

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
AT CAMP COURT SWAT.

Service Appeal No. 7542/2021

Date of institution ..... 06.10.2021

Wazir Zada, Junior Clerk, Office of Sub-Divisional Education Officer  
(Male) Gagra, District Buner.

VERSUS

Director, Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Peshawar and three others.

O R D E R  
03.10.2022


Nemo for the appellant. Mr. Obaid-ur-Rehman, ADEO alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. The appeal was called on for hearing after various intervals but none appeared on behalf of the appellant till the closing time.

Representative of the respondents produced copy of Notification dated 24.11.2021, whereby the appellant has now been promoted to the post of Senior Clerk (BPS-14). He also produced copy of charge report of the appellant, whereby the appellant has assumed the charge in the office of SDEO (F) Daggar Buner. It appears that the appellant has lost interest in pursuing the instant appeal.

In view of the above, the appeal in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
03.10.2022

  
(ROZINA REHMAN)  
MEMBER (JUDICIAL)  
CAMP COURT SWAT

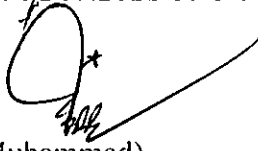
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT SWAT

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General

~~Present: Mr. Amir Zaman, Advocate General, District Court Swat~~  
~~for the respondent~~

Counsel are on strike. Adjourned. To come up for arguments on 08.07.2022 before D.B at camp court Swat.



(Mian Muhammad)  
Member (E)  
Camp Court Swat



(Kabir Arshad Khan)  
Chairman  
Camp Court Swat

D

08.07.2022

Since 8<sup>th</sup> July 2022 is declared as holiday. Therefore, case is adjourned to 4/8/2022 for the same as before.

  
Reader

4.8.22

*Due to summer vacations the case is adjourned to 3.10.22 for the same*



For the court  
( )  
Date: 03/08/22

13.04.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to furnish reply/comments. Last opportunity is granted to the respondents for submission of reply/comments, failing which their right for submission of reply/comments will be struck off. To come up for written reply/comments before the S.B on 10.05.2022 at Camp Court Swat.


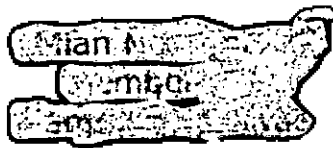


Chairman

10.05.2022

Clerk of learned counsel for the appellant present. Mr. Obaid-ur-Rehman, ADEO (Litigation) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Respondents failed to submit reply/comments, therefore, to come up for arguments on 09.06.2022 before the D.B at Camp Court Swat.

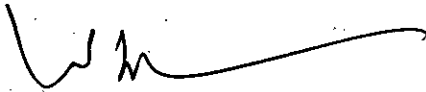


(Salah-ud-Din)  
Member (J)  
Camp Court Swat

01.02.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondent present. None present on behalf of private respondent No. 4.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Notice be issued to private respondent No. 4 for submission of reply/comments. To come up for reply/comments before the S.B on 18/2/2022. The operation of impugned notification dated 30.09.2021 shall remain suspended to the extent of appellant only, till the date fixed.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

18.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.03.2022 for the same as before.

  
Reader

17.03.2022

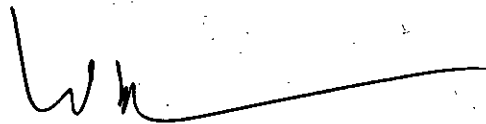
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to ~~13.04~~ 17.03.2022 for the same as before.

  
Reader

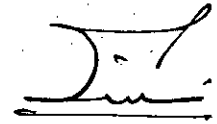
08.11.2021

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 24.12.2021. The operation of impugned notification dated 30.09.2021 shall remain suspended to the extent of appellant only, till the date fixed.



(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

24.12.2021

Due to winter vacations, case is adjourned to 01.02.2022 for the same as before.



Reader

**Wazir Zada 7542/2021**

13.10.2021 Learned Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant is serving as Junior Clerk and is aggrieved of the impugned order dated 30.09.2021 vide which he was transferred from the office of SDEO (M) Gagra to GHS Channr, pre-maturely and without completion of his tenure. He was previously transferred and disturbed vide earlier office orders dated 20.07.2020, 26.11.2020 despite the fact that DEO (M) Buner had declared him as "very dutiful and experienced". He has therefore, been made rolling stone and not allowing to complete normal tenure as per policy in vogue. The impugned Posting/Transfer is not based on public interest but has been issued whimsically, arbitrarily and with malafide intention is therefore liable to be set aside and the appellant be allowed to complete his normal tenure of two years as per existing Posting/Transfer Policy of the Provincial Government.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 08.11.2021 before the D.B.

Alongwith the service appeal an application for suspension of operation of impugned notification dated 30.09.2021. Notice of this application be also issued to the respondents for submission of written reply/comments for the date fixed. Till then the operation of impugned notification dated 30.09.2021 is suspended to the extent of appellant only, till the date fixed.

(Mian Muhammad)  
Member(E)

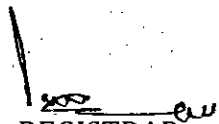

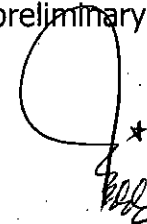
Appellant Deposited  
Security & Process Fee  
13/10/21

Form- A

FORM OF ORDER SHEET

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

Case No.- 7542/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/10/2021	<p>The appeal of Mr. Wazir Zada presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>11/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.10.2021	<p>Junior of learned counsel for the appellant present.</p> <p>Junior of learned counsel for the appellant seeks adjournment due to General Strike of the Peshawar Bar Association. Adjourned. To come up for preliminary hearing before the S.B on 13.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>


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

Case Title: Wazir Zada v/s DEO & others

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

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

Name: **FAZAL SHAH MOHMAND, ASC**

Signature: 

Dated: 06-10-20



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 7542/2021

Wazir Zada.....Appellant

**V E R S U S**

DEO and Others.....Respondents

**I N D E X**

S No	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-3
2.	Application for suspension of impugned Orders with Affidavit		4
3.	Copies of Orders dated 20-07-2020 & Order dated 22-09-2020	A, B	5-6
4.	Copies of Orders dated 26-11-2020, Departmental appeal dated 27-11-2020, Comments & Order dated 14-12-2020	C, D, E & F	7-11
5.	Copy of Order dated 30-09-2021	G	12
6.	Copy of departmental appeal & Order dated 04-10-2021	H & I	13-15
7.	Vakalat Nama		16

Dated:-05-10-2021

Through

  
Appellant

  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

**OFFICE:-**  
Cantonment Plaza Flat# 3/B  
Khyber Bazar Peshawar.  
Cell# 0301 8804841  
Email:- fazalshahmohmand@gmail.com

-1-

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 7542/2021

Wazir Zada, Junior Clerk, Office of Sub Divisional Education Officer  
(Male) Gagra, District Buner.....

**Appellant** Pakhtunkhwa  
Service Tribunal

**VERSUS**

Diary No. 7691  
06/10/2021  
Date

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (Male) Buner.
3. Secretary, Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Shad Ali, Junior Clerk, Govt. High School Chanar, Buner.

.....**Respondents**

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974  
AGAINST THE ORDER DATED 04-10-2021 PASSED BY  
RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL  
OF THE APPELLANT FILED AGAINST THE ORDER DATED 30-  
09-2021 OF RESPONDENT NO 2 WHEREBY THE  
APPELLANT WAS TRASFERED FROM THE OFFICE OF SUB  
DIVISIONAL EDUCATION OFFICER (MALE) GAGRA TO  
GOVT. HIGH SCHOOL CHANAR, HAS BEEN FILED.**

**PRAYER:-**

On acceptance of this appeal the impugned rejection order of respondent No 1 communicated to the appellant vide letter dated 04-10-2021 and Order dated 30-09-2021 of respondent No 2 to the extent of the appellant, may kindly be set aside and the appellant may kindly be ordered to be transferred to the Office of Sub Divisional Education Officer (Male) Buner.

**Respectfully Submitted:-**

1. That the appellant is the bonafide resident of District Buner, is serving as Junior Clerk and is also the president of APCA Khyber Pakhtunkhwa and since appointment he performed his duties as assigned and with honesty and full devotion and to the entire satisfaction of his superior officers.
2. That in the month of July 2020, the appellant while posted at the office of Sub Divisional Education Officer (Male) Buner was transferred in the name of reshuffle/transfer along with others was transferred to GCMHS Daggar vide order dated 20-07-2020 which was withdrawn on 22-09-2020. **(Copies of Orders dated 20-07-2020 & Order dated 22-09-2020 is attached as Annexure A & B).**
3. That strangely, the appellant was again transferred to Govt. High School Sowari along with others vide order dated 26-11-

**Filed to-day**  
**Registrar**  
6/10/2021

2020, against which he preferred departmental appeal on 27-11-2020, wherein respondent No 2 filed his comments wherein the stance of the appellant was supported and finally departmental appeal of the appellant was accepted vide order dated 14-12-2020. **(Copies of Orders dated 26-11-2020, Departmental appeal dated 27-11-2020, Comments & Order dated 14-12-2020 is attached as Annexure C, D, E & F).**

4. That astonishingly and illegally in the name of reshuffling, the appellant was again transferred from the office of Sub Divisional Education officer (Male) Gagra to Govt. High School Chanar along with others and respondent No 4 was transferred in place of the appellant vide order dated 30-09-2021. **(Copy of Order dated 30-09-2021 is attached as Annexure G).**
5. That the appellant submitted Departmental appeal, on 01-10-2021 before respondent No 1, which was filed/rejected and decision was communicated to the appellant vide letter dated 04-10-2021. **(Copies of departmental appeal & Order dated 04-10-2021 is attached as Annexure H & I).**
6. That the impugned rejection order of respondent No 1 communicated to the appellant vide letter dated 04-10-2021 & order dated 30-09-2021 of respondent No 2 to the extent of the appellant, are against the law, facts and principles of justice on grounds inter alia as follows:-

### **GROUND:-**

- A. That the impugned orders are illegal and void ab-initio.
- B. That the appellant is not treated in accordance with law and rules on the subject in violation of Article 4 and 25 of the Constitution and law of the land.
- C. That the impugned orders are based on nepotism and favoritism besides politically oriented and thus not tenable in the eyes of law.
- D. That even the same is premature as the appellant was transferred just after about eight months of his posting without any justification.
- E. That the impugned order is not a speaking order as required under Section 24-A of the General Clauses Act and on this score alone is liable to be set aside.
- F. That the appellant is presently the Provincial president of All Pakistan Clerks Association of Khyber Pakhtunkhwa and is subjected to political activism.

- G. That the impugned order is the outcome of malafide and he is made a rolling stone in the name of reshuffling though he is a low paid employee.
- H. That even the impugned order is premature and in violation of the transfer posting policy of the provincial policy, thus liable to be set aside on this score alone.
- I. That even there is no complaint of any sort against the appellent.
- J. That the appellent has about long service career with unblemished service record and has not relinquished the charge yet.
- K. That the appellent seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

**It is therefore prayed, that appeal of the appellent, may kindly be accepted as prayed for.**

**Dated:-05-10-2021**

  
**Appellant**

**Through**

  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

**LIST OF BOOKS**

- 1. Constitution 1973.
- 2. other books as per need

**CERTIFICATE:**

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

  
**ADVOCATE**

**AFFIDAVIT**

I, Wazir Zada, Junior Clerk, Office of Sub Divisional Education Officer (Male) Gagra, District Buner, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

  
**DEPONENT**



4-

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2021

Wazir Zada.....**Appellant**

**V E R S U S**

DEO and Others.....**Respondents**

**APPLICATION FOR THE SUSPENSION OF IMPUGNED ORDERS DATED 04-10-2021 AND ORDER DATED 30-09-2021 OF RESPONDENTS NO 1 AND 2 TILL THE FINAL DISPOSAL OF TITLED APPEAL, BY MANTAINING STATUS QUO.**

**Respectfully Submitted:-**

1. That the above titled appeal is being filed today, in which no date of hearing has been fixed so far.
2. That the facts and grounds of appeal may kindly be considered as integral part of this application.
3. That the applicant/appellant has got good prima facie case and is sanguine of its success.
4. That the balance of convenience also lies in favor of the applicant/appellant.
5. That the applicant/appellant is still holding the charge of his post and if the impugned orders are not suspended the applicant/appellant will suffer an irreparable loss.

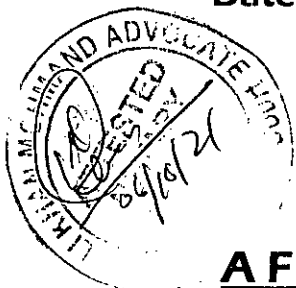
**It is therefore prayed that on acceptance of this application, the impugned orders dated 04-10-2021 and order dated 30-09-2021 may kindly be suspended till the final disposal of the titled appeal by maintaining status quo.**

**Dated:-05-10-2021**

*[Signature]*  
**Appellant**

**Through**

*[Signature]*  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.



**AFFIDAVIT**

I, Wazir Zada, Junior Clerk, Office of Sub Divisional Education Officer (Male) Gagra, District Buner, 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.

*[Signature]*  
**DEPONENT**

"A"-5-

25

DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO 0939-110468  
EMAIL: eskobunerk@gmail.com



**OFFICE ORDER**

In compliance to the directions issued by Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar vide No 903-958/F.No/A-2/MS/Reshuffling dated 03-07-2020.

The undersigned is pleased to re-shuffle / transfer the following officials in the offices / schools mentioned against their names in their own pay and scale with immediate effect in the interest of public service.

S.No	Name & Designation	From	To	Remarks
1	Sher Zada Khan J/C	DEO (M) Office	GHS Sawari Buner	V.S.No. 4
2	Wazir Zada J/C	SDEO (M) Gagra	GCMHS Daggar	V.S.No. 6
3	Umair Khan J/C	DEO (M) Office	GHS Kurapa	V.S.No. 5
4	Bakhtyar Ali J/C	GHS Sawari Buner	DEO (M) Office	V.S.No. 1
5	Zahid Khan J/C	GHS Kurapa	DEO (M) Office	V.S.No. 3
6	Bakhti Rawan J/C	GCMHS Daggar	SDEO (M) Gagra	V.S.No. 2

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

DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER

Endst: No. 1761-65 Dated 20 / 17 / 2020

Copy for information to the:

- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- Deputy Commissioner Buner.
- District Monitoring Officer Buner.
- SDEOs/Principals/Head Masters concerned.
- Officials concerned.

*Received by on 17/8/2020  
w. DEO (M) 72/17/8/2020*

*[Signature]*  
20/7/2020

DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER

ATTESTED

to be THE ONLY  
ADVOCATE

**BETTER COPY OF THE PAGE NO.-5-**  
**DISTRICT EDUCATION OFFICER**  
**(MALE) DISTRICT BUNER**

Phone & fax NO. 0930-5106468

**OFFICE ORDER**

In compliance in the directions issued by District Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar vide NO. 903-958/F.NO./A-2/MS/Reshuffling dated 03/07/2020.

The undersigned is pleased to re-shuffle/transfer the following officials in the offices/ which is mentioned against their names in their own pay and scale with immediate effect in the interest of public service.

S.No.	Name & Designation	From	To	Remarks
1	SherZada Khan J/C	DEO(M) Office	GHS SawariBuner	V.S. NO. 4
2	WazirZada J/C	SDEO (M) Gagra	GGMHS Daggar	V.S. NO. 6
3	Umair Khan J/C	EDO (M) Office	GHS Karapa	V.S. NO. 5
4	Bakhtyar Ali J/C	GHS SawariBuner	DEO (M) Office	V.S. NO. 1
5	Zahid Khan J/C	GHS Karapa	DEO (M) Office	V.S. NO. 3
6	BakhtiRawan J/C	GCMHS Daggar	SDEO (M) Gagra	V.S. NO. 2

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

District Education Officer  
(Male) District Buner

Endst No. 1761-65, Dated 20/07/2020  
Copy for information to the

1. District Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Monitoring Officer, Buner.
4. SDEOs/Principals/Head Masters concerned.
5. Officials concerned

District Education Officer  
(Male) District Buner

**ATTESTED**  
to be true copy  
Advocate

"B"

-6-



OFFICE OF THE DISTRICT EDUCATION OFFICER  
( MALE ) DISTRICT BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: edobuner@gmail.com



OFFICE ORDER:

The competent authority is pleased to withdraw the office order issued by this office vide Endst: No. 1761-65 dated 20-07-2020 in the best interest of public service.

(MUHAMMAD AZAM KHAN )  
DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER

Endst: No. 2907-12  
Copy for information to the.

Dated 22/9/2020

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Monitoring Officer (IMU) Buner.
4. District Accounts Officer Buner.
5. Principals/Head Masters concerned.
6. Officials concerned.

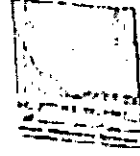
DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER

**ATTESTED**  
to be true copy  
Advocate





OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: edobuner@gmail.com



### OFFICE ORDER

In pursuance of directions issued by the worthy Director Elementary & Secondary Education Khyber-Pakhtunkhwa Peshawar reshuffling of the ministerial staff, the competent authority is pleased to transfer / re-Shuffle the following ministerial staff in the offices / schools mentioned against each names in their own pay & scale in the interest of public service with immediate effect.

S: No	Name & Designation	From	To	Remarks
1	Allaf Husain Junior Clerk	DEO (M) Office	GHS Karapa	V.S No.2
2	Zahid Ali Junior Clerk	GHS Karapa	DEO (M) Office	V.S No.1
3	Sher Zada Khan Junior Clerk	DEO (M) Office	GHSS Daggar No.2	V.S No.12
4	Bakhtyar Ali Junior Clerk	GHS Swari	DEO (M) Office	V.S No.3
5	Sana Gul Junior Clerk	DEO (M) Office	GHSS Gagra	V.S No.6
6	Muhammad Anwar Junior Clerk	GHSS Gagra	DEO (M) Office	V.S No.5
7	Aziar Saqed Junior Clerk	DEO (M) Office	GHSS Nawagai	V.S No.8
8	Muhammad Gul Junior Clerk	GHSS Nawagai	DEO (M) Office	V.S No.7
9	Umair Khan Junior Clerk	DEO (M) Office	GHS Nawakalay	V.S No.10
10	Murad Ali Junior Clerk	GHS Nawakalay	DEO (M) Office	V.S No.9
11	Wazir Zada Junior Clerk	SDEO (M) Pry Gagra	GHS Sowari	V.S No.4
12	Abdus Samad Junior Clerk	GHS Daggar No 2	SDEO (M) Office Gagra	V.S No.11


(UMAR ZAMAN)  
DISTRICT EDUCATION OFFICER  
MALE BUNER

Encl: No 4233-38 Dated 26/11 /2020

- Copy of the above is forwarded for information to:
1. Director Elementary & Secondary Education Khyber-Pakhtunkhwa Peshawar.
  2. Sub Divisional Education Officer (M) Primary Gagra Buner
  3. DMO Education Monitoring Authority Buner
  4. District Accounts Officer Buner
  5. Principals / Head Masters Concerned.
  6. Officials Concerned.

  
26/11/2020  
DISTRICT EDUCATION OFFICER  
MALE BUNER

**ATTESTED**

  
to be true copy  
Advocate

"D"

-8-

The Director Elementary & Secondary Education  
Khyber Pukhtoon Khaawa Peshawar

**APPEAL FOR CANCELLATION OF TRANSFER ORDER OF MINISTERIAL  
STAFF**

Reference to the subject I would like to intimate your good office that a letter No.1761-65 dated. 20-7-2020 has been issued in the name of reshuffling on the pretext of political victimization. The DEO Male Buner withdrew the transfer order & issued letter No.2907-12 dated 22-09-2020

The DEO Male Buner has once again issued a Transfer order in the name of reshuffling letter No.4233-39 dated 26-11-2020. The same clerical staffs are included in the list. But this time to the transfer order issued on the basis of political intervention. This sort of political victimization is unbearable which could consider an act in clerical fraternity.

It is requested in your kind honor to withdraw this order. I am optimistic that you will give due response and will not turn a deaf ear in to it.

Regards.

*[Signature]*  
Wazir Zafar  
27/11/2020

1325  
2-12-22

ATTESTED  
BY THE DIRECTOR  
ADMISSIONS

**BETTER COPY OF THE PAGE NO. -8-**

To,

The Director Elementary & Secondary Education  
Khyber PakhtoonKhawa Peshawar

Subject: **APPEAL FOR CANCELLATION OF TRANSFER ORDER  
OF CLERICAL STAFF**

Reference to the subject I would like to intimate your good office that a letter NO. 1761-65 dated 20-7-2020 has been issued in the name of reshuffling on the pretext of political victimization. The DEO Male Buner withdraw the transfer order & issued letter NO. 2907-12 dated 22-09-2020.

The DEO Male Buner has once again issued a Transfer order in the same of reshuffling letter No. 4233-39 dated 26-11-2020. The same clerical staffs to included in the list. But this time the transfer order issued on the basis of political intervention. This sort of political victimization is unbearable which could ----- nearest in clerical fraternity.

It is requested in your kind honor to withdraw this order. I am optimistic that you will give due response and will not turn a deaf ear in to it.

Regard

WazirZada

**ATTESTED**  
to be true copy  
Advocate



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 1564 /F.No.A-23/MS/Appeal/Buner

Dated Peshawar the 2/12 /2020

Phone: 091-9225344

Email: ddadm.ee@gmail.com

9-

To

The District Education Officer  
(Male) Buner

Subject:

**APPEAL FOR CANCELLATION OF TRANSFER ORDER OF  
MINISTERIAL STAFF**

Memo:

I am directed to refer to the subject noted above and to enclose herewith a copy of application alongwith its enclosure in r/o Mr. Wazir Zada Junior Clerk BS-11 SDEO Male Pry Gogra Buner (under transfer to GHS Sowari Buner for submission of detailed report/comments at an early date.

*[Signature]*  
Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst; No. \_\_\_\_\_

Copy forwarded to the: -

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Master File.

Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

**ATTESTED**  
*[Signature]*  
to be true copy  
Advocate



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: edobuner@gmail.com



-10-

"E"

No. 4444 / Dated 8/12/2020

To  
The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar.

Subject: - DETAIL REPORT / COMMENTS ON TRANSFER ORDER IN R/O MR. WAZIR ZADA JUNIOR CLERK SDEO (M) GAGRA

Memo:

Kindly refer to your office letter No. 1564/F.No:A-23/MS/Appeal/Buner dated 02/12/2020 on the subject cited above.

It is submitted for your kind information that Mr. Wazir Zada J/C SDEO (M) Gagra was transferred to GCMHS Daggar Buner by DEO (M) Buner during the reshuffling of ministerial staff on 20/07/2020. Later on due to shortage of ministerial staff, he was retained on 22/09/2020 by DEO (M) Buner in the best interest of public service.

Now he has once again been transferred from SDEO (M) Gagra to GHS Sawari, Buner on 26/11/2020. The official concerned is very dutiful, experienced and there is no complaint from his immediate officer as well as from public on record.

His appeal upto this extent is based on facts.

8/12/2020  
DISTRICT EDUCATION OFFICER  
MALE BUNER.

ATTESTED  
to be true copy  
Advocate

**CANCELLED ORDER**

"F" - 11 -

Consequent upon acceptance of the appeal the transfer order issued by DEO (M) Buner vide Endst: No:4233-38 Dated 26.11.2020 at serial No 11 in r/o Mr Wazir Zada, Junior Clerk, office of the SDEO (M) Gagra Buner (under transfer to GHS Sowam) is hereby Cancelled.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Endst. No. 1A-23/MS/Appeal/Buner Dated Peshawar the 11.12.2020.  
Copy of the above is forwarded to the. -

1. District Education Officer (Male) Buner w/r to his letter No. cited above,
2. District Account Officer Concerned
3. SDEO (M) Concerned
4. Principal/HM Concerned
5. Official concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Master File

Assistant Director (Admn)-  
Directorate E&SE Khyber Pakhtunkhwa  
Peshawar.

ATTESTED  
to be true copy  
Advocate

**BETTER COPY OF THE PAGE NO.-//-**  
**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Phone: 091-9225344

**OFFICE ORDER**

Consequent upon acceptance of the appeal the transfer order issued by DEO (M) Buner vide Endst: NO. 4233-36 dated 26.11.2020 at serial NO. 11 in r/o Mr. Wazir Zada, Junior Clerk, office of the SDEO (M) Gagra Buner (under transfer to GHS Sowon) is hereby cancelled.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 427-82/A-23/MS/Appeal/Buner Dated Peshawar the  
14/12/2020

Copy of the above is forwarded to the-

1. District Education Officer (Male) Buner w/r to his letter NO.cited above.
2. District Account Officer concerned.
3. SDEO (M) concerned.
4. Principal/HM concerned.
5. Official concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)  
Directorate E&SE Khyber Pakhtunkhwa  
Peshawar

**ATTESTED**  
to be true copy.  
Advocate

was  
(M) Buner issued - 11  
of re-shuffling

9

"G"

-12-



GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
MALE BUNER

Phone & Fax No 0939-555110 Email: edabuner@gmail.com

OFFICE ORDER

The Competent Authority is pleased to order re-shuffling of the following Ministerial staff in their own Pay & Scale to the station noted against each on the basis of completion of their tenure in the interest of public service with immediate effect.

S#	Name & Designation	From	To	Tenure	Remarks
1	AZHAR SAEED J/C	DEO (M) Buner	GHSS Nawagai	Completed	A.V.P
2	DAWOOD KHAN J/C	SDEO (M) Daggar	GHS Cheena	Completed	Vice S.No.3
3	AHMAD ZEB J/C	GHS Cheena	SDEO (M) Daggar	Completed	Vice S.No.2
4	MUSHTAQ AHMAD J/C	SDEO (M) Daggar	GHS Elai	Completed	Vice S.No.5
5	SYED ALI J/C	GHS Elai	SDEO (M) Daggar	Completed	Vice S.No.4
6	WAZIR ZADA J/C	SDEO (M) Gagra	GHS Chanar	Completed	Vice S.No.7
7	SHAD ALI J/C	GHS Chanar	SDEO (M) Gagra	Completed	Vice S.No.6

Note:-

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

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
MALE BUNER

Endst.No. 4378-83 Dated: 30/09/2021

Copy is forwarded for information to the:-

1. Director Elementary and Secondary Education Kyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer EMA at Buner.
3. District Accounts Officer Buner at Daggar.
4. SDEOs (M) Concerned
5. Principals/Head Maters concerned.
6. Officials concerned.

ATTESTED  
to be true copy  
Advocate

DISTRICT EDUCATION OFFICER  
MALE BUNER 30/9/21



**BETTER COPY OF THE PAGE NO. -12-**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT EDUCATION OFFICER**  
**MALE BUNER**

Phone: & Fax NO. 0939-555110

**OFFICE ORDER**

The Competent Authority is pleased to order re-shuffling of the following Ministerial staff in their own Pay & Scale to the station noted against each on the basis of completion of their tenure in the interest of public service with immediate effect:

S#	Name & Designation	From	To	Tenure	Remarks
1	Azhar Saeed J/C	DEO (M) Buner	GHSS Nawagai	Completed	A.V. P
2	Dawood Khan J/C	SDEO (M) Daggar	GHS Cheena	Completed	Vice S. No.3
3	Ahmad Zeb J/C	GHS Cheena	SDEO (M) Daggar	Completed	Vice S. No.2
4	Mushtaq Ahmad J/C	SDEO (M) Daggar	GHS Elai	Completed	Vice S. No.5
5	Syed Ali J/C	GHS Elai	SDEO (M) Daggar	Completed	Vice S. No.4
6	Wazir Zada J/C	SDEO (M) Gagra	GHS Channar	Completed	Vice S. No.7
7	Shad Ali J/C	GHS Chanar	SDEO (M) Gagra	Completed	Vice S. No.6

Note:-

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

(Iftikhar UlGhani)  
District Education Officer  
Male Buner

Endst No. 4378-83 Dated 30/09/2021

Copy is forwarded for information to the:-

1. District Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer EMA at Buner.
3. District Accounts Officer Buner at Daggar
4. SDEOs (M) Concerned.
5. Principal/Head Masters concerned.
6. Officials concerned.

District Education Officer  
Male Buner

**ATTESTED**  
*[Signature]*  
**to be true copy**  
**Advocate**

To

The Director

Elementary & Secondary Education KPK.

Subject: Appeal for Cancellation of Transfer order in R/o Mr. Wazir Zada (J/c).

Respected Sir,

With utmost veneration, I would like to bring in to your kind consideration that the DBO(M) Buner issued office order No: 1761-65, Dated: 20-7-2020 in the name of re-shuffling & transferred me to GCMHS Daggir. Consequently, I took charge at the said school. Then the DBO(M) Buner withdrew my transfer order No: 2907-12, Dated: 22-7-2020 in the best interest of public service. After two months, the then DBO(M) Buner issued another office order No: 4232-82, Dated: 26-11-2020 in the name of re-shuffling of ministerial staff which was totally politically motivated. Consequently, I app made an appeal to your good office against the transfer order under Diary No: 1325 / 2-12-2020. My appeal got accepted & your good office sought comments in this regard from the then DBO(M) Buner. The Director E&SED KPK cancelled my transfer order Endst No: 4277-82, Dated: 14-12-2020.

The DBO(M) Buner once again issued another office order Endst No: 4378-83, Dated: 30-9-2021 in the name of re-shuffling to GHS Chanar, though my tenure is not yet completed. My transfer has been done under political pressure with bad intent.

It is requested in your kind honor to cancel my transfer order which is entirely politically motivated. Please.

All the previous orders are hereby attached for your kind perusal & consideration. Thanks.

Adms

Regards:

Muhammad Iqbal  
 4-10-2021

1002  
 4-10-2021



Mr. Wazir Zada (J/c)

11/10/2021

**ATTESTED**  
 to be true copy  
 Advocate



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.

No 5108 /F.No. /A-23/Appeal/MS Vol-10

Dated Peshawar the 04/10 /2021

Phone: 091-9225344

Email: ddadm.ese@gmail.com


To

Mr. Wazir Zada J/C  
SDEO (M) Gagra Bunir

Subject: Appeal for cancellation of Transfer order

Memo:

I am directed to refer to your appeal dated 4/10/2021 regarding cancellation of the transfer order issued by District Education Officer (M) Bunir vide Endst: No.4378-83 dated 30/09/2021 and to inform you that the competent authority has filed your appeal.


  
Deputy Director (F&A)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. \_\_\_\_\_/

Copy forwarded to the: -

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Master File.

Deputy Director (F&A)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

**ATTESTED**  
  
to be true copy  
Advocate



- 15 -

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

No 55895-955 F. No. A-23/MS/Ministerial Staff/Shuffling.  
Dated Peshawar 24-08-2021

To.

The District Education Officers (M/F)  
Khyber Pakhtunkhwa including NMDs.

Subject:-

**TRANSFER OF MINISTERIAL STAFF.**

Memo:-

It was decided in a meeting held under the chairmanship of Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa that all the ministerial staff who has completed the normal tenure (02 years) may be shuffled with Ministerial staff of schools under your jurisdiction and compliance report with documentary proof may be submitted to this office upto 30/09/2021.

Tenure in office may be calculated from the office record and those who have spent 02 years in the offices at any level may be included in the transfer orders.

The tenure must be written in the transfer orders and be submitted to this Directorate.

**Deputy Director (F&A)  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

24/8/21

Endst: No.

Copy forwarded for information and necessary action to the: -

1. PS to Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File

**Deputy Director (F&A)  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

**ATTESTED**  
to be true copy  
Advocate

VAKALATNAMA  
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No. \_\_\_\_\_/20\_\_

Wazir Zada .....Appellant

**VERSUS**


DEO & others .....Respondent(s)

I, the undersigned, do hereby appoint and constitute,

**Fazal Shah Mohmand** Advocate Supreme Court & **Rabia Muzaffar** Advocate. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

**AND** I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 05-10-21

  
CLIENT(s)  
Wazir Zada

ACCEPTED BY:

  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

&

ACCEPTED BY:

  
**RABIA MUZAFFAR**  
ADVOCATE PESHAWAR