) PRIMARY DISTRICT BUNER.

Muhammad
[Signature]

Annexure - 10
 Directorate of Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

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PH No. 091-9201389, 9210938,
 9210437, 9210957, 9210468
 Fax 091-9210936 0800-33857
 No. 2411-354A / Promotion / Estab
 Dated Peshawar the 23/01/2013.

To
 All the District Education Officers,
 (Male & Female), in Khyber Pakhtunkhwa.

Subject: Guidelines for Posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSHT B-15, Qari B-12 to B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.

Memo:
 I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and on Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted as under:-

Up gradation of Posts in Primary Schools (Female) After Rationalization @ 1-40 ratio												
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization								
				SST B-16	CT B-15	PSHT B-15	SPST B-14	PST B-12	NQ	Caller	Chow	
1	25288	GGPMS A (JICA)	208	1	2	0	2	3	1	1	1	
2	25048	GGPMS B (JICA)	306	1	2	0	2	6	1	1	1	
3	25143	GGCMS C	173	1	0	0	2	3	1	1	1	
4	30044	GGPS D	50	0	0	1	0	1	0	0	1	
5	25244	GGPS E	110	0	0	1	1	1	0	0	1	
6	25244	GGPS F	160	0	0	1	1	2	0	0	1	
7	25277	GGPS G	198	0	0	1	1	3	0	0	1	
8	25221	GGPS H	240	0	0	1	2	3	0	0	1	
9	32912	GGPS I	285	0	0	1	2	4	0	0	1	
10	25097	GGPS J	320	0	0	1	2	5	0	0	1	
11	25138	GGPS K	360	0	0	1	2	6	0	0	1	
12	32606	GGPS L	400	0	0	1	3	6	0	0	1	
13	25278	GGPS M	440	0	0	1	3	7	0	0	1	
Total			3250	3	4	10	23	50	3	3	13	

Up gradation of Posts in Primary Schools (Male) After Rationalization @ 1-40 ratio							
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSHT B-15	SPST B-14	PST B-12	Chow
1	30056	GPS A	50	1	0	1	1
2	25224	GPS B	110	1	1	1	1
3	25244	GPS C	160	1	1	2	1
4	25277	GPS D	198	1	1	3	1

Accepted
[Signature]

5	25221	GPS E	240	1	2	3	1
6	32912	GPS F	285	1	2	4	1
7	25097	GPS G	320	1	2	5	1
8	25138	GPS H	360	1	2	6	1
9	32606	GPS I	400	1	3	6	1
10	25278	GPS J	440	1	3	6	1
Total			2563	10	17	38	10

Note:-

1. Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15.
2. There will be no post of PSHT B-15 & SPST B-14 in MPS.
3. No of posts of PSHT B-15, SPST B-14 & PST B-12 will not exceed the already communicated sanctioned posts.

Posting on Promotion

4. On Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted in the same UCs Subject to the provisions of sanctioned post,
5. Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.
6. In their promotion order it should be mentioned that their Inter-se-Seniority on lower post will remain intact.
7. If anyone forego promotion, Entry to this effect may be made if his/her Service book.
8. Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

I am further directed to further clarify that:

1. On promotion Qari B-12 to the post of Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools
2. 1/3 Qari B-12 posts will be upgraded to Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16 in , High and Higher Secondary Schools only in Elementary and Secondary Education Department at District Level.
3. No post of CT B-15, PET B-15, AT B-15, DM B-15, TT-15 ,will be upgraded to B-16 in Middle Schools.
4. Senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16, Senior TT B-16 (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.
- 5.

[Signature]
 Dy: Director (Estab)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

Endst: No. / File No.1/A-88, KC/S.list : Dated Peshawar the 18/01/2013.

- Copy forwarded for information and necessary action to the: -
1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
 2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
 3. M/File

[Signature]
 Dy: Director (Estab)
 Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

[Handwritten notes and signatures]
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[Signature]

A Copy of the order was sent by the President to the Chief of the

S.No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
09	07.08.2012	<p style="text-align: center;"><u>Appeal No. 1822/2011</u> (Said Karim-vs-Secretary, E&SE, KPK, Peshawar and two others)</p> <p>Appellant in person and Mr. Ubaid-ur-Relunan, ADO on behalf of the respondents with Mr. Arshad Alam, AGP present. Arguments heard and record perused.</p> <p>This appeal by Said Karim (Appellant), SET/Incharge Principal, GHS, Chanar, District Buner, is directed against the order of Secretary, Elementary & Secondary Education Department (Respondent No.1), dated 12.7.2011, whereby he was transferred from the post of District Officer(M) E&SE District Buner, to the post of SET (BS-17) GHS Cheena, District Buner, and also against the office order dated 01.8.2011 of the Executive District Officer, E&SE, Buner (Respondent No.3), whereby he was transferred and posted as SET (Se)/Incharge Principal, GHS, Chanar. The appellant assailed both the orders, inter-alia, on the grounds that vide his order dated 10.11.2010, respondent No.3, on the approval of the competent authority, transferred him to the office of the EDO (E&SE) as ADO Litigation against the vacant post in his own pay and scale and then respondent No.1 allowed him, as Assistant District Officer (legal) E&SE, Buner, to look after the work of the vacant post of District Officer(Male) E&SE, Buner, in addition to his own duties; but within no time he was made a rolling stone by first transferring him by respondent No.1 from the post of D.O(M) E&SE, District Buner, to the post of SET (B-17) GHS Cheena, District Buner, and then by respondent No.3, within few days of his transfer by respondent No.1, to the post of SET (Se)/Incharge Principal, GHS Chanar, without any reason, as he had performed duties to the best of his abilities and to the entire satisfaction of the authorities, and that there was no complaint of any kind against him during the very short period of his posting. The appellant alleged malafide on the part of the respondents and claimed that his transfers were politically motivated. The appellant also</p>



ATTENDED
 District Office
 Buner
 Peshawar

attested

m 27



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(S/M)E&SED/1-5/2012/Said Karim
Dated Peshawar the November 6, 2012

To

Mr. Said Karim,
SET Government High School,
Cheena District Buner.

Litigation
[Signature]

SUBJECT:- SERVICE APPEAL NO. 1822/2011 IN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

WHEREAS you were transferred as SET GHS Cheena District Buner vide Notification No. SO(S/M)E&SED/4-16/2011 dated 12-07-2011.

2. AND WHEREAS you preferred a service appeal No. 1822/2011 in the Khyber Pakhtunkhwa Service Tribunal against the said transfer order.

3. AND WHEREAS the Service Tribunal vide its judgment dated 07-08-2012 reminded back your service appeal to the Competent Authority for a decision on the appeal after taking a consideration all the relevant facts and record.

4. Accordingly, your departmental representation was considered at appropriate forum and the same was rejected/ regretted on the following grounds:-

- a) You are SET in BPS-16 and you were transferred against the post of ADO (Litigation) (BS-16) which is a Management Cadre post and hence, your posting as such was a stop gap arrangement.
- b) You were only allowed to look after the work of a vacant post of District Officer E&SE Buner in addition to your own duties till posting of the new incumbent. Therefore, it was not posting/ transfer as District Officer E&SE Buner.
- c) You are SET in BPS-16 (Personal Grade-17 which is not regular promotion/ grade) and hence, you cannot be posted against BPS-18 position of District Officer E&SE Buner or Principal GHS Cheena Buner.

SECRETARY

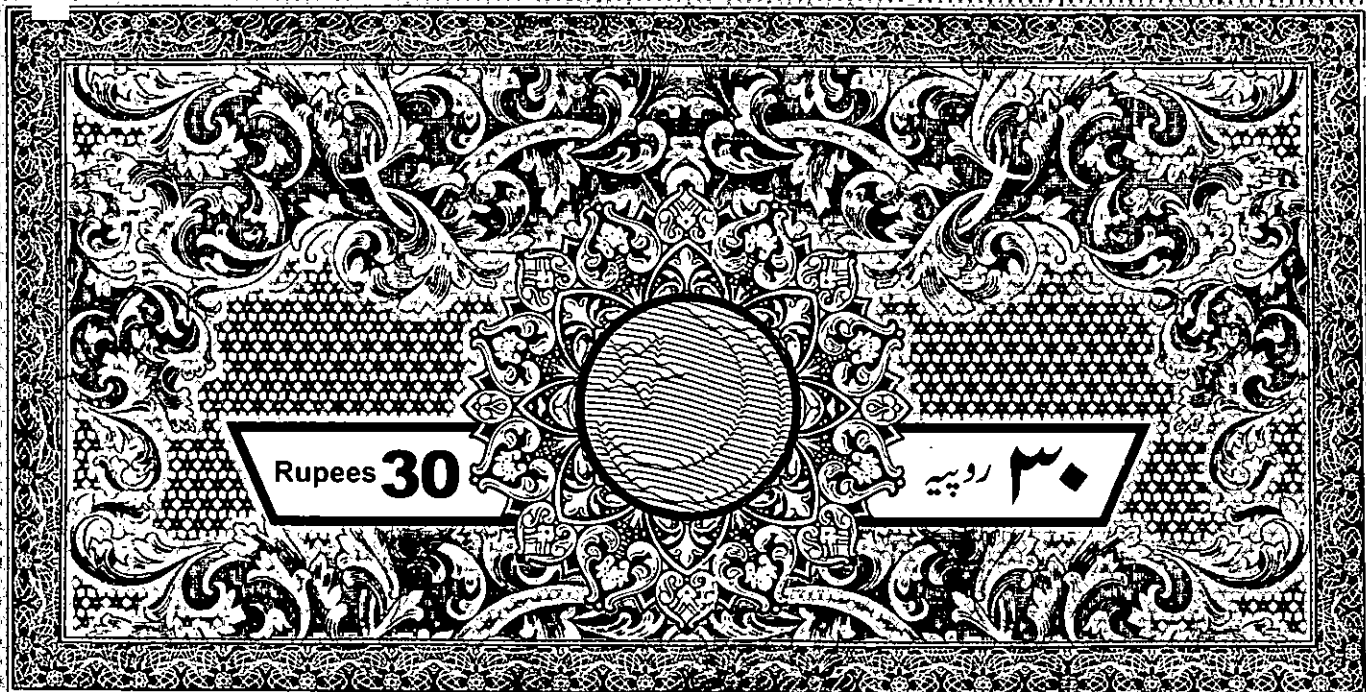
Endst: of Even No. & Date:

Copy forwarded to the:-

- 1- Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar..
- 2- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- Executive District Officer E&SE Buner.
- 4- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 5- PS to Additional Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 6- Office order file.

[Signature]

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)



AFFIDAVIT

I declare as under:-

- 1) That so far I have not received any letter either from the chief secretary , KP (Appellate authority) or the secretary, E&SE, KP (competent authority) regarding acceptance or rejection when my departmental appeal was sent/remanded to the chief secretary, KP (Appellate authority) for a decision under 27- A(2) of the general clauses act 1897.
- 2) That on 31/12/2013 after nearly 04 months of the order of the service tribunal on 7/8/2012 in my appeal No 1822/2011, I was transferred and posted as SDEO, Huner (another post) by the secretary E&SE, KP but after 05 months and 19 days I was again transferred from the post, without completion of my normal tenure of 3 years, which gave rise to the fresh cause of action and which I have challenged in my present appeal before the tribunal.

[Handwritten Signature]
Said Karim

Deponent

Dated: 08/01/2014



