

05.10.2022

Appellant present in person.

Riaz Khan Paindakhel, learned Assistant Advocate General present. Naveed Superintendent representative of respondents No.1, 2, & 4 present. Nemo for respondent No.3, hence, placed ex-parte.

Reply on behalf of respondents No.1, 2 & 4 submitted. Copy of which was handed over to appellant. To come up for rejoinder, if any, and arguments on 09.11.2022 before D.B at Camp Court, Swat.




(Rozina Rehman)
Member (J)
Camp Court Swat

07.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Naveed, Superintendent for the respondents present.

Reply/comments on behalf of respondents No. 1, 2 & 4 submitted which are placed on file. Copy of the same handed over to learned counsel for the appellant. Reply/comments on behalf of respondent No. 3 are still awaited. Learned Assistant Advocate General seeks time to contact the respondent No. 3 for submission of reply/comments. Last opportunity is granted. Adjourned. To come up for reply/comments of respondent No. 3 before the S.B on 05.10.2022 at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

08.06.2022

Appellant in person present. Mr. Kabirullah Khattak,
Additional Advocate General for the respondents present.

Written reply/comments on behalf of respondents not
submitted. Learned Additional Advocate General seeks time
for submission of written reply/comments. Granted. To come
up for written reply/comments on 07.07.2022 before the S.B
at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

07.07.2022

Appellant present in person. Mr. Noor Zaman, District
Attorney for respondents present.

Written reply/comments not submitted. Learned
District Attorney requested for time to file written
reply/comments. Request accepted by way of last chance. To
come up for written reply/comments on 03.08.2022 before S.B
at Camp Court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat

3.8.22

*Due to barrister vacation the case
is adjourned to 7-9-22 for the same.*



**Service Appeal No. 358/2022
(ABDUR RAHIM)**

08.04.2022

Counsel for the appellant present and heard.

The appeal is within time. Admitted for full hearing. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.05.2022 before S.B at Camp Court, Swat.


Rs-600/-
Appellant Deposited
Security & Process Fee
A. J. with
13/4/22


Chairman

11.05.2022

Appellant in person present. Mr. Noor Zaman Khattak, District Attorney present.

Notices be issued to the respondents through registered post with the directions to submit written reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off. Adjourned. To come up for submission of written reply/comments on 08.06.2022 before the S.B at Camp Court Swat.

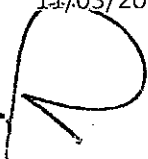
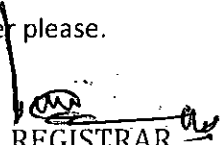


(Salah-Ud-Din)
Member (J)
Camp Court Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - _____ 358/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/03/2022 	<p>The appeal of Mr. Abdur Rahim resubmitted today by Mr. Noor Mohammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>08-04-2022</u></p> <p> CHAIRMAN</p>

The appeal of Mr. Abdur Rahim PSHT GPS Khan Sali Barang District Bajaur today i.e. on 03.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal
- 2- Annexures of the appeal may be attested.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Appeal may be supported with by an Affidavit duly attested by the Oath Commissioner.
- 5- Certificate be given to the effect that appellant has not filed any service appeal earlier on the subject matter before this Tribunal.
- 6- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 621 /S.T,

Dt. 03/3 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

R/ Sheweth

Re-submitted after removing
all the objections.



10/03/2022

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

SERVICE APPEAL NO. 358 /2022

ABDUR RAHIM

V/S

EDUCATION DEPTT:

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Dated: ____/03.2022

APPELLANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE
0345-9383141**

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. _____ **/2022**

Diary No. 378

Mr. Abdur Rahim, PSHT (BPS-15),
GPS Khan Sali Barang, District Bajaur **APPELLANT**

Dated 03/03/2022

VERSUS

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District Bajaur.
- 4- The District Education Officer (M), District Malakand at Batkhela.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 10.06.2021 WHEREBY THE DEPARTMENTAL APPEAL/ REPRESENTATION OF THE APPELLANT HAS BEEN DISMISSED/ REJECTED WITHOUT JUSTIFIABLE REASONS AND IN UTTER VIOLATION OF THE SPOUSE POLICY OF THE PROVINCIAL GOVERNMENT.

PRAYER:

That on acceptance of this appeal the impugned order dated 10.06.2021 may very kindly be set aside and the respondents may please be directed to adjust the appellant in district malakand in light of the spous policy of the provincial government. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

Filed to day
Registrar
03/03/2022

- 1- That appellant is a law abiding citizen of Pakistan and permanently residing at Haryan Kot, Tehsil Dargai, District Malakand. Copies of the CNIC & domicile certificate is attached as annexure **A & B.**
- 2- That appellant was initially appointed as PST (BPS-7 now BPS-12) vide order dated 16.08.2002 on contract basis and during service the services of the appellant were regularized w.e.f his first appointment i.e. 16.08.2002 vide order dated 21.04.2006. Copy of the regularization order is attached as annexure**C.**
- 3- That appellant while performing his duty as at GPS Kohai Barang, Bajaur Agency was promoted to the post of PSHT (BPS-15) vide

order dated 22.06.2018 and posted at GPS Khan Kalay Bajaur. That petitioner submitted his arrival report and started performing his duty quite efficiently and up to the entire satisfaction of his superior. Copy of the order is attached as annexureD.

4- That appellant along with his family is residing at Haryan Kot, Tehsil Dargai, District Malakand and his wife namely Mst: Zeenat Begum is also employee of the Education Department and is serving as Certified Teacher (BPS-15) at GGHS Haryan Kot, District Malakand. Copy of the NIC, Domicile certificate, Service certificate and Nikah nama is attached as annexure.....E, F, G & H.

5- That appellant in light of the spouse policy applied for his permanent transfer to District Malakand and in this regard the then Director Education Merged District had already issued proper NOC to the appellant vide letter dated 2.2.2011. Copy of the application and NOC are attached as annexure I & J.

6- That inspite of several requests the respondents were not willing to transfer the appellant to District Malakand in light of spouse policy. That appellant feeling aggrieved filed departmental appeal before the respondent No.1 but the same has not been responded till date. Copy of the departmental appeal is attached as annexureK.

7- That having no other remedy the appellant preferred writ petition No. 963-M/2019 which was decided on 16.02.2021 with the direction to the respondent No. 2 to treat this writ petition as departmental appeal and decide it within a period of two months. Copy of the memo of the writ petition and judgment dated 16.02.2021 are attached as annexureL &M.

8- That by not complying judgment/ order supra the appellant filed COC No. 39-M/2021 and during pendency of that COC the impugned order dated 10.06.2021 was issued whereby the departmental appeal of the appellant was rejected but the same was doubtful and the Honorable Peshawar High Court, Mingora bench vide order dated 02.02.2022 clarified the same as the rejection of the departmental appeal of the appellant. Copies of the impugned order dated 10.06.2021 and COC order dated 02.02.2022 are attached as annexureN &O.

9- That as the departmental appeal of the appellant is rejected and there is no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

A- That the action and inaction of the respondents by rejecting the departmental appeal vide order dated 10.06.2021 and adjusting the

appellant within the district of his residence in light of the spouse policy of the provincial government are against the law, rules, norms of natural justice and materials on the records hence not tenable and liable to be set aside.

- B- That appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondents acted in arbitrary and malafide manner by not transferring/ adjusting the appellant in District Malakand in light of the spouse policy.
- D- That appellant is discriminated by the respondents on the subject noted above and as such the respondents violating Article 4, 25 and 27 of the Constitution of Pakistan, 1973. Moreover the respondents acted differently in similar issues. Copies of the orders are attached as annexure P.
- E- That by not adjusting/ transferring the appellant as PSHT (BPS-15) in District Malakand is the clear violation of clause-ix of the transfer posting policy promulgated by the Government of Khyber Pakhtunkhwa. Copy of the transfer/posting policy is attached as annexure Q.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal may kindly be accepted as prayed for.

APPELLANT.

Abdur Rahim
ABDUR RAHIM

THROUGH:

Noor Mohammad Khattak
NOOR MOHAMMAD KHATTAK
Advocate Supreme Court

Umar Farooq
UMAR FAROOQ
Advocate HC

Haider Ali
HAIDER ALI
Advocate

Kamran Khan
KAMRAN KHAN
Advocate HC

Said Khan
SAID KHAN
Advocate HC

KHATTAK LAW ASSOCIATES

Advocates & Legal Consultants

Office: TF-291-291

Deans Trade Centre Pesh Cantt

CELL #03459383141

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

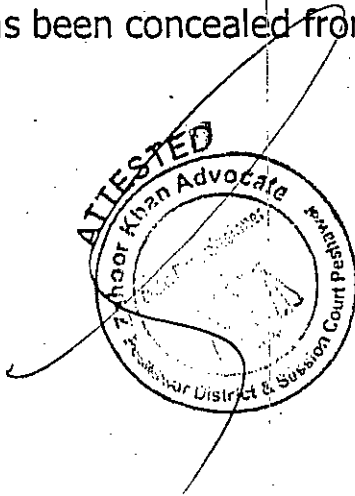
ABDUR RAHIM

VS

EDUCATION DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



Zahir Khan
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

[Signature]
CERTIFICATION

ANNEX "A"

5

PAKISTAN National Identity Card

REPUBLIC OF PAKISTAN
Name
Abdur Rahim



Father Name
Baz Noor

Gender Country of Birth
M Pakistan

Identity Number Date of Birth
15401-5560794-9 10.02.1975

Date of Issue Date of Expiry
17.04.2017 17.04.2027



Holder's Signature

TESTED
By Advocate

Handwritten notes in Urdu: "میرا نام ہے عبدالرحیم" and "میرا پتہ ہے..."

15401-5560794-9



101421 664209
119-75-221037

Momen U. Memon
Minister of National Identity

کشیہ کارڈ کے رقبہ پر لکھیں: نام، پتہ اور...

Handwritten notes at the bottom right corner.

DOMICILE CERTIFICATE.

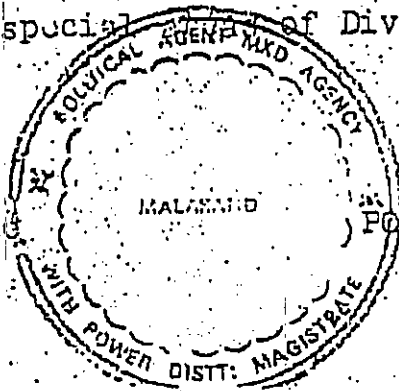
No. 298 /

Dated 28/3/1991.

Certified that Mr./Miss ABDUR RAHIM

son of/daughter of BAZ NOOR belongs to a recognized tribe of AFGHAN Section UTMAN KHEL and his/her father is a permanent bonafide resident of the tribal areas of Agency of Malakand, village HARYAN KOT and he/she is an eligible candidate to avail himself/herself of the seats reserved for the special of Division of Malakand backward areas.

Dated Malakand the 28/3/1991.



(AMJAD ALI KHAN)
POLITICAL AGENT MALAKANI

Ali

Mohamud
Asst. District Magistrate
Bajaur

ATTESTED
[Signature]
Advocate

~~RECEIVED~~

**OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY
AT KKHAR**

OFFICE ORDER

Reference Director of Education FATA Peshawar memo No.18795-805 dated 1.11.2005 the services of the following PTC Teachers are already appointed on Contract basis of Nawagai Sub Division vide this office Endst: No. 4096-4100/PTC/M.list dated 16/8/2002 are hereby regularized on their own pay and scale from the date of their taking over charge in the interest of public service.

S.No.	Name of Teacher	Name of School where appointed	Name of present school	Remarks
1.	Abdur Rahim S/O Baz Noor	GPS Kohi Barang	GPS Kohai Barang	The services regularized w.e.f 26.08.2002
2.	Sahibzada S/O Badshah Zada	GPS Bandarai	GPS Kalpani	-do-

TERMS AND CONDITIONS:

- 1- All terms and conditions in first appointment order will stand except at serial No.1.

(Mr. RAZI HUSSAIN BANGASH)
Agency Education Officer
Bajaur Agency

Endst: No.1110-15

Dated 21/4/2006

Copy forwarded.

ATTESTED

ATTESTED

ATTESTED

ANNEX C

OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KHAR

7

OFFICE ORDER

Reference Director of Education FATA Peshawar memo No 18795-805 dated 11/11/2005, the services of the following PTC Teachers are already appointed on Contract Basis of Nawagai Sub Division vide this office Endst: No: 4096-4100/PTC/M>List dated 16/8/2002, are hereby regularized on their own pay and scale from the date of their taking over charge in the interest of public service.

S.No	Name of Teacher	Name of School where appointed	Name of Present School	Remarks
✓ 1	Abdul Rahim S/O Buz Noor	GPS Kohai Barang	GPS Kohai Barang	The services regularized w.e.f. 26/8/2002
2	Sahib Zada S/O Bacha Zada	GPS Handarai	GPS Kalpani	-do-
3	Piyaz Ali S/O Said Ali	GPS Adam Khan Kili	GPS Handarai	-do-
4	Khatirullah S/O Sher Qadun	GPS Matak Chahinang	GPS Dand Barang	-do-
5	Abdul Hakim S/O Haji Muhammad	GPS Miaz Dara Chamarkand	GPS Miaz Dara Chamarkand	-do-

TERMS/CONDITIONS.

1. All terms Condition mentioned in first Appointment Order will stand except S.No 1

(Mr RAZI HUSSAIN BANGASH)
Agency Education Officer
Bajaur Agency

Endst: No. 1102-15 Dated 21/4/2006

ATTENDED

Copy to the:

- 1 Director of Education FATA N.W.F.P Peshawar with reference to his memo no as cited above.
- 2 Political Agent Bajaur Agency.
- 3 Agency Accounts Officer Bajaur Agency.
- 4 AAEO (Male) Concerned
- 5 Official Concerned
- 6 Accountant of the local Office.


Agency Education Officer
Bajaur Agency

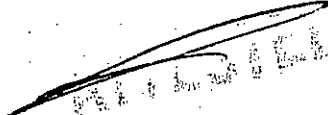
8

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AT KHARADJUSTMENT/TRANSFER

Consequent upon approval of the Departmental promotion committee followed by the Notification vide this office no.2342-47 dated 24.05.2018, and in accordance with the proposal of the AAEOs (Concerned Circles) the following male PSHT (BPS-15) are hereby adjusted/transferred at the school noted against their names in the interest of public service.

S. No.	Name of official/teacher	Father name	BPS	Present Place of duty	Transferred/adjusted
1.	Badshah Said	Amir Sahib Jan	15	GPS Kharai, Kamangarh	Already occupied
2.	Fazal hakim	Gul Hakim	15	GPS Gowatai	GPS Tarkho
3.	Qasim Jan	Abdul Munaf	15	GPS No.2 Tangi	Already Occupied (due to the retirement of Faheem Shah)
20	Abdur Rahim	Baz Noor	15	GPS Khan Salay	Already Occupied

ATTACHED

 BAJAUR


 BAJAUR

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AT KHAR

ADJUSTMENT/TRANSFER.

Consequent upon approval of the Departmental Promotion Committee followed by the notification vide this office No.2342-47 Dated 24/5/2018, and in accordance with the proposals of the AAEOs (Concerned Circles) the following Male PSHTs/PSHTs hereby adjusted/transferred at the school noted against their names in the interest of public service.

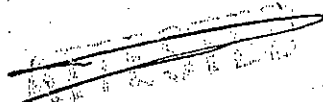
S.N	Name of official / Teacher	Father Name	BPS	Present place of duty	Transferred/Adjusted
1	Badshah Said	Amir Sahib Jan	15	GPS Kharai Kamangrah	Already Occupied
2	Fazal Hakim	Gul Hakim	15	GPS Gowatal	GPS Tarkhu
3	Qasim Jun	Abdul Munaf	15	GPS Tangi No.02	Already Occupied (Due to the retirement of Hakim Shah)
4	Abdul Wahid	Nadar	15	GPS Bar khalozo No.02	Already Occupied
5	Wahib Jan	Said Jan	15	GPS Shinkotai	Already Occupied
6	Muhammad Yar Khan	Muhammad Ali	15	GPS Tani Mamund	Already Occupied
7	Said Badshah	Bakht Jamal	15	GPS Mena No.01	Already Occupied
8	Muhammad Zada	Mir Zaman Khan	15	GPS Koka Bar Trass	GPS Chargo Salarzai
9	Ghaus ud din	Gul Zaman Khan	15	GPS Umarai	GPS Mai Khan Dara
10	Ghulam Muhammad	Mast Ali Khan	15	GPS Gabarai No.01	Already Occupied
11	Muhammad Shoab	Said Sharif	15	GPS Asghar Charmang	Already Occupied
12	Maloom Khan	Haroon Khan	15	GPS Bondai Arang	Already Occ
13	Abdul Mateen	Sher Rawan Khan	15	GPS Shah Khanai	Already Occupied (Due to Muhammad Salim PSHT will be retired on On 6/8/2018)
14	Abdul Latif	Habibur Rahman	15	GPS Sahib Abad	GPS Shagai Salarzai
15	Wazir Zada	Noor Rahman	15	GPS damadola No.02	Already Occupied
16	Hazrat Ali	Sher Hamid	15	GPS Sarkai	Already Occupied
17	Atiqur Rahman	Muhammad Sadq	15	GPS Dag Qilla Ali Jan	Already Occupied
18	Khairullah	Sher Qadam	15	GPS Saparai Asil Targhaw	Already Occupied
19	Faiz Ali	Said Ali	15	GPS Landai	Already Occupied
20	Abdul Rahman	Abdul Nour	15	GPS Sain Sahib	Already Occupied
21	Abdul Hakim	Haji Muhammad	15	GPS Nazar Mina	Already Occupied
22	Fazal Elahi	Hazrat Younas	15	GPS Bagandali	GPS Bozgh Dal
23	Umar Rahman	Umar Jan	15	GPS Shahi Tangi	Already Occupied (as per directives of DE PATA)
24	Yar Zaman Khan	Ghulam Rasool	15	GPS Changaro	GPS Naraza Salarzai
25	Khairullah	Sahib Zada	15	GPS Malangai	Already Occupied

(18)

EMIS SECTION AEO BAJAUR. aeobajaur@gmail.com Voice & Fax +92347220095

ATTESTED


 Advocate



(9)

26	Lal Zarin	Khan Zarin	15	GPS Muslim Bagh	Already Occupied
27	Nisar Muhammad	Lal Badshah	15	GPS Loi Kharkai	Already Occupied
28	Bakht Zamin	Sadiqeen	15	GPS Nawa Killi	GPS Sara Maina
29	Muhammad Ali Shah	Sahib Jan	15	GPS Tangi No.03	Already Occupied
30	Malang Jan	Abdul Kalim	15	GPS Batai	Already Occupied
31	Abdul Hamid	Munta Khan	15	GPS Solai Gharshamozei	Already Occupied
32	Ghulam Yousaf	Rahmat Shah	15	GPS Mano	GPS Bara Dara
33	Noor Khan	Abdul Salam	15	GPS Badan	Already Occupied
34	Javed Khan	Khaista Rahman	15	GPS Saida Shah	Already Occupied
35	Gul Farooq	Khaista Khan	15	GPS Sharif Khana	GPS Bara Kamangara Nawagai
36	Gul Zamin Khan	Umara Khan	15	GPS Ghundo No.02	GPS Ghundo No.01
37	Fazli Rabi	Habib Rasool	15	GPS Rug	GPS Kambila
38	Muhammad Kamal	Shamshali Khan	15	GPS Malkana Salarzai	GPS Atkai
39	Ghulam Muhammad	Sultani	15	GPS Kamangara	GPS Halki Charming
40	Noor Wali Khan	Abdul Hakim	15	GPS Gatkai	GPS Bandarai
41	Gul Faraz	Muhammad Khan	15	GPS Ilmano	Already Occupied
42	Din Muhammad	Jan Muhammad	15	GPS Dangol	GPS Batmalai No.2
43	Abdul Hasib	Abdul Halim	15	GPS Tangi No.01	GPS Shingor Gul
44	Muhammad Younas	Muhammad Yar	15	GPS Sheikh Meno	GPS Bagandil Salarzai
45	Taj Muhammad	Namoos Khan	15	GPS Bar Khalozo No.01	GPS Mujahedin Chamarkand and Re-deployed To GPS Bar Khalozo No. 01 because GPS Mujahideen is un functional
46	Abdul Wahab	Bakht Ahmad	15	GPS Pacha Kot	Already Occupied
47	Said Muhammad	Gul Muhammad	15	GPS Takht Barang	Already Occupied
48	Noor Haq	Abdul Salam	15	GPS Lakhtai	GPS C.C Nawagai
49	Najib Khan	Haroon Khan	15	GPS Janat Shah	GPS Khalr Abad Nawagai
50	Said Ghafoor Jan	Said Mahmood Jan	15	GPS Damano	Already Occupied
51	Abdul Wahid	Said Amin	15	GPS Kandaro Bar Trass	GPS Shah Sar Salarzai
52	Muhammad Zubair	Talhata	15	GPS Kotki Charming	GPS Karkanai Charming
53	Alam Khan	Taj Malook	15	GPS Mataka No.02	GPS Malkana Batwar
54	Lal Zada	Mashl Khan	15	GPS Damadola No.04	Already Occupied
55	Kifayat Ullah	Nazir Khan	15	GPS Dabar Mamund No.01	GPS Wais Arang
56	Hasan Khan	Muhammad Hazrat	15	GPS Ilmano	GPS Hclal Khel No.1
57	Fazli Raziq	Muhammad Haleem	15	GPS Kausar	GPS Saporai Salarzai
58	Muhammad Dayan	Biland	15	GPS Gabarai No. 03	GPS Mano Zangal
59	Niamat Ullah	Gul Pacha	15	GPS Gul Dehrai	GPS China Batwar
60	Said Arif Khan	Jamal Khan	15	GPS Barkhalozo No.01	Already Occupied (Because the post is Adl)

ATTESTED

(Signature)

(Signature)

10

63	Fazal Rabi	Badshah Zada	15	GPS Damadola No.01	Already Occupied
64	Yousaf Khan	Abdul Ghafoor	15	GPS Tangi No.03	GPS Tabai
65	Jehan Zeb Khan	Hazrat Nabi	15	GPS Civil Colony Khar	Already Occupied
66	Fazal Rahim	Bacha Mir Khan	15	GPS Damadola No.03	GPS Kabala Sur G/S
67	Nawab Zada	Noor Rahman	15	GPS Sewai No.01	GPS Chinar Charmang
68	Taj Muhammad	Muhammad Gul	15	GPS Kolal No.01	GPS Gatnai
69	Fazal Rabi	Hazrat Badshah	15	GPS Inam Khwaro Chingji	Kohi Sar Barang
70	Ahmad Yousaf	Sahib Shah	15	GPS Tangi Charmung	GPS Manogi No.2
71	Muhammad Gulab	Muhammad Sardar	15	GPS Samsai	GPS Tangi Ada
72	Rahmani Gul	Wazir	15	GMPS Ramani Gul Killi	Already Occupied
73	Bahadar Khan	Said Alim Jan	15	GPS Manogai Mandal	GPS Peshto Mandal
74	Saced Gul	Hassan Gul	15	GPS Alamzo	GPS Saparai
75	Abdul Qadar Jan	Abdul Qayum Jan	15	GPS Dehrakai	GPS Chilargam
76	Ibrahim Khan	Khan Muhammad	15	GPS Manogai No .01	Already Occupied
77	Haji Muhammad	Said Manan	15	GPS Koz Safarai	Already Occupied
78	Asghar Shah	Aqal Khan	15	GPS Dabar	Already Occupied
79	Ilbar Jan	Hazrat Jan	15	GPS Faja	GPS Dag Qada Qadar Kitan Killi
80	Fardool Khan	Zamin Shah	15	GPS Qallow Shenkay	Already Occupied
81	Kifayat Ullah	Said Rahim	15	GPS Rai Charmang	Already Occupied
82	Muhammad Noor	Muhammad Rahim Khan	15	GPS Inzari	Already Occupied
83	Husnul Maab	Gul Badshah	15	GPS Dolasmani	Already Occupied
84	Abdul Wali Khan	Abdul Malin	15	GPS Mohram Chundai	GPS Helal Khel No.2
85	Gul Ghani Khan	Gul Rahim Khan	15	GPS Ghakhi No.01	Died
86	Sadiqeen	Niamat Khan	15	GPS Bal China	GMPS Kharkano
87	Muhammad Sadiq	Habib Ullah Khan	15	GPS Skha Kohi	GPS Hasham Charmang
88	Umar Badshah	Ghaus Jan	15	GPS Balam Khar No.02	Already Occupied
89	Manawar Khan	Amir Khan	15	GPS Rashakai	GPS Bara Navagai
90	Jehangir Khan	Shah Zaman Khan	15	GPS Dawri Mandal	GPS Mini Mandal
91	Muhammad Habib Khan	Fazal Hayan	15	GPS Baro No.02	Already Occupied
92	Muhammad Jamil	Bakht Poor	15	GPS Khar No.02	GPS Raghagan
93	Qamar Zaman	Aziz-ur-Rahim	15	GPS Kalpanai Mamund	GPS Anga Mamund
94	Khan Wazir	Bakht Munir	15	GMPS Chopatra Mamund	Already Occupied
95	Shakir Ullah	Said Ahmad Khan	15	GPS Lol Joharr	SMPS Shawn
96	Abdur Rashid	Hakim Khan	15	GPS Gambal	Already Occupied
97	Shah Zada	Nazamin Khan	15	GPS Mozamin Khan Killi	GPS Kohi Barang

APPROVED
[Signature]

~~APPROVED~~

95	Shakir Ullah	Said Ahmad Khan	15	GPS Loi Joharr	SMPS Shawa
96	Abdur Rashid	Hakim Khan	15	GPS Gambat	Already Occupied
97	Shah Zada	Nazamin Khan	15	GPS Mozamin Khan Killi	GPS Keli Barang

Terms and Conditions

1. Necessary entries should be made in their service book.
2. Charge report should be submitted in duplicate to all concerned. While their re-deployment order will be priority considered as cancelled and they must resume their duty at their original schools.
3. No TA / DA is allowed.

Mr. Amrullah Wazir
Agency Education Officer
Bajaur

Endst No: 2642-48 Dated 22/06/2018

Copy of the above is forwarded to the;

1. Director of Education FATA Peshawar.
2. Deputy Commissioner Bajaur.
3. Agency Accounts officer Tribal District Bajaur.
4. AAEO concerned.
5. Candidate concerned.
6. Accountant of the local office.

Amrullah
Agency Education Officer
Bajaur

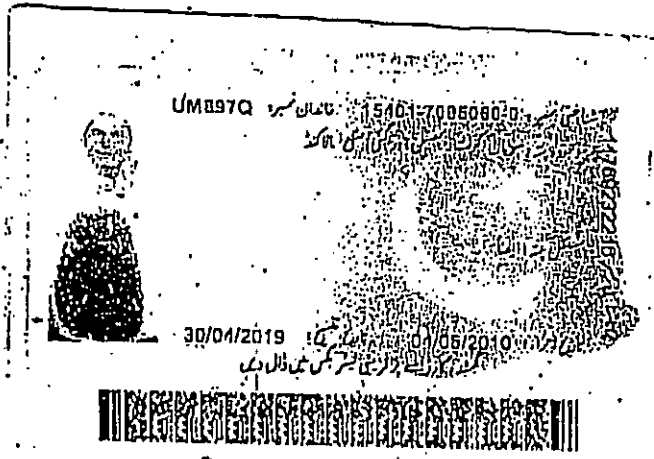
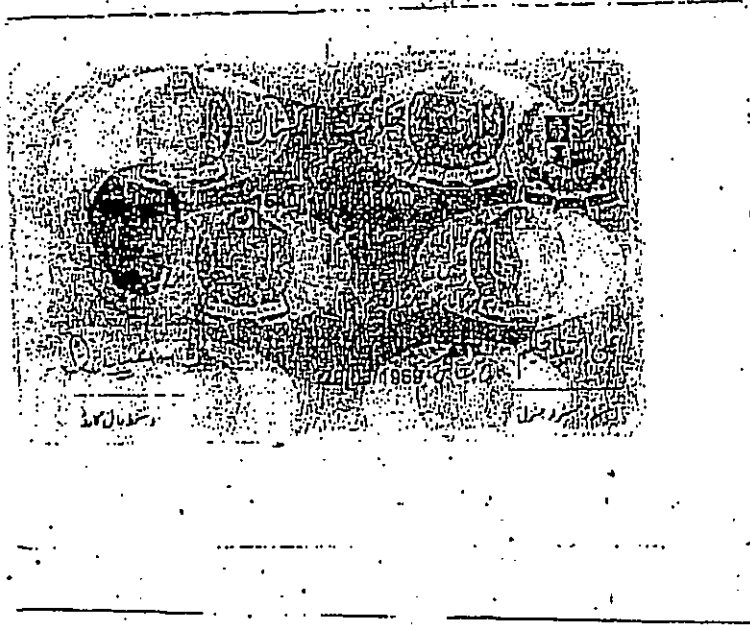
Allooz
Asstt. District Edu. Officer
Bajaur

ATTESTED
[Signature]
District Education Officer

pg. 1

EMIS SECTION AEO BAJAUR. neobajaur@gmail.com Voice & Fax: 992943220895

[Faint stamp]



ATTESTED
 [Signature]

ATTESTED
 [Signature]

13

ANNEX "F"

DOMICILE CERTIFICATE:

No. 11921 dated 4/9 /1988.

Certified that ~~Mr~~/Miss ZENAT BEGUM
Son/Daughter of BAWAR KHAN belongs to a recognized
tribe of AFGHAN Section MULA KHEL and his/her
father is a permanent bonafide resident of the tribal areas of
Agency of Malakand, Village MALAKAND and he/she
is an eligibal candidate to avail himself/herself of the seats
reserved for the special areas of Division of Malakand backward
areas.

ATTESTED

[Signature]

Dated Malakand the
4/9 /1988.



[Signature]
POLITICAL AGENT, MALAKAND.

~~RECEIVED~~

ANNEX

G

14

SERVICE CERTIFICATE

It is certified that Mrs. Zeenat CT BPS 15 has been serving in Education Department since 01/6/1987 (1st Jun N.H Eighty Seven). Now she is working at Government Girls Higher Secondary School Haryankot District Malakand.

~~Stamp~~
~~Signature~~

Signature
PRINCIPAL
GGHSS HARYANKOT
(DISTRICT MALAKAND).

~~Stamp~~

مسلم خاندانی قوانین کے آرٹھی فیس مجریہ سلسلہ (۱۹۶۱ء سے مستعمل) کے تحت وضع کیے ہوئے قواعد کے قاعدہ نمبر ۸ اور نمبر ۱ کے تحت مجوزاً

نکاح نامہ

فارم

- ۱۔ شعیب / گاڈن / وارننگٹون / ہیر مائیکوٹ / لیڈن / ریڈین / کونسل / پیر شاہ / تھیل / نکاح / درگئی خانہ / خرمی / حرمی
- ۲۔ اور ضلع / حلاکوہ / ڈیڑھ گنہی / جن میں شادی وقوع پذیر ہوئی ہے
- ۳۔ دوہا اور اس کے والد کا نام معہ ان کی سکونت بالترتیب -
عبد الرحیم ولد بانو نور / کنہ ہیر مائیکوٹ / حقیقہ درگئی / حلاکوہ / ڈیڑھ گنہی -
تاریخ عہدائش 10/02/1975
- ۴۔ دوہا کی عمر / داہن اور اس کے والد کا نام معہ ان کی سکونت بالترتیب -
عصا زینب بیگم / دختر پاور خان / کنہ ہیر مائیکوٹ / حلاکوہ / ڈیڑھ گنہی / حقیقہ درگئی / حلاکوہ / ڈیڑھ گنہی -
کنہ ہیر مائیکوٹ / کنہ ہیر مائیکوٹ
- ۵۔ آبا و اہل ان کواری ہے یا بیوہ یا مطلقہ / تاریخ عہدائش 20/3/1969
- ۶۔ داہن کی عمر / اگر داہن کی طرف سے کوئی کوئل مقرر کیا گیا ہے تو اس کا نام معہ ولایت و سکونت
- ۷۔ دوہا کے کوئل کے تقریب کے بارے میں گواہوں کے نام معہ ولایت و سکونت اور ان کی ولایت کے ساتھ رشتہ داری
- ۸۔ اگر دوہا کی طرف سے کوئی کوئل مقرر کیا گیا ہے تو اس کا نام معہ ولایت و سکونت
- ۹۔ دوہا کے کوئل کے تقریب کے بارے میں گواہوں کے نام معہ ولایت و سکونت
- ۱۰۔ شادی کے گواہوں کے نام معہ ولایت و سکونت
- ۱۱۔ شادی سے پہلے اپنے گائیک / تاریخ ۱۹۹۶/۱۱/۳۱
- ۱۲۔ شادی سے پہلے اپنے گائیک / تاریخ ۱۹۹۶/۱۱/۳۱
- ۱۳۔ بارہ لڑکے سونا بہ شکل زلیات / معجل
- ۱۴۔ مہر کا رقم معین اور کتنی معجل ہے
- ۱۵۔ مہر کا رقم معین اور کتنی معجل ہے / مہر کا رقم معین اور کتنی معجل ہے
- ۱۶۔ کیا پورے مہر یا اس کے کسی حصے کے عوض کوئی جائیداد دی گئی ہے یا کوئی حصہ ہے / جائیداد کی صورت اور اس کی قیمت جو قبضے میں ہے
- ۱۷۔ اس میں بالاسی کے بھی خود کا کوئی اختیار نہیں ہے - اور تم نے اس کے والدین کا اختیار ہوتا ہے -

ATTESTED

[Signature]

~~ATTESTED~~

طلاق کا حق شوہر کے پاس محفوظ ہے۔
 ایسا شوہر نے طلاق کا حق تیزی کو تفویض کر دیا ہے۔
 اگر کر دیا ہے تو کونسی شرائط کے تحت؟

ایسا شوہر کے طلاق کے تحت کسی قسم کا باہنی لگانا لگتی ہے؟

ایسا شادی کے موقع پر مہر و نان و نفقہ وغیرہ سے متعلق کوئی دستاویز تیار کی گئی ہے اگر کی گئی ہے تو اس کے مختصر مندرجات۔

کے کلا دوہا کے یہاں پہلے سے کوئی بیوی موجود ہے؟ اگر ہے تو آیا اس نے دوسری شادی کرنے کیسے مسلم شہادتوں کے تحت ۱۹۶۱ء کے آرڈیننس کے تحت تالیقی کو تسلیم سے اجازت نامہ حاصل کر لیا ہے۔
 ۲۔ مہر و تالیقی کے معاملہ میں کے ذریعے تالیقی کو تسلیم سے اجازت دیا ہے۔

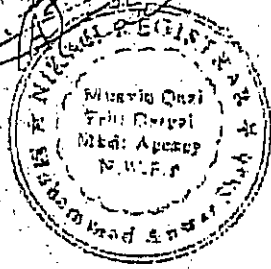
Reg No. 38 Date 15/8/03
 Lic. No. (14) Book No. 7
 Marriage Registrar
 Muhammad Anwar Shah
 Sub-Registrar Alakhand Agency

۲۱۔ نکاح خوان کا نام اور ولایت معہ پتہ
 حور انوار علیہ السلام صاحبہ حیدر شاہ دار
 پھر ان کو نکاح خوان کے نام سے لکھا گیا ہے۔

۲۲۔ شادی کو درج ضبط کرنے کی تاریخ
 ۲۳۔ فیس و سروسیشن جو ادا کی گئی۔
 ۲۴۔ دوہا یا اس کے وکیل کے دستخط
 دوہا کے وکیل کے تقرر کے گواہان کے دستخط

(۱) دوہا کے والد کا دستخط
 (۲) ماہرین کے دستخط
 (۳) ماہرین کے وکیل کے دستخط
 (۴) ماہرین کے وکیل کے دستخط
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 (۸) ماہرین کے وکیل کے دستخط
 (۹) ماہرین کے وکیل کے دستخط
 (۱۰) ماہرین کے وکیل کے دستخط

Printed by:
 Mujeeb-ur-Rahman
 Available at
 Al-Azhar Book Agency,
 Durgal, Ph:332235



شادی کے گواہان کے دستخط
 (۱) حیدر شاہ
 (۲) حیدر شاہ

17

- 1. Name of the teacher / Applicant. Abdur Rahim
- District of domicile. Bajaur.
- 2. Designation / Post held with BPS BPS 15
- 3. Date of 1st Appointment 26-08-2002
- 4. Date of taking over charge in the Present post. 26-08-2002
- 5. Name of present School of Posting. GPS KHAN Sali Bawang
- 6. Name of School where posting is required 1. GPS Janet Abad
2. GPS Dargai no. 1
3.
- 7. Reason for transfer. Couple POLICY.

I solemnly declare that all these information from S.No.1 to 6 are correct.

Signature [Signature]
 Name of Applicant Abdur Rahim.
 ID card No. 15401-5750794-7

(Certificate by the Relieving E.D.O)
 Certified that I have no objection to the transfer of Mr/Mrs Abdur Rahim
 From Village Kohi Teh Bawang Bajaur to MKD

- 2. The following arrangement will be made by me for filling up the post of _____ in case of transfer of Mr. / Mrs. Abdur Rahim
 It is certified that:-
 - i. The study /education of the students of the institution /School will not suffer with the proposed transfer.
 - ii. The application is regular employee and not a contract one.

ATTESTED
[Signature]

Signature _____
 Name of E.D.O Sultan Muhammad
 Seal [Seal]

Endst: No. 1629 Dated 07/11/2008

District Education Officer.

POST AVAILABILITY CERTIFICATE OF THE EXECUTIVE DISTRICT OFFICER (S & L) WHERE POSTING IS PROPOSED. Bajaur

I have no objection to the transfer Mr/Mrs Abdur Rahim
 Of _____ against a vacant post of GPS Janet Abad / GPS Dargai
 at _____ District Mela Kand
 I have also examined his / her relevant documents and found Correct. It is also certified that no NOC has been issued to any other Person against this p.

Signature [Signature]
 Name of the EDO Mickarullah Jan Dy. DEO
 Seal DISTRICT: EDU: OFFICER (M) MKD: AT BARKHELA

Endst: No. 8467 Dated 26/11/2008

[Signature]

BETTER COPY OF PAGE-

18

To

The Director Elementary & Secondary
Education KPK, Peshawar

SUBJECT: NO OBJECTION CERTIFICATE

Memo:-

Consequent upon approval of the Competent authority, this directorate would have no objection on the transfer of Mr. Abdur Rahim, PTC, government Primary School, Kohi Barang, Bajaur Agency to District Malakand on settled side.

(Syed Manzar Jan Sajid)
Dy: Director (Estab)

Endst; No. 1925-27/
Copy forwarded.

ATTESTED
He
Advocate

~~XXXXXXXXXXXXXXXXXXXX~~



To

ANNEX

J

18

The Director Elementary & Secondary
 Education, KPK, Peshawar.

SUBJECT:- NO OBJECTION CERTIFICATE

Memo:-

Consequent upon approval of the Competent Authority, this Directorate would have no objection on the transfer of Mr. Abdur Rahim, P.T.C., Govt. Primary School, Kohi Barang Bajour Agency to District Malakand on settled side.

(Syed Manzoor Jan Sajid)
 Dy: Director (Estab)

Encls: No. 1925-27

Copy forwarded to the:-

- ✓ 1. Agency Education Officer, Bajour Agency.
2. PS to Secretary A&C FATA Secretariat, Peshawar.
3. P.A to Director Education FATA.

Dy: Director (Estab)

ATTESTED

Dy: Director (Estab)

میں نے صاحب سیکرٹری ایجنسی اور ایگزیکٹو ڈائریکٹر ایجنسی کے نام سے درخواست کی ہے کہ

19

ANNEX K

میں نے درخواست کی ہے کہ ایجنسی کے ذریعے

صاحب عالی

میں نے صاحب سیکرٹری ایجنسی اور ایگزیکٹو ڈائریکٹر ایجنسی کے نام سے درخواست کی ہے کہ ایجنسی کے ذریعے
میں نے درخواست کی ہے کہ ایجنسی کے ذریعے
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میں نے درخواست کی ہے کہ ایجنسی کے ذریعے

PSHT

میں نے درخواست کی ہے کہ ایجنسی کے ذریعے

ATTESTED

SECRETARY

میں نے درخواست کی ہے کہ ایجنسی کے ذریعے

**BEFORE THE PESHAWAR HIGH COURT BENCH DAR-UL-QAZA
SWAT**

WRIT PETITION NO. 463-1/2019

20

Mr. Abdur Rahim, PSHT (BPS-15),

GPS Khan Sali Barang, District Bajaur,

Haryan P/O Tehsil Dargai District Malakand Petitioner

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director, Education Merged Area, Merged Area Secretariat, Warsak Road, Peshawar.
- 4- The District Education Officer, District Bajaur.
- 5- The District Education Officer (M), District Malakand at Batkhela.

.....**RESPONDENTS**

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

R/SHEWETH:

ON FACTS:

- 1- That petitioner is a law abiding citizen of Pakistan and permanently residing at Haryan Kot, Tehsil Dargai, District Malakand. Copies of the CNIC & domicile certificate is attached as annexure..... **A & B.**
- 2- That petitioner was initially appointed as PST (BPS-7 now BPS-12) vide order dated 16.08.2002 on contract basis. That during service the services of the petitioner were regularized w.e.f his first appointment i.e. 16.08.2002 vide order dated 21.04.2006. Copy of the regularization order is attached as annexure..... **C.**
- 3- That petitioner while performing his duty as PST at GPS Kohai Barang, Bajaur Agency promoted to the post of PSHT (BPS-15) vide order dated 22.06.2018 and posted at GPS Khan Kalay Bajaur. That petitioner submitted his arrival report and started performing his duty quite efficiently and up to the entire satisfaction of his superior. Copy of the order is attached as annexure..... **D.**
- 4- That petitioner along with his family is residing at Haryan Kot, Tehsil Dargai, District Malakand and his wife namely Mst: Zeenat Begum is also employee of the Education Department and is serving as Certified Teacher (BPS-15) at GGHS Haryan Kot, District Malakand. Copy of the NIC, Domicile certificate, Service certificate and Nikah nama is attached as annexure..... **E, F, G & H.**

ATTESTED

Examiner

Swat High Court Bench
Dar-ul-Qaza, Swat.

FILED TODAY

24 SEP 2019

Additional Registrar

- 5- That petitioner in light of the spouse policy applied for his permanent transfer to District Malakand and in this regard the respondent No.3 had already issued proper NOC to the petitioner vide letter dated 2.2.2011. Copy of the application and NOC are attached as annexure..... **I & J.**
- 6- That inspite of several requests the respondents are not willing to transfer the petitioner to District Malakand in light of spouse policy. That petitioner feeling aggrieved filed departmental appeal before the respondent No.1 but the same has not been responded till date. Copy of the departmental appeal is attached as annexure.....**K.**
- 7- That petitioner having no other remedy filed the instant writ petition the following grounds amongst the others.

GROUND:

- A- That the inaction of the respondents by not transferring/ adjusting the petitioner in the District Malakand in light of spouse policy is against the law, rules, norms of natural justice and materials on the record.
- B- That petitioner has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not transferring/ adjusting the petitioner in District Malakand in light of the spouse policy.
- D- That petitioner is discriminated by the respondents on the subject noted above and as such the respondents violating Article 4, 25 and 27 of the Constitution of Pakistan, 1973. Moreover the respondents acted differently in similar issues. Copies of the orders are attached as annexure **L.**
- E- That not transferring the petitioner as PSHT (BPS-15) in District Malakand is the clear violation of clause-ix of the transfer posting policy promulgated by the Government of Khyber Pakhtunkhwa. Copy of the transfer/posting policy is attached as annexure **M.**
- F- That the respondent No.3 had already issued NOC to the petitioner for his transfer to District Malakand but despite that the respondents are using the delaying tactics in posting of the petitioner.
- G- That petitioner seeks permission to advance other grounds and proofs at the time of hearing.

~~_____~~

It is therefore most humbly prayed that on acceptance of this writ petition the inaction of the respondents by not transferring the petitioner as PSHT (BPS-15) to District Malakand may be declared as illegal, unlawful, unconstitutional and ineffective upon the rights of the petitioner. That the respondents may please be directed to transferred the petitioner to District Malakand in light of the spouse policy of the Provincial Government of Khyber Pakhtunkhwa. Any other remedy which this august court deems fit may also be awarded in favor of the petitioner.

Abdur Rehim
PETITIONER

ABDUR REHIM

Through:

Noor Mohammad Khattak
NOOR MOHAMMAD KHATTAK

Shahzullah Yousaf Zai
& **SHAHZULLAH YOUSAF ZAI,**
Advocates, Peshawar

CERTIFICATE:

It is certified that no other earlier writ petition was filed between the parties.

Shahzullah Yousaf Zai
DEPONENT

LIST OF BOOKS:

1. CONSTITUTION OF PAKISTAN.
2. SERVICE LAWS BOOK.
3. ANY OTHER CASE LAW AS PER NEED.

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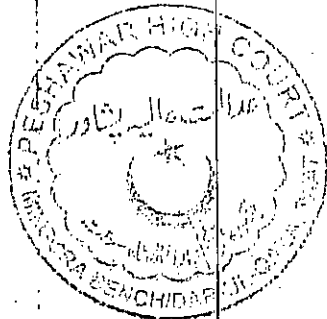
FORM OF ORDER SHEET

ANNEX M

Court of

Case No. of

1	Date of Order or Proceedings	Order of other Proceedings with Signature of Judge and that of parties or counsel where necessary.
	16-02-2021	<p><u>W.P No. 963-M/2019 with Interim Relief</u></p> <p><i>Present: Mr. Shahzullah Yousafzai, Advocate for the petitioner.</i></p> <p><i>Mr. Sohail Sultan, Asst.A.G for the respondents.</i></p> <p>*****</p> <p>WIQAR AHMAD, J.- This order is directed to dispose of the petition filed by petitioner, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer;</p> <p>“It is therefore most humbly prayed that on acceptance of this writ petition the inaction of the respondents by not transferring the petitioner as PSHT (BPS-15) to district Malakand may be declared as illegal, unlawful, unconstitutional and ineffective upon the rights of the petitioner. That the respondents may please be directed to transfer the petitioner District Malakand in light of the spouse policy of the Provincial Government of Khyber Pakhtunkhwa. Any other remedy which this august Court deems fit may also be awarded in favour of the petitioner.”</p> <p>2. After arguing the case at some length, learned counsel for petitioner requested that he would feel satisfied, if the instant writ petition is sent to respondent No. 2 for treating same as departmental</p>



ATTESTED

Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

appeal and decide it as soon as possible.

3. Request of learned counsel for petitioner seems genuine. The instant writ petition is therefore ordered to be sent to respondent No. 2 i.e. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, who shall treat the same as a departmental appeal and shall decide it within a period of two months of receipt of order of this Court.

4. The petition in hand is disposed of accordingly.

Announced
Dt: 16.02.2021

JUDGE

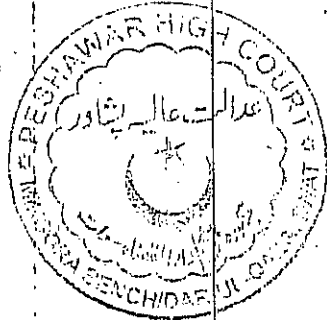
Certified to be true copy

[Signature]
20-02-2021
EXAMINER

Peshawar High Court, Mingora/Mar-ul-Naza, Swat
Rule 2200 under Article 87 of Constitution of Pakistan, 1973

JUDGE

S.No 22
Name of Applicant Kharshid
Date of Presentation of Applloant 20-02-2021
Date of Completion of Copies 20
No of Copies 03
Urgent Fee -
Fee Charged 12/-
Date of Delivery of Copies 20-02-2021



Office
18/02

[Handwritten signature]

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION

1. **WHEREAS**, Mr. Abdur Rahim is serving as PSHT (BS-15) at GPS Khan Kalay, District Bajaur. The wife of the petitioner is serving as CT(BS-15) at GGHS Hariyan Kol, District Malakand
2. **AND WHEREAS**, the petitioner filed W.P No. 963-M/2019 case titled Abdur Rahim VS Secretary E & SE & Others, In the Honorable Peshawar High Court, Mingora Bench (DAR-UL-QAZA) Swat with the prayer that " It is therefore, most humbly prayed that on acceptance of this writ petition, inaction of the respondent by not transferring the petitioner as PSHT (BS-15) to District Malakand may be declared as illegal, unlawful, unconstitutional and ineffective upon the rights of the petitioner. That the respondents may please be directed to transfer the petitioner to District Malakand in light of spouse policy of the Provincial Government of Khyber Pakhtunkhwa. Any other remedy which this august court deems fit may also be awarded in favor of the petitioner.
3. **AND WHEREAS**, the same was decided vide judgment dated 16.02.2021 with the directions to the Respondent No. 2 (Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa) to treat the instant petition as departmental appeal and shall decide it within a period of two months of receipt of order of this court.
4. **AND WHEREAS**, the Competent Authority vide Notification No.SO(SM)E&SED/7-1/2020PT/General dated 28-9-2020 has imposed ban on transfers / postings.

Now therefore, in compliance of the Judgment dated 16.02.2021 of the Honorable Peshawar High Court, Mingora Bench (DAR-UL-QAZA) Swat, the departmental appeal deserves to be rejected on the grounds that the Competent Authority vide Notification No.SO(SM)E&SED/7-1/2020PT/General dated 28-9-2020 has imposed ban on transfers / postings and after lifting of ban the case will be processed as per rules and policy.

DIRECTOR,
(E&SE) Department Khyber
Pakhtunkhwa, Peshawar.

Endst: No: 9355-60 Dated Peshawar the 10/6/2021

Copy forwarded for information & n/action to the:-

1. Additional Registrar Judicial Honorable Peshawar High Court, Mingora Bench (DAR-UL-QAZA) Swat.
2. Addl: Advocate General Honorable Peshawar High Court, Mingora Bench (DAR-UL-QAZA) Swat.
3. District Education Officer (M) Malakand.
4. District Education Officer (M) Bajaur.
5. Mr. Abdur Rahim, PSHT (BS-15) at GPS Khan Kalay, District Bajaur
6. PA to Director local office.

Deputy Director (Estab)
Merged Areas

OK



JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

C.O.C No. 39-M/2021

In W.P No. 963-M/2019

(Mr. Abdur Rahim vs. Yahya Akhunzada Secretary
 Elementary & Secondary Education Department Khyber
 Pakhtunkhwa & others)

Present: Mr. Kamran Khan, Advocate for the
 petitioner.

Mr. Razauddin Khan, A.A.G for the
 respondents.

Date of hearing: 02.02.2022

JUDGMENT

WIQAR AHMAD, J. This order is directed to
 dispose the instant petition filed by petitioner under
 Article 204 of Constitution of Islamic Republic of
 Pakistan, 1973 read with sections 3 & 4 of the
 Contempt of Court Ordinance, 2004 with the
 following prayer;

"It is therefore, humbly prayed that on
 acceptance of this application, the
 contempt of Court proceedings may
 graciously be initiated against the
 respondents/contemnors and may be
 punished accordingly."

2. The learned Addl:A.G produced copy
 of order dated 10.06.2021 and stated that they
 have complied with order of this Court dated
 16.02.2021 passed in W.P No. 963-M/2019 and
 accordingly decided appeal of the petitioner



ATTESTED

EXAMINED
 Peshawar High Court
 Mingora Dar-ul-Qaza SWAT
 Sub-Registry Malakand

finally. Learned counsel for petitioner raised an objection that it has not specifically been written in the order that appeal of the petitioner had been dismissed and that such a decision would therefore not serve the purpose of petitioner in approaching the Khyber Pakhtunkhwa Service Tribunal.

3. We have gone through the order dated 10.06.2021 of the Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar, where it is written that departmental appeal deserves to be rejected on the ground that the competent authority had imposed ban on transfers and postings. Whatever may be underline reason but it is clear that appeal of the petitioner had been rejected by the Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar. Such order would amount to dismissal of the appeal and there remains no doubt in this regard. Respondents have complied directions of this Court and petitioner could not make out a case for initiation of contempt of Court proceedings against the respondents.



ATTESTED

[Signature]
EXAMINER

Peshawar High Court
Mingora Darul-Qaza Swat
Sub-Registry Malakand

[Handwritten mark]



4. The petition in hand was therefore found divested of any force and same is accordingly dismissed.

Announced
Dt: 02.02.2022

[Handwritten signature]
JUDGE

[Handwritten signature]
JUDGE

CERTIFIED TO BE TRUE COPY



EXHIBIT

Peshawar High Court, Mingora/Dar-ul-Qaza Swat
Authorized under Article 37 of Quaran Shariat Ordinance
Sub-Registry Muzakki

S.No _____

Name of Applicant _____ *محمد علی*

Date of Presentation of petition _____ *11.2.2022*

Date of completion of copy _____ *11.2.2022* *3*

No of Copies _____ *3 P*

Urgent Fee _____ *no*

Fee Charged _____ *nil*

Date of Delivery of Copies _____ *11.2.2022*

08/02/2022

BETTER COPY

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

OFFICE ORDER.

Consequent upon relaxation of ban and approved by the competent authority Mst. Zeenat Zarin CT GGHS Ummat Kore District Mohmand is hereby transferred/adjusted against the vacant post of CT at GGHSS Dhakki Charsadda on her own pay & BPS in the interest of public service with immediate effect.

Note:

- 1- Charge report should be submitted to all concerned.
- 2- No TA/DA etc, are allowed.
- 3- The DEOs (F) concerned are directed to check/verify her original service.
- 4- Her seniority will be determined at the bottom of the seniority list of CT (BS-15) as per rules.

Director
Elementary & Secondary
Education Khyber Pakhtunkhwa

Endst: No. 4269-72/F. No.574/(F) G. Transfer Dated Peshawar the 21-6-2019

Copy forwarded.

ATTESTED

[Signature]
Director

~~Director~~

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATHHELA.

Telephone No. 011-2410311
E-mail: education@khyber.gov.pk

ADVERTISEMENT

In the light of Notifications issued vide the Circular E. W. S. C. No. 1049, dated 22.05.2013, the undersigned as a competent authority, to adjust Ms. Samira Begum CR 0-13 0315 Civil College Bala District Agency, Bala city adjuster at Govt. Girls Higher Secondary School Bahawal Pindi (S.D. No. 1049) dated 22.05.2013.

1. No pay is allowed.
2. Charge reported should be submitted with concerned.
3. Pay will be released after the verification of documents.

(MST: SADIQA ILIYAS)
DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATHHELA

Encl: No. / Travelling Receipt Dated Bathhele, 26 / / 2013

Copy of the above is forwarded to the:

1. File for (E.S.C) No. 22/2013, Bathhele, District Office, Bathhele, dated 22.05.2013.
2. The District Accounts Officer, State and A.A.C. Bala Agency.
3. The Agency Account Officer, Bala Agency.
4. The Principal, G.H.S.S. Bahawal Pindi with the remarks to provide all the documents along with verification, Service document, Academic, Professional & Appointment order.
5. Teachers Concerned with the remarks to provide all the documents along with appointment orders etc to this office.

ATTESTED

(Signature)

DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATHHELA

Faridkot / Adjust / Doc

(Signature)

BETTER COPY

30

**OFFICE OF THE
DISTRICT EDUCATION OFFICER
(F) MALAKAND AT BATKHELA**

ADJUSTMENT

In the light of Notifications issued vide the Director E&SE, Khyber Pakhtunkhwa Peshawar Endst: No 4460-64/A/D/(Vol-I fata to settle)/transfer/dated 22.05.2018, the undersigned as being a competent authority, to adjust Mst: Samra Begum CT BS-15 GGMS Civil Colony, Khar Bajaur Agency is hereby adjusted at Government Girls Higher Secondary School Palonow District Malakand for the best interest of public service.

NOTE:-

- 1- NO TA/DA is allowed.
- 2- Charge report should be submitted to all concerned.
- 3- Pay will be released after the verification of documents.

**(MST: SADIA ILYAS)
DISTRICT EDUCATION OFFICER
(FEMALE) MALAKAND AT BATKHELA**

Endst: No. 4460-64/Transfer the out District Dated 24.05.2018.

Copy forwarded.

ATTESTED

CA/ADWAL

CA/ADWAL



DEPARTMENT OF PRIMARY & SECONDARY EDUCATION
GOVERNMENT OF PUNJAB, AMRITSAR

OFFICE ORDER

1. The subject of the above order has been approved by the competent authority.

2. The subject of the above order has been approved by the competent authority.

3. The subject of the above order has been approved by the competent authority.

4. The subject of the above order has been approved by the competent authority.

5. The subject of the above order has been approved by the competent authority.

6. The subject of the above order has been approved by the competent authority.

7. The subject of the above order has been approved by the competent authority.

8. The subject of the above order has been approved by the competent authority.

9. The subject of the above order has been approved by the competent authority.

10. The subject of the above order has been approved by the competent authority.

11. The subject of the above order has been approved by the competent authority.

12. The subject of the above order has been approved by the competent authority.

13. The subject of the above order has been approved by the competent authority.

14. The subject of the above order has been approved by the competent authority.

15. The subject of the above order has been approved by the competent authority.

16. The subject of the above order has been approved by the competent authority.

17. The subject of the above order has been approved by the competent authority.

18. The subject of the above order has been approved by the competent authority.

19. The subject of the above order has been approved by the competent authority.

20. The subject of the above order has been approved by the competent authority.

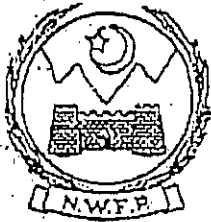
Order No. / of Dated / /

By Director, Primary & Secondary Education, Government of Punjab, Amritsar

1. District Education Officers (Rural) Mohiand and Chiniotda
2. District Account Officer, Mohiand and Chiniotda
3. Heads, all concerned
4. For information
5. P.S. to Director, Primary & Secondary Education, Government of Punjab, Amritsar
6. For file

[Signature]
 Director, Primary & Secondary Education,
 Government of Punjab, Amritsar

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GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

31
ANNEX Q

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) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
²While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

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

INTERESTED

21/11/08

- 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.

32

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

- 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.

ATTACHED
[Signature]

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

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

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

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

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

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

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

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

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003)

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

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

ATTESTED

Advocate

33

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

APPEAL NO: _____ OF 2022

Abdur Rahim(APPELLANT)
(PLAINTIFF)
(PETITIONER)**VERSUS**Education Deptt.(RESPONDENT)
(DEFENDANT)I/We Abdur Rahim

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, 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 cost. 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.

Dated. ____/____/2022

Abdur Rahim
CLIENTS**ACCEPTED**Noor Muhammad Khattak
NOOR MUHAMMAD KHATTAKUmer Farooq Mohmand
UMER FAROOQ MOHMANDKamran Khan
KAMRAN KHANSaid Khan
SAID KHANMohammad MAAZ MADNI
MOHAMMAD MAAZ MADNI

&

ADVOCATES

Haider Ali
HAIDER ALIKhanzad Gul
KHANZAD GUL

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR:

JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR. *IB Swat*

Roged

No.

358

22

Appeal No. *Abdury Rahim* of 20

Appellant/Petitioner

Secy: (EDSE) Pesh

Respondent

Respondent No.

*DIST Education officer (M) Malakand
at Batkhela*

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.....*8-6-22*.....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.....

25

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

Day of.....20

at camp court

Swat

[Signature]

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

leg
No.

TRB Swat

Appeal No. *358* of 20 *22*

Abdur Rahim Appellant/Petitioner

Versus

Secy: Edu: Pesh Respondent

Respondent No. *3*

Notice to: - *DIST Education officer DIST*

Bajaur

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 *9 June 2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this *05*.....

Day of..... *5.20.22*

at camp Court

Swat

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

Swat

No.

Appeal No. 358 of 20

Abdur Rahim Appellant/Petitioner

Versus

Secy. (ESSE) Pesh Respondent

Respondent No. 2



Notice to: - Director (ESSE) Deptt: Pesh

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8-6-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 05

Day of..... 5 20 22

at camp court
Swat

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.