

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
SALAH UD DIN ... MEMBER (JUDICIAL)

Service Appeal No.24/2022

**Syed Amjad Ali, (BS-19) Additional Director (CTR) DCTE, Khyber
Pakhtunkhwa, Abbottabad.**

.....(*Appellant*)

Versus

1. **Chief Secretary, Khyber Pakhtunkhwa, Peshawar.**
2. **Secretary to Government Khyber Pakhtunkhwa, Elementary and
Secondary Education Department, Khyber Pakhtunkhwa Peshawar.**
3. **Deputy Secretary Admin, Khyber Pakhtunkhwa, Peshawar.**
4. **Director, Elementary and Secondary Education Department, Khyber
Pakhtunkhwa Peshawar.**
5. **Mr. Zulfiqar Khan, TC(BS-19) Principal GHS Sheikhul Bandi,
District Abbottabad.**

.....(*Respondents*)

Present:

Mr. Abdul Aziz Tanoli,
Advocate.....For appellant.

Kabirullah Khattak,
Additional Advocate GeneralFor official respondents.

Mr. Arshad Khan Tanoli,
Advocate.....For private respondent No.5

Date of Institution.....10.01.2022

Dates of Hearing.....21.07.2022

Date of Decision.....21.07.2022

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED NOTIFICATION ISSUED BY RESPONDENT
NO.2 BEARING NUMBER NO.SO(SM)E&SED/7-
1/2021/PT/MC/DCTE DATED 23.12.2021, WHEREIN THE
APPELLANT GOT TRANSFERRED, IN BLATANT
VIOLATION OF LAW, RULES, AND POLICY OF THE
DEPARTMENT AND THE APPEAL OF THE APPELLANT**




DATED 24.12.2021, WHICH IS UNDECIDED BY RESPONDENT NUMBER-1, SEVERLY AFFECTING THE RIGHTS OF APPELLANT.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN.: The facts surrounding the appeal are that the appellant was serving as Additional Director (BS-19) Curriculum & Textbooks Review at Directorate of Curriculum & Teacher Education (DCTE), Khyber Pakhtunkhwa Abbottabad since 21.06.2021; that the appellant was requested by private respondent No.5 for a mutual transfer which was duly allowed by the competent authority vide notification No. SO(SM)E&SED/7-1/Posting/Transfer/General dated 04.06.2021; that vide impugned transfer order on 23.12.2021, the appellant was transferred from the post of Additional Director(Curriculum & Textbook) DCTE, Abbottabad to the post of Principal (BS-19) GHS Natihia Gali, District Abbottabad against which he filed departmental representation on 24.12.2021 which was not responded, compelling the appellant to file this appeal on 10.01.2022.


2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.


21.07.22

3. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same by supporting the impugned order.

5. There is no denial of the fact that the appellant and private respondent No.5 had made a request in writing for their mutual transfer and vide notification No. SO(SM)E&SED/7-1/Posting/Transfer/General dated 04.06.2021 they were mutually transferred, posting the appellant as Additional Director(Curriculum & Textbook) DCTE, Abbottabad and private respondent No.5 was transferred from the post of Additional Director(Curriculum & Textbook) DCTE, Abbottabad against the previous posting of the appellant as principal, GHS Sheikhu Bandi, Abbottabad. Just eight months thereafter, without allowing the appellant to complete his normal tenure and in violation of the transfer policy of the Government, the appellant was transferred from the post of Additional Director(Curriculum & Textbook) DCTE, Abbottabad to the post of Principal, GHS Natia Gali, District Abbottabad and private respondent No.5 was again posted as Additional Director(Curriculum & Textbook) DCTE, Abbottabad. In the parawise comments the respondents have mainly and strangely contended that mutual transfer was in fact not a mutual transfer because the posting/transfer of private

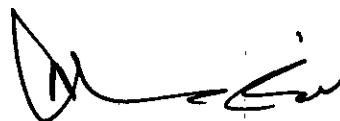

21/7/22

respondent No.5 as Additional Director(Curriculum & Textbook) DCTE, Abbottabad was issued vide notification No. SO(S/M)/E&SED/2-1/2016/Placement Committee for DCTE & PITE dated 1.11.2017 on the basis of recommendations of placement committee, keeping in view the expertise of the officer who have received following foreign trainings in the field of Education:

Subject Area	Organization	institution
Design and development of curriculum-based Assessment/Examination	Education Testing Service USE	Education testing Service Global Institute New Jersey USA
Item/Question writing for large scale educational testing/assessment & Examination	Australian Council for Educational Research (ACER)	Australian Council for Education Research International Institute Melbourne Australia
Observational study to early grade reading and curriculum assessment	EGRP (USAID)	Academy for professional development Cairo Egypt
Multi-lingual Education design of curriculum	Forum for Language Initiatives (FLI) UNESCO	Ministry of Education Bangkok Thailand
Quality Assurance Mechanism in Schools	South Asia Regional Conference	British Council Kathmandu Nepal

6. Keeping in view the expertise of the officer i.e, private respondent No.5 and needs of organization, he was posted as Additional Director(Curriculum & Textbook) DCTE, Abbottabad.

7. The foreign trainings of private respondent No.5 enumerated above were already there when the appellant and private respondent No.5 were mutually transferred so in case the private respondent No.5 was to be retained as Additional Director(Curriculum & Textbook) DCTE, Abbottabad for all time to come, in view of the department, then why the mutual transferred was ordered, is a question which is nowhere explained or answered in the reply.


21.07.22

8. The upshot of the above discussion is that the impugned transfer order was a premature transfer order whereby the appellant has not complete his normal tenure, thus there was no justification for premature transfer of the appellant, therefore, on acceptance of this appeal the impugned transfer order dated 23.12.2021 is set aside with the direction to the respondents to allow the appellant to complete his normal tenure. Costs shall follow the event. Consign.

9. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 21st day of July, 2022.*



KALIM ARSHAD KHAN
Chairman
Camp court Abbottabad

SALAH UD DIN
Member (Judicial)
Camp court Abbottabad

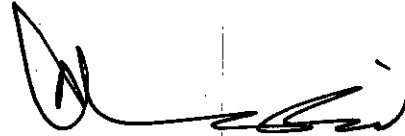
ORDER

21st July, 2022

1. Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for official respondents and learned counsel for private respondents No. 5 present.

2. Vide our detailed judgement of today placed on file (containing 04 pages), the impugned transfer order was a premature transfer order whereby the appellant has not complete his normal tenure, thus there was no justification for premature transfer of the appellant, therefore, on acceptance of this appeal the impugned transfer order dated 23.12.2021 is set aside with the direction to the respondents to allow the appellant to complete his normal tenure. Costs shall follow the event. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 21st day of July, 2022.*



**(KALIM ARSHAD KHAN)
CHAIRMAN.
Camp Court Abbottabad**



**(SALAH UD DIN)
MEMBER(Judicial)
Camp Court Abbottabad**

9

126



GOVERNMENT OF KHYBER PAKHTUNKHWA

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN. DEPARTMENT
(CABINET WING)

No. SOC(E&AD)9-41/2020

Dated Peshawar the 24th August, 2020.

Annexure "A"

To

All Administrative Secretaries,
Government of Khyber Pakhtunkhwa

SUBJECT: MINUTES OF 41st MEETING OF THE PROVINCIAL CABINET HELD ON
AUGUST 18th, 2020.

Dear Sir

I am directed to refer to the subject noted above and to forward herewith the following decision of 41st meeting of Provincial Cabinet held on 18.08.2020 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation:

MISCELLANEOUS

All Cabinet members as well as Administrative Secretaries were directed to carry out an exercise for preparation of lists of officers / officials working against their posts/positions for more than two years. The exercise shall be completed within 15 days and lists shall be submitted for perusal of the Chief Minister, Khyber Pakhtunkhwa for appropriate action as per posting / transfer policy of the Provincial Government.

Implementing Department: All Administrative Secretaries

I am to request that an implementation report of the Cabinet decision as required under Rule 29 (2) of the Khyber Pakhtunkhwa Government Rules of Business 1985 may kindly be furnished on the priority basis to the Cabinet Section, Administration Department.

*Most immediate
Pl. discuss.*

31/8/2020

Yours faithfully

(TAJ MUHAMMAD)
SECTION OFFICER (CABINET)

*Alleged to be false.
[Signature]*

20 ENDST. NO. & DATE EVEN.

Copy to:

- 1 P.S. to Secretary Administration Department.
- 2 PA to Additional Secretary (Cabinet) Administration Department
- 3 PA to Deputy Secretary (Cabinet) Administration Department

Copy to

Discussed

[Signature]
SECTION OFFICER (CABINET)

All DAs

Pl. Prepare the lists as verbally directed immediately


- 1 *[Signature]*
- 2 *[Signature]*
- 3 *[Signature]*

17.03.2022 Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same as before on 19.05.2022.


Reader

19.05.2022 None for the appellant present. Mr. Noor Zaman Khattak, District Attorney for official respondents No. 1 to 4 and private respondent No.5 in person present and submitted wakalatnama of Mr. M. Arshad Tanoli, Advocate on his behalf.

Written reply/comments on behalf of the respondents have already been submitted through office which is available on file. A copy of the same is also handed over to the learned counsel for the appellant. Adjourned. To come up for rejoinder as well as arguments before D.B on 15.06.2022 at camp court Abbottabad. Operation of the impugned order shall remain suspended till the date fixed.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad


15.06.2022

Saeed Ur Rehman Advocate present on behalf of senior counsel for appellant.

Muhammad Adeel Butt, learned Additional Advocate General for official respondents present. Private respondent No.5 in person present and submitted comments.

Former requested for adjournment as senior counsel for appellant is busy in Islamabad. Last chance is given. To come up for arguments on 21.07.2022 before D.B at Camp Court, Abbottabad.


(Fareeha Paul)
Member (E)
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

20.01.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present. Private respondent No. 5 in person present.

Learned Additional Advocate General for official respondents No. 1 to 4 as well as private respondent No. 5 requested for further time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 17.03.2022 before the S.B at Camp Court Abbottabad. Operation of the impugned order shall remain suspended till the date fixed.



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

10.01.2022

Counsel for the appellant present. Preliminary arguments have been heard.

The appellant has invoked the jurisdiction of this Tribunal to impugn the transfer order dated 23.12.2021, whereby the appellant holding the post of Teaching Cadre (T.C) BS-19 has been transferred from the post of Additional Director, Curriculum & Textbook, Directorate Abbottabad to the post of Principal BS-19 GHS Nathia Gali, Abbottabad against the vacant post. In the same order respondent, No. 5 holding the post of Principal, BS-19 GHS Sheikhul Bandi Abbottabad has been transferred and posted as Addl. Director DCTE Abbottabad in place of the appellant. Needless to say that both the appellant as well as private respondent No. 5 belong to the Teaching Cadre and the disputed transfer has been made on the Management Cadre post. However, about seven months earlier vide order dated 04.06.2021, inter-se transfer of appellant and respondent No. 5 was made and the latter was posted as Addl. Director DCTE by his transfer from GHS Sheikhul Bandi Abbottabad and the former was transferred from the post of Addl. Director and posted as Principal, GHS Sheikhul Bandi. Obviously, the respondents are supposed to fill the post of Addl. Director from the Management Cadre but if they have opted to fill the same by incumbent of the post of Teaching Cadre, they were supposed to follow the tenure policy until a suitable person from the Management Cadre become available. Let the respondents come and explain as to what public interest lies in this exercise. The appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 20.01.2022 before S.B at Camp Court, Abbottabad.

Appellant's deposited
Security & Process Fee

Alongwith the appeal an application for interim relief for suspension of the impugned letter dated 23.12.2021 has been filed. Notice of application be also given to the respondents. Operation of the impugned order shall remain suspended till date fixed.




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 24/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/01/2022	<p>The appeal of Syed Amjad Ali presented today by Mr. Abdul Aziz Tanoli Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>10/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Syed Amjad Ali vs Chief Secretary.

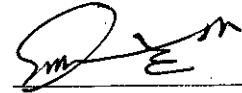
S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly pagged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Abdul Aziz

Signature: _____



Dated: _____

10-01-2022

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

Service Appeal No. 24 / 2022

Syed Amjad Ali, (BS-19) Additional Director (CTR) DCTE KP
Abbottabad, Tehsil and District Abbottabad.

...Appellant

Versus

Chief Secretary, Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

SERVICE APPEAL

INDEX

S.#	Description	Page no	Annexure
1	Service Appeal	1-5	
2	Affidavit	6	
3	Application for suspension of impugned notification	7-8	
4	Copy of the Minutes of the meeting circulated and Transfer policy	9-13	"A"
5	Copy of the orders	14-17	"B"
6	Copy of the impugned Notification dated 23-12-2021	18	"C"
7	Copy of departmental Appeal	19-21	"D"
8	Wakalatnama	22	

Dated: 10-01-2022

Appellant
Through
(Abdul Aziz Tanoli)
Advocate High Court
Abbottabad.
(Adeel Ahmed Nazir)
Advocate High Court
Abbottabad.

1

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

Service Appeal No. 24 / 2022

Syed Amjad Ali, (BS-19) Additional Director (CTR) DCTE ~~KPK~~ ~~Peshawar~~ ~~Pakhtunkhwa~~ ~~Service Tribunal~~
Abbottabad.

Diary No. 23

...Appellant
Dated 10-01-2022

Versus

- 1- Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- Secretary to Government Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
- 3- Deputy Secretary Admin, Khyber Pakhtunkhwa, Peshawar.
- 4- Director, Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
- 5- Mr Zulfiqar Khan TC (BS-19) Principal GHS Sheikhu bandi District Abbottabad.

.....Respondents

Filed to-day

Registrar
10/1/2022

**SERVICE APPEAL UNDER SECTION-4 OF KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1973
AGAINST THE IMPUGNED NOTIFICATION
ISSUED BY RESPONDENT NO-2 BEARING
NUMBER NO.SO(SM)E&SED/7-
1/2021/PT/MC/DCTE DATED 23-12-
2021, WHEREIN THE APPELLANT GOT
TRANSFERRED, IN BLATANT VIOLATION OF
LAW, RULES, AND POLICY OF THE
DEPARTMENT AND THE APPEAL OF THE**

APPELLANT DATED 24-12-2021, WHICH IS UNDECIDED BY RESPONDENT NUMBER-1, SEVERLY AFFECTING THE RIGHTS OF APPELLANT.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION ISSUED BY RESPONDENT NO-2 BEARING NUMBER NO.SO(SM)E&SED/7-1/2021/PT/MC/DCTE DATED 23-12-2021, WHEREIN THE APPELLANT GOT TRANSFERRED, IN BLATANT VIOLATION OF LAW, RULES, AND POLICY OF THE DEPARTMENT, MAY KINDLY BE SET ASIDE. AND THE APPELLANT MAY KINDLY BE ALLOWED TO CONTINUE HIS SERVICE AS PER THE POSITION PRIOR TO THE IMPUGNED NOTIFICATION.

Respectfully Sheweth,

The Appellant very humbly submits as under:

1. That the appellant is serving as Additional Director BPS-(19) Curriculum & Textbooks Review at Directorate of Curriculum & Teacher Education (DCTE) KP, Abbottabad since 21.06.2021 and performing duties with sincerity and devotion to the entire satisfaction of his superior.
2. That the appellant was recently posted at this Directorate vide E&SED Notification No: SO(SM)/ESED/7-1/2021/Posting/Transfer/General/ Dated: 04.06.2021 in pursuance of the Provincial Cabinet Decision conveyed vide SO (C)/E&AD No: 9-41/2020, 9-46/2020 Dated: 24.08.2020 & 13.11.2020 respectively and

ESED letter No: SOG/ESED/1-63/2021 Dated: 03.02.2021, replacing officers of this Directorate completing two & more than two years tenure and Transfer Policy. **(Copy of the Minutes of the meeting circulated and Transfer policy as Annexure: "A")**

3. That the appellant was requested by Mr. Zulfiqar Khan, (Ex-DCTE colleague/ Batch fellow) (Respondent no-5) for a mutual transfer, which was forwarded to the Secretary E&SE KP Peshawar vide DCTE Letter No: 1438 & 1440 Dated: 10.03.2021 as Principal GHS Sheikh-ul-Bandi (local station), it later dawned upon the Appellant that the move was made sensing the Cabinet Decision's repercussions. **(Copy of the orders attached as annexure "B")**
4. That a notification NO.SO(SM)E&SED/7-1/2021/PT/MC/DCTE dated 23-12-2021 was issued in blatant violation of law, policy and rules of the department, by respondent no 2, through which the appellant is transferred from the post, held for only few months and respondent no-5, who has been serving on the same post since 2014, is once again posted to his previous position through impugned notification *ibid*. **(Copy of the impugned Notification dated 23-12-2021 is attached as annexure "C")**
5. That the appellant is transferred from DCTE KP Abbottabad to GHS Nathiagali Abbottabad, through impugned notification, as Principal BPS-19 on 23.12.2021 in result of premature transfer, against the sheer spirit of law and above referred Provincial Cabinet Decision, malafide and apparent victimization.
6. That the Appellant preferred a departmental appeal on 24-12-2021 before the Chief Secretary Khyber Pakhtunkhwa (Respondent no-1) which still stands undecided after the lapse of more than 15 days. **(Copy of departmental Appeal attached as annexure "D")**
7. That feeling aggrieved, the Appellant has approached the August Tribunal on the following *inter Alia* amongst many other:

GROUNDS

- a. That the impugned order is arbitrary based on malafide against the law, just to extend unwarranted and unlawful relief of posting of

choice to blue eyed one, Mr. Zulfiqar (Respondent no-5), who remained in this Directorate since long in BS-18, since 2014 and occupied the same station after being promoted to BS-19, who eventually got transferred by virtue of Provincial Cabinet decision recently in June 2021 and completing outstanding tenure at DCTE.

- b. That the malafide intentions are apparent when respondent no-5, by breaking his tenure in June 2021 through a mutual transfer with the appellant; was successful in getting his proposal through ESED for DCTE and finally this order has established that malafide intentions do have legs to stand.
- c. That the appellant is serving in BS-19 and is Senior and placed at Serial No: 44 as compared to Respondent no-5, who is at Serial No: 89 in the Final Seniority List of BS-19 (Teaching Cadre Officers) in ESED KP.
- d. That the impugned order is against the Transfer/Posting Policy & Rules in the field, as it is settled principle of law that in a case where law provides a procedure for doing a thing in a particular manner, that thing should be done in that manner and not otherwise.
- e. That all government servants are prohibited to exert political, administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest. All such prohibitions seem floating on the surface and unduly advancing favor to respondent no-5.
- f. That the act of respondents falls within the definition of colorable exercise of power on part of respondents which is nether permissible nor warranted in the eyes of law.
- g. That the act of respondents squarely falls within the definition of exploitation as defined in the constitution of Islamic Republic of Pakistan.
- h. That the act of respondents is not only against the norms of justice but also discriminatory, against the law and un-warranted.
- i. That the appeal is well within time.

- j. That the other grounds will be urged at the time of arguments.

IT IS THEREFORE, VERY RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION ISSUED BY RESPONDENT NO-2 BEARING NUMBER NO.SO(SM)E&SED/7-1/2021/PT/MC/DCTE DATED 23-12-2021, WHEREIN THE APPELLANT GOT TRANSFERRED, IN BLATANT VIOLATION OF LAW, RULES, AND POLICY OF THE DEPARTMENT, MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE ALLOWED TO CONTINUE HIS SERVICE AS PER THE POSITION PRIOR TO THE IMPUGNED NOTIFICATION.

APPELLANT

Through:

Dated: 10-01-2022

(Abdul Aziz Tanoli)
Advocate High Court
Abbottabad.

(Adeel Ahmed Nazir)
Advocate High Court
Abbottabad.

VERIFICATION:

Verified on oath that the contents of foregoing Appeal are true and correct to the best of my knowledge and belief and nothing has been mis-stated or concealed from this Honourable Court.

Dated: 10-01-2022

Appellant

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

Service Appeal No. _____ / 2022

Syed Amjad Ali, (BS-19) Additional Director (CTR) DCTE KP
Abbottabad, Tehsil and District Abbottabad.

...Appellant

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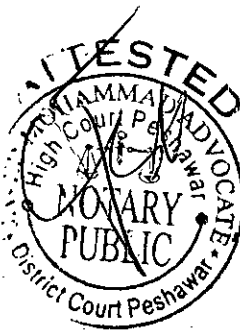
...Respondents

SERVICE APPEAL

AFFIDAVIT

I, *Syed Amjad Ali, (BS-19) Additional Director (CTR) DCTE KP Abbottabad, Tehsil and District Abbottabad.* (Appellant), do hereby affirm and declare that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Dated: 10-01-2022



DEPOSED

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

Service Appeal No. _____ / 2022

Syed Amjad Ali, (BS-19) Additional Director, (CTR) DCTE KP
Abbottabad, Tehsil and District Abbottabad.

...Appellant

Versus

Chief Secretary, Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

SERVICE APPEAL

Application for suspension of impugned
notification NO. SO (SM) E&SED/7-
1/2021/PT/MC/DCTE dated 23-12-2021 till
the final decision of main appeal of appellant.

Respectfully Sheweth

1. That the title service appeal is being filed before this Honourable Tribunal and the instant application, for suspension of impugned notification, may kindly be consider the integral part of main service appeal.
2. That the appellant has got good prima facie case against the respondents.
3. That balance of convenience lies in favor of appellant.
4. That an irreparable loss will be caused to appellant in case, the impugned order/ notification is not suspended.

- 5. That the valuable rights of appellant are involved in the instant appeal.

It is therefore very humbly prayed that the impugned Notification NO.SO(SM) E& SED /7-1/2021/ PT/MC/DCTE dated 23-12-2021 may kindly be suspended till the final decision of main appeal of appellant and appellant may kindly be allowed to continue his service as per position prior to the impugned notification till final decision of main appeal.

Through:

Dated: 10-01-2022

Appellant

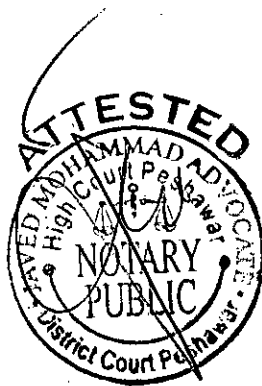
(Abdul Aziz Tanoli)
Advocate High Court
Abbottabad.

(Adeel Ahmed Nazir)
Advocate High Court
Abbottabad.

AFFIDAVIT:

I, Syed Amjad Ali, (BS-19) Additional Director (CTR) DCTE KP Abbottabad, Tehsil and District Abbottabad.(Appellant), do hereby affirm and declare that the contents of instant application for suspension are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

Dated: 10-01-2022



DEPONENT

BETTER COPY

10

**GOVERNMENT OF KHYBER PAKHTUNKHAWA
ESTABLISHMENT AND ADMN : DEPARTMENT
(CABINET WING)**

NO. SOC(E&AD)9-41/2020

Dated Peshawar the 24th August, 2020

To

All Administrative Secretaries
Government of Khyber Pakhtunkhawa

Subject: **MINUTES OF 41ST MEETING OF THE PROVINCIAL
CABINET HELD ON AUGUST 18TH, 2020.**

Dear Sir,

I am directed to refer the subject noted above and to forward herewith the following decision of 41st meeting of Provincial Cabinet held on 18/08/2020 under the chairmanship of Chief Minister Khyber Pakhtunkhawa for implementation.

MISCELLANEOUS

All cabinet members as well as Administrative Secretaries were directed to carry out an exercise for preparation of list of officers / officials working against their posts / position for more than two years. The exercise shall be completed within 15 days and lists shall be submitted for perusal of the Chief Minister, Khyber Pakhtunkhawa for appropriate action as per posting / transfer policy of the Provincial Government.

IMPLEMENTING DEPARTMENT: All Administrative Secretaries

I am request that an implementation report of the cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhawa Government rules of Business 1985 may kindly be furnished on top priority to the Cabinet Section Administration Department.

Yours Faithfully

(TAJ MUHAMAMD)
Section Officer (CABINET)

ENDST NO. & DATE EVEN.

Copy to:-

1. PS to Secretary Administration Department.
2. PA to Additional Secretary (Cabinet) Administration Department.
3. PA to Deputy Secretary (Cabinet) Administration Department.

Sd/-
Section Officer (Cabinet)

BETTER COPY

Most Immediate
Out today

11



Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

No. SOG/E&SED/1-63/2021
Dated Peshawar the 26/04/2021

To

1. All Directors, E&SE in Khyber Pakhtunkhwa.
2. The Managing Director, ESEF, Khyber Pakhtunkhwa.
3. All Chairmen, BISEs in Khyber Pakhtunkhwa.
4. The Chairman, KP-Textbook Board, Peshawar.

Abbotto.
DETE

Subject:

REF NO. T12450C - TASK: INFORMATION ON ANTI
CORRUPTION MEASURES IMPLEMENTATION OF
POSTING/TRANSFER POLICY OF TWO YEARS.

I am directed to refer to the subject noted above and to enclose herewith a copy of task No. T12450C dated 22-04-2021 along with its enclosures received from Chief Secretary Khyber Pakhtunkhwa office, which is self explanatory, and to request to provide the requisite information on prescribe proforma within two days positively please.

Encl: As above.

Section Officer (General)

Endst: No. & date even.

Copy forwarded to:

1. PSO to Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Assistant Director EMIS, E&SE Department.
3. P.S to Secretary, E&SE Department.
4. P.S to Special Secretary, E&SE Department.
5. P. As to Additional Secretaries, E&SE Department.
6. P. As to Deputy Secretary (Admn). E&SE Department.

Section Officer (General)

Meeting attended
P.S / D.D (A)
Supdt (E)
Mr. Sher Dill Khan
06/05/2021
DATE 6/5 9/3
6/5/21
06/5/21

Attested



12

13

157

Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department

No. SOG/E&SED/1-63/2021
Dated Peshawar the 03/02/2021

To

1. All Directors, E&SE in Khyber Pakhtunkhwa.
2. The Managing Director, KP-PSRA, Peshawar.
3. The Managing Director, ESEF, Khyber Pakhtunkhwa.
4. All Chairmen, BISEs in Khyber Pakhtunkhwa.
5. The Chairman, KP-Textbook Board, Peshawar.

NOTE Abbottabad

Subject:

REF NO. T9938C - TASK: RESHUFFLING OF GOVERNMENT EMPLOYEES (ADMINISTRATIVE DEPARTMENT).

I am directed to refer to the subject noted above and to enclose herewith a copy of task No. T9938C alongwith its enclosures received from PSO to Chief Secretary office and to request you to provide requisite information on the enclosed format, at the earliest, for onward submission to quarter concerned.

Section Officer (General)

Endst: No. & date even.

Copy forwarded to:

1. The Assistant Director (Admn), Performance Management & Reforms Unit, Office of the Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (O&M), Establishment & Admn Department.
3. Section Officer PMRU, E&SE Department.
4. P.S to Secretary, E&SE Department.
5. P.S to Special Secretary, E&SE Department.
6. P. As to Additional Secretaries, E&SE Department.
7. P. As to Deputy Secretaries, E&SE Department.

Section Officer (General)

Attest



Elementary & Secondary Education
Department, Govt. of KP

Reshuffling of Government Employees (Administrative
Department)

Dated: 29-Jan-2021

13

Ref NO: T9938C

Task: Reshuffling of Government Employees (Administrative
Department)

Assign Date: 27-Jan-2021

Due Date: 01-Feb-2021

This task is assigned by Chief Secretary KP

Government,

Description: Dear Sir,

It is stated that the Provincial Government reshuffled employees who have worked on the same post for a specific period e.g 2 years' time through cabinet decision under the two-year posting transfer policy in the province.

The competent Authority desired to compile a recent posting/transfer report as per attached google form.

Sub-link of the Task

<http://forms.gle/5qwmSwBRIPZDtE2j6>

n

Assigned To

Secretary Administration Pending

Secretary Transport Pending

Secretary Agriculture & Livestock Pending

Secretary Auqaf, Hajj, Minorities Completed on 29th of January 2021 10:47 AM

Secretary C&W Completed on 28th of January 2021 02:39 PM

Secretary E&SE Pending

Secretary Energy & Power Pending

Secretary Environment, Forest & Wildlife Pending

Secretary Establishment Pending

Secretary Excise & Taxation Completed on 27th of January 2021 12:56 PM

Secretary Finance Pending

Secretary Food Pending

Secretary Health Pending

Secretary Higher Ed. Archives & Lib. Pending

Secretary Home & Tribal Affairs Pending

Secretary Industries, Commerce & TE Completed on 28th of January 2021 03:10 PM

Secretary Information & PR Pending

ipms.kpda.gov.pk/atrack/activities/3479/task/9938

171

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Approved

Suppl. to



(14)

**DIRECTORATE OF CURRICULUM AND TEACHER EDUCATION
KHYBER PAKHTUNKHWA ABBOTTABAD**
Phone 0992382634 Fax: 0992381627

No. 1440 /EB/GF/ dated Abbottabad the 10.03 /2021

Annexure "B"

To

The Secretary to,
Govt. of Khyber Pakhtunkhwa Elementary &
Secondary Education Department Peshawar

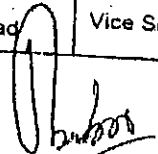
Subject. - **PROPOSAL FOR TRANSFER / POSTING OF ADDITIONAL DIRECTORS/
SUBJECT SPECIALIST/ (BS-19) DCTE ABBOTTABAD**

Dear Sir,

I am directed to refer to your department letter No. SOG/E&SED/1-63/2021 dated 03.02.2021, regarding implementation of the Provincial cabinet decision conveyed vide letter No. SO (C) /E&AD 9-46/2020 dated 13.11.2020 and in continuation of this Directorate letter No. 1300 dated 03.03.2021 to submit the following proposal for transfer of BS-19 Officers in this Directorate on the basis of two and more than two years tenure in the same office for issuance of transfer and posting orders so that the cabinet decision could be implemented.

S.#	Name / Designation of Officer	D/O birth	D/O Present posting	Proposed Place of Posting	Remarks
1	Mr Zulfiqar Khan, (BS-19) Additional Director	07.03.1964	23.04.2014	Principal (BS-19) GHS Sheikhul Bandi Abbottabad	Vice Sr. No 6
2	Mr Abrar Ahmed, (BS-19) Additional Director	21.11.1962	01.08.2011		The officer concerned has applied for premature retirement w.e.from 31.05.2021
3	Mr. Muhammad Shafique, (BS-19) Additional Director	05.04.1965	09.10.2013	Instructor (BS-19) RITE (Male) Haripur	Against vacant post
4	Mr. Muhammad Athar (BS-19) Subject Specialist	01.04.1965	23.04.2014	Services be placed at the disposal of Director E&SE KP, Peshawar	
5	Mr. Zaffar Arbab Abbasi, (BS-19) Principal GHSS Ghita Batta Mansehra	04.10.1967	01.05.2014	Additional Director (BS-19) DCTE A/Abad	Vice Sr. No. 3
6	Syed Amjad Ali, Principal (BS-19) GHS Shekul Bandi Abbottabad	25.10.1966	01.12.2009	Additional Director (BS-19) DCTE A/Abad	Vice Sr. No. 1

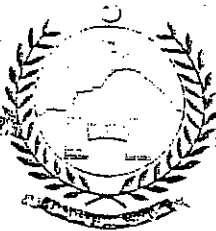
Encls: No. _____


Deputy Director (Admn)

- Copy of the above is forwarded for information to the:-
1. Section Officer (General) E&SE Department w/r to his letter referred above.
 2. Section Officer (Schools M/F) E&SE Department
 3. PA to Director (Local Directorate)


Deputy Director (Admn)

15



DIRECTORATE OF CURRICULUM AND TEACHER EDUCATION
KHYBER PAKHTUNKHWA ABBOTTABAD
Phone 0992382634 Fax: 0992381527

No. 1438 /EB/AE-III/

Dated A/Abad the: 10 - 03/2021

To

The Secretary to,
Govt. of Khyber Pakhtunkhwa Elementary &
Secondary Education Department Peshawar

Subject: - **MUTUAL TRANSFER**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith the self-explanatory application for mutual transfer in respect of Mr. Zulfiqar Khan, Additional Director this Directorate and Syed Amjid Ali, (BS-19) Principal Govt. High school Sheikul Bandi Abbottabad, with the recommendation that the same may be approved in the best interest of public service, please.

Encls: As above

Deputy Director (Admn)

Endst: No. 1439 /

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

1. PS to Director (Local Directorate)

Deputy Director (Admn)

Alistered

16



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

Dated Peshawar the June 04, 2021

NOTIFICATION

NO.SO(SM)E&SED/7-1/2021/Posting/Transfer/General: The Competent Authority is pleased to order the transfer (on mutual basis) of the following teachers of Elementary & Secondary Education Department, in the best public interest, with immediate effect:-

S#	Name with designation	From	TO
1.	Mr. Zulfiqar Ahmad Additional Director (BS-19)	DCTE Khyber Pakhtunkhwa, Abbottabad	Principal (BS-19) GHS Sheikh-ul Bandi Abbottabad. V.S#2
2.	Syed Amjad Ali Principal (BS-19)	GHS Sheikh ul Bandi, Abbottabad	Additional Director (BS-19) DCTE Khyber Pakhtunkhwa, Abbottabad. V.S#1

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, DCTE Khyber Pakhtunkhwa, Abbottabad
4. District Education Officers (M&F), Concerned.
5. District Education Officers, Concerned.
6. District Accounts Officers, Concerned.
7. PS to Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PS to Special Secretary E&SE Department.
10. PA to Deputy Secretary (Admn) E&SE Department.
11. Officers concerned.
12. Master file.

(Signature)
**(HAFEEZUR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)**

Ey H. Br
3/18/6
(Signature)

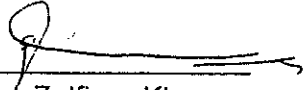
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1006
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Dated

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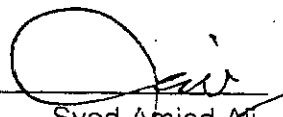
CERTIFICATE TRANSFER OF CHARGE

In pursuance of Secretary to, Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Peshawar, vide his Department Notification No. SO (SM) E&SED/7-1/2021/Posting/Transfer/ General: dated 04.06.2021, we have on this day i.e. 21.06.2021 (AN) hand over/ received charge of the post of Additional Director (BS-19) Curriculum & Textbook Review in the DCTE Khyber Pakhtunkhwa Abbottabad.

Station: - ABBOTTABAD

Signature of relieved: 
Government Servant: Zulfiqar Khan
Designation: Additional Director (BS-19)

Dated: - 21.06.2021 (AN)


Signature of relieving: 
Government servant: Syed Amjad Ali
Designation: - : Additional Director (BS-19)

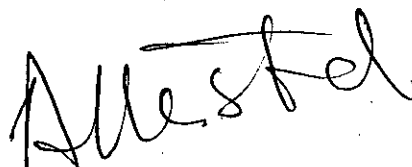
DIRECTORATE OF CURRICULUM AND TEACHER EDUCATION KHYBER
PAKHTUNKHWA ABBOTTABAD

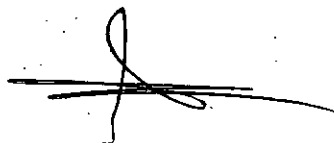
Endst: No. 3499-3506 /EB/AE-II/GF Dated A/Abad the: 21/6 /2021

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

1. Secretary to, Government of Khyber Pakhtunkhwa E&SE Department Peshawar w/r to his Department Notification referred to above.
2. Director E&SE Khyber Pakhtunkhwa Peshawar
3. District Education Officer (Male) Abbottabad
4. Principal GHS Sheikh ul Bandi Abbottabad
5. District Accounts Officer Abbottabad.
6. Budget & Accounts Officer (Local Directorate)
7. Officers Concerned
8. PS to Director (Local Directorate).


Deputy Director (Admn)







GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No: 991-9223111

18

Dated Peshawar the December 23, 2021

NOTIFICATION

Annexure "C"

NO.SOI/SME&SED/7-1/2021/PT/MC/DCTE: The Competent Authority is pleased to order the transfer of the following Officers of Elementary & Secondary Education Department, in the best public interest, with immediate effect:-

S#	Name & designation	From	To
1.	Mst. Zohra Begum MC (BS-19)	District Education Officer (F) Baltagram.	Additional Director (Assessment & Evaluation), DCTE Abbottabad vice S No 04
2.	Mr. Muhammad Athar, SS (Material Development) BS-19	Directorate of Curriculum & Teachers Education Abbottabad.	Additional Director (Standards) DCTE Abbottabad against the vacant post.
3.	Mr. Zulfiquar Khan TC (BS-19)	Principal GHS Sheikhul Bandi District Abbottabad	Additional Director (Curriculum & Textbook), DCTE Abbottabad vice S.No. 05.
4.	Mr. Amin Dad, TC (BS-19)	Additional Director (Assessment & Evaluation), DCTE Abbottabad.	Principal (BS-19) GHSS Kakotri District Haripur against the vacant post.
5.	Syed Amjid Ali Shah, TC (BS-19)	Additional Director (Curriculum & Textbook), DCTE Abbottabad.	Principal (BS-19) GHS Nathia Gal District Abbottabad against the vacant post.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Enst of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, Curriculum & Teachers Education Abbottabad.
4. District Education Officer (Male) concerned.
5. District Account Officers concerned.
6. Director, EMIS E&SE Department.
7. PS to Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PA to Deputy Secretary (Admn) E&SE Department.
10. Officers concerned.
11. Office order file.

(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Attest

(19)

Annexure 'D'

BEFORE THE HONOURABLE CHIEF SECRETARY TO
THE GOVT. KHYBER PAKHTUNKHWA, PESHAWAR

Subject:

Departmental Appeal against the Notification No: SO (SM)E&SED/7-1/2021/PT/MC/DCTE Dated:23.12.2021, where by the appellant has been transferred against the post of Principal (BS-19) GHS NATHIAGALI, Abbottabad in violation of Provincial Government decision and transfer/posting policy (COPY ANNEXED AND MARKED AS "A")

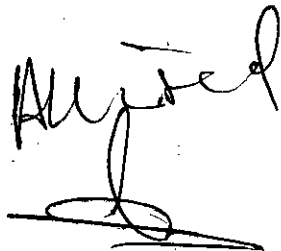
Prayer:

On the acceptance of instant departmental it, therefore, requested that the impugned order No: SO(SM)E&SED/7-1 / 2021 / PT / MC / DCTE Dated: 23.12.2021, passed by the competent authority (against the Provincial cabinet decision) may kindly be set aside and the appellant may be allowed to continue his services as Additional Director Curriculum & Textbooks Review at Directorate of Curriculum and Teacher Education (DCTE) KP Abbottabad.

Respectfully
Sheweth

I would like to invite your kind attention to the following facts.

1. That the appellant is serving as Additional Director BPS-(19) Curriculum & Textbooks Review at Directorate of Curriculum & Teacher Education (DCTE) KP Abbottabad since 21.06.2021 and performing duties with sincerity and devotion to the entire satisfaction of his superior.
2. That the appellant is recently posted at this Directorate vide E&SED Notification No: SO(SM)/ESED/7-1/2021/Posting/Transfer/General/ Dated: 04.06.2021 in pursuance of the Provincial Cabinet Decision conveyed vide SO (C)/E&AD No: 9-41/2020, 9-46/2020 Dated: 24.08.2020 & 13.11.2020, respectively and ESED letter No: SOG/ESED/1-63/2021 Dated: 03.02.202, replacing officers of this Directorate completing two & more than two years tenure and Transfer Policy. **Annexure: "B"**
3. That the appellant was requested by Mr. Zulfiqar Khan, (Ex-DCTE colleague/Batch fellow) for a mutual transfer, which was forwarded to the Secretary E&SE KP Peshawar vide DCTE Letter No: 1438 & 1440 Dated: 10.03.2021 as Principal GHS Sheikh-ul-Bandi (local station), sensing to the Cabinet Decision repercussions. **Annexure: C**
4. That the appellant was transferred from DCTE KP Abbottabad to GHS Nathiagali, Abbottabad as Principal BPS-19 on 23.12.2021 in result of premature transfer, against the sheer spirit of above referred Provincial Cabinet Decision, malafide and apparent victimization.
5. That the impugned order is arbitrary based on malafide facts and



That the appellant is serving in BS-19 and is Senior and placed at Serial No: 44 compare to Mr. Zulfiqar, at S#: 89 in the Final Seniority List of BP 19 (Teaching Cadre Officers) in ESED KP.

7. That the impugned order is against the Transfer/Posting Policy & Rules in the field, as it is settled principle of law that in a case where statute provides a procedure for doing of a thing in a particular manner, that thing should be done in that manner and not otherwise or it should not be done at all; Furthermore, all government servants are prohibited to exert political, administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
8. That the said departmental appeal is made within the time.

In the light of above facts, On the acceptance of instant departmental it, therefore, requested that the impugned order No: SO(SM)E&SED/7-1 / 2021 / PT / MC / DCTE Dated: 23.12.2021, passed by the competent authority (against the Provincial cabinet decision) may kindly be set aside and the appellant may be allowed to continue his services as Additional Director Curriculum & Textbooks Review at Directorate of Curriculum and Teacher Education (DCTE) KP Abbottabad.

Suspension

It is further prayed that, in the meanwhile impugned order may kindly be set aside till the final decision of captioned appeal.

Yours Sincerely

SYED AMJAD ALI
Additional Director (CTR)
DCTE KP Abbottabad

Dated: 24/12/2021

VERIFICATION:-

Verified, that the contents of instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

SYED AMJAD ALI
Additional Director (CTR)
DCTE KP Abbottabad

Dated: 24/12/2021

Copy for information & necessary action to:

1. The Secretary to Government of KP, Elementary & Secondary Education Department, Peshawar.
2. The Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa

کورٹ فیس

وکالت نامہ

BEFORE THE SERVICE TRIBUNAL K.P. بعدالت

Syed Amjad Ali ^{پٹام} Chief Secretary & ^{معاونین} _{معاونین}

Appellant

مخانب:

Service Appeal: نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کاروائی متعلقہ آس مقام

ABDUL AZIZ TANOLI & ABDEL AHMED NAZIR ADV/HIC

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخنتہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 10-01-2022

Accepted by ^{بمقام:}

Syed Amjad Ali
Appellant

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. *TB*

No.

Appeal No. *24* of 20 *22*

Syed Amjad Ali Appellant/Petitioner

Versus

Chief Secy. Pesh Respondent

Respondent No. *5*

Notice to: — *Zulfiqar Khan Tc Principal GHS*
Sheikhul Bandi Distt A/Abad

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *20.1.2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this *12*

Day of *1* 20 *22*

at Camp Court
A/Abad.

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

Chief
Supt
Supts know to Principal
Supts know to Principal
Supts know to Principal
Supts know to Principal
Supts know to Principal

50-1-2022

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to Principal
A/A

C

GST No. 12 009806-002-73

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Staff: 10000

Rate: 10000

Name : S. P. M. S. S. S. S.
Phone : 03105910024
Address : 10000 DIRECTOR GENERAL OF CUSTOMS & TRADE TRAINING
K.P. ABT

Name : S. P. M. S. S. S. S.
Phone : 00091921000
Address : 10000 DIRECTOR GENERAL OF CUSTOMS & TRADE TRAINING

Service chg	259.0
Other Amount	0.0
VAS	0
Insurance chg	0
GST	41
Premium	0
TOTAL	300.0

Atward

Handwritten notes and stamps at the bottom of the page.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB 1

Appeal No. 24 of 20 22

Syed Amjad Ali Appellant/Petitioner

Versus

Chief Secy. Pesh Respondent

Respondent No. 3

Notice to: Deputy Secy: Admn Pesh

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20-1-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

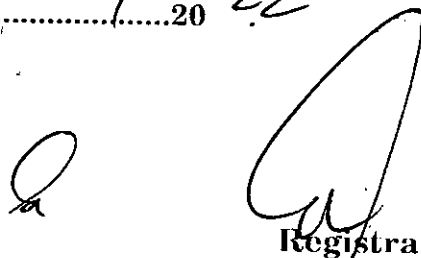
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 10

Day of 1 20 22

at camp court
A/Abad



Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

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Project Manager
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR

TB AIA

No.

Appeal No. 24 of 20 22

Syed Amjad Ali Appellant/Petitioner

Versus

Chief Secy Pesh Respondent

Respondent No. 4

Notice to: - Director (E&SE) DEPT Pesh

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 22.11.2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of ~~appeal has already been sent to you~~ vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 19

Day of 20 22

at camp Court
AIA Bad

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

Director (E 82E) Dept. for
Chief of Dept.
Mr. [unclear] Mr.
LB A.H.

96-1-5022

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to [unclear] to
hand AIA

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
 JUDICIAL COMPLEX (OLD), KHYBER ROAD,
 PESHAWAR. TB AIA

No.

Appeal No. 24 of 2022

Syed Amjad Ali Appellant/Petitioner

Versus
Chief Secy. Pesh Respondent

Respondent No. 2

Notice to:

(Secretary (F & SE) KPK Peshawar)

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20-1-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 12
 Day of 1 22
 20

at camp court

A/Abad.




Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

TB A14

SS

Mr. [unclear] [unclear]

Chief [unclear]

13/11

General (E 22) KPC [unclear]

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SS

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A [unclear]

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TB-A-Abad
SB

No.

Appeal No. 24 of 2022

Syed Amjid Ali Appellant/Petitioner
Versus

Chief Secy. Peshawar Respondent
Respondent No. 1

Notice to: - Chief Secretary Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20/1/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 12

Day of 1 2022

at camp court
A/Abad.

ISSUE BRANCH
CHIEF SECRETARY
Govt of K.P.
Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

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Chief Sec'y: Program

Chief Sec'y: Program

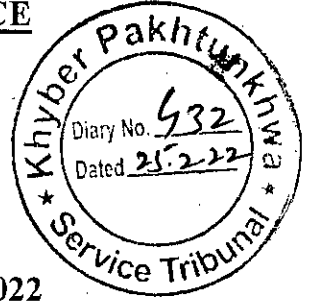
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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**



Appeal No. 24/2022

Syed Amjad Ali.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and
Others Respondents

INDEX

S.#	Description	Page No	Annexures
1	Comments/reply	1-3	
2	Affidavit	04	

DEPONENT

BEFORE THE HONORABLE KHYBRPAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD

SERVICE APPEAL NO.24/2022

SYED AMJAD ALI.....(APPELLANT)

VERSUS

**GOVT; OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND
OTHERS.....(RESPONDENTS).**

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 TO 04.

Respectfully Shewith:

Joint Para Wise Comments on behalf of Respondents are submitted as under:

Preliminary Objections

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the Appellant is not aggrieved person.
3. That Appellant is estopped by his own conduct to approach this Hon'ble Tribunal.
4. The present appeal has been filed to entangle the Department unnecessarily in litigation and to waste the precious time of the respondents as well as of this Hon'ble Tribunal.
5. That the present appeal is against the relevant provision of law and rules.
6. That in the instant Service Appeal, the Appellant has suppressed material facts from this Hon'ble Tribunal which are sin-qua-non for the just and fair disposal of the case.
7. That as per Section 10 of Civil Servant Act 1973, every Government Servant is bound to serve anywhere within the province in the best interest of public service without raising any objection in this regard.
8. That this instant appeal is not maintainable in its present form in preview of Section-10 of Civil Servant Act 1973.
9. That the transfer is order of the appellant was issued in accordance to the rules as per Civil Servant Act, 1973: -
 - I. Every Civil Servant shall hold office during the pleasure of the Governor".
 - II. "Every Civil Servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local Authority, or a corporation or body set up or established by any such Government.
 - III. As per 2020 SCMR1432 "Govt. servant were required to serve where his employer wanted him to serve, it was not a choice prerogative of the employee to claim a right to serve at a place that he chooses to serve".
10. That all the proceedings have been done by the competent authority as per Law & Rule; hence, the appeal is liable to be dismissed without further proceeding.

FACTUAL OBJECTIONS :-

1. That Para-01 Pertains to record.
2. That the Provincial Cabinet decision is an executive decision, decided for posting / transfer of staff / officers, which was in accordance with law / rules and in the best of public interest.
3. The mutual transfer was initiated on the basis of provisions provided in Policy and appellant himself is co-applicant for said mutual transfer. In fact, this was not a mutual transfer because the posting/transfer of Private Respondent No.5 as an Additional Director was issued vide No.SO(S/M)/E&SED/2-1/2016/Placement Committee for DCTE & PITE dated 11.1.2017 on the basis of recommendations of placement committee, keeping in view the expertise of the officer who have received following foreign trainings in the field of Education:

Subject area	Organization	Institution
Design and Development of curriculum-based Assessment/Examination	Education Testing Service USA	Education Testing Service Global Institute New Jersey USA
Item/question writing for large scale educational testing/ assessment & examination	Australian Council for Educational Research (ACER)	Australian Council for Educational Research International Institute Melbourne Australia
Observational study to early grade reading and curriculum assessment	EGRP (USAID)	Academy for professional development Cairo Egypt
Multi-lingual Education design of curriculum	Forum for Language Initiatives (FLI) UNESCO	Ministry of Education Bangkok Thailand
Quality Assurance Mechanism in Schools	South Asia Regional Conference	British Council Kathmandu Nepal

Keeping in view the expertise of the officer i.e., Private Respondent No. 05 and needs of organization, Mr. Zulfiqar Khan was posted as Additional Director DCTE, Abbottabad.

4. Incorrect and misleading. The act on the part of respondents is neither in violation of concerned law, nor relevant rule. Posting transfer of Civil Servant governed under Section-10 of Civil Servant Act, 1973. Every Government servant is bound to serve anywhere within the province in the best interest of public service without raising any objection in this regard.
5. That the appellant is working against provincial cadre/administrative post in the Respondent Department, as the aforesaid law and rule does not bar transfer at any time. However, tenure is provided in transfer policy, and the policy is inferior document then the law/rules ibid and provision of policy does not overrule the provision of Civil Servant Act 1973 and APT rules 1989.
6. In reply to No.6, of the instant appeal it is submitted that as per judgment **2011 SCMR 1111**, appellant could not file instant appeal before this Honourable Tribunal before expiry of period of 90 days from the date of departmental appeal. Hence, appeal in hand is **premature and liable to be dismissed in this score alone.**

However in response to the departmental appeal, the appellant was provided the opportunity of personal hearing by Elementary and Secondary Education Department letter No.SO(SM)E&SED/7-1/2021/S.Amjad Ali dated 04.01.2022 on 06.01.2021 at 11:00 before the Additional Secretary (Establishment), but he wilfully not attended the office of Additional Secretary. So appellant is estopped by his own conduct.

7. That the appellant is not an aggrieved person. Hence the instant Service Appeal may be dismissed inter-alia on the following ground.

GROUND

- a. Incorrect and misleading. The act on the part of respondent is neither in violation of concerned law, nor relevant rule. As per Section 10 of Civil Servant Act 1973, every Government servant is bound to serve anywhere within the province in the best interest of public service without raising any objection in this regard. The Respondent No. 5 have sufficient experience (more than 10 years) of curriculum & textual material development. He leads the provincial team for the development/revision of curriculum for various subjects & grades, especially Accelerated Learning Education Program (ALP) Curriculum (primary and Elementary) for out of school children of Khyber Pakhtunkhwa. He is actively remain engage in the development /revision of Single National Curriculum (SNC) from Grades Pre I-V (Phase-I). Respondent No. 5 was also involved in the development of SNC for Grades VI-VIII (Phase-II) while the SNC for grades IX-X will be developed in the third phase as per vision of the Prime Minister of Pakistan. The said task is underway, which is a policy document / roadmap for millions of children from Grades Pre I-XII that is why the Government posted him back to the Directorate of Curriculum and Teacher Education as Additional Director (Curriculum) in the larger national interest/public interest.
- b. Incorrect, comprehensive reply has already been given in Para No.3.
- c. That the Seniority is never a criteria as part of criteria for posting/transfer as per above stated statutory laws /rules. Detail reply is given in Para a ibid..
- d. Incorrect, hence denied. The detailed reply has already given in forgoing Para No. 04.
- e. Incorrect this may be thought of appellant having no documentary evidence to support his claim.
- f. The action on the part of respondents 1-4 as per law /rules, and they issued posting / transfer order under lawful Authority in public interest.
- g. Incorrect, hence denied. That the detail reply has already given in forgoing Paras.
- h. Incorrect, hence denied. That the detail reply has already given in forgoing Paras.
- i. As already explained in Para-06 above.
- j. The Respondents may also be allowed to raise additional grounds at the time of arguments.

It is, therefore, very humbly prayed that in the light of foregoing comments, the appeal may graciously be dismissed with cost throughout.



SECRETARY

Elementary & Secondary Education Department,
Government of Khyber Pakhtunkhwa Peshawar
(Respondent No.01, 02 & 03)



DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
(Respondent No.4)

**BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR AT
CAMP COURT ABBOTTABAD**

Service Appeal No. 24/2022

Syed Amjid Ali.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary & others... Respondents

AFFIDAVIT

I, Mr. Muhammad Faizan Zeb, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

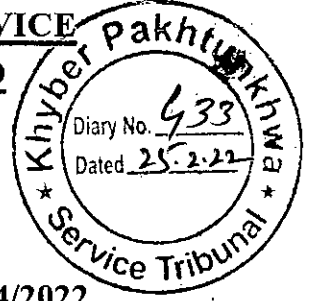
Muhammad Faizan Zeb
DEPONENT

ATTESTED



25-2-2022

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**



Appeal No. 24/2022

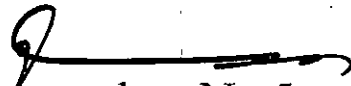
Syed Amjad Ali.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary and
Others Respondents

INDEX

S.#	Description	Page No	Annexures
1	Comments/reply	1-3	
2	Affidavit	04	
3	Copy of the application	05	"A"
4	Copy of the letter issued by E&SED	06	"B"


Respondent No.5

BEFORE THE HONORABLE KHYBRPAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD

SERVICE APPEAL NO.24/2022

SYED AMJAD ALI..... (APPELLANT)

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND
OTHERS..... (RESPONDENTS)

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.5

Respectfully Shewith:

Para Wise Comments on behalf of Respondent are submitted as under:

Preliminary Objections

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the Appellant is not aggrieved person.
3. That Appellant is estopped by his own conduct to approach this Hon'ble Tribunal.
4. The present appeal has been filed to entangle the Department unnecessarily in litigation and to waste the precious time of the respondents as well as of this Hon'ble Tribunal.
5. That the present appeal is against the relevant provision of the Law and rules.
6. That as per Section 10 of Civil Servant Act 1973, every Government Servant is bound to serve anywhere within the province in the best interest of public service without raising any objection in this regard.
7. That in the instant Service Appeal, the Appellant has suppressed material facts from this Hon'ble Tribunal which are sin-qua-non for the just and fair disposal of the case.
8. That this instant appeal is not maintainable in its present form in preview of Section- 10 of Civil Servant Act, 1973.
9. That the transfer order of the appellant was issued in accordance to the rules as per Civil Servant Act, 1973:-
 - a) **Every Civil Servant shall hold office during the pleasure of the Governor".**
 - b) **Every Civil Servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local Authority, or a corporation or body set up or established by any such Government.**
 - c) **As per 2020 SCMR 1432 " Government servant were required to serve where his employer wanted him to serve, it was not a choice prerogative of the employee to claim a right to serve at a place that he chooses to serve.**
10. That all the proceedings have been done by the competent authority as per Law & Rule; hence, the appeal is liable to be dismissed without further proceeding.

Factual Objections:

1. That Para-01 pertains to record, hence, no comments.
2. Incorrect and misleading, that the mutual transfer application (Co-Applicant) was submitted to Secretary Elementary and Secondary Education Department on the **basis of some personal affairs**. As the appellant was interested who has been serving at local station as a Principal since 2009, about 12 years. **(Copy of the application as annexure: "A")**

As explained in Para-02 above, further more I was posted as Additional Director by the Government of Khyber Pakhtunkhwa in the public interest, keeping in view the experience and expertise in the relevant field i.e. Curriculum development and textual material development etc.

3. Incorrect and misleading. The act on the part of Government of Khyber Pakhtunkhwa is neither in violation of concerned law, nor relevant rule. Posting transfer of Civil Servant governed under Section-10 of Civil Servant Act, 1973. Every Government servant is bound to serve anywhere within the province in the best interest of public service without raising any objection in this regard.
4. That appellant is a civil servant working in Elementary and Secondary Education Department, as the aforesaid law and rule does not bar transfer any time in the larger public interest. However, the tenure is provided in transfer policy, and the policy is inferior document then the law/rules ibid and provision of policy does not overrule the provision of Civil Servant Act 1973 and APT rules 1989.
5. It is submitted that as per judgement **2011 SCMR 1111**, appellant could not file instant appeal before this Honourable Tribunal before expiry of period of 90 days from the date of departmental appeal. Hence appeal in hand is **premature and liable to be dismissed in this score alone.**
 - However in response to the departmental appeal, the appellant Syed Amjad Ali was provided the Opportunity of personal hearing by the Elementary and Secondary Education Department vide No.SO(SM)E&SED/7-1/2021/S.Amjad Ali dated 04.01.2021 on 06.01.2021, but he wilfully not attended. So appellant is estopped by his own conduct. **(Copy of the letter as annexure: "B")**
6. That the appellant is not an aggrieved person. Hence the instant Service Appeal may be dismissed inter-alia on the following grounds.

GROUND

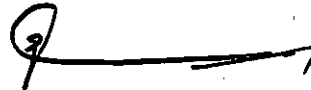
- a. Incorrect and misleading. The act on the part of respondent is neither in violation of concerned law, nor relevant rule, that as per Section 10 of Civil Servant Act 1973, every Government servant is bound to serve anywhere within the province in the best interest of public service without raising any objection in this regard. My transfer was made by the Government of Khyber Pakhtunkhwa keeping in view the relevant expertise and need of the organization. I have contributed in the development/revision of curriculum for various Subjects & Grades, especially Accelerated Learning Education Program (ALP) Curriculum (primary and Elementary) for out of school children's of Khyber Pakhtunkhwa. Also actively remain engaged in the development /revision of Single National Curriculum (SNC) from Grades Pre I-V (Phase-I), the development of SNC for

Grades VI-VIII (Phase-II) while the SNC for Grades IX-X will be developed in the third phase as per vision of the Prime Minister of Pakistan. The said task is underway, which is a policy document / roadmap for millions of children from Grades Pre I-XII.

I have gone through numerous international and national capacity building programs in the relevant field of education. In the light of my contributions and expertise, the Government of Khyber Pakhtunkhwa has posted me as Additional Director (Curriculum) in the larger national interest/public interest.

- b. Incorrect, reply has already been given in para No. 02 &03.
- c. That the Seniority is never a criteria as part of criteria for posting/transfer as per above stated statutory laws /rules. Detail reply is given in an ibid.
- d. Incorrect, reply has already been given in Para No.04.
- e. Incorrect, this may be thought of appellant having no documentary evidence to support his claim.
- f. The action on the part of respondents 1-4 is under the law /rules, and they issued posting / transfer order under lawful Authority in public interest.
- g. Incorrect, hence denied. That the detail reply has already given in forgoing Paras.
- h. Incorrect, hence denied. That the detail reply has already given in forgoing Paras.
- i. As already explained in Para-06 above.
- j. The Respondent may allowed to raise additional grounds at the time of arguments.

It is, therefore, very humbly prayed that in the light of foregoing comments, the appeal may graciously be dismissed with cost throughout.



MR. ZULFIQAR KHAN

PRINCIPAL GHS SHEIKHUL BANDI

ABBOTTABAD

(Respondent No.05)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD**

Appeal No. 24/2022

Syed Amjad Ali.....Appellant

VERSUS

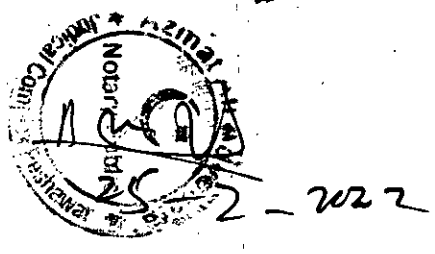
Government of Khyber Pakhtunkhwa through Chief Secretary and
Others..... Respondents

AFFIDAVIT

I, Mr. Zulfiqar Khan Principal GHS Sheikhu Bandi District Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT

ATTESTED



To

The Secretary E & SE Department
Khyber Pakhtunkhwa

THROUGH PROPER CHANNEL

Subject: MUTUAL TRANSFER

SIR

We the following Officers Working in BS-19 in Teaching Cadre in E & SE Department with devotion and commitment and to the satisfaction of our seniors and Department and willing to transfer on Mutual basis due to some personal affairs.

S.No	Name	From	To
1.	Zulfiqar Khan Additional Director BS-19	DCTE KHYBER PAKHTUN KHAWA ABBOTTABAD.	GHS Sheikh Ul Bandi Abbottabad.
2.	Syed Amjad Ali Principal BS-19	GHS Sheikh Ul Bandi Abbottabad.	DCTE Khyber Pakhtunkhwa Abbottabad.

You are therefore requested to approve the proposal and issue order.

Thanks

Dated:- 10.03.2021

Yours Obediently,

1. Zulfiqar Khan Additional Director
DCTE KP ABBOTTABAD.

2. Syed Amjad Ali Principal
GHS Sheikh UL BANDI ABBOTTABAD.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/7-1/2021/S.Amjad Ali
Dated Peshawar the January 04, 2022

To

Syed Amjad Ali
Additional Director (CTR)
DCTE KP Abbottabad.

Subject: - PERSONAL HEARING.

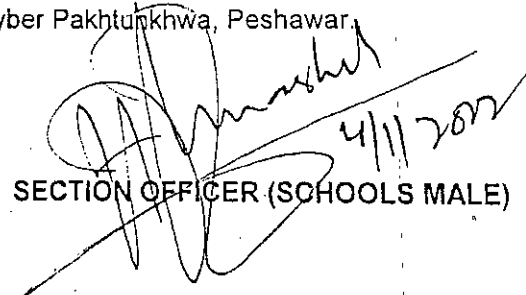
I am directed to refer to your appeal dated 23.12.2021 on the subject noted above and to inform you to attend office of the Additional Secretary (Estab), Elementary & Secondary Education Department, Civil Secretariat Peshawar on 06.01.2022 at 11:00 Am for personal hearing before the said officer, please.


(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the: -

1. Director, DCTE Abbottabad; with the request to inform the incumbent officer.
2. P.A to Additional Secretary (Estb) E&SED.
3. PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.


SECTION OFFICER (SCHOOLS MALE)

کورٹ فیس

وکالت نامہ

Service Tribunal kpk Peshawar بعد ازاں

عنوان: Govt of kpk بنام Jed Amjad Ato

مخانب: Respondent No 5

نوعیت مقدمہ:

باعث تحریر آنک

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آں مقام

Attd M. Arshad Khan Tanoh' Asc Ato

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخنتہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناشر بھینچہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم: 18 مئی 2022

بمقام: Abbottabad

المستقبل

المستقبل

Accepted
M. Arshad Khan Tanoh
Asc Ato

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

Service Appeal No. _____ / 2022

Syed Amjad Ali, (BS-19) Additional Director (CTR) DCTE KP Abbottabad.

...Appellant

Versus

Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

Para wise rejoinder on behalf of appellant is as under:

ON PRELIMINARY OBJECTIONS:

1. Incorrect. The Appellant has brought a valid and potent case before the Honourable tribunal.
2. Incorrect and unjustified.
3. Incorrect, rather Respondent No-5 and Department have created compelling circumstances for the appellant to approach the honorable Tribunal.
4. Incorrect.
5. Incorrect.
6. Incorrect.
7. Incorrect, the Para suffers from misinterpretation of law on the subject and the apex courts have resolved the controversy long ago and the very recent view is also in line with the stance of appellant.
8. Incorrect, sufficiently replied in Para above.

9. Incorrect; sufficiently replied in Para above.
10. Incorrect. The impugned order and proceedings are in blatant violation of law and rules which demand immediate interference.

ON FACTUAL OBJECTIONS:

1. The Appellant is performing duties with sincerity and devotion to the entire satisfaction of his superiors.
2. The Transfer order issued on June 4, 2021, is issued as per policy of the government, whereas transfer order issued on December 23, 2021 is done with open discrimination and against the spirit of Cabinet decision of observing 2 year tenure policy.
3. Incorrect the contents of Para depict an indispensable picture of respondent no-5 who doesn't need to defend him. He is rather relying upon the associates within department, safeguarding their collective interest. The claim of efficiency is neither required in the instant case nor asked by the honorable Tribunal. However honorable Tribunal has directed to observe of tenure, in case nature of post is clarified by the Department. If Mr. Zulfiqar is so competent and indispensable, then the ESED should have defended him to retain him while sending summary to the Competent authority, i.e CM KP in March 2021; instead of accepting the mutual transfer case of both appellant and respondent No: 5. The Appellant is qualified and experienced and the services of appellant have been acknowledged and commended on various fora. Qualifications, relevant experience and certificate of appellant are attached for perusal. **Annexure R-1**
4. The contents of Para 4 of comments are incorrect whereas that of appeal are correct. That Government of KPK E & ADMN: department cabinet wing through its minutes of 41st meeting of the provincial cabinet held on 18-08-2020 directed all Administrative secretaries of Government through letter No.SOC(E&AD) 9-41/2020-dated 24-08-2020

and 13-11-20202, for implementation as per posting /Transfer policy of Provincial government. The same is already available as **annexure A** of instant Appeal.

5. Incorrect, The tenure mentioned in the policy is referred as "inferior", which is against the spirit of justice and numerous judgments of Superior courts and Honorable court.
6. Incorrect. The Honorable Tribunal has applied 15 days in the true spirit of Posting Transfer Policy mentioned in Esta Code 2011 in many cases. Copy of police is Attached as **Annexure R-2**.
7. Incorrect. The appellant is an aggrieved person and hence forced by the respondents to approach the Honourable Service Tribunal.

ON GROUNDS:

- a. Incorrect. The rule / policy do not apply at convenience, in discriminatory and especially in favor of respondent.

The level of contribution towards work is linked with tenure and competency. The appellant also worked as Subject Specialist during 2006 to 2009 (Detail of work done at DCTE is attached) The appellant assumed charge in June 2021, when Single National Curriculum (SNC) 2020 Phase. I was in the implementation stage and Phase. II (VI-VIII) was at Draft Stage, both at Federal and Province. Similarly the Review of textbooks and Supplementary Reading Material developed by the Private Publishers were in progress with only one list of NOCs up to June 2021.

The Appellant is competent and continued to perform all assigned tasks with dedication since June 2021 till date as evident from the achievements of appellant already on record as **annexure R-1**

- b. Incorrect hence denied.
- c. Incorrect hence denied.
- d. Incorrect hence denied.
- e. Incorrect hence denied.
- f. Incorrect hence denied.

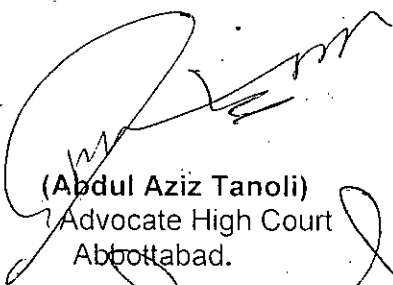
- g. Incorrect hence denied.
- h. Incorrect hence denied.
- i. Incorrect hence denied.
- j. No Comments.

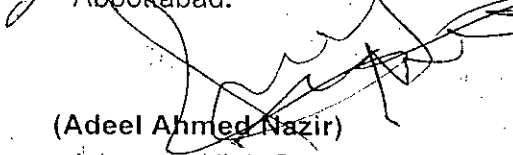
It is therefore requested that the Appeal may kindly be accepted.

Appellant

Through:

Dated: 21-07-2022


(Abdul Aziz Tanoli)
Advocate High Court
Abbottabad.


(Adeel Ahmed Nazir)
Advocate High Court
Abbottabad.

AFFIDAVIT:

I, Syed Amjad Ali, (BS-19) Additional Director (CTR) DCTE KP Abbottabad, Tehsil and District Abbottabad.(Appellant), do hereby affirm and declare that the contents of rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

Dated: 21-07-2022


DEPONENT

A BRIEF OF WORK DONE AT DIRECTORATE OF CURRICULUM & TEACHER EDUCATION N-W.FP (NOW KP) ABBOTTABAD 2006 - 2009



SYED AMJAD ALI

Subject Specialist
Directorate of Curriculum & Teacher Education
N-W.FP Abbottabad

Annexure R1

EDUCATION ACADEMIC 1990 International Islamic University Islamabad

M. SC IN ECONOMICS (3 YEARS DEGREE)

- Passed 20 courses in Economics
- Passed 15 courses in Arabic language and Fiqah-e-Islami
- 3.45 GPA out of 4.00 (FIRST CLASS FIRST POSITION)



EDUCATION PROFESSIONAL 1998 Allama Iqbal Open University Islamabad

M. Ed. in Teacher Education

WORK EXPERIENCE

As Subject Specialist at DCTE N-W.F.P

I have completed the following assignments during my **three years tenure**:

A. COMMENTS ON DRAFT NATIONAL CURRICULA 2006:

1. Islamiat Compulsory for Grade III-XII:

- Act as **Facilitator Islamiat Committee** in the Consultative Workshop on National Curriculum 2006 in Peshawar
- Developed slides for the Presentation of honourable Minister for Schools & Literacy Department N-W.F.P, delivered in the workshop 2006.
- Written comments & Developed final presentation on Islamiat as per the directives of the honourable Minister for Schools & Literacy Department N-W.F.P, who presented it to Federal Government at MOE Islamabad.

2. Islamiyat Advance Grade IX-XII

3. Secretarial Practices Grade IX-X

- 4. Written Comments on the Draft Teaching of Holy Quran & Arabic Language Act 2008. Also act as member and participated a series of meetings in May and June under the Chairmanship of Special Secretary Elementary & Secondary Education N-W.F.P Peshawar.**

B. COMMENTS ON NATIONAL POLICY DOCUMENTS & MANUALS:

Written comments on:

- Draft National Educational Policy 2009,
- Various agenda items & policies on Inter Provincial Education Ministers Meeting (IPEM) on numerous occasions,
- "Green Papers" -National Policy Document, MOE Islamabad.
- Reviewed and updated Training Manuals for the Heads of Middle/ High and Higher Secondary Schools developed by PITE Peshawar.
- Reviewed of Life Skills Based Education Project-UNICEF at MOE Islamabad as member of the National Committee at MOE Islamabad.
- Reviewed of Manual on Parent Teacher Council (PTC) under Revitalizing, Innovating, Strengthening Education (RISE)-USAID Project as member.

C. DEVELOPMENT OF TEACHER TRAINING MANUALS AND REPORTS:

- As Member of "Islamiyat Manual Committee" under CBETTIs-CIDA Assisted for the Elementary School Teachers in N-W.F.P.
- As Member of "School Organization Manual for the Teachers of Deeni Madaris" under BEIP- Norway Assisted in N-W.F.P.
- As Coordinator, written three(3) **Reports on "HIV & AIDS Prevention Education" to UNESCO Islamabad** and recommended for Coordination workshop in Bangkok.
- Assisted as Coordinator in the Development of "**Documentation & Institutional Assessment of DCTE 1998-2008**" under STEP-UNESCO.
- Assisted as Coordinator in the **development of Directory of Teacher Training Institutions** (public & private Sector) in the N-W.F.P under STEP- UNESCO Project.
- Developed and executed **Quality Resource Centre** at DCTE N-W.F.P under STEP- UNESCO Project.

D. DEVELOPMENT OF DCTE POWER POINT PRESENTATIONS:

- Developed more than fifteen Presentation on a variety of topics/subject areas for DCTE, those have been delivered by the then Directors.
- Developed Progress Reports for DCTE as desired by the high ups of the Departments on various occasions during tenure.

A BRIEF OF WORK DONE AS ADDITIONAL DIRECTOR CURRICULUM & TEXTBOOKS REVIEW AT DCTE KP ABBOTTABAD SINCE 2021 TO UPDATE

The level of contribution towards work and performance is linked with tenure and competency. The undersigned assumed charge in June 2021, when Single National Curriculum (SNC) 2020 Phase I was in the implementation stage and Phase II (VI-VIII) was at Draft Stage, both at Federal and Province. The appellant is equally competent and continued to perform all duties with dedication since June 2021 as evident from the following points:

i) COORDINATED IN THE REVISION/DEVELOPMENT OF "CORE CURRICULUM STANDARDS 2022" FOR GRADE VI-VIII (PHASE II):

In August 2021, National Curriculum Council (NCC) stopped the previous curriculum development exercise for Grade VI-VIII (Phase II) and developed new Curriculum and after a series of Curriculum workshops, NCC notified "Core Curriculum Standards" on February 4, 2022 with the active participation of DCTE experts and the appellant coordinated the whole exercise with dedication.

ii) REVIEW OF "CORE CURRICULUM STANDARDS" FOR GRADE VI-VIII (PHASE II) IN KP:

The appellant led the exercise of reviewing the "Core Curriculum Standards 2022" for grade VI-VIII (Phase-II) in the provincial context under 18th Amendment and accomplished the assigned target on March 28, 2022 and submitted the approval of Core Curriculum Case 2022 for grade VI-VIII on the very next day, i.e. March 29, 2022 to the Secretary ESED KP.

iii) REVIEW OF "MODEL TEXTBOOKS FOR GRADE VI-VIII" AT NCC:

Similarly the appellant also coordinated the most difficult task of Review of Multiple Model Textbooks VI-VIII in a limited time, assigned by the ESED at NCC Islamabad in two phases at Inter Provincial Textbooks Review Workshops.

iv) CONCURRENCE OF "CORE CURRICULUM STANDARDS" FROM PROVINCIAL CABINET:

The appellant prepared a case for concurrence of curriculum on March 29, 2022 and personally perused case, as directed by on Chair Secretary. Later on, prepared Final Presentation for the Secretary ESED, who presented it before CM and Cabinet on April 27, 2022. The approval / concurrence was given on April 27, 2022.

v) REVIEW OF "KP PTRC AND SC REVIEW OF MODEL TEXTBOOKS" FOR GRADE VI-VIII" PHASE II AT NCC ISLAMABAD AND ISSUANCE OF NOC OF MODEL TEXTBOOKS:

The appellant prepared a timeline of accomplishing review within a week time, upon the special directives of honorable Minister ESE KP and Secretary ESED by ensuring both PTRC and Select Committee Review at NCC Islamabad w.e.f. April 22 to 28, 2022 and even on April 30, 2022. This kind of emergency Review work never happened before in KP. This herculean task of review and issuance of NOC to model textbooks was accomplished on May 12, 2022. The KP Team efforts, lead by the appellant, have been openly admired by the Director NCC Islamabad as KP is the only province in the country that accomplished all tasks of Phase II and textbooks are in the stage of Printing & distribution at KP TBB.

vi) ACCOMPLISHED REVIEW OF TEXTBOOKS & SUPPLEMENTARY READING MATERIALS AT PRIMARY LEVEL, DEVELOPED BY PRIVATE PUBLISHERS AND INITIATED REVIEW OF PRIVATE PUBLISHERS OF BOOKS FOR GRADE VI-VIII IN PHASE II:

The review of textbooks and supplementary materials developed by the Private Publishers has been accomplished at primary level. Earlier only one List was issued in June 2021. The appellant speed up the process and two more list of NOCs have been issued and nearly the process has ended. Recently with the

6

approval of Director DCTE the review of textbooks developed by private publishers has been started for the grades VI-VIII, based on Curriculum 2022.

vii) REVIEWED OF MODEL TEXTBOOKS FOR ECE-5 (PHASE I) AGAINST NOCs UNDER THE TENURE OF MR. ZULFIQAR KHAN:

The appellant was under fire as the then Secretary was annoyed with a lot of mistakes, he himself identified in two successive meetings that held on August 24 & 25, 2021, shortly after the approval of Model Textbooks for E-5 (Phase I) Textbooks during Mr. Zulfiqar tenure. The then Secretary expressed his anguish and deep concern over the mistakes. He openly criticized the then Director DCTE, Chairman KPTBB and all staff present in those meetings. Later he constituted an independent Provincial Committee under the Chairmanship of Dr. Javeed from ESED to identify the mistakes in the Model Textbooks (E-5) approved under the tenure of Mr. Zulfiqar Khan. Later on Secretary also given the task of reviewing all textbooks from 2018 onwards to Dr. Javeed. This process was initiated in September 2021 and the said Committee submitted its final report after nearly four months on January 13, 2022.

The appellant have to re-assess the whole report, prepared by Dr. Javed from ECE-XII and presented a comprehensive skim report with final recommendations to the then Secretary ESE KP and Chairman KP TBB Peshawar on February 9, 2022 and the same was later on given for implementation to KPTBB before the start of new Academic Session 2022-23. The appellant has been the Focal Person of all stages of review till submission of report.

viii) ENSURED STRICT ACTIONS AGAINST ELITE PRIVATE PUBLISHERS AGAINST SOME NOCs RELATED WITH TENURE OF MR. ZULFIQAR:

The appellant, after receiving written complainants from the Union bearers of Private Publishers in September 2021 that some of the elite private publishers been given undue favours in the issuance of NOCs. Again the period related with Mr. Zulfiqar, Additional Director (i.e prior to the appellant tenure). Upon the directives of the then Secretary and Director DCTE via online meeting in October 2021, a proper investigation was initiated into the complaint made.

Accordingly the NOCs of renowned Publishers have been suspended and canceled and reported the same in written to the then Secretary. All publishers accepted their mistakes in written submitted errata; hence some disciplinary actions have also been taken against the office and field staff in the best public interest. These NOCs, issued during the tenure related with Mr. Zulfiqar, resulted in undue and unjustified pressure upon the undersigned, which was successfully sustained by the appellant.

viii) NOTIFIED NEW SCHEME OF STUDIES 2021 INDUCTION PROGRAM:

The appellant notified new SOS 2021 for the Induction Program Primary level soon upgrade Elementary level.

ix) ALP CURRICULUM REVIEW / RE-ALIGNMENT OF ELEMENTARY:

The appellant review and re-aligned the Elementary Curriculum for Accelerated Learning Program (ALP)/(Now Accelerated learning Pathways) in the light of Curriculum 2022 and also developed Textbooks as per new Curriculum 2022.

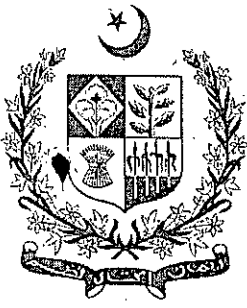
xii) DEVELOPMENT OF ADULT LITERACY CURRICULUM:

The appellant, being the Focal Person in the development of Draft Adult Curriculum, first time in Khyber Pakhtunkhawa and reviewed it, in the light of Curriculum 2022 and soon it will be approved.

xii) ORGANIZED REVIEW OF KPTBB TEXTBOOKS AND DIRECTORATE OF PROFESSIONAL DEVELOPMENT KP TRAINING MATERIALS & ISSUED NOCs:

The appellant has activated the review process of KP TBB books in various subjects and training materials for Induction Program based on new Scheme Of Studies 2022 notified by the appellant and issued NOCs.

7



F.No.2(1)/2020/NCC/TB

Government of Pakistan
National Curriculum Council Secretariat
Ministry of Federal Education and Professional
Training, Islamabad

7A

Assistant Educational Advisor

Islamabad, the 16th May 2022

SUBJECT: COOPERATION TOWARDS DEVELOPMENT OF CURRICULUM AND TEXTBOOKS

Thank you very much for your cooperation in developing Single National Curriculum and the model textbooks for grades 6 to 8. The experts from Directorate of Curriculum and Teacher Education Khyber Pakhtunkhwa played a significant role during the review process. During all the review stages till sharing of the final drafts, your coordination remained excellent.

2. It is hoped that this coordination will continue to be an example during next phases of internationally benchmarked curriculum and quality learning material development for the common cause of quality education for Pakistani students.

With profound regards.

(Suhail Bin Aziz)

Syed Amjad Ali
Additional Director (C&TR)
Directorate of Curriculum and Teacher Education
Khyber Pakhtunkhwa
Abbottabad.

Plot No. 35, Sector H-9/4, Islamabad. Phone No. +92 51 9265567

his domicile and in case of non-availability of a post in the district of domicile, he shall serve for three years in the rural area.

(4) For the purpose of sub-section (3), the doctor shall also provide guarantee of two government officers.

(5) In case of violation of sub-section (3), Government shall serve one month notice upon the doctor for resumption of duty, failing which the amount shall be recovered from him or from the guarantor, as the case may be.

8. Provisions relating to doctors apply to lecturers and instructors. --- The provisions relating to doctors in section 7 of this Act shall mutatis mutandis apply to lecturers and instructors.

9. Act to over-ride other laws.--- The provisions of this Act shall have effect notwithstanding any thing contained in any other law for the time being in force.

10. Jurisdiction barred.--- Save as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 and the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), no order made or proceedings undertaken under this Act, or the rules made there under or any officer authorized by it shall be called into question in any Court, and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance or by any power conferred by or under this Act or the rules.

11. Removal of difficulties.--- Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

12. Power to make rules.--- Government may make rules for carrying out the purposes of this Act.

 GOVERNMENT OF NWFP
 ESTABLISHMENT & ADMINISTRATION DEPARTMENT
 (Regulation Wing)

1. POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.

69

- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
 While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement.

1. Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.
2. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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

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

10

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

1 Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

11

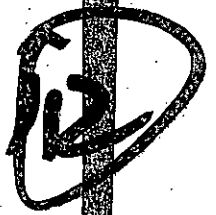
- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
 - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.
- xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases,
- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
 - ii) Serious and grave personal (humanitarian) grounds.

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

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

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.



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

.....
All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.
{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

10. The Competent Authority is pleased to order the transfer of Mr. _____ in the _____ Department and to post him as _____ in the interest of public service, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF NWFP

dst. No. and date even.
copy forwarded

(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

REGIONAL LANGUAGES PRE I-V & ETHICS-III BASED ON CURRICULUM 2013:

14

S.#	Subject	Primer			Grade I			Grade III			Grade IV			Grade V		
		Valid	Invalid	Total	Valid	Invalid	Total	Valid	Invalid	Total	Valid	Invalid	Total	Valid	Invalid	Total
1	Pashto	10	1	11	8	34	43	6	27	35	9	39	46	4	90	94
2	Khawar	-	-	-	3	-	3	5	1	6	5	4	9	1	5	6
3	Hindko	2	1	3	1	-	1	1	9	10	2	7	9	1	8	9
4	Sariki	-	-	-	6	-	6	8	-	8	6	-	6	8	-	8
G. Total		12	02	14	19	34	53	22	37	59	22	50	72	22	96	117

Grade VI-VIII BASED ON CURRICULUM 2006:

S.#	Subject	Grade VI			Grade VII			Grade VIII			
		Valid	Invalid	Total	Valid	Invalid	Total	Valid	Invalid	Total	
G. Total		11	54	65	13	183	196	19	169	178	
1.	English	7	4	11	6	3	9	13	1	14	
2.	Urdu	51	-	51	109	-	109	87	0	87	
3.	Maths	5	6	11	20	5	25	33	7	40	
4.	General Science	Sg=7			Sg=4			Sg=9			
5.	Computer Education	Eng	20	3	23	38	3	41	29	3	32
		Urdu	25	2	27	19	2	21	36	4	40
6.	Islamiat	14	255	269	19	115	134	6	251	257	
7.	Introduction to Technologies	73	52	125	30	11	41	-	-	-	
8.	History	Eng	69	8	77	34	4	38	45	1	46
		Urdu	12	-	12	-	6	6	12	5	17
9.	Geography	Eng	16	150	166	5	19	24	6	44	50
		Urdu	11	41	52	8	16	24	40	10	50
10.	Arabic	8	130	138	5	137	142	5	98	103	
11.	Pashto	-	-	-	8	10	18	10	74	84	
12.	Home Economics	19	30	49	17	18	35	16	28	44	
13.	Ethics	34	14	48	-	-	0	-	-	0	
14.	HPE	20	5	25	35	7	42	12	26	37	
G. Total		402	754	1149	370	539	905	378	708	1077	

* suggestions = sg

GRADE IX-XII BASED ON CURRICUM 2006:

S.#	Subject	Grade IX			Grade X			Grade XI			Grade XII			
		Valid	Invalid	Total	Valid	Invalid	Total	Valid	Invalid	Total	Valid	Invalid	Total	
G. Total		12	77	89	11	99	110	12	165	177	45	282	327	
1.	English	24	21	45	07	11	18	11	03	14	07	01	08	
2.	Urdu	110	01	111	70	0	70	78	0	78	159	6	165	
3.	Maths (Science)	138	02	140	185	01	186	78	-	78	88	-	88	
4.	Maths (General)	49	20	69	34	03	37	39	08	48	78	05	83	
5.	Physics	Sg=58			Sg=35			Sg=31			Sg=54			
6.	Chemistry	58	28	86	27	09	36	87	10	97	62	09	71	
		Sg=41 Rp=10			Sg=11 Rp=7			Sg=21 Rp=7			Sg=6 Rp=6			
7.	Biology	24	15	39	23	24	47	130	117	247	97	42	139	
		Sg=4			Sg=1			Sg=33			Sg=1			
8.	Pak. Studies	Eng	102	20	122	19	1	20	-	-	-	17	-	17
		Urdu	11	6	17	8	2	10	40	14	54	14	08	22
9.	Statistics	-	-	-	-	-	-	-	-	-	-	-	-	
10.	General Science	32	13	45	15	11	26	-	-	-	-	-	-	
		Sg=41			Sg=2			Sg=37			Sg=21			
11.	Computer Edu.	Eng	34	10	44	36	3	39	30	07	37	21	2	23
		Urdu	58	8	66	37	1	38	-	-	-	-	-	-
12.	Islamiat (Elective)	12	197	209	16	211	227	11	138	149	18	268	284	
13.	Islamiat (Compulsory)	4	239	243	-	-	-	10	387	397	-	-	-	
14.	History of Modern World	-	-	-	-	-	-	5	0	5	4	0	4	
15.	Islamic History	-	-	-	04	-	04	57	01	58	36	-	36	
16.	Arabic	8	69	77	6	69	75	3	132	135	2	61	63	
17.	Pashto	10	75	85	10	100	110	02	70	72	22	148	170	
18.	Home Economics	15	19	34	08	19	27	-	-	-	-	-	-	
19.	Civics	30	3	33	24	0	24	70	3	73	37	01	38	
20.	HPE	26	06	32	35	15	50	93	42	135	80	10	90	
21.	Food Nutrition	18	26	44	08	19	27	-	-	-	-	-	-	
22.	Ethics (Composite)	16	5	21	-	-	-	7	3	10	17	1	18	
23.	Urdu (Elective)	12	9	21	-	-	-	51	106	157	37	100	137	
24.	English Literature	-	-	-	-	-	-	3	43	46	-	-	-	

POLICY DECISION RECOMMENDATIONS:

15

- a) It is pertinent to mention that the under reference adopted KP Textbooks for Grades I-V based on Curriculum 2020 have been printed as a "Test Edition" in March 2021 for the Academic Session 2021-22. As per standard practice, an "Evaluation Form" is also attached with each KP Textbooks seeking feedback from all the stakeholders. In the light of feedback received, the process of amendments was supposed to be held in December as per KPTLM Policy and Standard Operating Procedure Section 4.3 notified by E&SED vide letter No: SO(B&T) E&SE/11-5/2017/TBB Dated:20/07/2017, which is reproduced below:

"By the end of December each year DCTE and TBB will jointly evaluate the feedback and agree on any amendments that may be required in the next edition".

However, your good self-interest geared up the process of KP Textbooks Evaluation a bit earlier in August 2021 has been widely appreciated for the provision of quality and error free textbooks in educational institutions of Khyber Pakhtunkhawa.

- b) The Textbooks for Grades VI-XII have been based on Curriculum 2006 and in circulation in educational institutions since 2007 onwards. The SNC for Grade VI-VIII is recently notified by the MOE&PT Islamabad on February 4, 2022 and would be ready for implementation this year. However after the review of DCTE, the concurrence / approval from the Provincial Cabinet is mandatory. Similarly the MOE&PT Islamabad once finalise the textbooks for Grade VI-VIII would hand over to the Province for adoption. Again the KP TBB would send textbooks to DCTE for review and recommend them for approval from the Provincial Cabinet. It is significant to mention that if it happens early, then the decision pertains to Grade VI-VIII corrections, made by the "Subject wise Evaluation Committees" shall be made accordingly in the best public interest and economy of resources.
- c) Overall it is observed that there are least number of mistakes with reference to curriculum / Student Learning Outcomes (SLOs), mental level, cultural discrepancies, connectivity and moral context. During the evaluation in some subjects, the "reviewers of the Coordination Committee" proposed some topics as difficult but could not justify their stance of declaring them as difficult in the presence of a notified and agreed yardstick, i.e Curriculum. It is good to mention that they finally arrived a consensus opinion in most of the subjects. However, most of the mistakes / errors pointed out by the representatives of the "Review Committee", headed by Dr. Javeed, are that of spellings, composing and punctuation and these errors / mistakes were repeatedly written / counted at relevant pages.

Keeping in view the foregoing explanations, it is the proposed that the required subject wise corrections/amendments recommended by the "Subject wise Evaluation Committees" shall be made as per KP TLM Policy 2017 in the best public interest, please.


SYED AMJAD ALI
ADDITIONAL DIRECTOR (C&TR)

Copy for information to:

1. The Chairman KP TBB Phase V Hayatabad Peshawar.
2. P.S to Director local office.

SA
ADDITIONAL DIRECTOR (C&TR)