

17301-1396112-3

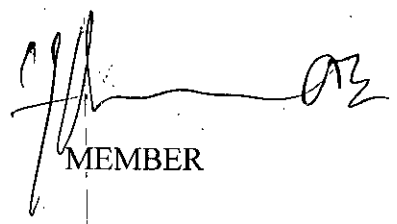
1355/13  
11.6.2014

Appellant in person and AAG with Khursheed Khan, SO and Sajjad Rashid, AD for the respondents present. Appellant requested for withdrawal of the appeal. His signature obtained in the margin of order sheet. Hence, the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED  
11.06.2014.

MEMBER

MEMBER



Appeal No. 1355/2013  
Mr. Muhammad Rizq

11.12.2013

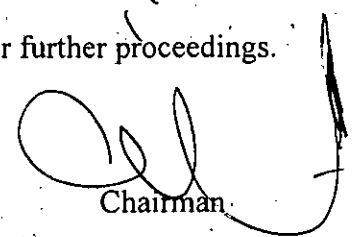
Appellant with counsel present. Preliminary arguments heard and record perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned transfer order dated 31.05.2013, the appellant filed departmental appeal on 07.06.2013; which has not been responded within the statutory period of 90 days, hence the present appeal on 18.09.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 12.02.2014.

Appellant deposited  
Process fee & Security  
of Rs. 1800/- Bank Receipt  
attached with file

  
Member

11.12.2013

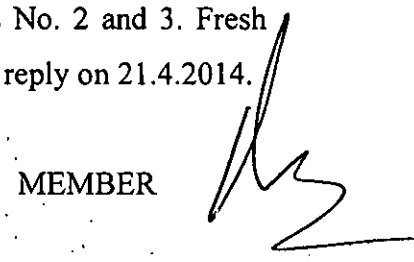
This case be put before the Final Bench 15 for further proceedings.

  
Chairman

12.2.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Sajjad Rashid, AD for respondent No. 1 present and requested for time. None is available on behalf of respondents No. 2 and 3. Fresh notices be issued to them. To come up for written reply on 21.4.2014.

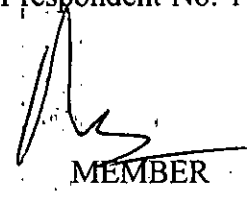
  
MEMBER

  
MEMBER

21.4.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Sajjad Rashid, AD for respondent No. 1 present and requested for time. None is available on behalf of respondents No.2 and 3 despite proper service, hence placed ex-parte. To come up for written reply of respondent No. 1 on 11.6.2014.

  
MEMBER

  
MEMBER



17301-1396/12-3



Form- A  
FORM OF ORDER SHEET

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

Case No. 1355/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/09/2013	<p>The appeal of Mr. Muhammad Riaz presented today by Mr. Ashraf Ali Khattak Advocate 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	23-9-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>11-12-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1355 /2013

Muhammad Raiz -PSHT; R/o  
village Isa Khel Union Pajagi  
District Peshawar

.....Appellant

Versus

The Director of Education (E &  
SE), Dubgari Garden, Peshawar  
and others

.....Respondents

**INDEX**

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-4
2.	Copy of the impugned order	31-05-2013	A	5-8
3.	Copy of departmental appeal		B	9
4.	Copy of Policy		C	10
5.	Wakalat Nama			11



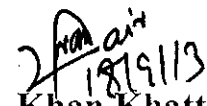
Appellant

Through



Ashraf Ali Khattak

and



Nawaz Khan Khattak  
Advocates, Peshawar

Dated: 18 / 09/ 2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1355 /2013

Muhammad Raiz S/o Muhammad Human-PSHT; R/o  
village Isa Khel Union Pajagi District Peshawar .....  
.....Appellant.

Versus

1. The Director of Education (E & SE), Dubgari Garden, Peshawar. ✓
2. The District Education Officer, District Peshawar. +
3. Faiz Ullah S/o Nazir Ullah PSHT; Village and Union Council Chagher Matti. ~~Pesh.~~ Respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 31-05-2013 AND AGAINST WHICH APPELLANT FILED DEPARTMENTAL APPEAL.

Prayer:-

On acceptance the instant service appeal, this honourable Tribunal may graciously be pleased to declare the impugned order dated 31-05-2013 to the extent of transfer and posting of the appellant as illegal and without lawful authority and set aside the same to the same extent only and direct the respondents to transfer and post the appellant in his own native union council (U.C- Pajagi) as per rules and law.

This Honorable Tribunal may also be graciously be pleased to direct the respondents to transfer and post the respondent No.3 in his own native union council (Union Council Chagher Matti) as per law, rule and policy.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

Ex-Parte  
21-4-14

1398  
18/9/13

18/9/13

1. That Appellant was enlisted as PTC-Teacher in the year 1992. He has got about 22 years service at his credit with unblemished and clean sheeted conduct record.
2. That it is pertinent to mention here that appellant belong to Union Council Union Pajagi District Peshawar.
3. That it is also pertinent to mention here that appellant has served most of his service career outside of his native Union Council, whereas under the rules and policy he was entitled to be posted at his native union council.
4. That recently Up-Gradation Policy has been introduced by the provincial Govt and as such petitioner was up-graded from BPS-14(Senior PST) to BPS-15 (PSHT) and posted at Govt: Primary School Adizai No.2 (Union Council Adizai) some 50 km away from his native village (Annexure-A).
5. That it is pertinent to mention here that a post of (PSHT) BPS-15 was laying vacant at Govt: Primary School Gari Fazil (Union Council Pajagi), Peshawar, which is the native union council of the appellant and the same was in the active knowledge of the respondents.
6. That respondent No.3, who basically belong to Union Council Chagher Matti was transfer and posted to Govt: Primary School Gari Fazil (U.C-Pajagi), whereas appellant, who basically belong to Union Council Pajagi) was transfer and posted to GPS No.2 Adizai (Union Council Adizai/Mattani).
7. That as per Para No.4 of the Up-Gradation Policy petitioner was entitled to be transfer and posted at his native union council Pajagi, and relevant post was also laying vacant there but the respondents in violation of the rules and policy transferred and posted the petitioner far flung from his native union council.
8. That appellant, being aggrieved of the impugned order dated 31-05-2013 to the extent of his posting to a far flung area in violation of rules and policy preferred departmental appeal

(Annexure-B), which is still pending before the respondent No.1 without disposal. Hence the statutory period has elapsed, therefore, the instant service appeal inter-alia on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. As per law, rules and policy (Annexure-C) appellant could only be liable to be transfer to his own union council, but the respondents in violation of the same has transferred and posted the appellant to a far flung union council and therefore the same is unlawful, unjust, unfair and hence not sustainable in the eye of law.
- B. That appellant has not only been transfer to another union council inspite of the fact that equivilant vacancy was available in his own union council but has been posted at very far flung area which is about some 50 km away from his native village.
- C. That as per Para No.1 of the Posting/Transfer Policy; transfer and posting shall not be used to victimize a civil servant. Appellant transfer to the impugned station of posting is illegal and meant to victimize him.
- D. That the impugned order of transfer has also been issued in violation of Para No.iii, iv, v, vi and vii of the Posting/Transfer policy.
- E. That appellant would like the permission of this Honourable Tribunal to advance some more grounds at the time of hearing.

For the aforesaid reasons, it is therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioner.

*Menz*

Appellant

Through

*Ashraf*

Ashraf Ali Khattak

and

*Nawaz Khan*  
18/09/13

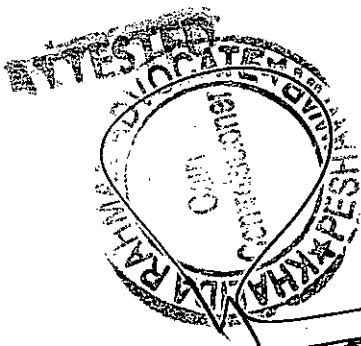
Nawaz Khan Khattak  
Advocate, Peshawar.

Dated: 18 / 09/ 2013

**Affidavit**

I, Muhammad Raiz S/o Muhammad Human-PSHT; R/o village Isa Khel Union Pajagi District Peshawar do hereby solemnly affirms on Oath that the contents of the instant service appeal are correct and true to the best of my knowledge and belief.

*Menz*  
Deponent.



*18/09/13*





**DISTRICT EDUCATION OFFICER (MALE) PESHAWAR.**

**OFFICE ORDER:-**

Consequent upon the recommendation of Departmental Promotion Committee meeting held 17/1/2013, and in pursuance of the judgment of Honorable Peshawar High Court Peshawar announced 15/5/2013 and Govt: of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO (B&A) 18/E&SE/2008 dated 12/10/2012 and No. SO(PE) 4-5/SSRC/Meeting/ 2012/ Teaching Cadre dated 13/11/2012 the following Senior PST BPS.14 from S. No. 1 to No. 68 are hereby promoted to the post of PSHT BPS.15 and No. 69 to 148 are promoted to Senior Primary School Teachers (Sr: PST) BPS.14 (Rs.8000-610-26300) plus usual allowances as admissible under the rules and adjusted in the schools noted against their name on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect

**Senior PST BPS 14 to PSHT BPS.15**

S. No.	Son No	Name of circle	Name of teacher	From	To (GPS)	Roman
1	801	Mathra	Abdul Kafi Jan	GPS Shoikh Kalay	Khadim Abad	
2	802	D/Zai	Ijaz-ul-Haq	GPS Garhi Sharif Khan	GPS Aqrab Dag	
3	803	Canll	Nawab Ali	GPS Dir Colony	No.1.Mallani	
4	804	Canll	Tariq Wahab	GPS Manakrao	No.2.Balarzai	
5	805	Mathani	Zard Ali Khan	GPS Garhi Fazal Rahim	Garhi Ghulam Muhammad (S/Zal)	
6	806	B/Ber	JANAS KHAN	GPS SHEIKH MUHAMMADI NO.2	No.1.Sheikh Muhammad	
7	807	H/Abad	Roohul Ameen	Hayatabad No. 4.	Maira Sheikhhan	
8	808	Canll	Muhammad Ishfaq	GPS No. 1 Garhi Qamar Din	Kara kheil Masho khail	
9	809	City	GHULAM MURTAZA	GPS YAKATOOT	Ceeba Gai	
10	810	Canll	Rizwan Ullah	GPS Charkha Khol No. 2	Karam Khol	
11	811	Mathra	Mohammad Ilyas Khan	GPS Shahi Bala	Shahi Bala	
12	812	City	ZULFIQAR ALI	GPS KAKSHAL NO.1	No.1.Faqir Burn	
13	813	Canll	Irfan Ullah	GPS Sheikh Moh: No.2	No.1.Mashokheil	
14	814	Mathra	Yahya Khan	GPS Shahi Bala	No.2.Maira Shahi Bala	
15	815	Mathra	Zahid Ullah	GPS Qila Jabbar	Sufaid Sang	

**Attested**

*[Signature]*  
To be true copy  
Advocate

16	817	City	GUL MUHAMMAD	GPS DINUAHAR #1	Aziz Kheil Mattani
17	818	Mathra	Faiz Ullah	GPS Chaghar Matti 1	Garhi Fazil
18	819	Canll	Ghulam Qadir	GPS Toor Baba	No.2.Masho kheil
19	820	City	SOHAIL ANJUM	GPS WAZIR BAGH 1	Goodar Koroona
20	821	Canll	Sher Yar Khan	GPS Nauthia Jadeed	Anoezai Masho kheil
21	824	Mathra	Shakir Ullah	GPS Daag	Garhi Fazal-e-Haq
22	825	B/Ber	M TAHIR SHAH	GPS Garhi Shaheedan	Garhi Ghulam Muhammad (Mrm)
23	826	Mathra	Abdul Majeed Khan	GPS Sher Kalay	No.2.Sangoo
24	827	Mathani	Riaz Mohd	GPS No.2 Surizal Payan	Garhi Baghbanan
25	828	City	M. SHAHZAD	GPS WAZIR BAGH 1	Lora Sherkira
26	830	Mathra	Abdul Wadud	GPS Kala Kas	Zaggi Koroona
27	831	Mathra	Yasmin Shah	GPS Khat Kalay	Mera Achini Bala
28	832	City	SHAMOON NAZIR	GPS WAZIR BAGH 1	Maira Aza kheil
29	833	City	HIDAYATULLAH SHAH	GPS BERI BAGH	Mushtarzal Sherkira
30	834	Canll	Fayaz Ahmad	GPS Irrigation Colony	Bazid Khol No.2
31	835	C/Pura	Fazle Khaliq	GPS Urmur Miana No.1	No.2.Garhi Faizullah
32	8036	C/Pura	Johan Zeb Khan	GPS Urmur Miana No.2	Chorakh
33	837	C/Pura	Khalid Khan	GPS Pakha Ghulam No.1	Maira Surizal Bala
34	838	Canll	Muhammad Riaz	GPS M/F Jabba Jheel	No.2.Adezal
35	840	Canll	Musharaf Khan	GPS Mandra Khel	Arahat Baba
36	841	D/Zai	Ikram Ullah	GMPS Gulbahar Shakarpura	No.1.Dhill Dher
37	842	Mathra	Muqadar Khan	GPS Khat Kalay	Maira Aka Kheil
38	843	Mathra	Nasrat Ali	GPS Hakim Khan Kalay	GPS Hakim Khan Kalay
39	844	Mathra	Ayaz Hussain	GPS Pir Kalay	Garhi Ali Muhammad
40	845	Canll	Syed Noor Ullah Shah	GPS Pajjagi	Sher Mir Killy
41	846	C/Pura	Muhammad Shuaib	GPS Urmur Miana No.1	Faqir Abad Garhi Chandan
42	847	City	JAN MUHAMMAD	GPS GUL BAHAR NO.2	Nak band Dabzana
43	848	Canll	Mohammad Tariq Shah	GPS No 1 Deh Bahadar	No.2.Masho Pakry
44	849	B/Ber	HUSSAIN AHMAD	GPS BADA BER NO.1	Shaheed Garhi

Sy No 34  
 Verified  
 District Education Officer  
 Government Secondary  
 D.E.O Peshawar

(6)

4

## ST BPS.12 TO SENIOR PST BPS.14

No.	Sen No.	Circle	Name of teacher	From (GPS)	To (GPS)	Remarks
	2201	City	ZAHID BADSHAH	GMPS LAKHKAR KILLI	Muslim Abad R/Kshar	
	2202	D/Zai	Yousaf Khan	GPS Bela Muhmandan	Dab	
	2203	City	SAEED AHMAD	GMPS ASHRAFIA #.2	Loraha	
	2204	Canll	Izzat ur Rohman	GPS Bara Line	No.1.Bazid Kheil	
	2205	H/Abad	Muhammad Amin	Landi Akhun Ahmad	Shoikhan Dala	
	2206	H/Abad	Yousuf Ali	Hayat Abad No. 1.	Badizai	
	2207	H/Abad	Alam Zob	Totkal Payan No. 2.	No.4 Hayatabad	
	2200	Mathra	Raza Jan	GPS Garhi Sherdad 1	Niza Wari	
	2210	B/Ber	MUJEEB NAWAZ	JICA Model Mashokhel	Shahab Khol	
0	2211	Mathra	Harif Ullah	GPS Chaghor Matti 2.	Burj Dohri	
1	2212	B/Ber	ZAKIR HUSSAIN	GPS KARA KHEL	Anozal Mashokhell	
2	2213	Mathra	Madad Khan	GPS Shahi Payan	Shahi Bala	
3	2214	Mathra	Shakil Ahmad Shah	GPS G. Kander Khol	Garhi Fazal Haq (U/A)	
4	2215	City	AMAN ULLAH	GPS HAZAR KHAWANI 3	Shaga Badaber	
6	2216	Mathra	Mohammad Shakil Khan	GPS Magul Korona	Qilla Jabbar	
6	2217	Mathra	Noroz Khari	GPS Hassan Abad	Kafoor Dohri	
7	2219	D/Zai	Noor Khan	GPS No.2 Nilavi	Takht Abad	
8	2221	Canll	Mehlab Shah	GPS Hazar Khwani No. 2	No.3. Bazid Kheil	
1	2222	Canll	Muhammad Waqif	GPS Mehboobabad	No.1.Deh Bahadur	
20	2223	Mathra	Mohammad Ibrahim Khan	GPS Garanga Payan	Sufaid Sang	
21	2224	Mathani	Mukaram Khan	GPS Chorakh	No.1.Garhi Faizullah	
22	2225	B/Ber	SYED ALI SHAH	GPS BADHBER NO.4	GPS BADHBER NO.4	
23	2226	C/Pura	Muhammad Tahir	GPS Kandi Kalu Kheil	Mowra No.1	
24	2227	D/Zai	Ijaz Muhammad	GPS Banda Inayat Ullah	GPS Banda Inayat Ullah	
25	2228	Canll	Muhammad Younas	GPS Gulshan Rehman	Kaga Wala Ulmanzal	
26	2229	B/Ber	RIAZ MUHAMMAD	GPS MASHO PEKAY NO 2	No.1.Masho Pekoy	
27	2230	D/Zai	Muhammad FayaZ	GPS No 2 Tauda	GPS No 2 Tauda	

Attested  
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Advocate

45	050	Mathani	Mohd Qasim	GPS No.1 Khulizai Adozal	GPS No.1 Khulizai Adozal
46	051	D/Bor	ALI AHMAD	GPS HABIB ADAD	Nisar Kaley
47	052	D/Zai	Muhammad Idrees	GPS No:-2 Daman Afghani	Maira Sum Badaber
48	053	Mathra	Hameed Alam	GPS Saldar Abad	Bachi Koroona
49	054	City	TARIQ TAJ	GPS RASHID GARHI	Sabir Koroona
50	055	Mathra	Mohammad Abdul Aziz	GPS Ali Ahmad Banda	Noor Garh
51	056	Canit	Muhammad Nasir	GPS Nauthia Jadoed	No.2.Maryamzai
52	057	Canit	Mohammad Khalid	GPS Dehri Baghbanan 2	No.2.Mattani
53	058	City	M. ISHAQ	GPS Nanak Pura	Mattani No.3
54	000	D/Zai	Akhtar Ali	GPS No:-1Mian Gujur	Gul Abad Maira Mnshogggar
55	061	C/Pura	Siraj ul Haq	GPS No.3 Budni	No.4.Maryamzul
56	062	B/Ber	DILSHAD KHAN	GPS BADA BER NO.1	GPS Bazid Khel No.4
57	063	Mathra	Naeem Khan	GPS Patwar Payan	Qilla Chandan
58	064	C/Pura	Shah Suleman	GPS Urmar Miana No.1	Tola Band Shobara
59	067	Mathra	Rifaqat Ullah	GPS Ali Zai	GPS Ali Zai
60	068	D/Zai	Muhammad Iqbal	GPS Landi Daud Zai	Haji Kheil Lalma
61	069	D/Zai	Rabnawaz	GPS No:-1Mian Gujur	Khial Akbar Kaley
62	070	City	JAVED IQBAL	GPS KAKSHAL NO.1	Mara Mattani
63	071	D/Zai	Misri Khan	GPS Kas Koroona	No.2.Maira Balarzal
64	072	City	MUHAMMAD SHOUKAT	GPS HAZAR KHAWANI 1	Lalma Badabor
65	073	Mathra	Hameed Ullah	GPS Haji Zai	Adezai Sherkira
66	074	D/Zai	Elahi Bakhsh	GPS No.1 Garhi Baloch	Malak Shor Kaley
67	075	Mathani	Said Rehman	GPS No.1 Sherkera	GPS No.1 Sherkera
68	076	D/Zai	Muhammad Iqbal	GPS Dand Lakhta Payan	Noor Abad

20	2231	D/Zai	Muhammad Iqbal Saboun	GPS Jojani	Takht Abad
20	2232	D/Zai	Nihaj Khan	GPS Shaghali Payan	Shah Aldin
30	2233	Canll	Tariq Ittikhar	GPS No. 1 Garhi Qamar Din	GPS No. 1 Garhi Qamar Din
31	2234	Mathra	Abdul Samad	GPS Garhi Sherdad 2	Qila Jabbar
32	2235	Mathani	Ihsanur Rehman	GPS Gharib Abad Phandu	GPS Gharib Abad Phandu
33	2237	D/Zai	Navid Ahmad	GPS No.1 Garhi Jaloch	GPS Fatu Abdur Rahima 1
34	2238	C/Pura	Muhammad Naeem	GPS Gul Zai	Mewra No.1
35	2240	C/Pura	Muhammad Shahid Salim	GPS Qazi Abad	Mora No.2.Urmur Payan
36	2242	Canll	Sattar Shah	GPS Railway Qurater No.1	Palosi Talarzai
37	2243	Canll	Arshad Ali	GPS Garhi Qammar Din No.1	GPS Manakrao
38	2244	C/Pura	S.Ahmad Ali Shah	GPS No.3.Urmur Payan	No.1.Urmur Payan
39	2245	C/Pura	Niaz Ur Rehman	GPS G/ Malik Ajun	Mora No.2.Urmur Payan
40	2246	City	ASIF KHAN	GPS RASHID GARHI	Choli Bala
41	2247	Canll	Misri Khan	GPS Babu Garhi	GPS Irrigation Colony
42	2248	City	KHAWAJA YAQOOB	GPS SAITHIAN	Choli Bala
43	2249	D/Zai	Rahat Ali	GPS Muslim Abad (Ramkisan) Regi	GPS Muslim Abad (Ramkisan) Garhi Ikramullah
44	2250	H/Abad	Masal Khan	Sanguo Landi Bala	Sangu Landi Bala
45	2251	H/Abad	Naeemullah	GPS GUL BAHAR NO.4	Ziarat Koroona (Khattar)
46	2252	City	JAMIL KHURSHEED	GPS Masma	Qadeem Kaley
47	2253	C/Pura	Fazle Nadeem	GPS Central Jail	Badizai
48	2254	Canll	Amjad Khan	GPS No.4 Maryam Zai	No.3.Maryamzai
49	2255	Mathani	Mir Alam	GPS Pakha Ghulam No.1	GPS Pakha Ghulam No.3
50	2256	C/Pura	Abdul Basit	GPS Naguman	GPS Naguman
51	2257	D/Zai	Muhktar Ahmad	GPS No.1 Aza Khel	GPS No.1 Aza Khel
52	2258	Mathani	Bakhtiar Ali	GPS GARHI RAJKOL	Nachapa Payan
53	2259	City	RAHMAN UL HAQ	GPS Karari	GPS Karari
54	2260	D/Zai	Muhammad Ibrar	GMPS CHOKE SHADI PIR	Khazana Bala
55	2261	City	MUDASIR NOOR	GPS GUL BAHAR NO.5	Khazana Bala
56	2262	City	KHURRAM KHAN	GPS JEHANGIR PURA	Bazid Khel No.4
57	2263	City	DILAVAR KHAN		

Attested  
*[Signature]*  
 To be true copy  
 Advocate

58	2266	Mathani	Subhan Wali	GPS No.4 Mattani	No.1.Mattani
59	2268	C/Pura	Jehan Zob	GPS Chughal Pura	Muslim Abad (Ram Kishan)
60	2270	Canll	Taj Muhammad	GPS No.4 Nauthia Qadeem	No.1.Ahmad Kheil
61	2271	B/Bor	AHMADULLAH	GPS MAROZAI NO.1	GPS MAROZAI NO.1
62	2272	City	S. RAHMAT HADI	GPS KARIM PURA	Dab
63	2273	D/Zai	Shakeel Ahmad	GPS Samar Bagh	GPS Samar Bagh
64	2274	H/Abad	Fazale Rehman	Agriculture Colony	Palosi Talarzal
65	2275	City	SHAKIR ULLAH	GPS HAROOD KHANA	Masho khol No. 1
66	2276	Mathani	Libas Khan	GPS Passani	Aziz Kheil Mattani
67	2277	Canll	Zafar Iqbal	GPS No.2 Acher	Garhi Shahidan
68	2278	H/Abad	M Saqod	Sarband No. 1.	Mushtarzal No.1
69	2279	H/Abad	Azmat Ali	Sarband No. 1.	Mushtarzal No.2
70	2280	Mathra	Mohammad Fayaz Khan	GPS Palwar Payan	Burj Nasir Khan
71	2282	City	GHULAM HABIB	GPS DALAZAK COLONY	Mewra No.2.
72	2283	City	FAZAL WAHID	GPS DINBAHAR COLONY 2	Larama
73	2284	D/Zai	Muhammad Ismail	GPS No.2 Tauda	No.1.Toudah
74	2285	Mattani	Tariq Ahmad	GPS No.1 Sherkira	GPS No.1 Aza Khol
75	2286	Mattani	Abdul Hasoeb	GPS No.1 Aza Khol	GPS No.1 Aza Khol

## NOTE :-

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 regulation as may be issued from time to time by the Govt:
3. Their service can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Necessary entry to this effect should be made in their service books
6. Their Inter-see seniority on lower post will remain intact.
7. No TA / DA is allowed for joining his duty.
8. They will give an under taking to this effect that any over payment made as result of incorrect award of up gradation the same will be recover from their pay pension etc: and past in their service books.

**ABDUL BASIT**  
District Education Officer,  
(Male) Peshawar.

8

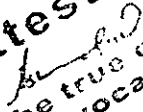
7

Endst: No, 7170-7331 PST(M) /Promotion/Sr: PST Dated Peshawar the 31/05/2013

Copy for information to the :-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Sub Divisional Education Officer (Male) Peshawar.
4. Assistant District Education Officer (Male) circles District Peshawar.
5. Officials concerned.

  
Deputy District Education Officer,  
(Male) Peshawar.

Attested  
  
To be true copy  
Advocate

خدمت جناب ڈائریکٹر ایجوکیشن، صورت خیر بخواتین

درخواست مجدد ایڈجسٹمنٹ ایڈیشن

جناب عالی!

خود بیانہ گزارش ہے کہ ایڈجسٹمنٹ ایڈیشن کے تحت

سائل کا تبادلہ جی پی ایس ملٹری فارم جبہ تحصیل سے جی پی ایس ادنیٰ ہے ہوگا ہے  
حالانکہ سائل کے اپنے یونین کونسل بجلی میں جی پی ایس گڑھی فاضل میں ایڈیشن کی  
سیٹ خالی پڑی تھی جس پر بارے کی بند کو لایا گیا ہے

سائل کے گھر سے جی پی ایس ادنیٰ کا فاصلہ زیادہ ہونے کی وجہ  
سے آنے جانے میں کافی دقت پیش آ رہی ہے اور وقت پر سمجھنا بہت مشکل ہے

لہذا آپ سے گزارش ہے کہ سائل کے اپنے یونین کونسل بجلی کے

جی پی ایس گڑھی فاضل میں ایڈجسٹمنٹ کروانے کے احکامات صادر فرمائے

مشکور فرمائیں

عین نور شیں ہوگا

الموقع 7/6/13

العارضی

تالعداد محمد باغ (P.S)

جی پی ایس ملٹری فارم جبہ تحصیل کے در

1304  
D. Khan

Attested  
To be true copy  
Advocate



**ANNEXURE-C**

File No. 110/102/11

10

Page 12

DIRECTORATE OF SCHOOLS & LITERACY NWFP PESHAWAR.  
No. 2632-3/11. No. 44 Addl. Dir. Estt.  
Dated Peshawar the 17/3/2004

To

All the Executive District Officers (Schools & Literacy) in NWFP.

Subject: ADJUSTMENT OF WORKING TEACHERS IN THEIR RESPECTIVE UNION COUNCIL OF DOMICILE.

Memo:

As you know, the process of appointment of PTC teachers (being district cadre) is in progress in all districts. According to the existing rules/policy 75% of such appointments are being made on the basis of Union Council wise merit.

It is therefore requested that before making fresh appointments, teachers working presently in Union Councils other than their own Union Council of domicile be facilitated and accommodated first in their respective Union councils (if they desire so) and then fresh appointments be made against vacant positions as per policy in vogue.

Additional Director (Establishment)  
Directorate Schools & Literacy  
N.W.F.P. Peshawar.

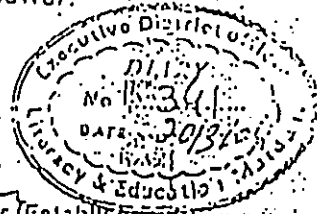
Encls: No. 2632-3/1/1 Date above.

Copy forwarded to the:-

1. PS to Minister for Education NWFP.
2. PS to Secretary Schools & Literacy Department GoNWFP.
3. PA to Director Schools & Literacy NWFP Peshawar.

E. 00/DA/PS  
19/3

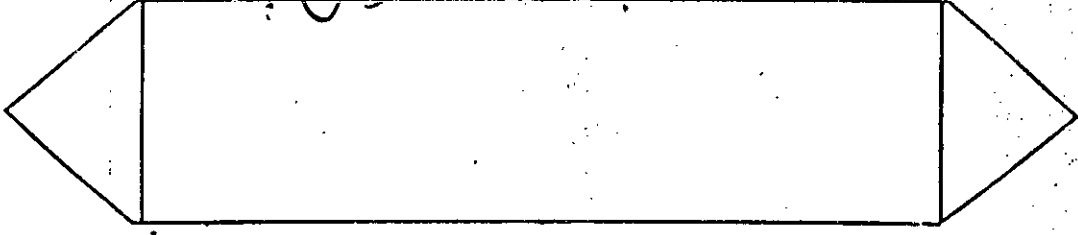
Additional Director (Establishment)  
Directorate Schools & Literacy  
N.W.F.P. Peshawar.



Attested  
To be the copy  
Advocate

And  
K  
21

# بعدالت ہا سروس ٹریبونل سٹاڈ



2، منجانب  
بنام ڈائریکٹر ایجوکیشن  
صوبہ پنجاب سکھو سکھلا

محمد ریاض

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سکھو سکھلا کیلئے ڈائریکٹر ایجوکیشن اور ڈائریکٹر ایجوکیشن  
کے مقرر کردہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
ڈکوری کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

المرقوم 18  
ماہ ستمبر 2013

کے لئے منظور ہے۔

سکھو سکھلا

بمقام

Accepted

Jahangir

Attested

2/Jan  
18/9/13

2

				PSHT	SPST-14	PS-12	
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	7	1
10	25275	GPS J	440	1	3	8	1
Total			2563	10	17	38	10

**Note:-**

1. Each Primary School (except JICA & Community Model School where S.T 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 in 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. 50 (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



**Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9201389, 9210928,  
9210437, 9210957, 9210463

Fax 091-9210936 0800-33857  
No. 2412-352A // Promotion/Estab

Dated Peshawar the 13/01/2013.

3P  
150/3

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 T B-16. DM B-15 to Senior DM B-16 and PET B-15 to Senior RET 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	Callar	Chow.
1	25266	GGPMS A (JICA)	203	1	2	0	2	3	1	1	1
2	25048	GGPMS B (JICA)	306	1	2	0	2	6	1	1	1
3	25143	GGPMS C	173	1	0	0	2	3	1	1	1
4	30056	GGPS D	110	0	0	1	0	1	0	0	1
5	25224	GGPS E	110	0	0	1	0	1	0	0	1
6	25244	GGPS F	160	0	0	1	1	1	0	0	1
7	25277	GGPS G	198	0	0	1	1	2	0	0	1
8	25221	GGPS H	240	0	0	1	1	3	0	0	1
9	32912	GGPS I	285	0	0	1	2	3	0	0	1
10	25097	GGPS J	320	0	0	1	2	4	0	0	1
11	25138	GGPS K	360	0	0	1	2	5	0	0	1
12	32606	GGPS L	400	0	0	1	2	6	0	0	1
13	25278	GGPS M	440	0	0	1	3	6	0	0	1
Total			3250	3	4	10	23	50	3	3	13

110  
110  
240 - 2  
360 - 3

**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	110	1	0		1
2	25224	GPS B	110	1	1		1
3	25244	GPS C	160	1	1		1
4	25277	GPS D	198		1		1

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KPK, PESHAWAR.

RAISE APPLICATION NO \_\_\_\_\_ 2014 IN

Service Appeal NO. 1355 /2013.

352  
6-5-14

Muhammad Riaz.....Versus..... Director, Education & Others.

Application for setting aside exparte  
order dated 21/4/2014 passed by this  
Honourable Tribunal against the respondent  
NO.2 ( District Education Officer, Male, Peshawar).

Respectfully Sheweth:-

That the respondent NO.2 submits as under:-

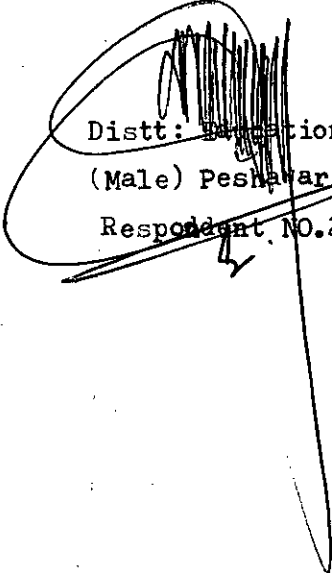
1. That the above mentioned Service appeal is pending for adjudication before this Honourable Tribunal and was fixed for reply on behalf of the respondents NO.1 & 2.
2. That an exparte order dated 21.4.2014 has been passed by this Honourable Tribunal on the grounds of non submission of Parawise comments.
3. That parawise comments in the above mentioned Service appeal has been prepared and submitted for obtaining of signatures of the respondent.
4. That valueable legal rights and financial rights are involved with the instant wpeal of the respondents.
5. That the respondents have got a very good prima facie case and its chances of success in favour of the respondents NO.1&2.
6. That the aspect of balance of convenience is also lens in favour of the respondents.
7. That there is no legal bar in setting aside the said exparte order dated 21.4.2014 rather this Honourable Tribunal has got Jurisdiction to entertain the instent application of the respondent NO.2.

8. That the instant application is within time .
9. That if this Honourable Tribunal has not set aside the order dated 21.4.2014 in favour of the respondent NO.2 then the Department/respondents shall suffer irreparable loss.

It is, therefore, submitted that on acceptance of this application, the ex parte order /Proceedings dated 21.4.2014 against the respondent NO.2 may very kindly be set aside in the interest of justice.

It is further submitted that parawise comments on behalf of the respondents NO.1 & 2 may also be placed on file

Dated 06.05.2014.

  
Distt: Registration Officer,  
(Male) Peshawar.  
Respondent NO.2.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

SERVICE APPEAL No: 1355/2013.

**Muhammad Riaz PHST GPS Jabba Tehsil, District Peshawar. -----Applicant**

**VERSUS**

Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar &  
others -----Respondents

**PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS**

**No: 1 to 2.**

**Respectfully Sheweth:-**

**Preliminary objections**

- 1 The appellant has no cause of action/locus standi.
- 2 That the appellant has not come to this Hon! able Tribunal with clean hands.
- 3 The appellant has concealed the material fact from this Hon! able Tribunal, hence liable to be dismissed.
- 4 That the instant appeal is based on malafide intentions :
- 5 That the instant appeal is not maintainable in its present form.
- 6 That the instant appeal is badly time barred.
- 7 That the transfer order dated 31/5/2013 is legally competent.
- 8 That the respondents are empowered to transfer & post a civil servant wherever his services are required.
- 9 That the post in question is of district cadre.
- 10 That the present appeal is against the relevant policy.

**ON FACTS**


- 1 That Para 1 pertains to record, hence needs no comments.
- 2 That para-2 is also pertains to record, hence needs no comments.
- 3 That Para 3 is also pertains to the service of the appellant, hence needs no comments.
- 4 That Para-4 is correct, however it si submitted that the post of appellant is of district cadre .
- 5 That para-5 is incorrect & misleading, the transfer & posting against PSHT BPS-15 is based on seniority of the appellant & in the light of the relevant policy dated 21/1/2013 (copies of the seniority list & policy are attached as in Annexures ("A" & "B").

- 6 That Para-6 is incorrect, misleading & even against the above referred policy.
- 7 That Para-7 is also incorrect & misleading, the transfer & postings against the PHST BPS-15 is on the District based as well as on the sanctioned, vacant post & not on the bases of Union Council.
- 8 That Para 8 is also incorrect & misleading, detailed reply has been given in Para-7.

#### **GROUND**

- A That ground A is incorrect & denied, the appellant has been treated in accordance with law, rules & policy with regard to the transfer order dated 31/5/2013 by the respondents No:1&2
- B That ground B is also incorrect & misleading, detailed reply has been given in Para-7.
- C That Ground-C is incorrect & denied, the appellant has been treated in accordance with rules & Policy in the instant case.
- D That ground-D is incorrect & misleading, hence no comments.
- E That ground E is legal, however the respondents No: 1 &2 seek leave of this Hon' able Tribunal to submit Additional record & grounds at the time of arguments.

**In view of the above submission, it is requested that this Hon' able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.**

  
~~District Education Officer,~~  
(Male) District Peshawar.

**Director**  
E&SE Khyber Pakhtunkhwa,  
Peshawar.



MISC APPLICATION NO — 2014,

W Service Appeal NO. 1355 /2013.

Muhammad Raaz.....Versus..... Director, Education & Others.

Application for setting aside exparte  
order dated 21/4/2014 passed by this  
Honourable Tribunal against the respondent  
NO.2 ( District Education Officer, Male, Peshawar).

Respectfully Sheweth:-

That the respondent NO.2. submits as under:-

1. That the above mentioned Service appeal is pending for adjudication before this Honourable Tribunal and was fixed for reply on behalf of the respondents NO.1 & 2.
2. That an exparte order dated 21.4.2014 has been passed by this Honourable Tribunal on the grounds of non submission of Parawise comments.
3. That parawise comments in the above mentioned Service appeal has been prepared and submitted for obtaining of signatures of the respondent.
4. That valuable legal rights and financial rights are involved with the instant appeal of the respondents.
5. That the respondents have got a very good prima facie case and its chances of success in favour of the respondents NO.1&2.
6. That the aspect of balance of convenience is also lens in favour of the respondents.
7. That there is no legal bar in setting aside the said exparte order dated 21.4.2014 rather this Honourable Tribunal has got Jurisdiction to entertain the instent application of the respondent NO.2.

BEFORE THE CHAIRMAN SERVICE TRIBINAL, KPK, PESHAWAR.

Service Tribunal Appeal NO. 1355 /2013.

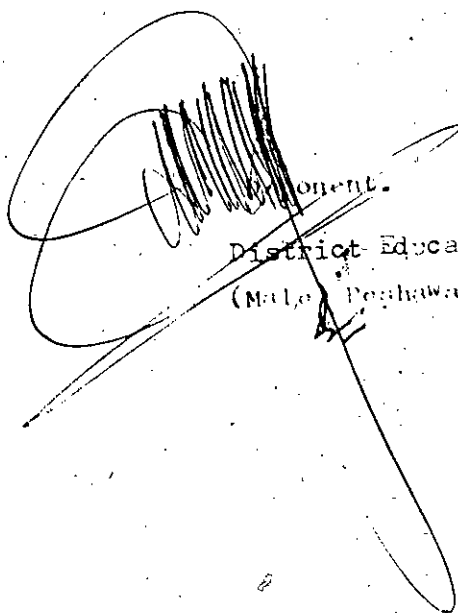
Muhammad Riaz.....Versus..... Director of Education & Others.

AFFIDAVIT.

I, SHARIEF GUL, District Education Officer, Male,

Peshawar, do hereby affirm and declare on Oath that the contents of my application for setting aside ex parte order dated 21.4.2014 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal in the instant application.

Dated 6.5.2014.

  
District Education Officer,  
(Male) Peshawar.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

SERVICE APPEAL No: 1355/2013.

**Muhammad Riaz PHST GPS Jabba Tehsil, District Peshawar. -----Applicant**

**VERSUS**

Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar &  
others -----Respondents

**PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS**  
**No: 1 to 2.**

**Respectfully Sheweth:-**

**Preliminary objections**

- 1 The appellant has no cause of action/locus standi.
- 2 That the appellant has not come to this Hon! able Tribunal with clean hands.
- 3 The appellant has concealed the material fact from this Hon! able Tribunal, hence liable to be dismissed.
- 4 That the instant appeal is based on malafide intentions .
- 5 That the instant appeal is not maintainable in its present form.
- 6 That the instant appeal is badly time barred.
- 7 That the transfer order dated 31/5/2013 is legally competent.
- 8 That the respondents are empowered to transfer & post a civil servant wherever his services are required.
- 9 That the post in question is of district cadre.
- 10 That the present appeal is against the relevant policy.

**ON FACTS**

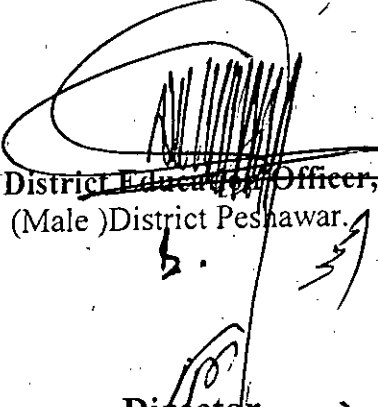
- 1 That Para 1 pertains to record, hence needs no comments.
- 2 That para-2 is also pertains to record, hence needs no comments.
- 3 That Para 3 is also pertains to the service of the appellant, hence needs no comments.
- 4 That Para-4 is correct, however it is submitted that the post of appellant is of district cadre .
- 5 That para-5 is incorrect & misleading, the transfer & posting against PSHT BPS-15 is based on seniority of the appellant & in the light of the relevant policy dated 21/1/2013 (copies of the seniority list & policy are attached as in Annexures ("A" & "B").

- 6 That Para-6 is incorrect, misleading & even against the above referred policy.
- 7 That Para-7 is also incorrect & misleading, the transfer & postings against the PHST BPS-1/5 is on the District based as well as on the sanctioned, vacant post & not on the bases of Union Council.
- 8 That Para 8 is also incorrect & misleading, detailed reply has been given in Para-7.

### GROUNDS

- A That ground A is incorrect & denied, the appellant has been treated in accordance with law, rules & policy with regard to the transfer order dated 31/5/2013 by the respondents No:1&2
- B That ground B is also incorrect & misleading, detailed reply has been given in Para-7.
- C That Ground-C is incorrect & denied, the appellant has been treated in accordance with rules & Policy in the instant case.
- D That ground-D is incorrect & misleading, hence no comments.
- E That ground E is legal, however the respondents No: 1 &2 seek leave of this Hon' able Tribunal to submit Additional record & grounds at the time of arguments.

**In view of the above submission, it is requested that this Hon' able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.**

  
District Education Officer,  
(Male) District Peshawar.

**Director**  
E&SE Khyber Pakhtunkhwa,  
Peshawar.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

SERVICE APPEAL No: 1355/2013.

**Muhammad Riaz PHST GPS Jabba Tehsil, District Peshawar. -----Applicant**

**VERSUS**

Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar & others -----Respondents

**PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS**

**No: 1 to 2.**

**Respectfully Sheweth:-**

**Preliminary objections**

- 1 The appellant has no cause of action/locus standi.
- 2 That the appellant has not come to this Hon! able Tribunal with clean hands.
- 3 The appellant has concealed the material fact from this Hon! able Tribunal, hence liable to be dismissed.
- 4 That the instant appeal is based on malafide intentions .
- 5 That the instant appeal is not maintainable in its present form.
- 6 That the instant appeal is badly time barred.
- 7 That the transfer order dated 31/5/2013 is legally competent.
- 8 That the respondents are empowered to transfer & post a civil servant wherever his services are required.
- 9 That the post in question is of district cadre.
- 10 That the present appeal is against the relevant policy.

**ON FACTS**

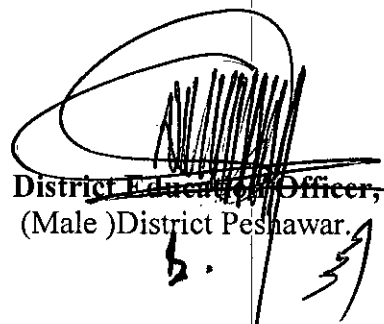
- 1 That Para 1 pertains to record, hence needs no comments.
- 2 That para-2 is also pertains to record, hence needs no comments.
- 3 That Para 3 is also pertains to the service of the appellant, hence needs no comments.
- 4 That Para-4 is correct, however it si submitted that the post of appellant is of district cadre .
- 5 That para-5 is incorrect & misleading, the transfer & posting against PSHT BPS-15 is based on seniority of the appellant & in the light of the relevant policy dated 21/1/2013 (copies of the seniority list & policy are attached as in Annexures ("A" & "B")).


- 6 That Para-6 is incorrect, misleading & even against the above referred policy.
- 7 That Para-7 is also incorrect & misleading, the transfer & postings against the PHST BPS-15 is on the District based as well as on the sanctioned, vacant post & not on the bases of Union Council.
- 8 That Para 8 is also incorrect & misleading, detailed reply has been given in Para-7.

**GROUNDS**

- A That ground A is incorrect & denied, the appellant has been treated in accordance with law, rules & policy with regard to the transfer order dated 31/5/2013 by the respondents No:1&2
- B That ground B is also incorrect & misleading, detailed reply has been given in Para-7.
- C That Ground-C is incorrect & denied, the appellant has been treated in accordance with rules & Policy in the instant case.
- D That ground-D is incorrect & misleading, hence no comments.
- E That ground E is legal, however the respondents No: 1 &2 seek leave of this Hon! able Tribunal to submit Additional record & grounds at the time of arguments.

**In view of the above submission, it is requested that this Hon' able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.**

  
District Education Officer,  
(Male) District Peshawar.

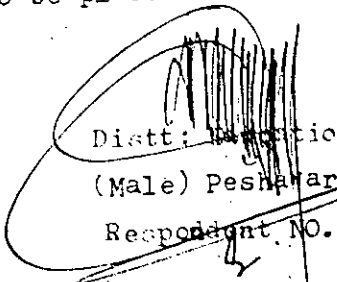
  
**Director**  
E&SE Khyber Pakhtunkhwa,  
Peshawar.

8. That the instant application is within time.
9. That if this Honourable Tribunal has not set aside the order dated 21.4.2014 in favour of the respondent NO.2 then the Department/respondents shall suffer irreparable loss.

It is, therefore, submitted that on acceptance of this application, the ex parte order /Proceedings dated 21.4.2014 against the respondent NO.2 may very kindly be set aside in the interest of justice.

It is further submitted that parawise comments on behalf of the respondents NO.1 & 2 may also be placed on file

Dated 06.05.2014.

  
Distt: Inspection Officer,  
(Male) Peshawar  
Respondent NO.2.

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KPK, PESHAWAR.

MISC APPLICATION NO ——— 2014

IN Service Appeal NO. 1355 /2013.

Muhammad Riaz.....Versus..... Director, Education & Others.

Application for setting aside ex parte order dated 21/4/2014 passed by this Honourable Tribunal against the respondent NO.2 ( District Education Officer, Male, Peshawar).

Respectfully Sheweth:-

That the respondent NO.2 submits as under:-

1. That the above mentioned Service appeal is pending for adjudication before this Honourable Tribunal and was fixed for reply on behalf of the respondents NO-1 & 2.
2. That an ex parte order dated 21.4.2014 has been passed by this Honourable Tribunal on the grounds of non submission of Parawise comments.
3. That parawise comments in the above mentioned Service appeal has been prepared and submitted for obtaining of signatures of the respondent.
4. That valuable legal rights and financial rights are involved with the instant appeal of the respondents.
5. That the respondents have got a very good prima facie case and its chances of success in favour of the respondents NO.1&2.
6. That the aspect of balance of convenience is also lens in favour of the respondents.
7. That there is no legal bar in setting aside the said ex parte order dated 21.4.2014 rather this Honourable Tribunal has got Jurisdiction to entertain the instent application of the respondent NO.2.

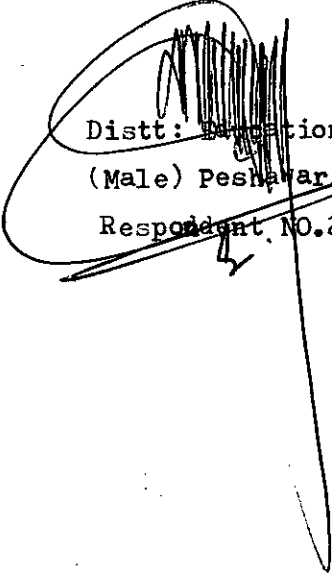


8. That the instant application is within time .
9. That if this Honourable Tribunal has not set aside the order dated 21.4.2014 in favour of the respondent NO.2 then the Department/respondents shall suffer irreparable loss.

It is, therefore, submitted that on acceptance of this application, the exparte order /Proceedings dated 21.4.2014 against the respondent NO.2 may very kindly be set aside in the interest of justice.

It is further submitted that parawise comments on behalf of the respondents NO.1 & 2 may also be placed on file

Dated 06.05.2014.

  
Distt: Delegation Officer,  
(Male) Peshawar.  
Respondent NO.2.

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Tribunal Appeal NO. 1555 /2014.

Nuharmad Riaz.....Versus..... Director of Education & Others.

AFFIDAVIT.

I, : SHARIF GUL, District Education Officer, Male,

Peshawar, do hereby affirm and declare on Oath that the contents of my application for setting aside ex parte order dated 21.4.2014 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal in the instant application.

Dated 6.5.2014.

  
Deponent.

District Education Officer,  
(Male) Peshawar.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

SERVICE APPEAL No: 1355/2013.

**Muhammad Riaz PHST GPS Jabba Tehsil, District Peshawar. -----Applicant**

**VERSUS**

Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar &  
others -----Respondents

**PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS**  
**No: 1 to 2.**

**Respectfully Sheweth:-**

**Preliminary objections**

- 1 The appellant has no cause of action/locus standi.
- 2 That the appellant has not come to this Hon! able Tribunal with clean hands.
- 3 The appellant has concealed the material fact from this Hon! able Tribunal, hence liable to be dismissed.
- 4 That the instant appeal is based on malafide intentions .
- 5 That the instant appeal is not maintainable in its present form.
- 6 That the instant appeal is badly time barred.
- 7 That the transfer order dated 31/5/2013 is legally competent.
- 8 That the respondents are empowered to transfer & post a civil servant wherever his services are required.
- 9 That the post in question is of district cadre.
- 10 That the present appeal is against the relevant policy.

**ON FACTS**


- 1 That Para 1 pertains to record, hence needs no comments.
- 2 That para-2 is also pertains to record, hence needs no comments.
- 3 That Para 3 is also pertains to the service of the appellant, hence needs no comments.
- 4 That Para-4 is correct, however it si submitted that the post of appellant is of district cadre .
- 5 That para-5 is incorrect & misleading, the transfer & posting against PSHT BPS-15 is based on seniority of the appellant & in the light of the relevant policy dated 21/1/2013 (copies of the seniority list & policy are attached as in Annexures ("A" & "B").

- 6 That Para-6 is incorrect, misleading & even against the above referred policy.
- 7 That Para-7 is also incorrect & misleading, the transfer & postings against the PHST BPS-15 is on the District based as well as on the sanctioned, vacant post & not on the bases of Union Council.
- 8 That Para 8 is also incorrect & misleading, detailed reply has been given in Para-7.

#### GROUNDS

- A That ground A is incorrect & denied, the appellant has been treated in accordance with law, rules & policy with regard to the transfer order dated 31/5/2013 by the respondents No:1&2
- B That ground B is also incorrect & misleading, detailed reply has been given in Para-7.
- C That Ground-C is incorrect & denied, the appellant has been treated in accordance with rules & Policy in the instant case.
- D That ground-D is incorrect & misleading, hence no comments.
- E That ground E is legal, however the respondents No: 1 &2 seek leave of this Hon' able Tribunal to submit Additional record & grounds at the time of arguments.

**In view of the above submission, it is requested that this Hon' able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.**

  
District Education Officer,  
(Male) District Peshawar.

**Director**  
E&SE Khyber Pakhtunkhwa,  
Peshawar.

BEFORE THE CHAIRMAN SERVICE TRIBUNAL, KPK, PESHAWAR.

MISE APPLICATION NO. ——— 2014

Service Appeal NO. 1355 /2013.

Muhammad Raaz.....Versus..... Director, Education & Others.

Application for setting aside exparte  
order dated 21/4/2014 passed by this  
Honourable Tribunal against the respondent  
NO.2 ( District Education Officer, Male, Peshawar).

Respectfully Sheweth:-

That the respondent NO.2 submits as under:-

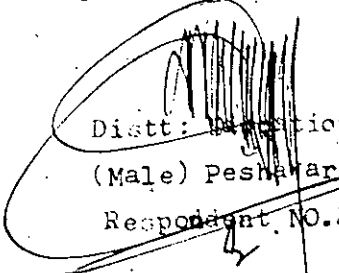
1. That the above mentioned Service appeal is pending for adjudication before this Honourable Tribunal and was fixed for reply on behalf of the respondents NO.1 & 2.
2. That an exparte order dated 21.4.2014 has been passed by this Honourable Tribunal on the grounds of non submission of Parawise comments.
3. That parawise comments in the above mentioned Service appeal has been prepared and submitted for obtaining of signatures of the respondent.
4. That valuable legal rights and financial rights are involved with the instant appeal of the respondents.
5. That the respondents have got a very good prima facie case and its chances of success in favour of the respondents NO.1&2.
6. That the aspect of balance of convenience is also lens in favour of the respondents.
7. That there is no legal bar in setting aside the said exparte order dated 21.4.2014 rather this Honourable Tribunal has got Jurisdiction to entertain the instent application of the respondent NO.2.

8. That the instant application is within time .
9. That if this Honourable Tribunal has not set aside the order dated 21.4.2014 in favour of the respondent NO.1 then the Department/respondents shall suffer irreparable loss.

It is, therefore, submitted that on acceptance of this application, the ex parte order /Proceedings dated 21.4.2014 against the respondent NO.2 may very kindly be set aside in the interest of justice.

It is further submitted that parawise comments on behalf of the respondents NO.1 & 2 may also be placed on file

Dated 06.05.2014.

  
Distt: Magistrate Officer,  
(Male) Peshawar.  
Respondent NO.2.

BEFORE THE CHAIRMAN SERVICE TRIBINAL, KPK, PESHAWAR.

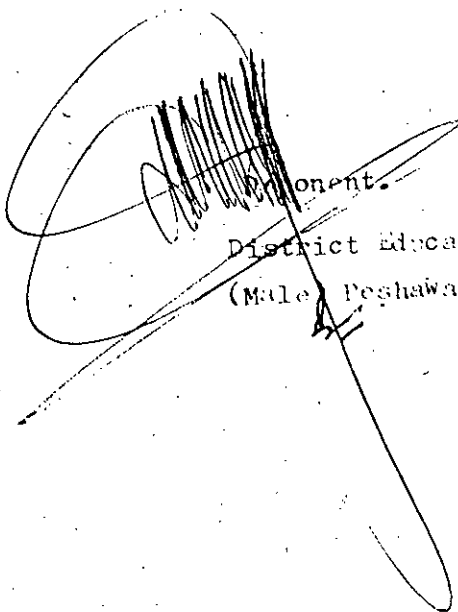
Service Tribunal Appeal NO. 1555 /2013.

Nuhammad Riaz.....Versus..... Director of Education & Others.

AFFIDAVIT.

I, SHARIEF GUL, District Education Officer, Male,  
Peshawar, do hereby affirm and declare on Oath that the contents of  
my application for setting aside ex parte order dated 21.4.2014  
are true and correct to the best of my knowledge and belief and  
that nothing has been concealed from this Honourable Tribunal in  
the instant application.

Dated 6.5.2014.

  
District Education Officer,  
(Male) Peshawar.

BEFORE THE CHAIRMAN SERVICE TRIBINAL, KPK, PESHAWAR.

Service Tribunal Appeal NO. 1355 /2013.

Muhammad Riaz.....Versus..... Director of Education & Others.

AFFIDAVIT.

I, SHARIF GUL, District Education Officer, Male,

Peshawar, do hereby affirm and declare on Oath that the contents of my application for setting aside ex parte order dated 21.4.2014 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal in the instant application.

Dated 6.5.2014.

  
Deponent.

District Education Officer,  
(Male) Peshawar.