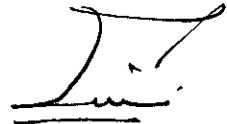


31.08.2022

Clerk of learned counsel for the appellant present.
Mr. Asif Masood Ali Shah, Deputy District Attorney for
the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is
on leave, therefore, arguments could not be heard.
Adjourned. To come up for arguments on 07.10.2022
before the D.B.



(Salah-ud-Din)
Member (Judicial)

Order
07-X-2022

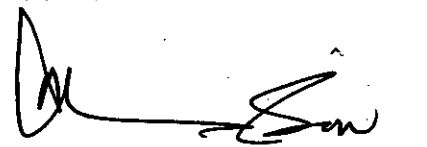
Asif Masood

Learned Counsel for the
appellant present & submits
that he has instructions from
his Client/appellant to withdraw
this appeal. As a token of
admission of his submission he
signed the margin of order
sheet.

Dismissed accordingly. *Court*


Pronounced
Peshawar
07-X-2022


Member (E)


Chairman.

10.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Syed Naseer-ud-Din Assistant for official respondents No. 1 to 3 present and submitted reply/comments alongwith order dated 07.05.2021 which are placed on file. Nemo for private respondent No.4, hence proceeded ex-parte. To come up for rejoinder if any, and arguments before the D.B on 26.04.2022.



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

26.04.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present.

Learned counsel for the appellant requested for adjournment being not prepared for arguments today. Adjourned. To come up for arguments on 22.06.2022 before the D.B.


(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)


22.06.2022

Nemo for appellant.

Naseer Ud Din Shah learned Assistant Advocate General for respondents present.

Notice be issued to appellant/counsel for 31.08.2022 for arguments before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

Noted
of Shah
26/7/22

15.07.2021

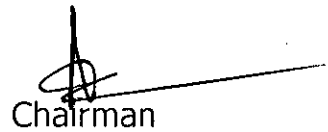
Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General present.

None present on behalf of respondents. Respondents No.1 to 3 were served with notices by post delivered in their respective offices with receiving endorsement on the notice while respondent No.4 was served through registered post. They are placed ex-parte. To come up for ex-parte arguments on 20.08.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

20.08.2021

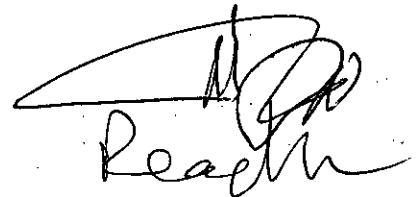
Due to summer vacations, case is adjourned to 22.11.2021 for the same as before.



READER

22-11-21

Due to unavailability of DB case is adjourned to come up for the same on ~~16/3/22~~ 10-01-22



Reader

27.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 17.06.2021 for the same as before.


READER

17.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Hassan Shah, ADO for official respondents present. Nemo for private respondent No. 4.

Learned AAG seeks time to submit reply. He is required to contact the official respondents. Fresh notice be issued to respondent No. 4. Respondents are directed to submit written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 15.07.2021 before the D.B.

stipulated period has passed and reply has been submitted.


Chairman

P.S

01.07.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

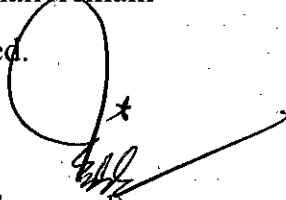

Chairman

19.03.2021

Counsel for the appellant present. Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to submit the same on the next date of hearing.

Adjourned to 05.04.2021 before S.B. In the meanwhile, operation of impugned order dated 02.07.2020 shall remain suspended if not already acted upon till the date fixed.


(Mian Muhammad)
Member (E)

05.04.2021

Counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Reply on behalf of respondents not submitted. Learned Additional Advocate General is required to contact the respondents and facilitate the submission of reply/comments. To come up for reply/comments on 27.04.2021 before S.B. In the meanwhile, operation of impugned order dated 02.07.2020 shall remain suspended if not already acted upon till the date fixed.

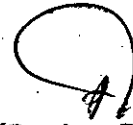

(Atiq-Ur-Rehman Wazir)
Member (E)

12.02.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned A.A.G for respondents present.

Written reply on behalf of respondents was not submitted. Representative of respondents is not in attendance. Case is adjourned on the request of learned A.A.G for submission of reply/comments. To come up for written reply/comments on 26.02.2021 before S.B. In the meanwhile, operation of impugned order dated 02.07.2020 shall remain suspended if not already acted upon till the date fixed.

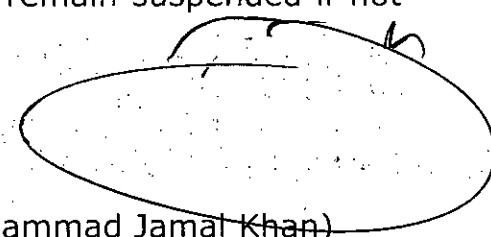


(Rozina Rehman)
Member (J)

26.02.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General, for official respondents No. 1 to 3 and private respondent No. 4 in person, are also present.

Private respondent No. 4 is seeking time for submission of written reply/comments. Representative of official respondents is absent, therefore, learned Additional Advocate General is directed to contact the official respondents and furnish written reply/comments on the next date of hearing. Adjourned to 19.03.2021 on which date file to come up for written reply/comments before S.B. In the meanwhile, operation of impugned order dated 02.07.2020 shall remain suspended if not already acted upon till the date fixed.



(Muhammad Jamal Khan)
Member

26.01.2021

Syed Noman Shah Bukhari, Advocate, for appellant is present.

The abridgment of what has been agitated at the bar by the learned counsel representing appellant, is that by virtue of order dated 14.05.2020 appellant was transferred from Upper Kohistan to Charsadda as DDEO (Male) against the post of SDEO (Male) BPS-17 but just after a period of one month and without completing his normal tenure the transfer of appellant was effected from the post of DDEO (Male) Charsadda and junior most respondent no. 4 who stand as SDEO (BPS-17) was again posted against the post of DDEO (BPS-18) on OPS basis in violation of law and rules vide order dated 02.07.2020. The departmental appeal moved for the purpose stood rejected without assigning any plausible reason violative of Section-24-A of the General Clauses Act and in contravention of the judgment of the Hon'ble Supreme Court of Pakistan reported as 1991 SCMR 2330. The tenets laid down in the transfer policy of the Provincial Government have been violated hence, the present service appeal.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 12.02.2021 before S.B.

The appeal is accompanied with application for suspension of the operation of the impugned order dated 02.07.202 till the disposal of main appeal. In the circumstances, the operation of impugned order dated 02.07.2010 shall remain suspended if not already acted upon till the date fixed.

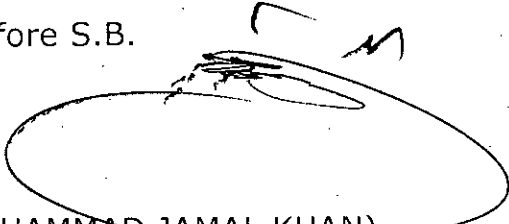
(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Appellant Deposited
Security Process Fee

28/1/21

14.12.2020


Syed Noman Ali Bukhari, Advocate, for appellant is present. He is seeking time for preparation of the brief. Time is given. The appeal is adjourned to 01.01.2021 on which date file to come up for preliminary hearing before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

01.01.2021

Nemo for appellant.

Case is adjourned to 30.03.2021 for preliminary hearing, before S.B.

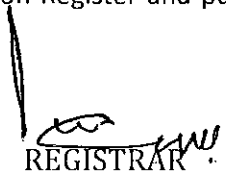


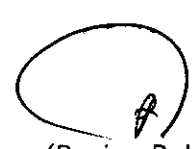

(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12934 /2020 20

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/10/2020	<p>The appeal of Mr. Shah Jehan presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	<p></p> <p>07.12.2020</p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/12/2020</u></p> <p> CHAIRMAN</p> <p>Junior counsel for appellant present.</p> <p>Lawyers are on general strike, therefore, case is adjourned to <u>14.12.2021</u> for preliminary hearing, before S.B.</p> <p> (Rozina Rehman) Member (3)</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____ /2020

Mr. Shah Jehan

VS

Govt of KPK etc

.....
INDEX

S.No	Documents	Annexure	Page No.
1.	Memo of appeal	---	1-04
2.	Stay application	---	05-06
3.	Copy of transfer order	-A-	07
4.	Copy of impugned transfer order	-B-	08
5.	Copy of charge report	-C-	09
6.	Copy of Departmental appeal	-C1-	10
7.	Copy of rejection order	-D-	11
8.	Copy of transfer policy	-E-	12-17
9.	Copy of tribunal judgment	-F-	18-21
10.	Copy of circular	-G-	22-23
11.	Wakalat Nama	==	24


APPELLANT
Mr. Shah Jehan

Through:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

Cell No: 0335-8390122

OFFICE ADDRESS:

4TH Floor, Room No Fr #8
Bilour Plaza, sadar Bazar
Peshawar.

Date: 28 / 10 /2020

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 12939/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13628

Dated 28/10/2020

Mr. Shah Jehan, Deputy Director (Mc) BPS-18
Directorate of NMD Peshawar.

..... Appellant

VERSUS

- 1- The Govt of KP, through Chief Secretary KP, Civil Secretariat Peshawar.
- 2- The Chief Secretary KP, Civil Secretariat Peshawar.
- 3- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 4- MR. Muhammad Zubair SDEO (BPS-17) NOW AS DDEO (M) Charsadda in OPS, E&SE Deptt: District Charsadda. KP.

.....RESPONDENTS

.....

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE TRANSFER ORDER DATED 02.07.2020 WHEREBY THE APPELLANT WAS PREMATURELY TRANSFERRED AND AGAINST REJECTION ORDER DATED 29.09.2020 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED WITHOUT SHOWING ANY REASON.

Filed to-day
Registrar
28/10/2020

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 2/07/2020 AND 29/09/2020 MAY BE SET ASIDE BEING, PASSED PREMATURELY, POLITICALLY

(2)

**MOTIVATED AND VIOLATION OF
POSTING/TRANSFER POLICY. THE
RESPONDENT DEPTT: MAY FURTHER
PLEASE BE DIRECTED NOT TO TRANSFER
THE APPELLANT PREMATURELY AND IN
VIOLATION OF POSTING/TRANSFER
POLICY. ANY OTHER REMEDY WHICH
THIS AUGUST TRIBUNAL DEEMS FIT AND
APPROPRIATE THAT MAY ALSO BE
AWARDED IN FAVOUR OF APPELLANT**

R/ SHEWETH:

ON FACTS:

- 1- That Appellant is the employee of respondent Department and is serving the respondent Department as DDEO quite efficiently and up to the entire satisfaction of his superiors.
- 2- That the appellant was transferred from upper kohistan to Charsadda as DDEO (M) in connection with his family compassionate condition vide order dated 14.05.2020 against the SDEO (M) BPs-17, who wrongly occupying the post of DDEO BPS-18. **Copy of the transfer order is attached as annexure-A.**
- 3- That just after one month without completing normal tenure even without showing any reason in violation of law, rules transfer policy and superior court judgment, appellant was transferred from the post of DDEO (M) Charsadda and junior most Respondent no.4 SDEO Bps-17 again posted against the post of DDEO BPS-18 post on OPS Basis in violation of law and rules vide order dated 2.07.2020. **copy of impugned transfer order is attached as annexure-B.**
- 4- That Appellant feeling aggrieved filed Departmental appeal against the impugned order dated 2.07.2020 which was rejected vide order dated 29.09.2020 without showing any reason which is in violation of General Causes Act 24-A and in violation of superior court judgment cited as 1991 SCMR 2330. **Copies of the Departmental appeal and rejection order is attached as annexure -C1 & D.**
- 5- That the act of respondents by disturbing the appellant and ignoring the policy by transferring is highly illegal , malafide and therefore the appellant being aggrieved by the same having no other adequate and efficacious remedy , files this service appeal inert-alia, on the following grounds :-

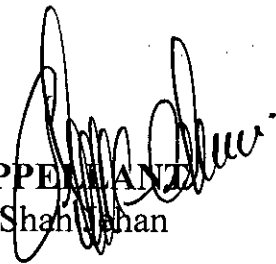
GROUND:

- A- That, impugned order dated 02.07.2020 and 29.09.2020 is against the Law, posting transfer policy, facts and norms of natural justice.
- B- That the appellant is regular officer of BPS-18 of management cadre and has been posted to the DDEO BPS-18 post as per rules whereas the impugned transfer order of appellant and adjustment of BPS-17 officer (Respondent no.4) against the post of DDEO BPS-18 in OPS is against the posting transfer policy, APT Rules and in utter violation of law based on malafide intentions and also in violation of famous/legal principal right man for the right job so the impugned transfer order is not sustainable in the eyes of law.
- C- That it is settled principle of law that when something is to be done in a particular manner that must be done in that manner and not otherwise...
- D- That the tenure of the appellant was just one month and has not been completed normal tenure yet and the BPS-17 officer was transferred to the post of DDEO Bs-18 in OPS in violation of rules. furthermore transfer order was made neither in public interest nor exigency of service rather issued in utter violation of the law rules, posting transfer policy. **Copy of posting transfer policy and Tribunal Judgment is attached as Annexure-E & F.**
- E- That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.2.2013 in which it was clearly mentioned that 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, but in the case of the appellant the tenure was not respected and was posted/ transferred without completing his normal tenure at Charsadda and without giving compelling reason for such transfer of the appellant by the authority. **Copy of circular is attached as annexure-G.**
- F- That the appellant was transferred in haphazard manner, without consideration of any sound justification and grounds, discarding the public interest but on political grounds Such

posting / transfer, on political grounds, are against the posting / transfer policy vides Para (2) of the policy.

- G- That the impugned order is not a rational one and based on personal liking and disliking.
- H- That no reasons have been mentioned in the order dated 29-09-2020 which is the violation of Clause-24-A of the General Clauses Act 1897.
- I- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellants.
- J- That the respondent Department acted in arbitrary and malafide manner by transferring the appellant and as such the same is against the transfer/posting policy of the Provincial Government.
- K- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly requested that the appeal of the appellant may be accepted as prayed for.


APPELLANT
 Mr. Shah Jehan

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

5

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Mr. Shah Jehan

VS

Govt of KPK etc

**APPLICATION FOR SUSPEND THE
OPERATION OF ORDER DATED
02.07.2020 TILL THE DISPOSAL OF
MAIN APPEAL**

RESPECTFULLY SHEWETH:

1. That the appellant has filed an Appeal along-with application in which no date has been fixed so far.
2. That the appellant has good prima facie case and all the ingredients of stay is in favors of appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That the impugned order has passed on favoritism and nepotism and has been passed in-violation of Posting, Transfer Policy.
5. That the appellant has not completed his tenure and the order dated 2.07.2020 is without any reasons.
6. That if the order dated 2.07.2020 is not suspended. Its not only badly effect the right of appellant but also creates hurdles for the appellant to performed her duties efficiently.
7. That the appellant taken the charge in compliance of order dated 02.07.2020 but under protest. **Copy of charge report is attached as annexure-C**

It is, therefore, most humbly prayed that the order dated 02.07.2020 may be suspended till the disposal of main appeal. Any other remedy, which this august tribunal deems fit that, may also be awarded in favor of appellent.

[Handwritten Signature]
APPELLANT
Mr. Shah Jehan

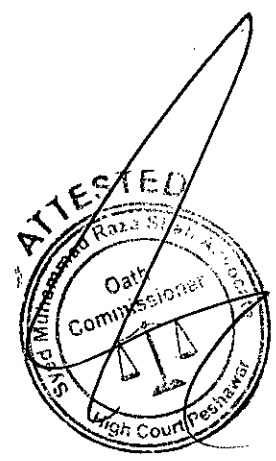
THROUGH:
[Handwritten Signature]
(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR

Date: ___ / ___ /2020

AFFIDAVIT:

It is affirmed and declared that the contents of this Application are true and correct to the best of my knowledge and belief.

[Handwritten Signature]
DEPONENT





(7) A

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

Dated Peshawar the May 14, 2020

NOTIFICATION

NO.SO(SM)E&SED/7-1/2020/Posting/Transfer/MC:- The Competent Authority is pleased to transfer Mr. Shah Jehan, Deputy District Education Officer (BS-18) (Male) Upper Kohistan (Management Cadre) and post him as Deputy District Education Officer (Male) Charsadda, in the public interest, with immediate effect.

Consequent upon the above, the services of Mr. Muhammad Zubair, SDEO (BS-17) (Management Cadre) working as DDEO (BS-18) Male Charsadda in OPS are hereby placed at the disposal of Directorate of E&SE, till further orders.

2. No TA/DA is allowed.

Endst: of even No. & Date

Copy forwarded to the:

SECRETARY

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male), Upper Kohistan, Charsadda.
4. District Accounts Officers, Upper Kohistan, Charsadda.
5. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
8. PA to Additional Secretary (Estab) E&SE Department.
9. PA to Deputy Secretary (Admn) E&SE Department.
10. Director, EMIS E&SE Department.
11. Officers concerned.
12. Master file.

SECTION OFFICER (SCHOOLS MALE)

Copy forwarded to

1.

- 2 Fund Section (local) for transfer of G.P. Fund balance to the respective District.
District Accounts Officer
Nowshera

Better copy

B

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

Dated Peshawar the July 02.2020

NOTIFICATION

No. SO(SM)E&SED/7-1/2020/Posting/Transfer/MC Consequent upon

Recommendation of the Placement Committee in its meeting held on 02.07.2020, the Competent Authority is pleased to order posting/transfer of the following officers of E&SE Department, on the posts/stations, as mentioned against each in the public interest with immediate effect.

S#	Name of Officer	From	Posted as	Remarks
1	Mr. Muhammad Zubair (MC BS-17)	Unadjusted	DDEO (Male) Charsadda in OPS	V.S&2
2	Mr. Shajehan (MC B-18)	DDEO (Male) Charsadda	Deputy Director (BS-18) at Directorate of MMD	V.S&3
3	Mr. Safer Ullah (TC BS-18)	Working as Deputy Director at Directorate of NMD	Services placed at the disposal of Directorate of E&SE	----

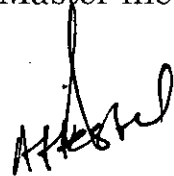
2. No TA/DA is allowed.

SECRETARY

..... & date

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar with the request to financial proposal in respect of the officer at sr#3 at the earliest.
3. District Education Officers (Male), Concerned.
4. District Accounts Officers, Concerned.
5. PS to Secretary E&SE Department Khyber Pakhtunkhwa.
6. PS to Minister for E&SED, Khyber Pakhtunkhwa.
7. PA to Additional Secretary (Admn), 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)



GOVERNMENT OF KARNATAKA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

B 8

DATE: 15/12/2023

NOTIFICATION

NOTIFICATION NO. 1000/2023/ED-1 (MIS) DATED 15/12/23
FOR THE POSTING OF OFFICERS TO THE OFFICE OF THE
DIRECTOR, MIS & SE, DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION, BANGALORE. THE OFFICERS ARE POSTED TO THE
OFFICE OF THE DIRECTOR, MIS & SE, DEPARTMENT OF
ELEMENTARY & SECONDARY EDUCATION, BANGALORE, FROM
THE OFFICE OF THE DIRECTOR, MIS & SE, DEPARTMENT OF
ELEMENTARY & SECONDARY EDUCATION, BANGALORE, WITH
EFFECT FROM 15/12/2023.

S	Name of Officer	From	Posted as	Remark
1	Mr. S. S. Srinivas	DDO, Mysore	DDO, Mysore	
2	Mr. S. S. Srinivas	DDO, Mysore	DDO, Mysore	
3	Mr. S. S. Srinivas	DDO, Mysore	DDO, Mysore	
4	Mr. S. S. Srinivas	DDO, Mysore	DDO, Mysore	
5	Mr. S. S. Srinivas	DDO, Mysore	DDO, Mysore	

All other posts allowed.

SECRETARY

For the Director, MIS & SE, Department of Elementary & Secondary Education, Bangalore
Sd/-
Mr. S. S. Srinivas
Officer (MIS & SE) Conferred

AM HANMAD ARIE
SECTION OFFICER, SCHOOLS MIS & SE

CERTIFICATE OF CHARGE ASSUMPTION

9

I have been transferred and posted as Deputy Director, at Directorate of Education Merged Area Khyber Pakhtunkhwa Peshawar Notification No. SO (SM) E&SED/7-1/2020/ Posting/ Transfer/MC. Therefore, I assume my charge of the above mentioned post under protest dated 03/07/2020.

(Shah Jehan)
Deputy Director (Estab)
Directorate of Education Merged Area
Khyber Pakhtunkhwa Peshawar

Countersigned by

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Directorate of Education Merged Area Khyber Pakhtunkhwa Peshawar

Endst: No. 1109-14

Dated Peshawar the 8/7 2020.

Copy of the above is forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. P.S to Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa.
3. PA to Director E&S Education Khyber Pakhtunkhwa Peshawar.
4. Additional Director (Estab), Directorate of Education Merged Area Khyber Pakhtunkhwa Peshawar
5. Official Concerned.
6. Accountant Local Directorate.

Deputy Director (F/A)

By: [Signature]

[Signature]

[Signature]

To

The Honorable Chief Secretary,
Government of Khyber Pakhtunkhwa Peshawar.

C1 - (10)

Through: The Director Elementary & Secondary Edu:Deptt,
Peshawar.

SUBJECT: APPEAL

R/Sir,

With great deference and regard I want to bring in your kind notice the complete detail of my abrupt transfer/posting orders issued in the last eleven months.

1. I was posted as DDEO (M) Hangu vide notification No.SO(SM)E&SED/3-1/2019 promotion BPS-17 to BPS-18 (MC) dated 09 August 2019. Copy attached as annexure I.
2. Then I was re-adjusted as DDEO (M) Swabi vide notification of even No Dated 09/08/2019 order copy attached as annexure II.
3. Then astonishingly I was transferred and posted as Assistant Director against filed post vide notification of Even No Dated 11/09/2019 for which my salary was stopped for few months, order copy attached as annexure III.
4. Afterwards I was posted as DDEO (M) BPS-18 Upper Kohistan vide notification No.SO (SM) E&SED/3-1/2019 promotions BPS-17 to BPS-18 (MC) dated 22/10/2019, copy attached as annexure IV.
5. Then in connection with my family compassionate condition I was transferred and posted as DDEO (M) Charsada vide notification No.So (SM) E&SED/7-1/2020 posting transferred (MC) dated 14/05/2020, against Muhammad Zubair SDEO (M) BPS-17, who was wrongly occupying the post of DDEO (M) BPS-18 Charsada, order copy attached as annexure V.
6. And now just after one and half month period without competing my tenure on the post of Dy DEO mentioned in para V, I have again been replaced by Muhammad Zubair junior most SDEO (M) BPS-17 and posted as Deputy Director at Directorate of NMD vide notification no SO (SM) E&SED 7-1/2020 transfer/posting (MC) dated 02/07/2020, order copy attached as annexure VI.

Consequent upon the above mentioned frequent/abrupt transfer/posting orders I along with my family have gone through a severe mental stress.

In the light of the above mentioned facts it is requested that my order as DDEO BPS-18 (MC), (M) Charsada may please be restored and order of **Muhammad Zubair junior most SDEO (M) BPS-17 working against wrong post of DDEO (M) Charsada** may be withdrawn please.

D.No 1167
6-7-2020

Dated 6/7/2020

THANKS.

SHAH MEHAN
Deputy Director, BPS-18 (MC)
Directorate of NMD, Peshawar.

1. Copy in advance to PSO Chief Secretary, Khyber Pakhtunkhwa Peshawar.

Deputy Director, BPS-18 (MC)
Directorate of NMD, Peshawar

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/7-1/2020/Appeal DD Shah Jehan
Dated Peshawar the September 29, 2020

Mr. Shah Jehan
Deputy Director (MC)
Directorate of NMD Peshawar

Subject: - APPEAL

I am directed to refer to your appeal dated 06.07.2020 regarding cancellation of your transfer order as DDEO (M) Charsadda has been regretted by the Competent Authority.

(MUJEEB UR RAHMAN)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. Director, E&SE Khyber Pakhtunkhwa
2. DEO (M) Charsadda, Khyber Pakhtunkhwa
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

APPEAL

29/9/20
16/9/20

29/9/20



**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.
- vii (a) All Officers/officials selected against Zone-II/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.

Para-I(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2003/Vo-VI dated 5-6-2008. 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-VII(E&AD)1-4/2003, dated 21-09-2004.

ATTESTED

nwfp.gov.pk

mushkalawati

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Attested

[Handwritten Signature]

vii) No posting/transfers of the officers/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-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.	

Added vide Urdu circular letter No: SOR-VI (E&AD)/1-7/2005 dated 9-9-2005

Attended

13

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 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.

ATTESTED

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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

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTACHED

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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 36-2-2004
Urdu Letter No: SOR-VI/E&AD/Misc: 1/2005, dated 3-1-2005.}

- It has been decided with the approval of the competent authority that:
- Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
 - 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 Secretaries. 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.

- All placements would be made on the basis of merit and keeping in view the needs of the organization.
- 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.
- In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.
- 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

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 3 to 5 years;
- b) Temporary attachment with the training institutions 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.

F
For Appellant

18

Sr. No. Date of order/proceedings

Order or other proceedings with signature of Judge or Magistrate

2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 66/2018

Date of Institution ... 16.01.2018

Date of Decision ... 04.04.2018

Muhammad Miskeen, Head Clerk, (BPS-16) Hazara Irrigation Division, Abbottabad.

APPELLANT

1. The Secretary to Government of Khyber Pakhtunkhwa Irrigation Department, Peshawar.
2. The Chief Engineer (SOUTH) Irrigation Department, Khyber Pakhtunkhwa Peshawar.
3. Muhammad Hamayun Head Clerk, Swabi Irrigation Division No.2 Swabi.

RESPONDENTS

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: -

04.04.2018

Learned Counsel for the appellant present. Learned Deputy District Attorney on behalf of official respondents present. Learned Counsel for private respondent No. 3 present.

2. The appellant has filed the present appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 13.12.2017 whereby transfer/posting order dated 02.11.2017 regarding transfer of appellant from

Swabi Irrigation Division No.2 Swabi to Hazara Irrigation Division Abbottabad was cancelled. The departmental appeal of the appellant could not prove successful. Hence the present service appeal.

3. Learned counsel for the appellant argued that the appellant was stationed at Swabi Irrigation Division since year 2014 while respondent No.5 was stationed at Hazara Irrigation Division Abbottabad since year 2014; that vide order dated 02.11.2017 the appellant was transferred to Hazara Irrigation Division Abbottabad while respondent No.3 was transferred to Swabi Irrigation Division No.2 Swabi, however just after one month of the issuance of transfer order, the respondent department cancelled the same vide impugned order dated 13.12.2017 on the basis of political influence and in violation of transfer/posting policy. Learned counsel for the appellant vehemently stressed that the impugned order is liable to be set aside.

4. As against that learned counsel for private respondent argued that the appellant was promoted as Head Clerk vide order dated 07.11.2016 and was still on probation when the transfer order dated 02.11.2017 was issued hence the same

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was rightly cancelled by the respondent department. Further argued that after promotion to the post of Head Clerk on regular basis vide order dated 07.11.2016 the appellant has not yet completed his normal tenure at Swabi Irrigation Division No.2 Swabi as such the impugned order is not open to any exception.

5. Learned DDA adopted the arguments of Learned counsel for private respondent and relied upon the written reply/para wise comments of the official respondents.

6. Arguments heard. File perused.

7. It is not disputed that the appellant was serving at Swabi Irrigation Division No.2 Swabi and respondent No.3 was serving at Hazara Irrigation Division Abbottabad since year 2014 and vide order dated 02.11.2017 the appellant was transferred from Swabi to Abbottabad while respondent No.3 was transferred from Abbottabad to Swabi. However after one month of issuance of transfer order, the same was cancelled by respondent department without assigning any reason in the impugned order dated 13.12.2017.

8. Learned DDA remained unable to demonstrate any

Dr. A. M. Khan

valid reason or exigencies of service due to which the transfer order dated 02.11.2017 was cancelled just after one month of its issuance.

9. There is no dispute that the respondent No.3 has already served for a period more than his normal tenure at Abbottabad before his transfer to Swabi Irrigation Division No.2 Swabi vide order 02.11.2017. Arguments of learned counsel for private respondent No.3 that the appellant should not be transfer out from Swabi Irrigation Division No.2 Swabi being a probationer, carries no weight.

10. In the light of above discussion this Tribunal is of the considered opinion that the impugned order dated 13.12.2017 is arbitrary and issued on extraneous considerations, hence not tenable in the eyes of law. Consequently the present service appeal is accepted and the impugned order dated 13.12.2017 is set aside, resultantly the transfer order dated 02.11.2017 is restored. Parties are left to bear their own costs. File be consigned to the record room after its completion.



(MIMAD HASSAN)
MEMBER



(MUHAMMAD HAMID MUGHAL)
MEMBER

To
 5/3/13

Establishment Department
 Peshawar
 27/2/2013

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 PETITIONS 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.
- (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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 Se
 4/3

5/3/13

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ATTESTED

ATTESTED

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 ATTESTED

23

(iii) Illegal Orders: Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, 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 on 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,

Wajam
(NAJ-MUS-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.

Wajam
SECTION OFFICER (REG-VI)

Wajam

VAKALATNAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal, Peshawar

Shah Jehan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

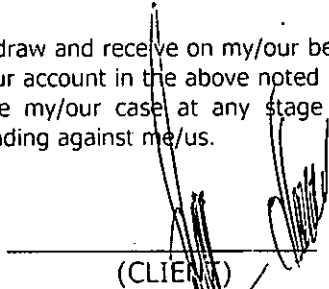
Govt of KP (Respondent)
(Defendant)

I/We, Shah Jehan

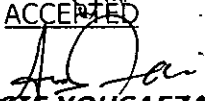
Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint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

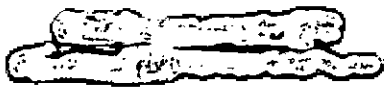
Dated _____/20



(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT


SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.





Cell: (0306-5109438)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 12934/2020

MR. SHAH JEHAN BS-18, (MC) DISTRICT DIR LOWER.....APPELLANT

VERSUS

Secretary E&SE, Govt: of Khyber Pakhtunkhwa & others.....Respondents.

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS NO. 1 to 4.

Respectfully Sheweth,

Preliminary Objections

1. That the appellant has got no cause of action to file the instant appeal.
2. That the Appellant is not aggrieved person within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan 1973.
3. That Appellant is estopped by his own conduct to approach this Hon'able Tribunal.
4. That no vested right of the appellant has been infringed nor any provisions of the Constitution have been violated, therefore, the instant Service Appeal is not maintainable in the circumstances.
5. That the instant appeal is based on mala-fide intention just to put pressure on the Respondents for the grant of illegal and even unauthorized service benefits.
6. The present appeal has been filed to entangle the Department unnecessarily in litigation and to waste the precious time of the respondents as well as of this Hon'able Tribunal.
7. That the present appeal is against the relevant provision of law and rules.
8. That in the instant Service Appeal the Appellant has suppressed material facts from this Honorable Tribunal which are sin-qua-non for the just and fair disposal of the case.
9. That this Honourable Tribunal has got no jurisdiction to entertain the present appeal.
10. The appeal of the appellant is time barred.

FACTS.

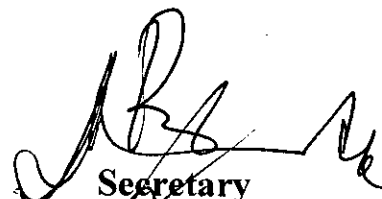
1. Pertains to record of the appellant.
2. That each and every civil servant falling under the ambit section-10 of KPK, Civil Servant Act 1973 is legally bound to serve the Respondent Department to the entire satisfaction of the Competent Authority.
3. Incorrect and strongly denied that transfer of the appellant from district Kohistan to District Charsadda as Deputy District Education Officer was made in the interest of the appellant to facilitate him at nearer and local station and the said transfer was not in malafied. If the appellant still aggrieved he be against reposted to Kohistan.
4. That DDEO Post, are administrative post in the province and they are liable to serve anywhere in the province according to the need and requirement of the post as per section 10 of Civil Servant Act, 1973.

5. Incorrect. That the appellant is not an aggrieved person. Due to that transfer as DDEO Charsadda was made in the interest of the appellant as to accomodate him at nearest station instead of District Kohistan. Hence, the instant Service Appeal may be dismissed inter-alia on the following grounds. (**Annexure-B**)

GROUNDS

- A. **Incorrect and denied**, the impugned Notification dated 02-07-2020 and 29.09.2021 within legal sphere and is liable to be maintained in favour of the Respondent Department in the interest of justice and under the mandatory provisions of Section 10 of KPK, Civil Servant Act, 1973.
- B. **Incorrect and not admitted**. The stance of the appellant is illegal as the post of the District Education Officer is purely a Provincial Cadre/Administrative post in the Respondent Department and the appellant has been treated as per law & rules vide Notification and Order dated 02-07-2020 by the Respondent Department.
- C. **Incorrect and not admitted**. The stance of the appellant is illegal as the post of the District Education Officer is purely a Provincial Cadre/Administrative post in the Respondent Department and the appellant has been treated as per law & rules vide Notification and Order dated 02-07-2020 by the Respondent Department.
- D. **Incorrect & not admitted**. As already explained in forgoing Para-03, that the appellant also not completed normal tenure at Kohistan
- E. **Incorrect & not admitted**. The plea of the appellant is illegal on the grounds that the Notification dated 02-09-2020 of the Respondent is in accordance with the provision of Section 10 of Civil Servant Act, 1973. As the post of the appellant is a Provincial Cadre/Administrative in the Respondent Department having no question or tenure completion, hence the stance of the appellant is illegal.
- F. Incorrect, Hence denied.
- G. Incorrect, Hence denied.
- H. Incorrect, Hence denied.
- I. Incorrect, Hence denied.
- J. Incorrect, Hence denied.
- K. However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, case law and record at time of argument on the date fixed.

In view of the above made submissions, it is, therefore, most humbly prayed that this Honourable Court may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondents in the interest of justice.


Secretary
E&SE Department.



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

Dated Peshawar the July, 05 2021

NOTIFICATION

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

S#	Name, designation & present place of duty	Posted as	Remarks
1.	Mr. Shahjahan, Deputy Director (BS-18 MC) Directorate of NMDs Peshawar	District Education Officer (M) Nowshera in (OPS).	Vide No.2
2.	Mr. Sajjad Akhtar, District Education Officer (M) BS-19 MC, Nowshera.	Services place at the disposal of Directorate of E&SE for further posting.	

2. No TA/DA is allowed.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

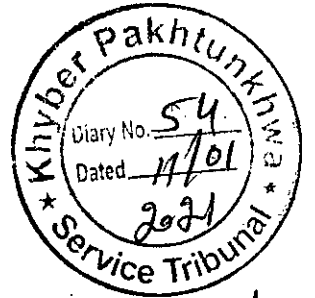
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1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male), Concerned.
4. District Accounts Officers, Concerned.
5. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PA to Additional Secretary (Estab) E&SE Department.
8. Director, EMIS E&SE Department.
9. Officers concerned.
10. Master file.


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

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

Appeal No. 12934/20



Put up to the court with relevant appeal.

Shah Jehan

V/S

Edu Deptt.:

11/01/2021

At PH stage. Be accelerated to a date in last week of January, 2021.

Rashid

APPLICATION FOR FIXING OF AN EARLY DATE OF HEARING IN THE ABOVE TITLED APPEAL INSTEAD OF 30.03.2020 BEING TRANSFER AND STAY MATTER CASE.

*14/1/21
26/01
Q*

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the transfer order.
2. That the instant appeal was at preliminary hearing stage and fixed for 30.03.2021.
3. That on previous date 14.12.2020 the case was not heard due to Bench was not available and appeal was adjourned and next date communicated to counsel as 24.02.2021 but quite astonishingly the case was fixed on 01.01.2021 and the date was not communicated to the appellant, therefore, adjourned and fixed for 30.03.2021. There is stay matter involved in the instant appeal and the date was fixed so long. Which is against the interest of justice.
4. That it will be in the interest of justice to fix the early date in the instant case being stay matter case to meet the end of justice.

It is, therefore, most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 30.03.2021. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Applicant

THROUGH:



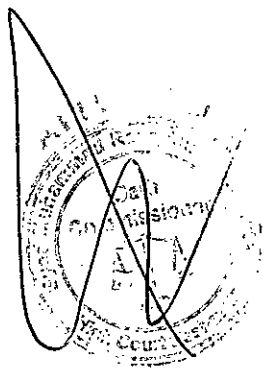
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.



Deponent



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

Appeal No. 12934/20

Shah Jehan

V/S

Edu Deptt.:

.....
**APPLICATION FOR FIXING OF AN EARLY DATE OF
HEARING IN THE ABOVE TITLED APPEAL INSTEAD OF 30.03.2020
BEING TRANSFER AND STAY MATTER CASE.**


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Applicant

THROUGH:



(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

AFFIDAVIT:

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Deponent

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

Appeal No. 12934/20

Shah Jehan

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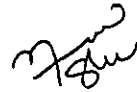
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1. That the appellant has filed the instant appeal against the transfer order.
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Applicant

THROUGH:



(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

AFFIDAVIT:

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Deponent

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SERVICE TRIBUNAL, PESHAWAR.**

Appeal.No. 12934/20

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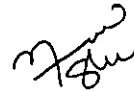
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Deponent