

(9)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Mst. Sadia Aziz **VERSUS** Secretary ELE & others.

WRITTEN STATEMENT

APPLICATION FOR THE SUSPENSION OF IMPUGNED
ORDER DATED 07/10/2013 ISSUED BY RESPONDENT NO. 1
TILL FINAL DISPOSAL OF APPEAL.

=====

REPLY OF THE APPLICATION ON BEHALF OF
RESPONDENT NO. 3

=====

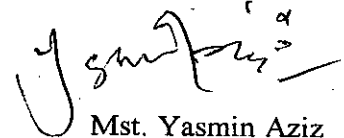
Respectfully Sheweth;-

Reply of the application on behalf of the respondent No. 3;-

The application for suspension is incorrect, baseless and liable to be set-aside. As alleged, the impugned order is not is neither illegal, premature, malafide and nor the out come of poetical interference. The respondent No. 3 rather double of the fix tenure of Govt. employees has bonafidely been transferred to Abbottabad strictly in accordance with the provision of law, rules and policy on the subject matter. The appellant has totally failed to provide any proof / document to subsisted her claim as alleged. It is also brought into the notice of this Honourable High Court that the impugned order being local has already implemented and the appellant has joined her assigned respondent as SDEO (F) Battagram and the respondent No. 3 joined as SDEO (F) Abbottabad.

Since the order in question is already implemented, and that the appellant has also failed to point out irreparable loss or any malafide injustice, and no balance of convenience lies in the favour of appellant.


It is, prayed that the application is liable to rejection and it may kindly be dismissed.



Mst. Yasmin Aziz
...RESPONDENT NO. 3

Dated: 25/3 / 2014

Through

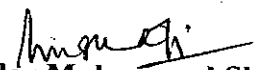



(Sardar Muhammad Shafiq)
Advocate High Court, Abbottabad

AFFIDAVIT

I, Mst. Yasmin Aziz SDEO(F) ELE, Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing reply of application are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.

Identified By;


(Sardar Muhammad Shafiq)
Advocate High Court, Abbottabad


DEPONENT
(YASMIN AZIZ)

25-3-2014

Annexer 'A'

Annexure (A)

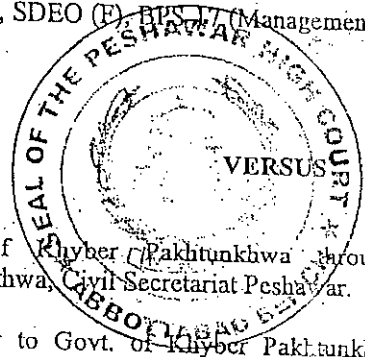
11

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

(Abdul Salam Khan Sarikani)
Civil Judge-V, Abbottabad
3/10/13

W.P No. 427-A /2013

Mst. Sadia Aziz, SDEO (F) BPS-17 (Management Cader) Abbottabad.



...PETITIONER

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa (E&SE) Department Civil Secretariat Peshawar.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female) Abbottabad.
5. Commissioner Hazara Division, Abbottabad.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, AS AMENDED UPTO DATE TO THE
EFFECT THAT THE PETITIONER WAS TRANSFERRED
BY RESPONDENT NO. 2 WITH THE CONNIVANCE OF
OTHER RESPONDENTS THROUGH IMPUGNED
ORDER / NOTIFICATION NO. SO(S/F)E&SE/4-16/2013
DATED 16/05/2013 AND HER SERVICE PLACED AT
THE DISPOSAL OF DIRECTOR ELEMENTARY AND

Certified to be True Copy
Peshawar High Court
Abbottabad Bench
Authorized Under Sec-75 of Ordms

Attested
Mst. Sadia Aziz
Secretary to Govt. of Khyber Pakhtunkhwa
Civil Secretariat Peshawar

PESHAWAR HIGH COURT ABBOTTABAD BENCH

**FORM 'A'
FORM OF ORDER SHEET**

Date 1	Order of the Court with signature of Honourable Judge (s) 2
<p>29.5.2013</p> <p><i>Abdul Salam Civil Judge</i></p> <p>PESHAWAR HIGH COURT ABBOTTABAD BENCH</p> <p>Certified to be True Copy 30.5.13 Peshawar High Court Abbottabad Bench Authorized Under Sec 75 Acts Ordms.</p>	<p>WP No. 427-A/2013</p> <p>Present: Counsel for the petitioner.</p> <p>****</p> <p><u>WAO RAHMED SETH J.</u> As the Hon'ble Supreme Court of Pakistan has declared through a short order that all the appointments/transfers/postings made by the Caretaker Government whether in the Federation or in the Provinces are void ab-initio, null and void and without lawful authority, therefore, instead of pursuing the instant writ petition, petitioner is directed to get a copy of the said order and produce the same before the respondents/authorities asking them to act upon the same and restore her to her previous position.</p> <p>2. Accordingly, the instant writ petition is disposed of in the above terms.</p> <p>SD: <i>JUGES</i></p> <p><i>Attested Mubty Sardar Peshawar District Abbottabad Bench District Court, Abbottabad</i></p>

Annex B

Annex B

13



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SE DEPARTMENT

Dated Peshawar the August 30, 2013.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2013/DDEO's (F) & SDEO's (F): The following posting / transfers of the officers from Management Cadre are hereby ordered in the interest of public service with immediate effect:-

S.No	Name of Officers with designations & place of posting	Proposed place of posting	Remarks
1	Mst. Shamim Akhtar (BPS-18) DDEO (F) Mansehra (Management Cadre)	DDEO (F) (BPS-18) Haripur	Vice S.No.3
2	Mst. Naghmana Sardar (BPS-18) DDEO (F) Dir Upper (Management Cadre)	DDEO (F) (BPS-18) Abbottabad	A.V.P
3	Mst. Rehana Yasmin (BPS-18) DDEO (F) Haripur (Management Cadre)	DDEO (F) (BPS-18) Battagram	A.V.P
4	Mst. Samina Ghani (BPS-18) DDEO (F) Swabi (Management Cadre)	DDEO (F) (BPS-18) Peshawar	Vice S.No.5
5	Mst. Sofia Tabassum (BPS-18) DDEO (F) Peshawar (Management Cadre)	Dy. Director Establishment (F) (BPS-18) Directorate E&SE	Vice S.No.8
6	Mst. Ulfat Begum (BPS-18) DDEO (F) Charsadda	(BPS-18) DDEO (F) Nowshera	Vice S.No. 7
7	Mst. Naheed Anjum (BPS-18) DDEO (F) Nowshera (Management Cadre)	DDEO (F) (BPS-18) Swabi	Vice S.No.4
8	Mst. Zuhra Begum (BPS-18) Dy. Director Establishment Directorate E&SE (F)	DDEO (F) (BPS-18) Mardan	Vice S.No.13
9	Mst. Syeda Anjum (BS-18) DDEO (F) D.I.Khan (Management Cadre)	DDEO (F) (BS-18) Tank	Vice S.No.10
10	Mst. Azra Bibi (BS-18) DDEO (F) Tank (Management Cadre)	DDEO (F) (BPS-18) D.I.Khan	Vice S.No.9
11	Mst. Farzana Begum (BS-18) DDEO (F) Kohat (Management Cadre)	DDEO (F) (BPS-18) Hangu	Vice S.No.12
12	Mst Bibi Rizwana (BS-18) DDEO (F) Hangu (Management Cadre)	DDEO (F) (BPS-18) Kohat	Vice S.No.11
13	Mst. Attiya Sultana (BS-18) DDEO (F) Mardan (Management Cadre)	Her services are placed at the disposal of Directorate E&SE.	

2. They may also be assigned Additional Charge of the post of DEO (F) at the concerned districts.

0997-3103

14

The following Sub Divisional Education Officers (F) are also hereby transferred:

No	Name of Officers with designations & place of posting	Proposed place of posting	Remarks
1	Mst. Sadia Aziz (BPS-17) SDEO (F) Abbottabad (Management Cadre)	SDEO (F) (BPS-17) Dattagram	Vice S.No 2
2	Mst. Yasmin Aziz (BPS-17) SDEO (F) Battagram (Management Cadre)	SDEO (F) (BPS-17) Abbottabad	Vice S.No 1
	Mst. Jamia Rana (BPS-17) SDEO (F) Tank (Management Cadre)	SDEO (F) (BPS-17) Lakki Marwat	A.V.P
	Mst. Rehana Yasmin (BPS-18) SDEO (F) Haripur (Management Cadre)	SDEO (F) (BPS-17) Swabi	A.V.P

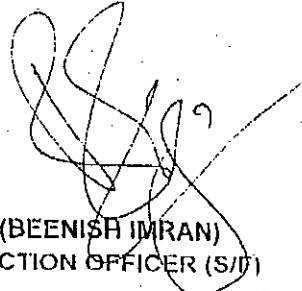
4. No TA / DA are allowed.

SECRETARY

Endst. of even No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Pesh.
2. Director, E&SE, Peshawar.
3. District Education Officer Concerned.
4. District Accounts Officer Concerned.
5. Incharge EMIS, E&SE Department.
6. P.S to Minister E&SE Khyber Pakhtunkhwa.
7. P.S to Secretary E&SE Department.
8. Officer concerned.
9. Office order file.


 (BEENISH IMRAN)
 SECTION OFFICER (S/T)

Handwritten mark



Annexure 15

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SE DEPARTMENT**

Dated Peshawar September 3, 2013.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2013/Sadia Aziz & Yasmin Aziz: The posting / transfer order of the following officers at S.No.1&2 in the list of SDEO (F) (BS-17) issued vide this Department's Notification of even number dated 30-08-2013, is hereby cancelled in the interest of public service with immediate effect.

2. Consequent upon the above the following female officers shall remain posted against their previous stations as under:-

S. No	Name, Designation & place of posting	As
1.	Mst. Sadia Aziz SDEO (F) (BS-17) Battagram (Management Cadre).	SDEO (F) Abbottabad.
2.	Ms. Yasmin Aziz SDEO (F) (BS-17) Abbottabad (Management Cadre)	SDEO (F) Battagram

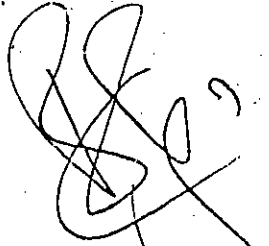
2. No TA / DA allowed.

SECRETARY

Endst. of even No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F), Battagram & Abbottabad.
4. District Accounts Officer Battagram & Abbottabad.
5. Incharge EMIS, E&SE Department.
6. P.S to Secretary E&SE Department.
7. Officer concerned.
8. Office order file.


(BEENISH IMRAN)
SECTION OFFICER (S/F)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SE DEPARTMENT

Amended 'D'

16

Dated Peshawar the Oct 7th, 2013.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2013/ SDEO's (F): The following posting / transfers of Sub Divisional Education Officers. (F) (BS-17) are hereby ordered in the interest of public service with immediate effect:-

S.No	Name of Officers with designations & place of posting	Proposed place of posting	Remarks
1.	Ms. Sadiya Aziz (BPS-17) SDEO (F) Abbottabad (Management Cadre)	SDEO (F) (BPS-17) Battagram	Vice S.No.2
2.	Ms. Yasmin Aziz (BPS-17) SDEO (F) Battagram (Teaching Cadre)	SDEO (F) (BPS-17) Abbottabad	Vice S.No.1
3.	Ms. Rehana Yasmeen (BPS-17) SDEO (F) Swabi (Management Cadre)	SDEO (F) (BPS-17) Haripur.	A.V.P

SECRETARY

End of copy No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F) Concerned.
4. District Accounts Officer Concerned.
5. Incharge EMIS, E&SE Department.
6. P.S to Minister E&SE Khyber Pakhtunkhwa.
7. P.S to Secretary E&SE Department.
8. Officer concerned.
9. Office order file.

(BEENISH MIRAN)
SECTION OFFICER (S/F)

Attest
and

Amrwa D/1 Annexer D/1

17

OFFICE OF THE DIRECTOR SCHOOLS & LITERACY NWFP PESHAWAR.

NOTIFICATION

Consequent upon the approval given by the competent authority, the following mistresses are hereby transferred on their own pay & scales in the interest of public service with immediate effect.

S.No.	Name of mistress	Transferred as	Remarks
1	Mst Yasmin Aziz ADO(F) A/Abad	Dy. DO(F) A/Abad	Against vacant post
2	Mst Aisha Saeed SET GGHS Dhodial Manshra	ADO(F) A/Abad	Vice St.No.1

- Notes:-
1. Charge report should be submitted to all concerned
 2. No TA/DA is allowed
 3. The Executive Dist: Officers (S&L) concerned are directed to check their service documents before relinquish charge to her & making payment of salaries.

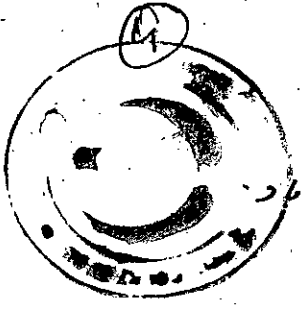
Director of Schools & Literacy
NWFP, Peshawar.

Endst: No. 7615-21 JA-12/Mst Yasmin Aziz. dated Pesh: the 30/6/2006

- Copy forwarded for information and necessary action to the:-
1. Executive Dist: Officers (S&L) concerned
 2. Dist: Accounts Officers concerned
 3. Dy. DO (F) A/Abad
 4. DO(F) Manshra
 5. P.S. to the Minister for Education NWFP.
 6. PA to D.S&L NWFP, Peshawar.
 7. Mistresses concerned

Syed Manzar Jan Sajid
Deputy Director (Establishment)
Schools & Literacy NWFP,
Peshawar Ya

درخواستی ...



دیر عزیز سب ڈویژنل ایجوکیشنل آفیسر (ضلعی میں) لاہور

تمام

MR AZAD ALI
CIVIL JUDGE-VII
ABBOTTABAD. Mop
8/10/13

- 1 حکومت K.P.K بزرگ سیکریٹری ایجوکیشن (E & SE) پشاور
- 2 ڈائریکٹر E & SE پشاور
- 3 یاسین عزیز SDEO (جیڈی ٹیچنگ) ٹیگرا (Teaching cadet)

(د) دعویٰ براد حدود درجی استوار حق بریں قرارداد نہ عدلیہ بطور (B.P.S 17) SDEO (ضلعی میں)

سید آقا میں اپنے مخالفین جنہی سر انجام درسی ہے جبکہ قومی فیصلہ SO (SE & SE) 4-16/2013 SDEO (F)

تاریخ 7/10/2013 جسکی رو سے عدلیہ کو عدلیہ علیا بنی کی جگہ ٹیگرا ام اردی

2407

جو کہ عدلیہ صرف قانون نافذ اوقات اور سیاسی اثر و رسوخ کی بنیاد پر ہی کی گئی اور

297/1

عدلیہ علیا کی تازگی کو قومی فیصلہ نہ بنتا ہے کہ وہ سیاسی علی حکمت اور سیاسی اثر و رسوخ

709

کی بنیاد پر عدلیہ کی تازگی نہ کی گئی اور عدلیہ علیا بنی کی جگہ عدلیہ

08/10/13

کریں جگہ کاروائی صورت عدلیہ پر کالعدم و باطل ہے۔

فیصلہ

حالیہ فیصلہ کو رد میں عدلیہ علیا کی جگہ عدلیہ علیا بنی کی گئی

28/10/13

(ب) دعویٰ براد حدود درجی حکم عدلیہ کی دوائی میں عدلیہ علیا بنی کی جگہ عدلیہ علیا بنی کی گئی

دب

زمنہ فیصلہ عدلیہ علیا بنی (ب) ٹیگرا ام اثر و رسوخ کی بنیاد پر عدلیہ علیا بنی کی جگہ عدلیہ علیا بنی کی گئی

یا سیاسی قسم کی دہر کاروائی یا فیصلہ کاروائی میں عدلیہ علیا بنی کی گئی

حالیہ فیصلہ کو رد میں عدلیہ علیا بنی کی گئی

200 روپیہ

Official Seal of a Civil Judge, Abbottabad, with handwritten signature and date.


3

19

08.10.2013. Plaintiff

Order 5
11.10.13

None is present. Requisition received from the court of AD. AD Post be maintained. This file be sent to the learned court for 14-10-13



(Abdul Salam Khan Sarkani)
Civil Judge-V, Abbottabad

Order No.06
28/10/2013

None is present for plaintiff. Defendant is present. Case file received from appellate court alongwith order dated 26/10/2013, perused, wherein it was held that Civil Court has no jurisdiction in such like matters of service. In view of above, it is held that, this court has got no jurisdiction to entertain matter in issue, which pertains to posting /transfer. Hence plaint is returned to the plaintiff with direction to seek remedy before proper forum.

Moharrir is directed to do the needful and record be consigned to record room.

✓ Announced
28/10/2013


Abdul Salam Khan Sarkani.
Civil Judge-V, Abbottabad



7263 Date 15/03/14

No. of Proceedings /

Year of Filing /

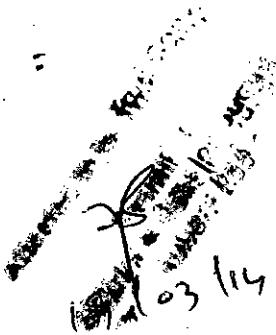
Case /

Plaintiff /

Defendant /

Date of the Judgment 19/03/14

Date of Delivery of Copy 24/3/14

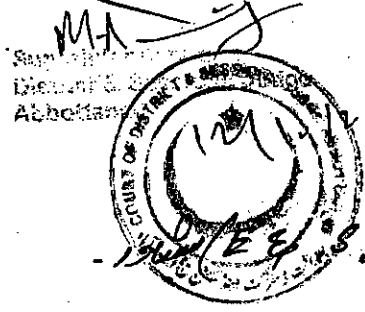

19/03/14

بعد از آنکه در دادگاه محترم رسیدگی شده است و در تاریخ ۱۸/۱۰/۱۳
Annexer F

(20)

مأمورین (SDEO(F) اسس آباد

4



نام

1) صورت K.P.K. بزرگوار سید علی احمد کشتی (E & SE)

2) ڈاکٹر عزیز (E & SE) پیشاور

3) ماسٹر عزیز (SDEO) (Toading) (F) طالب سید محمد

سید اسلم

مقدمہ نمبر

80/14

پہلے بندرانی برصغیر حکم نمبر 11-10-2013ء صادر حالت سول جج اسس آباد

جسکی رو سے صادر حالت نے حکم انتظامی عارف برصغیر و سپرنٹنڈنٹ / درکار علیہم

جاری شدہ قاعدوں کاغذی سپرنٹنڈنٹ غاٹاف و بغیر کسی وجہ سے vacate جاری فیصلہ ایسی

26/10/13

مظہور اسس حکم انتظامی حالت قرارہ 11-10-2013ء منسوخ فرماتے ہوئے

حکم انتظامی عارف برصغیر و سپرنٹنڈنٹ کاغذی سپرنٹنڈنٹ غاٹاف

در رو سے حکم انتظامی حالت عارف حکم انتظامی جاری فرمایا گیا

Attested to be True Copy

Examiner District & Session Judge Abbottabad

28/3/14

نہا ایک درجہ / اسپرنٹنڈنٹ قرارہ 11-10-2013ء کو حالت سپرنٹنڈنٹ / درکار اور

سابق حکم انتظامی عارف کا درجہ سبھی ریزی جس پر صادر حالت

نے حکم انتظامی عارف جاری فرمایا / درکار علیہم / سپرنٹنڈنٹ کاغذی

کا سب قرارہ 11-10-2013ء قرارہ

P-7-0

T4 ADJ-VI 2013 AST VII 2013

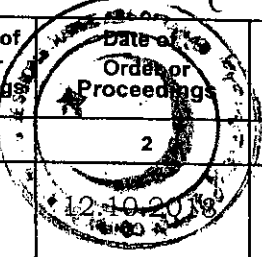
FORM "A"
FORM OF ORDER SHEET

Anexor (F)

Court of ADJ-VII (24)

Case No. 2013 50/14

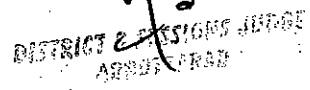
Serial No of Order or Proceedings	Date of Order or Proceedings	Order or other proceedings with Signatures of Judge or Magistrate and that of parties or counsel where necessary
1	2	3



Civil Appeal presented by Abdul Aziz Khan Tanoli, Advocate. Vakalatnama dully checked. Submitted for order today.

Md. [Signature]
Superintendent to,
District & Session Judge,
Abbottabad

Entrusted to learned ADJ-VI



مقدمہ نمبر

50/14

12.10.13

12/10/13

Or.....01
12.10.2013

فیصل ایچی

26/10/13

517

717

Or.....02
14.10.2013

Civil appeal received from the court of learned District Judge, Abbottabad. It be checked and registered. To come up for preliminary arguments on 14.10.13. In the meanwhile ^{record of the trial court} ~~requisitioned~~ be requisitioned for the date fixed.

[Signature]
(Jehangir Khan)
Additional District Judge-VI,
Abbottabad

Attested to be true copy
Examiner
District & Session Judge
Abbottabad

18/3/14

Appellant not present, however, the order regarding the transfer of the instant appeal received from the court learned Sessions Judge, Abbottabad wherein the instant appeal has been transferred to the court of learned ADJ-VII, Abbottabad, therefore, Moharrar of the court is directed to send the case file immediately to the court concerned. Parties are directed to appear before the said court today. Moreover, record of the trial court received and placed on the file.

[Signature]
(Jehangir Khan)
Additional District Judge-VI,
Abbottabad

22

3

interfere in the matters relating to the terms and conditions of any civil servant in view of article 212 of the Constitution of Pakistan 1973. This court has no jurisdiction in the matter in issue, hence the instant misc. civil appeal is hereby rejected.

File be consigned to record room after necessary completion.

Announced:
26/10/2013.

Amir
26/10
(AURANGZEB)
ADJ-VII, ABBOTTABAD.

Attested to be True Copy
Examiner
District & Session Judge
Abbottabad
18/3/14

No. 7262 Date 15/03/14

~~7262~~

D of Presentation Application _____

I.e of Record _____

Copying Fee _____

Urgency Fee _____

Total _____

Name of Copy *Adm* _____

Date of Preparation of Copy 18/03/14

Date of Delivery of Copy 19.03.14

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

(23)

W.P No. 767 -A/2013

Mst. Sadia Aziz, SDEO (F), BPS-17 (Management Cader) Abbottabad.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (F) Abbottabad.
5. Mst. Yasmin Aziz SDEO(F) Teaching Cadre, Battagram

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, AS AMENDED UPTO DATE.

Certified to be True Copy

[Handwritten signature]
Peshawar High Court
Abbottabad Bench
Authorized Under Section 40 of Ordinance
No 10-10-1

PRAYER:- ON ACCEPTANCE OF INSTANT WRIT
PETITION, IMPUGNED TRANSFER
ORDER/NOTIFICATION NO. SO(S/F)E&SE/4-
16/2013/SDEO (F) DATED 07/10/2013 MAY KINDLY BE
DECLARED ILLEGAL, VOID, UNLAWFUL, WITHOUT

PESHAWAR HIGH COURT

[Handwritten signature]
10/10/13

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.
JUDICIAL DEPARTMENT

W.P No. 767-A of 2013

JUDGMENT

Date of hearing 10-10-2013

Appellant(s)/Petitioner (s) Sadia Aziz by Abdul Aziz

Respondent (s) Govt of KP

MRS. IRSHAD QAISER, J:- Mst. Sadia Aziz, petitioner seeks the Constitutional jurisdiction of this Court and praying that;

“The impugned transfer order/notification- No.SO(S/F)E&SE/4-162013/SDEO (F) dated 07.10.2013 may kindly be declared illegal, void, unlawful, without lawful authority and thus ineffective upon the rights of the petitioner and the petitioner may kindly be allowed to continue her duties and complete her normal tenure as SDEO(F) BPS-17, Abbottabad. Any other relief deemed proper may also be allowed.”

2. We have heard learned counsel for petitioner and perused the available record with his assistance.

3. Admittedly, petitioner is a provincial government employee and transfer of the petitioner falls within the scope of terms and conditions of service and this Court under the Constitutional jurisdiction in view of bar contained in Article 212 cannot exercise jurisdiction in such

certified to be true copy
Peshawar
10/10/2013
IRSHAD QAISER

like matter, in particular, after the decision of Constitutional petition in W.P No.3442-P/2012 dated 06.02.2013, wherein it is held that this Court under Article 199 of the Constitution of Islamic Republic of Pakistan 1973 has no jurisdiction to interfere in the matters relating to the terms and conditions of the civil servant. However, this Court is of the view that the alternate remedy is available to the petitioner for redressal of her grievance. As such, case of petitioner is not maintainable under the provision of Article 199 of Constitution.

4. Accordingly, for the reason stated above, the petition being devoid of any merit is dismissed.

Announced:
10.10.2013

Certified to be True Copy
25/10/13
Examiner
Peshawar High Court
Abbottabad Bench
Authorized Under Section 73-A of the Ordinance

The newly appointees are required to produce their age and Health certificate from the Medical Supdt: concerned and no pay etc shall be drawn untill and unless they produce the above certificate from the said post.

- 6. All of them shall not claim seniority over their seniors.
- 7. The regularization of post will be taken later on.
- 8. Sr. No.1 and 5 will submit revised charge reports of their taking over charge after the issue of this order.
- 9. Incase the candidates fails to join the post within 15 days of the issue of this order, the/their appointment shall stand automatically cancelled.
- 10. Incase the candidate wish to resign from service she should have give one month 's prior notice or forefiet one month's pay in lieu of notice.
- 11. The verification Roll of Character and anticident duly verifi -ed by the Police authority may be sent to this office for record.

(SHAFQAT HUSSAIN)
I/C DIRECTOR OF EDUCATION(SCHOOLS),
HAZARA DIVN: A.ABAD.

Endst: No. 28143-93 / A.E. II Dated A/Abad the 20.9. /1989.
Copy to:-

- 1. The Director of Education(S) NWFP Peshawar.
- 2-5 The Divl : Director of Education (3) Kohat, DI Khan Peshawar and Malakand at Gul Kada-Swat.
- 6-7 The DEO(F) Abbottabad and Mansehra.
- 8-10 The S.D.E.O.(F) A/Abad, Mansehra & Haripur.
- 11- The Headmistress GCHS Sirikote, Sarae Nehmat Khan, Behali, Sherwan, Malikpura, Khanpur, Daffa, Rajoaya, Attar Shisha, No.1. A/Abad, Kunj, KT Ship, Hajia, Oghi, Darband, Havelian, No.2. A/Abad
- 28-31 The Headmasters GGMS Shohal Najaf Khan, Kawai, Rajoaya, Jagra 32-49 Sr. No.2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 22, 23 24 and 25
- 50. AE III and IV local Directorate.
- 51. O.O. File.

Director of Education
School Literacy
Department

For/ Director of Education(S),
Hazara Divn; A/Abad.

OFFICE OF THE DIRECTOR SECONDARY EDUCATION NWFP PESHAWAR

NOTIFICATION

The Governor N.W.F.P in Consultation with the Departmental Promotion Committee is pleased to award BPS-17 as Selection Grade to the following Senior English Teacher BPS-16 with effect from the dates noted against each: -

S.No	Name / Father Name / & Schools.	Date of award of s/Grade B-17
1	Naseem Ara D/O Muhammad Naem BA, Bed, GGHS, Haji Abad, Dir	18/11/96
2	Mumlikat D/O Safdar Khan, BA, Bed GGHS. Lund Khawar (Mardan)	05/12/96
3	Jehan Ara Begum D/O Hamid Jalal, BA, Bed, ASDEO(F) Chitral	05/12/96
4	Naheed Akhtar D/O Ghulam Yasin, BA, Bed, GGHS No.1 Bannu	05/12/96
5	Roshan Jehan Bibi D/O Ghulam Rasul, BA, Bed, GGMS, Mitha Pur D.I. Khan	10/12/96
6	Shahnaz Begum D/O Sultan Muhammad, MSc, B.Ed ADO(F) Pry: Peshawar Now working on depoton F.G Secy: School Qadiyazim University colony Islamabad	12/12/96
7	Rehana Kousar D/O Mirza Ashraf, BA B.Ed GGMS, Kotewali (A/Abad)	01/04/97
8	Naheed Fida D/O Fida Muhammad, MA, B.Ed, GGHS, NO:1, Haripur	01/04/97
9	Hasina Shaheen D/O Muhammad Yaqub BA, B.Ed, GGHS, KT-Ship No:2 (Haripur)	01/04/97
10	Bibi Nighat Ara Begum D/O Habibur Rehman, BA, B.Ed, GGMS, Batagram	01/04/97
11	Nasreen Akhtar GGHS Kot Najib ullah Haripur	01/04/97
12	Shahida Nasreen D/O S: Muhammad Yousaf, BA, B.Ed, GGHS, Toru (Mardan)	01/04/97
13	Masoom Jan D/O Pir Faziie Rauf, BA, B.Ed GGHS, Takht Bhai (Mardan)	01/04/97
14	Saeeda Begum D/O Muhammad Afzal, BA, B.Ed, GGHS, T/Bhai (Mardan)	01/04/97
15	Riffat Naz I/C SS D/O Said Mohibullah, M.Sc B.Ed, GGHS, Mathra Peshawar	01/07/97
16	Farhat Akhter D/O Abdur Rahim, B.Sc B.Ed, GGHS, Chamkani (Peshawar)	26/8/97
17	Mamoona Hamid Lodhi I/C SS D/O Abdul Hamid Lodhi, M.Sc, B.Ed, GGHS, Comp: A/A	01/09/97
18	Lubna Tabassum D/O Faqir Hussain, B.Sc, B.Ed, GGHS, Utmanzai (Chd)	1/09/97

Attention to Ms. Riqwan S.B.

S.O. C.P. Sechedarya

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	Malik D/O Malik Noor Muhammad, GGHS No.1 (Haripur)	01/09/98
	Asmin Aziz D/O Abdul Aziz, SET, BA, B.Ed, ADEO (F) P.ry. A/Abad	01/09/98
	Rubina Abbasi D/O Bashir Ahmd Abbasi, SET, BA, B.Ed, GGHS, No.2 Lakki	01/09/98
	Nargis Ara D/O Muhammad Ibrahim, BA B.Edm ADEO (F) P.ry. A/Abad	01/09/98
	Atlia Firdous D/O S.Muhammad Shah, SET, BA, B.Ed, GGMS, Mir Ahmad Khel (Kohat)	01/09/98
	Naseem Akhter D/O Noor Muhammad, SET GGMS, Mansehera	01/09/98
	Umbreen Iqbal D/O Qazi Muhammad Iqbal, BA, B.Ed, GGHS, NO:2, A/Abad	01/09/98
	Nasreen Akhtar D/O Ghulam Hussain, SET, BA, B.Ed, GGHS, Seri Kot	01/09/98
	Naeema Begum D/O Muhammad Faridoon Khan, SET, BA, B.Ed, GGHS, Bala Kot Mansehra	01/9/98
5.	Bibi Amina D/O Syed Muhammad Shah, SET, BA, B.Ed, GGHS No.1 Mansehra	01/10/98
6.	Aziza Khatoon D/O Nawab Khan, BA, B.Ed GGMS, Shehria Mansehera	01/10/98
7.	Rukhsar Begum D/O Raja Misri Khan, SET, BA, B.Ed, GGHS, Kunj A.Abad Retired on 3/4/2000	01/10/98
8.	Sajida Bibi D/O Abdur Rashid, M.Sc GGHS, NO: 2, A/Abad	01/11/98
9.	Mussarat Shaheen D/O Ghulam Rasul SET, BA, B.Ed, GGMS, Meelam (Haripur)	01/11/98
10.	Parveen Aziz D/O Abdul Aziz, BA, B.Ed GGHS, Datta (Mansehra)	01/11/98
11.	Parveen Akhter D/O. Khan Bad Shah, BA, B.Ed, GGHS, Takhti Nasrati (Karak)	01/11/98
12.	Nighar Yasmin D/O Lal Din, MA, B.Ed GGHS, NO:2, Haripur	01/11/98
13.	Bibi Fatima D/O Guleen Khan, BA, B.Ed GGHS, Shakardara (Kohat)	01/11/98
14.	Farzana Bilqees D/O Muhammad Ashraf, SET, BA, B.Ed, GGHS, Hattar (Haripur)	01/11/98
15.	Shabnam Ara D/O Malik Abdul Sami B.A, B.Ed, GGHS, NO:2, Haripur	01/11/98
16.	Shaheeda Nameer D/O Nameer Khan, BA, B.Ed, GGHS, Jogiwara (Peshawar)	01/11/98
17.	Asmin Begum D/O Habibullah, SET, BA, B.Ed, GGHS, Pahar pur D.I.Khan	01/11/98
18.	Rashida Begum D/O Ali Abas Khan, BA, B.Ed, GGMS Bund Kuri (D.I.Khan)	01/11/98
19.	Gul Naz D/O Naseeb Gul, BA, B.Ed, GGHS, Takhti Nasrati (Karak)	01/11/98
20.	Dilshad Begum I/C SS D/O Sher Nawab Khan, SET, BA, B.Ed, GGHS, S.K Bala Bannu	01/12/98
21.	Kanwal Yasmin D/O Malik Mehraban Shah	01/12/98

Attachments to Mr. Rizwan Sb.
SO CM. Secretariat

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	Tanvir Akhter D/O Ghulam Qadir Shah, SET BSc, Bed, GGHS, NO: I, A. Abad	21/05/99
146	Rizwana Saeed I/C SS D/O Muhammd Ashraf, SET BA, B. Ed; GGHS, Malik Pura	21/05/99
147	Mumliakat Bibi D/O Saeed Malook, SET BA, B. Ed, ASDEO(F) Batkhela	21/05/99
148	Hamida Bibi D/P Ghulam Sarwar, SET BA, B. Ed, GGHS, Hajia Abad	21/05/99
149	Zainab Begum D/O Mamood, SET, MA, B. Sc, BEd, GGHS, Chakdara	21/05/99
150	Shaheen D/O Abdul Jalil, BA, B. Ed, GGHS, Taimargara Dir	21/05/99
151	Nuzhat Fatima D/O Ghayasuddin, MA, B. Ed SET, GGHS, Risalpur NSR	21/05/99
152	Imtiaz Begum D/O Haji Ahmad Gul, SET MA, B. Ed, GGHS, Khair Abad NSR	21/05/99
153	Saeeda Tun Nisa D/O Hussain Ali Shah SET, BA, B. Ed, GGMS, Choudwan(DIK)	21/05/99
154	Farhat Jehan D/O Abdul Aziz, SET, BA, B. Ed, GGHS, Togh Bala (Kohat)	21/05/99
155	Kousar Shaheen D/O Rokhan Afridi I/c SS GGHSS Umarzai Charsadda	21/05/99

DIRECTOR SECONDARY EDUCATION
N.W.F.P, PESHAWAR.

Endst: No. 1008-1370 /General /Selection /Grade/SET (F) W-II Dated Peshawar the 13th May 2002

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Copy of the above is forwarded for information and necessary action to the
Accountant General NWFP, Peshawar.
Director Primary Education & Literacy NWFP, Peshawar.
Director of Education (FATA) NWFP, Peshawar.
Director General of Education Federal Government Islamabad.
Section Officer (Schools) Education and Literacy Government of NWFP
Peshawar with reference to his letter No. SO (S) 2-4/2002/Minuts dated
23/4/2002
PS to Secretary Education NWFP, Peshawar.
All Executive District Officer Education & Literacy in NWFP.
All District Accounts Officer in NWFP.
Agency Accounts Officer concerned.
Agency Education Officer concerned.
Principal / Headmistress concerned.
Deputy District Officer (F) concerned.
Officials concerned
P.A to D. S., E NWFP, Peshawar.

District Officer (M)
Schools & Literacy
Abbottabad

DEPUTY DIRECTRESS
Secondary Education NWFP
Peshawar

GOVERNMENT KHYBER PAKHTOONKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Accountant
Annexer (J)
31

Dated Peshawar the 15.06.2010

NOTIFICATION

NO. SC(E&SE)/4-10/2010/DOs/DOOs/(M&F). The competent authority is pleased to order the posting/transfer of the following officers of Elementary & Secondary Education Department, as mentioned against their names, in the interest of public service, in relation of ban with immediate effect :-

S.No.	Name of officer	From	To
1	Mr. Fida Muhammad	Principal (BS-18), GCMS Battagram	District Officer Male (BS-18), E&SE Battagram. Against vacant post.
2	Mr. Muhammad Younas	ADO (BS-16), E&SE Batagram	DDO Male (BS-17) E&SE Batagram in his own pay scale. Against vacant post
3	Ms. Yasmin Aziz	Headmistress (BS-17) GHS Khanspur Ayubia Abbottabad	DDO Female (BS-17), E&SE Batagram. Against vacant post.


2- No TA/DA is allowed.

SECRETARY

ENDST. NO. & DATE EVEN.

Copy to :-

1. The Accountant General Khyber Pakhtoonkhwa, Peshawar.
2. The Director E&SE Khyber Pakhtoonkhwa, Peshawar.
3. Executive District Officers (E&SE) concerned.
4. District Account Officers concerned.
5. DDBA E&SE Deptt.
6. PS to Minister for E&SE KFK.
7. PS to Secretary E&SE Deptt.
8. PA to Addl. Secretary (E&SE) Deptt.
9. Officers concerned.
10. Office order.


Section Officer (Schools)

Annex 39

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the 07.04.2012.

No. SO(G)/E&SE/1-76/2011/M&T/Vol-III.- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(G)/E&SE/1-76/08/M&T: dated 04-05-2009, the following amendments shall be made, namely:

AMENDMENTS

In the APPENDIX,-

- (1) against serial No. 1, -
 - (a) in column No. 2, the word "COMBINED" shall be deleted; and
 - (b) in column No. 5, for the existing entry, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the BPS-19 officers of the Schools Management Cadre with at least five years service in BPS-19 or seventeen-years service in BPS-17 and above or by transfer of a BPS-20 officer from the Teaching Cadre.";
- (2) against serial No. 2,-
 - (a) in column No. 2, the brackets and word "(COMBINED)" shall be deleted;
 - (b) in column No. 3, the existing entries shall be deleted; and
 - (c) in column No. 5, for the existing entries, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the BPS-18 officers of the Schools Management

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Cadre with at least seven years service as such and have availed trainings in the relevant field as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-19 officer from Teaching Cadre.”

(3) under the heading “SCHOOLS MANAGEMENT CADRE (MEN’S SECTION)”,-

(a) against serial No. 1,-

(i) in column No. 3, for the existing entries, the following shall be substituted, namely:

“At least M.A/M.Sc in second division with M.Ed/M.A (Education)/M.A (Education Planning and Management) with five years teaching/administrative experience in BPS-16 or above in Government recognized Educational Institution/office.”; and

(ii) in column No.5, for the existing entries, the following shall be substituted, namely:

“(a) Eighty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-17 Officers of the Schools Management Cadre with at least five years service as such and have availed trainings in the relevant field as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-18 officer from Teaching Cadre; and

(b) twenty per cent by initial recruitment on syllabus based examination.”;

(b) against serial No. 2, in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst BPS-16 Officers of the Schools Management Cadre with at least five years services as such or by transfer of a BPS-17 officer from Teaching Cadre; and

(b) fifty per cent by initial recruitment on syllabus based examination.”; and

(c) against serial No. 3, in column No. 5, for the existing entry, the following shall be substituted, namely:

“By initial recruitment on syllabus based examination.”;

(4) under the heading “SCHOOLS MANAGEMENT CADRE (WOMEN’S SECTION)”,-

(a) against serial No. 1,

(i) in column No. 3, for the existing entries, the following shall be substituted, namely:

“At least M.A/M.Sc in second division with M.Ed/M.A (Education)/M.A (Education Planning and Management) with five years teaching/administrative experience in BPS-16 or above in Government recognized Educational Institution/Office.”; and

(ii) in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Eighty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-17 Officers of the Schools Management Cadre with at least five years service as such and have availed trainings, in the relevant field, as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-18 officer from Teaching Cadre; and

(b) twenty per cent by initial recruitment on syllabus based examination.”;

(b) against serial No. 2, in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-16 Officers of the Schools Management Cadre with at least five years services as such or by transfer of a BPS-17 officer from Teaching Cadre; and

(b) fifty per cent by initial recruitment on syllabus based examination.”; and

(c) against serial No. 3, in column No. 5, for the existing entry, the following shall be substituted, namely:

"By initial recruitment on syllabus based examination."

Note: The phrase "by transfer for" in these service rules shall mean transfer of the Officer from Teaching Cadre to Management Cadre and vice versa for posting purpose in pursuance of section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and shall not vest a right of appointment or absorption or promotion against the post on regular basis.

**SECRETARY TO GOVERNMENT OF THE
KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY
EDUCATION DEPARTMENT**

No. SO(G)/E&SE/1-76/2011/M&T/Vol-III. Dated Peshawar the 07.04.2012

Copy forwarded to the: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
5. All Directors, E&SE in Khyber Pakhtunkhwa.
6. All Executive District Officers, E&SE in Khyber Pakhtunkhwa.
7. Director Information, Khyber Pakhtunkhwa, Peshawar with the request to give wide publicity.
8. Manager, Govt: Printing Press Peshawar for publication in the next issue of Govt: Gazette.
9. P.S to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
10. P.S to Minister for E&SE Khyber Pakhtunkhwa, Peshawar.
11. PS to Secretary, E&SE Department.
12. PS to Special Secretary, E&SE Department
13. PS to Additional Secretary, E&SE Department.
14. PA to Deputy Secretary (Admn), E&SE Department.
15. PA to Deputy Secretary-II, E&SE Department.
16. All Section Officers/Planning Officers, E&SE Department.

Naemullah
(NAEMULLAH)

SECTION OFFICER (GENERAL)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 74/2014.

Mst. Sadia Aziz, S.D.E.O (F) (BS-17) Abbottabad.....**Appellant**
VERSUS
Secretary Elementary & Secondary Education Peshawar & others..... **Respondents**

Parawise comments for & on behalf of Respondent.

**Respectfully Sheweth,
Preliminary Objections:-**

1. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
2. The appellant has no cause of action/ locus standi.
3. The instant appeal is badly time barred.
4. The appellant has concealed the material facts from this Hon 'able Tribunal, hence liable to be dismissed.
5. The appellant has not come to this Hon 'able court with clean hands.
6. The appellant has filed the instant appeal just to pressurize the Respondents.
7. The present appeal is liable to be dismissed for non joinder / misjoinder of necessary parties.
8. The appellant has filed the instant appeal on malafide motives.
9. The instant appeal is against the prevailing law and rules.
10. The appellant is estopped by his own conduct to file the instant appeal.
11. Section 4 & 10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 empower the Executive authority regarding posting/Transfer for civil servant to anywhere in the Province or out side the province including the petitioner.
12. That the post of SDEO is not tenure oriented post and a civil servant can hold it during the pleasure of the Executive authority.
13. That the appellant wants to stick to the post of her own choice in violation of provisions contained in the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989, and posting transfer policy of the Provincial Government.

FACTS.

1. This para is related to the Service record of the appellant and the statement of the appellant is not supported by documentary proof hence no comments.
2. The Transfer and cancellation are issued by the competent authority in the best interest of public and for the sake of smooth running of the Department and to comply with the court orders hence the appellant has no reason to be aggrieved of the said orders.
3. The said order are self explanatory and in the best interest of public by the competent authority in accordance with law rules and policy on the subject.

4. Incorrect and denied:- The said order as mentioned in this para was also issued by the competent authority in accordance with law on the subject.
5. Incorrect. The Departmental appeal as annexed with instant appeal at page 12 is not diarized nor through proper channel hence not found in the record of this office, hence not maintainable in the eyes of law.
6. Incorrect and not admitted. Keeping in view the law, rules on the subject as points raised in preliminary objection the order dated 7-10-2013 as mentioned in this para is in accordance with law, fact and principles of justice and the appeal in hand is liable to be dismissed inter-alia on the following grounds:-

ON GROUNDS.

- A. Incorrect and not admitted. The mentioned order is legal one by the competent authority.
- B. That the appellant has been treated in accordance with law, rules and policy on the subject and no norms of justice have been violated.
- C. Incorrect and not admitted. The statement of the appellant in this para is baseless, against the facts, material on record and not supported by any documentary proof and also a manufactured one. hence denied.
- D. Incorrect and not admitted. The statement of the appellant in not supported by any proof.
- E. Incorrect and not admitted. The order mentioned in this para is in accordance with transfer & posting policy.
- F. This para pertains to court record hence no comments.
- G. Incorrect and not admitted. No political pressure was accepted by the respondent hence denied.
- H. Incorrect and not admitted. The appellant wants to stick to the post of SDEO (F) of her own choice in violation of law, rules and policy on the subject as mentioned in the preliminary objectives.
- I. The para is related to service record of the appellant hence no comments.
- J. That the respondent seek the permission of this Hon'able Tribunal to adduce more proofs and grounds at the time of hearing.

In view of the above made submissions, it is requested that this Honourable Court may very graciously be pleased to dismiss the present appeal with cost in favour of the Respondents.

Secretary,
Elementary & Secondary
Education, Department.
(For & on behalf Respondents No. 1 & 2)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sādia Aziz.....Appellant.

VERSUS

Secretary & two others.....Respondents

Replication on behalf of the appellant

Rely to Preliminary Objections

All the objections raised by the respondents are incorrect and are denied. Appeal of the appellant is well within time, the appellant has got prima facie case and cause of action, in which all necessary parties have been imp leaded and the appellant is not estopped by her own conduct to file the present appeal. The appellant has concealed nothing from this honorable Tribunal, has come to this honorable tribunal with clean hands and appeal of the appellant is competent in its present form. Instant appeal is not based on malafide, rather the appellant has been treated in violation of law, rules and policy on the subject, and as such the instant appeal is for the sake of justice which is according to law and rules on the subject. The appellant is not stick to the post of her choice, but wants her treatment according to law and rules, the post of SDEO is a tenure oriented pot like other posts and the appellant could be transferred but according to law and rules on the subject and requests for treatment according to law and rules on the subject.

Reply to Facts/Grounds

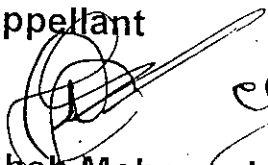
The comments of the respondents are full of admissions, and they have not denied the pleas taken by the appellant. The comments of the respondents are full of contradictions and they have failed to deny the version of the appellant. Respondents have failed to prove that respondent No 3 comes of the Management Cadre and as such her transfer order is illegal and not tenable in the eyes of law. It is worth while to mention here that Management Cadre was bifurcated in the year 2009, and the posting/transfers were made in consequent to

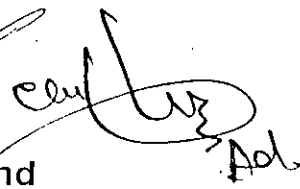
bifurcation in the year 2011, as such the version of respondent No 3 is wrong being baseless and unfounded. Even respondent No 3 was posted illegally in the year 2005 to 2008, in BPS-17 though she was in BPS-16 owing to her political affiliation and influence and as such she unlawfully exercised her powers. Respondent No 3 was once even deserted from District on disciplinary grounds. Even respondent No 3 appeared in the Public Service Commission along with the appellant but she was unable to qualify the same while the appellant qualified the same with distinction.

So far the claim of the respondents regarding the filing of Departmental appeal is concerned the same is negated on record, for, the appellant was called for personal appearance on her departmental appeal. (Copy enclosed as Annexure H). The appellant was posted in Management Cadre as SDEO in March 2012, the documents regarding the claim of the appellant are on record and respondents have miserably failed to negate the version of the appellant. The claim of respondent No 3 regarding her appointment in Management Cadre in the year 1989 is totally baseless and unfounded as it did not exist at that time. Respondents have failed to show that the impugned order is not politically motivated and that the same is not premature. Respondents have also failed to reply and explain material legal questions of the appellant. The appellant has not been treated in accordance with law and she has been condemned unheard, thus the impugned order is not tenable in the eyes of law and liable to be struck down on this score alone.

It is there fore prayed that appeal of the appellant may kindly be accepted as prayed for.

Dated: ³⁰~~29~~ 04-2014

Appellant
Through 
Fazal Shah Mohmand
Advocate Peshawar


Adv.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia
Aziz.....Appellant

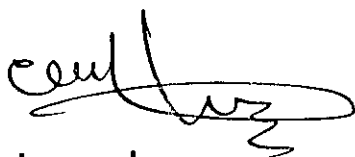
VERSUS

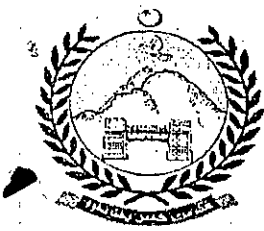
Secretary & two
others.....Respondents

AFFIDAVIT

I, Mst. Sadia aziz, SDEO (F) BPS-17, Management Cadre, (the appellant) ,do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

Identified by 
Fazal Shah Mohmand
Advocate Peshawar



H

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.PA/E&SE/1-2/2013
Dated Peshawar the 28th Oct, 2013

To

Ms. Sadia Aziz,
SDEO (F) *Abbottabad*
(Under transfer to Battagram)

Subject: DEPARTMENTAL APPEAL

Reference to your discussion/meeting with Additional Secretary E&SE
Department.

Your appeal has reached to this Department and you have been given a chance of
personal hearing. The appeal will be submitted to the competent authority and you will be
informed accordingly.


(QAISAR ALAM)
ADDITIONAL SECRETARY

Attested

Conf. by

3-14/14

(Sadia)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Appellant.

VERSUS

Secretary & two others.....Respondents

Replication on behalf of the appellant

Rely to Preliminary Objections

All the objections raised by the respondents are incorrect and are denied. Appeal of the appellant is well within time, the appellant has got prima facie case and cause of action, in which all necessary parties have been imp leaded and the appellant is not estopped by her own conduct to file the present appeal. The appellant has concealed nothing from this honorable Tribunal, has come to this honorable tribunal with clean hands and appeal of the appellant is competent in its present form. Instant appeal is not based on malafide, rather the appellant has been treated in violation of law, rules and policy on the subject, and as such the instant appeal is for the sake of justice which is according to law and rules on the subject. The appellant is not stick to the post of her choice, but wants her treatment according to law and rules, the post of SDEO is a tenure oriented pot like other posts and the appellant could be transferred but according to law and rules on the subject and requests for treatment according to law and rules on the subject.

Reply to Facts/Grounds

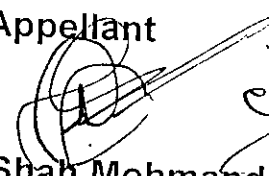
The comments of the respondents are full of admissions, and they have not denied the pleas taken by the appellant. The comments of the respondents are full of contradictions and they have failed to deny the version of the appellant. Respondents have failed to prove that respondent No 3 comes of the Management Cadre and as such her transfer order is illegal and not tenable in the eyes of law. It is worth while to mention here that Management Cadre was bifurcated in the year 2009, and the posting/transfers were made in consequent to

bifurcation in the year 2011, as such the version of respondent No 3 is wrong being baseless and unfounded. Even respondent No 3 was posted illegally in the year 2005 to 2008, in BPS-17 though she was in BPS-16 owing to her political affiliation and influence and as such she unlawfully exercised her powers. Respondent No 3 was once even deserted from District on disciplinary grounds. Even respondent No 3 appeared in the Public Service Commission along with the appellant but she was unable to qualify the same while the appellant qualified the same with distinction.

So far the claim of the respondents regarding the filing of Departmental appeal is concerned the same is negated on record, for, the appellant was called for personal appearance on her departmental appeal. (Copy enclosed as Annexure H). The appellant was posted in Management Cadre as SDEO in March 2012, the documents regarding the claim of the appellant are on record and respondents have miserably failed to negate the version of the appellant. The claim of respondent No 3 regarding her appointment in Management Cadre in the year 1989 is totally baseless and unfounded as it did not exist at that time. Respondents have failed to show that the impugned order is not politically motivated and that the same is not premature. Respondents have also failed to reply and explain material legal questions of the appellant. The appellant has not been treated in accordance with law and she has been condemned unheard, thus the impugned order is not tenable in the eyes of law and liable to be struck down on this score alone.

It is there fore prayed that appeal of the appellant may kindly be accepted as prayed for.

Dated: ³⁰20-04-2014

Appellant
Through 
Fazal Shah Mohmand
Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Aziz.....Appellant Sadia

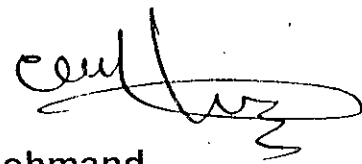
VERSUS

Secretary & two
others.....Respondents

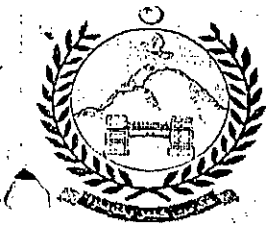
AFFIDAVIT

I, Mst. Sadia aziz, SDEO (F) BPS-17, Management Cadre, (the appellant) ,do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

Identified by 
Fazal Shah Mohmand
Advocate Peshawar

H



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.PA/E&SE/1-2/2013
Dated Peshawar the 28th Oct, 2013

To

Ms. Sadia Aziz,
SDEO (F) *Abbottabad*
(Under transfer to Battagram)

Subject: DEPARTMENTAL APPEAL

Reference to your discussion/meeting with Additional Secretary E&SE Department.

Your appeal has reached to this Department and you have been given a chance of personal hearing. The appeal will be submitted to the competent authority and you will be informed accordingly.


(QAISAR ALAM)
ADDITIONAL SECRETARY

Attested

Compl

3-14/14

(Sd/-)

The newly appointees are required to produce their age and Health certificate from the Medical Supdt: concerned and no pay etc shall be drawn until and unless they produce the above certificate from the said post.

- 6. All of them shall not claim seniority over their seniors.
- 7. The regularization of post will be taken later on,
- 8. Sr. No.1 and 5 will submit revised charge reports of their taking over charge after the issue of this order.
- 9. In case the candidate fails to join the post within 15 days of the issue of this order, his/their appointment shall stand automatically cancelled.
- 10. In case the candidate wish to resign from service he should have give one month 's prior notice or forfeit one month's pay in lieu of notice.
- 11. The verification Roll of Character and antecedent duly verified by the Police authority may be sent to this office for record.

(SHAFQAT HUSSAIN)
I/C DIRECTOR OF EDUCATION(SCHOOLS),
HAZARA DIVN: A.ABAD.

Endst: No. 26143- 93 / A.E.II Dated A/Abad the 20.9. /1989.
Copy to: -

- 1. The Director of Education(S) NWFP Peshawar.
- 2-5 The Divl : Director of Education (S) Kohat, DI Khan Peshawar and Malakand at Gul Kada Swat.
- 6-7 The DEO(F) Abbottabad and Mansehra.
- 8-10 The S.D.E.O.(F) A/Abad, Mansehra & Haripur.
- 11- The Headmistress GHS Sirikote, Sarae Nehmat Khan, Behali, Sherwan, Malikpura, Khanpur, Daffa, Rajoya, Attar Shisha,
- 27. No.1. A/Abad, Kunj, KT Ship, Hajia, Oghi, Darband, Havelian, No.2. A/Abad
- 28-31 The Headmaster's GCMS Shohal Najaf Khan, Kawai, Rajoya, Dagra
- 32-49 Sr. No. 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 22, 23 24 and 25
- 50. AE III and IV local Directorate.
- 51. O.O. File.

Director of Education (S)
School Literacy
Department

For/ Director of Education(S),
Hazara Divn; A/Abad.

Ana... H/1

28

Attention to Mr. Kign...

SO. CM Secretary

OFFICE OF THE DIRECTOR SECONDARY EDUCATION NWFP PESHAWAR

22

NOTIFICATION

The Governor N.W.F.P. in Consultation with the Departmental Promotion Committee is pleased to award BPS-17 as Selection Grade to the following Senior English Teacher BPS-16 with effect from the dates noted against each: -

S.No	Name / Father Name / & Schools.	Date of award of s/Grade B-17
1	Naseem Ara D/O Muhammad Naem BA, Bed, GGHS, Haji Abad, Dir	18/11/96
2	Mumilkat D/O Safdar Khan, BA, Bed GGHS. Lund Khawar (Mardan)	05/12/96
3	Jehan Ara Begum D/O Hamid Jalal, BA, Bed, ASDEO(F) Chitral	05/12/96
4	Naheed Akhtar D/O Ghulam Yasin, BA, Bed. GGHS No.1 Bannu	05/12/96
5	Roshan Jehan Bibi D/O Ghulam Rasul, BA, Bed. GGMS. Mitha Pur D.I. Khan	10/12/96
6	Shahnaz Begum D/O Sultan Muhammad, MSc, B.Ed ADO(F) Peshawar Now working on deponon F.G Secy: School Qadiyazim University colony Islamabad	12/12/96
7	Rehana Kousar D/O Mirza Ashraf, BA B.Ed GGMS, Kotewali (A/Abad)	01/04/97
8	Naheed Fida D/O Fida Muhammad, MA, B.Ed, GGHS, NO:1, Haripur	01/04/97
9	Hasina Shaheen D/O Muhammad Yaqub BA, B.Ed, GGHS, KT-Ship No:2 (Haripur)	01/04/97
10	Bibi Nighat Ara Begum D/O Habibur Rehman, BA, B.Ed, GGMS, Batagram	01/04/97
11	Nasreen Akhtar GGHS, Kot Najib ullah Haripur	01/04/97
12	Shahida Nasreen D/O S: Muhammad Yousaf, BA, B.Ed, GGHS, Toru(Mardan)	01/04/97
13	Masoom Jan D/O Pir Fazie Rauf, BA, B.Ed GGHS, Takht Bhai (Mardan)	01/04/97
14	Saeeda Begum D/O Muhammad Afzal, BA, B.Ed, GGHS, T/Bhai (Mardan)	01/04/97
15	Riffat Naz I/C SS D/O Said Mohibullah, M.Sc B.Ed, GGHS, Mathra Peshawar	01/07/97
16	Farhat Akhter D/O Abdur Rahim, B.Sc B.Ed, GGHS, Chamkani (Peshawar)	26/8/97
17	Mamoona Hamid Lodhi I/C SS D/O Abdul Hamid Lodhi, M.Sc, B.Ed, GGHS, Comp: A/A	01/09/97
18	Lubna Tabassum D/O Faqir Hussain, B.Sc, B.Ed, GGHS, Utmanzai (Chd:)	1/09/97

Attia Firdous to Mr. Riqwan Sb

SO. Ch. Seedheri

3

	Malik D/O Malik Noor Muhammad, GGHS No.1 (Haripur)	01/09/98
	Asmin AZIZ D/O Abdul Aziz, SET, BA, B.Ed, GGHS, No.1/A/Abad	01/09/98
	Rubina Abbasi D/O Bashir Ahmd Abbasi, SET, BA, B.Ed, GGHS, No.2 Lakki	01/09/98
	Nargis Ara D/O Muhammad Ibrahim, BA B.Edm ADEO (F) Pry: A/Abad	01/09/98
	Attia Firdous D/O S.Muhammad Shah, SET, BA, B.Ed, GGMS, Mir Ahmad Khel (Kohat)	01/09/98
	Naseem Akhter D/O Noor Muhammad, SET GGMS, Mansehera	01/09/98
	Umbreen Iqbal D/O Qazi Muhammad Iqbal BA, B.Ed, GGHS, NO:2, A/Abad	01/09/98
	Nasreen Akhtar D/O Ghulam Hussain, SET BA, B.Ed, GGHS, Seri Kot	01/09/98
	Naeema Begum D/O Muhammad Faridoo Khan, SET, BA, B.Ed, GGHS, Bala Kot Mansehra	01/9/98
5	Bibi Amina D/O Syed Muhammad Shah, SET, BA, BED, GGHS No.1 Mansehra	01/10/98
6	Azra Khatoon D/O Nawab Khan, BA, B.Ed GGMS, Shehria Mansehera	01/10/98
7	Rukhsar Begum D/O Raja Misri Khan, SET, BA, B.Ed, GGHS, Kunj A. Abad Retired on 3/4/2000	01/10/98
8	Sajida Bibi D/O Abdur Rashid, M.Sc GGHS, NO: 2, A/Abad	01/11/98
9	Mussarat Shaheen D/O Ghulam Rasul, SET, BA, BED, GGMS, Meelam (Haripur)	01/11/98
30	Parveen Aziz D/O Abdul Aziz, BA, B.Ed GGHS, Datta (Mansehra)	01/11/98
31	Parveen Akhter D/O Khan Bad Shah, BA, B.Ed, GGHS, Takhti Nasrati (Karak)	01/11/98
62	Nighar Yasmin D/O Lal Din, MA, B.Ed GGHS, NO:2, Haripur	01/11/98
63	Bibi Fatima D/O Guleen Khan, BA, B.Ed GGHS, Shakardara (Kohat)	01/11/98
64	Farzana Bilquees D/O Muhammad Ashraf, SET, BA, B.Ed, GGHS, Hattar (Haripur)	01/11/98
65	Shabnam Ara D/O Malik Abdul Sami B.A, B.Ed, GGHS, NO:2, Haripur	01/11/98
66	Shaheeda Nameer D/O Nameer Khan, BA, B.Ed, GGHS, Jogiwara (Peshawar)	01/11/98
67	Rashida Begum D/O Habibullah, SET, BA, B.Ed, GGHS, Pahar pur D.I.Khan	01/11/98
68	Rashida Begum D/O Ali Abas Khan, BA, B.Ed, GGMS Bund Kuri (D.I.Khan)	01/11/98
69	Gul Naz D/O Naseeb Gul, BA, B.Ed, GGHS, Takhti Nasrati (Karak)	01/11/98
70	Dilshad Begum I/C SS D/O Sher Nawab Khan, SET, BA, B.Ed, GGHS, S.K Bala Bannu	01/12/98
	Ikanwal Yasmin D/O Malik Mehraban Shah	01/12/98

5

Attention to Mr. Rigwan Sb.
SO CM. Secretariate

30

	Tanvir Akhter D/O Ghulam Qadir Shah, SET BSc, Bed, GGHS, NO:1, A. Abad	21/05/99
146	Rizwana Saeed I/C SS D/O Muhammd Ashraf, SET BA, B.Ed; GGHS, Malik Pura	21/05/99
147	Mumlikat Bibi D/O Saeed Malook, SET BA, B.Ed, ASDEO(F) Batkhela	21/05/99
148	Hamida Bibi D/P Ghulam Sarwar, SET BA, B.Ed, GGHS, Hajia Abad	21/05/99
149	Zainab Begum D/O Mamood, SET, MA, B.Sc, BEd, GGHS, Chakdara	21/05/99
150	Shaheen D/O Abdul Jalil, BA, B.Ed, GGHS, Taimargara Dir	21/05/99
151	Nuzhat Fatima D/O Ghayasuddin, MA, B.Ed SET, GGHS, Risalpur NSR	21/05/99
152	Imtiaz Begum D/O Haji Ahmad Gul, SET MA, B.Ed, GGHS, Khair Abad NSR	21/05/99
153	Saeeda Tun Nisa D/O Hussain Ali Shah SET, BA, B.Ed, GGMS, Choudwan (DIK)	21/05/99
154	Farhat Jehan D/O Abdul Aziz, SET, BA, B.Ed, GGHS, Togh Bala (Kohat)	21/05/99
155	Kousar Shaheen D/o Rokhan Afridi I/c SS GGHSS Umarzai Charsadda	21/05/99

DIRECTOR SECONDARY EDUCATION
N.W.F.P, PESHAWAR.

Endst: No. 1008-1370 /General /Selection /Grade/SET (F) W-II Dated Peshawar the 13th May 2002

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Copy of the above is forwarded for information and necessary action to the:
Accountant General NWFP, Peshawar.
Director Primary Education & Literacy NWFP, Peshawar.
Director of Education (FATA) NWFP, Peshawar.
Director General of Education Federal Government Islamabad.
Section Officer (Schools) Education and Literacy Government of NWFP
Peshawar with reference to his letter No. SO (S) 2-4/2002/Minutes dated
23/4/2002
PS to Secretary Education NWFP, Peshawar.
All Executive District Officer Education & Literacy in NWFP.
All District Accounts Officer in NWFP.
Agency Accounts Officer concerned.
Agency Education Officer concerned.
Principal / Headmistress concerned.
Deputy District Officer (F) concerned.
Officials concerned
P.A to D. S. E NWFP, Peshawar.

District Officer (M)
Schools & Literacy
Abbottabad

DEPUTY DIRECTOR
Secondary Education NWFP
Peshawar

GOVERNMENT KHYBER PAKHTOONKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annexed
Annexes (1)
31

Dated Peshawar the 15.06.2010

NOTIFICATION

NO. SO (E&SE)/4-16/2010/DOs/EXOs/(M&F). The competent authority is pleased to order the posting/transfer of the following officers of Elementary & Secondary Education Department, as mentioned against their names, in the interest of public service, in relation of ban with immediate effect :-

S.No.	Name of officer	From	To
1	Mr. Fida Muhammad	Principal (BS-18), GCMS Battagram	District Officer Male (BS-18), E&SE Battagram. Against vacant post.
2	Mr. Muhammad Younas	ADO (BS-16), E&SE Batagram	DDO Male (BS-17) E&SE Batagram in his own pay scale. Against vacant post
3	Ms. Yasmin Aziz	Headmistress (BS-17) GHS Khanspur Ayubia Abbottabad	DDO Female (BS-17), E&SE Batagram. Against vacant post.

2- No TA/DA is allowed.

SECRETARY

ENDST; NO. & DATE EVEN.

Copy to :-

1. The Accountant General Khyber Pakhtoonkhwa, Peshawar.
2. The Director E&SE Khyber Pakhtoonkhwa, Peshawar.
3. Executive District Officers (E&SE) concerned.
4. District Account Officers concerned.
5. DDBA E&SE Deptt.
6. PS to Minister for E&SE KFK.
7. PS to Secretary E&SE Deptt.
8. PA to Addl. Secretary (E&SE) Deptt.
9. Officers concerned.
10. Office order.

Section Officer (Schools)

Amendment
Annex 39

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the 07.04.2012.

No. SO(G)/E&SE/1-76/2011/M&T/Vol-III.- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(G)/E&SE/1-76/08/M&T: dated 04-05-2009, the following amendments shall be made, namely:

AMENDMENTS

In the APPENDIX,-

- (1) against serial No. 1, -
 - (a) in column No. 2, the word "COMBINED" shall be deleted; and
 - (b) in column No. 5, for the existing entry, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the BPS-19 officers of the Schools Management Cadre with at least five years service in BPS-19 or seventeen-years service in BPS-17 and above or by transfer of a BPS-20 officer from the Teaching Cadre.";
- (2) against serial No. 2,-
 - (a) in column No. 2, the brackets and word "(COMBINED)" shall be deleted;
 - (b) in column No. 3, the existing entries shall be deleted; and
 - (c) in column No. 5, for the existing entries, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the BPS-18 officers of the Schools Management

Cadre with at least seven years service as such and have availed trainings in the relevant field as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-19 officer from Teaching Cadre.”

(3) under the heading “SCHOOLS MANAGEMENT CADRE (MEN’S SECTION)”,-

(a) against serial No. 1,-

(i) in column No. 3, for the existing entries, the following shall be substituted, namely:

“At least M.A/M.Sc in second division with M.Ed/M.A (Education)/M.A (Education Planning and Management) with five years teaching/administrative experience in BPS-16 or above in Government recognized Educational Institution/office.”; and

(ii) in column No.5, for the existing entries, the following shall be substituted, namely:

“(a) Eighty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-17 Officers of the Schools Management Cadre with at least five years service as such and have availed trainings in the relevant field as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-18 officer from Teaching Cadre; and

(b) twenty per cent by initial recruitment on syllabus based examination.”;

(b) against serial No. 2, in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst BPS-16 Officers of the Schools Management Cadre with at least five years services as such or by transfer of a BPS-17 officer from Teaching Cadre; and

(b) fifty per cent by initial recruitment on syllabus based examination.”; and

(c) against serial No. 3, in column No. 5, for the existing entry, the following shall be substituted, namely:

“By initial recruitment on syllabus based examination.”;

(4) under the heading “SCHOOLS MANAGEMENT CADRE (WOMEN’S SECTION)”,-

(a) against serial No. 1,

(i) in column No. 3, for the existing entries, the following shall be substituted, namely:

“At least M.A/M.Sc in second division with M.Ed/M.A (Education)/M.A (Education Planning and Management) with five years teaching/administrative experience in BPS-16 or above in Government recognized Educational Institution/Office.”; and

(ii) in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Eighty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-17 Officers of the Schools Management Cadre with at least five years service as such and have availed trainings, in the relevant field, as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-18 officer from Teaching Cadre; and

(b) twenty per cent by initial recruitment on syllabus based examination.”;

(b) against serial No. 2, in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-16 Officers of the Schools Management Cadre with at least five years services as such or by transfer of a BPS-17 officer from Teaching Cadre; and

(b) fifty per cent by initial recruitment on syllabus based examination.”; and

(c) against serial No. 3, in column No. 5, for the existing entry, the following shall be substituted, namely:

"By initial recruitment on syllabus based examination."

Note: The phrase "by transfer for" in these service rules shall mean transfer of the Officer from Teaching Cadre to Management Cadre and vice versa for posting purpose in pursuance of section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and shall not vest a right of appointment or absorption or promotion against the post on regular basis.

**SECRETARY TO GOVERNMENT OF THE
KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY
EDUCATION DEPARTMENT**

No. SO(G)/E&SE/1-76/2011/M&T/Vol-III. Dated Peshawar the 07.04.2012

Copy forwarded to the: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
5. All Directors, E&SE in Khyber Pakhtunkhwa.
6. All Executive District Officers, E&SE in Khyber Pakhtunkhwa.
7. Director Information, Khyber Pakhtunkhwa, Peshawar with the request to give wide publicity.
8. Manager, Govt: Printing Press Peshawar for publication in the next issue of Govt: Gazette.
9. P.S to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
10. P.S to Minister for E&SE Khyber Pakhtunkhwa, Peshawar.
11. PS to Secretary, E&SE Department.
12. PS to Special Secretary, E&SE Department
13. PS to Additional Secretary, E&SE Department.
14. PA to Deputy Secretary (Admn), E&SE Department.
15. PA to Deputy Secretary-II, E&SE Department.
16. All Section Officers/Planning Officers, E&SE Department.

Naem Ullah
(NAEEM ULLAH)
SECTION OFFICER (GENERAL)

وکالت نامہ

کورٹ فیس
قیمتی

بعدالت جناب سروس ٹریڈنگ کمپنی خصوصی لمیٹڈ

مخانب (باسمین ملینریز) SDEO ایبٹ آباد

بنام سیکریٹری ELE حکومت KPK دکن

دعویٰ یا جرم سروس ایس 74/ باعث تحریر آئنگ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدی: سردار محمد شفیع ایڈووکیٹ

مقام ایبٹ آباد / بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص روز و عدالت حاضر ہوتا رہا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا روز تعطیل پیروی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ داریاں اسکے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاف و موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پر ساختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد دہائی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم امتناعی یا ڈگری و قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دو سے وکیل یا ایمرٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہونگے جیسے صاحب موصوف کو پوری فیس تاریخ پیش سے پہلے ادا کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا لہذا اختیار نامہ لکھ دیا ہے کہ سندر ہے۔ مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

المقوم: 2014/3/25

Accepted
Sardar Mohammad Shafiq
Advocate, High Court
District Courts, Abbottabad

باسمین ملینریز
SDEO (F) ایبٹ آباد
ELE

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Appellant

VERSUS

Secretary & two others.....Respondents

Replication on behalf of the appellant

Rely to Preliminary Objections

All the objections raised by the respondents are incorrect and are denied. Appeal of the appellant is well within time, the appellant has got prima facie case and cause of action, in which all necessary parties have been imp leaded and the appellant is not estopped by her own conduct to file the present appeal. The appellant has concealed nothing from this honorable Tribunal, has come to this honorable tribunal with clean hands and appeal of the appellant is competent in its present form. Instant appeal is not based on malafide, rather the appellant has been treated in violation of law, rules and policy on the subject, and as such the instant appeal is for the sake of justice which is according to law and rules on the subject. The appellant is not stick to the post of her choice, but wants her treatment according to law and rules, the post of SDEO is a tenure oriented pot like other posts and the appellant could be transferred but according to law and rules on the subject and requests for treatment according to law and rules on the subject.

Reply to Facts/Grounds

The comments of the respondents are full of admissions, and they have not denied the pleas taken by the appellant. The comments of the respondents are full of contradictions and they have failed to deny the version of the appellant. Respondents have failed to prove that respondent No 3 comes of the Management Cadre and as such her transfer order is illegal and not tenable in the eyes of law. It is worth while to mention here that Management Cadre was bifurcated in the year 2009, and the posting/transfers were made in consequent to

bifurcation in the year 2011, as such the version of respondent No 3 is wrong being baseless and unfounded. Even respondent No 3 was posted illegally in the year 2005 to 2008, in BPS-17 though she was in BPS-16 owing to her political affiliation and influence and as such she unlawfully exercised her powers. Respondent No 3 was once even deserted from District on disciplinary grounds. Even respondent No 3 appeared in the Public Service Commission along with the appellant but she was unable to qualify the same while the appellant qualified the same with distinction.

So far the claim of the respondents regarding the filing of Departmental appeal is concerned the same is negated on record, for, the appellant was called for personal appearance on her departmental appeal. (Copy enclosed as Annexure H). The appellant was posted in Management Cadre as SDEO in March 2012, the documents regarding the claim of the appellant are on record and respondents have miserably failed to negate the version of the appellant. The claim of respondent No 3 regarding her appointment in Management Cadre in the year 1989 is totally baseless and unfounded as it did not exist at that time. Respondents have failed to show that the impugned order is not politically motivated and that the same is not premature. Respondents have also failed to reply and explain material legal questions of the appellant. The appellant has not been treated in accordance with law and she has been condemned unheard, thus the impugned order is not tenable in the eyes of law and liable to be struck down on this score alone.

It is there fore prayed that appeal of the appellant may kindly be accepted as prayed for.

Dated: ³⁰~~29~~ 04-2014

Appellant
Through
Fazal Shah Mohmand
Advocate Peshawar


Adv

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Aziz.....Appellant
VERSUS

Sadia

Secretary &
others.....Respondents

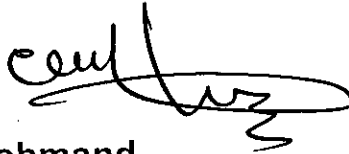
two

AFFIDAVIT

I, Mst. Sadia aziz, SDEO (F) BPS-17, Management Cadre, (the appellant) ,do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

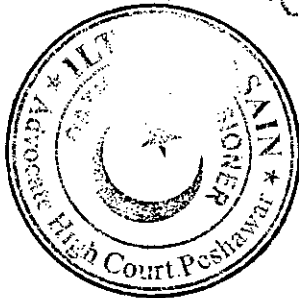

DEPONENT

Identified by



Fazal Shah Mohmand

Advocate Peshawar



H



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

No.PA/E&SE/1-2/2013

Dated Peshawar the 28th Oct, 2013

To

Ms. Sadia Aziz,
SDEO (F) *Abbottabad*
(Under transfer to Battagram)

Subject: **DEPARTMENTAL APPEAL**

Reference to your discussion/meeting with Additional Secretary E&SE Department.

Your appeal has reached to this Department and you have been given a chance of personal hearing. The appeal will be submitted to the competent authority and you will be informed accordingly.


(QAISAR ALAM)
ADDITIONAL SECRETARY

Attested
Copy by
3-14/14 *(Sadia)*

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Appellant.

VERSUS

Secretary & two others.....Respondents

Replication on behalf of the appellant

Rely to Preliminary Objections

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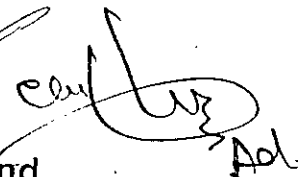
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It is there fore prayed that appeal of the appellant may kindly be accepted as prayed for.

Dated: 28-04-2014

Appellant
Through
Fazal Shah Mohmand
Advocate Peshawar



Adv

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Aziz.....Appellant Sadia

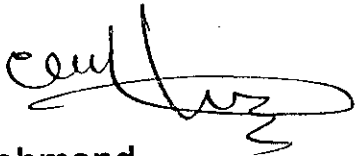
VERSUS

Secretary & two
others.....Respondents

AFFIDAVIT

I, Mst. Sadia aziz, SDEO (F) BPS-17, Management Cadre, (the appellant) ,do hereby solemnly affirm and declare on oath that the contents of this Replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

Identified by 
Fazal Shah Mohmand
Advocate Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.PA/E&SE/1-2/2013
Dated Peshawar the 28th Oct, 2013

To

Ms. Sadia Aziz,
SDEO (F) *Abbottabad*
(Under transfer to Battagram)

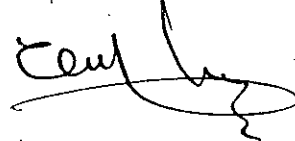
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Reference to your discussion/meeting with Additional Secretary E&SE Department.

Your appeal has reached to this Department and you have been given a chance of personal hearing. The appeal will be submitted to the competent authority and you will be informed accordingly.


(QAISAR ALAM)
ADDITIONAL SECRETARY

Attested



3-14/14

(Sadia)

TO BE SUBSTITUTED BEARING THE SAME NO & DATE



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the May 30, 2014.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2014/SDEO's (F) B-17: The following posting / transfer of the female officers from Management / Teaching Cadre are hereby ordered against the Management posts of Sub-Divisional Education Officers (F) (BS-17) of Elementary & Secondary Education Department in the interest of public service with immediate effect:-

S.No	Name of Officers with designations & place of posting	Proposed place of posting	Remarks
1.	Ms. Shabana Noreen H/M B-17 GGHS Nar Azad Kando Khel, Lakki Marwat (Teaching Cadre)	SDEO (F) (BS-17) Takht-e-Nasrati, Karak	A.V.P
2.	Ms. Robina Hayat SS B-17 GEC (Woman) Jamrud Khyber Agency (Teaching Cadre)	SDEO (F) (BS-17) Karak	A.V.P
3.	Ms. Janat Khatoon HM B-18 Thal Hangu (Teaching Cadre)	SDEO (F) (BS-17) Lachi	A.V.P
4.	Ms. Ghazala Anjum SDEO (F) B-17 Mastuj, Chitral (Management Cadre)	SDEO (F) (BS-17) Chitral	Vice S.No.5
5.	Ms. Mehru-n-Nisa SDEO (F) B-17 Chitral (Management Cadre)	SDEO (F) (BS-17) Mastuj, Chitral	Vice S.No.4
6.	Ms. Jamila Rana SDEO (F) B-17 (awaiting posting) (Management Cadre)	SDEO (F) (BS-17) Paharpur, D.I.Khan	Vice S.No.7
7.	Ms. Kauser Parveen SET B-16 working against the post of SDEO (F) B-17 Paharpur, D.I.Khhan	Her services are placed at the disposal of Directorate E&SE	-----
8.	Ms. Shazia Nawaz H/M B-17 GGHS No.2 Tank (Management Cadre)	SDEO (F) (BS-17) D.I.Khan	Vice S.No.9
9.	Ms. Shahida Shirani SDEO (F) B-17 D.I.Khan (Management Cadre)	SDEO (F) (BS-17) Tank	A.V.P
10.	Ms. Hafsa Gul SDEO (F) B-17 Peshawar (Management Cadre)	Assistant Director in Directorate E&SE, Peshawar	Vice S.No.15
11.	Ms. Sumera Sheraz SDEO (F) B-17 (awaiting posting) (Management Cadre)	SDEO (F) (BS-17) Nowshera	A.V.P
12.	Ms. Safia Amin H/M B-17 GGHS Shah Afzal Abad, Charsadda (Management Cadre)	SDEO (F) (BS-17) Lahor, Swabi	A.V.P
13.	Ms. Ayesha Syed SS B-17 DCTE, Abbottabad. (Management Cadre)	SDEO (F) (BS-17) Abbottabad	Vice S.No.14
14.	Ms. Yasmin SDEO (F) B-17 Abbottabad. (Teaching Cadre)	SS (BS-17) DCTE, Abbottabad.	Vice S.No.13
15.	Mr. Irfan Ali Assistant Director B-17 in Directorate E&SE, Peshawar. (Management Cadre)	SDEO (M) (BS-17) Abbottabad.	A.V.P

2. No TA / DA allowed.

SECRETARY

Endst.of even No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. Director DCTE Khyber Pakhtunkhwa, Abbottabad.
4. Director FATA, FATA (Education), FATA Secretariat, Warsak Road, Peshawar.
5. Principal Government Elementary College (Women) Jamrud, Khyber Agency.
6. District Education Officer (F) concerned.
7. District Education Officer (M) Abbottabad.
8. District Accounts Officer concerned.
9. Incharge EMIS, E&SE Department.
10. PSO to Chief Minister Khyber Pakhtunkhwa.
11. PS to Chief Secretary Khyber Pakhtunkhwa.
12. PS to Minister E&SE Khyber Pakhtunkhwa.
13. PS to Secretary E&SE Department.
14. Officer concerned.
15. Office order file.


(FOZIA NAZ)
SECTION OFFICER (S/F)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the May 30, 2014.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2014/SDEO's (F) B-17: The following posting / transfer of the female officers from Management / Teaching Cadre are hereby ordered against the Management posts of Sub-Divisional Education Officers (F) (BS-17) of Elementary & Secondary Education Department in the interest of public service with immediate effect:-

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2.	Ms. Robina Hayat SS B-17 GEC (Woman) Jamrud Khyber Agency (Teaching Cadre)	SDEO (F) (BS-17) Karak	A.V.P
3.	Ms. Janat Khatoon HM B-18 Thal Hangu (Teaching Cadre)	SDEO (F) (BS-17) Lachi	A.V.P
4.	Ms. Ghazala Anjum SDEO (F) B-17 Mastuj, Chitral (Management Cadre)	SDEO (F) (BS-17) Chitral	Vice S.No.5
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2. No TA / DA allowed.

SECRETARY

Endst. of even No & date

Copy forwarded to the:-

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14. Officer concerned.
15. Office order file.


(FOZIA NAZ)

SECTION OFFICER (S/F)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/F)E&SE/4-16/2014/Sadia Aziz SDEO (F)

Dated Peshawar August 19, 2014.

To

The Section Officer (Lit-II);
Elementary & Secondary Education Department,

SUBJECT:- **SERVICE APPEAL NO.74/2014 TITLED MST. SADIA AZIZ SDEO (F) ABBOTTABAD VS SECRETARY (E&SE) DEPARTMENT AND OTHERS.**

I am directed to refer to your letter No.SO(Lit-II)E&SED/1-3/2012/SA#74/2014 /Sadia Aziz dated 14-07-2014 on the subject noted above and to state that the requisite information mentioned in appeal is hereby submitted:-

- i. The recent notification of respondent No. 3 (Ms. Yasmin Aziz) is issued on 30-05-2014 (**Annex-1**)
- ii. Departmental appeal of Ms. Sadia Aziz SDEO (F) against this department notification dated 07-10-2013 was processed and filed with approval of competent authority.
- iii. Ms. Yasmin Aziz is basically from Teaching Cadre and was posted against management cadre post as both the cadres were transferable in the light of Management / Teaching Cadre Rules (**Annex-II**).
- iv. Ms. Sadia Aziz SDEO (F) (BS-17) of Management Cadre is basically from Abbottabad and as per TOR's of Placement Committee and Establishment letter (**Annex-III**), she can not be posted at her home district.


(NOZMA NAZ)
SECTION OFFICER (S/F)

Endst.of even No & Date

Copy forwarded to PS to Secretary E&SE Department.

SECTION OFFICER (S/F)

TO BE SUBSTITUTED BEARING THE SAME NO & DATE



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

Dated Peshawar the May 30, 2014.

NOTIFICATION

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7.	Ms. Kauser Parveen SET B-16 working against the post of SDEO (F) B-17 Paharpur, D.I.Khhan	Her services are placed at the disposal of Directorate E&SE	-----
8.	Ms. Shazia Nawaz H/M B-17 GGHS No.2 Tank (Management Cadre)	SDEO (F) (BS-17) D.I.Khan	Vice S.No.9
9.	Ms. Shahida Shirani SDEO (F) B-17 D.I.Khan (Management Cadre)	SDEO (F) (BS-17) Tank	A.V.P
10.	Ms. Hafsa Gul SDEO (F) B-17 Peshawar (Management Cadre)	Assistant Director in Directorate E&SE, Peshawar	Vice S.No.15
11.	Ms. Sumera Sheraz SDEO (F) B-17 (awaiting posting) (Management Cadre)	SDEO (F) (BS-17) Nowshera	A.V.P
12.	Ms. Safia Amin H/M B-17 GGHS Shah Afzal Abad, Charsadda (Management Cadre)	SDEO (F) (BS-17) Lahor, Swabi	A.V.P
13.	Ms. Ayesha Syed SS B-17 DCTE, Abbottabad. (Management Cadre)	SDEO (F) (BS-17) Abbottabad	Vice S.No.14
14.	Ms. Yasmin SDEO (F) B-17 Abbottabad. (Teaching Cadre)	SS (BS-17) DCTE, Abbottabad.	Vice S.No.13
15.	Mr. Irfan Ali Assistant Director B-17 in Directorate E&SE, Peshawar. (Management Cadre)	SDEO (M) (BS-17) Abbottabad.	A.V.P

2. No TA / DA allowed.

SECRETARY

Endst.of even No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. Director DCTE Khyber Pakhtunkhwa, Abbottabad.
4. Director FATA, FATA (Education), FATA Secretariat, Warsak Road, Peshawar.
5. Principal Government Elementary College (Women) Jamrud, Khyber Agency.
6. District Education Officer (F) concerned.
7. District Education Officer (M) Abbottabad.
8. District Accounts Officer concerned.
9. Incharge EMIS, E&SE Department.
10. PSO to Chief Minister Khyber Pakhtunkhwa.
11. PS to Chief Secretary Khyber Pakhtunkhwa.
12. PS to Minister E&SE Khyber Pakhtunkhwa.
13. PS to Secretary E&SE Department.
14. Officer concerned.
15. Office order file.

(FOZIA NAZ)
SECTION OFFICER (S/F)

GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT
Dated Peshawar the 04-05-2009

NOTIFICATION

SOG/E&SE/1-76/08/M&T:

In pursuance of the provision contained in sub-rule (2) of rule 3 of the North-west Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in partial modification of this Department's Notification No.SOG/S&LD/1-28/2003/Vol.II dated: 9-4-2004, the Elementary & Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to the Notification which will be applicable to the posts of Schools Management Cadre in the Elementary and Secondary Education Department, as specified in column 2 of the said Appendix.

APPENDIX

1. NO.	2. NOMENCLATURE OF POST	3. MINIMUM QUALIFICATION FOR INITIAL RECRUITMENT/TRANSFER	4. AGE LIMIT	5. METHOD OF RECRUITMENT
	Director (Elementary & Secondary) and Director (Curriculum & Teacher Education) COMBINED.			By selection on merit from amongst Executive District Officer and Additional Directors (COMBINED), with at least seventeen year service in BPS-17 and above or twelve years service in BPS-19, as the case may be.
	Executive District Officers/ Additional Director in the Schools (COMBINED)	i. PH.D in Education with at least seven years teaching/ administrative experience in Govt recognized educational institution /office; or ii. M.Phil in Education with at least nine years teaching /	35-50 years	By initial recruitment in the following manner: (a) Forty percent by initial recruitment from amongst open market ; and (b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No.3.

	administrative experience in Govt recognized educational institution/office; or		
	iii. M.A/M.Sc in second division with M.Ed/M.A (Education)/ M.A (Education Planning and Management) or equivalent qualification with at least twelve years teaching/administrative experience in Govt recognized educational institution/office.		

S MANAGEMENT CADRE (MEN'S SECTION)

District Officers/Deputy Director /Deputy Director Teacher Education and Curriculum.	i. PH.D in Education and two years teaching/ administrative experience in Govt recognized Education institution/office; or ii. M.Phil in Education and three years teaching /administrative experience in Govt recognized educational institution/office; or iii. M.A/M.Sc in second Division with M.Ed/M.A (Education)/ M.A (Education Planning and Management) or equivalent qualification with at least five years teaching /administrative experience in Govt recognized educational institution/office.	25-45 years	By initial recruitment in the following manner: (a) Forty percent by initial recruitment from amongst open market ; and (b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No.3:
Deputy/District Officer/Assistant Director	M.A/M.Sc in second division with B.Ed and five years teaching /administrative experience in Govt recognized Educational institution/	21-40 years	By initial recruitment in the following manner: (a) Forty percent by initial recruitment from amongst open market ; and

	office.		(b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No. 3.
Assistant District Officers	B.A/B.Sc in second division with B.Ed and five years teaching/administrative experience in Govt recognized education institution /office.	25-35 years	By initial recruitment

SCHOOLS MANAGEMENT CADRE (WOMEN'S SECTION)

1.	District Officers/Deputy Director/Deputy Director Teacher Education and Curriculum.	<p>i. PH.D in Education and two years teaching/ administrative experience in Govt recognized Education institution/office; or</p> <p>ii. M.Phill in Education and three years teaching /administrative experience in Govt recognized educational institution/office; or</p> <p>M.A/M.Sc in second Division with M.Ed/M.A (Education)/ M.A (Education Planning and Management) or equivalent qualification with at least five years teaching /administrative experience in Govt recognized educational institution/office.</p>	25-45 years	<p>By initial recruitment in the following manner:</p> <p>(a) Forty percent by initial recruitment from amongst open market ; and</p> <p>(b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No.3.</p>
2.	Deputy District Officers/Assistant Director.	M.A/M.Sc in second division with B.Ed and five years teaching /administrative experience in Govt recognized Educational institution/ office.	21-40 years	<p>By initial recruitment in the following manner:</p> <p>(a) Forty percent by initial recruitment from amongst open market ; and</p> <p>(b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No.3.</p>

Govt recognized educational institution/office for
 iii. M.A/M.Sc in second division with M.Ed/M.A (Education)/ M.A (Education Planning and Management) or equivalent qualification with at least twelve years teaching/administrative experience in Govt recognized educational institution/office.

SCHOOLS MANAGEMENT CADRE (MEN'S SECTION)

1.	District Officers/Deputy Director /Deputy Director Teacher Education and Curriculum.	i. PH.D in Education and two years teaching/ administrative experience in Govt recognized Education institution/office; or ii. M.Phill in Education and three years teaching /administrative experience in Govt recognized educational institution/office; or iii. M.A/M.Sc in second Division with M.Ed/M.A (Education)/ M.A (Education Planning and Management) or equivalent qualification with at least five years teaching /administrative experience in Govt recognized educational institution/office.	25-45 years	By initial recruitment in the following manner: (a) Forty percent by initial recruitment from amongst open market ; and (b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No.3.
2.	Deputy District Officers/Assistant Director	M.A/M.Sc in second division with B.Ed and five years teaching /administrative experience in Govt recognized Educational institution/	21-40 years	By initial recruitment in the following manner: (a) Forty percent by initial recruitment from amongst open market : and

	office.		(b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No. 3.
Assistant District Officers	B.A/B.Sc in second division with B.Ed and five years teaching/administrative experience in Govt recognized education institution /office.	25-35 years	By initial recruitment

SCHOOLS MANAGEMENT CADRE (WOMEN'S SECTION)

	District Officers/Deputy Director/Deputy Director Teacher Education and Curriculum.	i. PH.D in Education and two years teaching/ administrative experience in Govt recognized Education institution/office; or ii. M.Phill in Education and three years teaching /administrative experience in Govt recognized educational institution/office; or M.A/M.Sc in second Division with M.Ed/M.A (Education)/ M.A (Education Planning and Management) or equivalent qualification with at least five years teaching /administrative experience in Govt recognized educational institution/office.	25-45 years	By initial recruitment in the following manner: (a) Forty percent by initial recruitment from amongst open market ; and (b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No. 3.
2.	Deputy District Officers/Assistant Director.	M.A/M.Sc in second division with B.Ed and five years teaching /administrative experience in Govt recognized Educational institution/ office.	21-40 years	By initial recruitment in the following manner: (a) Forty percent by initial recruitment from amongst open market ; and (b) Sixty percent by initial recruitment from amongst the Teaching Cadre having the qualification as mentioned in Column No. 3.

Assistant District Officers	B.A/B.Sc in second division with B.Ed and five years	21-35 years	By manual recruitment
	teaching/administrative experience in Govt recognized education institution /office.		


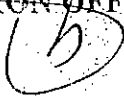
SECRETARY TO GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT.

Order No. SO(G)/E&SE/1-76/08/M&T

dated 04-05-2009

Copy is forwarded to:

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. Chairman Public Service Commission, NWFP, Peshawar.
5. All Directors in Elementary & Secondary Education in NWFP.
6. All Executive District Officer E&S Education in NWFP.
7. Director Information with the request to give wide publicity.
8. The Manager, Govt: Printing Press Peshawar for publication in the next issue of Govt: Gazzatte.
9. PS to Minister for Elementary & Secondary Education, NWFP, Peshawar.
10. PS to Secretary Elementary & Secondary Education NWFP, Peshawar.
11. PS to Additional Secretary E&S Education Department.
12. PA to Deputy Secretary E&S Education Department.
13. All Section Officer/Planning Officer, E&S Education Department, NWFP, Peshawar.


SECTION OFFICER (GENERAL)


GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the 07.04.2012.

No. SO(G)/E&SE/1-76/2011/M&T/Vol-III.- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SO(G)/E&SE/1-76/08/M&T: dated ~~04.05.2009~~ the following amendments shall be made, namely:

AMENDMENTS

In the APPENDIX,-

- (1) against serial No. 1, -
 - (a) in column No. 2, the word "COMBINED" shall be deleted; and
 - (b) in column No. 5, for the existing entry, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the BPS-19 officers of the Schools Management Cadre with at least five years service in BPS-19 or seventeen-years service in BPS-17 and above or by transfer of a BPS-20 officer from the Teaching Cadre.";

- (2) against serial No. 2,-
 - (a) in column No. 2, the brackets and word "(COMBINED)" shall be deleted;
 - (b) in column No. 3, the existing entries shall be deleted; and
 - (c) in column No. 5, for the existing entries, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the BPS-18 officers of the Schools Management

“By initial recruitment on syllabus based examination.”;

(4) under the heading “SCHOOLS MANAGEMENT CADRE (WOMEN'S SECTION)”,-

(a) against serial No. 1,

(i) in column No. 3, for the existing entries, the following shall be substituted, namely:

“At least M.A/M.Sc in second division with M.Ed/M.A (Education)/M.A (Education Planning and Management) with five years teaching/administrative experience in BPS-16 or above in Government recognized Educational Institution/Office.”; and

(ii) in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Eighty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-17 Officers of the Schools Management Cadre with at least five years service as such and have availed trainings, in the relevant field, as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-18 officer from Teaching Cadre; and

(b) twenty per cent by initial recruitment on syllabus based examination.”;

(b) against serial No. 2, in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-16 Officers of the Schools Management Cadre with at least five years services as such or by transfer of a BPS-17 officer from Teaching Cadre; and

(b) fifty per cent by initial recruitment on syllabus based examination.”; and

(c) against serial No. 3, in column No. 5, for the existing entry, the following shall be substituted, namely:

Cadre with at least seven years service as such and have availed trainings in the relevant field as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-19 officer from Teaching Cadre.”.

(3) under the heading “SCHOOLS MANAGEMENT CADRE (MEN’S SECTION)”,-

(a) against serial No. 1,-

(i) in column No. 3, for the existing entries, the following shall be substituted, namely:

“At least M.A/M.Sc in second division with M.Ed/M.A (Education)/M.A (Education Planning and Management) with five years teaching/administrative experience in BPS-16 or above in Government recognized Educational Institution/office.”; and

(ii) in column No.5, for the existing entries, the following shall be substituted, namely:

“(a) Eighty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the BPS-17 Officers of the Schools Management Cadre with at least five years service as such and have availed trainings in the relevant field as may be prescribed by Elementary and Secondary Education Department from time to time or by transfer of a BPS-18 officer from Teaching Cadre; and

(b) twenty per cent by initial recruitment on syllabus based examination.”;

(b) against serial No. 2, in column No. 5, for the existing entries, the following shall be substituted, namely:

“(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst BPS-16 Officers of the Schools Management Cadre with at least five years services as such or by transfer of a BPS-17 officer from Teaching Cadre; and

(b) fifty per cent by initial recruitment on syllabus based examination.”; and

(c) against serial No. 3, in column No. 5, for the existing entry, the following shall be substituted, namely:

“By initial recruitment on syllabus based examination.”.

Note: The phrase “by transfer for” in these service rules shall mean transfer of the Officer from Teaching Cadre to Management Cadre and vice versa for posting purpose in pursuance of section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and shall not vest a right of appointment or absorption or promotion against the post on regular basis.

**SECRETARY TO GOVERNMENT OF THE
KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY
EDUCATION DEPARTMENT**

No. SO(G)/E&SE/1-76/2011/M&T/Vol-III. Dated Peshawar the 07.04.2012

Copy forwarded to the: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
5. All Directors, E&SE in Khyber Pakhtunkhwa.
6. All Executive District Officers, E&SE in Khyber Pakhtunkhwa.
7. Director Information, Khyber Pakhtunkhwa, Peshawar with the request to give wide publicity.
8. Manager, Govt: Printing Press Peshawar for publication in the next issue of Govt: Gazette.
9. P.S to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
10. P.S to Minister for E&SE Khyber Pakhtunkhwa, Peshawar.
11. PS to Secretary, E&SE Department.
12. PS to Special Secretary, E&SE Department
13. PS to Additional Secretary, E&SE Department.
14. PA to Deputy Secretary (Admn), E&SE Department.
15. PA to Deputy Secretary-II, E&SE Department.
16. All Section Officers/Planning Officers, E&SE Department.

Naem Ullah
(NAEEM ULLAH)

SECTION OFFICER (GENERAL)

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the 07.04.2012.

No. SOG/E&SE/1-28/2010/VOL-VII.- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Department's Notification No. SOG/S&LD/1-28/2003/Vol. II dated April 09, 2004, the following amendments shall be made, namely:

AMENDMENTS

In the APPENDIX,-

(1) under the heading "TEACHING CADRE MEN'S SECTION",-

(a) against serial No. 1.2, in column No. 5, after the letters, hyphen and figure "BPS-18", the following shall be inserted, namely:

"or by transfer of an officer of BPS-19 of the Schools Management Cadre".

(b) against serial No. 1.3, in column No. 5, in clause (a), after the words "as such", the following shall be inserted, namely:

"or by transfer of an officer of BPS-18 of the Schools Management Cadre".

(c) against serial No. 1.4, in column No. 5, in clause (a) after the words "as such", the following shall be inserted, namely:

"or by transfer of an officer of BPS-17 of the Schools Management Cadre; provided that the officer possesses the requisite qualification of the post against which the officer is transferred."

- (2) under the heading "TEACHING CADRE WOMEN'S SECTION",-
- (a) against serial No. 2.2, in column No. 5, after the words "as such", the following shall be inserted, namely:
- "or by transfer of an officer of BPS-19 of the Schools Management Cadre".
- (b) against serial No. 2.3, in column No. 5, in clause (a), after the words "as such", the following shall be inserted, namely:
- "or by transfer of an officer of BPS-18 of the Schools Management Cadre"; and
- (c) against serial No. 2.4, in column No. 5, in clause (a), after the words "as such", the following shall be inserted, namely:
- "or by transfer of an officer of BPS-17 of the Schools Management Cadre; provided that the officer possesses the requisite qualification of the post against which the officer is transferred".

Note: ~~The phrase "by transfer" appearing in these service rules shall mean transfer of the officer from Schools Management Cadre to Teaching Cadre and vice versa for the posting purpose in pursuance of section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and shall not vest a right of appointment or absorption or promotion against the post on regular basis.~~

SECRETARY TO GOVERNMENT OF THE
KHYBER PAKHTUNKHWA ELEMENTARY
AND SECONDARY EDUCATION
DEPARTMENT

No. SOG/E&SE/1-28/2010/VOL-VII.

Dated Peshawar the 07.04.2012

Copy forwarded to the: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
5. All Directors, E&SE in Khyber Pakhtunkhwa.
6. All Executive District Officers, E&SE in Khyber Pakhtunkhwa.
7. Director Information, Khyber Pakhtunkhwa, Peshawar with the request to give wide publicity.
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10. P.S to Minister for E&SE Khyber Pakhtunkhwa, Peshawar.
11. PS to Secretary, E&SE Department.
12. PS to Special Secretary, E&SE Department
13. PS to Additional Secretary, E&SE Department.
14. PA to Deputy Secretary (Admn), E&SE Department.
15. PA to Deputy Secretary-II, E&SE Department.
16. All Section Officers/Planning Officers, E&SE Department.

(NAEEM ULLAH)
SECTION OFFICER (GENERAL)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(S/M) E&SED/3-2/2013/Policy of Management Cadre
Dated Peshawar the October 25, 2013

1. The Director, Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
2. The Director, Curriculum and Teachers Education
Khyber Pakhtunkhwa Abbottabad.
3. The Director, Provincial Institute of Teachers Education Peshawar.
4. The Director, Education Sector Reforms Unit, Elementary & Secondary
Education Department Khyber Pakhtunkhwa.
5. All District Education Officers (Male/ Female) in Khyber Pakhtunkhwa.

Subject:- POSTING TRANSFER POLICY OF EDUCATION OFFICERS AT DISTRICT LEVEL

I am directed to refer to the subject noted above and to state that the Provincial Government has been pleased to make the following policy for posting of DEOs by DEOs and SDEOs in Elementary and Secondary Education Khyber Pakhtunkhwa:

There is a need to appoint best possible officers in the Districts, selected purely on merit through placement committees. The normal tenure of these posts will be three years subject to performance and achievement of targets.

Accordingly the following placement committees, criteria of selections and Terms of Reference of the committees are hereby notified:

- i. Committee for selection of District Education Officer (BS-19):-
 - a. Secretary E&S Education.....Convener
 - b. Secretary EstablishmentMember
 - c. Additional Secretary E&SE.....Member
 - d. Director E&S Education.....Member
- ii. Committee for selection of Deputy DEOs (BS-18) and Sub Divisional Education Officers (BS-17):-
 - a. Secretary E&S Education.....Convener
 - b. Additional Secretary E&SE.....Member/Secretary
 - c. Director E&S Education.....Member
 - d. Deputy Secretary EstablishmentMember
 - e. The committee may co-opt DEO of the concerned District (if deemed necessary)

Due to an increase in the number of District Positions, the E&SE Department has to fill in these posts. Currently the District Positions are filled from both the 'Management' and the 'Teaching' Cadres.

TERMS OF REFERENCE OF THE PLACEMENT COMMITTEES:

The above cited committees will *make recommendations* to the final approving authorities for the placement of selected candidates as per the following TORs:

- i) The concerned placement committee will conduct interviews of the shortlisted candidates for determining suitability of the officers according to the prescribed criteria.
- ii) The posting orders will be issued by the E&SE Department as per recommendation of the committees.
- iii) Meeting will be held on need basis.
- iv) The Director, Directorate (E&SE) will prepare working papers for both the committees.
- v) The Director, ESRU will provide progress of all DEOs on the performance indicators for each district.

ELIGIBILITY:

- a) At least three candidates will be short-listed for each slot.
- b) Officers of BPS-19 (Regular) of the E&SE Department for the positions of DEOs.
- c) Officers of BPS-18 (Regular) of the E&SE Department for the positions of Dy. DEOs.
- d) Officers of BPS-17 (Regular) for the position of Sub Divisional Education Officers.
- e) ~~The officers shall not be posted in their home and domiciled districts. However, in case of non-availability of appropriate candidates Dy. DEOs/ Deputy DEOs (Female) may be posted in their home district and domiciled district of their husband but out of their home Tehsil.~~
- f) In view of any emergency situation, the Department may appoint any officer as DEOs, Dy. DEO, or SDEO. However, such appointments will be subject to review by the Placement Committees.
- g) No disciplinary proceedings/inquiry under process or minor/major penalty imposed on any candidate under the relevant rules for last five years.
- h) No punishment made under the anti-corruption laws or Pakistan Penal Code.
- i) No adverse remarks in the Performance Evaluation Reports (PERs) in the last three years.

SELECTION CRITERIA:

Academic qualification	(100 Marks)
Administrative experience	35 Marks
Interview	15 Marks
Rating of PER	10 Marks
Computer literacy	05 Marks
Total	100 Marks

Academic Qualifications:

Detail	BA/BSc	MA/MSc	BEd	M.Ed	M.Phil	Ph.D	Total
Marks	08	07	5	5	5	5	35
	1 st div=8	1 st div=7	1 st div=5	1 st div=5	1 st div=5	1 st div=5	
	2 nd div=6	2 nd div=6	2 nd div=4	2 nd div=4	2 nd div=4	2 nd div=4	

Marks are to be calculated on the basis of 'percentage' of marks obtained in certificate/ degree.

b. Administrative Experience:

35 Marks

(i) For DEOs/Dy. DEOs

- Two marks per year for work as SDEO, Dy. DEO or DEO and other administrative work within E&SE Department - (Maximum Marks 25).
- One mark per year for work as regular Principal High/Higher Secondary School-(Maximum Marks 10).

(ii) For SDEOs

- Two marks per year for work as regular Principal High/Higher Secondary School (Maximum 25 Marks).
- One mark per year for work as SDEO (Maximum 10 Marks).

c. Interview	15 Marks
d. Rating of PER	10 Marks
e. Computer literacy	05 Marks
Total	100 Marks

شہزادہ ایبٹ آباد اسلام آباد اور کراچی سے یک وقت شائع ہونے والا سیرالاشیاءیت قومی روزنامہ

روزانہ کی تمام اخبارات کا قاری

روزنامہ

پشاور

پاکستان

شمارہ 7 جلد 25

جمہوریہ 17 جنوری 2014ء 15 ربیع الاول 1435ھ۔ قیمت 12 روپے بجائے 1 روپے



دور ذمہ داری کی ضروریات

محکمہ ایجوکیشن کی ایڈمنسٹریشن اور ایجوکیشن خیرہ محکمہ کے ذریعہ تمام مردانہ اذنانہ ہائی ایجوکیشن ڈویژن کے سکولز کے پرنسپل ایڈمنسٹریٹرز ایڈمنسٹریٹرز سے DEO/DDEO/SDEO کے آسامیوں کیلئے 20 جنوری 2014ء تک مجوزہ فارم پر درخواستیں مطلوب ہیں ان کو (Placement Committee) کے ذریعے خالی آسامیوں پر تین ماہ کی مدت میں پُر کیا جائیگا۔

1	ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ اذنانہ)	پرنسپل BPS-19
2	ڈپٹی ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ اذنانہ)	پرنسپل BPS-18
3	سب ڈیوڑن ایجوکیشن آفیسر (مردانہ اذنانہ)	ہیڈ ماسٹر BPS-17

درخواست فارم DEO کے دفتر میں دستیاب ہیں اس کے علاوہ محکمہ ایجوکیشن کی ایڈمنسٹریشن ایجوکیشن کی ویب سائٹ www.kpese.gov.pk پر بھی دستیاب ہے

مردانہ اذنانہ کی ضروریات

INF(P)182 Also available on www.khyberpakhtunkhwa.gov.pk

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
No. SOR-VI/E&AD/1-4/2010/Vol-VIII
Dated Peshawar, the 21st March, 2014.**

1. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the Deputy Commissioners in Khyber Pakhtunkhwa and Political Agents in FATA.

Subject: **POSTING/TRANSFER POLICY.**

Dear Sir,
I am directed to refer to the subject cited above and to state that the directive of Chief Minister Khyber Pakhtunkhwa with regard to posting/transfer circulated to all concerned vide this department order of even number dated 11th November, 2013 is further amended as under:-

“Doctors, Lecturers, Instructors, Subject Specialists, Principal/Vice Principals & other teachers in BPS-17 & above working in Health and Education Departments in all the districts of government of Khyber Pakhtunkhwa shall be exempted from the application of the said policy. However the subject policy shall remain applicable on all Administrative/Executive positions in BPS-17 & above across the province.”

The above policy should be implemented in letter and spirit and should be brought to the notice of all concerned for compliance.

Yours faithfully,
[Signature]
ZIRA 21-03-14
(QURRAT UL-AIN)
SECTION OFFICER (REG-VI)

Enclst No. & date even.

Copy forwarded to:

1. The Registrar Peshawar High Court, Peshawar.
2. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
4. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. Private Secretary to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. The Director General, Provincial Disaster Management Authority, Provincial Reconstruction, Rehabilitation and Settlement Authority.
11. Private Secretary to Provincial Ombudsman.

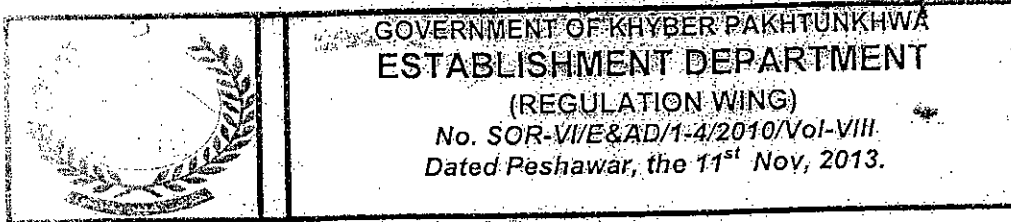
[Signature]
ZIRA 21-03-14
SECTION OFFICER (REG-VI)

(SM)

[Signature]

*Put up urgently!
DI bring by hand.
1. 26/3/2014*

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we it by
d.*



1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Secretary to Governor, Khyber Pakhtunkhwa.
3. The Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. The Secretary Provincial Assembly Khyber Pakhtunkhwa Peshawar.
5. All Commissioners/Deputy Commissioners/Political Agents in Khyber Pakhtunkhwa.
6. The Registrar, Peshawar High Court Peshawar.
7. The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. The Secretary, Khyber Pakhtunkhwa Public Service Commission Peshawar.
10. The Secretary, Board of Revenue Khyber Pakhtunkhwa Peshawar.
11. All Heads of Autonomous/Semi-Autonomous Bodies in Khyber Pakhtunkhwa.
12. The Director Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar.

Subject: **POSTING/TRANSFER POLICY.**

Dear Sir,

I am directed to refer to the subject cited above and to state that the Chief Minister Khyber Pakhtunkhwa has been pleased to direct that Officers in B.S. 17 and above should not be posted in districts of their domicile.

The Posting/Transfer Policy of the Provincial Government circulated vide circular No.SOR-VI/E&AD/1-4/2003 dated 15-02-2003 shall be treated modified to the above extent and shall be complied with in letter and spirit.

Yours faithfully,

ZIRA
11.10.13
(QURAT-UL-AIN)
SECTION OFFICER (REG-VI)

Copy forwarded to:-

1. Director Secretariat Staff Training Institute, Peshawar.
2. All Additional Secretaries/Deputy Secretaries in Establishment & Administration Department.
3. All Section Officers/Estate Officers, Resource Officer/Librarian/ACSO/Assistant Secretary BF in Establishment & Administration Department.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Establishment.
6. PS to Special Secretary (Establishment), Government of Khyber Pakhtunkhwa, Peshawar.

ZIRA
11.10.13
SECTION OFFICER (REG-VI)

880
27-10-14

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Applicant/Appellant

VERSUS

Secretary & others.....Respondents

**Application for impadment of Ms Ayesha Syed SS BPS-17
SDEO (Female) Abbottabad, in the column of respondents.**

Respectfully Submitted:-

1. That the above titled appeal is pending before this honorable tribunal and is fixed for 11-02-2015.
2. That respondent No 4 was transferred in place of the appellant and thus she had impugned her transfer order before this honorable Tribunal.
3. That by the time the instant appeal was ripe and fixed for arguments, the mentioned Ms Ayesha Syed SS BPS-17 was posted as SDEO (Female) Abbottabad, vide order dated 30-05-2014. (Copy of the order is enclosed).
4. That as the mentioned Ms Ayesha Syed was posted during the pendency of instant appeal; therefore she has become necessary party. Furthermore the valuable rights of the appellant/applicant are associated, which could be secured by her impleadment.

It is there fore prayed that on acceptance of this application, the mentioned, Ayesha Syed may kindly be impleaded in the column of respondents.

Dated:-23-10-2014


Appellant

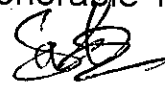
Through


Fazal Shah Mohmand

Advocate Peshawar

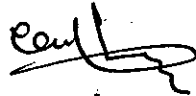
AFFIDAVIT

I, Mst. Sadia Aziz, SDEO (Female) Kohistan, (the appellant) ,do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT

Identified by



Fazal Shah Mohmand

Advocate Peshawar



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Applicant/Appellant

VERSUS

Secretary & others.....Respondents

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Dated:-23-10-2014

Through

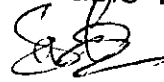

Appellant


Fazal Shah Mohmand

Advocate Peshawar

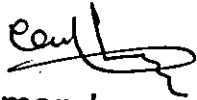
AFFIDAVIT

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DEPONENT

Identified by



Fazal Shah Mohmand

Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Applicant/Appellant

VERSUS

Secretary & others.....Respondents

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Dated:-23-10-2014


Appellant

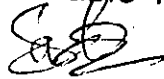
Through


Fazal Shah Mohmand

Advocate Peshawar

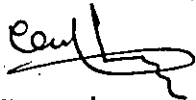
AFFIDAVIT

I, Mst. Sadia Aziz, SDEO (Female) Kohistan, (the appellant) do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT

Identified by



Fazal Shah Mohmand

Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Applicant/Appellant

VERSUS

Secretary & others.....Respondents

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It is there fore prayed that on acceptance of this application, the mentioned, Ayesha Syed may kindly be impleaded in the column of respondents.

Dated:-23-10-2014


Appellant

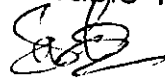
Through


Fazal Shah Mohmand

Advocate Peshawar

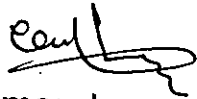
AFFIDAVIT

I, Mst. Sadia Aziz, SDEO (Female) Kohistan, (the appellant) do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT

Identified by



Fazal Shah Mohmand

Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Applicant/Appellant

VERSUS

Secretary & others.....Respondents

**Application for impeadment of Ms Ayesha Syed SS BPS-17
SDEO (Female) Abbottabad, in the column of respondents.**

Respectfully Submitted:-

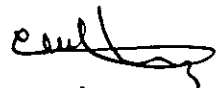
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4. That as the mentioned Ms Ayesha Syed was posted during the pendency of instant appeal; therefore she has become necessary party. Furthermore the valuable rights of the appellant/applicant are associated, which could be secured by her impleadment.

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Dated:-23-10-2014


Appellant

Through


Fazal Shah Mohmand

Advocate Peshawar

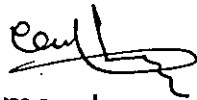
AFFIDAVIT

I, Mst. Sadia Aziz, SDEO (Female) Kohistan, (the appellant) do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT

Identified by



Fazal Shah Mohmand

Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 74/2014

Mst. Sadia Aziz.....Applicant/Appellant

VERSUS

Secretary & others.....Respondents

**Application for impadment of Ms Ayesha Syed SS BPS-17
SDEO (Female) Abbottabad, in the column of respondents.**

Respectfully Submitted:-

1. That the above titled appeal is pending before this honorable tribunal and is fixed for 11-02-2015.
2. That respondent No 4 was transferred in place of the appellant and thus she had impugned her transfer order before this honorable Tribunal.
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It is there fore prayed that on acceptance of this application, the mentioned, Ayesha Syed may kindly be impleaded in the column of respondents.

Dated:-23-10-2014


Appellant

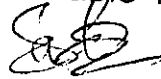
Through


Fazal Shah Mohmand

Advocate Peshawar

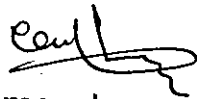
AFFIDAVIT

I, Mst. Sadia Aziz, SDEO (Female) Kohistan, (the appellant) do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT

Identified by



Fazal Shah Mohmand

Advocate Peshawar

Before Khyber Pakhtoonkhaw Service Tribunal

Peshawar

Mst Sadia Aziz v/s Secretary, ELSE

Subject: Memo of Appearance on behalf of Mst. Yasmeeen Aziz SDEO
(F) Abbottabad,

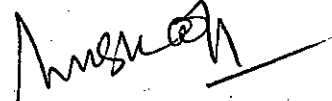
(Respondent no.3)

Respected Sir,

I am writing to inform you that as Respondent No.3 (Mst Yasmeeen Aziz, SDEO (F) Abbottabad) has been proceeded to Saudi Arabia to perform Umrah. She is officially on leave and currently not present in country.

As Respondent no. 3 informed me on phone to appear before this honorable court on her behalf therefore Memo in this respect is submitted.

It is also prayed that as the appellant and respondent no.3 are residents of Abbottabad, the next date of hearing may please be fixed at Abbottabad


Sardar Mohammad Shafiq

(Advocate, Abbottabad)

Sardar Mohammad Shafiq

Advocate

Dist. Courts Abbottabad

Dated: March 12, 2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 74/2014.

Mst. Sadia Aziz, S.D.E.O (F) (BS-17) Abbottabad.....**Appellant**
VERSUS

Secretary Elementary & Secondary Education Peshawar & others..... **Respondents**

Parawise comments for & on behalf of Respondent.

**Respectfully Sheweth,
Preliminary Objections:-**

1. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
2. The appellant has no cause of action/ locus standi.
3. The instant appeal is badly time barred.
4. The appellant has concealed the material facts from this Hon 'able Tribunal, hence liable to be dismissed.
5. The appellant has not come to this Hon 'able court with clean hands.
6. The appellant has filed the instant appeal just to pressurize the Respondents.
7. The present appeal is liable to be dismissed for non joinder / misjoinder of necessary parties.
8. The appellant has filed the instant appeal on malafide motives.
9. The instant appeal is against the prevailing law and rules.
10. The appellant is estopped by his own conduct to file the instant appeal.
11. Section 4 & 10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 empower the Executive authority regarding posting/Transfer for civil servant to anywhere in the Province or out side the province including the petitioner.
12. That the post of SDEO is not tenure oriented post and a civil servant can hold it during the pleasure of the Executive authority.
13. That the appellant wants to stick to the post of her own choice in violation of provisions contained in the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989, and posting transfer policy of the Provincial Government.

FACTS.

1. This para is related to the Service record of the appellant and the statement of the appellant is not supported by documentary proof hence no comments.
2. The Transfer and cancellation are issued by the competent authority in the best interest of public and for the sake of smooth running of the Department and to comply with the court orders hence the appellant has no reason to be aggrieved of the said orders.
3. The said order are self explanatory and in the best interest of public by the competent authority in accordance with law rules and policy on the subject.

4. Incorrect and denied:- The said order as mentioned in this para was also issued by the competent authority in accordance with law on the subject.
5. Incorrect. The Departmental appeal as annexed with instant appeal at page 12 is not diarized nor through proper channel hence not found in the record of this office, hence not maintainable in the eyes of law.
6. Incorrect and not admitted. Keeping in view the law, rules on the subject as points raised in preliminary objection the order dated 7-10-2013 as mentioned in this para is in accordance with law, fact and principles of justice and the appeal in hand is liable to be dismissed inter-alia on the following grounds:-

ON GROUNDS.

- A. Incorrect and not admitted. The mentioned order is legal one by the competent authority.
- B. That the appellant has been treated in accordance with law, rules and policy on the subject and no norms of justice have been violated.
- C. Incorrect and not admitted. The statement of the appellant in this para is baseless, against the facts, material on record and not supported by any documentary proof and also a manufactured one. hence denied.
- D. Incorrect and not admitted. The statement of the appellant in not supported by any proof.
- E. Incorrect and not admitted. The order mentioned in this para is in accordance with transfer & posting policy.
- F. This para pertains to court record hence no comments.
- G. Incorrect and not admitted. No political pressure was accepted by the respondent hence denied.
- H. Incorrect and not admitted. The appellant wants to stick to the post of SDEO (F) of her own choice in violation of law, rules and policy on the subject as mentioned in the preliminary objectives.
- I. The para is related to service record of the appellant hence no comments.
- J. That the respondent seek the permission of this Hon'able Tribunal to adduce more proofs and grounds at the time of hearing.

In view of the above made submissions, it is requested that this Honourable Court may very graciously be pleased to dismiss the present appeal with cost in favour of the Respondents.

Secretary,
Elementary & Secondary
Education, Department.
(For & on behalf Respondents No. 1 & 2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 74/2014.

Mst. Sadia Aziz, S.D.E.O (F) (BS-17) Abbottabad..... **Appellant**

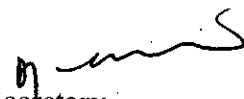
VERSUS

Secretary Elementary & Secondary Education Peshawar & others..... **Respondents**

Reply to the application of the appellant for suspension of the order dated 7-10-2013, till the final decision of this appeal, for & on behalf of Respondent.

1. That present Service Appeal of the appellant is pending for adjudication in which date for hearing is fixed 02-04-2014.
2. That the preliminary objection, grounds of reply to the appeal in hand may be considered as integral part of this reply.
3. That the appellant has no good prima facie case because the order mentioned in this application is issued by competent authority in accordance with law, rules and policy on the subject hence lawful and legal. While the allegations of the appellant are with out any legal cogent proofs and against the facts and material on record, hence denied.
4. That the Department/respondents are sanguine of their success in case in hand as the balance of convenience lies in favour of respondents.
5. That if the said order is suspended the respondent Department would suffer an irreparable loss and will cause a huge damage to the learning process of pupils/students.

In view of the above it is requested that this Honourable Tribunal may very graciously be pleased to dismiss the application in hand alongwith accompanying appeal with heavy cost in favour of the Respondent Department.


Secretary,
Elementary & Secondary
Education, Department.
(For & on behalf Respondents No. 1 & 2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

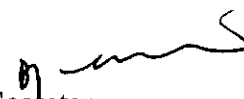
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VERSUS
Secretary Elementary & Secondary Education Peshawar & others..... **Respondents**

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In view of the above it is requested that this Honourable Tribunal may very graciously be pleased to dismiss the application in hand alongwith accompanying appeal with heavy cost in favour of the Respondent Department.


Secretary,
Elementary & Secondary
Education, Department.
(For & on behalf Respondents No. 1 & 2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

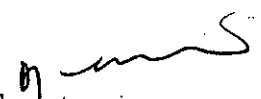
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VERSUS
Secretary Elementary & Secondary Education Peshawar & others..... Respondents

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1. That present Service Appeal of the appellant is pending for adjudication in which date for hearing is fixed 02-04-2014.
2. That the preliminary objection, grounds of reply to the appeal in hand may be considered as integral part of this reply.
3. That the appellant has no good prima facie case because the order mentioned in this application is issued by competent authority in accordance with law, rules and policy on the subject hence lawful and legal. While the allegations of the appellant are with out any legal cogent proofs and against the facts and material on record, hence denied.
4. That the Department/respondents are sanguine of their success in case in hand as the balance of convenience lies in favour of respondents.
5. That if the said order is suspended the respondent Department would suffer an irreparable loss and will cause a huge damage to the learning process of pupils/students.

In view of the above it is requested that this Honourable Tribunal may very graciously be pleased to dismiss the application in hand alongwith accompanying appeal with heavy cost in favour of the Respondent Department.


Secretary,
Elementary & Secondary
Education, Department.
(For & on behalf Respondents No. 1 & 2)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

No. 286

185
3/3/14

Dated Abbottabad, the 1/3/2014.

The Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Subject:- CONFIRMATION OF DATE OF APPEARANCE AS 2.4.2014.

Memo;

I have the honour to request you that this office is in receipt of the following appearance Notices :-

- i. First received, which date of appearance is 2/4/2014
- ii. Second Received, which date of appearance is 12.3.2014, in r/o the Appeal No.74 of 2014 of Mst: Saadia Aziz

VERSUS

Secretary, E & SE Deptt: (Respondent)

Notice to:- Mst: Yasmeen Aziz SDEO(F) Abbottabad

(Teaching Cadre).

It is stated for your kind information that the Date of appearance before the Tribunal in the First Notice is as 2.4.2014, whereas the said date has been reduced as 12.3.2014 instead of 2.4.2014.

It is also brought into your kind notice that Mst: Yasmeen Aziz SDEO (Female) Abbottabad has been proceeded ~~to~~ ABROAD (SAUDI ARABIA) for the performance of "UMRA" for the period w.e.f 24-2-2014 to 10-3-2014 (Copy of Leave Application a/w covering Letter is enclosed herewith).

So, it is impossible for her to appear before the Service Tribunal on 12-3-2014.

Kindly the date of Appearance as 2.4.2014 instead of may please be CONFIRMED so that the Traveller could ~~perform~~ the RELIGIOUS DUTIES easily.

Encl
(2)

[Signature]
DISTRICT EDUCATION OFFICER (FEMALE)
A B B O T T A B A D .

*Put up to the Court
with relevant appeal.*

*Respect
Concerned,*

*Leads
3/3/14*

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER(F) ABBOTTABAD.

No. 247

Dated Abbottabad, the 20/2/2014.

The District Education Officer
(Female) A b b o t t a b a d .

Subject:- EX-PAKISTAN LEAVE FOR PERFORMANCE OF UMRA.

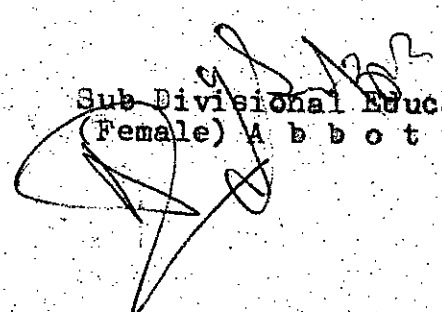
Memo;

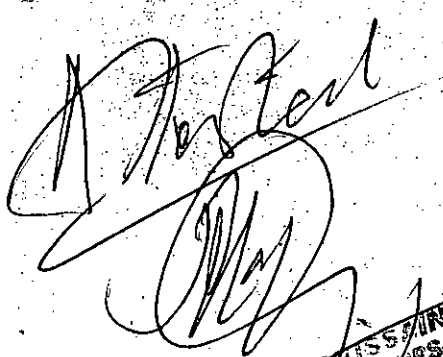
The Application for the grant of Ex-
Pakistan Leave for the performance of "UMRA" for the
period wef 24-2-14 TO 10-3-14 (15 Days) in respect of

Mst: Yasmeen Aziz (SDEC(F)Atd:) duly reported by the District
Accounts Officer, Abbottabad for your further necessary action
please:-

ENCL:

One


Sub-Divisional Education Officer
(Female) A b b o t t a b a d .


(ALFAR HUSSAIN)
Superintendent (SPS-10)
of THE S.D.E.O(F) Primary
Abbottabad

APPLICATION FOR LEAVE

Notes:- Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of B.P.S. 16 and above.

1. Name of applicant. YASMEEN AZIZ
2. Leave Rules applicable. 1981
3. Post held. SDEO (F) ABBOTTABAD
4. Department or office. ELEM: & SECY: EDUCATION (FEMALE) ABBOTTABAD
5. Pay. RS. 40000/- PM
6. House Rent Allowance/conveyance allowance or other compensatory allowances drawn in the present post. 2955/- PM, 5000/-, 3475/-, 11585/-, 8240/-, 6100/-
7. (a) Nature of leave applied for. EX-PAKISTAN LEAVE FOR PERFORMANCE OF UMRA
(b) Period of leave in days. 24-2-2014 to 10-3-2014 (15 Days)
(c) Date of commencement. 24-2-2014
8. Particular Rule/Rules under which leave is admissible. _____
9. (a) Date of return from lost leave. NA
(b) Nature of leave. N.A
(c) Period of leave in days. N.A

Dated: 14/2/2014

Signature of applicant. _____

10. Remarks and recommendation of the Controlling Officer. _____
11. Certified that leave applied for is admissible under Rule 1981 and necessary conditions are fulfilled.

Dated: 14/2/2014

Signature Designation.
S.D.E.O. (F)
Abbottabad

12. Report of Audit Officer.

Dated: _____

Certified that 15 days earned leave on full pay is due and admissible to the applicant under rule 1981.

Signature Designation.

Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to the same post carrying the compensatory allowances being drawn by him.

Dated: _____

Signature Designation.

Before K. P. K Service Tribunal - Peshawar.

To,

The Registrar Service Tribunal K P K
Peshawar.

SERVICE APPEAL No 74/2014

Date of Hearing 2-4-2014

Subject:- WRITTEN STATEMENT / REPLY OF SUSPENSION
APPLICATION ON BEHALF OF RESPONDANT NO3
Request for fixation of case At Abbottabad.

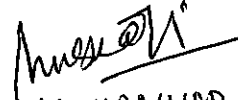
Sir, Please find enclosed herewith ⁽⁴⁾ Four copies
of written statement, Reply of suspension application
along with all other copies of documents etc for
the submission before the honorable Tribunal

It is further requested that the instant
case/appeal may please be fixed for Abbottabad
as the appellant and respondent No3 are residents
& posted at Abbottabad.

The next date for hearing is 2-4-2014.

Mrs Yasmin Aziz
SDE (F) Abbottabad
Respondant No3

Date 25-3-2014

Through:- 
(SARDAR MOHAMUD SHAFIQ)
ADVOCATE, ABBOTTABAD

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Mst. Sadia Aziz **VERSUS** Secretary ELE & others.

WRITTEN STATEMENT

INDEX

S.#	Description	Page Nos.	Annexures
1.	Written Statement alongwith affidavit	1 to 08	
2.	Suspension Application (<i>Reply</i>)	09 to 10	
3.	Photocopy of judgment	11 - 12	"A"
4.	Photocopy of general posting transfer order dated 30/08/2013	13 - 14	"B"
5.	photocopy of this letter <i>transfer order 3⁹ 2013</i>	15	"C"
6.	photocopy of the notification (<i>impugned order</i>)	16 - 17	"D"
7.	Photocopies of all the documents including orders / judgment of the Honourable courts	18 to 25	"E", "F" & "G"
8.	Photocopy of Notification No. 27/SET(F)	26 to 30	"H"
9.	Photocopy of Notification dated 15/06/2010	31	"I"
10.	Copy of amended	32 to 35	"J"
11.	Wakalatnama	36	

[Signature]
Mst. Yasmin Aziz

...RESPONDENT NO. 3

Through

Dated: 25/3 /2014

[Signature]
(Sardar Muhammad Shafiq)
Advocate High Court, Abbottabad

1

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Mst. Sadia Aziz **VERSUS** Secretary ELE & others.

SERVICE APPEAL No 74 / 14

WRITTEN STATEMENT ON BEHALF OF RESPONDENT NO.
3 (MST. YASMIN AZIZ SDEO (F) ABBOTTABAD

Respectfully Sheweth:-

As ordered the parawise written statement on behalf of
respondent No. 3 is furnished as under:-

1. Correct to the extent that the appellant was appointed as se [redacted] teacher (SST). So for it relates to qualifying her competitive exam and induction in management cadre, nothing is available on the file
2. Correct to the extent that the service of appellant were placed at the disposal of Director Elementary Education KPK, Peshawar by Govt. of KPK ELE Department for further posting vide notification dated 16/05/2013. It is further clarified that her posting was cancelled there on the grounds that her previous posting was ordered by the interim government of

KPK and the transfer and posting were banned during that period and the Honourable Peshawar High Court directed to cancel the transfer solely on this ground. The appellant has cancelled the factual position and misled the Honourable Tribunal. Photocopy of judgment is placed as Annexure "A".

3. After formation of the elected govt. in KPK, and as result of general posting and transfers, the appellant was transferred to Battagram in place of respondent No. 3 who after serving about two years in Mansehra and 3½ years in Battagram. The appellant has also misconceived the very facts from the Honourable Court. Photocopy of general posting transfer order dated 30/08/2013 is attached as Annexure "B". The appellant however manipulated to get her transfer cancelled just within three days vide notification dated 03/09/2013. A photocopy of this letter is already placed as Annexure "C" in the appeal of appellant.

4. Para No. 4 of appeal is incorrect, as result of the department appeal against the illegal transfer respondent No. 3 was transferred back as SDEO(F) Abbottabad vide notification dated 07/10/2013. A photocopy of the notification is attached as Annexure "D".

It is also brought into the notice of Honourable Tribunal, the appellant, ^{Her} in order to gain her unwarranted demand approached to the civil court Abbottabad and the district Judge, Abbottabad where her plaint / appeal was dismissed, not this but the appellant, during currency of proceeding in the lower judiciary simultaneously filed a writ petition in the Peshawar High Court, bench Abbottabad seeking the cancellation of the lawful order of the competent authority vide ~~plaint~~ ^{writ} dated 08/10/2013 appeal, before District Judge dated 12/10/2013 and writ petition dated 10/10/2013. Photocopies of all the documents including orders / judgment of the Honourable courts are attached as Annexure "E", "F" & "G". The appellant in order to have posting of her choice has mislead all the quarters, even wasted the precious time of all the court. The appellant has also deliberately ^{concealed} cancelled the facts from this Honourable Tribunal.

5. It is yet to be proved by the appellant whether she has filed her department appeal before competent authority and delivered to the appellate authority in time and that what further action has been taken in this regard.
6. Para No. 6 of appeal is incorrect. The fact is that the order dated 07/10/2013 (Annexure C) is on merits and

in the interest of public service issued by the competent authority.

GROUNDS

- A. This is incorrect, the impugned order is judicious, legal and on merits.
- B. This is incorrect. The provisions of law, rules and the policy on the subject have been observed by the competent forum. The transfer order of respondent No. 3 is legal and on merits. All the requirements as laid down in the rules and policy in the subject has been observed.
- C. This is incorrect. The respondent No. 3 has served more than five years outside her domiciled district in Mansehra and Battagram, she has been transferred back to Abbottabad in accordance with rules, policy on the subject. The appellant has miserably failed to point out any malafide, favouritism and political interference as alleged by the appellant. Photocopies of respondent No. 3 transfer orders at Mansehra and Battagram are attached as Annexure "D" & "D1"
- D. As explained in para C above.

E. This is incorrect, the whole position has been explained in para B to D.

F. This is incorrect. The respondent No. 3 was appointed initially as ADEO (Management *Field* cadre) on 20/09/1989 vide formal Govt. of NWFP notification No. 27/SET(F). Photocopy of Notification No. 27/SET(F) is attached as Annexure "H". And promoted to BPS-17 w.e.f. 01/09/1989 vide notification dated 13/05/2002. Copy of notification dated 15/02/2002 is annexed as Annexure "H1". Respondent No. 3 is serving as such in the cadre till date the respondent No. 3 has also served as SDEO from 2005 to 2008, ^{or} is also submitted that prior to her present posting as SDEO Abbottabad, the respondent No. 3 was serving in the Management *side* Cadre as DDO(F) Battagram from 15/06/2010 to 07/10/2013 and have more than 20 years experience in Management Cadre. *Field*

Photocopy of Notification dated 15/06/2010 is attached as Annexure "I".

It is thus established that no violation of law / fundamental rights is involved in instant case. It is also further clarified that the Govt. of KPK vide their notification No. SO(G)/E & SE/1-

76/2011/M&T vol III dated 17/04/2012 amended the provision of Management Cadre and the teaching Cadre. Thus no violation of rules etc. is involved and the order is Bonafidely issued by the competent authority. Photocopy of amended is attached as Annexure "J". Moreover it is submitted that the appellant is posted as SDEO(F) Battagram and not in teaching Cadre.

G. This is incorrect. The appellant in order to get sympathies has tried to divert the attention of Honourable Court by furnishing the copies of the applications / recommendations there on by the one MPA / Chairman district development advisory committee Abbottabad other than respondent No. 3, which have no relevancy with the transfer of appellant and respondent No. 3, besides a kind perusal will reveal that all those have been endorsed to the district education officer (F) and not the appellant. The authenticity of the above letters is doubtful.

H. This is incorrect. The respondent No. 3 also hails Abbottabad. Although is not the criteria for posting transfer of Govt. servant in his home town that to in officer Cadre. The appellant

however served at her home station (the whole service) from 2005 to 2013 (8 years), on her own choice.


- I. It is to be proved / decided by the court. It is so it does not constitute right of govt. servant to have posting of her choice and at her home station.
- J. It is to be decided by the Honourable Court. In light of the aforementioned facts.

It is, humbly prayed that instant appeal of the appellant may kindly be dismissed with cost.

Dated: 25/3/2014

Through


Mst. Yasmin Aziz
...RESPONDENT NO. 3


(Sardar Muhammad Shafiq)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing written statement are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.


Mst. Yasmin Aziz
...RESPONDENT NO. 3

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

Mst. Sadia Aziz **VERSUS** Secretary ELE & others.

WRITTEN STATEMENT

AFFIDAVIT

I, Mst. Yasmin Aziz SDEO(F) ELE, Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing written statement (reply) are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Date 25-3-2014

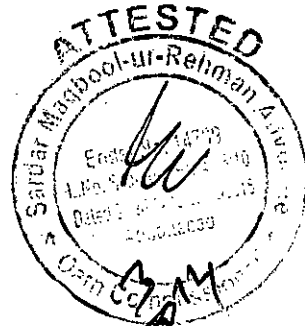
DEPONENT

(YASMIN AZIZ)

Identified By;



(Sardar Muhammad Shafiq)
Advocate High Court, Abbottabad



25-3-14

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Mst. Sadia Aziz **VERSUS** Secretary ELE & others.

WRITTEN STATEMENT

APPLICATION FOR THE SUSPENSION OF IMPUGNED
ORDER DATED 07/10/2013 ISSUED BY RESPONDENT NO. 1
TILL FINAL DISPOSAL OF APPEAL.

=====

REPLY OF THE APPLICATION ON BEHALF OF
RESPONDENT NO. 3

=====

Respectfully Sheweth;-

Reply of the application on behalf of the respondent No. 3;-

The application for suspension is incorrect, baseless and liable to be set-aside. As alleged, the impugned order is not is neither illegal, premature, malafide and nor the out come of poetical interference. The respondent No. 3 rather double of the fix tenure of Govt. employees has bonafidely been transferred to Abbottabad strictly in accordance with the provision of law, rules and policy on the subject matter. The appellant has totally failed to provide any proof / document to subsisted her claim as alleged. It is also brought into the notice of this Honourable High Court that the impugned order being local has already implemented and the appellant has joined her assigned respondent as SDEO (F) Battagram and the respondent No. 3 joined as SDEO (F) Abbottabad.

Since the order in question is already implemented, and that the appellant has also failed to point out irreparable loss or any malafide injustice, and no balance of convenience lies in the favour of appellant.

It is, prayed that the application is liable to rejection and it may kindly be dismissed.

[Handwritten Signature]

Mst. Yasmin Aziz
...RESPONDENT NO. 3

Dated: 25/3/2014

Through

[Handwritten Signature]

(Sardar Muhammad Shafiq)
Advocate High Court, Abbottabad

AFFIDAVIT

I, Mst. Yasmin Aziz SDEO(F) ELE, Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing reply of application are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.

[Handwritten Signature]
DEPONENT
(YASMIN AZIZ)

Identified By;

[Handwritten Signature]
(Sardar Muhammad Shafiq)
Advocate High Court, Abbottabad



25-3-2014

Annexer 'A'
Annexure (A)
17

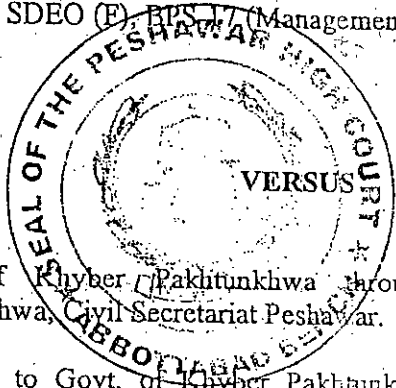
IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

(Abdul Salam Khan Sarikani)
Civil Judge-V, Abbottabad
8/10/11

W.P No. 427-A /2013

Mst. Sadia Aziz, SDEO (F. BPS 17) (Management Cader) Abbottabad.

...PETITIONER



VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa (E&SE) Department Civil Secretariat Peshawar.
3. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female) Abbottabad.
5. Commissioner Hazara Division, Abbottabad.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, AS AMENDED UPTO DATE TO THE
EFFECT THAT THE PETITIONER WAS TRANSFERRED
BY RESPONDENT NO. 2 WITH THE CONNIVANCE OF
OTHER RESPONDENTS THROUGH IMPUGNED
ORDER / NOTIFICATION NO. SO(S/F)E&SE/4-16/2013
DATED 16/05/2013 AND HER SERVICE PLACED AT
THE DISPOSAL OF DIRECTOR ELEMENTARY AND

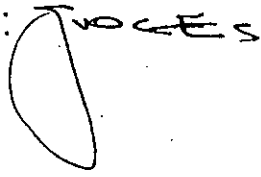
Certified to be True Copy
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 of Ordms

Attested
Sardar M. Nadeem
Secretary High Court
Abbottabad

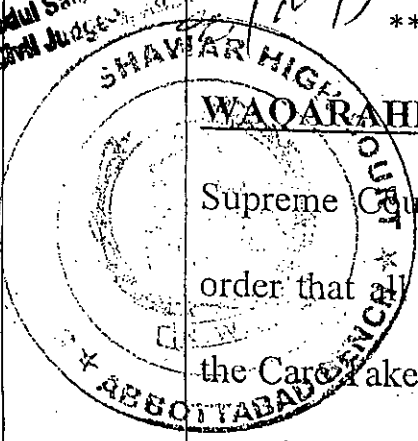
PESHAWAR HIGH COURT ABBOTTABAD BENCH

FORM 'A'

FORM OF ORDER SHEET

Date	Order of the Court with signature of Honourable Judge (s)
1	2
29.5.2013	<p>WP No. 427-A/2013</p> <p>Present: Counsel for the petitioner.</p> <p>****</p> <p><u>WAO AHMED SETH J.</u> As the Hon'ble</p> <p>Supreme Court of Pakistan has declared through a short order that all the appointments/transfers/postings made by the Care Taker Government whether in the Federation or in the Provinces are void ab-initio, null and void and without lawful authority, therefore, instead of pursuing the instant writ petition, petitioner is directed to get a copy of the said order and produce the same before the respondents/authorities asking them to act upon the same and restore her to her previous position.</p> <p>2. Accordingly, the instant writ petition is disposed of in the above terms.</p> <p>SD: </p> <p>Certified to be True Copy 30.5.13 Peshawar High Court Abbottabad Bench Authorized Under Sec 75 Acts & Ordms.</p> <p>Attested Amir Sardar Muhammad Shafiq Advocate, High Court District Court, Abbottabad</p>

Abdul Salam
Civil Judge



Annex B

Annex B

13



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SE DEPARTMENT

Dated Peshawar the August 30, 2013.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2013/DDEO's (F) & SDEO's (F): The following posting / transfers of the officers from Management Cadre are here by ordered in the interest of public service with immediate effect:-

S.No	Name of Officers with designations & place of posting	Proposed place of posting	Remarks
1	Mst. Shamim Akhtar (B.S-18) DDEO (F) Mansehra (Management Cadre)	DDEO (F) (BPS-18) Haripur	Vice S.No.3
2	Mst. Naghmana Sardar (BPS-18) DDEO (F) Dir Upper (Management Cadre)	DDEO (F) (BPS-18) Abbottabad	A.V.P
3	Mst. Rehana Yasmin (BPS-18) DDEO (F) Haripur (Management Cadre)	DDEO (F) (BPS-18) Battagram	A.V.P
4	Mst. Samina Ghani (BPS-18) DDEO (F) Swabi (Management Cadre)	DDEO (F) (BPS-18) Peshawar	Vice S.No.5
5	Mst. Sofia Tabassum (BPS-18) DDEO (F) Peshawar (Management Cadre)	Dy. Director Establishment (F) (BPS-18) Directorate E&SE	Vice S.No.8
6	Mst. Ulfat Begum (BPS-18) DDEO (F) Charsadda	(BPS-18) DDEO (F) Nowshera	Vice S.No.7
7	Mst. Naheed Anjum (BPS-18) DDEO (F) Nowshera (Management Cadre)	DDEO (F) (BPS-18) Swabi	Vice S.No.4
8	Mst. Zuhra Begum (BPS-18) Dy. Director Establishment Directorate E&SE (F)	DDEO (F) (BPS-18) Mardan	Vice S.No.13
9	Mst. Syeda Anjum (BS-18) DDEO (F) D.I.Khan (Management Cadre)	DDEO (F) (BS18) Tank	Vice S.No.10
10	Mst. Azra Bibi (BS-18) DDEO (F) Tank (Management Cadre)	DDEO (F) (BPS-18) D.I.Khan	Vice S.No.9
11	Mst. Farzana Begum (BS-18) DDEO (F) Kohat (Management Cadre)	DDEO (F) (BPS-18) Hangu	Vice S.No.12
12	Mst. Bibi Rizwana (BS-18) DDEO (F) Hangu (Management Cadre)	DDEO (F) (BPS-18) Kohat	Vice S.No.11
13	Mst. Attiya Sultana (BS-18) DDEO (F) Mardan (Management Cadre)	Her services are placed at the disposal of Directorate E&SE.	

2 They may also be assigned Additional Charge of the post of DEO (F) of the concerned districts.

0997-310310

14

3. The following Sub Divisional Education Officers (F) are also hereby transferred:

No	Name of Officers with designations & place of posting	Proposed place of posting	Remarks
1	Mst. Sadia Aziz (BPS-17) SDEO (F) Abbottabad (Management Cadre)	SDEO (F) (BPS-17) Battagram	Vice S.No 2
2	Mst. Yasmin Aziz (BPS-17) SDEO (F) Battagram (Management Cadre)	SDEO (F) (BPS-17) Abbottabad	Vice S.No 1
	Mst. Jamia Rana (BPS-17) SDEO (F) Tank (Management Cadre)	SDEO (F) (BPS-17) Lakki Marwat	A.V.P
	Mst. Rehana Yasmin (BPS-18) SDEO (F) Haripur (Management Cadre)	SDEO (F) (BPS-17) Swabi	A.V.P

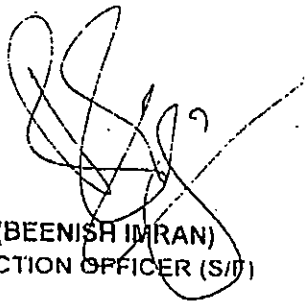
4. No TA / DA are allowed.

SECRETARY

Endst. of even No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Pesh.
2. Director, E&SE, Peshawar.
3. District Education Officer Concerned.
4. District Accounts Officer Concerned.
5. Incharge EMIS, E&SE Department.
6. P.S to Minister E&SE Khyber Pakhtunkhwa.
7. P.S to Secretary E&SE Department.
8. Officer concerned.
9. Office order file.


 (BEENISH IMRAN)
 SECTION OFFICER (S/O)

Handwritten mark

1st January 2006 to 17 11 2008 -

SDF



Amir Ex BEC
C
(15)

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SE DEPARTMENT**

Dated Peshawar: September 3, 2013.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2013/Sadia Aziz & Yasmin Aziz: The posting / transfer order of the following officers at S.No.1&2 in the list of SDEO (F) (BS-17) issued vide this Department's Notification of even number dated 30-08-2013, is hereby cancelled in the interest of public service with immediate effect.

2. Consequent upon the above the following female officers shall remain posted against their previous stations as under:-

S. No	Name, Designation & place of posting	As
1.	Mst. - Sadia Aziz SDEO (F) (BS-17) Battagram (Management Cadre)	SDEO (F) Abbottabad.
2.	Ms. Yasmin Aziz SDEO (F) (BS-17) Abbottabad (Management Cadre)	SDEO (F) Battagram

2. No TA / DA allowed.

Endst. of even No & date

SECRETARY

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F), Battagram & Abbottabad.
4. District Accounts Officer Battagram & Abbottabad.
5. Incharge EMIS, E&SE Department.
6. P.S to Secretary E&SE Department.
7. Officer concerned.
8. Office order file.

(BEENISH IMRAN)
SECTION OFFICER (S/F)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SE DEPARTMENT

Answer 'D'

16

Dated Peshawar the Oct 7th, 2013.

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2013/ SDEO's (F): The following posting / transfers of Sub Divisional Education Officers.(F) (BS-17) are hereby ordered in the interest of public service with immediate effect:-

S.No	Name of Officers with designations & place of posting	Proposed place of posting	Remarks
1.	Ms. Sadia Aziz (BPS-17) SDEO (F) Abbottabad (Management Cadre)	SDEO (F) (BPS-17) Battagram	Vice S.No.2
2.	Ms. Yasmin Aziz (BPS-17) SDEO (F) Battagram (Teaching Cadre)	SDEO (F) (BPS-17) Abbottabad	Vice S.No.1
3.	Ms. Rehana Yasmeen (BPS-17) SDEO (F) Swabi (Management Cadre)	SDEO (F) (BPS-17) Haripur.	A.V.P

SECRETARY

End of even No & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Peshawar.
3. District Education Officer (F) Concerned.
4. District Accounts Officer Concerned.
5. Incharge EMIS, E&SE Department.
6. P.S to Minister E&SE Khyber Pakhtunkhwa.
7. P.S to Secretary E&SE Department.
8. Officer concerned.
9. Office order file.

(BEENISH IMRAN)
SECTION OFFICER (S/F)

Attest
and
Ad

Anwar D/1 Annexes D/1

17

OFFICE OF THE DIRECTOR SCHOOLS & LITERACY NWFP PESHAWAR.

NOTIFICATION

Consequent upon the approval given by the competent authority, the following mistresses are hereby transferred on their own pay & scales in the interest of public service with immediate effect.

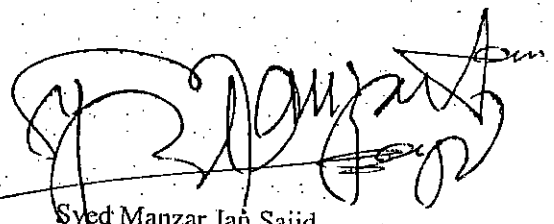
S.No.	Name of mistress	Transferred as	Remarks
1.	Mst Yasmin Aziz ADO(F) A/Abad	Dy: DO(F) A/Abad	Against vacant post
2.	Mst Aisha Saeed SET GGHS Dhodial Manshra	ADO(F) A/Abad	Vice Sr: No. 1

- Notes:-
1. Charge report should be submitted to all concerned
 2. No TA/DA is allowed
 3. The Executive Distt: Officers (S&L) concerned are directed to check their service documents before relinquish charge to her & making payment of salaries.

Director of Schools & Literacy
NWFP, Peshawar.

Endst: No. 7615-21 /A-12/Mst Yasmin Aziz dated Pesh: the 30/6/ 2006

- Copy forwarded for information and necessary action to the:-
1. Executive Distt: Officers (S&L) concerned
 2. Distt: Accounts Officers concerned
 3. Dy: DO (F) A/Abad
 4. DO (F) Manshra
 5. P.S to the Minister for Education NWFP.
 6. PA to D.S&L NWFP, Peshawar.
 7. Mistresses concerned



Syed Manzar Jan Sajid
Deputy Director (Establishment)
Schools & Literacy NWFP,
Peshawar Ya



بابت ضابطہ سیدہ رسول جج صاحب ایبٹ آباد

دیپ عزیز سب ڈویژنل ایجوکیشنل آفیسر (فنی میں) ایف بی ایف ایبٹ آباد

جام

MR AZAD ALI
CIVIL JUDGE-VII
ABBOTTABAD. MOP
8/10/13

1 حکومت K.P.K بزرگ سیکڑی ایجوکیشن (E & SE) پشاور

2 ڈائریکٹر E & SE پشاور

3 یاسمین عزیز SDEO (جیڈی ٹیچر) بنگرام (Teaching Cader)

(د) دعویٰ براد صدور ڈی ای اسٹو آر جی میں قرارداد نم عدلیہ بطور (BPs 17) SDEO (F) (فنی میں)

ایبٹ آباد میں اپنے فالو فنی سرانجام درپے ہے جبکہ نوٹی فیکیشن بر SO (SE & SE) / 4-16/2013 SDEO (F)

مقدمہ نمبر 7/10/2013 جسکی رو سے عدلیہ کو مدعا علیہا بتانے کی جگہ بلکہ اسم آرڈر

2407/13

جو کہ عدلیہ صرف قانون صرف واقعات اور سیاسی اثر و سونم کی بنیاد پر لگے اور

عدلیہ نے تانے کوئی حق نہ بنتا ہے کہ وہ باہمی علی علیہا اور سیاسی اثر و سونم

709

کی بنیاد پر عدلیہ کی ٹرانسفر کے مدعا علیہا بتانے کو مدعا علیہا کی جگہ لکھنا

کریں جگہ کاروائی حقوق مدعا علیہا پر مالدوم داخل ہے۔

فیصلہ

حالیہ لکھن کوئی حق نہیں ہے اور مدعا علیہا بتانے کے

28/10/13

(ب) دعویٰ براد صدور ڈی ای حکم عدلیہ کی دوائی میں صرف مدعا علیہا کہ وہ عدلیہ کو براد

نوٹیفیکیشن صدر بل بلا جنرل (بلکہ اسم ٹرانسفر) یا مدعا علیہا بتانے کو مدعا

کی جگہ لکھنا کریں یا مدعا علیہا سے زیر دستہ چارج بلکہ مدعا علیہا بتانے کے جواب میں

یا کسی بھی قسم کی دیگر کاروائی / حکم نامہ کاروائی میں صرف مدعا علیہا کریں۔

حالیہ لکھن کوئی حق نہیں ہے اور مدعا علیہا بتانے کے

200 روپیہ


Approved by the Copy
8/10/13
A. S. S. S. S. Judge
Abbottabad

(3)

(19)

Order 5
11.10.13

None is present. Requisition No. 03 received from the court of AD. AD part be maintained. This file be sent to the learned court for 14-10-13



(Abdul Salam Khan Sarkani)
Civil Judge, Abbottabad

Order No.06
28/10/2013

None is present for plaintiff. Defendant is present. Case file received from appellate court alongwith order dated 26/10/2013, perused, wherein it was held that Civil Court has no jurisdiction in such like matters of service. In view of above, it is held that, this court has got no jurisdiction to entertain matter in issue, which pertains to posting /transfer. Hence plaint is returned to the plaintiff with direction to seek remedy before proper forum.

Moharrir is directed to do the needful and record be consigned to record room.

✓ Announced
28/10/2013


Abdul Salam Khan Sarkani.
Civil Judge-V, Abbottabad



No. 7263 Date 15/03/14

D of Presentation Application _____

No of Writs _____

Copies _____


Urgent _____

Total _____

Name of _____ Ady

Date of Preparation of Copy 19/03/14

Date of Delivery of Copy 24/3/14

Attorney for Plaintiff

03/14

Plaintiff

اسٹیشننگ ڈسٹرکٹ جج ایبٹ آباد

بعدالتضام ڈسٹرکٹ جج ایبٹ آباد

Annex F

20

4

سید منیر (SDEO(F) ایبٹ آباد

M.A.



نام

1) صورت K.P.K. بزرگ سکریٹری ایجوکیشن (E.S.E) ایبٹ آباد

2) ڈائریکٹر (E&SE) ایبٹ آباد

3) ٹیچنگ ایسوسی ایٹ (S.D.E.O) (Teaching Cadre) ایبٹ آباد

سول ایپل -

مقدمہ نمبر

50/14

پہلے بندرانی برصغیر حکم نمبر 10-11 عدادت حالت سول جج ایبٹ آباد

12/10/13

جسکی رو سے عدادت حالت نے حکم امتناعی عارضی برصغیر و سپرنٹنڈنٹ / درکار علیہم جاری شدہ قابضوں کا فری و سپرنٹنڈنٹ غائبانہ و بغیر کسی وارنٹ، vacat کر دیا۔ فیصلہ ایبٹ آباد

26/10/13

منظوری ایپل حکم امتناعی عدادت حالت قرارہ 10-11 صنف فرماتے ہوئے

حکم امتناعی عارضی برصغیر و سپرنٹنڈنٹ کا فری و سپرنٹنڈنٹ غائبانہ و درکار علیہم حکم امتناعی عارضی جاری و حال حاظر

Attested to be True Copy

Examiner District & Session Judge Abbottabad

28/3/14

نیا نیکو صوبہ ایبٹ آباد قرارہ 10-11 عدادت حالت میں دیکھ کر ایبٹ آباد

صنف حکم امتناعی عارضی کا درجہ سبھی کی فری و سپرنٹنڈنٹ / درکار علیہم جاری و حال حاظر و سپرنٹنڈنٹ کا فری

کا یہ قرارہ 10-11 قرارہ

P-6-0