

6th September, 2022 Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned AAG seeks some time to submit written reply on the next date. Last opportunity is granted to the respondents for submission of written reply. To come up for written reply/preliminary hearing on 03.10.2022 before S.B.



(Kalim Arshad Khan)
Chairman

03.10.2022 Counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. AG for the respondents present.

Despite two last chances given to respondents, written reply/comments have not been submitted. Last opportunity is further extended subject to payment of cost of Rs. 5000/-. To come up for written reply/comments and cost on 29.11.2022 before S.B.



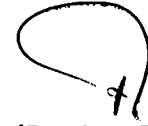
(Mian Muhammad)
Member (E)

07.06.2022

Junior to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General present. Nemo for respondent Department.

Reply on behalf of respondents is still awaited. Notice be issued to respondents for submission of reply/comments. To come up for reply/preliminary hearing on 04.07.2022 before S.B.



(Rozina Rehman)
Member (J)

4th July, 2022 : Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned Addl: AG seeks time to contact the respondents for submission of written reply/comments. Respondents are directed to submit written reply on the next date positively. To come up for reply/preliminary hearing on 06.09.2022 before S.B at Peshawar.

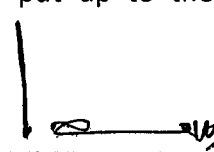

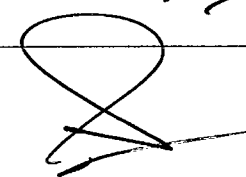


(Kalim Arshad Khan)
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ **460/2022**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31/03/2022	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 24.03.2022 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. The same 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>08.04.2022 Noted by counsel the 8/4/22</p>	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>23.05.2022</u> Notices be issued to the appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
3.	23/05/22	<p>Council heard. Let a pre-admission notice be given to the respondents to file reply on or before 07-06-2022. Till then the operation of the impugned order is suspended subject to notice to the other side.</p> <p style="text-align: right;"></p>



The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9210149-58



No. 49662 (1)/963/2022/WP-MN

Dated. 28-March-2022

From

**Deputy Registrar (J),
Peshawar High Court,
Peshawar.**

To

The Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Subject:

Writ Petitions W.P 903/2022 Title: Inayat ur Rehman VS Education Department

Memo,

I am directed to send herewith the titled case in original alongwith all annexures and copy of order of this Honble Court dated 24.03.2022 for compliance.


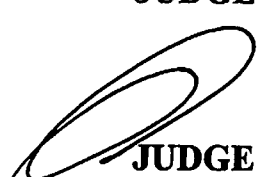

Deputy Registrar (J)

Encl: Copy of Order / Judgment

9

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s).
1	2
24.03.2022	<p><u>W.P. No.903-P/2022 with IR</u></p> <p>Present: Mr. Taimur Ali Khan, Advocate, for the petitioner.</p> <p style="text-align: center;">*****</p> <p><u>IJAZ ANWAR, J.</u> This writ petition is mainly filed on the ground that the Khyber Pakhtunkhwa Service Tribunal is not functional in view of the retirement of its Hon'ble Chairman.</p> <p>2. At the very outset of hearing, Mr. Asad Jan Durrani, AAG, present in the Court in some other cases, appeared and stated that by now, the Hon'ble Chairman of the Khyber Pakhtunkhwa Service Tribunal has been appointed and the aforesaid Tribunal is functional.</p> <p>3. In view of the above, we disposed of this writ petition with direction to office to send the original file alongwith its annexure to the Khyber Pakhtunkhwa Service Tribunal for its disposal, while, copies thereof, be retained for the purpose of record.</p> <p><u>Announced</u> Dt:24.03.2022</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

(Muhammadullah)*

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Syed Muhammad Atlique Shah

URGENT FORM

IN THE PESHAWAR HIGH COURT, PESHAWAR

WRIT PETITION No. _____ -P/2022 with Interim Relief

INAYAT UR REHMAN

VS

GOVT. OF KP
& OTHERS

1. Will you kindly treat the accompanying writ petition as urgent and in accordance with the provision of Rules 9, Chapter 3-A, Rules orders of the High Court Lahore Volume-V.
2. **The Grounds of urgency are:**
 - A. That the respondents has been transferred in violation of the posting transfer Policy 2009 as well as in violation of Wedlock policy circular dated 07-08-2012 which is challenged by the petitioner before this Honourable court along with Interim Relief for suspension of Impugned transfer notification dated 02-02-2022 & relieving order dated 14-02-2022.
 - B. That, the now respondent are intends to issue any adverse order against the petitioner, once the respondents succeeded in their goals and the respondents issued any adverse order against the petitioner the very purpose of the instant writ petition would become anfractuious.
 - C. That, valuable rights of petitioner is involved with the instant writ petition and if the instant writ petition is not fixed at an earlier the rights of petitioner would infringe.

Therefore, proprietary demands that the writ petition in hand may kindly be fixed as early as possible.

Dated: 04-03-2022

Through:


Petitioner

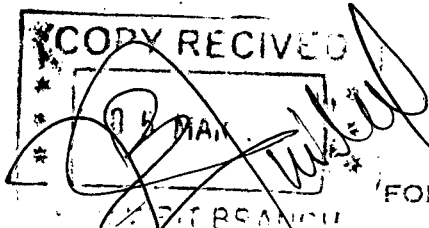

TAIMUR ALI KHAN,
ADVOCATE, HIGH COURT PESHAWAR

BEFORE THE PESHAWAR HIGH COURT, SHAWAR.

CK LIST

1.	Case Title	<u>Moghat vs. Rehman Ghor of U.P.A</u>	
2.	Case is duly signed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3.	The law under which the case is preferred has been mentioned.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.	Approved file cover is used.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.	Affidavit is duly attested and appended.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
6.	Case and annexures are properly paged and numbered according to index.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
8.	Certified copies of all requisite documents have been filed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
10.	Case is within time.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
12.	Court fee in shape of stamp paper is affixed. [If not, then Rs. 500, for other as required]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
13.	Power of attorney is in proper form.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
14.	Memo of addressed filed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
15.	List of books mentioned in the petition.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

It is certified that formalities/documentation as required in column 2 to 18 above, have been fulfilled.



Name: Teimur Ali Khan
 Signature: [Signature]
 Dated: 5/3/2022

Case: _____
 Case received on _____
 Complete in all respect: Yes/ No. (If No, the grounds) _____
 Date in court: _____

Signature _____ (Reader)
 Date: _____
 Countersigned: _____ (Deputy)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 903 P /2022

Appeal no. 460/2022

Inayat Ur Rehman

V/S

Education Department

INDEX

S.No.	Documents	Annexure	Page No.
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3	Affidavit	----	07
4	Copy of notification dated 31.05.2010	A	08-18
5	Copies of notification dated 06.05.2020 and charge report	B&C	19-20
6	Copies of notification dated ^{6/5/2020} and corrigendum dated 28.05.2020	D&E	21-22
7	Copies of notification dated 02.02.2022 and relieving order dated 14.02.2022	F&G	23-24
8	Copy of departmental appeal	H	25
9	Copies of posting transfer policy and circular dated 27.02.2013	I&J	26-34
10	Copy of circular dated 07.08.2012	K	35-36
11	Notice to respondents	----	
12	Court Fee	----	
13	Vakalat Nama	----	



THROUGH:

PETITIONER

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

Scanned USB Received

05 MAR 2022

Signature

207/03/22

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 0333-9390916

FILED TODAY

Deputy Registrar

05 MAR 2022

IN THE PESHAWAR HIGH COURT, PESHAWAR
OPENING SHEET FOR WRIT BRANCH

Date of filing: 04.03.2022
Distt: Peshawar

Case Type: Writ Petition

Nature of Original Proceeding:

Category Code:

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Review/Contempt of Court in respect of

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Writ of:

Heabus Corpus		Prohibition		Mandamus	Quo Warranto		Certiorari	
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If Certiorari:

Forum	Date	Interlocutory /Final Order

Case pertains
to: SB
DB

Petitioners Name	Inayat Ur Rehman
Mobile No.	03469810630
Address	Ghazi Kor Tehsil Haleemzai District Mohmand
CNIC No.	21402-2310738-9
Email Address	Nil

Counsel for Petitioner (s)	Taimur Ali Khan (Advocate)
Mobile No.	03339390916
Address	FR-8, 4 th Floor, Bilour Plaza Peshawar Cantt:
CNIC No.	17101-7395544-5
Email Address	taimura571@gmail.com

Respondents	As given in heading of Writ Petition.
Address	As given in heading of Writ Petition.

Original Order/Action/Inaction Complained of:

That the petitioner was transferred from GHS Akhunzadgan District Mohmand to GHSS Hassanzai Charsdda in violation of posting transfer policy, circular dated 27.02.2013 and circular dated 07.08.2012

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Deputy Registrar
05 MAR 2022


PRAYER:

IT IS THEREFORE MOST HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS WRIT PETITION, THE AUGUST COURT MAY KINDLY BE SET ASIDE THE IMPUGNED TRANSFER NOTIFICATION DATED 02.02.2022 AND RELIVING ORDER DATED 14.02.2022 AND THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE PETITIONER PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY, CIRCULAR DATED 27.12.2013 AND CIRCULAR DATED 07.08.2012. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF PETITIONER.

Law/Rules/governing the original proceeding/action/Inaction

1. Constitution of Pakistan 1973, Any other case law as per need.

Signature



TAIMUR ALI KHAN
ADVOCATE HIGH COURT

Room No.FR-08, 4th Floor,
Bilour Plaza Peshawar Cantt:
Cell # 0333-9390916

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Deputy Registrar

05 MAR 2022

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 9031/2022

Appeal No. 460/2022

Mr. Inayat Ur Rehman, S/O Atta Muhammad,
R/O Ghazi Kor Tehsil Haleemzai District Mohmand.

PETITIONER

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, near Govt: High Secondary School No.1, opposite Firdus Chowk, Peshawar.
4. The District Education Officer (Male), Mohmand.

RESPONDENTS

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

RESPECTFULLY SHEWETH:

Brief facts giving rise to present petition are as under:-

1. That the petitioner belongs to District Mohmand and is law abiding citizens of Pakistan and has legal and constitution right duly protected under the law of land.

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05 MAR 2022

2. That the petitioner was appointed as SS H/Civics (BPS-17) in the year 2005 on contract basis and was regularized through NWFP (Now KP) (Regularization of service) Act 2009 and in this respect proper notification was issued for regularization of the petitioner along with other officials on 31.05.2010 and since his appointment the petitioner is performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superiors regarding his performance. **(Copy of notification dated 31.05.2010 is attached as Annexure-A)**
3. That the wife of the petitioner is also working in the respondent department as SSS (BPS-18) at GGHS Ghallanai, Mohmand, which is evident from the transfer notification dated 06.05.2020 and charge report. **(Copies of notification dated 06.05.2020 and charge report are attached as Annexure-B&C)**
4. That the petitioner was appointed in the year 2005 and was transferred to Dir Lower in the year 2008 and spent about 12 years in different schools in Dir Lower and after serving for about 12 years in Dir Lower, he was transferred from GHSS Ziarat Talash Dir Lower to his home District Mohmand and posted at GMHSS Ghazi Baig Mohmand vide notification dated 06.05.2020 and then corrigendum dated 28.05.2020 was issued where the petitioner was posted as Head Master at GHS Akhunzadgan Mohmand. **(Copies of notification 06.05.2020 dated and corrigendum dated 28.05.2020 are attached as Annexure-D&E)**
5. That the petitioner was performing his duty with great devotion for the betterment of the school as well as the students of the school as a Head Master of GHS Akhunzadgan District Mohmand, but without completing his normal tenure at GHS Akhunzadgan District Mohmand, he was transferred from GHS Akhunzadgan District Mohmand and posted as SS (Pak Study) BS-17 at GHSS Hassanzai Charsadda vide notification dated 02.02.2022 and in compliance of order dated 02.02.2022 the petitioner was relieved from the post of Head Master by respondent No.4 vide relieving order dated 14.02.2022. **(Copies of notification dated 02.02.2022 and relieving order dated 14.02.2022 are attached as Annexure-F&G)**
6. That the appellant being aggrieved from premature transfer dated 02.02.2022 filed departmental appeal on 08.02.2022, but no action has taken by respondent No.1 on the departmental appeal of the petitioner till date. **(Copy of departmental appeal is attached as Annexure-H)**
7. That as the Khyber Pakhtunkhwa Service Tribunal has defunct due to the retirement of the Honourable Chairman, therefore, the

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petitioner have no other remedy except to file the instant writ petition in this Honourable Court for redressal of his grievance on the following grounds amongst the other.

GROUND:

- A) That the impugned transfer notifications dated 02.02.2022 and relieving order dated 14.02.2022 are against norms of justice and violation of posting transfer policy and circular dated 27.02.2013 and circular dated 07.08.2012, therefore, not tenable and liable to be set aside.
- B) That the impugned transfer notifications dated 02.02.2022 was passed in violation of posting transfer/policy and circular based on Anita Turab case dated 27.02.2013, therefore, the impugned notification is liable to be set aside on this ground alone. **(Copies of posting transfer policy and circular dated 27.02.2013 are attached as Annexure-I&J)**
- C) That the wife of the petitioner is also working in the respondent department as SSS (BPS-18) at GGHS Ghallanai, Mohmand and due to socio-economic problems and hardship faced by husbands and wives in Government service due to posting at different stations of duty, the Government issued circular dated 07.08.2012 to facilitate posting of husbands and wives at same station and through impugned transfer notification dated 02.02.2022, the family of the petitioner will be badly effected and as such the impugned transfer notification is liable to be set aside. **(Copy of circular dated 07.08.2012 is attached as Annexure-K)**
- D) The impugned transfer notification is premature as the petitioner has not completed his tenure in GHS Akhunzadgan District Mohmand, therefore, the impugned transfer notification is liable to be set aside.
- E) That the post of the petitioner is still vacant as no substitute was provided on the post of the petitioner by the department and it will not effect any one if the impugned transfer is set aside.
- F) That most of the Schools in Mohmand District are working without Head Master and the petitioner when transferred to GHS Akhunzadgan as Head Master, he worked hard for the betterment the school as well as students and the enrollment of the school was enhanced due to the effort of the petitioner and by transferring the petitioner by impugned transfer notification dated 02.02.2022, the

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Deputy Registrar

05 MAR 2022

school will once again will be working without Head Master as no substitute of Head Master was provided to GHS Akhunzadgan and the school as well as the students will be definitely effected.

- G) That the petitioner has spent most of his time in far flung area of Districts Dir Lower and when posted in his home District, he was again transfer to far flung area without completing his normal tenure at GHS Akhunzadgan, which is against the norms of justice and fair play.
- H) That the petitioner seeks permission of this Honourable Court to advance others grounds and proofs at the time of hearing.

PRAYER:


IT IS THEREFORE MOST HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS WRIT PETITION, THE AUGUST COURT MAY KINDLY BE SET ASIDE THE IMPUGNED TRANSFER NOTIFICATION DATED 02.02.2022 AND RELIVING ORDER DATED 14.02.2022 AND THE RESPONDENT DEPTT: MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE PETITIONER PREMATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY, CIRCULAR DATED 27.12.2013 AND CIRCULAR DATED 07.08.2012. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF PETITIONER.


INTERIM RELIEF

By way of interim relief, this Honourable Court is requested to suspend the impugned transfer notification dated 02.02.2022 and relieving order dated 14.02.2022 till the decision of writ petition.


PETITIONER
Inayat Ur Rehman

THROUGH:


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

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Deputy Registrar
05 MAR 2022

VERIFICATION:

It is verified that no other similar writ petition between the parties has been filed earlier.



DEPONENT

List of Books:

1. Constitution of Pakistan 1973.
2. Other case law as per need.

NOTE:

Prior Notice along with the copies of the W.P has already been given to the respondents as per amended High Court's Rules dated 23.02.2016.


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

FILED TODAY
Deputy Registrar
05 MAR 2022

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 903P/2022

Inayat Ur Rehman

V/S

Education Department

.....
ADDRESSES OF PARTIES

PETITIONER

Mr. Inayat Ur Rehman S/O Atta Muhammad,
R/O Ghazi Kor Tehsil Haleemzai District Mohmand.

RESPONDENTS

1. The Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
 2. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
 3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, near Govt: High Secondary School No.1, opposite Firdus Chowk, Peshawar.
 4. The District Education Officer (Male), Mohmand.
-


PETITIONER

Inayat Ur Rehman

THROUGH:


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

FILED TODAY
Deputy Registrar
05 MAR 2022

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 903F /2022

Inayat Ur Rehman

V/S

Education Department

AFFIDAVIT

I, Inayat Ur Rehman S/O Atta Muhammad, R/O Ghazi Kor Tehsil Haleemzai District Mohmand, (petitioner) do hereby affirm and declare that the contents of this writ petition are true and correct and nothing has been concealed from this august Court.



DEPONENT

Inayat Ur Rehman
(PETITIONER)
CNIC#21402-2310738-9
Cell#03469810630

IDENTIFY BY:



**TAIMUR ALI KHAN
ADVOCATE HIGH COURT**

4805

FILED TODAY
Deputy Registrar
05 MAR 2022

Received and filed for registration on 03 March 22
Inayat ur Rehman
Atta Muhammad
Taimur Ali Khan
03/03/2022
Deputy Registrar
Peshawar High Court, Peshawar

Book No
Serial No

A (8)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar, the 31-05-2010

NOTIFICATION

NO. SO (G) E&S/1-85/2009/SSI/Contract In pursuance of the powers conferred under Section 25 of the NWFP Civil Servant Act, the Competent Authority is pleased to regularize the services of the following contract employees, Male (Subject Specialists) (BPS-17) in various Subjects in Elementary & Secondary Education Department w.e.f 24-09-2009 under the NWFP, Employees (Regularization of Services) Act, 2009 on the terms and conditions given at end of this notification.

S.#	NAME WITH FATHER NAME	DOMICILE	SUBJECT	PLACE OF POSTING
1.	Sadiqur Rehman S/O Fazle Haleem	Buner	Biology	GHSS Battara Buner
2.	Khalil Ullah S/O Ihsan Ullah	Buner	Biology	GHSS Nagrai Buner
3.	Akbar Hussain S/O Sherin Zada	Buner	Biology	GHSS Gadezai Buner
4.	Seyar Khan S/O Munir Khan	Charsadda	Biology	GHSS Dosehra Charsadda
5.	Ahmed Ghaziud Din S/O Quwal Khan	Chitral	Biology	GHSS Shagram Chitral
6.	Shahil Nawaz S/O Ghulam Nawaz	FR Bannu	Biology	GHSS D/Kalan, D.I.Khan
7.	Qamar Zaman S/O Meer Zaman	Bannu	Biology	GHSS Ramak D.I.K
8.	Gohar Ali S/O Ghulam Hussain	D.I Khan	Biology	GHSS Kath-Grah D.I.Khan
9.	Wahid Jan S/O Faleh Jan	Dir Lower	Biology	GHSS Hayaseral Dir lower
10.	Allaullah Jan S/O Salub Jan	Chitral	Biology	GHSS Drosh Chitral
11.	Gul Rahim S/O Fazal Hakim	Dir (lower)	Biology	GHSS Tawda China Dir (Lower)
12.	Shah Fasil S/O Ali Akbar	Dir Lower	Biology	GHSS Zaimdara Dir Lower
13.	Qadeer Ullah S/O Nasrullah Khan	Karak	Biology	GHSS Dallan Hangu
14.	Jamalud-Din S/O	NWA	Biology	GHSS Landi Kachi Kohat
15.	Hadir Ali Khan S/O Mustaq Ali	Mardan	Biology	GHSS Pir Saddi Mardan
16.	Riaz Muhammad S/O Juma Khan	Mardan	Biology	GHSS Mayar Mardan
17.	Arif Shah S/O Salih Shah	Mardan	Biology	GHSS Chamtar Mardan
18.	Anwarullah S/O Lal Badsnah	M Agency	Biology	GHSS Olandar Shangla
19.	Sultanud-Din S/O Muhammad Gul	Swat	Biology	GHSS Shahpur Shangla
20.	Arshad Ali S/O Khan Syed	Mardan	Biology	GHSS Chowga Shangla
21.	Ashfaq Ali S/O Sultan Sher	Swabi	Biology	GHSS Chanal Swabi
22.	Fakhr Alam S/O	Mohmand-A	Biology	At the disposal of Director FATA Education for further posting
23.	Aliya Jan S/O	Mohmand-A	Biology	At the disposal of Director FATA Education for further posting
24.	Muhammad Azhar S/O Asghar Khan	Haripur	Biology	GHSS Bagra-Haripur
25.	Yasir Khan S/O Muhammad Ashraf	Abbottabad	Chemistry	GHSS Z Masoom Abbottabad
26.	Burhanud Din S/O Zahid Farid	Abbottabad	Chemistry	GHSS Lora Abbottabad
27.	M.Younis Khan S/O Jumma Khan	Abbottabad	Chemistry	GHSS Dalola Abbottabad

29.	Ziaul Islam S/O M. Maroof	Manshera	Chemistry	GHSS Berote Abbottabad
30.	Esa Khan S/O Saad Ullah Khan	Moh Agency	Chemistry	GHSS Sherpao Charsadda
31.	Muhammad Zahir Shah S/O Nadar Khan	Charsadda	Chemistry	GHSS Dosehra Charsadda
32.	Sirajuddin S/O Shahi ddin	Chitral	Chemistry	GHSS Morlasht Chitral
33.	Abdur Raoul S/O Haji Salli Khan	D.I.Khan	Chemistry	GHSS Rammak D.I.Khan
34.	Israr Ullah Khan S/O Abdur Raul	D I Khan	Chemistry	GHSS Muryali, D.I.Khan
35.	Zainullah S/O Habb Ullah	SWA	Chemistry	GHSS Abdul Khel, D.I.Khan
36.	Ihsan Ullah S/O Syed Bacha	Dir Lower	Chemistry	GHSS Hayaserai Dir (Lower)
37.	Muhammad Ismail S/O M.Rokhan	Dir Lower	Chemistry	GHSS Mayar Dir (Lower)
38.	Muhammad Alam S/O Bahadar Khan	Mohmand -A	Chemistry	GHSS Mian Brangola Dir Lower
39.	Misbahuddin S/O Abdul Ghafar	Bajaur- A	Chemistry	GHSS Samar Bagh Dir Lower
40.	Sher Bahadar Khan S/O Sher Alam Khan	Dir Lower	Chemistry	GHSS Tawda China Dir Lower
41.	M.Arshad Iqbal S/O Noor Muhammad	Dir Lower	Chemistry	GHSS Sheringal Dir upper
42.	Javid Khan S/O Gul Nadar Khan	Dir Upper	Chemistry	GHSS Wari Dir Upper
43.	Muhammad Zahir S/O Abdur Rashid	Kohat	Chemistry	GHSS Landi Kachi Kohat
44.	Mukhtar Ahmad S/O Muhammad Nabi		Chemistry	GHSS Ghani Dheri
45.	Abdul Jalal S/O Ghulam Muhammad	Malakand	Chemistry	GHSS Palai Malakand
46.	Kaleem Rashid S/O Abdur Rashid	Haripur	Chemistry	GHSS Jabbari Marisehra
47.	Fazli Mola S/O Bahadar Khan	Mardan	Chemistry	GHSS Palo Dheri Mardan
48.	Zubair Ali Khan S/O Wazir Muhammad	Mardan	Chemistry	GHSS Dehri Likpani, Mardan
49.	Muhammad Farooq S/O Hamza Ali Khan	FR Peshawar	Chemistry	GHSS Jaloozai Nowshera
50.	Muhammad Saeed S/O Speen Gul	Khyber. A	Chemistry	GHSS Keshgi Payan, Nowshera
51.	Alam Zeb S/O Jehan Zeb	Swat	Chemistry	GHSS Sandovi Shangla
52.	Azmat Ali S/O	Mohmand-A	Chemistry	At the disposal of Director FATA Education for further posting
53.	Rasool Muhammad S/O Amrood Khan	N.W. Agency	Chemistry	GHSS Chorlaki Kohat
54.	Karimullah S/O Umar Janan	FR Bannu	Economics	GHSS Richben Abbottabad
55.	Azar Nawaz S/O Musa Khan	Abbottabad	Economics	GHSS Tajwal Abbottabad
56.	Changez Khan S/O Aurangzeb Khan	Abbottabad	Economics	GHSS Langrial Abbottabad
57.	Shehryar S/O Faqir Gul	Charsadda	Economics	GHSS Dosehra Charsadda
58.	Muhammad Saeed S/O Rohan	Peshawar	Economics	GHSS Dakki Charsadda
59.	Amjad Hussain S/O M Munir Shah	Chitral	Economics	GHSS Moirlasht Chitral
60.	Ghulam Wazir S/O Dasta Gul	Chitral	Economics	GHSS Drosh Chitral
61.	Muhammad Sibtain S/O Muhammad Bakhish	D.I.Khan	Economics	GHSS Yank D.I.Khan
62.	Mirajuddin S/O Nasib Rawan	Dir Lower	Economics	GHSS Haya Serai Dir Lower
63.	Fazli Subhan S/O Muhammad Suliman	Swat	Economics	GHSS Mayar Dir Lower
64.	Khaista Bacha S/O Saeed Bacha	Dir Lower	Economics	GHSS Main Brangola Dir Lower
65.	Sher Zada S/O Shamsur Rehman	Dir Lower	Economics	GHSS Ouch Dir Lower
66.	Sher Muhammad Khan S/O Sultan	Swat	Economics	GHSS Tawda China Dir Lower


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Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department
Dated Peshawar the 31-05-2010
Notification

NO. SO (G) E&s/1-85/2009/SS/Contract: In pursuance power conferred under section-25 of of the NWFP Civil Servant Act, the competent authority is pleased to regularize the service of following contract employees, Male (Subject Specialist) (BPS-17) in various Subjects in Elementary & Secondary Education Department w.e.f 24-09-2009 under the NWFP, Employees (Regularization of Services) Act, 2009 on the terms and condition given at end of this notification

S #	Name with father Name	Domicile	Subject	Place of posting
1	SadiqurRehman s/o Fazle Haleem	Buner	Biology	GHSS Battara Buner
2	NOT RELEVANT			
3				
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17				
18	Arif Shah s/o Salih Shah	Mardan	Biology	GHSS ChamtarMardan
19	NOT RELEVANT			
20				
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26				
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ATTESTED

67.	M. Suleman S/O Muhammad Rafiq	Dir Upper	Economics	GHSS Kishwara Swat
68.	Iflikharud-Din S/O Bakhat Rawan	Dir Lower	Economics	GHSS Lal Qatta Dir (Lower)
69.	Muhammad Rafee S/O Khursheed	Haripur	Economics	GHSS Sirkot Haripur
70.	Javed Iqbal S/O Abdul Haq	Mansehra	Economics	GHSS Baffa Mansehra
71.	Tariq Aziz S/O Fazlur Rehman	Mansehra	Economics	GHSS Jabboori Mansehra
72.	Muhammad S/O Abdul Hakim	M Agency	Economics	GHSS Darband Mansehra
73.	Munir Ahmad S/O Bahadar Khan	Kurram-A	Economics	GHSS Jareed Mansehra
74.	Khan Zaib S/O Alam Zaib	Mardan	Economics	GHSS Bughdada Mardan
75.	Anif Hamid S/O Abdul Hamid	FR Peshawar	Economics	GHSS Mardan, Mardan
76.	Farooq Ihsan S/O Ihsan ud din	Mardan	Economics	GHSS Mayar Mardan
77.	Shoukat Ali S/O Amir Zada	Swat	Economics	GHSS Butyal Shangla
78.	Sajid Ali Khan S/O Afsar Khan	Bajaur Agency	Economics	GHSS Thandkoi Swabi
79.	M.Siraj Muhammad S/O Ghulam Muhammad	Mansehra	English	GHSS Richben Abbottabad
80.	Masudour Rehman S/O Muhammad Sadiq	Abbottabad	English	GHSS Dalola Abbottabad
81.	Allaf Hussain S/O Abdul Rehman	Peshawar	English	GHSS Nathia Gali Abbottabad
82.	Ghulam Dastagir S/O Ghulam Rasool	FR, Bannu	English	GHSS Nari Panos Karak
83.	Ali Johar S/O Hazrat Muhammad	Buner	English	GHSS Batara Buner
84.	Liqat Ali S/O Usman Ghani	Swabi	English	GHSS Nagrai, Buner
85.	Muhammad Ghayas S/O Abdullah Jan	Swabi	English	GHSS Gadezai, Buner
86.	Tanveer Rehman S/O M.Nadir Khan	Chitral	English	GHSS Morilashat Chitral
87.	Attaullah S/O Ahmad Wali Khan	Chitral	English	GHSS G/Chishma Chitral
88.	Tahir Ullah Jan S/O Shamsheer Ali Khan	D.I.Khan	English	GHSS Abdul Khel D.I.Khan
89.	Muhammad Daud S/O Mahmood Jan	D.I.Khan	English	GHSS No.4 D.I.Khan
90.	Alam Zaib S/O Fazal Rahim	Swat	English	GHSS Khanpur Dir Lower
91.	Amjad Hussain S/O Abdul Rashid	Dir Lower	English	GHSS Samar Bagh Dir Lower
92.	Naseer Ullah S/O Fatooz Khan	Swat	English	GHSS Tawda China Dir Lower
93.	Muhammad Imran S/O Fazal Muhammad	Mardan	English	GHSS Sheringal Dir Upper
94.	Shafiullah S/O Hakim Khan	Dir Upper	English	GHSS B.Bandi Dir Upper
95.	Zafranullah S/O Naeem Khan	FR Peshawar	English	GHSS Doaba Hangu
96.	Mir Zali Khan S/O Saifur Rehman	NVA	English	GHSS Lachi, Kohat
97.	Akhtar Nawaz S/O Sardaraz Khan	Bannu	English	GHSS Aba Khel Lakki
98.	Abdur Rashid S/O Abdullah Jan	Lakki	English	GHSS Landiwah Lakki
99.	Muhammad Ilyas Khan S/O Zarwali Khan	FR Bannu	English	GHSS S. Sikandar Khel Bannu
100.	Muhammad Waseem S/O Ghulam Nabi	Mansehra	English	GHSS Batal Mansehra
101.	Muhammad Saleem S/O Mir Zaman	Mansehra	English	GHSS Behali Mansehra
102.	Muhammad Iflikhar Ali Pasha S/O M.Afzal	Mansehra	English	GHSS Perhinna Mansehra
103.	Imran Khan S/O Aurangzeb	Mansehra	English	GHSS Serikot Mansehra
104.	Ikramul-Haq S/O Ziaul-Haq	M Agency	English	GHSS Jareed Mansehra

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105.	Israr Zamin Shah S/O Aqlan Shah	Malakand	English	GHSS Jaloozi Nowshera
106.	Shoukat Hayat S/O Nisar Ahmed	Shangla	English	GHS Butyal Shangla
107.	Sohail Ahmad S/O Misal Khan	Swabi	English	GHSS Chanai Swabi
108.	Alamgir S/O Ghulam Ahmad	Swat	English	GHSS Madyan Swat
109.	Haq Nawaz S/O Nisar Ahmed	Shangla	English	GHSS Balogram Swat
110.	Rooh Ullah S/O	Mohmand-A	English	At the disposal of Director FATA Education for further posting
111.	Zeeshan Pervez S/O M. Pervez	Mansehra	English	GHSS Baffa Mansehra
112.	Zia-ur-Rehman s/o Fazal-ur-Rehman	Charsadda	English	GHSS Bareela Haripur
113.	Syed Misbha-ur-Rehman S/O Syed Bashir Hussain Shah	D.I.Khan	History-Cum-Civics	GHSS Yank D.I.Khan
114.	Shahid Jalal S/O Abdul Hamid	Chitral	History-Cum-Civics	GHSS G/Chishma Chitral
115.	Faheem Nawaz S/O Allah Nawaz	D.I.Khan	History-Cum-Civics	GHSS Kathgarh D.I.Khan
116.	Zarif Shad S/O Muhammad Razaq	Dir Lower	History-Cum-Civics	GHSS Khanpur Dir Lower
117.	Shah Muhammad S/O Wali Muhammad	Malakand	History-Cum-Civics	GHSS Khanpur Dir Lower
118.	Saeed Ahmad S/O Wali Muhammad	Dir Lower	History-Cum-Civics	GHSS Tawad China Dir Lower
119.	M. Tahir Shah S/O Syed Muhammad	Dir Lower	History-Cum-Civics	GHSS B/Bandi Dir Upper
120.	Farhad Ali S/O Muhammad Yousaf	Malakand	History-Cum-Civics	GHSS Palai Malakand
121.	Ali Muhammad S/O Muhammad Yaqoob	Haripur	History-Cum-Civics	GHSS Darband Mansehra
122.	Malik Firdos S/O Muhammad Haroon	Haripur	History-Cum-Civics	GHSS Kawai Mansehra
123.	Murad Khan S/O Suhbal Khan	Mardan	History-Cum-Civics	GHSS Ghjar Garhi
124.	Muhammad Atfal S/O Younis Ali Khan	Mardan	History-Cum-Civics	GHSS Hathian Mardan
125.	Tariq Habib S/O Habibur Rehman	Peshawar	History-Cum-Civics	GHSS Wadpaga Peshawar
126.	Asad Ali S/O Ghaloq Khan	Swabi	History-Cum-Civics	GHSS Thandkoi Swabi
127.	Sajid Ali S/O Shareef Khan	Swat	History-Cum-Civics	GHSS Kabal Swat
128.	Qaisar Ali S/O Sohrab Khan	Mansehra	History-Cum-Civics	GHSS Lora Abbottabad
129.	Afrasyab S/O Shaghihaz Khan	Bannu	History-Cum-Civics	GHSS Siema Sikandar Khel, Bannu
130.	Shams ur Rehman S/O Noor Ali	Buner	History-Cum-Civics	GHSS Nawagai Buner
131.	Haji Muhammad S/O Shah Ahmad	Buner	History-Cum-Civics	GHSS Gadezi Buner
132.	Haji Rehman S/O Mohabat Khan	Charsadda	History-Cum-Civics	GHSS Hassan Zai Charsadda
133.	Noor ul Amin S/O Abdul Rehman	Charsadda	History-Cum-Civics	GHSS Sherpao Charsadda
134.	Munzoor Ahmad S/O Khair Muhammad	Charsadda	History-Cum-Civics	GHSS Nisatta Charsadda
135.	Aziz ur Rehman S/O Ubaidullah	Chitral	History-Cum-Civics	GHSS Shagram Chitral

136.	Inam Ullah S/O Muhammad Zamil	D.I.Khan	History-Cum-Civics	GHSS Abdul Khel D.I.Khan
137.	Samiul Wahab S/O Hassan Nawab	Karak	History-Cum-Civics	GHSS Daraban Kalan, D.I.Khan
138.	Inayat ur Rehman S/O Ata Muhammad	Mohmand Malakand	History-Cum-Civics	GHSS Samar Bagh Dir (Lower)
139.	Aseel Zada S/O Abdul Jabar	Dir Lower	History-Cum-Civics	GHSS Zaimdara Dir Lower
140.	Fazal Subhan S/O Talib Jan	Dir upper	History-Cum-Civics	GHSS Wari Dir upper
141.	Hazrat Shah S/O Farid Shah	Haripur	History-Cum-Civics	GHSS Sinkot Haripur
142.	Khan Nawaz S/O Feroz Khan	FR Bannu	History-Cum-Civics	GHSS Shah Baz Khel, Lakki
143.	Sheriar Ali S/O H.Zawar Din	Mohmand-A	History-Cum-Civics	GHSS Kot Malakand
144.	Ijaz Ahmad S/O Muhammad Khan	Mardan	History-Cum-Civics	GHSS Shahbaz Garhi Mardan
145.	Gul Dayub Khan S/O Nazir Muhammad	Nowshera	History-Cum-Civics	GHSS Pirpai, Nowshera
146.	Abdul Basil Siddiqui S/O M. Saleem Siddiqui	Nowshera	History-Cum-Civics	GHSS Ziarat Kaka Sahib Nowshera
147.	Muhammad Tariq S/O Mukhtar Ali	FR Peshawar	History-Cum-Civics	GHSS Urmar Payan Peshawar
148.	Asif Ali S/O Aisar Khan	Swabi	History-Cum-Civics	GHSS Ayub Khan Kalay.Swabi
149.	Hashmat Ali S/O Jamshid Ali	Swat	History-Cum-Civics	GHSS Madyan Swat
150.	Pir Zada S/O Umar Khan	Swat	History-Cum-Civics	GHSS Mankyal Swat
151.	Zahoorullah S/O Ayub Khan	Swat	History-Cum-Civics	GHSS Kalam Swat
152.	Sajjad Khan S/O Muntaz Khan	Mardan	History-Cum-Civics	GHSS T/Bahi Mardan
153.	Mushtaq Ali S/O Mehmood	Dir Lower	History-Cum-Civics	GHSS Kishwara Swat
154.	Ghani Khan S/O Said Habib	Charsadda	History-Cum-Civics	GHSS Umarzai Charsadda
155.	Inayatullah S/O Abdul Majid	Kohistan	Islamiyat	GHSS Shahpur Shangla
156.	Muhammad Rafiq S/O M. Hayat	D I Khan	Islamiyat	GHSS Kathgarh D.I.Khan
157.	Muhammad Ishfaq S/O Faqir Muhammad	Abbottabad	Islamiyat	GHSS Z. Masoom Abbottabad
158.	Ejazur-Rehman S/O Nazir Muhammad	Abbottabad	Islamiyat	GHSS Bol Abbottabad
159.	O-Inayat-ur-Rehman S/O Saifur Rehman	Abbottabad	Islamiyat	GHSS Dalola Abbottabad
160.	Zahoorul Haq S/O Ghulam Mustafa	Abbottabad	Islamiyat	GHSS Langrial Abbottabad
161.	Farooq Zarneer S/O Fazlur-Rehman	Abbottabad	Islamiyat	GHSS K.P Ayubia Abbottabad
162.	Atique Ahmed S/O M. Saleem	Mansehra	Islamiyat	GHSS Berote Abbottabad
163.	Ehsan Ahmad Danish S/O M. Anis	Mansehra	Islamiyat	GHSS Kozabanda Battagram
164.	Hafiz Kalimullah Jan S/O Rahimullah Jan	Bannu	Islamiyat	GHSS Kakki
165.	Hussan Farosh S/O Abdul Jamil	Buner	Islamiyat	GHSS Nawagai Buner
166.	Rashid Ahmad S/O Gul Said Jan	Mohmand-Agency	Islamiyat	GHSS Dosehra Charsadda
167.	Masood Nabi S/O Ghulam Nabi	Chitral	Islamiyat	GHSS Morilasht Chitral

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168.	Muhammad Abbas S/O Muhammad Ayub	Chitral	Islamiyat	GHSS Shagram Chitral
169.	Ahmad Ali Shah S/O S Mahmood Sahib	D.I.Khan	Islamiyat	GHSS Abdul Khel D.I.Khan
170.	Muhammad Naem Dildar S/O S.M.Saleem Dildar	D.I.Khan	Islamiyat	GHSS Daraban Kalan, D.I.K
171.	Muhammad Danish S/O Khuda Bakht	Lakki	Islamiyat	GHSS No.4 D.I.Khan
172.	Samir-Rehman S/O Muhammad Saddique	Dir Lower	Islamiyat	GHSS Hayaserai Dir Lower
173.	M.Ashraf S/O Abdul Ghafoor	NWA	Islamiyat	GHSS Khall
174.	Sultan Yousaf S/O. M.Amin	Dir Lower	Islamiyat	GHSS Mayar Dir Lower
175.	Saleemullah Khan S/O Ghulamullah Khan	Dir Lower	Islamiyat	GHSS Munda Dir Lower
176.	Abdul Wahid S/O Gul Wahid	Dir Lower	Islamiyat	GHSS Sado Dir Lower
177.	Muhammad Javid S/O Khudad Khan	Dir lower	Islamiyat	GHSS Tawda China Dir Lower
178.	Muh: Sher Khan S/O Shehar Khan	Dir upper	Islamiyat	GHSS Wari Dir upper
179.	Sajid S/O Ali Bahadar	Haripur	Islamiyat	GHSS Beer Haripur
180.	Hidayatullah S/O Khawaja Mir Jan	NW Agency	Islamiyat	GHSS Chorlaki Kohat
181.	Muhammad Ullah S/O Mukhtar Zaman	NWA	Islamiyat	GHSS Gumbat Kohat
182.	Syed Saadud-Din S/O Syed Khunamud-Din	NWA	Islamiyat	GHSS Dhand Saghri Kohat
183.	Zahoor ul Islam S/O Fakhru Islam	Mansehra	Islamiyat	GHSS Jared, Mansehra
184.	Hadayat Hussain S/O Sadrul Islam	Mansehra	Islamiyat	GHSS Kawai Mansehra
185.	Allaur Rehman S/O Hashim Din	Mansehra	Islamiyat	GHSS Karori, Mansehra
186.	Naveed Alam S/O Faiz Alam	Haripur	Islamiyat	GHSS Darband Mansehra
187.	Javid Khan S/O Hamish	Mardan	Islamiyat	GHSS Mayar Mardan
188.	Abid Ullah S/O Syed Muhammad	Mardan	Islamiyat	GHSS Gari Kapura Mardan
189.	Sharif Khan S/O Rehman ullah	Mardan	Islamiyat	GHSS Sufaid Sung Peshawar
190.	Muhammad Gul S/O Muhabat Khan	Charsadda	Islamiyat	GHSS Wazir Bagh Peshawar
191.	Muhammad Zubar S/O Fazli Khalig	Peshawar	Islamiyat	GHSS Chamkani Peshawar
192.	Tayyab Nawaz S/O Nisar Muhammad	Peshawar	Islamiyat	GHSS Adizai Peshawar
193.	Siraj Khan S/O Akbar Shah	Peshawar	Islamiyat	GHSS Musazai Peshawar
194.	Fazli Rabbi S/O Abdur Rashid	Swat	Islamiyat	GHSS Baidara Swat
195.	Zia ur Rahman S/O Habibur Rehman	Swabi	Islamiyat	GHSS Zaida Swabi
196.	Asad Ullah S/O Fazlullah	Swabi	Islamiyat	GHSS Chanai Swabi
197.	Qahal Shah S/O Noor Nabi Shah	Swabi	Islamiyat	GHSS Thandkoi Swabi
198.	Allaullah S/O Muhammad Mobin	Swat	Islamiyat	GHSS Kabal Swat
199.	Muhammad Aya7 S/O Jehan Zeb Khan	Swat	Islamiyat	GHSS Kishwara Swat
200.	Inayat ullah S/O Abdul Majeed	Kohistan	Islamiyat	GHSS Kalam Swat
201.	Aziz Ullah S/O Misal Khan	Swat	Islamiyat	GHSS Shamozi Swat
202.	Umar Zada S/O	Bajour-Agency	Islamiyat	At the disposal of Director FATA Education for further posting
203.	Q.Sajid Rashid S/O Q.Abdul Rashid	Haripur	Islamiyat	GHSS Garhi Habibullah Mansehra
204.	Asfandiyar S/O Zar Muhammad	Charsadda	Islamiyat	GHSS Chamtar Mardan
205.	Hafiz Muhammad Ali S/O Musafar Khan	Mardan	Islamiyat	GHSS Gadezai, Buner

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136	NOT RELEVANT			
137	NOT RELEVANT			
138	InayaturRehman s/o Hassan Nawab	Karak	History-cum- Civics	GHSS Darban Kalan, DI Khan
	NOT RELEVANT			


ATTESTED

206.	S.Sohail Shah S/O Abdul Rehim	Harpur	Maths	GHSS Lora Abbottabad
207.	Zafar Iqbal S/O Raeesuz Zaman	Abbottabad	Maths	GHSS Tajwal Abbottabad
208.	Noor Badshah S/O M. Ali Shah	North W A	Maths	GHSS Nurar
209.	Muhamamd Tahir S/O Zahoor Ullata	Swabi	Maths	GHSS Batara Buner
210.	Nasir Ali S/O Dokht Ali	Charsadda	Maths	GHSS Gadezai, Buner
211.	M.Nasir Khan S/O Shalizada Khan	Central	Maths	GHSS Morlasht Chitral
212.	Hafeez-ullah S/O M.Sharif	D.I.Khan	Maths	GHSS Abdul Khel D.I.Khan
213.	Fahim Khan S/O Waris Khan	SWA	Maths	GHSS Ramak D.I.Khan
214.	Khurshid Ahmad S/O Mohanimad Rokhan	Dir Lower	Maths	GHSS Hayaserai Dir Lower
215.	Bakhtiar Ali S/O Saad Mahmood Jan	Dir Lower	Maths	GHSS Khall Dir lower
216.	Riaz Khan S/O Main Noor	Dir Lower	Maths	GHSS Mayar Dir lower
217.	Dost Muhammad Khan S/O Khalil Rehman	Dir Lower	Maths	GHSS Samar Bagh Dir lower
218.	M.Azizud-Din S/O Fardoon	Malakand	Maths	GHSS B/Bandi Dir Upper
219.	Yousaf Khan S/O Noor Alzal	Swat	Maths	GHSS Sheringal Dir upper
220.	Muhammad Ishtiaq S/O Amin Badshah	Karak	Maths	GHSS Doaba Hangu
221.	Rizwan ullah S/O Moeenullah	FR Bannu	Maths	GHSS Dhand-Saghri Kohat
222.	Muhammad Sajid S/O Muhammad Yaseen	Kohat	Maths	GHSS Chorlaki Kohat
223.	Farid ullah S/O Abdul Sattar	Lakki	Maths	GHSS Dara pezu Lakki
224.	Illukhar Ahmad S/O Sher Ghulam	Lakki	Maths	GHSS Shahbaz Khel Lakki
225.	Damsaz Khan S/O Hassani Khan	Lakki	Maths	GHSS Taja Zai Lakki
226.	Safiullah S/O Muhammad Ismail Khan	Lakki	Maths	GHSS Kot Kashmir Lakki
227.	Muhammad Imran S/O Muhammad Ashraf	Harpur	Maths	GHSS G/Habibullah Mansehra
228.	Muhammad Basharat S/O Muhammad Yaqoob	Abbottabad	Maths	GHSS Jareed Mansehra
229.	Alamzeb S/O Amir Shah	B Agency	Maths	GHSS Olandar Shangla
230.	Akbar Hussain S/O Abdul Ghani	Swat	Maths	GHSS Butyal, Shangla
231.	Sher Ali Khan S/O Missal Khan	Swabi	Maths	GHSS Chanai Swabi
232.	Yahya S/O Muhammad Alam	Swat	Maths	GHSS Fatehpur Swat
233.	Johar Ali S/O Hamid ullah Khan	Charsadda	Maths	GHSS Shamoza Swat
234.	Zakiuddin S/O Najmuddin	Mardan	Maths	GHSS Mankyal, Swat
235.	Irshad Ahmad S/O Shah Nazool Khan	Swat	Maths	GHSS Mankyal, Swat
236.	Muhammad Tariq S/O Fazli Akbar	Mardan	Maths	GHSS Kalam Swat
237.	Muhammad Nisar S/O	FR Bannu	Maths	At the disposal of Director FATA Education for further posting
238.	Inhamul-Haq S/O Mansoodur Rehman	Mansehra	Pak Study	GHSS Dalola Abbottabad
239.	Rifatullah S/O Mir Ali Khan	Bannu	Pak Study	GHSS Ismail Khel Bannu
240.	Aftab Gul S/O Amir Suleman	Karak	Pak Study	GHSS Shahbaz Azmat Khel Bannu
241.	Abdur Rafiq S/O S Yaqoob Shah	Buner	Pak Study	GHSS Nagrai Buner
242.	M.Ayaz S/O Amir Muhammad	Charsadda	Pak Study	GHSS Nisatta Charsadda
243.	Mazhar Elahi S/O Fazal Elahi	Peshawar	Pak Study	GHSS Dosehra Charsadda
244.	Arshad Iqbal S/O Abdul Mabood	Charsadda	Pak Study	GHSS Sherpao Charsadda

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245.	M.Yaseen S/O Mohammad Zaffar	Chitral	Pak Study	GHSS Drosh Chitral
246.	Javid Musa S/O M.Musa Khan	Chitral	Pak Study	GHSS Morlasht Chitral
247.	Muhammad Bilal S/O Riaz Hussain	D.I.Khan	Pak Study	GHSS Rammak D.I.Khan
248.	Abdul Sattar S/O Faiz Rasool	D.I.Khan	Pak Study	GHSS Abdul Khel D.I.Khan
249.	M. Jamshed Iqbal S/O Allah Drwaya	D.I.Khan	Pak Study	GHSS D/Kalan D.I.Khan
250.	Inam Ullah S/O Raffiullah	Dir Lower	Pak Study	GHSS Munda Dir Lower
251.	Asghar Khan S/O Gul Sadharg	Mardan	Pak Study	GHSS Zaimdara Dir Lower
252.	Alamzeb S/O Muhammad Zaman	Malakand	Pak Study	GHSS Wari Dir Upper
253.	Imran Khan S/O Izzal Khan	Karak	Pak Study	GHSS Lachi Kohat
254.	Tanveer Hussain S/O Shabr Hussain	Kurrant-A	Pak Study	GHSS Dhand Saghri Kohat
255.	Sajjad Ahmad S/O Bahadar Khan	Haripur	Pak Study	GHSS Kawai Mansehra
256.	Mukamil Shah S/O Miro Jan	Swabi	Pak Study	GHSS No.1 Mardan
257.	Bahadar Khan S/O Imdadullah	Nowshera	Pak Study	GHSS Manki Sharif, Nowshera.
258.	Muhammad Hussain S/O Hazrat Sharif	Malakand-A	Pak Study	GHSS Jalozai Nowshera
259.	Ilyas Ahmad S/O Ahmadullah Khan	Charsadda	Pak Study	GHSS Umar Payan Peshawar.
260.	Ihsanullah S/O Abdul Ghaffar	Peshawar	Pak Study	GHSS Sufaid Sung Peshawar
261.	Wajid Ali S/O Shaluk Khan	Khyber-A	Pak Study	GHSS Sandovi Shangla
262.	Syed Adnan Ahmad S/O Syed Muhammad Shah	Swabi	Pak Study	GHSS Kabgani Swabi
263.	Naveed Iqbal Khan S/O Majidullah Khan	Swat	Pak Study	GHSS Kishwara, Swat
264.	Sajjad Ali S/O Liaqat Ali	Mardan	Pak Study	GHSS Madyan, Swat
265.	Manzoor Hussain S/O Badshah Moh.	Malakand	Pak Study	GHSS Fatehpur Swat
266.	Saqib Anwar S/O Muhammad Anwar	Abbottabad	Physics	GHSS Tajwal Abbottabad
267.	Mussarat Naeem S/O Muhsif Khan	Haripur	Physics	GHSS Berote Abbottabad
268.	M.Arshad S/O Muhammad Younis	Abbottabad	Physics	GHSS Dalola Abbottabad
269.	Ziaur Rehman S/O Saifur Rehman	Abbottabad	Physics	GHSS Z.Masoom Abbottabad
270.	Rukhsar Ali S/O Raham Zed Khan	Bannu	Physics	GHSS Hakim Hawed Bannu
271.	Liaqat Ali Khan S/O Qadar Shah	Mardan	Physics	GHSS Batara Buner
272.	M.Sajid S/O Ghulam Yasin	D.I.Khan	Physics	GHSS Abdul Khel D.I.Khan
273.	Muhammad Saeed S/O Muhammad Sharif	D.I.Khan	Physics	GHSS D/Kalan D.I.Khan
274.	Sarbiland Khan S/O Sher Afzal	Dir Lower	Physics	GHSS Mayar Jandol, Dir lower
275.	Kifayatullah S/O Mahar Gul	Charsadda	Physics	GHSS Mian Erangola Dir Lower
276.	Gul Muhammad S/O Noor Muhammad	Dir Lower	Physics	GHSS Samar Bagh Dir Lower
277.	Shakil Khan S/O Hassan Gul	Dir Lower	Physics	GHSS Ziarat Talash Dir Lower
278.	Shahid Iqbal Khan S/O Bakht Zamin	Dir lower	Physics	GHSS Wari, Dir upper
279.	Muhammad Shakoor S/O Hakim Khan	Karak	Physics	GHSS Chorlaki Kohat
280.	Inamullah S/O Qasim Khan	Lakki	Physics	GHSS Abdul Khel Lakki
281.	Tariq ur Rehman S/O Sher Zali	Karak	Physics	GHSS Landiwah Lakki
282.	Ali Ahmad S/O Bahadar Khan	Mardan	Physics	GHSS Palai Malakand
283.	Mian Abdul Malik S/O Mian Hussain	Mansehra	Physics	GHSS Behali Mansehra
284.	Israr Ahmad S/O Nisar Ahmad	Mansehra	Physics	GHSS Garhi Habibullah Mansehra
285.	Muhammad Saleer S/O Jahandad	Haripur	Physics	GHSS Jabbori Mansehra

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286.	Khan Gulzar Khan Zeb S/O Ma Zaman Khan	Swat	Physics	GHSS Dehri Lakpani Mardan
287.	Amjid Shah S/O Hakim Shahi	Kurram-A	Physics	GHSS Sulaid Sung Peshawar
288.	Muhammad Naseem S/O M.Faheem	Charsakla	Physics	GHSS Wadpaga Peshawar
289.	Muhammad Shafiq S/O Iqbal Muhammad	Karak	Physics	GHSS Daag Peshawar
290.	Afsar Khan S/O Talenwarid	Swat	Physics	GHSS Chaghrmatti Peshawar
291.	Wasi ur Rehman S/O Habib ur Rehman	Peshawar	Physics	GHSS Musazai Peshawar
292.	Qamar Zaman S/O Shawas Khan	Buner	Physics	GHSS Olandar Shangla
293.	Muhammad Shafiq S/O Gul Janan	Lakki Marwat	Physics	GHSS Butyal Shangla
294.	Hakim ullah S/O Ali Harder	Shangla	Physics	GHSS Sandovi Shangla
295.	Muhammad Tariq ullah S/O Qasim Khan	Lakki	Physics	GHSS Chowga Shangla
296.	Bakht Zamin Shah S/O Rahim Shah	Mardan	Physics	GHSS Kishwara Swat
297.	Fazal Malik S/O Abdul Qahar	Swat	Physics	GHSS Mankyal, Swat
298.	Muhamamd Ismail S/O Muhammada Jan	Charsakla	Physics	GHSS Kalam Swat
299.	Ayub Khan S/O Rahim Dad Khan	Mehmand-A	Physics	At the disposal of Director FATA Education for further posting
300.	M.Ramzan S/O Abdulullah Jan	D.I.Khan	Statistics	GHSS Dalola Abbottabad
301.	Khalid Mehmood S/O M Ayub	Hanpur	Statistics	GHSS Langrial Abbottabad
302.	M.Farooq S/O M. Zareen	Mardan	Statistics	GHSS Berote Abbottabad
303.	Inamullah S/O Amin Khan	Peshawar	Statistics	GHSS Gadezai, Buner
304.	Sher Ayaz Khan S/O Akbar Razi	Chitral	Statistics	GHSS Shagram Chitral
305.	Muhammad Riaz S/O M Ramzan	D.I.Khan	Statistics	GHSS D/Kalan, D.I.Khan
306.	Alla ur Rehman S/O Inamur Rehman	Dir Lower	Statistics	GHSS Hayaserai Dir Lower
307.	Muhd Idress S/O Hanid Khan	Dir Lower	Statistics	GHSS Khall Dir Lower
308.	Abdul Nasir Khan S/O Gul	Dir Lower	Statistics	GHSS Samar Bagh Dir Lower
309.	Muhammad Najeeb Ullah S/O M.Zahir Shah	Dir Upper	Statistics	GHSS B/Bandi Dir Upper
310.	Shoaib Gul S/O Khujat Gul	Hangu	Statistics	GHSS Doaba Hangu
311.	Arshad Aziz S/O Sadiqullah	FR Peshawar	Statistics	GHSS Chorlaki Kohat
312.	Haziqur Rehman S/O Muhamamd Khan	Karak	Statistics	GHSS Shakardara Kohat
313.	Pir Muhammad S/O Abdul Rehman	SWA	Statistics	GHSS Ramak D.I.Khan
314.	Akhtar Munan S/O Khan Munan	Lakki	Statistics	GHSS Dara Pazu Lakki
315.	Muhammad Irfan S/O Muhamamd Shafiq	Malakand	Statistics	GHSS Palai,
316.	Abdul Karim S/O Abdul Waheed	Mansehra	Statistics	GHSS Jareed Mansehra
317.	Ghyuoor Anjum S/O Abdul Qayum	Hanpur	Statistics	GHSS Dhodial Mansehra
318.	Muhammad Zahoor S/O Sultan Mehmood	M Agency	Statistics	GHSS Kawai Mansehra
319.	Wajid Ali S/O Ali Afsar	M Agency	Statistics	GHSS G/Habibullah Mansehra
320.	Muhammad Ismail S/O M Khalid	Mardan	Statistics	GHSS Palo Dehri Mardan
321.	Umar Farooq S/O Saif Muhammad	Karak	Statistics	GHSS Dehri Likpani Mardan
322.	Sajjad Ahmad S/O Liaqat Ali	Peshawar	Statistics	GHSS Mayar Mardan

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ATTESTED

(17)

323.	Illukhar Ahmad S/O Shamsul-Haq	Peshawar	Statistics	GHSS Chamtar Mardan
324.	Ayaz Khan S/O Muhammad Numan	Peshawar	Statistics	GHSS Sheikhhan Peshawar
325.	Abdul Shakoor S/O Biradar Khan	Shangla	Statistics	GHSS Olandar Shangla
326.	Imran Ali S/O Usman Ghani	Swat	Statistics	GHSS Shahpur Shangla
327.	Muhammad Asif S/O Muhammad Irshad	Swabi	Statistics	GHSS Ayub Khan Kalay Swabi
328.	Bukht Wali S/O Siraj Muhammad	Peshawar	Statistics	GHSS Mamsabdar, Swabi
329.	Munsif Khan S/O Noor Muhammad	Mardan	Statistics	GHSS Shamoza Swat
330.	Shafiqat Ullah S/O Sharif Ullah Khan	Lakki	Statistics	GHSS Kalam Swat
331.	Zahid Ullah S/O Bawar Khan	Mohmand-A	Statistics	At the disposal of Director FATA Education for further posting
332.	Akbar Khan S/O	Bajour-Agency	Statistics	At the disposal of Director FATA Education for further posting
333.	Shakeel Ahmad S/O Shad Nawaz	Karak	Statistics	GHSS Abdul Khel, D.I.Khan
334.	Gul Shah S/O Hayat Shah	Abbottabad	Urdu	GHSS Nathia Gafi Abbottabad
335.	Alif Malik S/O Ali Asghar	Abbottabad	Urdu	GHSS Tajwal Abbottabad
336.	Gulab Khan S/O Abdul Karam	South W.A	Urdu	GHSS Berote Abbottabad
337.	Haslam Khan S/O Yousaf Khan	Nowshera	Urdu	GHSS K.P.Ayubia Abbottabad
338.	Inam Ullah S/O Izzat Khan	Buner	Urdu	GHSS Nawagi Buner
339.	Fazul-ur-Rehman S/O Atkhal Haq	Buner	Urdu	GHSS Gadezi Buner
340.	Noor ul Basar S/O Muhammad	Buner	Urdu	GHSS Balara Buner
341.	Hameed ullah S/O Khan Bacha	Dir Lower	Urdu	GHSS Hayaserai Dir Lower
342.	Zahir Shah S/O Bakht Muhammad	Dir lower	Urdu	GHSS Khall Dir Lower
343.	Shah Karam S/O Baharamand	Dir Lower	Urdu	GHSS Mian Brangola Dir Lower
344.	Muhammad Athar S/O Mula Gul Jan	Dir Upper	Urdu	GHSS Sheringal Dir Upper
345.	Muhammad Azam S/O Lajbar Khan	Malakand	Urdu	GHSS Gandigar Dir Upper
346.	Muhammad Asif S/O Khyal Faraz	Karak	Urdu	GHSS Lachi Kohat
347.	Sirajud Din S/O	D.I.Khan	Urdu	GHSS Landi Kachi Kohat
348.	Muhammad Anwar S/O Falak Naz Khan	Lakki	Urdu	GHSS Kot Kashmir Lakki
349.	Muhammad Aslam S/O Mir Atzal	Mansehra	Urdu	GHSS Shergarh Mansehra
350.	Abdul Waheed S/O M Ayub	Mansehra	Urdu	GHSS Darband Mansehra
351.	Muhammad Khalid S/O Fazal Ahmad	Haripur	Urdu	GHSS LTakral Mansehra
352.	Azmal Ali S/O Ajmal Khan	Nowshera	Urdu	GHSS Urmar Payan Peshawar
353.	Muhammad Ayub Khan S/O Hatam Khan	Swat	Urdu	GHSS Kabgani Swabi
354.	Salman S/O Abdul Qayyum	Mardan	Urdu	GHSS Ayub Khan Kalay Swabi
355.	Muhammad Ibrahim S/O Nazar Hussain	Swat	Urdu	GHSS Mansabdar Swabi
356.	Mushlaq Ali S/O Muhammad Yousaf	Mohmand-A	Urdu	At the disposal of Director FATA Education for further posting
357.	Khalid Khan S/O Haya Gul	Mohmand-A	Urdu	At the disposal of Director FATA Education for further posting

TERMS & CONDITIONS.

TERMS & CONDITIONS.

1. Their services will be considered as regular but without pension & gratuity in terms of Section-19 of the NWFP, Civil Servants Act, 1973 as amended vide NWFP, Civil Servants (Amendment) Act, 2015. They will, however, be entitled to contributory Provident Fund in such a manner and at such rates as prescribed by the Government.
2. Their Terms & Conditions of service shall be governed under the NWFP Civil Servant Act 1973 and the rules made there under except seniority.
3. Their services will be liable to termination on one month's notice from either side. In case of resignation without notice their one month pay/allowances, shall be forfeited to Government.
4. Their seniority will be determined according to Section-4 of the NWFP, Employees (Regularization of Services) Act, 2009
5. They should join their post within 30-days of the issue of this notification and they will be required to furnish copies of all their certificates/degrees alongwith original receipts and photo stat copies thereof, pertaining to the verification fee of the concerned Examining body (Board & University) to this Department as well as to the EDOs (E&SE) concerned
6. They would be on probation for a period of two years extendable for another one year.
7. They will be governed by such rules and regulations as may be issued from time to time by the Government.
8. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded against under the NWFP Removal from Service (Special Power) Ordinance, 2000 and the Rules framed from time to time.
9. They are junior to those selectees who have been appointed by Government on the recommendations of Khyber Pakhtunkhwa Public Service Commission.
10. Charge report should be submitted to all concerned.
11. The EDO (E&SE) concerned is directed not to release their pay until the verification of their documents
12. No TA/DA will be allowed to the appointees for joining their duty.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,
ELEMENTARY & SECONDARY EDUCATION DEPTT.**

Endst: No. & Date even:

Copy of the above is forwarded to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Directress, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Director Information, Khyber Pakhtunkhwa, Peshawar.
4. Director Education FATA, Khyber Pakhtunkhwa, Peshawar.
5. District/ Agency Accounts Officers concerned.
6. Executive District Officers (E&SE) in Khyber Pakhtunkhwa.
7. PS to Minister (E&SE), Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Govt of Khyber Pakhtunkhwa, (E&SE) Department.
9. PS to Additional Secretary Govt of Khyber Pakhtunkhwa, (E&SE) Department.
10. All Subject Specialists concerned
11. Office orders file

ATTACHED


(FARID AHMAD KHATTAK)
SECTION OFFICER (GENERAL)



B 19

GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the May 6, 2020

NOTIFICATION

NO.SO(S/F)E&SE/4-16/2020Malika Sadiq:

The Competent Authority is pleased to transfer Mst. Malika Sadiq, SS (Maths BS-18) from GGHSS Ziarat Talash, and post her at GGHS Ghallanai, Mohmand, against the vacant post of SS (Maths BS-18) in the public interest, with immediate effect.

2. No TA/DA is allowed.

**SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT**

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Additional Director NMD, Peshawar.
4. District Education Officers (Female), Dir Lower/Mohmand.
5. District Accounts Officers, Dir Lower/Mohmand.
6. Director EMIS, E&SE Department.
7. PS to Secretary, E&SE Department.
8. Officer concerned.
9. Office order file.


06/5/2020
(ABDUS SALAM)
SECTION OFFICER (S/F)

ATTACHED

Charge report.

C 20

Vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department notification No.SO (S. F)E and S.E.D./4-16/2020 dated Peshawar 06-05-2020, Mst. Malika Sadiq SSS(BPS 18) took over the charge of his duty at GGHSS Ghallanai district Mohmand against the vacant post of SSS Maths(BPS 18) today on 30-05-2020 after noon.

Malika Sadiq
Mst. Malika Sadiq
SSS Maths GGHSS
Ghallanai
Distt. mohmand

Office of the Principal GGHSS Ghallanai Distt. Mohmand
No 219-26 dated Ghallanai the 30/5/2020

Copy of the above is forwarded for information to :

1. The Secretary Govt. of KPK,E and SED at Peshawar.
2. The Director of E and SED KPK at Peshawar.
3. The District Education officer Mohmand at Ghallani.
4. The District Account officer Mohmand at Ghallani.
5. The Bank concern.
6. Office copy.
7. Officer concern.

[Signature]
Principal
GGHSS Ghallanai
District Mohmand

[Signature]
ATTACHED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
PESHAWAR

D 3

NOTIFICATION

NO SU(SM)E&SE D 7-D-2020 Posting of male teachers in the posts stations, as mentioned against each, from the date of effect.

S#	Name with designation	From	To
1.	Mr. Inayat Ur Rehman, SS H/Civics (BS-17)	GHSS Z. 11 Dir. Education	GHSS Z. 11 Dir. Education
2.	Mr. Madayin, HM (BS-17)	GHSS Z. 11 Barate	GHSS Z. 11 Barate
3.	Mr. Anwar Ullah, HM (BS-17)	GHSS Z. 11 Barate	GHSS Z. 11 Barate
4.	Mr. Mushtaq Hussain, SS H/Civics (BS-17)	GHSS Z. 11 Khalid	GHSS Z. 11 Khalid

2. No TA/DA is allowed.

SECRETARY

Ends: of even No. & Date

- Copy forwarded to the:
1. Accountant General, Khyber Pakhtunkhwa Peshawar.
 2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
 3. District Education Officers (Male) Concerned.
 4. District Accounts Officers, Concerned..
 5. PS to Minister for E&SE Department
 6. PS to Secretary E&SE Department
 7. PS to Special Secretary E&SE Department
 8. PA to Deputy Secretary (Admin) E&SE Department
 9. Director, FMIS E&SE Department.
 10. Officers concerned.
 11. Master file.

[Signature]
SECTION OFFICER (SCHOOLS MATTER)

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

Dated Peshawar the May 06, 2020

NOTIFICATION

No.So(SM) & SE ED/7-2020/Posting/Transfer/General : the Competent authority is pleased to order posting /adjustment of the following officers of E&SED, on the posts/station, as mentioned against each, in public interest, with immediate effect:

S#	Name with designation	From	Posted as	Remarks
1	Mr. Inayat Ur Rehman, SS H/Civics(BS-17)	GHS Ziarat Talash Dir Lower	SS H/Civics (BS-17) GMHSS Ghazi Baig Mohmand	AVP
2	Mr. Madayin, HM (BS-17)	GHS Kama Dara Barang Bajaur	HM (BS-17)GHS Toop Mandal Bajaur	do
3	Mr. Anwar Ulalh HM(BS-17)	GHS Gokand Buner	HM (BS-17) GHS Jambl Swat	Do
4	Mr. Mustafa Hussain, SS H/Civics(BS-17)	GHSS Rehmani Khel D.I Khan	SS H/Civics (BS-17) GHSS Angori Kurram	do

SECRETARY

No TA/DA is allowed

Endst: of even No.& date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
Director E&SE Khyber Pakhtunkhwa Peshawar
2. District Education Officer Male Concerned
3. District Accounts Officer Concerned
4. PS to Minister for E&SE Department
5. PS to Secretary E&SE Department
6. PS to Special Secretary E&SE Department
7. PA to Deputy Secretary Admin E&SE Department
8. Director EMIS E&SE Department
9. Office concerned
10. Master File

Section Officer (Schools)
Male


ATTESTED



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

Dated Peshawar the May 28, 2020

E (92)

CORRIGENDUM

NO.SO(SM)E&SED/7-1/2020/Posting/Transfer/General: In partial modification of this department notification of even number dated 06.05.2020, the place of posting in respect of Mr. Inayat Ur Rehman, SS H/Civics (BS-17) (Unadjusted) under transfer as SS H/Civics (BS-17) GMHSS Ghazi Baig Mohmand, appearing at serial No.1, may be read as HM (BS-17) GHS Akhunzadgan Mohmand, against the vacant post, as a stop-gap arrangement, till further orders.

2. **No TA/DA is allowed.**

Endst: of even No. & Date

SECRETARY

Copy forwarded to the:

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

(MUHAMMAD ARIF)

SECTION OFFICER (SCHOOLS MALE)

ATTESTED



F (23) 8

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533

Dated Peshawar the February 02, 2022

NOTIFICATION

NO.SO(SM)E&SED/5-17/2022/PT/G/SS Mr. Inayat ur Rehman, SS (Pak Study) BS-17 working as Headmaster (BS-17) GHS Akhunzadgan District Mohmand is hereby transferred and posted as SS (Pak Study) BS-17 at GHSS Hassanzai Charsadda against the vacant post, in the best public interest, with immediate effect.

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

Endst: of even No. & Date

Copy forwarded to the:

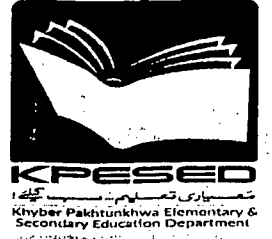
1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Account Officers, concerned.
5. Director, EMIS E&SE Department.
6. Principal, GHSS Hassanzai Charsadda.
7. PS to Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PA to Deputy Secretary (Admn) E&SE Department.
10. Mr. Inayat ur Rehman, SS (Pak Study) GHSS Hassanzai Charsadda.
11. Office order file.

Hafeez ur Rehman Shah
2/2/2022
(HAFAEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER
MOHMAND TRIBAL DISTRICT
Ph. No. : 0924-290180
FAX : 0924290180
Email :- deomohmand@gmail.com

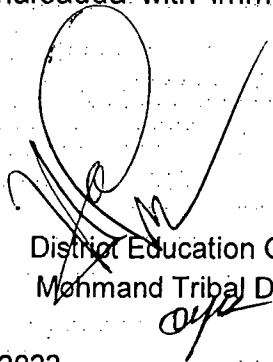


No. 466 / 1 Dated. 14/2 /2022

RELIEVING CHIT

Mr. Inayat ur Rahman, SS (Pak Study) BS-17 working as Headmaster (BS-17) GHS Akhunzadgan District Mohmand has been transferred and posted as SS (Pak Study) BS-17 at GHSS Hassanzai Charsadda against the vacant post vide Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa Notification No. SO(SM)E&SED/5-17/2022/PT/G/SS dated Peshawar the February, 02-2022.

He is hereby relieved from the Head Master post GHS Akhunzadgan District Mohmand to day on 14-02-2022 and directed to report for duty at GHSS Hassanzai Charsadda with immediate effect.


District Education Officer
Mohmand Tribal District

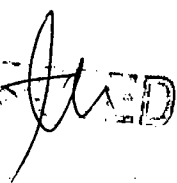
Endst: No. 467-PA

Dated. 14/2 /2022

Copy forwarded for information to the:-

1. PS to Secretary (E&SED) Khyber Pakhtunkhwa.
2. PA to Director (E&SED) Khyber Pakhtunkhwa.
3. District Accounts Officers Mohmand and Charsadda.
4. Principals concerned.
5. Officer concerned.
6. PA to District Education Officer (Male) Mohmand..

District Education Officer
Mohmand Tribal District

ATTACHED


H (25)

اپیل بنام
چیف سیکرٹری خیبر پختونخوا

عنوان: منسوخی تبادلہ، ضلع مہمند سے ضلع چارسدہ
عرض خدمت ہے کہ تقریباً پندرہ سالوں سے اپنے آبائی ضلع مہمند سے باہر محکمہ تعلیم میں خدمات سرانجام دے رہا تھا۔ جون 2020 کو اپنے آبائی گاؤں میں ہیڈ
ماسٹر کی پوسٹ پر میرا تبادلہ کیا گیا۔ میرے آنے کے بعد اسکول کی کارکردگی بہتر ہونے لگی۔ اور طلبہ کی تعداد میں بھی کافی اضافہ دیکھنے کو ملا۔ یہ میرا اپنا آبائی اسکول ہے اس
لئے طلباء کی تعلیم کی طرف رغبت بڑھنے کے ساتھ ساتھ ان کی اور اساتذہ کرام کی حاضریوں پر بھی انتہائی مثبت اثرات مرتب ہونے لگے۔ اس کے ساتھ ساتھ میری بیوی بھی
ضلع مہمند کی محکمہ تعلیم میں بچیوں کو زور تعلیم سے ارستہ کر رہی ہیں۔ جو کہ ایکس ویں صدی میں ملک کی ترقی کے لئے انتہائی ضروری ہے اس کے علاوہ بلدیات کی ضمنی انتخابات
کی تاریخ کا بھی اعلان ہوا ہے۔ اس کے باوجود مجھے حسن زئی ہائی اسکول میں رانگ پوسٹ پر تبدیل کیا گیا ہے اور اس کے ساتھ ساتھ میری جگہ کسی اور کو بھی گورنمنٹ ہائی
اسکول آخوزادگان میں ٹرانسفر نہیں کیا گیا ہے۔

جیسا کہ آپ کو معلوم ہے کہ ضلع مہمند انتہائی درجے کی ایک پسماندہ ضلع ہے جس کی تقریباً پچاس فیصد سے زیادہ آبادی اب بھی ضلع سے باہر ہے۔ ضلع میں اساتذہ کی انتہائی کمی
کے ساتھ ساتھ کئی ایک ہائی اسکولوں میں ہیڈ ماسٹرز کی پوسٹیں خالی پڑی ہیں، اگر ایک اور اسکول کو بغیر ہیڈ ماسٹر کے چھوڑا گیا تو ہزاروں کی تعداد میں طلباء بے یار و مددگار رہیں گے۔
جیسا کہ آپ کو معلوم ہیں کہ ماہرین مضامین اور ہیڈ ماسٹرز دونوں کو ڈیپنگ کیڈر لکھا جاتا ہے اور ان کی سینیئرٹی لسٹ بھی ایک ہے۔ آپ کو معلوم ہونا چاہیے کہ صوبے میں
سکولوں جگہوں پر یہ دونوں ایک دوسرے کی جگہ پر ڈیوٹی سرانجام دے رہے ہیں۔

آپ کی خدمت میں عرض ہے کہ دہشت گردی سے متاثرہ جیسی ضلع مہمند میں رانگ پوسٹ پالیسی میں نرمی بھرتی جائے اور ساتھ ہی سپورٹ پالیسی کو مد نظر رکھ کر عوامی مفاد میں
میرا تبادلہ منسوخ کیا جائے۔

العارض
محمد ارجان

ماہر مضمون / ہیڈ ماسٹر

شناختی کارڈ نمبر: 9-2310738-21402

موبائل نمبر: 03469810630

22/12/2022

ATTACHED

I (26)

Transfer Policy - updated till 10 Jan, 2009



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- vi) While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DFOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

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

2 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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nwfp.gov.pk

mushkulawati

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Posting - Transfer Policy - updated till 10 Jan, 2005

- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales.
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

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

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

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a) Within the same Department.	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfer orders could be exercised only in the following cases.

- i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

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

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

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

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

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

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

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

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

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar: _____

NOTIFICATION

NO: _____ The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service; with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF NWFP

Encl. No. and date even.
Copy forwarded

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- 2.
- 3.
- 4.

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(NAME)
SECTION OFFICER
Administrative Department

[Authority: Letter No. SO (E-D) E&AD/9-12/2006 dated 22-12-2006];

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.
[Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008].

.....
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.
[Authority: Urdu circular No: SOR-VI (E&AD)/95 dated 28th Oct. 2005.]
.....

The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

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- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

(Authority: Urdu circular No: SOR-VI/E&AD/1-4/2003, dated 86-2004.
Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.)

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

(Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005)

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretariat. Administrative Secretaries shall ensure submission of such reports.

(Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007)

PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

Placement Policy has been made part of the posting/transfer policy vide Urdu circular No SOR-VI/E&AD/1-4/06, dt 9-2-2007

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officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
- b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
- c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.

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[Signature]
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J (33)

GOVERNMENT OF KHYBER PAKHTUNKHWA
 ESTABLISHMENT DEPARTMENT
 (REGULATION WING)
 NO. SOR.VI (E&AD)1-4/2005/Vol-II
 Dated Peshawar, 27th February, 2013

Government of Khyber Pakhtunkhwa
 Establishment Department
 Peshawar

To
 2/27/13

1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA), Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

(i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

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(ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

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(iii) Illegal Orders: Civil Servants owe their first and foremost allegiance to the law and to obey orders from superiors in accordance with accepted practices and rule based norms. Instead, in such situations, they must record their opinion and, if necessary, dissent.

They are not bound by orders which are illegal or are not in accordance with accepted practices and rule based norms. They must record their opinion and, if necessary, dissent.

(iv) OSD: Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

NAJAM
(NAJ-MJS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl. Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

NAJAM
SECTION OFFICER (REG-VI)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

(REGULATION WING)

No. SOR-VI/E&AD/1-4/2010/Vol-VIII
Dated Peshawar, the 07th August, 2012

To

3. 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 District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.

Subject: POSTING OF SERVING HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-

- i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

AC(R)

Commissioner Peshawar

D/No 910-2... 15/8/12

- iii) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

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organization, the Government servant with greater length of service may be preferred.

iv) Request for posting by a spouse facing serious medical problems may be accorded highest priority.

v) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. Kindly acknowledge receipt.

Yours faithfully

Naqam
7/8/12

(NAJ-MUS-SAHAR)
SECTION OFFICER (REG:VI)

Endst No. & date even.

Copy forwarded to:

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. The Director General, Provincial Disaster Management Authority.
6. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. PSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Incharge Resource Centre, Estt.&Admn: Department.

Naqam
7/8/12

SECTION OFFICER (REG:VI)

De

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Amir

At
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37

TAIMUR ALI KHAN
Advocate High Court

OFFICE:
Room No. FR-8 Court,
4th Floor, Bilour Plaza
Peshawar Cantt:
Cell # 0333-9390916

Dated: 04.03.2022

1. The Chief Secretary, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
3. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, near Govt: High Secondary School No.1, opposite Firdus Chowk, Peshawar.
4. The District Education Officer (Male), Mohmand.

**NOTICE UNDER RULE 2(3) OF CHAPTER
4-J, VOLUME-V OF HIGH COURT RULES
& ORDERS.**

Kindly take a notice under the above referred rules of the High Court to the effect that the undersigned is going to file writ petition on the grounds mentioned in the memo of writ petition (copy enclosed).



TAIMUR ALI KHAN
ADVOCATE HIGH COURT

40

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF Peshawar High Court, Peshawar

Inayat Us-Rehman (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt (Respondent)
(Defendant)

I/We, Inayat Us-Rehman

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021

[Signature]
(CLIENT)

ACCEPTED
[Signature]
TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

FILED TODAY
[Signature]
Deputy Registrar
05 MAR 2022

"B"

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

No. *Recd*

460

22

Appeal No. *Inayat-ur-Rehman* of 20

Appellant/Petitioner

Chief Secy, K.P.S. Peshawar

Respondent

DEO (Male), Mohmand

Respondent No.

Notice to: —

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

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

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

13th

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

Day of.....*June*.....20*22*

For Reply

**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

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

Note: Always quote Case No. while making any correspondence. The points of attendance in the court are the responsibility of the party concerned.

REGISTRAR
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
REGISTRAR

Handwritten scribbles

Day of 30

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

Office Notice No. dated

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

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

appeal/petition will be heard and decided in your absence. Details of your appearance on the date fixed and in the manner aforementioned, the alongwith any other documents upon which you rely. Please also take notice that in this Court at least seven days before the date of hearing a copies of written statement Advocate, duly supported by your power of attorney, you are, therefore, required to file in the case may be postponed either in person or by authorized representative or by your appeal/petitioner you are at liberty to do so on the date fixed, or any other day to which you hereby notified that the said appeal/petition is fixed for hearing before the Tribunal the above case by the petitioner in this Court and notice has been ordered to issue. You are Province Service Tribunal Act, 1974, has been presented/registered for consideration in

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa

Notice to: —

DEO (M.C.)
RESPONDENT NO.

.....

Handwritten signature
APPELLANT/PETITIONER

.....

No.

Handwritten number

PESHAWAR

JUDICIAL COMPLEX (OGD) KHYBER ROAD

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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

No.

52

Appeal No. 460 of 2022.

Joyot - ur - Rehman Appellant/Petitioner

Chief Secy, KPK Peshawar Versus Respondent

Respondent No. (1)

Notice to: Chief Secy, KPK Civil Secretariat, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 09/07/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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Given under my hand and the seal of this Court, at Peshawar this 13th

Day of June 2022.

For Reply

ISSUED BY THE CHIEF REGISTRAR
GOVT. OF KHYBER PAKHTUNKHWA
PESHAWAR
27-6-22

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
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BEZHAWAR

KHAYBER PAKHTUNKHWA SERVICE TRIBUNAL

BEZHAWAR

Handwritten notes:
No. 11
134

Day of 2015

Given under my hand and the seal of this Court at Bezhawar this

Office Notice No. dated

Copy of appeal is attached. Copy of appeal has also been sent to you with this

this appeal petition.

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

Notice of any alteration in the date fixed for hearing of this appeal petition will be

appeal petition will be heard and decided in your absence.

default of your appearance on the date fixed and in the manner aforementioned together with any other documents upon which you rely. Please also take notice that in this Court at least seven days before the date of hearing 4 copies of written statement advocates, duly supported by you, however of attorney you are, therefore, required to file in the case may be postponed either in person or by authorized representative or by any appeal/petitioner you are at liberty to do so on the date fixed or any other day to which

you are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal the above case by the petitioner in this Court and notice has been ordered to issue. You are Province Service Tribunal Act, 1974, has been presented/registered for consideration in

WHEREAS an appeal/petition under the provision of the Khayber Pakhtunkhwa

Notice to:

Handwritten: Mr. J. J. Khan, Khayber Pakhtunkhwa Service Tribunal, Bezhawar

Respondent No.

Respondent

Handwritten: Mr. J. J. Khan, Khayber Pakhtunkhwa Service Tribunal, Bezhawar

Appellant/Petitioner

Appeal No.

of 2015

No.

BEZHAWAR

JUDICIAL COMPLEX (OGD), KHAYBER ROAD

KHAYBER PAKHTUNKHWA SERVICE TRIBUNAL, BEZHAWAR

“B”

"B"

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

No.

SB

Appeal No. 460 of 2022.

Inayat - ur - Rehman Appellant/Petitioner

Chief Secy, KPK, Peshawar Respondent

Respondent No. (2)

Notice to: Govt of KPK through Secy ESSE Peshawar.

27/6

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 09/11/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this 13th

Day of June 2020

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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“B”

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

No.

52

Appeal No. 460 of 2022.

Inayat-ul-Rehman Appellant/Petitioner

Chief Secy, KPK, Peshawar Respondent

Respondent No. (3)

Notice to: Director ESSE KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 04/07/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

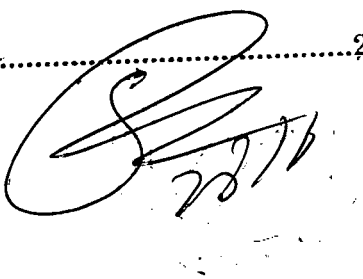
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition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

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office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 13th

Day of June 2022

For Reply


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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2014 P L C (C.S.) 1032

[Sindh High Court]

Before Muhammad Ali Mazhar and Shahnawaz Tariq, JJ

Mrs. ZEENAT AHMED

Versus

FEDERATION OF PAKISTAN through Secretary Defence and 2 other

C.M.A. No.4063 of 2014 in Constitution Petition No.D-877 of 2014, decided on 12th June, 2014.

(a) Constitution of Pakistan---

---Art. 199---Constitutional petition---Civil service---Transfer to another station---Wedlock Policy, violation of---Scope---Transfer in question was neither in public interest, nor for valid reason---Petitioner was holding of additional charge of the post of other station---Effect---Petitioner challenged her transfer from place 'K' to 'R' on the ground of Wedlock Policy and mala fide---Petitioner was not issued three months' notice before transfer from one station to another---Contention of the petitioner was that she had been transferred without any exigency of service on the basis of mala fide intentions in violation of Wedlock Policy---Validity---Mere holding of an "additional charge" of other station in a particular period of time did not mean that the petitioner could not be given the advantage and benefit of wedlock policy in future nor this could be presumed that the petitioner had waived her right to claim this benefit---Once the competent authority issued wedlock policy, it was their responsibility to implement and adhere to such policy guidelines so that the benefit might be given to all such persons entitled for the same; Its implementation could not be left at the whims and volition of the competent authority to bestow this benefit or advantage on pick and choose basis---Such type of guidelines or policy should be implemented across the board without any discrimination---Civil servant could not claim any particular post as vested right but, in the present case, the petitioner had not claimed any vested right against any particular post but the petitioner only wanted the implementation of wedlock policy in her case which was introduced keeping in view the socio-economic problems and hardships faced by husbands and wives in Government Service due to posting at different stations---Facility was extended through Office Memorandum to "such class" of Government servants also, to be able to serve at the place of resident of their spouses, irrespective of the fact that such spouses were employed with the Government, private sector or even unemployed---Constitutional petition was accepted in circumstances.

(b) Civil Servants Act (LXXI of 1973)---

---S. 10---Constitution of Pakistan, Arts.199 & 35---Constitutional petition---Posting and transfer---Wedlock Policy---Article 35 of the Constitution wherein it was provided as principle of policy that the State shall protect the marriage, the family, the mother and the child---Wedlock Policy explicated or itinerant around this principle of policy which was intended to ensure the benefit of a family and it also advanced social good---Unless there were insurmountable hurdles, requests of the husband and the wife to be posted at one station were required to be considered with an element of compassion and kindness.

(c) Constitution of Pakistan---

---Arts. 212(2) & 199---Service Tribunals Act (LXX of 1973), S.3---Constitutional jurisdiction of High Court---Scope---Civil service---Transfer in violation of transfer policy---Alternate remedy of appeal---Contention of the petitioner was that as the Service Tribunal was not functioning, therefore, the High Court had jurisdiction to entertain the constitutional petition against the transfer order---Validity---Service

*For appellant
Engr. Ch. Rehman*

Tribunal was not functional, the petitioner could not be non-suited on the ground of non-functioning of Tribunal, as the petitioner could not be given directions to approach the non-functional Service Tribunal--- High Court, before exercising extraordinary jurisdiction, must be satisfied about the non-availability or inefficacy of alternate remedy provided under law and once it was shown to the satisfaction of the High Court that alternate remedy was expedient and effective, then obviously High Court would be reluctant to exercise constitutional jurisdiction---To disentitle a person from extra-ordinary relief, the alternate remedy available must be a remedy in law i.e. *remedium juris*, which was not less convenient, beneficial and effective---To effectively bar the jurisdiction of the High Court under Art.199 of the Constitution the remedy available under the law must be able to accomplish the same purpose which was sought to achieve through a constitutional petition---If no adequate or alternate remedy was provided under the law constitutional jurisdiction could be set into motion for the redress of an aggrieved person---Constitutional petition could be invoked without waiting the statutory period of 90 days unless the Service Tribunal was functioning.

Syed Mahmood Akhtar Naqvi and others v. Federation of Pakistan and others PLD 2013 SC 195; Dr. Younis Asad Shaikh v. Province of Sindh, Secretary Health Department 2009 PLC C.S.) 735; Miss Rukhsana Ijaz v. Secretary, Education Punjab 1997 SCMR 167; Asadullah Rashid v. Haji Muhammad Muneer and others 1998 SCMR 2129; Peer Muhammad v. Government of Balochistan 2007 SCMR 54 and Mrs. Abida Jabeen v. Secretary Education Schools) Government of Punjab 2012 PLC C.S.) 665 ref.

Sarfraz Saleem v. Federation of Pakistan and others PLD 2014 SC 232; Sajida Abdullah ESE Teacher) v. District Coordination Officer and 2 others 2011 PLC C.S.) 592; Muhammad Zia-ul-Haq v. Secretary to Government of the Punjab and 4 others 2003 PLC C.S.) 1322 and PLD 2011 SC 277 *Suo Motu* Case No.24 of 2010 and Human Rights cases Nos.57701-P, 57719-G, 57754-P, 58152-P, 59036-S, 59060-P, 54187-P and 58118-K of 2010 rel.

Khalid Jawed for Petitioner.

M.M. Aqil Awan for Respondent No.2.

Muhammad Arshad Khan Tanoli for Respondent No.3.

Asif Hussain Mangi, Standing Counsel.

Date of hearing: 6th May, 2014.

JUDGMENT

MUHAMMAD ALI MAZHAR, J.--- The petitioner has challenged her transfer order dated 20-2-2014 from Karachi to Rawalpindi on the ground that it is in violation of wedlock policy of the Government (O.M.No.10/30/97-R-2 dated 13-5-1998 and 17-12-1999) issued to facilitate posting of husbands and wives at the same station and the posting of unmarried female civil servants at the place of residence of their parents/families.

2. Learned counsel for the petitioner argued that the petitioner is performing her duty as Director Military Land and Cantonments (DML&C) Karachi Region, Karachi in (BS-20). She joined the Government Service in the year 1988 after passing competitive examination through Federal Public Service Commission. It was further contended that husband of the petitioner is also Government servant and Senior Medical Officer, Health Department, Government of Sindh and her entire family is living in Karachi. The petitioner has four minor school going children. On 20-2-2014 all of a sudden the petitioner came to know that she has been transferred and posted as Director (F&P) at Rawalpindi and the respondent No.3 was directed to take over the charge of the post of the petitioner.

3. Learned counsel further argued that posting order was issued totally in disregard of relevant provisions of law and the wedlock policy of the Government. The transfer order issued with mala fide

intention only to victimize the petitioner and to disturb her peace of mind and the entire family. The transfer of the petitioner from Karachi to Rawalpindi is neither in public interest nor for any valid reason. Under section 24-A of the General Clauses Act, the respondents were bound to communicate to the petitioner the reasons for deviation from the wedlock policy of Government of Pakistan. He further argued that at present the Federal Service Tribunal is not functional, hence the petitioner could not approach the FST for seeking appropriate relief hence she has rightly approached to this court under the writ jurisdiction.

4. He further argued that under the normal course, three months' notice should be given to the Government servant before transferring from one station to another so that he could be able to plan his affairs. Learned counsel referred to the statement which he filed on 6-5-2014 in which he has mentioned the names of five officers who were given benefit of wedlock policy but in the case of petitioner this has been violated with ulterior motives. He further argued that even in the case of deputation vide Notification No.S.R.O.375(I)/2012 dated 16-4-2012 in Rule 20-A, after sub-rule (3) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 a proviso has been added through which the benefit of wedlock policy was extended even to the deputationist. In support of his arguments he relied upon the following case-law:---

(1) PLD 2014 SC 232 (Sarfray Saleem v. Federation of Pakistan and others). Articles 212(2) and 199. Services Tribunals Act (LXX of 1973) Section 3. Constitutional Petition before High Court under Article 199 of the Constitution. For establishment of Service Tribunal appointment of its Chairman by the President, with prescribed qualification was a sine qua non and unless such appointment is made, there is no Tribunal in existence, so as to attract the bar of jurisdiction contained in Article 212(2) of the Constitution. Bar on jurisdiction of High Court under Article 212(2) of the Constitution would not come into play till the Federal Service Tribunal was established in terms of Section 3(3)(a) of Service Tribunals Act, 1973.

(2) 2011 PLC (C.S.) 592 (Sajida Abdullah (ESE Teacher) v. District Coordination Officer and 2 others). Article 199. Impugned order having malafidely and illegally been passed in contravention of basic law and the Policy declared by the Government, constitutional petition filed against said order was maintainable before the High Court. If one spouse in one Government Department was posted at one city and the other spouse was posted at a different city, was definitely going to cause mental distress to both of them, with the consequences which were not only injurious to them, but to the public and Government exchequer as well.

(3) 2003 PLC (C.S.) 1322 (Muhammad Zia-ul-Haq v. Secretary to Government of the Punjab and 4 others). Wedlock Policy had been introduced and acted upon with a philosophy. If husband in Government Department was posted at one city and his wife posted in another Government Department was working in a different city, it was definitely going to cause mental distress to both of them with the consequences which were not only injurious to them, but to the public and Government exchequer.

(4) PLD 2013 SC 195 (Syed Mahmood Akhtar Naqvi and others v. Federation of Pakistan and others). Tenure, appointment, promotion and posting/transfer are of utmost importance in the civil service. If these are made on merit in accordance with definite rules, instructions etc., the same will rightly be considered and treated as part of the terms and conditions of service of a civil servant. If, however, rules and instructions are deviated from and as a result merit is discouraged on account of favoritism, sifarish or considerations other than merit, it should be evident the civil service will not remain independent or efficient.

(5) PLD 2011 SC 277 (Suo Motu Case No.24 of 2010 and Human Rights cases Nos.57701-P, 57719-G, 57754-P, 58152-P, 59036-S, 59060-P, 54187-P and 58118-K of 2010). Section 14. Estacode, Vol.I (2007 Edn.) Instructions. Employment after retirement. Record in the present case, showed that prima facie, while re-employing the retired civil servants/persons in the police department the provisions of law i.e. section 14 of the Civil Servants Act, 1973 as well as Instructions contained in Estacode, Vol. I, Edn, 2007 under the heading "Re-Employment" and the judgments of the Superior courts on the subject were

not considered/adhered to Effect. Held, for establishing rule of law and Constitutionalism, it was necessary that the relevant provisions should be followed strictly in letter and spirit.

5. Mr. M.M. Aqil Awan, learned counsel for the respondent No.2 argued that the question of transfer and posting is one of the terms and conditions of the service which is in fact amenable to the jurisdiction of the Service Tribunal and the constitutional jurisdiction of this court is barred under Article 212 of the Constitution. He further argued that a civil servant cannot claim for appointment or posting to any particular post as a matter of right. He further argued that under section 22 of the Civil Servant Act, 1973 the right of appeal and representation is provided against any such order but without exhausting the same the petitioner could not have approached Federal Service Tribunal or this court. Learned counsel referred to the rejoinder of the petitioner and argued that the petitioner filed the departmental appeal on 21-2-2014 and without its decision or waiting for 90 days period she has filed constitutional petition, which is not maintainable. He further argued that though the F.S.T. is not functional at present, but in order to invoke the constitutional jurisdiction of this court she was supposed to wait 90 days which is provided under the law for deciding the appeal or representation by the competent authority. Learned counsel contended that the Office Memorandum is a non-statutory instruction which cannot be enforced through constitutional jurisdiction. To maintain constitutional petition it is a mandatory requirement that petitioner should show the existence of a legal right which has been violated. The petitioner has no vested or legal right to claim a particular posting at a particular station. Out of total length of service she served at Karachi for 22 years. She also served as Additional CEO, Peshawar, CEO Kamra and DML&C Quetta holding the additional charge. He also referred to career planning of officers ML&C Department along with brief history of posting which is attached to the counter affidavit. He also referred to the judgment passed by one of us (Muhammad Ali Mazhar, J), in C.P.No.D-3943 of 2013 and C.P.No.D-5463 of 2013 in which the petitions of Sindh Civil Servants were dismissed keeping in view the bar contained under Article 212 of the Constitution. In support of his argument, the learned counsel relied upon the following case-law:---

(1) 2009 PLC (C.S.) 735 (Dr. Younis Asad Shaikh v. Province of Sindh, Secretary Health Department). Under section 10 of the Sindh Civil Servants Act, 1973 posting and transfer being the terms and conditions of service, same could not be challenged before High Court in its constitutional jurisdiction.

(2) 1997 SCMR 167 (Miss Rukhsana Ijaz v. Secretary, Education Punjab). Dispute between both civil servants relating to their transfer/posting, which was a matter relatable to terms and conditions of their service. Jurisdiction of High Court was excluded in such matters in terms of Article 212(2) of the Constitution.

(3) 1998 SCMR 2129 (Asadullah Rashid v. Haji Muhammad Muneer and others). Constitutional petition under Article 199 of the Constitution is not maintainable by a civil servant in relation to any matter connected with the terms and conditions of service in respect whereof the Service Tribunal has jurisdiction.

(4) 2007 SCMR 54 (Peer Muhammad v. Government of Balochistan). Question of posting/transfer relates to terms and condition of a government servant. Service Tribunal, therefore, has the exclusive jurisdiction.

(5) 2012 PLC (C.S.) 665 (Mrs. Abida Jabeen v. Secretary Education (Schools) Government of Punjab). It was held that the appellant had no vested right to be posted against a particular place. Transfer policy was just a guideline which had no binding force. Competent Authority, was to see the feasibility that husband and wife could be posted at one station or not Impugned order passed by Single Judge of High Court, which was in accordance with law, was maintained.

6. Mr. Arshad Khan Tanoli, learned counsel appearing for respondent No.3 adopted the arguments advanced by Mr. M.M. Aqil Awan, however, he added that the respondent No.3 received the posting order from Director General (ML&C) and he was posted at Karachi on the place of the petitioner. He further argued that the petitioner has suppressed the material facts and failed to disclose that the respondent No.3

came to join at Karachi, but due to status quo order granted by this court he could not join his duties. Learned Standing Counsel also adopted the arguments of Mr. M.M. Aqil Awan, Advocate for the respondent No.2.

7. After the hearing the pros and cons, there is no doubt that the petitioner preferred departmental appeal on 21-2-2014, which is pending before the competent authority. It is also a fact that the Federal Service Tribunal is not functional due to non-appointment of its Chairman despite repeated directions of the Hon'ble Supreme Court. There is no F.S.T. virtually where a civil servants may approach for the redressal of their grievances. Most of the judgments cited by the learned counsel for the respondents are based on Article 212 of the Constitution which bars the constitutional jurisdiction of this court. In order to set into motion the aforesaid bar, the existence of Tribunal is necessary. Since the Tribunal is not functional, the petitioner cannot be non-suited on this ground as she cannot be given directions to approach the non-functional F.S.T. It is well-settled that this court before exercising extra-ordinary jurisdiction must be satisfied about the non-availability or inefficacy of alternate remedy provided under law and once it is shown to the satisfaction of this court that alternate remedy is expedient, effective, then obviously courts would be reluctant to exercise writ jurisdiction. To disentitle a person from extraordinary relief, the alternate remedy available must be a remedy in law i.e. *remedium juris*, one which is not less convenient, beneficial and effective. To effectively bar the jurisdiction of the High Court under Article 199 of the Constitution the remedy available under the law must be able to accomplish the same purpose which is sought to achieve through a petition under Article 199.

8. Recently, the Hon'ble Supreme Court in the case of Sarfraz Saleem, reported in PLD 2014 SC 232 clearly held that in so far as the jurisdiction of the High Court under Article 199 of the Constitution is concerned it is open ended, but subject to certain limitations prescribed therein, one of which is with reference to availability of other adequate remedy to the aggrieved party. As against it the bar of jurisdiction is dependent upon the establishment of Administrative Court/Tribunal having exclusive jurisdiction in the matter. The interpretation of the word "establishment" of an Administrative Court or Tribunal cannot be narrowed down to mere completion of paper by way of some appropriate legislation, unless it is established in a manner that it is functional and exercising its jurisdiction in accordance with law which in the instant case, is admittedly lacking. Lack of exercise of jurisdiction by the High Court in the present case seems to be contrary to the well accepted principle "*ubi jus ibi remedium*" (where there is a right there is a remedy) and the spirit of Articles 2 and 10-A of the Constitution, meant to safeguard the rights of every individual/person to be dealt with in accordance with law. Finally, the Hon'ble Supreme Court held that the establishment of the Tribunal in its terms, appointment of the Chairman by the President as prescribed qualification is *sine qua non* and unless such an appointment is made there is no Tribunal in existence, so as to meet the situation described by Article 212(2) of the Constitution and operate as bar of jurisdiction before any other forum. Learned counsel for the respondents also argued that the Tribunal is not functional but even for maintaining the C.P. the petitioner should have waited for 90 days for the decision of her departmental appeal/representation and without deciding the appeal or representation she could not have approached this court. Let us clarify that due to non-activation of F.S.T. this cannot be said that while deciding the petition under Article 199 of the Constitution we have assumed the role and jurisdiction of the F.S.T. The constitutional jurisdiction is guided by the principle that if no adequate or alternate remedy is provided under the law constitutional jurisdiction can be set into motion for the redress of an aggrieved person. It is misconceived to say that despite dysfunctional Tribunal, the petitioner should have waited for 90 days and thereafter seek appropriate remedy through this C.P. Most of the judgment cited by learned counsel for the respondents are based on the premise that the civil servant cannot invoke the constitutional petition of this court in view of the bar contained under Article 212 of the Constitution. There is no cavil to the proposition laid down or the guidelines expounded in the dictums but in the present situation when the Tribunal is dysfunctional, all such precedents are distinguishable unless the Tribunal is made functional. It is noted that for last considerable period the Government has not appointed Chairman of the F.S.T. while the directions were given to this effect much earlier by the Hon'ble Supreme Court. If the Tribunal is dysfunctional no responsibility or burden can be shifted upon the civil servants and for this disability they cannot be ousted or non-suited.

9. Now we would take up the next question which relates to the posting of the petitioner in view of

the wedlock policy. The Office Memorandum or instructions contained in Estacode unequivocally make it clear that in view of the socio economic problems and hardships faced by husbands and wives in Government service due to posting at different stations of the duty, the office order on the wedlock policy was issued to facilitate posting of husbands and wives at the same station and the posting of unmarried female civil servants at the place of residence of their parents/families. Let us reproduce some relevant excerpts from Estacode as under:---

SL. No.2: Policy Guidelines for postings/transfers of officers:

It has now been decided by the President that postings/ transfers of officers of Grade-17 and above in all Occupational Groups/Services/Ex-cadre posts, etc., will, henceforth, be made according to the Rules of Business, 1973 by the respective Ministries/Departments who are responsible for their administrative control.

2. The following guidelines may, however, be observed by the Ministries/Departments regarding policy concerning transfers:---

- (1) Transfer between Pakistan and foreign countries should normally be made only after 3 years. If an officer is required to be transferred earlier than 3 years, the orders of Establishment Division are required to be obtained.
- (2) Officers should not be transferred as a result of their taking leave for short periods for rest and recreation for which only acting arrangements should be made.
- (3) Ordinarily 3 months' notice should be given to government servants who are transferred from one station to another to enable them to plan their affairs.

(Authority. Establishment Secretary's D.O. Letter No.1/24/78, C.P. dated 30-9-1978)

SL.No.3: Normal Tenure of posting:

It has been observed that government instructions with regard to normal tenure for an officer on the same job/post issued from time to time are not being followed with the result that in some Ministries/Divisions/Departments, officers have continued to work on the same desk for unduly long periods. The position has been reviewed and the competent authority has laid down the following criteria for posting/ transfer of the officers working in Ministries/Divisions and the attached Departments/Subordinate Offices, Autonomous and Semi-Autonomous Organizations, under their administrative control:

Posting/Transfers within Pakistan

- (i) The normal tenure of an officer on the same post should be three years. Posting of an officer on the same post beyond the normal tenure will require concurrence of the competent authority, in each case.
- (ii) Shifting of the officer may be phased in a manner that no dislocation in the official work takes place due to large scale transfers.
- (iii) Ordinarily, three months' notice should be given to the officer who is to be transferred. Exception may, however, be made in case the officer is required to be shifted immediately in the public interest with the approval of the competent authority.
- (iv) Orders for premature transfers in the Ministries/ Divisions/Departments of the Federal Government should be referred to the Establishment Division; and in the Autonomous/Semi-Autonomous Organization to the administrative Ministry concerned.

(v) These instructions will not strictly apply to technical and professional officers/experts recruited for particular posts. However, posting/transfer of such officers may also be rotated in their parent departments/cadres as far as possible in accordance with the rules of the post.

(Authority: Establishment Division O.M.No.10/10/94-R.2. dated 22nd March, 1994)

SL.No.4: Posting of serving husband/wife at the same station:

The government has taken note of the socio-economic problems and hardship faced by husbands and wives in government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be proceeded in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be proceeded in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993 (Chapter 2, Sl.No.147).
- (iv) If there is a tie between two or more government servants for posting at the station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may not normally be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guidelines are subject to the following conditions:---

- (i) Posting of husband and wife at the same station should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfers.
- (ii) The prescribed selection authority should be consulted in each case.

(Authority:- Establishment Division O.M. No.10/30/97-R.II, dated 13th May, 1998).

10. According to the policy guidelines for posting and transfer of the officers it is clear that transfer between Pakistan and foreign countries should normally be made only after three years. It is further provided that ordinarily three months' notice should be given to the Government servants who are transferred from one station to another to enable them to plan their affairs. It is not the case of the respondents that they have denied Office Memorandum or the instructions made under the Estacode, however a precedent of the learned Division Bench of the Lahore High Court was cited in which it was held that the wedlock policy is merely a policy matter, which is a guideline and has no binding force. With profound respect, we do not agree to the ratio expounded by the learned bench of Lahore High Court. The

Hon'ble Supreme Court in the case of human rights reported in PLD 2011 SC 277 took the notice that while re-employing the retired civil servants in police department, section 14 of the Civil Servants Act, 1973 as well as Instructions contained in Estacode, Vol. I, Edn, 2007 under the heading "Re-Employment" were not considered, which shows that the apex court has given due weightage to the instructions contained in the Estacode.

11. If we look to the transfer order dated 20-2-2014 it is clear that no reason including any exigency or public interest is mentioned in the transfer order due to which the authority was not bound to consider the wedlock policy nor it is mentioned that the work assigned to the petitioner as her new assignment at Rawalpindi cannot be performed by any other officer in Rawalpindi for which the transfer of petitioner was required in violation or disregard of wedlock policy. Even in the counter affidavit filed by the respondent No.2 the main focus was on the maintainability of the petition but it has not been stated that wedlock policy is not applicable to the case of the petitioner. It is further stated that the total length of service of the petitioner is 25 years approximately within which she served 22 years in Karachi and she has also served as Additional C.E.O. Peshawar, CEO Kamra and DML&C Quetta holding additional charge. Mere holding of an additional charge of other station in a particular period of time does not mean that the petitioner cannot be given the advantage and benefit of wedlock policy in future nor this can be presumed that she has waived her right to claim this benefit.

12. In the judgment cited by learned counsel for the petitioner reported in 2011 PLC (C.S.) 592 and 2003 LC (C.S.) 1322 the similar question was dilated upon. It was held that if one spouse is in one Government Department was posted at one city and the other spouse was posted at a different city, was definitely going to Cause mental distress to both of them, with the consequences which were not only injurious to them, but to the public and Government exchequer as well.

13. We feel no hesitation in our mind to hold that once the competent authority issued wedlock policy, it their responsibility to implement and adhere to such policy guidelines so that the benefit may be given to all such persons who are covered under the wedlock policy. Its implementation cannot be left at the whims and volition of the competent authority to bestow this benefit or advantage on pick and choose basis, while such type of guidelines or policy should be implemented across the board without any discrimination. The petitioner quoted that many persons in the same department were given the benefit of wedlock policy, which has not been denied. The petitioner has attached the office identity card of her husband Dr. Ahmed Hussain who is performing duties in Karachi as Senior Medical Officer, Health Department, Government of Sindh, which fact has also not been denied by the respondents.

14. At this juncture we would also like to hold that no doubt in the normal circumstances, a civil servant cannot claim any particular post as vested right but in this case the petitioner is not claiming any vested right against any particular post but she only wants the implementation of wedlock policy in her case which was introduced keeping in view the socio economic problems and hardships faced by husbands and wives in Government Service due to posting at different station. Even this facility was extended through Office Memorandum to such class of Government servants also, to be able to serve at the place of residence of their spouses, irrespective of whether such spouses, are employed with the Government, private sector, or even unemployed.

15. Here it may not be irrelevant to quote Article 35 of the Constitution of Pakistan in which as principle of policy it is provided that the State shall protect the marriage, the family, the mother and the child and according to us the wedlock policy explicated or itinerant around this principle of policy which is intended to ensure the benefit of a family and it also advances social good. Unless there are insurmountable hurdles, requests of the husband and the wife to be posted at one station are required to be considered with an element of compassion and kindness. All learned counsel extensively argued the matter and agreed that this petition may be disposed of at Katcha Peshi stage.

16. As a result of above discussion, this petition is admitted to regular hearing and disposed of in the following terms:---

- (a) The impugned transfer order dated 20-2-2014 is set aside in view of the wedlock policy,
- (b) The setting aside of impugned transfer order will not restrict or prevent the competent authority to transfer the petitioner to any other post commensurate to her grade in Karachi.
- (c) Pending applications are also disposed of accordingly.

SA/Z-10/Sindh

- P L D 2008 Supreme Court 769

Present: Abdul Hameed Dogar, C. J., Ijaz-ul-Hassan Khan and Ch. Ejaz Yousaf, JJ

FAZALI REHMANI---Appellant

Versus

CHIEF MINISTER, N.-W.F.P., Peshawar and others---Respondents

Civil Appeal No.1346 of 2007, decided on 19th June, 2008.

(On appeal from the judgment dated 19-4-2007 in Service Appeal No.831 of 2005 passed by the N.-W.F.P. Service Tribunal, Peshawar).

(a) North-West Frontier Province Service Tribunals Act (I of 1974)---

----S. 4(b)(i)---Promotion---Eligibility for promotion of a civil servant though can be subjected to judicial scrutiny by the Service Tribunal as it relates to terms and conditions of a civil servant yet, the question of fitness of a civil servant for promotion is barred from its jurisdiction under S.4(b)(i) of North-West Frontier Province Service Tribunals Act, 1974---When a civil servant was eligible for promotion but was ignored and other eligible person was promoted then his appeal before the Service Tribunal would be competent, while in the present case, appellant (aggrieved civil servant) had failed to show that the promoted civil servant was ineligible for promotion---Service Tribunal, in circumstances had rightly declined to interfere---'Eligibility for promotion' and 'fitness for promotion'---Distinction.

Muhammad Anis and others v. Abdul Haseeb and others PLD 1994 SC 539; Muhammad Iqbal v. Executive District Officer (Revenue) 2007 SCMR 682; Syed Abdul Qadir Shah v. Government of Punjab 1972 SCMR 323; Mian Abdul Malik v. Dr. Sabir Zameer Siddiqui and others 1991 SCMR 1129 and Muhammad Akram and others v. The State and others 1996 SCMR 324 fol.

Muhammad Rehman Khan v. Chief Secretary, N.-W.F.P. and others 2004 PLC (C.S) 62; Abdul Ghafoor, Supervisor/Inspector, NHA v. National Highway Authority and others 2002 SCMR 574 and Zafarullah Balcoh v. Government of Balochistan and others 2002 SCMR 1056 distinguished.

(b) Civil service---

----Promotion---'Eligibility for promotion' and 'fitness for promotion' are distinct and separate from each other---Eligibility relates to the terms and conditions of service, whereas fitness for promotion is a subjective evaluation on the basis of objective criteria, where substitution for opinion of the competent authority is not possible by that of a tribunal or a court hence, neither eligibility to promotion can be equated with promotion nor prospects of promotion can be included in terms and conditions of service.'

(c) Civil service---

---Promotion---Consideration for promotion is a right yet, the promotion itself cannot be claimed as of right.

(d) Civil service---

---Promotion to grade 20---Necessity of training course at the National Institute of Public Administration---Exemption---Officers, who had served for one year as Head of NIPA/Specialized Training Institutions imparting training to officers in BPS-17 and above, are exempted from the training

requirement of NIPA in view of Government of Pakistan Office memorandum No.10(5)91-CP-1, dated 8-5-1991.

(e) Civil service---

---Promotion---Non-selection posts and selection posts---Requirements---Where posts carrying basic pay scale 18 or below are non-selection posts, promotion to those posts is to be processed by Departmental Promotion Committees on the basis of seniority-cum-fitness, as per clause (1) of Heading II of the Guidelines for Departmental Promotion Committee/Central Selection Board (at p.234), SI.No.154, contained in the ESTACODE, 2000 (Edition), the posts in basic pay scale 19 or higher are selection posts and promotion to those posts are to be processed through the Central Selection Board---In order to ensure that selection by these Boards does not amount to a mere elimination of the unfit, clause 2 of the said Guidelines further provided that the Establishment Division must place larger panel of eligible officers before the Boards depending on the availability of eligible officers in a cadre---Clause 3 of the Guidelines required that for selection posts "quality and output of work" and "integrity" in all Annual Confidential Reports recorded on the civil servant during his service as an officer will also be quantified in accordance with formula given in Addendum to the Guidelines and those marks shall be a crucial factor in determining comparative merit of officers for promotion to selection posts.

(f) Civil service---

---Promotion---Post of pay scale 21---Requirements---Posts carrying basic pay scale 21, fall in senior management involving important policy-making or extensive administrative jurisdiction and therefore, in addition to the circulation value and variety of experience the incumbents must possess proven analytical competence, breadth of vision, emotional maturity and such other qualities as are required to determine the potential of successfully holding posts in top management and since the potential cannot be adjudged by mathematical formula, therefore, Selection Board is required to apply its collective wisdom to determine the same.

ESTACODE, 2000 Edn. Guidelines for Departmental Promotion, Cl. 6, at p.238 ref.

(g) Civil service---

---Promotion---Posts carrying basic pay scale 18 or below---Such promotion is to be made on the basis of seniority-cum-fitness, promotion in case of selection posts i.e. BPS-19 and above is to be made on the basis of "Fitness cum seniority" meaning thereby that in the earlier case i.e. BPS-18 and below, seniority would be considered first and fitness of the employee would be adjudged later, whereas, contrary thereto, in the case of selection posts i.e. BPS-19 and above, fitness of an employee would be adjudged first and the seniority would be considered later, for instance, if two equally fit employees are selected by the Board then senior amongst them would be given preference.

Muhammad Anis and others v. Abdul Haseeb and others PLD 1994 SC 539; Muhammad Iqbal v. Executive District Officer (Revenue) 2007 SCMR 682; Syed Abdul Qadir Shah v. Government of Punjab 1972 SCMR 323; Mian Abdul Malik v. Dr. Sabir Zameer Siddiqui and others 1991 SCMR 1129; Muhammad Akram and others v. The State and others 1996 SCMR 324; Muhammad Rehman Khan v. Chief Secretary, N.-W.F.P. and others 2004 PLC (C.S.) 62; Abdul Ghafoor, Supervisor/Inspector, NHA v. National Highway Authority and others 2002 SCMR 574 and Zafarullah Balcoh v. Government of Balochistan and others 2002 SCMR 1056 ref.

(h) Civil Servants Act (LXXI of 1973)---

---S. 25(2)---Instructions contained in ESTACODE have the force and effect of rules, by virtue of S.25(2), Civil Servants Act, 1973.

Secretary to the Govt. Of the Punjab v. Abdul Hamid Arif and others 1991 SCMR 628 and Muhammad

Yousaf and others v. Abdul Rashid and others 1996 SCMR 1297 fol.

Maazullah Barkandi, Advocate Supreme Court for Appellant.

Qaiser Rashid, Addl. A.G., N.W.F.P. for Respondents Nos.1-4.

Qazi M. Anwar, Senior Advocate Supreme Court for Respondent No.5.

Date of hearing: 19th June, 2008.

JUDGMENT

CH. EJAZ YOUSAF, J.---This appeal is directed against judgment dated 19-4-2007 passed by the N.-W.F.P. Service Tribunal, Peshawar, (hereinafter referred to as "the Tribunal"), whereby service appeal filed by the appellant against promotion of the respondent No.5 to BPS-21, was for lack of jurisdiction, dismissed with reference to section 4(b)(i) of the N.-W.F.P. Service Tribunals Act, 1974 (hereinafter referred to as the "Act").

2. Facts of the case, necessary for the disposal of instant appeal, briefly stated, are that the appellant as well as respondent No.5 both were serving in BPS-20 (Executive Grade). Their promotion cases for filling one post in BPS-21 was placed before the Provincial Selection Board in its meeting held on 12-7-2005. Since service record of respondent No.5 was found comparatively better, therefore, he was recommended for promotion, though he was at S. No.2 in the seniority list, below the appellant, who was at S. No.1. A notification to the above effect was issued on 2-8-2005. The appellant filed review/representation before the respondent No.1, i.e. the Chief Minister, "N.-W.F.P, Peshawar, under the rules, which was rejected on 24-9-2005. Resultantly, the appellant approached the N.-W.F.P. Service Tribunal through appeal No.831 of 2005 which was dismissed vide the impugned judgment, hence this appeal.

3. It has been contended by the learned counsel for the appellant that since very eligibility of the respondent No.5 for promotion to BPS-21, was challenged before the Service Tribunal therefore, the Tribunal could not have declined to exercise jurisdiction by bringing the matter under section 4(b)(i) of the Act, which was patently wrong. He added that since the appellant was the senior-most officer in BPS-20 and was also eligible in all respects for promotion to BPS-21, therefore, he could not have been deprived of legitimate right of his promotion without any cogent reason. It is further his grievance that respondent No.5's promotion to BPS-21 was also in violation of rules and regulations as he had not done the NIPA Course from the staff college, which was a mandatory requirement for promotion to grade 21; that since promotion of PCS (Executive Group) comes within the purview of non-selection post therefore, it was to be made on the basis of seniority-cum-fitness and thus the impugned order of respondent No.4 was against the law, rules and policy.

4. Qazi Muhammad Anwar, learned Sr. ASC, appearing for respondent No.5, on the other hand, while vehemently controverting the contentions raised by the learned counsel for the appellant, has submitted that question of eligibility for promotion of the respondent No.5 was never raised before the Tribunal and only his promotion to BPS-21 was challenged which being not within the jurisdiction of the N.-W.F.P. Service Tribunal, under section 4(b)(i) of the Act, the appeal filed by the appellant was rightly dismissed. He maintained that since the posts in grade 21 and above were selection posts, therefore, it could not have been filed on the basis of seniority-cum-fitness. While controverting the contention of the learned counsel for the appellant that respondent No.5 had not done the NIPA Course, he submitted that since respondent No.5 had served for one year as head of NIPA Specialized Training Institution, therefore, he was rightly exempted by the competent authority and thus was eligible for promotion to grade 21. Learned counsel added that appellant as well as respondent No.5 were considered by the Board and since appellant was not found fit for promotion he was superseded.

5. We have given our anxious consideration to the respective contentions of the learned counsel for the

parties and have also perused the record of the case with their assistance, minutely.

6. As regard the first contention raised by the learned counsel for the appellant that since very eligibility of respondent No.5 for promotion to the next higher grade was disputed as compared to the appellant, therefore, the learned Tribunal could not have declined to exercise jurisdiction by bringing the matter under section 4(b) (i) of the Act, it may be pointed out here that eligibility for promotion and fitness for promotion are distinct and separate from each other. Eligibility relates to the terms and conditions of service, whereas fitness for promotion is a subjective evaluation on the basis of objective criteria, where substitution for opinion of the competent authority is not possible by that of a Tribunal or a Court hence, neither eligibility to promotion can be equated with promotion nor prospects of promotion can be included in terms and conditions of service. It is well settled that though eligibility 'A' for promotion of a civil servant can be subjected to judicial scrutiny by the Service Tribunal as it relates to terms and conditions of a civil servant yet, the question of fitness of a civil servant for promotion is barred from its jurisdiction under section 4(b) (i) of the N.-W.F.P. Service Tribunals Act, which reads as follows:--

"4. Appeal to Tribunals.....

(a)

(b) No appeal shall lie to a Tribunal against an order or decision of a departmental authority determining:

(i) the fitness or otherwise of a person to be appointed to a higher post or grade;

In a number of judgments, it has been repeatedly laid down by this Court that though the question of eligibility relates to the terms and conditions of service and therefore, would fall within domain of the Tribunal yet, the question of fitness of a civil servant for promotion is barred from the jurisdiction of the Tribunal. Reference in this regard may usefully be made to the following reported judgments:--

- (i) Muhammad Anis and others v. Abdul Haseeb and others (PLD 1994 SC 539)
- (ii) Muhammad Iqbal v. Executive District Officer (Revenue) (2007 SCMR 682)
- (iii) Syed Abdul Qadir Shah v. Government of Punjab (1972 SCMR 323)
- (iv) Mian Abdul Malik v. Dr. Sabir Zameer Siddiqui and others (1991 SCMR 1129)
- (v) Muhammad Akram and others v. The State and others (1996 SCMR 324)

No doubt it has also been, in some cases including (i) Muhammad Anis (supra), (ii) Muhammad Rehman Khan v. Chief Secretary, N.-W.F.P. and others (2004 PLC. (C.S) 62), (iii) Abdul Ghafoor, Supervisor/Inspector, NHA v. National Highway Authority and others (2002 SCMR 574), and (iv) Zafarullah Baloch v. Government of Balochistan and others (2002 SCMR 1056), laid down by this Court that when a civil servant was eligible for promotion but ignored and other eligible person was promoted then his appeal before the Service Tribunal would be competent, yet, in the instant case, since the appellant had failed to show that respondent No.5 was ineligible for promotion, therefore, the learned Tribunal had rightly declined to interfere with the order of the departmental authority. Needless to point out that though consideration for promotion is a right yet, the promotion itself cannot be claimed as of right. Record reveals that the cases of both the appellant as well as respondent No.5 were thoroughly considered by the Selection Board and since respondent No.5 was found fit for promotion, therefore, his name was recommended. The contention therefore, is devoid of force.

7. As to the next contention that since respondent No.5 had not done the NIPA course, therefore, he could not have been" considered for promotion, it may be pointed out here that no doubt under the policy of the Federal as well as the Government of N.-W.F.P. contained in letter No.SOR-I(S and GAD)1-173/94, every

officer, of the All Pakistan Unified Grade has to attend a regular training course at the National Institute of Public Administration, before he is considered for promotion to a post in B-20 and likewise, officers are required to attend the specified course at the Pakistan Administrative Staff College, Lahore, yet in terms of letter No.10(5)91-CP-I, dated 8th May, 1991, certain officers are exempted from such training. It would be advantageous to have a glance at the letter in question which reads as follows:--

"Government of Pakistan
Cabinet Secretariat
Establishment Division

No.10(5)/91-CP-I

Islamabad, the 8th May, 1991

OFFICE MEMORANDUM

Subject:-- **PROMOTION POLICY-EXEMPTION FROM NIPA AND STAFF COLLEGE/NDC COURSE.**

The undersigned is directed to refer to this Division's d.o. letter No.10(10)/85-CP-I, dated the 15th May, 1985 on the above subject and to say that apart from those who have crossed the age of 56 years, training requirement of NIPA/PASC/NDC can only be waived for the following categories of officers:--

(i) From promotion to BPS-20--those who have served on directing staff in BPS-19 for 2 years in NIPA, Staff College, NDC, Civil Services Academy and the specialized training institutions imparting training to officers in BPS-17 and above.

(ii) For promotion to BPS-21--those who have served on directing staff in BPS-20 for two years in the Staff College, NDC, NIPA and Civil Services Academy or have served for one year as head of NIPA/specialized training institutions imparting training to officers in BPS-17 and above.

(Ashiq Hussain)
Section Officer (CP-I)
Tele:828610

1. All Ministries/Divisions,
Rawalpindi/Islamabad

2. All Chief Secretaries of
Provincial Governments."

A bare perusal of the above letter particularly latter part of clause (ii) indicates that those officers who had served for one year as Head of NIPA/specialized training institution imparting training to officers in BPS-17 and above, are exempted from the training requirement of NIPA, hence the respondent No.5 having served as such, his eligibility towards promotion was never under jeopardy. This contention too, therefore has no force.

8. Adverting to the next contention of the learned counsel for the appellant that since promotion to PCS (EG) comes within the purview of non-selection post therefore, it had to be made on seniority-cum-fitness basis, it may be noted here that where posts carrying basic pay scale 18 or below as non-selection posts and promotion to those posts is to be processed by the Departmental Promotion Committees on the basis of seniority-cum-fitness, as per clause 1 of Heading II of the Guidelines for Departmental Promotion Committees/Central Selection Boards, (at page 234) under Sl. No.154, contained in the ESTACODE, 2000 Edition (hereinafter referred to as the "Code"), the posts in basic pay scale 19 or higher are selection posts and promotion to these posts are to be processed through the Central Selection Boards. In the order to, ensure that selection by these Boards does not amount to a mere elimination of the unfit it is further provided in clause 2 of the above guidelines that the Establishment Division must place a larger panel of

eligible officers before the Board depending on the availability of eligible officers in a cadre. It is further the requirement of clause 3 thereof that, for selection posts "quality and output of work" and "Integrity" in all the ACRs recorded on the civil servant during his service as an officer will also be quantified in accordance with formula given in the Addendum and those marks shall be a crucial factor in determining comparative merit of officers for promotion to selection posts. Here it would be advantageous to have a glance at the above guidelines which reads as follows:--

"II. Promotions on Seniority-cum-Fitness Basis

1. Posts carrying basic pay scale 18 or below are non-selection posts. Promotions to these posts are to be processed by the DPCs on the basis of seniority-cum-fitness. Fitness would be assessed primarily on the officer's work in the lower post.

III. Promotion to Selection Posts.

1. Posts in basic pay scale 19 or higher are selection posts. Promotions to these posts are to be processed through the Central Selection Boards.

2. In order to ensure that selection by these Boards does not amount to a mere elimination of the unfit the Establishment Division shall place a larger panel of eligible officers before the Boards. Depending on the availability of eligible officers in a cadre, the number of officers to be included in the panel shall be as follows:

(a) for promotion to supervisory posts	A minimum of 2 officers for every vacancy.
(b) For promotion to middle and senior management posts.	A minimum of 3 officers for every vacancy.

3. For selection posts, entries under "quality and output of work": and "Integrity" in all the ACRs recorded on the civil servant during his service as an officer will also be quantified in accordance with formula given in the Addendum. These marks shall be a crucial factor in determining comparative merit of officers for promotion to selection posts."

Another relevant fact which cannot be lost sight of is that the posts carrying basic pay scale 21, against one of which the appellant lays a claim, fall in senior management, involving important policy-making or extensive administrative jurisdiction and therefore, in addition to the circulation value and variety of experience the incumbents must possess proved analytical competence, breadth of vision, emotional maturity and such other qualities as determine the potential for successfully holding posts in top management and since the potential cannot be adjudged by mathematical formula; therefore selection Board is required to apply its collective wisdom to determine the same. Clause 6 of the said guidelines at page 238 of the Code is explicit in this regard, which is reproduced herein below in extenso:--

"6. Posts carrying basic pay scale 21 fall in senior management involving important policy-making or extensive administrative jurisdictions. In addition to the circulation value and variety of experience the incumbents must possess proven analytical competence, breadth of vision, emotional maturity and such other qualities as determine the potential for successfully holding posts in top management. This potential cannot be judged by mathematical formula. The Selection Board will have to apply its collective wisdom to determine the same. A civil Servant must fulfil the following conditions for promotion to senior management post:--

(a) Qualifying Service.--Possess 22 years service as an officer subject to the provisions contained in Establishment Division's O.M. No.1/9/80-R-II (A), dated 2-6-1983.

(b) Eligibility threshold.--Attain a minimum score of 70 marks in CRs in accordance with the

formula given in the Addendum.

(c) Qualifications.-- As are prescribed by relevant recruitment rules.

(d) Relevance of Experience.-- Possess experience relevant to the functions of the post being filled by promotion.

(e) "Quality and Output of Work" and "Integrity" marks calculated in accordance with the formula in the Addendum shall be a crucial factor in determining the comparative merit of an officer.

(f) Variety of Experience.-- The Selection Board should give careful consideration to the nature of duties, duration and location of posts previously held by the officer. At this level, a proper assessment under the criterion may require some distinction between hard or taxing assignments (on account of work load or its complexity) viz-a-viz relatively routine duties particularly in the secretariat. Depending on the posts to be filled, an officer possessing well rounded experience with adequate exposure to difficult assignments should normally be preferred.

(8) Training.-- should have successfully completed a regular course at the Pakistan Administrative Staff College / National Defence College. This requirement will be waived for officers who:

(i) have served as head of a training institution for at least one year; or

(ii) have served on the directing staff of a training institution for at least two years; or

(iii) have exceeded the age of 56 years.

(h) Top Management Potential.-- Since officers promoted to this level may be called upon to hold independent charge of a Ministry/Division or to head a major corporation, the Board should satisfy itself about the officer's maturity, balance and ability to assume such top management positions even at short notice.

9. In the wake of above, it thus follows that where promotion to posts carrying basic pay scale 18 or below is to be made on the basis of seniority-cum-fitness, promotion in case of selection posts i.e. BPS-19 and above is to be made on the basis of "fitness-cum-seniority" meaning thereby that in the earlier case, i.e. BPS-18 and above seniority would be considered first and fitness of the employ would be adjudged later, whereas, contrary thereto, in the case of selection posts i.e. BPS-19 and above, fitness of an employee would be adjudged first and his seniority would be considered later, for instance, if two equally fit employees are selected by the Board then senior amongst them would be given preference. Needless to point out that since the instructions contained in the ESTACODE have the force and effect of rules, by virtue of subsection (2) of section 25 of the Civil Servants Act, 1973 as has been held by this Court in the cases of (i) Secretary to the Govt. of the Punjab v. Abdul Hamid Arif and others (1991 SCMR 628) and (ii) Muhammad Yousaf and others v. Abdul Rashid and others (1996 SCMR 1297), therefore, this contention too, has no force.

10. Upshot of the above discussion is that this appeal being misconceived in hereby dismissed.

M.B.A./F-14/S

Appeal dismissed.