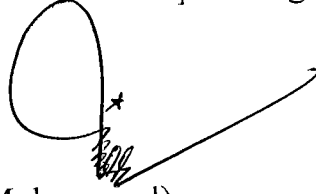


11.10.2022

Appellant in person present. Mr. Fazle Khaliq, ADEO alongwith Mr. Muhammad Riaz Khan, Paindakhel, Assistant Advocate General for official respondents present.

Appellant requested for adjournment on the ground that her counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 18.10.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

18.10.2022

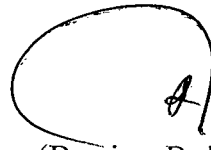
Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former made a request for adjournment as he has not made preparation of the brief. Adjourned. To come up for arguments on 08.11.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

17/08/2022

Due to summer vacation
the case is adjourned to
16/09/22 for the same.

Rozina
Rehman

16.09.2022

Appellant alongwith counsel present.

Kabir Ullah Khattak, learned Additional Advocate

General for respondents present.

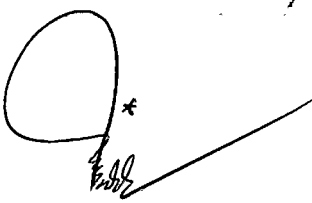
Arguments could not be heard as learned Member
Executive (Miss. Fareeha Paul) is on leave. Therefore, case is
adjourned to 11.10.2022 for arguments before D.B.

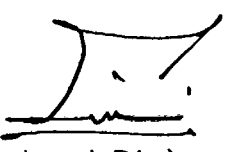
R
(Rozina Rehman)-
Member (J).

20.06.2022

Appellant alongwith her counsel present. Mr. Fazle Khaliq, ADEO (Litigation) alongwith Mr. Noor Zaman Khattak, District Attorney for official respondents No. 1 to 3 present. Mr. Shahid Ali, husband of private respondent No. 4 present and stated at the bar that as private respondent No. 4 is asthmatic, therefore, he will submit Power of Attorney on her behalf on the next date.

Representative of official respondents produced copy of pay release order dated 26.05.2022 alongwith documents by alleging that the pay of the appellant has been released. Learned counsel for the appellant stated at the bar that he is having objection on the order so produced by representative of the respondents because the appellant has been shown posted at Government Girls High School Yar Hussain No. 1 Swabi instead of GGPMS Model Primary School Adina (JICA). To come up for arguments on the said point as well as main appeal on 15.07.2022 before the D.B. Comments on behalf of private respondent No. 4 shall positively be submitted on or before the date fixed.


(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

15.07.2022

Appellant in person present. Mr. Fazle Khaliq, ADEO (Litigation) alongwith Mr. Riaz Ahmad Painsakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is indisposed today. Adjourned. To come up for arguments on 17.08.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

26th May, 2022

Appellant alongwith her counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Fatal Khaliq, Litigation Officer for respondents present.

Mr. Fazal Khaliq, showing himself to be litigation officer is directed to ensure service upon to private respondent No.4. Learned counsel for the appellant complained that at the time of admission of this appeal on 18.10.2021 the operation of the impugned order dated 30.07.2021 and impugned explanation dated 29.09.2021 were suspended by the Tribunal but the respondents are not releasing the salary of the appellant despite source forum prepared by the concerned SDEO(F). The respondents shall release the salary of the appellant forthwith and submit compliance report within three days to the Tribunal through Registrar. Copy of the same be also given to the learned Additional Advocate General. To come up for attendance of private respondent No.4 and written reply on 20.06.2022 before D.B.



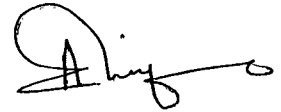
(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

15-03-2022

Due to retirement of the
Honorable Chairman the case is adjourned
to come up for the same as before
on 31-03-2022

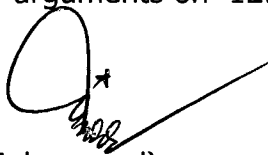


Reader.

31.03.2022

Counsel for the appellant and Mr. Muhammad Adeel
Addl. A.G alongwith Fazal Khaliq, ADEO for the respondents
present.

Learned counsel for the appellant seeks adjournment to
properly assist the Court. Last opportunity is granted. To
come up for arguments on 12.05.2022 before the D.B.



(Mian Muhammad)
Member(Executive)



Chairman

12-5-22

Proper DB not available the case
is adjourned on 26-5-22




Reader

03.01.2022

Counsel for the appellant, Mr. Kabirullah Khattak, Addl.AG for the respondents No. 1 to 3 present.

Learned counsel for the appellant submitted rejoinder, which is placed on file. Case to come up for arguments on 01.02.2022 before the D.B.



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


Chairman

01.02.2022

Appellant in person present. Mr. Fazle Khaliq, ADEO (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that her counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 17.02.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

17-2-22

Due to Retirement of the Hon,ble Chairman

The case is adjourned on 4-3-22

4-3-22

Due to Retirement of the Hon,ble Chairman
The case is adjourned on 15-3-22

Reader
Reader

impugned order. Points raised at the bar are arguable for full hearing. The appeal is admitted for hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.12.2021 before the D.B.

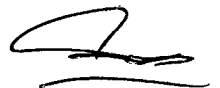
App. No. [unclear]
Security & Process Fee
18/10/21

An application has been filed alongwith memorandum of appeal seeking suspension of operation of the impugned withdrawal of transfer order of appellant dated 30.07.2021 and impugned explanation dated 29.09.2021. Notice of the application be also given to the respondents. The operation of the impugned order dated 30.07.2021 and impugned explanation dated 29.09.2021 shall remain suspended till date fixed.


Chairman

3-12-21

Proper DB on Tarr, therefore case is adjourned to 3.1.22 for hearing.




Keshu

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7580 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/10/2021	<p>The appeal of Mst. Riffat Munir presented today by Mr. Amjad Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	18.10.2021	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>18.10.2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present. Preliminary arguments heard.</p> <p>The appellant through this appeal has invoked the jurisdiction of this Tribunal on grievance against the order dated 30.07.2021 whereby posting/transfer of the appellant to GGPMS (JICA) Adina Model School from GHSS No. 1 Yar Hussain under the E-transfer policy was withdrawn. The impugned order as annexed with the memorandum of appeal reveals that the transfer of the appellant was withdrawn consequent upon the recommendations of the enquiry committee. Why inquiry was conducted, it is not clear from the impugned order. So, a question is apt to arise as to plausibility of the</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 7580 /2021

Mst Riffat Munir SST General JICA Model School Adina Swabi

..... (Appellant)

VERSUS

Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar and others

..... (Respondents)

INDEX

Serial No	Description of Documents	Annexure	Pages
1	Service Appeal		1-9
2	Application for Suspension		10-11
3	Copy of the appointment order dated 29/02/1992	A	12
4	Copy of the transfer order dated 15/05/1994	B	13
5	Copy of the transfer order dated 11/12/1995	C	14
6	Copy of the order dated 20/01/1998	D	15
7	Copy of the transfer order dated 16/07/1999	E	16
8	Copy of the notification dated 21/02/2013	F	17-19
9	Copy of the adjustment order dated 13/02/2017	G	20-21
10	Copy of the transfer order dated 31/12/2018	H	22-23
11	Copy of the notification dated 10/06/2021	I	24-28
12	Copy of the circular dated 23/09/2021	J	29
13	Copy of the CNIC	K	30-31
14	Copy of the recommendation by the software dated 07/05/2021	L	32
15	Copy of the transfer order dated 05/07/2021	M	33

16	Copy of the salary payroll system	N	34
17	Copy of impugned withdrawal of transfer order dated 30/07/2021	O	35
18	Copy of the departmental appeal dated 02/08/2021	P	36-37
19	Copy of the order dated 05/10/2021 for enquiry affixed on application of appellant	Q	38
20	Copy of the explanation/displeasure given to respondent no 3	R	39
21	Copy of the impugned explanation sought from appellant dated 29/09/2021	S	40
22	Copy of the Electronic Transaction Ordinance 2002	T	41-65
23	Wakalatnama		66

Appellant
Through

Amjad Ali Advocate
Supreme Court at
Distt: Courts Mardan

Dated: __/10/2021

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. _____/2021

Mst Riffat Munir SST General JICA Model School Adina Swabi

..... (Appellant)

VERSUS

1. Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
2. Director of Education KP near Dabgari Garden Peshawar, KP
3. District Education Officer (female) Swabi
4. Rubina Naz SST (G) GGHS Sarwar Shah Kothey Swabi

..... (Respondents)

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT,
AGAINST THE ORDER DATED 30/07/21 PASSED BY
RESPONDENT NO 3 WHEREIN TRANSFER ORDER OF THE
APPELLANT FROM GGHS YAR HUSSAIN TO GG PMS PRIMARY
SCHOOL ADINA (JICA) DATED 05/07/2021 PASSED ON THE
RECOMMENDATION OF THE COMPETENT AUHTORITY
AND E-TRANSFER POLICY OF THE RESPONDENT
DEPARTMENT ON MERIT BASE COMPUTERIZED SOFTWARE
PASSED BY THE SAME RESPONDENT NO 3 HAS BEEN
ARBITRARILY WITHDRAWN WITHOUT ANY COGENT
REASON / JUSTIFICATION, DOWNTHRODING THE MERIT
BASED SYSTEM AND THEREAFTER DEPARTMENTAL
APPEAL OF THE APPELLANT DATED 02/08/2021 WHICH HAS
NOT BEEN RESPONDED SO FAR IS ILLEGAL AGAINST LAW
AND FACTS WITHOUT LAWFUL AUTHORITY, VOID AB
INITIO AND AGAINST THEIR OWN MERIT BASED
ELECTRONIC TRANSFER SYSTEM

PRAYER IN APPEAL:

On acceptance of this service appeal impugned order Dated 30/07/2021 passed by respondent no 3 whereby transfer of appellant on approval of the competent authority and e-transfer system/policy of the respondent department has been withdrawn which may please be set aside and appellant may please be permitted to continue her service in GGPMS Model Primary School Adina (JICA) as per transfer order dated 05/07/2021 and transfer order dated 05/07/2021 may please be restored. It is further prayed that the explanation dated 29/09/2021 being against the E-Transfer policy of the provincial government may please be set aside and may please be filed without any further action against the appellant. Any other relief deemed fit may also be graciously granted.

Respected Sir,

Appellant humbly submits as under:

1. That appellant was appointed as a PET Teacher (BPS-9) vide appointment order dated 29/02/1992 (Copy of the appointment order dated 29/02/1992 is attached as Annexure A)
2. That appellant (PET) was transferred from Govt Girls High School Gar Munarra Swabi to GGMS Saleem Khan Swabi vide transfer order dated 15/05/1994 (Copy of the transfer order dated 15/05/1994 is attached as Annexure B)
3. That the appellant was transferred from Govt Girls Middle School Kabagani Swabi to Govt Girls Middle School Sard Cheena Swabi vide transfer order dated 11/12/1995 (Copy of the transfer order dated 11/12/1995 is attached as Annexure C)
4. That designation of the appellant was changed to CT and appellant was posted to GGMS Haryan Tehsil Lahore District Swabi vide order dated 20/01/1998. (Copy of the order dated 20/01/1998 is attached as Annexure D)
5. That the appellant was transferred from GGMS Haryan to GGMS Bazargai vide transfer order dated 16/07/1999 (Copy of the transfer order dated 16/07/1999 is attached as Annexure E)

6. That thereafter appellant was promoted from CT (BS-15) to SCT (BPS-16) upon the recommendation of the Departmental Promotion Committee vide notification dated 21/02/2013 (Copy of the notification dated 21/02/2013 is attached as Annexure F)
7. That the appellant was promoted to the post of SST (General) vide order dated 06/02/2017 and adjusted vide adjustment order dated 13/02/2017 in GGHS Parmoli (Copy of the adjustment order dated 13/02/2017 is attached as Annexure G)
8. That the appellant was transferred to GGHS Yar Hussain vide transfer order dated 31/12/2018 (Copy of the transfer order dated 31/12/2018 is attached as Annexure H)
9. That appellant has completed about 30 years service and in the entire service, appellant has never been posted to her native/home village Union Council Adina Tehsil Razzar District Swabi.
10. That respondent department in order to streamline and facilitate the teaching cadre employees and standardize/automate the process of posting/transfer, the E-posting/transfer policy for the employees of the teaching cadre (BPS-12 to BPS-19) was passed vide notification dated 10/06/2021 (Copy of the notification dated 10/06/2021 is attached as Annexure I)
11. That in order to give effect to aforementioned E-transfer policy and to minimize rather extinguish the administrative and political pressure in the posting/transfers of the teachers, a further circular dated 23/09/2021 was passed by the respondent no 1 and banned all type of manual applications for submission to the competent authority (Copy of the circular dated 23/09/2021 is attached as Annexure J)
12. That appellant submitted an application on the basis of said policy as appellant served for 30 long years in Union Council Gaar Munaadra, Salim Khan, Kabgani Gadoon, Haryana Tehsil Lahore, Bazargai, Sard Cheena, Parmoli, Sarwar Shah Kothay and Yar Hussain etc.

13. That the CNIC of the appellant shows that she belongs to Union Council Adina. (Copy of the CNIC is attached as Annexure K)
14. That the E-Transfer system is in fact a software designed for the merit based transfer/posting as per aforementioned transfer policy so as to minimize rather obviate the interference of the officers and political authorities.
15. That in pursuance of the said application and policy, the competent authority/software recommended appellant vide order dated 07/05/2021 at Serial no 5 to be transferred from GGHS Yar Hussain to GGPMS Model Primary School Adina (JICA) (Copy of the recommendation by the software dated 07/05/2021 is attached as Annexure L)
16. That respondent no 3 passed transfer order dated 05/07/2021 of appellant along with two other teachers namely Nusrat Begum and Neelum Begum on the basis of approval of competent authority based on E-Transfer System (Copy of the transfer order dated 05/07/2021 is attached as Annexure M)
17. That vide said transfer order, appellant is transferred to GG PMS Model Primary School Adina (JICA) and the appellant received salary for the month of August 2021 being transferred to JICA Modle School Adina Swabi on the basis of transfer order dated 05/07/2021 passed by respondent no 3 (Copy of the salary payroll system is attached as Annexure N)
18. That the same respondent no 3 just after 25 days in violation of the E-Transfer Policy and complete ban on manual transfers and applications by the Secretary of the Department, arbitrarily, whimsically, capriciously withdrew the posting order of the appellant dated 05/07/2021 without any cogent reason and transferred respondent no 4 in place of appellant vide order dated 30/07/2021 (Copy of impugned withdrawal of transfer order dated 30/07/2021 is attached as Annexure O)

5

19. That appellant filed departmental appeal dated 02/08/2021 before the Director of Education against the impugned withdrawal of transfer order dated 30/07/2021 which has not been responded to (Copy of the departmental appeal dated 02/08/2021 is attached as Annexure P)
20. That appellant filed another application dated 05/10/2021 before the Director of Education which is marked for enquiry to ADDE (F) vide order dated 05/10/2021 (Copy of the order dated 05/10/2021 for enquiry affixed on application of appellant is attached as Annexure Q)
21. That vide order dated 02/09/2021, an explanation/displeasure has been given by the Secretary E&SE Department to respondent no 3 regarding the manual withdrawal of the E-transfer of the appellant (Copy of the explanation/displeasure given to respondent no 3 is attached as Annexure R)
22. That respondent no 3 in utter violation of the said displeasure/explanation, sought explanation from the appellant vide letter dated 29/09/2021 in the terms that why appellant has not reported for duty to GGHS Yar Hussain No 1 whereas appellant is already performing duty in JICA Adina as per the transfer passed by the same respondent no 3 on the basis of approval of the competent authority duly supported by the E-Transfer policy of the Provincial Government (Copy of the impugned explanation sought from appellant dated 29/09/2021 is attached as Annexure S)
23. That impugned withdrawal of transfer order dated 30/07/2021 and impugned explanation dated 29/09/2021 is illegal against law and facts on the following grounds:

GROUNDS

- A. Because the Provincial Government has banned all types of manual transfers so as to extinguish the interference of administrative officers and political authorities.

- B. Because E-Transfer Policy issued through proper notification is a law for posting/transfers of the teachers of the Education Department of the province.
- C. Because the purpose of the E-Transfer Policy is to streamline the transfer of teachers and actualize the same on the basis of merit and criteria specified in E-Transfer Policy.
- D. Because the computer software has been designed for determining the right of posting of a teacher on the basis of said transfer Policy.
- E. Because request of the appellant along with respondent no 4 and others was thoroughly examined and scrutinized by the software designed for E-Transfers Policy of the Provincial Government and properly recommend the appellant to be posted at Union Council Adina.
- F. Because it is astonishing that the same respondent no 3 is passing order of posting of the appellant along with other teachers and just after 25 days not only withdraws the posting of the appellant to Adina based on E-Transfer Policy but orders manual transfer of respondent no 4 against appellant which is strictly prohibited.
- G. Because impugned withdrawal order is without order is without cogent reasons and is not a speaking order and is against the principles of natural justice.
- H. Because impugned withdrawal order is the result of political pressure which has been consistently deprecated by this Honorable Tribunal as well as the Honorable Supreme Court of Pakistan.

- I. Because respondent no 3 has multiplied the policy of the Provincial Government as well as circular regarding ban of manual transfer passed by the worthy Secretary Education Department with zero.
- J. Because the recommendation through E-Transfer system of the appellant regarding posting to Union Council Adina is automated through the designed software and automation has been defined in section 2(h) of the Electronic Transaction Ordinance 2002 as "without active human intervention" and electronic document includes documents, record communicated in electronic form as per section 2(m) of the said Ordinance so the recommendation generated in favour of the appellant has got a presumptive value coupled with section 33 of the said Ordinance having an overriding effect (Copy of the Electronic Transaction Ordinance 2002 is attached as Annexure T)
- K. Because section 8 and 9 of the Ordinance of 2002 attributes presumption to the electronic documents being authentic unless proved otherwise through cogent evidence.
- L. Because on the one hand, the superior officers/Secretary has sought explanation from respondent no 3 regarding violation of their E-Transfer Policy plus imposition of ban on manual transfer but the respondent no 3 is so adamant that she pressurizing appellant through explanation dated 29/09/2021 to relinquish her vested right of posting in Union Council Adina.
- M. Because appellant has a vested right to serve in Union Council Adina duly supported by the E-Transfer policy of the Education Department and the manual intervention of respondent no 3 is against the very system introduced by the Provincial Government of Pakistan Tehreek e Insaf.



- N. Because appellant has got a vested right to serve in Union Council Adina and can't be divested of the same.
- O. Because the appellant is regularly performing duty in the school titled as JICA Adina.
- P. Because the appellant has served in her long 30 years of service outside her native Union Council Adina. The place of residence of appellant is evident from her CNIC
- Q. Because soliciting impugned explanation from the appellant is the result of malice and is totally a void order.
- R. Because asking explanation from the appellant wherein infact, explanation regarding passing of impugned order with respect to appellant by respondent no 3 has been tendered by the worthy Secretary to respondent no 3 and in such eventuality giving explanation to the appellant speaks of the adamant attitude of respondent no 3 which is infact against the conduct/rules meant for the civil servants
- S. Because impugned withdrawal of transfer order dated 30/07/2021 is a void order as void order means an order which is against the law. In this case, the withdrawal order is against the E-Transfer Policy of the Provincial government as well as imposition of ban on manual transfer so an order against law/policy is nullity in the eye of law and can't be acted upon.
- T. Because vide order has got no legal status and can't be implemented/obeyed.
- U. Because impugned order is without lawful authority.
- V. Because the Departmental Appeals as well as the service appeal are within time.

- W. Because technicalities cannot be given preponderance over the merit based E-Transfer system which is based on automation/without human intervention.
- X. Because giving effect to impugned void order means down-throdding the whole system meant for merit and criteria for the transfer.
- Y. Because it is a common slang in the Department that what to speak of the Secretary and Minister even the Chief Minister of the Province cannot cancel a posting order of a teacher based on E-Transfer Policy.
- Z. Because it is strange that explanation is sought from respondent no 3 but as per Provincial Posting/Transfer policy the departmental appeal is to be decided within seven days but after lapse of seven days no order has been passed on the appeal either way.

It is therefore humbly prayed that on acceptance of this service appeal impugned order Dated 30/07/2021 passed by respondent no 3 whereby transfer of appellant on approval of the competent authority and e-transfer system/policy of the respondent department has been withdrawn which may please be set aside and appellant may please be permitted to continue her service in GGPMS Model Primary School Adina (JICA) as per transfer order dated 05/07/2021 and transfer order dated 05/07/2021 may please be restored. It is further prayed that the explanation dated 29/09/2021 being against the E-Transfer policy of the provincial government may please be set aside and may please be filed without any further action against the appellant. Any other relief deemed fit may also be graciously granted.

Appellant

Through

Amjad Ali Advocate
Supreme Court at
Distt: Courts Mardan

Dated: __/10/2021

AFFIDAVIT

I, Mst Riffat Munir SST General JICA Model School Adina Swabi do hereby solemnly affirm and declare that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Court.

Deponent

(10)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2021

Mst Riffat Munir SST General JICA Model School Adina Swabi

..... (Applicant)

VERSUS

Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar and others

..... (Respondents)

Subject: Application for suspension of operation of impugned withdrawal of transfer order of appellant dated 30/07/2021 and impugned explanation dated 29/09/2021.

Respected Sir,

Applicant humbly submits as under:

1. That the aforementioned appeal has been filed today.
2. That the transfer of appellant vide order dated 05/07/2021 to GGPMS Model Primary School Adina JICA is based on the approval of competent authority and E-Transfer system and is therefore a valid order whereas the impugned order dated 30/07/2021 passed by the respondent no3 wherein the transfer based on E-Transfer system/policy after due approval has been not only withdrawn but respondent no 4 has been transferred manually against the school where the appellant was posted 25 days earlier.
3. That appellant has a strong prima facie case and is sanguine about its success.
4. That balance of convenience lies in favour of the appellant.
5. That there shall be irreparable loss to the appellant if the impugned orders are not suspended.

(11)

It is therefore humbly requested that the operation of impugned withdrawal of transfer order of appellant dated 30/07/2021 and impugned explanation dated 29/09/2021 may please be suspended till decision of the service appeal.

Applicant
Through

Amjad Ali advocate
Supreme Court at
Distt: Courts Mardan

Dated: __/10/2021

AFFIDAVIT

I, Mst Riffat Munir SST General JICA Model School Adina Swabi do hereby solemnly affirm and declare that all the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Court.

Deponent

OFFICE OF THE DIVL: DIRECTOR OF EDUCATION SCHOOLS MARDAN
DIVISION

OFFICE ORDER.

Consequent upon the advertisement published in the daily Mashriq etc dated 15.2.92. Interview held on 26.2.92, by Departmental Selection Committee Mardan Division Mardan and merit list drawn according to Govt: Rules & law the following appointment of (PET) Female are hereby ordered in BPS-9 1185/PM (Fixed usual allowances fringe benefits admissible to Govt Servants as per prescribed rules with immediate effect against the post shown against her/ there names in the following terms and conditions.

S.No	Name/ F Name / Address	Qul	Where appointed
1.	Jamila Parvin D/o Alamzeb Maini Swabi	PA	GGMS Juma Khan Garai Swabi.
2.	Riffat Begum D/o Abdullah Shah Takhta Band akLau Khan	PA	GGMS Gar Munara Swabi.

TERMS & CONDITIONS.

1. Their appointments are purely Temporary and liable to termination/ reversion at any time with out assigning reasons.
2. In the case of resignation they will have to one month prior notice to the Department for forefeet one months pay in lieu thereof to the Govt of NWFP.
3. All Original Educational Domicile Certificates should be checked thoroughly before handing over charge, if necessary, it would certified verification from institutions concerned. Her/ their attested photo copies/ typed copies of all certificates, Medical Certificates of Physical fitness issued by authorized civil surgeon/ Medical Officer, Verification of her/ their P. Fills and submitted to this office for record along with charge report.
4. She is liable to be posted any where in Mardan division and she shall not be transferred from her present place of posting before maturation of tenure of three years continuous and satisfactory service.
5. Their age should not exceed 40 years.
6. If the above mentioned condition are acceptable to him then she/ they should be given charge within a week and under taking obtained and placed on record and a copy sent to the office. S No. TA/DA TG set is allowed.

Mazroof Salam
Divl: Director of Education
(S) Mardan Division Mardan.

Endst No.5586-95/NB-VII/PET (P) Dated Mardan the 29.11.12.

Copy for information to the:-

1. Director Secondary Education NWFP Peshawar.
2. PS to Minister for Education NWFP Peshawar.
3. District Education Officer (F) Sec Swabi.
4. SDEO (P) Swabi.
5. Candidate Concerned.
6. Sup: Local Office.

Divl: Director of Education
(S) Mardan Division Mardan.

Handwritten initials/signature

OFFICE OF THE DEPT. DIRECTOR OF EDUCATION SCHOOLS MARDAN DISTRICT

Office Order.

Allen
(12)

Consequent upon the advertisement published in the Daily
Lashari etc. dated 15.2.92, Interview held on 20.2.92, by Departmental
Selection Committee Mardan Division Mardan merit list drawn according
to Govt. Rules & law the following appointments of (PST) rank are hereby
ordered in BPS-9 @ 1185/PM (Fixed) ~~with~~ ^{with} ~~allowance~~ ^{allowance} fringe benefit admi-
ssible to Govt; Servants as per prescribed rule with ~~the~~ immediate effect
against the posts shown against her / those names in the following Terms
and Condition,

S.No.	Name/F, Name/Address	Quali	Where appointed.
1.	Samia Perin D/O Alam-ud- Dini Swabi.	PA	CCMS, Jura G.M. Road Swabi.
2.	Rifat Bagua D/O Abdul Shah PA Takhata " and Kalu Khan.	PA	CCMS 44-11 Swabi. Swabi.

Terms and Conditions.

1. Their appointments are purely Temporary and liable to termination/reversion at any time with out assigning reasons.
2. In the case of resignation they will have to one month prior notice to the Department for forfeit one month's pay in lieu thereof to Govt; of NWFP.
3. All original Educational Demerit Certificates should be checked thoroughly before handing over charge, if necessary, it would certified/verified from institutions concerned. Her/their attested photo Copies / Typed copies of all certificates, Medical certificates of physical fitness issued by authorised civil Surgeon/Medical Officer, Verification of her/their ~~and~~ ^{and} ~~from~~ ^{from} ~~the~~ ^{the} ~~relevant~~ ^{relevant} ~~authorities~~ ^{authorities} P. Falls and submitted to this office for record along with charge report. She is liable to be posted any where in Mardan Division and she shall not be transferred from her present place of posting before maturing a tenure of three years continuous and satisfactory service.
4. ~~Her/His age should not exceed 40 years.~~
5. ~~If the above mentioned condition are acceptable to him/her she/he should be given charge within a week and under-taking obtained and placed on record and a copy sent to this office. S.No TA/DA/DC not is allowed.~~

(Macroof Salary)
Divl. Director P-2 Swabi
(3) Mardan Division Mardan.

Andst: No. *5586-95* / MS-VII/PET(P) / Dated Mardan the *24/1/92*

Copy for information to that:-
 1. Director Secondary Education NWFP Peshawar.
 2. PS to Minister for Education NWFP Peshawar.
 3. District Education Officer (P) Swabi.
 4. DDO (P) Swabi.
 5. Candidate Concerned.
 6. Supy. Local Office.

Macroof Salary
 DIVL. DIRECTOR OF EDUCATION
 (SCHOOLS) MARDAN DIST. MARDAN.
29/1/92

Ann B

15

OFFICE OF THE DIVISIONAL DIRECTOR SECONDARY EDUCATION BARDER
DIVISION BARDER.
TRANSFER ORDER.

Post: ~~MS/MS~~ Govt. ~~High School~~ Girls High School
Ger, Munara (Swabi) is hereby transferred on his own pay and ~~allowance~~
to G.S, Saleem Khan (Swabi) against (New ~~post~~ post) in the interest
of public service from the date of her taking over charge.


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

(MULHAMMAD FARID) (Sd/-)
DIVISIONAL DIRECTOR SECONDARY EDUCATION
BARDER DIVISION BARDER.

Endst: No 6300-02 dated the 15/5 /1994.

Copy forwarded to the:-

- 1). District Education officer (Female) Secondary Swabi.
- 2). Head ~~MS/MS~~ ^{Mistress} G.S, Ger Munara (Swabi).
- 3). Head Mistress ~~MS/MS~~ ^{G.S}, Saleem Khan (Swabi).


DIVISIONAL DIRECTOR SECONDARY EDUCATION
BARDER DIVISION BARDER.

Ann C (14)

OFFICE ORDER.

Met: Riffat Begum PET Govt: Girls Middle School Kabagani Swabi) is hereby transferred to Govt: Girls Middle School Sard-China Swabi) on ~~the~~ her own pay and BPS in the interest of public Service from the date of taking over charge.

- Note:-
- 1) NO TA/DA is allowed.
 - 2) Charge report should be submitted to all concerned.


(MOHAMMAD ZAMAN KHAN).

DIVISIONAL DIRECTOR SECONDARY EDUCATION
MARDAN DIVISION MARDAN.

Encl: NO. 25524-27 /PF.PET A-VII Dated 11/11/95 /1995.

Copy forwarded to the :-

1. District Education Officer (F) Secondary Swabi.
 2. Headmistress GGMS, Kabagani (Swabi)
 - Headmistress GGMS, Sard-Chaina (Swabi).
- P/file.


DIVISIONAL DIRECTOR SECONDARY
EDUCATION MARDAN DIVISION MARDAN.

DIVL: DIRECTORATE OF SECONDARY EDUCATION MARDAN DIVISION
MARDAN.

NOTIFICATION

Consequent upon their selection by the Departmental selection Committee. The Divil; Director of Secondary Education Mardan Division Mardan has been pleased to appoint the following trained C.T (Female) at the schools noted against their names in BPS 0 (Rs, 1605-97-3060) plus usual allowances as admissible under the rules with immediate effect subject to the terms and conditions given below:-

S#	Name/Parantage/ address	DOB	No of Merit	School
1.	Parveen Akhtar D/o Ibni Yameen R/o Dobain	11.09.70	1/90	GGHS Ismaila
2.	Sarwat Naz D/o Gul mast Khan R/o Razid Khel Kala Khan Swabi.	16.5.71	2/86	GGHS (sic)
3.	Farhat Jabeen D/o Muhib Ullah R/o Bughdada	2.3.60	3/81	GGMS Shankar
4.	Rahim Akhtar D/o Ibni Yameen R/o Dobian	27.02.78	4/81	GGHS Takail
5.	Fauiza Naz D/o Said Qamresh PTC GPS Bijligarh Mardan	30.4.67	5/80	GGMS Machi
6.	Sarwat Begum D/o Dawa Khan R/o Izam Colony Mardan	11.4.71	6/76	GGMS Babuzai
7.	Sumera Naz D/o Akhtar Muhammad R/o Shamsi Road Mardan	24.5.72	7/76	GGMS Babanai.
8.	Ulfat Ara D/o Siad Mehtab Ghani R/o PTC GGPS Kati Khel T Bhai	31.3.67	8/75	GGMS Dheri Matlon
9.	Uzma Ghous D/o Muhammad Ghous Ayub Khan Moh Mehar Road Mardan	12.7.69	9/71	GGHS Palo Dheri
10.	Rawasia Begum D/o M Nabi R/o Zarin Abad Mardan	22.4.70	10/69	GGMS Surkh Dheri
11.	Paveen Akhtar D/o Rahim Shah RTC GGPS, Umar Dock Jalbai	14.2.59	11/68	GGMS Anbar
12.	Ghazala Begum D/o Shakirullah R/o T Bhai	2.1.74	12/66	GGHS Sher Garh
13.	Nusrat Jabeen D/o Kifayat Ullah R/o Hathian	5.2.75	13/66	GGMS Bagh Killi.
14.	Asia Begum D/o Abbas Ali R/o PTC GGPS, Alam Khan Nilli L/ Khwar	3.10.70	14/65	GGMS Koper.
15.	Rifat Begum D/o Abdullah Shah R/o Takhta Band Kala Khan.	24.3.73	15/65	GGMS Haryan.
16.	Najma Jamil /o M Jamil R/o PTC GGPS, Bam Khel Swabi.	16.1.72	16/63	GGHS Dam Khel
17.	Naheed Alam D/o Mir Alam R/o Sarwar Khan Nari T Bhai	3.3.72	17/61	GGMS Muhammad
18.	Salma Begum D/o Gul Faraz R/o L Khwar	12.10.72	18/61	GGHS Dheri (sic)
19.	Nighat Sama D/o Naiz Muhammad R/o Kalabat	12.4.73	20/61	GGHS Beeka
20.	Parveen Begum D/o Maseed Khan R/O K Khan	11.10.73	21/61	GGHS

20 Jan 1977

DEO (F) Selly: R. B. Ann D

NOTIFICATION

Consequent upon their Selection by the Departmental Selection Committee The Divil; Director of Secondary Education Mardan Division Mardan has been pleased to appoint the following trained C.T (Female) at the schools noted against their names in BFS, 9, (Rs, 1505-97-30'0) plus usual allowances as admissable under the rules with immediate effect subject to the terms and conditions given below:-

S.NO.	NAME/PARENTAGE/ADDRESS.	D.O.B.	NO OF MERIT.	SCHOOL.
1.	Perveen Akhtar D/O Ibni Yameen R/O Dobain.	11.9.70.	1/90	GGHS, Ismaila.
2.	Sarwat Naz D/O Gul Mast Khan R/O Bazid Khel Kala Khan Swabi.	16.5.71.	2/86	GGHS, arali
3.	Farhat Jabeen D/O Muhib Ullah R/O Eughdada.	2.3.60.	3/81.	GGHS, Shanker Mah
4.	Rahim Akhtar D/O Ibni Yameen R/O Dobain.	27.2.78.	4/81.	GGHS, Takail.
5.	Fauzia Mas D/O Said Q. mreesh PTC GPS, Bijligah Mardan.	30.4.67.	5/80.	GGHS, Machi.
6.	Sarwat Begum D/O Dawat Khan R/O Izam Colony Mardan.	11.4.71.	6/76.	GGHS, Babuzai
7.	Susara Maz D/O Athar Muhammad R/O Shamsi Road Mardan.	24.5.72.	7/76.	GGHS, Babanai.
8.	Hifat Ara D/O Siad Mehtab Ghani R/O PTC GGHS Kati Khel T.Bahi.	31.3.67.	8/75.	GGHS, Dheri Khatlon
9.	Uzma Ghous D/O Muhammad Ghous Ayeub Khan Nich:Nehar Road Mardan.	12.7.69.	9/71.	GGHS, Palo Dheri.
10.	Rawasia Begum D/O Muhammad Nabi R/ Zarin Abad Mardan.	22.4.70.	10/69.	GGHS, Surkh Dheri.
11.	Perveen Akhtar D/O Rahim Shah PTC GGHS, Umar 2000 Dock J. Bahi.	14.2.59.	11/68.	GGHS Antar.
12.	Ghazala Begum D/O Shadair Ullah R/O P. Bahi.	2.1.74.	12/66.	GGHS, Sher Garh.
13.	Husrat Jabeen D/O Kifayat Ullah R/O Hathain.	5.2.75.	13/66/	GGHS, Bugh Killi.
14.	Asia Begum D/O Abbas Ali R/O PTC GGHS, Alam Khan Milli L/Khwar.	3.10.70.	14/65.	GGHS, Koper.
15.	Rifat Begum D/O Abdullah Shah R/O Takhata Mand Kala Khan.	24.3.73.	15/65.	GGHS, Maryan.
16.	Majma Jamil D/O Muhammad Jamil R/O PTC GGHS, Bam Khel Swabi.	16.1.72.	16/63.	GGHS, Bam Khel.
17.	Mahesh Alam D/O Mir Alam R/O Sarwar Khan Bari T. Bahi.	3.3.72.	17/61.	GGHS, Muhammad Khan.
18.	Salma Begum D/O Gul Faraz R/O L/Khwar.	12.10.72.	18/61.	GGHS, Dheri Li' p. Bahi
19.	Roman Zari D/O Muhammad Nabi R/O	13.1.71.	19/61.	GGHS, Dheri Li' p. Bahi
20.	Hight Sema D/O Naz Muhammad R/O Kalabat.	12.4.73.	20/61.	GGHS, Beeka.
21.	Perveen Begum D/O Masood Khan R/O K. Khan.	11.10.73.	21/61.	GGHS, B. Bahi

Contin page NO.2.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) SECONDARY SWABI.

TRANSFER.

Ann E

16

The following Mistresses are hereby transferred on their own pay and NFS with immediate effect in the interest of public service.

<u>S.No.</u>	<u>NAME & DESIGNATION.</u>	<u>FROM.</u>	<u>TO.</u>	<u>REMARKS.</u>
01.	Mst; Muntaz Begum, CT	GGHS Y/Hussain.	GGHSS K/Khan.	A.V.P.
02.	Mst; Bibi Sheema, CT	GGHS Zaida.	GGHSS H/Khan.	A.V.P.
03.	Mst; Raiba, CT.	GGHS Kotha.	GGHS Marghuz.	A.V.P.
04.	Mst; Shakeela, CT	GGHS Kotha.	GGHS Marghuz.	A.V.P.
05.	Mst; Nasreen, CT.	GGMS Beeka.	GGHS Bobian.	A.V.P.
06.	Mst; Tasmin, CT.	GGMS Nabi.	GGHS Swabi.	A.V.P.
07.	Mst; Shaista, CT	GGMS Daulat.	GGMS Yar Hussain.	A.V.P.
08.	Mst; Hameeda Bibi, CT	GGMS Kabgani.	GGMS P.Hamlet.	A.V.P.
09.	Mst; Rashida, CT.	GGMS Bazargi.	GGMS Devian.	A.V.P.
10.	Mst; Saeeda Begum, CT	GGMS Jalsai.	GGMS Adina.	A.V.P.
11.	Mst; Saadia Sultan, CT	GGMS P.Hamlet.	GGHS Kotha.	A.V.P.
12.	Mst; Reheela Shakeen, BM	GGMS Kabgani.	GGHSS Topi.	A.V.P.
13.	Mst; Nagina Bibi, DM	GGMS L/Sharqi.	GGHS Y/Hussain.	A.V.P.
14.	Mst; Riffat, CT	GGMS Huryan.	GGMS Bazargi.	A.V.P.
15.	Mst; Anwar Begum, TT	GGHS Marghuz.	GGMS S.Manseer.	A.V.P.

Note:- No TA/DA and T.G. is allowed.
Charge report should be sent to all concerned.

(MISS; IREHAB BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE) SECONDARY SWABI.

Enclst: No. 1719-5 Dated. 16/7/1999.

Copy of the above is forwarded to the:-

01. Director Secondary Education NWFP, Peshawar.
02. A.D.E.O. (A)/Inspection Local Office.
03. Supdt; Local Office.
04. Principal/Head Mistresses Concerned.
05. District Accounts Officer Swabi.
06. Officials.
07. P/File.

J. Khan
DISTRICT EDUCATION OFFICER
(FEMALE) SECONDARY SWABI.

3. 11/11/1999

(28)



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
E-mail rafiq_kk851@yahoo.com

Ann F (17)

Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(B&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following Female CTs B-15 are hereby promoted to the post of Female Senior CT BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against the newly upgraded Senior CT BPS-16 posts:-

Page 1

Total No. of CT (F) Posts duly verified by the DAO	294
1/3 share of Senior CT Posts	98 ✓
Share of promotion 100 %	98
Promoted to the post of Senior CT B-16	94 ✓
Deferred for Promotion	04

S.#	S.L. No	Name of Official	Place of Posting	Date of Birth	Remarks
1	3	Bibi Yasmin	GGHSS Kalu Khan	22/04/1959	Services placed at the disposal of DEO (F) Swabi for further posting.
2	5	Rishwar Sultana	GGHS dodher	17/11/1962	----Do-----
3	6	Bibi Salma	GGHS Zaida	06/02/1964	----Do-----
4	7	S.Shah Nasheen Akbar	GGHS Ismaila	02/08/1963	----Do-----
5	9	Shahab Kausar	GGHS Marghuz	21/04/1965	----Do-----
6	10	Nechum Kausar	GGMS Jamal Abad	01/01/1961	----Do-----
7	11	Pashmina	GGHS Dagai	05/04/1961	----Do-----
8	13	Yasmin	GGHS Dagai	23/03/1964	----Do-----
9	14	Khalida Begum	GGHS Bamkhal	18/07/1954	----Do-----
10	16	Simayat Begum	GGHS Marghuz	13/02/1967	----Do-----
11	17	Saeeda Begum	GGCMHS Swabi	21/03/1966	----Do-----
12	18	Hurriat Begum	GGHS Dobian	03/11/1970	----Do-----
13	19	Nasreen Bano	GGHS Tordher	15/04/1966	----Do-----
14	20	Nargis Shaheen	GGMS Gar P/Pir	05/01/1968	----Do-----
15	21	Raziu begum	GGHS Batakara	20/12/1966	----Do-----
16	21A	Khalida Begum	GGHS Zaida	20/05/1967	----Do-----
17	22	Shakeela Naz	GGHS Zaida	30/06/1969	----Do-----
18	23	Zubaida Begum	GGMS Roshan Pura	14/03/1970	----Do-----
19	24	Anisa Farzana	GGHS Jalsai	05/10/1972	----Do-----
20	25	Naseem Nazir	GGMS Bazargi	02/06/1968	----Do-----

7

21	26	Shamim Ijaz	GGHSS Kalabat	01/01/1963	----Do-----
22	27	Raiba	GGHS Marghuz	30/06/1968	----Do-----
23	28	Shahnaz Begum	GGHS Marghuz	25/03/1958	----Do-----
24	29	Tilawat Begum	GGHSS Shewa	18/01/1968	----Do-----
25	30	Naheed Begum	GGMS Centre Saproona	18/03/1967	----Do-----
26	31	Rukhsana Hassan	GGHSS Lahor	24/02/1973	----Do-----
27	32	Rubina Qureshi	GGHS Sarwar Shah Kote	08/02/1972	----Do-----
28	33	Shahida Shamir	GGHS KSK	28/01/1974	----Do-----
29	34	Rahmat Bibi	GGHS Dobian	01/01/1971	----Do-----
30	35	Imtiaz Begum	GGHS Dagai	24/09/1970	----Do-----
31	37	Bibi Yasmin	GGHS Zaida	22/06/1965	----Do-----
32	38	Khalida Parveen	GGHS Jehangira	01/06/1964	----Do-----
33	39	Shamim Azeem	GGMS Sheikh Janu	02/05/1969	----Do-----
34	40	Sahma Thelha	GGHS Sudhar	02/11/1969	----Do-----
35	41	Samina Ajmal	GGHS Maneri Bala	22/01/1966	----Do-----
36	42	Shahnaz Begum	GGHS Gar Munara	04/01/1968	----Do-----
37	43	Fariha Begum	GGHS Dagai	05/05/1970	----Do-----
38	44	Nargis Parveen	GGHS Adina	15/05/1959	----Do-----
39	45	Sadiqa Begum	GGHS Yar Hussain	04/05/1967	----Do-----
40	46	Rovida Hashmi	GGHSS Shewa	08/01/1969	----Do-----
41	47	Nihar Sultan	GGHSS Shewa	14/08/1964	----Do-----
42	48	Nighat Ara	GGCMHS Swabi	27/07/1968	----Do-----
43	49	Basmina Begum	GGHS Panj Pir	15/01/1969	----Do-----
44	50	Saiqa Iqbal	GGHSS Kalu Khan	03/01/1971	----Do-----
45	51	Mumtaz Begu	GGHSS Kalu Khan	20/12/1957	----Do-----
46	52	Kausar Tehseen	GGHS Yaqoobi	05/02/1972	----Do-----
47	53	Nageena Jabben	GGCMHS Swabi	17/07/1962	----Do-----
48	54	Naheed Begum	GGHSS Kalu Khan	13/02/1973	----Do-----
49	55	Razia begum	GGMS Jamal Abad	21/04/1964	----Do-----
50	56	Gulzar Begum	GGCMHS Swabi	01/01/1965	----Do-----
51	58	Najma Amin	GGCMHS Swabi	15/01/1971	----Do-----
52	59	Zeenat Begum	GGCMHS Swabi	01/03/1968	----Do-----
53	61	Sarwat Bahar	GGHS Turinadi	03/01/1974	----Do-----
54	62	Basreena	GGHSS Kalabat	08/07/1967	----Do-----
55	63	Zubeda Khatoon	GGHSS Kalabat	05/05/1964	----Do-----
56	64	Ghazala Yasmin	GGCMHS Swabi	27/04/1967	----Do-----
57	65	Tahira Naz	GGHS Thandkoi	04/12/1971	----Do-----
58	66	Zakira Begum	GGMS Mathra Dagi	25/01/1976	----Do-----
59	67	Jamila Parveen	GGMS Juma Khan Gari	15/01/1965	----Do-----
60	68	Ulfat	JICA Model School Bachal	03/02/1973	----Do-----
61	69	Musarrat Jabben	GGHS Kunda	20/04/1968	----Do-----
62	70	Najma Amin	GGHS Bankraei	10/01/1972	----Do-----
63	71	Rahim Gani	GGHS Ismaila	04/12/1976	----Do-----
64	72	Shanishad Begum	GGHS Jalbai	02/12/1966	----Do-----
65	73	Subeeta Nuz	JICA Model School Lahor	08/01/1971	----Do-----

18

Page 2

A Z H A

To be substituted bearing even No and date

CT (F) Swabi 3

66	74	Rehana Kausar	GGHS Gar Munara	15/04/1972	----Do-----
67	75	Jamat un Nisa	GGMS Sheikh Jana	20/09/1971	----Do-----
68	76	Bushra	GGHS Ismaila	01/02/1972	----Do-----
69	77	Tilawat Begum	GGHSS Lahor	03/04/1972	----Do-----
70	78	Shafqat Naz	GGHS Gulshan Abad	04/04/1975	----Do-----
71	79	Surriya Noreen	GGHS Kunda	03/11/1976	----Do-----
72	80	Safia Begum	GGMS Daulat	15/02/1963	----Do-----
73	82	Shahreen	GGHS Zarobi	11/01/1970	----Do-----
74	83	Naheed	GGHS Lahor Sharqi	29/06/1971	----Do-----
75	84	Aziza Begum	GGHS dothar	24/07/1971	----Do-----
76	85	Aqsam	GGHSS Kalu Khan	04/10/1972	----Do-----
77	86	Rasheeda Naz	GGHS Sarwar Shah Kote	05/01/1974	----Do-----
78	87	Nageen Iqbal	GGMS Dhandoka	11/11/1974	----Do-----
79	88	Shagufta nargis	GGHS Sard China	24/04/1975	----Do-----
80	89	Khalida Syed	GGMS Mathra Dagi	02/03/1972	----Do-----
81	90	Rabihat Jamal	GGHS Dagai	16/04/1974	----Do-----
82	91	Naseem Sherin	JICA BACHAI	15/05/1969	----Do-----
83	92	Parveen Akhtar	GGHS Jalbai	14/02/1959	----Do-----
84	93	Safia Naz	GGHS Maini	07/04/1971	----Do-----
85	94	Riffat Begum	GGHs Adina	24/03/1973	----Do-----
86	95	Parveen Akhtar	GGHS Jehangira	09/11/1970	----Do-----
87	96	Tanveer Akhtar	GGMS Haryan	31/01/1971	----Do-----
88	97	Nighat Secma	GGHSS Kalabat	04/12/1973	----Do-----
89	98	Basharatuz Zuhra	GHSS tothar	25/04/1973	----Do-----
90	99	Farveen Begum	GGMS Sher Ghund	10/11/1973	----Do-----
91	100	Nadia Sultan	JICA Model School Topi	04/04/1975	----Do-----
92	101	Razia begum	GGHS Dagai	13/05/1976	----Do-----
93	102	Raheen Akhtar	GGHS Jchangira	27/02/1968	----Do-----
94	103	Kaisoom Bibi	GGHS Maini	04/10/1974	----Do-----

Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case her performance is found unsatisfactory during probationary period. In case of misconduct, she shall be preceded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se-seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining her duty.
- 7 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to her in light this order will be recovered and if she is wrongly promoted she will be reversed.

(Muhammad Rafiq Khattak)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. 4984-90/File No.2/Promotion (F) Senior CT B-16: Dated Peshawar the 21/02/2013.
Copy forwarded for information and necessary action to the: -

Page-3

Petitioner

27

19



Ann 6

(20)

DISTRICT EDUCATION OFFICE (FEMALE) SWABI

(Office Phone & Fax No. 0938280339, emisfswabi@yahoo.com)

ADJUSTMENT ORDER.

Consequent upon the Notification issued by the Director E&SE Khyber Pakhtunkhwa Peshawar Endst:No. 2106-10 File No.2 /A-17/Promtion SST B-16/Swabi dated Peshawar the 06-02-2017 the following female SCTs/CTs.SDMs/DMs.SATs/ATs. STTs/TTs & PSITTs/ SPSTs/PSTs. promoted to the post of SST (General) are hereby adjusted at the school noted against each BPS-16 (15880-1280-54280) plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial Government on the terms and conditions given below with effect from 06-02-2017.

SST(General)

S#	Name of Teacher, Desig & present Station	Name of school where adjusted	Remarks
1	SHAGUFTA NARGIS . S.CT GGHS SARD CHINA	GGHS Yar Hussain No.1	Adjusted against SST (General) V. post
2	KHALIDA SYED. S.CT GGHS DAGI	GGMS Kaddi	Newly Created Post
3	RABIHAT JAMAL. S.CT GGHS DAGI	GGHS Yar Hussain No.1	Adjusted against SST (General) V. post
4	NASEEM SHERIN. S.CT GGHS YAR HUSSAIN	GGHS Yar Hussain No.1	Adjusted against SST (General) V. post
5	ISHRAT. S.CT GGHS MANERI BALA	GGHS Gulshan Abad Maneri	Adjusted against SST (General) V. post
6	RIEAT BEGUM. S.CT GGHS ADINA	GGHS Parmoli	Adjusted against SST (General) V. post
7	PARVEEN AKHTAR. S.CT GGHS JEHANGIRA	GGHS Tordher	Adjusted against SST (General) V. post
8	TANVEER AKHTAR. S.CT GGHS HARYAN	GGHS Haryan	Adjusted against SST (General) V. post
9	Sabiha Naheed. PSIT GGPS Sikandari Swabi	GGHS Salim Khan	Adjusted against SST (General) V. post
10	Rashida Bibi. PSIT GGPS No.2 Marghuz	GGHS Panjpir	Adjusted against SST (General) V. post
11	Naila Khatoon. PSIT GGPS No.1 Zarobi	GGMS Zarobi	Adjusted against SST (General) V. post
12	Hameeda Begum. PSIT GGPS No.1 Manki	GGHS Tordher	Adjusted against SST (General) V. post
13	NUSRAT AZIZ. S.AT GGHS SERWAR SHAH KOTE	GGHS Sarwar Shah Kote	Adjusted against SST (General) V. post
14	BASMINA. Sr.TT GGHS MAINI	GGHS Maini	Adjusted against SST (General) V. post
15	RIAZ BEGUM. Sr.DM GGHS RAFIQ ABAD	GGHS Parmoli	Adjusted against SST (General) V. post

TERMS AND CONDITIONS.

1. They would be on probation for a period of one year extendable for another one year.

(21)

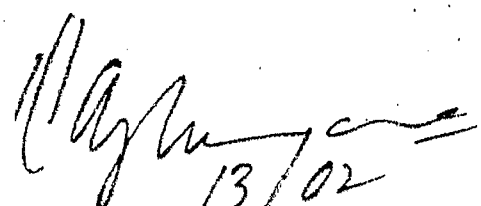
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time in case of their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their inter-Se-Seniority on lower post will remain intact.
6. No TADA is allowed for joining his duty.
7. They will give an undertaking to be recorded in their Service Book to the effect that if any over payments made to them in the light of this order will be recovered and if they are wrongly promoted, they will be reversed.
8. Their posting will be made on school based. They will have to serve at the place of posting and their service is not transferable to any other station.
9. Before handing over charge once again their documents may be checked, if they have not the acquired relevant qualifications as per rules, they may not be handed over charge of the post.
10. BA/B.Ed degrees must be verified from the concerned universities.

(NAGHMANA SARDAR)
DISTRICT EDUCATION OFFICER
(FEMALE)SWABI

Indst.No. 671-76 /SST Adjustment/ Dated Swabi the 13-2-2018

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

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Swabi.
3. District Monitoring Officer, Swabi.
4. District Accounts Officer, Swabi.
5. Principal/Head Master concerned schools.
6. Superintendent local office.
7. ADIEO (B&A) Local Office.
8. Official concerned.


13/02
DISTRICT EDUCATION OFFICER
(FEMALE)SWABI



BISTRIC EBUCATION OFFICER IFEM4LEJ
BISTRIC SWABI

Pti# 0938-280389

Ann H (22)

TRANSER :

Consequent upon the recommendation of Committee as contains in its Minutes of the Meeting, the fillowing SS 1 4 cachers arc hereby transferred to the school mentioned against each on her own pay and UPS in the light of notification issued vide Government Klyber Pakhtunkhwa lilementary & Secondary Education Department vide No. SO(P1:)4-5/Meeting/2016/4 ransfer/Posting hated 10-08-2016 in the best interest of public service from the date of her taking ver charge.

S.No	Name of reacher with Desig	from	To	Remarks
1	AMBAREEN SULTAN- SST G	GGHSS PABAINI	GGHCMHS SWABI	Against Vacant Post
	Sana Sumbal SST-G	GGCMS YAQOOB SHAH DHOK	GGHS PANJPIR	Against Vacant Post
3	SADIA NAZ SST-C	GHSS UTLA	GGMS BADA	Against Vacant Post
4	SITARA BAKHTIAR SST-MA EH PHY	GGHS PANJMAN	GGHS MARGHUZ	Against Vacant Post
5	SAFIE EL A BEGUM SST-G	G GHS I I HANGIM	GGHS PAMOLI	Against Vacant Post
6	GUL RUKLI SST- HIF4 CHE	GGHS MANGAL CHAI	GGHS ISMAILA	Against Vacant Post
7	RAIBA SST-G	GGHS HARYAH	GGHS SHAHMANSOOR	Against Vacant Post
8	NAZMA SST-MATH PHY	GGHS MANGAL CHAI	GGHS DARRA	Against Vacant Post
9	ATIYA ASAD SST-G	GGHS MANGAL CHAI	GGHS YAR HUSSAIN NO.1	Against Vacant Post
10	KIRAN GULRUKI I SST-G	GGHS JALSAI	CGHSS ZAROB I	Against Vacant Post
11	AJMINA TAJ SST-G	HCA LAHOI	GGHS IE HANGIRA	Against Vacant Post
12	HALELMA BIBI SST-G	GGHS GANJA	GGHS 4 HANDKOI	Against Vacant Post
13	BUSHIM JABEEN SST-G	GGMS CIAIAI	CGHSANBAR	Against Vacant Post
14	HUMA GUL SST-G	GGMS DHAIB KOROONA	GGHS SALIM KHAN	Against Vacant Post
15	NADIA GUL SST-BIO CHE	GGHS MANKI	GGHS THANDKOI	Against Vacant Post
16	RIFFAT U N CHUM	GGHS SARWAR	GGHS YAR HUSSAIN	Against Vacant Post

D

18	SIDRA SST- III CHE	GGHS SUDFIER	GGHS HARYAN	Against Vacant Post
19	SALMA SST PHY MATHS	GGHS ISMAILA	GGHS 3 ARAKAI	Against Vacant Post
20	SYEDA KALSOOM BIBI SST-MATHS PHY	GGHS KUNDA	GGHS SALIM KHAN	Vice S.No 21
21	UZMA GILANI SST- MATHS PHY	GGHS SALIM KHAN	GGHSS SHEWA	Against Vacant Post
22	NAGINA BIBI SST-G	GGHS PARMOLI	GGCMS PARMOLI	Against Vacant Post
23	SHAGUTA NAZ SST BIO CHE	GGHSS PABAINI	GGHS SALIM KHAN	Against Vacant Post
24	SAIRA AFSAR SST	GGHS 4 th ORDHER	GGHS MANKI	Vice S.No:15

Note: -

1. TADA is not allowed.
2. Charge reports should be submitted to all concerned.
3. They will take over charge from 01-04-2018

(REHANA YASMMEN)
DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Endst: No. G.B. / File No./SST(F) Transfer / Dated Swabi the 1st JJ / 2018.

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

1. Secretary E&SE Department Govt: of Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Nazim, Swabi.
4. Deputy Commissioner, Swabi.
5. District Monitoring Officer, Swabi.
6. District Accounts Officer, Swabi.
7. Principal/Headmistress concerned school.
8. EMIS Cell Local Office.
9. Officials concerned.

DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

25/12/18

Submitted →

Revised

AM
6-3-2019
Revised from saynew
sheli.
pm
06-3-2019



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

24
Ank B
@ ST
Nite

Dated Peshawar the June 10, 2021

NOTIFICATION

No.SO(SM) E&SED/7-1/2020/PT/General: In order to facilitate the Teaching Cadre Employees and to Streamline and standardized/ automate the Process of posting / transfer, the Competent Authority is pleased to approve the E-Posting/Transfer policy for the Employees of the Teaching Cadre (BS-12 to BS-18) of E&SE Department Khyber Pakhtunkhwa with immediate effect, in the best public interest.

E-TRANSFER POLICY OF TEACHING CADRE (BS-12 to 18) IN E&SE DEPARTMENT KHYBER PAKHTUNKHWA

- i. The introduction of e-Transfer policy for Teaching Cadre shall supersede all previous e-posting/transfer policies in the E&SE Department.
- ii. This policy covers transfers related to intra district transfers of district cadre post and inter district transfers of Provincial cadre posts.
- iii. Transfers on Complaint (Administrative Ground), Mutual basis, inter district and transfer for Operationalization of Newly Established schools, newly created posts will be exempted from the present policy.
- iv. Transfers shall be made at least once a year, preferably at the end of academic year.
- v. The vacant positions will be uploaded by the District Education Officers for all teaching cadres (BS-12 to BS-18).
- vi. The Education Monitoring Authority will provide requisite data as per format provided by the Director EMIS.
- vii. Each Competent Authority shall visit the Dashboard of e-Transfer app, check and verify all the particulars of the applicants.
- viii. The teachers appointed on Contract/Adhoc basis shall remain non transferable until regularized.
- ix. The Teachers in Schools having 2-teachers are not allowed in the e-transfer policy for transfer.
- x. Inter district transfer against senior positions (100% District promotion Quota) i.e. SCT, SDM, SPET, SAT, STT, S-Qari, SPST and PSHT are not allowed neither manually nor through e-transfer.
- xi. Transfer shall be made only against the vacant posts.
- xii. Teachers bearing Minimum tenure of two years on the present post in the present school will be eligible for e-posting/transfer.
- xiii. In case of same score of two or more candidates, merit will be 1st on Seniority, then by Date of Birth and if there is tie, then on first come first get basis.
- xiv. Subsequently Transfer orders generated by e-Transfer App will be issued.
- xv. Each Competent Authority shall constitute a Grievance Redressal Cell headed by a BPS-18 or above officer which will resolve the grievances and determine the merit position of the applicants within a week positively.

2. The indicators as per Form (A, B, C & D) will be considered for posting/transfer as per detail given below:

Form-A: Posting/Transfer of Teachers up to BPS 16 except SST (Total marks 65)

- i. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks




GOVERNMENT OF PUNJAB
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

25

- ii. Tenure in the Present Schools against the Present Posts - 10 marks
 - a. Normal tenure of 2 years - 0 marks
 - b. Tenure from 2 to 3 years - 4 marks
 - c. Tenure from 3 to 5 years - 7 marks
 - d. Tenure more than 5 years - 10 marks
- iii. STR (Total number of Students in the school / Total number of Teachers) - 10 marks (EMA data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level - 5 marks
 - c. STR at the present school is less than desired school - 10 marks
- iv. Disability - 10 marks
10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC/Standing Medical Board disability certificate.
- v. Domicile -05 marks
05 marks will be awarded to those when the desired school is in his/her district of domicile
- vi. Spouse - 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

Form-B: Posting/Transfers of SSTs (Total Marks - 85)

- 
- i. Distance of present school to the desired school (in KM) - 20 marks
 - a. Within 5 KM - 0 marks
 - b. Within 10 KM - 5 marks
 - c. Within 15 KM - 10 marks
 - d. Within 20 KM - 15 marks
 - e. Greater than 20 KM - 20 marks
 - ii. Tenure in the Present Schools against the Present Posts - 10 marks
 - a. Normal tenure of 2 years - 0 marks
 - b. Tenure from 2 to 3 years - 4 marks
 - c. Tenure from 3 to 5 years - 7 marks
 - d. Tenure more than 5 years - 10 marks
 - iii. Students Teachers Ratio (STR) - 10 marks (EMA data Source)
 - i. For SST teacher in High/Higher Secondary School STR is equal to (Total Number of Students in Class 9 & 10 / Number of SST)
 - ii. For SST teacher in Primary/Middle School STR is equal to (Total Number of Students in the school / Total Number of teachers)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level - 5 marks
 - c. STR at the present school is less than desired school - 10 marks
 - iv. Disability - 10 marks
10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC/Standing Medical Board disability certificate.
 - v. Domicile -05 marks
05 marks will be awarded to those when the desired school is in his/her district of domicile



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

26

- vi Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant
- vii Latest Annual SSC Result (of the subjects taught by the teacher) working in High/Higher Secondary Schools – 20 Marks
- 90% or above – 20 marks
 - 80% to 90% - 15 marks
 - 70% to 80% - 10 marks
 - 60% to 70% - 5 marks
 - Below 60% - 0 marks.

OR

For SSTs (General) working in Middle/Primary Schools – 20 Marks
Overall Students Attendance Rate Percentage as per EMA data

- 90% or above – 20 marks
- 80% to 90% - 15 marks
- 70% to 80% - 10 marks
- 60% to 70% - 5 marks
- Below 60% - 0 marks.

Form-C Posting/Transfers of Subject Specialists (SSS/SS) (Total Marks – 85)

- i. Distance of present school to the desired school (in KM) – 20 marks
- Within 5 KM – 0 marks
 - Within 10 KM – 5 marks
 - Within 15 KM – 10 marks
 - Within 20 KM – 15 marks
 - Greater than 20 KM – 20 marks
- ii. Tenure in the Present Schools against the Present Posts - 10 marks
- Normal tenure of 2 years – 0 marks
 - Tenure from 2 to 3 years – 4 marks
 - Tenure from 3 to 5 years – 7 marks
 - Tenure more than 5 years – 10 marks
- iii. Number of Students in Class-11 & 12 - 10 marks
- Number of Students at present school is greater than the Desired school - 0 marks
 - Number of Students at present and the desired school are equal or at the same level – 5 marks
 - Number of Students at the present school is less than desired school – 10 marks
- iv. Disability – 10 marks
10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
- v. Domicile -05 marks
05 marks will be awarded to those when the desired school is in his/her district of domicile
- vi. Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
- vii. Latest Annual HSSC Result (of the subjects taught by the teacher) – 20 Marks
- 90% or above – 20 marks



- b. 80% to 90% - 15 marks
- c. 70% to 80% - 10 marks
- d. 60% to 70% - 5 marks
- e. Below 60% - 0 marks.

Form-D: Posting/Transfers of Principals/Head Masters of High/Higher Secondary Schools (Total Marks - 105)

- i. Distance of present school to the desired school (in KM) - 20 marks
 - a. Within 5 KM - 0 marks
 - b. Within 10 KM - 5 marks
 - c. Within 15 KM - 10 marks
 - d. Within 20 KM - 15 marks
 - e. Greater than 20 KM - 20 marks
- ii. Tenure in the Present Schools against the Present Posts - 10 marks
 - a. Normal tenure of 2 years - 0 marks
 - b. Tenure from 2 to 3 years - 4 marks
 - c. Tenure from 3 to 5 years - 7 marks
 - d. Tenure more than 5 years - 10 marks
- iii. STR (Total number of Students in the school / Total number of Teachers) - 10 marks (EMA data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level - 5 marks
 - c. STR at the present school is less than desired school - 10 marks
- iv. Disability - 10 marks
10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
- v. Domicile - 05 marks
05 marks will be awarded to those when the desired school is in his/her district of domicile
- vi. Spouse - 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
- vii. Latest Annual SSC/HSSC Result of the School - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.
- viii. Overall Students Attendance Rate Percentage as EMA data - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

Secretary to Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education Department.

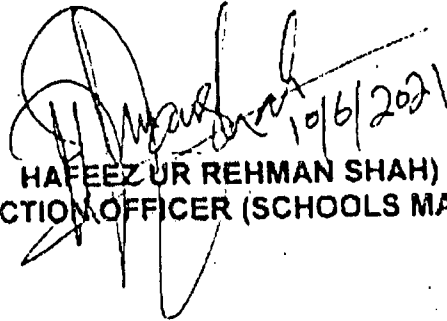
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

28

Endst: Even No. & Date:

Copy of the above is forwarded to the:

1. Principal Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. Accountant General, Khyber Pakhtunkhwa Peshawar.
5. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
6. The Director, Curriculum and Teacher Education, Khyber Pakhtunkhwa Abbottabad.
7. The Director, Directorate of Professional Development, Peshawar.
8. The Director Education Sector Reforms Unit, E&SE Department Khyber Pakhtunkhwa, Peshawar.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. All District Education Officers (Male/Female), Khyber Pakhtunkhwa.
11. All District Account Officers (Male/Female), Khyber Pakhtunkhwa.
12. All Section Officers, E&SE Department Khyber Pakhtunkhwa, Peshawar.
13. Incharge EMIS, E&SE Department for uploading at official website.
14. PS to Secretary E&SE Department.
15. PS to Special Secretary E&SE Department.
16. PA to Additional Secretary E&SE Department.
17. PA to Deputy Secretary E&SE Department


10/6/2021
HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No: 091-9221588

Am J (29)
@ D. Khan

Dated Peshawar the September 23rd, 2021

CONFIDENTIAL

NO. SO(SF)E&SED/4-16/PT/2021:

This Department has launched E-Transfer Web Portal and has banned manual applications for submission to the competent authority regarding posting/transfers. Instead of clear-cut instructions the employees of the Elementary & Secondary Education Department are continuously exerting political pressure for posting/transfers, which is in violation of Rules 22 and 34 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

2- The Competent Authority has taken a serious note of this state and has been pleased to direct that the violator of the above instructions will be proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011

3- Furthermore, there is a complete ban on all kind of posting/ transfers manually due to implementation of E-Transfers Policy. All those who are aspirants of their transfers shall apply only through e-transfer.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Encl: of even No. & date:

Copy forwarded for information to the: -

1. All Directors under E&SE Department, Khyber Pakhtunkhwa.
2. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
3. All District Education Officers (Male / Female) in Khyber Pakhtunkhwa.
4. All Project Directors under E&SE Department, Khyber Pakhtunkhwa.
5. All Principal of High/ Higher Secondary Schools in Khyber Pakhtunkhwa.
6. All Section Officers in E&SE Department, Khyber Pakhtunkhwa.
7. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. PA to Special Secretary/Addl: Secretary/Dy: Secretaries in E&SE Department.
10. Master File.

HAQI ZAHEDI
SECTION OFFICER/SCHOOLS UNIT

حکومت پاکستان

قومی شناختی کارڈ

16202-4576839-4

رفعت منیر

نام

پتو: کراچی

پتو: کراچی

تاریخ پیدائش: 24/03/1973



علی احمد حکیم

دستخط جسٹس جنرل

Amir

30

نیشنل نمبر: 16202-4576839-4 خانہ نمبر: N9J8GP

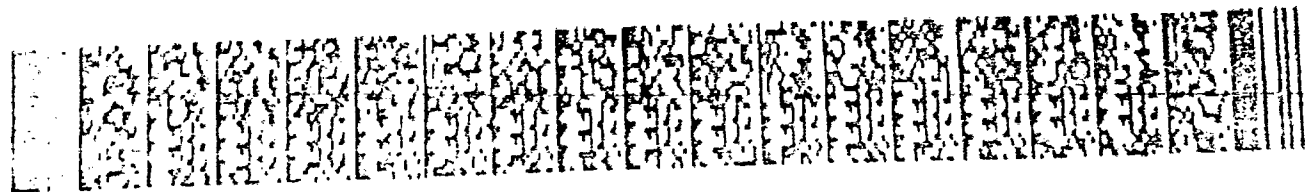
موجودہ پتہ: محلہ ٹیمٹ خیمل، اورنگ، ڈاکخانہ اورنگ، تحصیل اورنگ - 001

13091448032

سنگل پتہ: ایسا

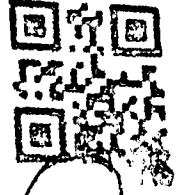
تاریخ اجراء: 28/02/2011 تاریخ منسوخ: 31/01/2024

گمشدہ کارڈس پر ترقیبی لیٹر بکس میں ڈال دیں





OFFICE OF THE DISTRICT EDUCATION OFFICER
(Female) SWABI



Arif
[Signature]
[Signature]

Dated: 27/12/2021

RECOMMENDATION

Consequent upon the submission of online applications by candidates on eTransfer System and verification of scoring indicators by concerned District Education Officer, following is the list of recommended candidates for transfer on vacant positions mentioned in front of each candidate. Transfer orders will be issued after the approval process.

S.No	Name	Designation	From	Transfer To
1	SUMBAL BAHADAR	CT	GGMS DANDQA	GGMS LAMRA
2	GLI NAZ BEGUM	CT	GGMS TAKAJI	GGMS GARASVI
3	ABIDA	CT	GGHSS SHEWA	GGHS BATAKARA
4	FARHAT BEGUM	P.E.T.	GGHS JAGANATHI	GGMS SHEIKH SAJJAD
5	KIPAT MUNIR	PST (General)	GGHS YAR MUSSAIN	GGMS MODER PRIMARY SCHOOL ADINA (IK A)
6	NUSRAT BEGUM	SST (General)	GGMS KHESHA MEHER ALI	GGHS NAHIRA DANGAL
7	NEHLAN BEGUM	SST (General)	GGMS SHAHDAD KILLA	GGMS LAMRA

PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY
OFFICE OF THE
FOR THE MONTH OF

POSITION CODE: 80217298
SUB DIVISIONAL EDUCATION OFFICER (Female)
Razzar

Form : Pay 02

Date _____

Page No. _____

August, 2021

DDO Code (Cost Center)		SU6304 Description SDEO (Female) Razzar				
Personal Number 236416		Employee Name Riffar Begum		National ID Card Number 16202-45768394		
Grade Pay Scale Group	1	6	SST	Salary Status ✓		
Info type	General Data Change		Change in Payments/ Educations		Effective Date	Remarks
	Field ID	New Contents	Wedge Type	Amount Rs Ps		
8	5S	Status of Salary	0001	Change DDO COD From SU-6118 To SU 6304	01.08.2021	(1) Transfer from GGHS Yar Hussain (Swabi) to NCA Moddle School Adina (Swabi) vide DEO Female Swabi Endst: No.1738 E Transfer/ dated Swabi the 05.07.2021 (2) Transfer Order charge report, and other necessary documents and are attached herewith.

Better copy (34)



**PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY
OFFICE OF THE
FOR THE MONTH OF**

POSITION CODE: 236416

FORM: PAY02
Date: _____
Page No. _____

SUB-DIVISIONAL EDUCATION OFFICER (FEMALE) RAZZAR
August, 2021

Payroll order 20.2.21/93

**DDO Code
(Cost Center)**

S U 6 3 0 4

Description

SDEO (FEMALE) RAZZAR

**Personnel
Number**

236416

Employer
Name

RIFAT BEGUM

National ID

Card Number

16202 95752394

**Grade (Pay
Scale Group)**

1 6

SST

**Salary
Status**

Staff

Info Type	Field ID	New Contents	CHANGE IN PAYMENTS / DEDUCTIONS			Effective Date	Remarks
			Wedge Type	Amount			
				Rupees	Pais		
055	055	Status of Salary	0601	CHANGE DDO CODE FROM SU-611B TO SU-6304		01.08.2021	(1) Transfer from GDS 1 (Swabi) to JICA Middle School (Swabi) via DEO, Swabi No. 1730 E Transfer dated 05/07/2021. Order copy before necessary documents are here with.

SDEO (F)
Razzar

Ann N

(34)

**DISTRICT EDUCATION OFFICE
(FEMALE) SWABI**

OFFICE ORDER:

Consequent upon the recommendation of the enquiry committee the transfer order under E transfer policy in respect of Mst/ Riffat Begum SST(G) GHSS No.1 Yar Hussain issued at S.No.1 vide this office Endst No.1741-47 dated 05.07.2021 is hereby withdrawn as MSt. Rubina Naz SST (G) GGHS Sarwar Shah is hereby transferred to HCA Model School (Adina) on her own pay and BPS in the best interest of public service with immediate effect.

- Note: 1. TA/DA is not allowed.
2. Charge reports should be submitted to all concerned.

Sofia Tabassum
District Education Officer
(Female) Swabi

Endst No.2004-9/EST/Transfer/DA-IX Dated Swabi the 30.07.2021
Copy of the above is forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Swabi.
3. District Monitoring Office IMU) Swabi.
4. District Accounts Officer Swabi.
5. Principal/ Headmistress/ incharge of the concerned school
6. SDEO Concerned.
7. Official Concerned.

Sofia Tabassum
District Education Officer
(Female) Swabi

GENERAL ORDER

Consistent upon the recommendation of the Board, the following transfer order under Executive Order 11652 of 1970 is hereby issued. Far Hussain issued at Cairo, Egypt, on 12/11/70. Far Hussain is hereby withdrawn as an employee of the U.S. Government and transferred to IICA Model School, Tehran, on her own file and she is interested of public service with immediate effect.

Note - 1. FARDA is not allowed.

2. Charge reports should be submitted up all concerned.

GOVERNMENT OF INDIA
DISTRICT, KOLKATA
(FARUKI SWAMI)

Exec. No. **2047**
RSST/Training/DA-IX

Dated Swami the 3rd of 1970

1. Director ERSE Khyber Paktunkhwa, Peshawar.
2. H.A. Officer Local Office Swabi.
3. District Monitoring Officer (DAU), Swabi.
4. District Accounts Officer Swabi.
5. Principal Headmaster/Incharge of the college and school.
6. SDO, Concerned.
7. Officials concerned.

To,

Amr P

(38)

The Director of Education
E & SE KP,
Mushawar,

Subject: Departmental appeal against
order dt 30-7-2021 whereby
Transfer/posting order of
appellant dt 5-7-2024 passed
on the basis of E-Transfer
policy is withdrawn
by DEO Female Sawan
which is illegal,
against law and facts

Sir, Amr dt 1st July 2024 as under

1. That appellant has got 30x years
service.
2. That appellant is permanent
resident of U/c Adeena Sawan.

3. That entire service (37) of appellant
is outside her native Union
Council

4. That on merit E-Transfer
policy, on request of appellant,
after due merit, appellant
has been transferred to U/C

Adeena (JICA) vide order

dt 5/7/2021 by EDO Sawah.

5. That withdrawal order is
against policy

6. That Officers / EDO Sawah has
no authority to arbitrarily
withdraw the transfer order.

It is therefore humbly requested
that impugned order dt 30-7-2021 may

please be ~~void~~ set aside and

E-Transfer order dt 5-7-2021 may

please be restored.

dt 2-8-2021

Yours obediently
Rifat Munir
SST General JICA Adeena
GG PMS

جکدیت جناب ڈائریکٹر آف ایجوکیشن آف ایسٹ بنگلہ دیش

جناب عالی

۱۶۹۲

۱۳/۱۱/۱۹۶۲

آدینہ

سوڈمانہ نزار شوہیک کہ میں سہ ماہی دفت میں سالانہ

تعمیر میں بحیثیت سولہ فرسٹ ایچ کے ہیں جنوں اسی دوران دفتری

کے ۲۹ سال تک مزاج عوامی دنیات ہی دشوار گزار جگہوں میں

تعمیرات ہی میں میں گزارا، سولیم خان (۵) کپانی (۶) (۷) (۸) (۹) (۱۰) (۱۱) (۱۲) (۱۳) (۱۴) (۱۵) (۱۶) (۱۷) (۱۸) (۱۹) (۲۰) (۲۱) (۲۲) (۲۳) (۲۴) (۲۵) (۲۶) (۲۷) (۲۸) (۲۹) (۳۰) (۳۱) (۳۲) (۳۳) (۳۴) (۳۵) (۳۶) (۳۷) (۳۸) (۳۹) (۴۰) (۴۱) (۴۲) (۴۳) (۴۴) (۴۵) (۴۶) (۴۷) (۴۸) (۴۹) (۵۰) (۵۱) (۵۲) (۵۳) (۵۴) (۵۵) (۵۶) (۵۷) (۵۸) (۵۹) (۶۰) (۶۱) (۶۲) (۶۳) (۶۴) (۶۵) (۶۶) (۶۷) (۶۸) (۶۹) (۷۰) (۷۱) (۷۲) (۷۳) (۷۴) (۷۵) (۷۶) (۷۷) (۷۸) (۷۹) (۸۰) (۸۱) (۸۲) (۸۳) (۸۴) (۸۵) (۸۶) (۸۷) (۸۸) (۸۹) (۹۰) (۹۱) (۹۲) (۹۳) (۹۴) (۹۵) (۹۶) (۹۷) (۹۸) (۹۹) (۱۰۰)

کوٹنگ (۹) یا جس وغیرہ شامل ہیں۔

اب جبکہ E-Transfer کے تحت ایف بی بی گاما فا آدینہ کو

۵/۵/۶۲ کو میرا قبائلی Jica Model School آدینہ کو میرا

کو ایسٹنگ ۵/۵/۶۲ دو بیس ناز سیاسی اڈوٹریٹ میں رکھ کر

مختل کے مطابق میرے اولہ آرڈر میں جو سہ ماہی ناز (۱) (۲) (۳) (۴) (۵) (۶) (۷) (۸) (۹) (۱۰) (۱۱) (۱۲) (۱۳) (۱۴) (۱۵) (۱۶) (۱۷) (۱۸) (۱۹) (۲۰) (۲۱) (۲۲) (۲۳) (۲۴) (۲۵) (۲۶) (۲۷) (۲۸) (۲۹) (۳۰) (۳۱) (۳۲) (۳۳) (۳۴) (۳۵) (۳۶) (۳۷) (۳۸) (۳۹) (۴۰) (۴۱) (۴۲) (۴۳) (۴۴) (۴۵) (۴۶) (۴۷) (۴۸) (۴۹) (۵۰) (۵۱) (۵۲) (۵۳) (۵۴) (۵۵) (۵۶) (۵۷) (۵۸) (۵۹) (۶۰) (۶۱) (۶۲) (۶۳) (۶۴) (۶۵) (۶۶) (۶۷) (۶۸) (۶۹) (۷۰) (۷۱) (۷۲) (۷۳) (۷۴) (۷۵) (۷۶) (۷۷) (۷۸) (۷۹) (۸۰) (۸۱) (۸۲) (۸۳) (۸۴) (۸۵) (۸۶) (۸۷) (۸۸) (۸۹) (۹۰) (۹۱) (۹۲) (۹۳) (۹۴) (۹۵) (۹۶) (۹۷) (۹۸) (۹۹) (۱۰۰)

دور میں سنیارٹی کا واقعہ ہے۔ میرا سنیارٹی اور

Service Tenure میرا حق دلو کر مجھے انصاف دیکھ

تبدیل میں جس دو بیس ناز میں رکھا گیا ہے جس سے کو بیس

Service Tenure age wise (۱) (۲) (۳) (۴) (۵) (۶) (۷) (۸) (۹) (۱۰) (۱۱) (۱۲) (۱۳) (۱۴) (۱۵) (۱۶) (۱۷) (۱۸) (۱۹) (۲۰) (۲۱) (۲۲) (۲۳) (۲۴) (۲۵) (۲۶) (۲۷) (۲۸) (۲۹) (۳۰) (۳۱) (۳۲) (۳۳) (۳۴) (۳۵) (۳۶) (۳۷) (۳۸) (۳۹) (۴۰) (۴۱) (۴۲) (۴۳) (۴۴) (۴۵) (۴۶) (۴۷) (۴۸) (۴۹) (۵۰) (۵۱) (۵۲) (۵۳) (۵۴) (۵۵) (۵۶) (۵۷) (۵۸) (۵۹) (۶۰) (۶۱) (۶۲) (۶۳) (۶۴) (۶۵) (۶۶) (۶۷) (۶۸) (۶۹) (۷۰) (۷۱) (۷۲) (۷۳) (۷۴) (۷۵) (۷۶) (۷۷) (۷۸) (۷۹) (۸۰) (۸۱) (۸۲) (۸۳) (۸۴) (۸۵) (۸۶) (۸۷) (۸۸) (۸۹) (۹۰) (۹۱) (۹۲) (۹۳) (۹۴) (۹۵) (۹۶) (۹۷) (۹۸) (۹۹) (۱۰۰)

Service Status (۱) (۲) (۳) (۴) (۵) (۶) (۷) (۸) (۹) (۱۰) (۱۱) (۱۲) (۱۳) (۱۴) (۱۵) (۱۶) (۱۷) (۱۸) (۱۹) (۲۰) (۲۱) (۲۲) (۲۳) (۲۴) (۲۵) (۲۶) (۲۷) (۲۸) (۲۹) (۳۰) (۳۱) (۳۲) (۳۳) (۳۴) (۳۵) (۳۶) (۳۷) (۳۸) (۳۹) (۴۰) (۴۱) (۴۲) (۴۳) (۴۴) (۴۵) (۴۶) (۴۷) (۴۸) (۴۹) (۵۰) (۵۱) (۵۲) (۵۳) (۵۴) (۵۵) (۵۶) (۵۷) (۵۸) (۵۹) (۶۰) (۶۱) (۶۲) (۶۳) (۶۴) (۶۵) (۶۶) (۶۷) (۶۸) (۶۹) (۷۰) (۷۱) (۷۲) (۷۳) (۷۴) (۷۵) (۷۶) (۷۷) (۷۸) (۷۹) (۸۰) (۸۱) (۸۲) (۸۳) (۸۴) (۸۵) (۸۶) (۸۷) (۸۸) (۸۹) (۹۰) (۹۱) (۹۲) (۹۳) (۹۴) (۹۵) (۹۶) (۹۷) (۹۸) (۹۹) (۱۰۰)

العادف

Service Status (۱) (۲) (۳) (۴) (۵) (۶) (۷) (۸) (۹) (۱۰) (۱۱) (۱۲) (۱۳) (۱۴) (۱۵) (۱۶) (۱۷) (۱۸) (۱۹) (۲۰) (۲۱) (۲۲) (۲۳) (۲۴) (۲۵) (۲۶) (۲۷) (۲۸) (۲۹) (۳۰) (۳۱) (۳۲) (۳۳) (۳۴) (۳۵) (۳۶) (۳۷) (۳۸) (۳۹) (۴۰) (۴۱) (۴۲) (۴۳) (۴۴) (۴۵) (۴۶) (۴۷) (۴۸) (۴۹) (۵۰) (۵۱) (۵۲) (۵۳) (۵۴) (۵۵) (۵۶) (۵۷) (۵۸) (۵۹) (۶۰) (۶۱) (۶۲) (۶۳) (۶۴) (۶۵) (۶۶) (۶۷) (۶۸) (۶۹) (۷۰) (۷۱) (۷۲) (۷۳) (۷۴) (۷۵) (۷۶) (۷۷) (۷۸) (۷۹) (۸۰) (۸۱) (۸۲) (۸۳) (۸۴) (۸۵) (۸۶) (۸۷) (۸۸) (۸۹) (۹۰) (۹۱) (۹۲) (۹۳) (۹۴) (۹۵) (۹۶) (۹۷) (۹۸) (۹۹) (۱۰۰)

ADDE (۱) (۲) (۳) (۴) (۵) (۶) (۷) (۸) (۹) (۱۰) (۱۱) (۱۲) (۱۳) (۱۴) (۱۵) (۱۶) (۱۷) (۱۸) (۱۹) (۲۰) (۲۱) (۲۲) (۲۳) (۲۴) (۲۵) (۲۶) (۲۷) (۲۸) (۲۹) (۳۰) (۳۱) (۳۲) (۳۳) (۳۴) (۳۵) (۳۶) (۳۷) (۳۸) (۳۹) (۴۰) (۴۱) (۴۲) (۴۳) (۴۴) (۴۵) (۴۶) (۴۷) (۴۸) (۴۹) (۵۰) (۵۱) (۵۲) (۵۳) (۵۴) (۵۵) (۵۶) (۵۷) (۵۸) (۵۹) (۶۰) (۶۱) (۶۲) (۶۳) (۶۴) (۶۵) (۶۶) (۶۷) (۶۸) (۶۹) (۷۰) (۷۱) (۷۲) (۷۳) (۷۴) (۷۵) (۷۶) (۷۷) (۷۸) (۷۹) (۸۰) (۸۱) (۸۲) (۸۳) (۸۴) (۸۵) (۸۶) (۸۷) (۸۸) (۸۹) (۹۰) (۹۱) (۹۲) (۹۳) (۹۴) (۹۵) (۹۶) (۹۷) (۹۸) (۹۹) (۱۰۰)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. (011-921353)

Amir R.

No SO (SM) E&SED/4-17/2021/Explanation
Dated Peshawar the September 02, 2021

PS
Atkale

The District Education Officer (Female)
Swabi

3/9

39

SUBJECT: EXPLANATION/ DISPLEASURE

I am directed to refer to the subject noted above and to state that you has issued office orders No. nil dated 05-07-2021 & 31-07-2021 respectively regarding posting/transfer of various teachers without approval of the competent authority and relaxation of ban.

I am therefore directed to state that this Department has already issued Notification No. SO(SM) E&SED/7-1/2021/E-Transfer Policy dated 10-06-2021 regarding complete ban on all type of posting/transfer except E-Transfer Policy.

You are therefore directed to cancel the posting/transfer order (ibid) and update your posting register. If you do not do so it will be presumed that you have nothing in defense and disciplinary action will be initiated against you under the Punjab Police Rules, 1973. (Punjab Police Rules & Discipline Rules, 2011).

*So(SM)
Please clarify within the
month position on
said please.*

AS 05/9

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

Encl: Even No. & Date:

Copy of the above is forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, E&SE Department.
3. PA to Additional (Estab) E&SE Department.

[Signature]
SECTION OFFICER (SCHOOLS FEMALE)

**DISTRICT EDUCATION OFFICE
(FEMALE) SWABI**

No. _____/SST/Absent/Notice
29.09.2021

Dated Swabi the

To
Mrs. Riffat Munir D/o Munir Khan,
SST General GGHS Yar Hussain

SUBJECT: EXPLANATION

Memo.

Reference withdraw E-Transfer order vide this office Endst No.2004-9dated 30.07.2021 was required to report for duty at GGHSS Yar Hussain No.1 but you failed to resume your duty till date.

You are therefore directed to explain as to why disciplinary action should not be initiated against you for this act under KPK Govt Servant E&D Rules 2011.

Your reply should reach to this office within three days positively after the receipt of this letter, in case of failure; your case will be forwarded to competent Authority for strict disciplinary action under the E&D rules 2011.

District Education Officer
(Female) Swabi

Endst No.2835-42/

Copy of even No & date is forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Swabi.
3. ADEO Secondary Local Office.
4. Principal GGHS No.1 Yar Hussain.
5. SDEO (Female) Razzar, is hereby directed to relieve the concerned teacher and submit report to this office immediately.
6. DMO Swabi.
7. Office file.

District Education Officer
(Female) Swabi



(40)
Aux S
B.S.
S.C.T

**DISTRICT EDUCATION OFFICE
(FEMALE) SWABI**

No. _____ /SSI/Absent/Notice Dated Swabi the 29/09/2021

To

Mrs. Riffat Munir D/O Munir Khan,
SST General GGHS Yar Hussian

Subject: Explanation.

Memo:

Reference withdraw E-Transfer order vide this office Endst.No2004-9 dated 30/7/2021, was required to report for duty at GGHS Yar Hussain No.1 but you failed to resume your duty till date.

You are therefore directed to explain as to why disciplinary action should not be initiated against you for this act under K.P.K Govt: servant E&D Rules 2011.

Your reply should reach to this office *within three days positively* after the receipt of this letter, in-case of failure, your case will be forwarded to Competent Authority for strict disciplinary action under the E&D rules 2011.

Sd-
DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Endst No. 2835-12

Copy of even no & date is forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Swabi.
3. ADEO Secondary Local office.
4. Principal GGHS No.1 Yar Husain.
5. SDEO (Female) Razzar, is hereby directed to relieve the concerned teacher and submit report to this office immediately.
6. DMO Swabi.
7. Office file.

DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

AN
ORDINANCE

Ans R - (41)
ASD Allee

to recognize and facilitate documents, records, information, communications and transactions in electronic form, and to provide for the accreditation of certification service providers.

WHEREAS it is expedient to provide for the recognition and facilitation of documents, records, information, communications and transactions in electronic form, accreditation of certification service providers, and for matters connected therewith and ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

CHAPTER I
PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Electronic Transactions Ordinance, 2002.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**—(1) In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “accreditation certificate” means a certificate granted by the Certification Council to a Certification Service Provider;

- (b) "Certification Council" means the Electronic Certification Accreditation Council established under Section 18;
- (c) "Accredited Certification Service Provider" means a Certification Service Provider accredited under this Ordinance to issue certificates for the use of its cryptography services;
- (d) "addressee" means the person intended by the originator to receive the electronic communication but does not include an intermediary;
- (e) "advanced electronic signature" means an electronic signature which is either—
 - (i) unique to the person signing it, capable of identifying such person, created in a manner or using a means under the sole control of the person using it, and attached to the electronic document to which it relates in a manner that any subsequent change in the electronic document is detectable ; or
 - (ii) provided by an accredited certification service provider and accredited by the Certification Council as being capable of establishing authenticity and integrity of an electronic document;
- (f) "appropriate authority" means —
 - (i) in relation to items contained in the Federal Legislative List of the Constitution of the Islamic Republic of Pakistan, 1973, the Federal Legislature or Federal Government;
 - (ii) in relation to items contained in the Concurrent Legislative List of the Constitution of the Islamic Republic of Pakistan, 1973, for which a Federal law is in force, the Federal Legislature or Federal Government, and, in all other cases, respective Provincial Legislature or Provincial Government;
 - (iii) in relation to the functions of the Federal Government or respective Provincial Governments being discharged by a statutory body, that statutory body ; and
 - (iv) in relation to matters in respect whereof the Supreme Court or the High Courts are empowered to make rules for the regulation of their proceedings, the Supreme Court or High Court, as the case may be;

- (g) "authority" means, in relation to an electronic document or electronic signature, the identification of and attribution to a particular person or information system;
- (h) "automated" means without active human intervention;
- (i) "certificate" means a certificate issued by a Certification Service Provider for the purpose of confirming the authenticity or integrity or both, of the information contained therein, of an electronic document or of an electronic signature in respect of which it is issued;
- (j) "certification practice statement", means the statement prepared by a certification service provider specifying the practices it employs in relation to the issuance of certificates and matters connected therewith;
- (k) "cryptography services" means services in relation to the transformation of contents of an electronic document from its original form to one that cannot be understood or decoded by any unauthorized person;
- (l) "electronic" includes electrical, digital, magnetic, optical, biometric, electro-chemical, wireless or electromagnetic technology;
- (m) "electronic document" includes documents, records, information, communications or transactions in electronic form;
- (n) "electronic signature" means any letters, numbers, symbols, images, characters or any combination thereof in electronic form, applied to, incorporated in or associated with an electronic document, with the intention of authenticating or approving the same, in order to establish authenticity or integrity, or both;
- (o) "information" includes text, message, data, voice, sound, database, video, signals, software, computer programs, codes including object code and source code;
- (p) "information system" means an electronic system for creating, generating, sending, receiving, storing, reproducing, displaying, recording or processing information;

- (q) "integrity" means, in relation to an electronic document, electronic signature or advanced electronic signature, the electronic document, electronic signature or advanced electronic signature that has not been tampered with, altered or modified since a particular point in time;
- (r) "intermediary" means a person acting as a service provider in relation to the sending, receiving, storing or processing of the electronic communication or the provision of other services in relation to it;
- (s) "network service provider" means a person who owns, possesses, operates, manages or controls a public switched network or provides telecommunication services;
- (t) "originator", means a person by whom, or on whose behalf, electronic document purports to have been generated or sent prior to receipt or storage, if any, but does not include an intermediary;
- (u) "person" includes an individual, appropriate authority, trust, waqf, association, statutory body, firm, company including joint venture or consortium, or any other entity whether registered or not;
- (v) "prescribed" means prescribed by rules made under this Ordinance;
- (w) "repository" means an information system for storing and retrieving certificates or other information related thereto established under section 23;
- (x) "security procedure" means a procedure which :
 - (i) is agreed between parties;
 - (ii) is implemented in the normal course by a business and which is reasonably secure and reliable ; or
 - (iii) in relation to a certificate issued by a certification service provider, is specified in its certification practice statement;

for establishing the authenticity or integrity, or both, of any electronic document, which may require the use of algorithms or codes,

identifying words and numbers, encryption, answer back or acknowledgment procedures, software, hardware or similar security devices;

- (y) "subscriber" means a person who subscribes to the services of a certification service provider;
- (z) "transaction" means an act or series of acts in relation to creation or performance of rights and obligations;
- (aa) "valid accreditation certificate" means an accreditation certificate which has not been suspended or revoked.

CHAPTER 2

RECOGNITION AND PRESUMPTION

3. **Legal recognition of electronic forms.**—No document, record, information, communication or transaction shall be denied legal recognition, admissibility, effect, validity, proof or enforceability on the ground that it is in electronic form and has not been attested by any witness.

4. **Requirement for writing.**—The requirement under any law for any document, record, information, communication or transaction to be in written form shall be deemed satisfied where the document, record, information, communication or transaction is in electronic form, if the same is accessible so as to be usable for subsequent reference.

5. **Requirement for original form.**—(1) The requirement under any law for any document, record, information, communication or transaction to be presented or retained in its original form shall be deemed satisfied by presenting or retaining the same if:

- (a) there exists a reliable assurance as to the integrity thereof from the time when it was first generated in its final form; and
- (b) it is required that the presentation thereof is capable of being displayed in a legible form.

(2) For the purposes of clause (a) of sub-section (1);

- (a) the criterion for assessing the integrity of the document, record, information, communication or transaction is whether the same has remained complete and unaltered, apart from the addition of any endorsement or any change which arises in the normal course of communication, storage or display ; and
- (b) the standard for reliability of the assurance shall be assessed having regard to the purpose for which the document, record, information, communication or transaction was generated and all other relevant circumstances.

6. Requirement for retention.—The requirement under any law that certain document, record, information, communication or transaction be retained shall be deemed satisfied by retaining it in electronic form if :

- (a) the contents of the document, record, information, communication or transaction remain accessible so as to be usable for subsequent reference;
- (b) the contents and form of the document, record, information, communication or transaction are as originally generated, sent or received, or can be demonstrated to represent accurately the contents and form in which it was originally generated, sent or received; and
- (c) such document, record, information, communication or transaction, if any, as enables the identification of the origin and destination of document, record, information, communication or transaction and the date and time when it was generated, sent or received, is retained.

7. Legal recognition of electronic signatures.—The requirement under any law for affixation of signatures shall be deemed satisfied where electronic signatures or advanced electronic signature are applied.

8. Proof of electronic signature.—An electronic signature may be proved in any manner, in order to verify that the electronic document is of the person that has executed it with the intention and for the purpose of verifying its authenticity or integrity or both. *

9. Presumption relating to advanced electronic signature.—In any proceedings, involving an advanced electronic signature, it shall be presumed unless evidence to contrary is adduced, that:

- (a) the electronic document affixed with an advanced electronic signature, as is the subject-matter of or identified in a valid accreditation certificate is authentic and has integrity; or
- (b) the advanced electronic signature is the signature of the person to whom it correlates, the advanced electronic signature was affixed by that person with the intention of signing or approving the electronic document and the electronic document has not been altered since that point in time.

10. **Stamp Duty.**—Notwithstanding anything contained in the Stamp Act, 1899 (II of 1899), for a period of two years from the date of commencement of this Ordinance or till the time the Provincial Governments devise and implement appropriate measures for payment and recovery of stamp duty through electronic means, whichever is later, stamp duty shall not be payable in respect of any instrument executed in electronic form.

11. **Attestation and notarization.**—Notwithstanding anything contained in any law for the time being in force, no electronic document shall require attestation and notarization for a period of two years from the date of commencement of this Ordinance or till the time the appropriate authority devise and implement measures for attestation and notarization of electronic documents, whichever is later.

12. **Certified copies.**—Where any law requires or permits the production of certified copies of any records, such requirement or permission shall extend to printouts or other forms of display of electronic documents where, in addition to fulfillment of the requirements as may be specified in such law relating to certification, it is verified in the manner laid down by the appropriate authority.

CHAPTER 3

ELECTRONIC DOCUMENTS

13. **Attribution of communications.**—(1) Unless otherwise agreed as between an originator and the addressee, an electronic communication shall be deemed to be that of the originator if it was sent:

- (a) by the originator himself;
- (b) by a person who had the authority to act for and on behalf of the originator in respect of that electronic communication ; or

(c) by an automated information system programmed by, or on behalf of the originator.

(2) Unless otherwise agreed as between the originator and the addressee, the addressee is to regard an electronic communication as being that of the originator, and is entitled to act on that assumption if:

(a) the addressee has no reason to suspect the authenticity of the electronic communication; or

(b) there do not exist any circumstances where the addressee knows, or ought to have known by exercising reasonable care, that the electronic communication was not authentic.

14. Acknowledgment of receipt.—(1) Unless otherwise agreed where the originator has stated that the electronic communication is conditional on receipt of acknowledgment, the electronic communication is treated as though it has never been sent, until the acknowledgment is received.

(2) Where the originator has not agreed with the addressee that the acknowledgment be given in a particular form or by a particular method, an acknowledgment may be given by:

(a) any communication, automated or otherwise, by the addressee ; or

(b) any conduct of the addressee, sufficient to indicate to the originator that the electronic communication is received.

15. Time and place of dispatch and receipt of electronic communication.—(1) Unless otherwise agreed between the originator and the addressee, the dispatch of an electronic communication occurs when it enters an information system outside the control of the originator.

(2) Unless otherwise agreed between the originator and the addressee, or unless proved otherwise, the time of receipt of an electronic communication is determined as follows:

(a) if the addressee has designated an information system for the purpose of receiving the electronic communication, receipt occurs:

- (i) at the time when the electronic communication enters the designated information system ; or
- (ii) if the electronic communication is sent to an information system of the addressee that is not the designated information system, at the time when the electronic communication is retrieved by the addressee;

(b) if the addressee has not designated an information system, receipt occurs when the electronic communication enters and information system of the addressee.

(3) Sub-section (2) applies notwithstanding that the place where the information system is located may be different from the place where the electronic communication is deemed to be received under subsection (4).

(4) Unless otherwise agreed between the originator and the addressee, an electronic communication is deemed to be dispatched at the place where originator ordinarily resides or has his place of business, and is deemed to be received at the place where the addressee ordinarily resides or has his place of business.

(5) For the purpose of this section:

- (a) if the originator or the addressee has more than one place of business, the place of business is that which has the closest relationship to the underlying transaction or, where there is no underlying transaction, the principal place of business ;
- (b) if the originator or the addressee does not have a place of business, reference is to be made to the usual place of residence ; and
- (c) "usual place of residence" in relation to a body corporate, means the place where it is incorporated or otherwise legally constituted.

16. **Electronic documentation of appropriate authority.**—(1) Nothing contained hereinbefore shall confer a right upon any person that any appropriate authority should accept, issue, create, retain, preserve any document in electronic form or effect monetary transaction in electronic form.

(2) Any appropriate authority pursuant to any law or procedure:

6

(a) accepts the filing of documents, or requires that documents be created or retained;

(b) issues any permit, certificate, licence or approval ; or

(c) provides for the method and manner of payment, procurement or transaction

may notwithstanding anything contained to the contrary in such law or procedure:

(i) accept the filing of such documents, or creation or retention of such documents in the form of electronic documents;

(ii) issue such permits, certificate, licence or approval in the form of electronic document ; or

(iii) make such payment, procurement or transaction in electronic form.

(3) In any case where an appropriate authority decides to perform any of the functions in clause (1) (i), (ii) and (iii) of sub-section (2) may specify:

(a) the manner and format in which such electronic documents shall be filed, created, retained or issued;

(b) when such electronic documents has to be signed, the type of electronic signature, advanced electronic signature or a security procedure required;

(c) the manner and format in which such signature shall be affixed to the electronic document, and the identity of or criteria that shall be met by any certification service provider used by the person filing the document;

(d) control process and procedures as appropriate to ensure adequate integrity, security and confidentiality of electronic documents, procurement, transactions or payments; and

(e) any other required attributes for electronic documents or payments that are currently specified for corresponding paper documents.

CHAPTER 4

CERTIFICATION SERVICE PROVIDERS

17. **Certification Service Providers.**—(1) Nothing in this Ordinance shall impede or in any way restrict the rights of any certificate service provider to engage in the business of providing certification services without being accredited.

(2) No person shall hold himself out as an accredited certification service provider unless he holds a valid accreditation certificate issued under section 24 by the Certification Council.

CHAPTER 5

CERTIFICATION COUNCIL

18. **Establishment of the Certification Council.**—(1) Within sixty days of the promulgation of this Ordinance, the Federal Government shall, by notification in the official Gazette, constitute an Certification Council to be known as Electronic Certification Accreditation Council.

(2) The Certification Council shall be a body corporate with perpetual succession and a common seal, and shall by the said name sue or be sued.

(3) The Certification Council shall comprise of five members, with four members from the private sector. One of the Members shall be designated as the chairman.

(4) The members of the Certification Council shall be appointed by the Federal Government for a term of three years and shall be eligible for reappointment once for an equal term after the expiry of their first term of appointment.

(5) No act or proceeding of the Certification Council shall be invalid by reason only of the existence of any vacancy among its members or any defect in its constitution discovered after such act or proceeding of the Certification Council.

(6) Except for the grant, renewal, revocation or suspension of accreditation, the Certification Council may from time to time delegate one or more of its functions and powers to one or more of its members.

(7) A member of the Certification Council shall not be removed except on the grounds of misconduct.

(8) No member, once appointed, shall have any direct financial interest in any concern or business relating to cryptography services.

(9) Decisions of the Certification Council shall be taken by a majority of the members, however in case of tie the Chairman shall have a casting vote.

(10) Save as provided herein, the terms and conditions of service of the members of the Certification Council shall be such as may be prescribed.

19. **Qualifications of member.**—Of the five members of the Certification Council:

(a) one shall be telecommunications engineer with at least seven years work experience, of which at least one year is in the field of cryptography services;

(b) two shall be professional or academics with at least seven years work experience in the field of information technology;

(c) one shall have an administrative background with at least seven years experience in a private or public organization ; and

(d) one member shall be an advocate with at least seven years experience and adequate knowledge of laws relating to information technology and telecommunications.

20. **Funds of the Certification Council.**—The funds of the Certification Council shall comprise of:

(a) grants from the Federal Government;

- (b) fee for grant and renewal of accreditation certificate; and
- (c) fee, not exceeding ten Ruppes, for every certificate deposited in the repository.
- (d) fines.

21. **Functions of the Certification Council.**—(1) The Certification Council shall perform such functions as are specified in this Ordinance or may be prescribed.

(2) Without prejudice to the generality of the foregoing subsection, the Certification Council shall:

- (a) grant and renew accreditation certificates to certification service providers, their cryptography services and security procedures;
- (b) monitor and ensure compliance by accredited certification service providers with the terms of their accreditation and revoke or suspend accreditation in the manner and on the grounds as may be specified in regulations;
- (c) monitor compliance of accredited certification service providers with the provisions of this Ordinance;
- (d) establish and manage the repository;
- (e) carry out research and studies in relation to cryptography services and to obtain public opinion in connection therewith;
- (f) recognize or accredit foreign certification service providers;
- (g) encourage uniformity of standards and practices;
- (h) give advice to any person in relation to any matter covered under this Ordinance,

make recommendations to an appropriate authority in relation to the matters covered under this Ordinance.

22. Application of Act XVII of 1996.—Notwithstanding anything contained in the Pakistan Telecommunication (Re-organisation) Act, 1996 (XVII of 1996), the Certification Council shall be exclusively responsible to grant, renew, suspend or revoke the accreditation to certification service providers, their cryptography services and security procedures:

Provided that, the foregoing provision shall not affect the applicability or operation of the provisions of the Pakistan Telecommunication (Re-organisation) Act, 1996 (XVII of 1996) to the telecommunication systems or telecommunication services, other than cryptography services, provided by the cryptography service providers.

23. Repository.—(1) The Certification Council shall establish and manage a repository for all accreditation certificates, certificates issued by accredited certification service providers and for such other information as may be specified in regulations made by the Certification Council.

(2) The Certification Council shall take appropriate measures to ensure the security of all information contained in the repository.

(3) All information contained in the repository shall be open to public inspection.

(4) Notice of suspension or revocation of any accreditation or of certificate issued by an accredited certification service provider, shall be posted in the repository within the prescribed time.

24. Grant of accreditation.—(1) The Certification Council may grant accreditation to certification service provider, its cryptography services, electronic signature or advanced electronic signature and security procedures who complies with the criteria for accreditation specified in the regulations.

(2) The terms and conditions of the accreditation, including those relating to duration of the accreditation, renewal, suspension or revocation, shall be specified in regulations.

(3) The fee for grant and renewal of the accreditation shall be as prescribed.

(4) The form and manner of proceedings for the consideration of application for grant, renewal, suspension or revocation of accreditation shall be specified in the regulations.

Provided that, the regulations shall provide for a transparent procedure with due regard to the right of hearing.

25. Certification practice statement.—(1) Each certification service provider, desirous of being accredited, shall prepare and have at all times accessible a certification practice statement in such form and with such details, particulars and contents as may be specified in regulations made by the Certification Council.

(2) Without prejudice to the generality of the foregoing, the regulations may provide for:

- (a) prompt information to persons likely to be adversely affected by any event relating to the information system of the certification service provider or inaccuracy, invalidity or misrepresentation contained in a certificate;
- (b) identification of subscribers;
- (c) suspension or revocation of certificates;
- (d) accuracy of information contained in a valid accreditation certificate;
- (e) foreseeability of reliance on valid accreditation certificates; and
- (f) deposit of certificates or notification of any suspension or revocation of any accreditation certificate or any other fact or circumstance affecting the certificate, in the repository.

(3) The certificate practice statement shall be submitted to Certification Council for approval along with the application for accreditation.

56

(4) Any subsequent change in the approved certification practice statement shall be initiated and processed in such manner as may be specified in regulations made by the Certification Council, and upon approval by the Certification Council, shall be incorporated in the certification practice statement.

(5) A copy of the certification practice statement shall be maintained at the office of the Certification Council and shall be open to public inspection.

(6) Subject to such limitations as may be specified in the regulations made under sub-section (1), a certification service provider shall, during the period of validity of an accreditation certificate published for reliance by any person, be deemed to warranting to such person that:

(a) the certification service provider has complied with the requirements of this Ordinance, rules and regulations made under this ordinance ; and

(b) the information contained in the certificate is accurate.

(7) The Certification Council may suspend or revoke the accreditation of a certification service provider for failure to comply with the provisions of this section:

Provided that, an order for suspension or revocation of accreditation shall be made in the manner specified in regulations made under sub-section (1) after providing reasonable right of hearing.

26. Decision of Certification Council.—All applications and matters coming before the Certification Council shall be decided through a speaking order, as expeditiously as possible but not later than ninety days except in extraordinary circumstances and for reasons to be recorded.

27. Appointment of offices, employees and advisers.—The Certification Council may appoint such officers, employees and advisers as it may consider necessary for the efficient performance of its functions on such terms and conditions as it may prescribe by regulations.

(2) The Certification Council may establish regional or local offices as may be necessary for efficient performance of its functions.

CHAPTER 6

AMENDMENTS OF CERTAIN LAWS

28. **Amendment of Act XVII of 1996.**—(1) In the Pakistan Telecommunication (Re-organisation) Act, 1996 (XVII of 1996), clause (b) of sub-section (2) of section 57 shall be omitted.

(2) Any provision in any licence issued by the Pakistan Telecommunication Authority under the aforesaid Act prohibiting the provision or use of cryptography services shall cease to have effect subject to provisions of this ordinance.

29. **Amendment of Presidential Order No. X of 1984.**—For the purposes of this ordinance, the Qanun-e-Shahadat Order, 1984, (P.O. No. 10 of 1984) shall be read subject to the amendments specified in the Schedule to this Ordinance.

30. **Extension to electronic forms.**—Notwithstanding anything contained in any other law for the time being in force, the expressions “attestation”, “books”, “books of accounts”, “certificate”, “charts”, “deed”, “document”, “document of title”, “execution”, “instrument”, “ledger”, “map”, “original”, “plans”, “publish”, “record”, “register”, “seal”, “signature”, “witnessing”, “words”, “writing”, or other words assuming paper or other tangible medium in relation thereto, shall, *mutatis mutandis*, extend to electronic forms thereof.

CHAPTER 7

OTHER LAWS AND JURISDICTION

31. **Application to certain laws barred.**—(1) Subject to sub-section (2), nothing in this Ordinance shall apply to:

(a) a negotiable instrument as defined in section 13 of the Negotiable Instruments Act, 1881 (XXVI of 1881);

(b) a power-of-attorney under the Powers of Attorney Act, 1881 (VII of 1882);

(c) a trust as defined in the Trust Act 1882 (II of 1882), but excluding constructive, implied and resulting trusts;

(d) a will or any form of testamentary disposition under any law for the time being in force; and

(e) a contract for sale or conveyance of immovable property or any interest in such property.

(2) The Federal Government after consultation with the provinces may, by notification in the official Gazette and subject to such conditions and limitations as may be specified therein, declare that the whole or part of this Ordinance shall apply to the whole or part of one or more instruments specified in clauses (a) to (e) of sub-Section (1).

32. **Application to acts done outside Pakistan.**— The provisions of this Ordinance shall apply notwithstanding the matters being the subject hereof occurring outside Pakistan, in so far as they are directly or indirectly connected to, or have an effect on or bearing in relation to persons, information systems or events within the territorial jurisdiction of Pakistan.

33. **Overriding effect.**— The provisions of this Ordinance shall apply notwithstanding anything to the contrary contained in any other law for the time being in force.

CHAPTER 8

OFFENCES

34. **Provision of false information, etc. by the subscriber.**—(1) Any subscriber who:

(a) provides information to a certification service provider knowing such information to be false or not believing it to be correct to the best of his knowledge and belief;

(b) fails to bring promptly to the knowledge of the certification service provider any change in circumstances as a consequence whereof any information contained in a certificate accepted by the subscriber or authorised by him for

publication or reliance by any person, ceases to be accurate or becomes misleading, or

- (c) knowingly causes or allows a certificate or his electronic signatures to be used in any fraudulent or unlawful manner,

shall be guilty of an offence under this Ordinance.

(2) The offence under sub-section (1) shall be punishable with imprisonment either description of a term not exceeding seven years, or with fine which may extend to ten million rupees, or with both.

35. **Issue of false certificate, etc.**—(1) Every director, secretary and other responsible officer, by whatever designation called, connected with the management of the affairs of a certification service provider, which:

- (a) issues, publishes or acknowledges a certificate containing false or misleading information;
- (b) fails to revoke or suspend a certificate after acquiring knowledge that any information contained therein has become false or misleading;
- (c) fails to revoke or suspend a certificate in circumstances where it ought reasonably to have been known that any information contained in the certificate is false or misleading;
- (d) issues a certificate as accredited certification service provider while its accreditation is suspended or revoked;

shall be guilty of any offence under this Ordinance.

(2) The offence under sub-section (1) shall be punishable with imprisonment either description of a term not exceeding seven years, or with fine which may extend to ten million rupees, or with both.

(3) The certification service provider or its employees specified in sub-section (1), shall also be liable, upon conviction, to pay compensation for any foreseeable damage

(60)

suffered by any person or subscriber as a direct consequence of any of the events specified in clauses (a) to (d) of sub-section (1).

(4) The compensation mentioned in sub-section (3) shall be recoverable as arrears of land revenue.

36. Violation of privacy of information.—Any person who gains or attempts to gain access to any information system with or without intent to acquire the information contained therein or to gain knowledge of such information, whether or not he is aware of the nature or contents of such information, when he is not authorised to gain access, as aforesaid, shall be guilty of an offence under this Ordinance punishable with either description of a term not exceeding seven years, or fine which may extend to one million rupees, or with both.

37. Damage to information system, etc.—(1) Any person who does or attempts to do any act with intent to alter, modify, delete, remove, generate, transmit or store any information through or in any information system knowingly that he is not authorised to do any of the foregoing, shall be guilty of an offence under this Ordinance.

(2) Any person who does or attempts to do any act with intent to impair the operation of, or prevent or hinder access to, any information contained in any information system, knowingly that he is not authorised to do any of the foregoing, shall be guilty of an offence under this Ordinance.

(3) The offences under sub-section (1) and (2) of this section will be punishable with either description of a term not exceeding seven years or fine which may extend to one million rupees, or with both.

38. Offences to be non-bailable, compoundable and cognizable.—All offences under this Ordinance shall be non-bailable, compoundable and cognizable.

39. Prosecution and trial of offences.—No Court inferior to the Court of Sessions shall try any offence under this Ordinance.

CHAPTER 9

MISCELLANEOUS

40. **Limitation on liability of network service providers.**—In the absence of intent to facilitate, aid or abet, a network service provider shall not be subject to any civil or criminal liability solely for the reason of use of his telecommunication system in connection with a contravention of this Ordinance by a person not subject to the direction or control of the network service provider.

Explanation.—Telecommunication system in this section shall have the meaning given thereto under the Pakistan Telecommunication (Re-organisation) Act, 1996 (XVII of 1996).

41. **Immunity against disclosure of information relating to security procedure.**—(1) Subject to sub-section (2), no person shall be compelled to disclose any password, key or other secret information exclusively within his private knowledge, which enables his use of the security procedure or advanced electronic signature.

(2) Sub-section (1) shall not confer any immunity where such information is used for the commission of any offence under any law for the time being in force.

42. **Power to make rules.**—The Federal Government may, by notification in the official Gazette, make rules to carry out the Purposes of this Ordinance.

43. **Power to make regulations.**—(1) The Certification Council may, with the prior approval of the Federal government, make regulations to carry out the purpose of this Ordinance.

(2) Without prejudice to the generality of the sub-section (1), regulations may provide for:

- (a) safety, control or management of keys, passwords or other secret information relating to use of services of accredited certification service providers;
- (b) standards, procedures and practices for time and date stamping;
- (c) minimum qualifications of staff of accredited certification service providers;
- (d) adequacy of facilities and equipment for secure and reliable operation;
- (e) privacy and protection of data of subscribers;

- (f) inspection of operations;
- (g) cross-certifications, accreditation, recognition, bridge certification or other arrangements with certification service providers based in other countries;
- (h) development of certification management system;
- (i) reparation to subscribers for damage arising from negligence of certification service provider with conditions for and limits to liability;
- (j) identification of areas of commerce or governance for use of certificates;
- (k) standardization and technology relating to protocols, algorithms, interoperability of systems, applications and infrastructure for accredited certification service providers;
- (l) form and contents of applications for accreditation;
- (m) suspension or revocation of certification;
- (n) suspension or revocation of accreditation;
- (o) certificate profiles with mandatory and optional fields and extension fields, if any;
- (p) certificate revocation and suspension list profiles with mandatory and optional fields, and extension fields (if any);
- (q) retention of records by certification authorities and the repository;
- (r) recommended code of practice for handling and storage of business information and records in elections form; and
- (s) regulation of access and audit trails.

44. **Prior publication of rules and regulations.**—(1) All rules and regulations proposed to be made by the Federal Government and the Certification Council under this Ordinance shall be published in the official Gazette and in at least one English and one Urdu daily with nationwide circulation, in draft form at least thirty days before the intended date of coming into operation.

(2) The Certification Council shall keep record of all comments received on the draft of the rules or regulations, and shall prepare a report thereon addressing each comment.

(3) The notification of the rules or regulations in their final form in the official Gazette shall be accompanied with a report of the Certification Council referred to in sub-section (2).

45. **Removal of difficulties.**—The Federal Government may by notification in the official Gazette, make provisions for removal of difficulties in a manner not inconsistent with the provisions of this Ordinance.

SCHEDULE

(See section 29)

AMENDMENT IN QANUN-E-SHAHADAT ORDER, 1984 (P.O. No. 10 OF 1984)

1. **Amendment of Article 2, P.O. No. 10 of 1984.**—In the Qanun-e-Shahadat Order, 1984 (P.O. No. 10 of 1984), hereinafter referred to as the said Order, in clause (1), after sub-clause (d), the following new sub-clauses (e) and (f) shall be added, namely:

“(e) the expression, “automated”, “electronic”, “information”, “information system”, “electronic document”, “electronic signature”, “advanced electronic signature” and “security procedure”; shall bear the meanings given in the Electronic Transactions Ordinance, 2002;

(f) the expression “certificate”, where the context so admits, includes the meaning given to it in the Electronic Transactions Ordinance, 2002.”

2. **Amendment of Article 30, P.O. No. 10 of 1984.**—In the said Order, in Article 30, for the full stop at the end a colon shall be substituted and thereafter the following explanation shall be added, namely:

“Explanation.—Statements generated by automated information systems may be attributed to the person exercising power or control over the said information system.”

3. **Insertion of new Article 46, P.O. No. 10 of 1984.**—In the said Order, after Article 46, the following new Article shall be inserted, namely:—

“46-A. *Relevance of information generated, received or recorded by automated information system.*—Statements in the form of electronic documents generated, received or recorded by an automated information system while it is in working order, are relevant facts.

59— 4. **Amendment of Article 59, P.O. No. 10 of 1984.**—In the said Order, in Article

(a) after the word “impressions” the comma and the words “, or as to authenticity and integrity of electronic documents made by or through an information system” shall be inserted ; and

(b) for the words “are relevant facts” the words and commas “or as to the functioning, specifications, programming and operations of information systems, are relevant facts” shall be substituted.

5. **Amendment of Article 73, P.O. No. 10 of 1984.**—In the said Order, in Article 73, after the second Explanation, the following new Explanations shall be added, namely:

“Explanation 3.—A printout or other form of output of an automated information system shall not be denied the status of primary evidence solely for the reason that it was generated, sent, received or stored in electronic form if the automated information system was in working order at all material times and, for the purposes hereof, in the absence of evidence to the contrary, it shall be presumed that the automated information system was in working order at all material times.

(65)

“Explanation 4—A printout or other form of reproduction of a Electronic Document, other than a Document mentioned in Explanation 3 above, first generated, sent, received or stored in electronic form, shall be treated as primary evidence where a security procedure was applied threoto at the time if was generated, sent, received or stored.”

6. Insertion of new Article, P.O No. 10 of 1984.—In the said Order, after Article 78, the following new Article shall be inserted, namely :—

“78-A. Proof of electronic signature and electronic document.—If an electronic document is alleged to be signed or to have been generated wholly or in part by any person through the use of an information system, and where such allegation is denied, the application of a security procedure to the signature or the electronic document must be proved.”

7. Amendment of Article 85, P.O No. 10 of 1984.—In the said Order, in Article 85, after clause (5), the following new clause (6) shall be added, namely:

“(6) certificates deposited in a repository pursuant to the provisions of the Electronic Transactions Ordinance, 2002.”

GENERAL,
PERVEZ MUSHARAF,
President.

بعد التخصيص سروی ٹریٹمنٹ لائسنس

12/15/21

2021 منجانب

مورخہ:

مقدمہ:

دعویٰ:

جرم:

بنام:

محترمہ صفحہ منیر بی بی صاحبہ

سرویس و سول بائوٹ نہریر آنڈ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آئن مقام کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان لاہور درج ذیل

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ٹاٹ و فیصلہ

بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک ورڈ پیسہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر

دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف نہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ دجانہ

التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہوا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈر ہے۔

المرقوم:

محمد

دکھو

ماہ

12

العبد

گواہ

العبد

بمقام لوہا کے لیے منظور ہے۔

Amjad Ali

Amjad Ali
Advocate
Man Be 105508

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان

0321-9882434 0321-9870175

"B"

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

No.

Appeal No. 7580 of 20 21

Mst. Riffat Munir Appellant/Petitioner

Versus

Court of KPH Secy. (R&IE) Respondent

Respondent No. 3

legd

Notice to: —

Distt. Education Officer
(Female) Swabi

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 3/12/21 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 20th

Day of Oct 20 21

(For Reply)


Registrar,

**Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

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

"B"

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

No.

Appeal No. 7580 of 20 21

Mst. Riffat Munis Appellant/Petitioner

Versus

Court of Kpk Svc. B&SE Respondent

Respondent No. 4

Notice to: —

Rubina naz, SST (G) GGHHS
Sarwar Shah Kothey Swabi

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 3/12/21 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 20th

Day of Oct 20 21

(for Reply)

[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, D.B
PESHAWAR.

No.

Appeal No. 7580 of 20 21
Mst. Riffat Munir Appellant/Petitioner
Versus
Govt. of KP Key: ESE Respondent
Respondent No. 2

Notice to: — Director Education Peshawar
ESE

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 3/12/21 at 8.00 A.M. If you wish to urge anything against the appellants/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 20th
Day of Oct 20 21

(For Reply) 20/11
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.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.7580/2021


Mst Riffat Munir SST General JICA Model School, Adina Sweabi Swabi... **Appellant**

VERSUS

1. Govt: of KPK through Secretary Elementary and Secondary Education Civil Secretariat Peshawar.
2. Director of Education KP near Dabgari Garden Peshawar, KP
3. District Education Officer (Female) Swabi.
4. Rubina Naz SST (G) GGHS Sarwar Shah Kothey Swabi.... **Respondents**

INDEX

S#	Description of Documents	Annexure	Page
1	Para-wise comments along-with Affidavit	-	01-06
2	Reply to application for suspension of Operation alongwith affidavit	-	07-08
3	Enquiry report	"A"	09-10
4	Supreme Judgment	"B"	11-16
5	Lower Court Judgment	"C"	17-19
6	Reply of Secretary E&SED, KP	"D"	20


**DISTRICT EDUCATION OFFICER
(FEMALE) SWABI**

**Dist: Education Officer
(Female) Swabi**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.7580/2021

Mst. Riffat Munir SST General JICA Model School, Adina Swabi..... **Appellant**

VERSUS

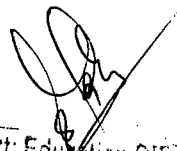
1. Govt: of KPK through Secretary Elementary and Secondary Education Civil Secretariat Peshawar.
2. Director E&SE, KP Peshawar, near GHSS No.1, Peshawar City.
3. District Education Officer (Female) Swabi.
4. Rubina Naz SST (G) GGHS Sarwar Shah Kothay Swabi.... **Respondents**

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 TO 3

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

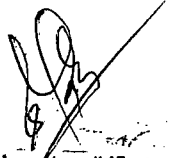
1. That the appellant has no vested right to continue, to hold a particular post at a particular place, thus is liable to be transferred anywhere in exigencies of service, hence the appeal is not maintainable.
2. That the service appeal is filed before the expiry of statutory ninety days after departmental appeal. Hence the service appeal is not maintainable.
3. That the service appeal is wholly incompetent, misconceived and untenable.
4. That the service appeal is wrong, baseless and not maintainable, it shows no strong cause to be taken for adjudication, therefore, the same service appeal is liable to be rejected/ dismissed.
5. That the service appeal is unjustifiable, baseless, false, frivolous and vexations. Hence the same is liable to be dismissed with the order of special compensatory cost in favour of respondents.
6. That no constitutional or legal right of the appellant has been violated, therefore, the appellant is not entitled to invoke the constitutional jurisdiction of this honourable Service Tribunal under Article 212 of the constitution of Pakistan.
7. That the appellant has not come to the Court/Tribunal with clean hands.
8. That the appellant has concealed the material facts from this Honourable Tribunal.
9. That the appeal is bad for misjoinder and non-joinder of the necessary party.
10. That the appellant has filed the instant appeal just to pressurize the respondents.
11. That the appellant has no cause of action to file the instant appeal.
12. That the appeal is not maintainable in the eye of law.
13. That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue.


Distt: Education Officer
(Female) Swabi

Facts:

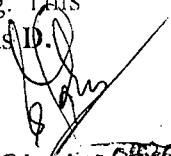
(2)

1. That the para relates to the initial appoint of the appellatant.
2. That the para relates to the previous transfer of the appellatant to the nearer station on her own request / choice.
3. That the para relates to the previous transfer of the appellatant to the nearer station on her own request/choice.
4. That the appellatant was appointed against CT post on merit on her request/apply. The appellatant conceals the material facts from the Honourable Tribunal in one pretext or the other.
5. That the para relates to the transfer of the appellatant to the nearer station on her own request/choice.
6. That the appellatant was promoted from CT to SCT upon the recommendation of the Departmental Promotion Committee (DPC) on turn on her own apply/request.
7. That the appellatant was promoted from SCT to SST (General) on turn on her own choice/request.
8. That the para relates to the transfer of the appellatant to the nearer station on her own request/choice.
9. That the appellatant is working against Provincial Cadre post. She is performing her duties in the native District nearer her home station. The stance/plea of the appellatant, that she has never been posted to her native/home Village Union Council Adina is quite conjectural contemptuous and ludicrous. She performed her whole duty in the stations round about ten Kilometers radius of her home. According to the Section 10 of NWFP Civil Servants Act, 1973, "**Posting and transfer, every Civil Servant shall be liable to serve any where within or out side Province, in any post under the Federal Government, or any Provincial Government or Local Authority or a Corporation or Body setup established by such Government.**" "Civil Servant has no vested right to continue to hold a particular post at a particular place. Civil Servant was liable to be transferred anywhere in exigencies of service". Same is reported in 1999 SCMR 2155 (C), 1999 PLC 132 (C). The transfer of the appellatant is made under Section 10 of NWFP Civil Servants Act, 1973. The Supreme Court of Pakistan judgments are very much clear in this regard. Some reported judgments of Supreme of Pakistan are 1999 PLC 655, 1999 SCMR 755 etc.
10. That the order dated 05/07/2021 was made against the E Transfer Policy. An enquiry was conducted on appeal in respect of Mst. Rubina Naz SST (G), GGHS Sarwar Shah Kothey for correction and re-evaluation of her E transfer portal data. The Government had every right to introduce its policy and the Court could not substitute the policy decision with its own opinion ordinarily, transfer and posting could not be claimed as matter of right, only the Government could determine as to which officer was suitable for which place. Same is reported in 2013 PLC (C.S) 864. Enquiry report and judgment annexed as **A & B**.
11. That here the matter is quite different. In fact the enquiry was conducted on appeal in respect of Mst. Rubina Naz SST Private Respondent No.4 for correction and re-evaluation of the E transfer portal data. The enquiry committee concluded that, 1. According to E transfer policy of teaching cadre BPS-12 to BPS-18, form


Distt. Education Officer
(Female) Swabi

B, i. distance of present school to the desired school in kilometers-20 marks. d. within 20 kilometers- 15 marks. b. within 10 kilometers- 5 marks.
 Keeping in view of this, Mst. Rubina Naz SST (G) Privates respondent No.4 deserves 15 marks while Mst. Riffat Begum SST (G) present appellant deserves 5 marks. 2. In the same transfer policy vi-spouse-10 marks, since husband of Rubina Naz SST (G) is serving at GHSS Kalu Khan as SST (G), deserves 10 marks as per VI- spouse-10 marks. **As per recommendation, "It is honestly recommended that appeal of Mst. Rubina Naz SST (G) GGHS Sarwar Shah Kothey may be honored and accepted after addition of total 25 marks (15 in distance and 10 in spouse) in her score.**

12. That the appellant is working against Provincial Cadre post. The appellant performed the whole duty in the native District nearer her home. All the transfers except the instant transfer were made on here own request/choice. The stance/plea of the appellant is conjectural, contemptuous and ludicrous.
13. That the post of the appellant is a Provincial Cadre post. The stance of the appellant taken in this regard has no legal effect.
14. That the private respondent No.4 was higher in merit than the appellant, therefore, the transfer order dated 05/07/2021 was withdrawn and replaced by a corrected transfer order dated 30/07/2021 accordingly. Human error occurs and is corrected through a proper procedure, which is done in this case.
15. That as per enquiry report, the merit less transfer order dated 05/07/2021 was corrected and replaced by the well reasoned transfer order dated 30/07/2021.
16. That on appeal in respect of Mst. Rubina Naz SST (G), GGHS Sarwar Shah Kothey for correction and re evaluation of her transfer portal data, an enquiry committee was constituted. Enquiry was conducted. In the light of enquiry recommendation the transfer order dated 05/07/2021 was corrected and replaced by transfer order dated 30/07/2021.
17. That the competent authority is empowered to correct/amend the merit less order. Thus the merit less transfer order dated 05/07/2021 was replaced by a transparent correct order dated 30/07/2021.
18. That the respondent No.3 corrected and replaced the merit less transfer order dated 05/07/2021 by a correct and transparent order dated 30/07/2021 after observing all the codel formalities.
19. That the appellant herself admits, she filed a departmental appeal dated 02/08/2021 before the Director of Education against the impugned withdrawal of transfer order dated 30/07/2021. The appellant did not wait the statutory period of 90 days and filed the appeal before the Tribunal. The appellant also filed suit for permanent injunction and declaration dated 02/08/2021 which was decided on 14/10/2021. **That the filing of Service appeal along-with filing of suit on the same date for permanent injunction and declaration on the same grounds is not allowed in accordance with law of res-judicata and is liable to be dismissed with special compensatory cost in favour of respondents. Civil Court judgment annexed as C.**
20. That the appellant herself admits, she filed another departmental appeal dated 05/10/2021 before the Director of Education which marked for enquiry to ADDE (F) vide order dated 05/10/2021. The appellant also filed the 3rd departmental appeal before the Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar, which was regretted and directed the District Education Officer (Female) Swabi to relieve the appellant immediately and to direct her to report to new place of posting with out further loss of timing. This was not challenged by the appellant. Secretary E&SED, KP letter annexed as 10.


 Distt. Education Officer
 (Female) Swabi

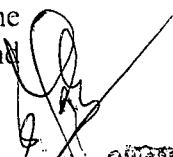
No scope of repeated appeals/representation is available to the Civil Servant. Same is reported in 1984 PLC (CS) 1104, 2001 SCMR 912, PLD 1997 SC 397, 1984 PLC (CS) 623, 1992 SCMR 1136, 2004 SCMR 497, 2004 PLC (CS) 840, 2009 PLC (CS) 89, 2007 PLC (CS) 152.

21. That the order dated 02/09/2021, an explanation/displeasure has been given by the Secretary E&SED, KP to respondent No.3, regarding the manual withdrawal of the E Transfer of the appellant, which was replaced by a letter, dated 15/10/2021 after perusal of record and enquiry report submitted by respondent No.3.
22. That the transfer order dated 05/07/2021 was declared null and void by the Secretary E&SED, KP and maintained the order dated 30/07/2021. Thus the order dated 29/09/2021 was also endorsed by the Worthy Secretary E&SED, KP Peshawar.
23. That the service appeal is wholly incompetent, misconceived, untenable, wrong, baseless, false, frivolous and unjustifiable. The transfer order dated 30/07/2021 and explanation dated 29/09/2021 are legal, in accordance with law and facts. The appellant is not an aggrieved person at all. The appellant wants to lead the department by its nose, which is illegal and immoral too. Thus the appellant has no cause of action to file the instant appeal and the appeal in hand is liable to be dismissed inter-alia amongst the following grounds.

Grounds:

- A. Incorrect, hence denied, the E transfer order dated 05/07/2021 was corrected and rectified through transfer order dated 30/07/2021. It was made after conducting the proper enquiry through well reputed officers.
- B. That the E transfer policy was implemented in letter and spirit. Human error occurs, which is corrected through proper procedure under the law.
- C. That the respondents streamlined the transfer of teachers and actualized the same on the basis of merit and criteria specified in E transfer policy. Peruse enquiry report annexed as A.
- D. That the wrong transfer order dated 05/07/2021 was corrected and replaced in the light of enquiry recommendation by a rectified order dated 30/07/2021.
- E. Incorrect, hence denied, the wrong transfer order dated 05/07/2021 was corrected and replaced in the light of enquiry recommendation by a rectified and well reasoned order dated 30/07/2021.
- F. Incorrect, hence denied, the wrong transfer order dated 05/07/2021 was corrected and replaced in the light of enquiry recommendation by a rectified order dated 30/07/2021.
- G. Incorrect, hence denied, the impugned withdrawal order is with cogent reasons, speaking and is according to the principles of natural justice.
- H. Incorrect, hence denied, the impugned order is fair, transparent, legal, just and is according to the principles of natural justice. The question of political pressure can not arise.
- I. Incorrect, hence denied, it is the matter of rectification and not violation of any law, rules and policy. It is also the matter of transparency. The Worthy Secretary E&SED, KP also endorsed the action of the respondent No.3.

- (5)
- J. Incorrect, hence denied, the appellant misinterprets the E transfer policy. The enquiry report is self explanatory in this regard.
- K. That the merit less transfer order dated 05/07/2021 was corrected and replaced by the transparent and speaking order dated 30/07/2021.
- L. Incorrect, hence denied, the Secretary E&SED, KP after perusal of the enquiry report and evidences in the instant case regretted the plea of the appellant and direct her to report to new place of posting without further loss of time. Thus the impugned order dated 05/07/2021 replaced by the order dated 30/07/2021 was protected. The impugned order dated 29/09/2021 was also protected.
- M. Incorrect, hence denied. Civil Servant could be transferred and was liable to serve anywhere in Pakistan subject to rider that the terms and conditions of service as to his pay would not be less favorable than those which he was enjoying prior to his transfer. The same is reported in 1999 SCMR 755. The appellant has not a vested right at all to serve in native Union Council. There is nothing in the E transfer policy of Education Department to serve the appellant in her native Union Council, because the post of the appellant is a Provincial Cadre post. The appellant is performing her duty in her native District at a distance of 07 Kms approximately.
- N. Incorrect, hence denied, the appellant has not got a vested right to serve in Union Council Adina. The appellant is working against Provincial cadre post.
- O. That the appellant is continuously/regularly committing non compliance of order of the competent authority and appellate authority as well, which amounts misconduct and is liable to be proceeded under E & D Rules, 2011.
- P. That the plea/stance of the appellant is conjectural, contemptuous and ludicrous. The appellant is committing noncompliance of the order of her superiors, which is illegal and immoral too. Ignorance of law is no excuse.
- Q. Incorrect, hence denied, the impugned explanation from the appellant is in accordance with law, rule and policy. The order of the superiors must be obeyed in letter in spirit. Non compliance of the order of superiors amount misconduct and is liable to be proceeded under E&D Rules, 2011.
- R. Incorrect, hence denied, the Worthy Secretary E&SED, KP endorsed the impugned order of the respondent No.3. The appellant wants to lead the department by its nose, which has no legal effect. The appellant is talking argy bargy. The attitude of the respondent No.3 is in fact according to the conduct/rules meant for the Civil Servants.
- S. Incorrect, hence denied, the impugned withdrawal of transfer order dated 30/07/2021 is a legal order because it is in accordance with law, rules and policy. The impugned order was passed, adopting due procedure that is why it is according to the E transfer policy. The appellant is duty bound to compliance the impugned order with out further loss of time.
- T. That impugned order has got legal status and must be obeyed.
- U. Incorrect, hence denied, impugned order is legal and with lawful authority.
- V. Incorrect, hence denied, the departmental appeals are repetitive, frivolous, misconceived, unjustifiable, baseless, false and untenable. The service appeal is premature, baseless, false, unjustifiable and misconceived.
- W. That the appeal is misconceived/unjustifiable, merit less and baseless. The impugned order dated 05/07/2021 was corrected and rectified through a legal and

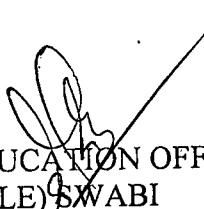

 Distt. Education Officer
 (Female) Swabi

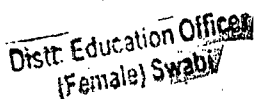
proper way, thus protected the authenticity and transparency of the E transfer policy.

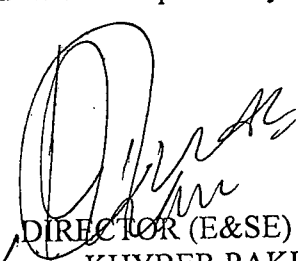
- X. That the transfer order dated 05/07/2021 was wrong, therefore, it was corrected and rectified by adopting the proper procedure. Thus the impugned order dated 30/07/2021 is tenable in the eye of law.
- Y. That the transfer order dated 05/07/2021 was wrong, therefore, it was corrected and rectified by adopting the proper procedure. Thus the impugned order dated 30/07/2021 is tenable in the eye of law.
- Z. Incorrect, hence denied, the Secretary E&SED, KP kept intact the impugned order dated 30/07/2021 and directed the appellant to report to new place of posting without further loss of time. The appellant wants to lead the department by its nose. She is talking argy bargy. The stance/plea of appellant is conjectural/contemptuous and ludicrous. The Worthy Secretary E&SED, KP regretted the appeal of the appellant, which is not impugned before the Tribunal. Therefore, the immature service appeal is incompetent, hence may be dismissed with compensatory cost in favour of the respondents.

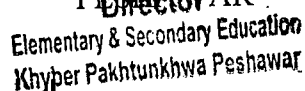
The respondents seek permission to raise/argue additional points/grounds on the day of hearing the case.


In view of the above stated submissions, it is earnestly requested that the instant appeal may very graciously be dismissed with compensatory cost in favour of the department.


DISTRICT EDUCATION OFFICER
(FEMALE) SWABI


Distt. Education Officer
(Female) Swabi

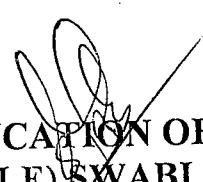

DIRECTOR (E&SE) DEPARTMENT
KHYBER PAKHTUNKHWA
PESHAWAR

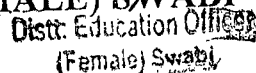

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


SECRETARY (E&SE) DEPARTMENT
KHYBER PAKHTUNKHWA

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the comments submitted by respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.


DISTRICT EDUCATION OFFICER
(FEMALE) SWABI


Distt. Education Officer
(Female) Swabi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.7580/2021

Mst Riffat Munir SST General JICA Model School, Adina Sweabi Swabi... **Appellant**

VERSUS

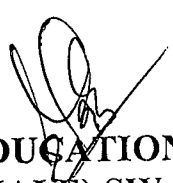
1. Govt: of KPK through Secretary Elementary and Secondary Education Civil Secretariat Peshawar.
2. Director of Education KP near Dabgari Garden Peshawar, KP
3. District Education Officer (Female) Swabi.
4. Rubina Naz SST (G) GGHS Sarwar Shah Kothey Swabi.... **Respondents**

Subject:- Reply to application for suspension of operation of impugned withdrawal of transfer order of appellant dated 30/07/2021 and impugned explanation dated 29/09/2021.

Respectfully Sheweth,

The respondents most humbly submit as under:-

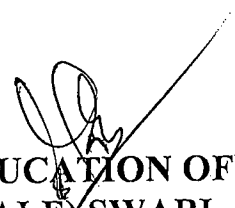
1. That the reply of the Service Appeal No.7580/2021 has been filed.
2. That the impugned transfer of appellant vides order dated 30/07/2021 and impugned explanation dated 29/09/2021 are according to law rules and policy.
3. That the respondents have a strong prima facie case and are sanguine about its success.
4. That the balance of convenience lies in favour of the respondents.
5. That there shall be irreparable loss to the respondents as well as the students at GGHS Yar Hussain if the impugned orders are suspended. It is therefore, humbly requested that the operation of impugned withdrawal of transfer order of the appellant dated 30/07/2021 and impugned explanation dated 29/09/2021 may please not be suspended till the final decision of the service appeal.


DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Distt. Education Officer
(Female) Swabi/

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of this reply to application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Distt. Education Officer
(Female) Swabi

Annexure - A

09

Enquiry Report.

Title:

"Appeal in r/o Mst: Robina Naz SST (G) GGHS Sarwar Shah Koty Gohati for correction and re-evaluation of her E-transfer portal data."

Reference: -Vide DEO Female swabi Endstt No 1876/SST/Enq/E-transfer Dated 19-07-2019 a committee comprising the following to probe into the matter and to submit its report.

1. Fazali khaliq litigation officer (Chairman) local office.
2. Muhammad Naeem Head Master GHS Shera Ghund Swabi - Member

Problem preview:


Mst: Robina Naz SST(G) Sarwar Shah Koty (Gohati) on 08-07-2021 submitted written appeal to DEO(F) Swabi on the above titled subject for reconsidering her request for her transfer on E-transfer portal on following grounds:-

- 1- According to E-transfer policy, the marks in (Gohati) to desired school (JICA Model School Adina) is 18 km approximately. This falls in the bracket of 20 km for which there are 15marks in case of SSTs.The appellant teacher has been awarded 0 marks against the indicator.
- 2- The appellant teacher has not been awarded 10 marks for the spouse indicator. The husband of the teacher is serving as SST at GHSS Kalu Khan Swabi. We both have the same domicile District.
- 3- The appellant teacher declares herself senior on stay at the present station as compared to the competing teacher Mst.Riffat SST (G) at GGHS Yar Hussain. The appellant teacher has requested for correction in merit score as per E-transfer policy and reconsider her transfer case.

The committee visited DEO(F) Swabi office, the appellant in person and IT section of the local office to collect relevant information and facts.

Facts:

- 1- The appellant teacher belongs to Village Kalu Khan Khat Kali, Tehsil Razar (Swabi). Her husband Mr.Shahid Ali is serving as SST(G) at GHSS Kalu Khan (Swabi).
- 2- Tenure of both the teachers (Mst Robina Naz SST at GGHS Sarwar Shah koty (Gohati) and Mst.Riffat Begum SST (G) at GGHS Yar Hussain (Swabi) is the same (wef 01-03-2019) but posted at different stations.
- 3- According Google map, distance of GGHS Sarwar Shah Koty to the desired school is 11.1km which is the case of Mst Robina Naz SST (G) under transfer while distance between present school and the desired school is 7.3 km which ~~while~~ is the case of Mst.Rifat Begum SST (G).


Distt: Education Officer
(Female) Swabi

10

Conclusions:

1- According to E-transfer policy of teaching cadre Bs (12 to 18), form B, i. Distance of present school to the desired school in km-20 marks within 20km-15 marks.
B - within 10km-5 marks.

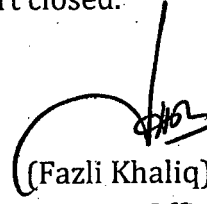
Keeping in view this, Mst Robina Naz SST (G) deserves 15 marks while Mst. Rifat Begum SST deserves 05 marks.

2- In the same transfer policy vi-spouse 10 marks, since husband of Robina Naz SST(G) is serving at GHSS Kalu Khan as SST (G) , deserves 10 marks as per VI-spouse 10 marks .

Recommendation:


It is honestly recommended that appeal of Mst: Robina Naz SST(G) Sarwar Shah Koty Gohati may be honored and accepted after addition of total 25 marked (15 in distance and 10 on spouse) in her score.


Report closed.


(Fazli Khaliq) 26/07/2021

Litigation Officer
Local Officer DEO Male Swabi

FAZLE KHALIQ
Litigation Officer
DEO (M) Swabi


26-7-021
(Muhammad Naeem)
Head Master
GHS Shera Ghund


Distt. Education Officer
(Female) Swabi

~~Annexure B~~

Annexure - B

11

2013 P L C (C.S.) 864

[Islamabad High Court]

Before Riaz Ahmad Khan, J

SAJID MEHMOOD RAJA and another

Versus

FEDERATION OF PAKISTAN and others

Writ Petition No.1213 of 2013, decided on 25th March, 2013.

(a) Civil service---

---Transfer/posting, right of---Scope---Ordinarily, transfer and posting could not be claimed as a matter of right---Civil servant aggrieved of his transfer could agitate his question of transfer before the competent forum, however, the authority to transfer lay with the competent authority and civil servant could not claim transfer or posting as a matter of right.

(b) Civil service---

---Appointment against a particular post at a particular place, right of---Scope---Only the Government could determine as to which officer was suitable for which place---Government had to keep in view the conditions, requirements, importance of the post and suitability and competence of officer to be posted on a post---Court could not step into the shoes of the Government and determine suitability and competence of an officer for a particular post.

1994 PLC (C.S.) 43; 1991 PLC (C.S.) 374 and 1999 PLC (C.S.) 201 rel.

(c) Civil service---

---Government policy regarding posting of officers---Interference by court in such a policy---Scope---Court did not have the power to take the role of policy maker---Government had every right to introduce its policy and the court could not substitute the policy decision with its own opinion---Policy, however, could be challenged at the touchstone of the Constitution and if it was found that the policy itself was violative of any provision of the Constitution or law, same could be struck down---Even where court struck down a policy as being violative of the Constitution or law, it would not give its own policy by substituting the one introduced by the Government.

2006 SCMR 1427 and PLD 2006 SC 697 rel.

(d) Civil service---

---Selection process for a post---Interview---Subjective assessment of a candidate---Scope---Interview (of a candidate) usually involved subjective assessment---Subjective assessment had to be based on some objective criteria, so that the element of arbitrariness and uncontrolled discretion was avoided---Discretion could not be used in an arbitrary manner.

2003 SCMR 291 rel.

Distt: Edu. Officer
(Female) Swabi 03-Jun-20, 11:46 AM

Distt: Education Officer
(Female) Swabi

12

(e) Constitution of Pakistan---

---Art. 199---Constitutional petition---Posts of trade officers to be appointed in foreign countries--- Selection process/formula---Interview of candidates---Policy of Government to give 70% weightage to interview of candidates during selection process---Interference in such policy by the court--- Scope---Officers for the posts in question were to be selected through competitive examination and interview---Respondents successfully cleared the selection process and were selected for postings abroad---Petitioners were unsuccessful in clearing the selection process---Plea on behalf of petitioners was that 70% weightage was given to interview for the only reason that Government wanted to select officers on basis pick and choose by ignoring merit; and that marks were given to some candidates during interview bring them at par with those who had obtained higher marks in written tests---Validity---Government had every right to introduce its policy and the Court could not substitute the policy decision with its own opinion---Marks in the interview were given on the basis of different attributes namely, interpersonal skills, communication skills, market intelligence and research (skills), IT skills, brand advocacy (skills), conflict resolution (skills) and management skills---Authority given to officers to conduct interview of candidates could not be substituted by the Court as long as assessment made by them was not against the policy or rules---Officers conducting interview of candidates made the assessment according to the objective criteria given in the policy, therefore, the same could not be questioned---Officers conducting the interview had the exclusive prerogative to assess the candidates and award marks---Officers conducting interview, belonged to different ministries and on the basis of presumptions it could not be said that all of them were involved in malpractice---Petitioners themselves appeared in the written test and interview, therefore, by their own conduct they were estopped from challenging the process in which they had themselves participated---Constitutional petition was dismissed in circumstances.

2006 SCMR 1427 and PLD 2006 SC 697 rel.

(f) Constitution of Pakistan---

---Arts. 212 & 199---Constitutional petition---Maintainability---Alternate remedy---Posts of trade officers to be appointed in foreign countries---Selection process/formula---Interview of candidates--- Policy of Government to give 70% weightage to interview of candidates during selection process challenged by way of constitutional petition before the High Court---Plea that transfer and posting fell within the terms and conditions of service and the petitioners being civil servants had alternate remedy to approach the Service Tribunal, therefore, constitutional petition was not maintainable--- Validity---Petitioners were seeking remedy of being posted abroad on the basis of a (Government) policy which did not form terms and conditions of service---Since present constitutional petition was not for the implementation of terms and conditions of service, therefore, bar provided under Art.212 of the Constitution had no application---Constitutional petition was held to be maintainable in circumstances.

Barrister Zafar Ullah and Barrister Afzal Hussain for Petitioners.

Tariq Mahmood Jhangiri, D.A.-G., Abdul Kabir Qazi, Joint Secretary, Ministry of Commerce, for Respondents

Abdul Aziz and Ms. Azra Jamali Respondents in Person.

Date of hearing: 25th March, 2013.

JUDGMENT

[Signature]
Distt. Education Officer
(Female) Swabi

03-Jun-20, 11:46 AM

[Signature]
Distt. Education Officer
(Female) Swabi

RIAZ AHMAD KHAN, J.--- This judgment is directed to dispose of above titled writ petition as well as Writ Petition No.1021 of 2013, as common questions of law and facts are involved in these writ petitions.

2 Brief facts of the case are that there are 63 posts of trade officers in foreign countries with whom Pakistan has commerce and trade relations as well as those countries with whom relations in respect of commerce and trade are to be developed. For posting the officers abroad, the Ministry of Commerce decided to select officers through competitive examination and interview. These competitive examinations were to be held through Lahore University of Management Sciences (LUMS) and the process of competitive examination started in the year 2005. On 5th of September, 2012, the Ministry of Commerce through advertisement published in the newspaper announced the selection of trade officers position in Pakistan missions abroad. Written examination was held through LUMS. 276 candidates appeared in the written examination and out of them 206 were declared as successful. These officers were called for interview. The respondents in all the cases were selected for posting abroad, whereas the petitioners were ignored. The petitioners having no other alternate remedy, filed the present petitions with the prayer that the process of selection be declared as illegal and unlawful and posting abroad of all private respondents be declared as illegal. It was further prayed that a direction be issued to the Ministry of Commerce to reselect officers in Grade 18, 19 and 20 for position as Trade Officers in Pakistani Missions Abroad.

3. Learned counsel for the petitioners submitted that the Government in the recent examinations adopted a strange formula for selection of Trade Officers. The said formula was to the following effect:---

The score of candidates for the competitive examinations held by LUMS including LT. skills	20%
Performance Evaluation Report	10%
Interview	70%

According to learned counsel for the petitioners, 70% weightage was left for interview for the only reason that the Government wanted to select officers on the basis of pick and choose by ignoring the actual merit. The process of selection was based on nepotism and favouritism. In most of the cases, the officers were not even qualified for test, but in interview were given maximum marks in order to enable them to get posting abroad. It was because of this that the result of candidates was never declared and even LUMS was asked to keep the result secret. Learned counsel submitted that it is the right of each and every participant in the examination to know about the result and the respondents had no right to keep the same secret. The allocation of 70% weightage to the interview was thus illegal. It was further submitted that the candidates could not be left to the subjective assessment of the officers conducting interview or the Federal Government rather there should be an objective criteria the assessment of candidates and the marks must be awarded in a transparent manner. Even in the present case, it is not known as to how the marks were awarded in interview. Learned counsel submitted that there was lack of transparency and fairness and this policy adopted by the Government was illegal and liable to be set aside.

4. On the other hand, Deputy Attorney-General assisted by learned counsel for the respondents submitted that the policy adopted by the Government was approved by the Prime Minister on 1-6-2012. Earlier written test was only eligibility test and 100% weightage was given to interview by SSB and for the first time written test is given weightage along with performance evaluation reports. The final assessment is based on giving 20% weightage to written test by LUMS, 10% to performance evaluation reports and remaining 70% to the following seven attributes:---

(i) interpersonal Skills

Distt. Education Officer
(Female, Swabi)

03-Jun-20, 11:46 AM

Distt. Education Officer
(Female) Swabi

14

- (ii) Communication Skills
- (iii) Market Intelligence and Research
- (iv) IT skills
- (v) Brand Advocacy
- (vi) Conflict Resolution
- (vii) Management Skills

On the basis of above said criteria, the officers are selected. It was further submitted that the petitioners have not come to the Court with clean hands. The competitive examination was held on the basis of Government Policy and Policy cannot be challenged through writ petition. In addition to that the Policy is always given by the Government and the Court cannot substitute the Policy given by the Government. It was also submitted that the transfer and posting falls within the terms and conditions of service and the petitioners being civil servants had alternate remedy to approach F.S.T. Since there is a bar under Article 212(2) of the Constitution of Islamic Republic of Pakistan, therefore, no writ can be issued.

5. It was submitted that petitioners claim is self-contradictory, because if they had been selected, they would have had no objection to the policy, but since they could not be selected so they raised objection regarding policy and now they want that the policy should be changed. It was further added that some of the petitioners have been selected, but they filed the writ petition and challenged the policy simply because they want posting at the place of their choice, which is neither a right nor can be considered as justified. In addition to that, all the petitioners had participated in the exam as well as interview, so they are estopped to invoke the constitutional jurisdiction of this Court.

8. Mr. Abdul Aziz Uqaili, respondent in W.P. No.1213 appeared in person and adopted the arguments of learned counsel for respondents, however, added that he himself belonged to District Management Group and had a wonderful academic record, he was not involved in any malpractice and got the position on merit. He had packed up everything for Sydney, but because of writ petition, had to stay back in Pakistan.

7. Ms. Azra Jamali appeared in person. She submitted that she belonged to Secretariat Group and was posted at Montreal. She also adopted the arguments of learned counsel for respondents.

8. Learned counsel for the petitioners raised the objection that result was not disclosed, therefore, the respondents were directed to produce the result in the Court. Accordingly, the result was produced and copy of the same was provided to the petitioners. Learned counsel for the petitioners after going through the result raised some technical objections that each page of the result was not signed by all the members; in some cases, full marks were given to select persons and the object was to increase their marks in order to bring them at par with those who had obtained marks on merit.

9. I have heard learned counsel for the parties and have also perused the record.

10. The first question which requires consideration is that whether posting abroad is a right or not? Ordinarily, the transfer and posting cannot be claimed as a matter of right. A civil servant being aggrieved of his transfer can agitate his question of transfer before the competent forum, however

Distt. Education Officer
03-Jun-20, 11:46 AM

Distt. Education Officer
(Female) Swabi

the authority to transfer lies with the competent authority and a civil servant cannot claim transfer or posting as a matter of right. The situation in the present case however, is different. The officials in the present case were required to qualify test and interview for posting abroad. As such, fitness for posting abroad was to be determined through test and interview, therefore, in the present case, posting abroad is to be considered as a right. Any eligible officer if qualifies the required test and interview and gets a position on merit, he would become entitled, to be posted abroad. However, it is to be kept in view that appointment at a particular place, is not a matter of right. Only the Government can determine as to which officer is suitable for which place. The Government for that matter has to keep in view the conditions, requirements, and importance of the post and on the other hand, suitability and competence of the officers to be posted on the said post. The Court cannot step into the shoes of the Government and determine suitability and competence of an officer for a particular post. As such, the officials who qualified the test and interview, got the right to be posted abroad, but had no right to be posted against a particular post at a particular place. In this respect, I have sought guidance from 1994 PLC (C.S.) 43, 1991 PLC (C.S.) 374 and 1999 PLC (C.S.) 201.

11. The next question is regarding policy for posting officers abroad. Contention of the petitioners is that though apparently the Government adopted a policy regarding posting officers abroad, yet the fact is that the policy is based on malice, nepotism and favouritism. It is an established principle of law that the Court has the power to interpret the law; but has no jurisdiction to take the role of policy-maker, Reference in this respect may be made to 2006 SCMR 1427 and PLD 2006 SC 697.


12. The Government has every right to introduce its policy and the Court cannot substitute the policy decision with its own opinion. The policy can be questioned at the touchstone of provisions of Constitution and if it is found that the policy itself is violative of any article of the Constitution or law, the same can be struck down. Even in that case, the Court would not give its own policy by substituting the one introduced by the Government.

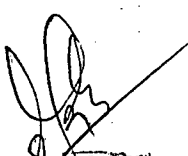
13. In the present case, only contention of the petitioner is that since 70% weightage is given to the interview, therefore, the officials are left at the mercy of the officers conducting interview. It has further been submitted that since the interview is based on the subjective assessment of the persons conducting interview, therefore, discretion is usually used in an arbitrary manner.

14. There is no doubt that discretion must not be used in arbitrary manner. It is also correct that in interview, there is usually the subjective assessment, made by the officers conducting the interview, but now it is well settled that the subjective assessment must be based on some objective criteria, so that the element of arbitrariness and uncontrolled discretion is avoided. In the judgment reported as "2003 SCMR 291" the Hon'ble Supreme Court of Pakistan held that "The appointment is a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions as trustee with complete transparency as per requirement of law, so that no person who is eligible to, hold such post is excluded from the process of selection and is deprived of his right of appointment in service."

15. In the present case, the marks in interview were given on the basis of following 7 attributes:---

- (i) Interpersonal Skills
- (ii) Communication Skills
- (iii) Market Intelligence and Research
- (iv) IT skills


Distt. Education Officer
(Female) Swabi
12/2021


Distt. Education Officer
(Female) Swabi

03-Jun-20, 11:46 AM

16

- (v) Brand Advocacy
- (vi) Conflict Resolution
- (vii) Management Skills

The result produced before the Court shows that the marks were given on the basis of these attributes, Contention of learned counsel for the petitioners in this respect is that marks are given with mala fide intention and in order to bring the officers, who had obtained lesser marks, at par with those who had obtained higher marks in the written test. This contention cannot be accepted as the same is based on the personal assessment of the learned counsel. Somebody has to be given the authority to conduct interview and award marks.

16 The authority cannot be substituted by the Court as long as assessment made by the officer conducting interview is not against the policy or rules. In the present case, officers conducting the interview made the assessment according to the objective criteria given in the policy, so the same cannot be questioned. It was the exclusive prerogative of the officers conducting interview to assess the candidates and award marks. In addition to that, the officers conducting interview belonged to different ministries and on the basis of presumptions, it cannot be said that all of them were involved in malpractice.

17. It was also contended that the petitions are not maintainable due to bar provided by Article 212 of the Constitution. This contention is not correct for the reason that the petitioners had prayed for posting abroad on the basis of policy, which does not form terms and conditions of service. Since the writ petitions were not for the implementation of terms and conditions, therefore, the bar provided under Article 212 of the Constitution had no application in the present case. The writ petitions on that score were maintainable.

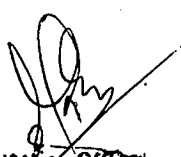
18. The petitioners however had themselves, appeared in the written test and also in the interview, so after appearing in the interview, they had no right to challenge the same before the Court. By their own conduct they were estopped, to challenge the process in which they had themselves participated.

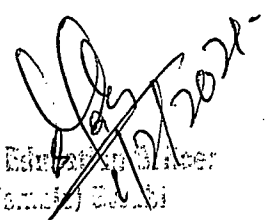
19 It has also been submitted that the result was not made public, which shows that there was malice on the part of respondents. Since the result has already been declared and the same has already been provided to the petitioners, therefore, the objection is no more relevant.

20. In the above said circumstances, the writ petitions are devoid of merits and are accordingly, dismissed.

MWA/80/Isi.

Petition dismissed.


Distt. Education Officer
(Female) Swabi.


Distt. Education Officer
(Female) Swabi

Handwritten signature at the top of the page.

17



IN THE COURT OF SAQIB KHAN
CIVIL JUDGE-VI, SWABI

Suit No.....310/1 of 2021
Date of institution.....02.08.2021
Date of Decision.....14.10.2021

Mst: Rifat Muner wife of Muner Khan r/o Adina,
Tehsil Razzar, District Swabi.....(Plaintiff)

Versus

- 1- SDO (F) Roshan Pora, Swabi.
- 2- District Education Officer (F), Swabi.
- 3- Mst: Robina Naz (SST) r/o Kalu Khan, Tehsil Razzar, District Swabi.
- 4- Provincial Govt through secretary Khyber Pakhtun Khawa.

Handwritten notes on the left margin, including the number '3'.

SUIT FOR PERMANENT INJUNCTION & DECLARATION.

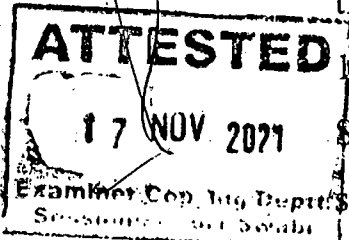
SUMMARY JUDGMENT:

14.10.2021

The Plaintiff has filed instant suit for permanent injunction to the effect that defendants be bound down to cancel her transfer and obey the order dated 05.07.2021. Plaintiff also prayed for declaration to the effect that as per seniority and local residence, she be posted at her native village.

Brief facts of the case as per averments of the plaint are that the plaintiff is serving in Education Department since 1992 and during this tenure served her duty in faraway areas. Son of plaintiff namely Ahmad Muner aged about 08 years is studying at Al-Badar Public School Kalu Khan, while her husband is serving in Education Department at Bannu. There

SAQIB KHAN
Civil Judge-VI Swabi



Dist. Education Officer
(Female) Swabi

is no other member for the look-after of her son. In the year 2017 on departmental promotion as SST she posted far away at village Parmoli and thereafter at Yar Hussain till June, 2021. On 05.07.2021 plaintiff was transfer to JICA Model School Adina from Govt Girls High School Yar Hussain on the basis of E-transfer policy, wherein plaintiff performed her duty for 26 days. On 30.07.2021 defendant No.02 transferred her at place of defendant No.03 without any reason. Defendant No.03 is the resident of Kalu Khan and already performed her duty at JICA Model School Adina for about 15/16 years and thereafter at her native village Kalu Khan. Plaintiff is entitled for appointment in her native village on the basis of service, experience, permanent address and on humanitarian grounds. That order passed by defendant No.02 dated 30.07.2021 is illegal from every angle. plaintiff prayed for implementation of order dated 05.07.2021 and cancellation of order dated 30.07.2021.

[Signature]
SADIQ KHAN
 Civil Judge-VI Swabi

Defendant was summoned. Defendant No. 01, 02 & 03 failed to appear before the court and were proceeded ex-parte on 29.09.2021. Today defendants No. 01, 02 and 04 appeared through representative and submitted an application for setting aside ex-parte proceedings against defendants No. 01 and 02. In meanwhile, interrogatories were made and the parties were duly examined by the court. During the course of interrogatories and examination of the parties within the meaning of order X CPC, the court pointed out that this court has got no jurisdiction to entertain the issue relating to service matter.

After some time, plaintiff's counsel and representative of defendant No. 02 and 03 appeared before the court and plaintiff's counsel submitted an application to the effect that the plaintiff want to withdraw the suit as she does not want to pursue the case and she

ATTESTED
 37 NOV 2021
 Examiner Cop. Inq Deptt.
 Sessions Court Swabi

[Signature]
 Distt. Education Officer
 (Female) Swabi

19

will approach to the service tribunal to pursue the case therein. Accordingly, the case was fixed for summary judgment hearing u/s XV-A CP.

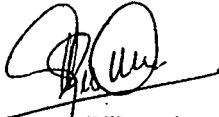
In the backdrop of the aforementioned scenario the plaintiff was held entitled for speedy and summary disposal of his case in the light of withdrawal application.

For the reasons stated above, suit of the plaintiff is hereby dismissed as withdrawn.

It is also pertinent to mention here that this judgment shall not affect the rights of any third party.


File to come be consigned to the record room after its necessary completion and compilation.


Announced:
14.10.2021



(Saqib Khan)
Civil Judge VI, Swabi
SAQIB KHAN
Civil Judge-VI Swabi

CERTIFICATE

It is certified that this judgment consists of three (03) Pages. Each page has been read, checked and signed by me after making necessary corrections therein.


(Saqib Khan)
Civil Judge VI, Swabi
SAQIB KHAN
Civil Judge-VI Swabi


ATTESTED
17 NOV 2021
Examiner Cop. Inq Deptt.
Sessions Court Swabi


Distt. Education Officer
(Female) Swabi

Annexure-D



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

20

No. SO(S/F)E&SED/4-17/2021/Explanation
Dated Peshawar the October 15th, 2021

To ✓

The District Education Officer (Female),
Swabi.



DAVO
28/10/21

Subject: APPLIATION OF MST. RIFAT MUNIR.

I am directed to the subject noted above and to state that request of Mst. Rifat Munir, SST (General) for cancellation of her transfer order was examined and regretted by the Competent Authority.

2- It is, therefore requested to relieve the above teacher immediately and direct her to report to new place of posting without further loss of time.

15/10
(Hafeez-Ur-Rehman Shah)
SECTION OFFICER (S/F)

Endst: of even No. & Date

Cc to the: -

1. Director E&SE Khyber Pakhtunkhwa.
2. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.

15/10
SECTION OFFICER (S/F)

Distt. Education Officer
(Female) Swabi

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 7580/2021

Mst Riffat Munir SST General JICA Model School Adina Swabi
.....(Appellant)

VERSUS

Govt of KPK through Secretary Elementary and Secondary
Education Civil Secretariate Peshawar and others
.....(Respondents)

INDEX

Serial No	Description of Documents	Annexure	Page
1	Rejoinder along with affidavit		1-6
2	Copy of judgment reported in 2005 SCMR 890	R/1	7-9

Through

Appellant

Amjad Ali Advocate
Supreme Court at
Distt: Courts Mardan

Dated: 03/01/2022

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 7580/2021

Mst Riffat Munir SST General JICA Model School Adina Swabi
.....(Appellant)

VERSUS

Govt of KPK through Secretary Elementary and Secondary
Education Civil Secretariate Peshawar and others
.....(Respondents)

REJOINDER ON BEHALF OF APPELLANT

Sir,

Appellant humbly submits as under:

PRELIMINARY OBJECTIONS.

1. That Para No 1 of reply is incorrect, misconceived. Denied. It is not the matter of choice posting but once appellant has been posted as per E-transfer policy vide order dated 05/07/2021 and acted upon then under what authority of law, the same can be withdrawn by the same DEO(F) vide order dated 30/07/2021. Moreover, transfer order once given effect, vested right accrues to the appellant.
2. That Para No 2 of reply is incorrect, misconceived. Denied. Service appeal can be filed after lapse of 15x days of un-responded Departmental appeal as in transfer posting policy, it is incumbent upon departmental authority to decide appeal within 15x days and once Departmental Appellate Authority is not exercising its jurisdiction then appellant can't be kept waiting for 90x days. 90x days waiting period is for orders

(2)

other than transfer orders as no policy of Provincial Govt is covering the same, so the statutory rules are made applicable. Furthermore, word **original or appellate order** used in Section 4 speaks of eventuality which is emergent one like transfer case as per 1996 PLJ Lahore. As per judgment of Supreme Court reported in 2005 SCMR 890, time spent in Tribunal after Departmental appeal dated 02/08/2021, in Tribunal can't be dismissed on the ground of pre-mature, as the same has been matured by efflux of time. **(Copy of the judgment reported in 2005 SCMR 890 is attached as Annexure R/1)**

3-13. That Paras 3 to 13 of reply are incorrect, misconceived. Denied.

FACTS:

Para 1-8 That Paras No.1 to 8 of appeal have been admitted by respondents, however, addition of words like on her own request is totally incorrect, misconceived, denied as all these promotion/transfer orders are as per rules/policy and not upon whims of appellant.

Para 9 That Para No 9 of the appeal to the extent of 30x service of appellant outside her Union Council Adina is not Denied in reply, which means admission and terming her P.E.T and C.T/SCT service as Provincial cadre, speaks of poor knowledge of the Author of reply and signature of 3x officers of Education Department.

Para 10 That Para 10 of the appeal is with respect to framing of E-transfer/posting policy vide notification dated 10/06/2021 in order to automate the transfer and exclude human interference which has not been denied specifically means admission. However, mentioning of

(3)

judgment of 2013 PLC (CS) 864 regarding E-Transfer policy of 2021 is totally misconceived, incorrect. Denied. In other words, the same officers who framed E-Transfer policy are trying to defeat the same, that they known who is to be posted where. It is clear negation of E-transfer policy and its purpose. The so-called inquiry dated 26/07/2021 attached as Annexure 'A' of reply signed by two subordinates of DEO(F) can't be superior to the recommendations of software dated 07/05/2021, which is interference of human and multiplying the purpose of automation of E-Transfer policy with **ZERO**, in order to please their political masters. It is strange that so called inquiry reported dated 26/07/2021 is ordered on appeal of private respondent by DEO(F) whereas appellate authority means, authority higher than the one which passed the transfer order which is Director in instant case. So the very order for inquiry is by incompetent authority and void-ab-initio. Moreover, appellant Riffat Munir, was neither summoned, nor heard which is against first principle of natural justice i.e Audi ALteram Partem. The fact no 2 at so called inquiry report is a white lie against the record as posting order of Riffat Munir is on 31/12/2018, specifically asserted in Para 8 of the appeal and not denied by the same officers. Moreover, relevant points are as under:-

S. No	Riffat Munir	Robina Naz
a	Date of Birth: 24/03/1973	Date of Birth: 01/01/1977
b	Date of 1 st Appointment: 05/03/1992	Date of 1 st Appointment:

		05/04/1999
c	Promotion to SST 06/02/2017	Promotion to SST 06/03/2019
d	Posting Stations are as under: i. GGMS Gar Munara ii. GGMS Saleem Khan iii. GGMS Kabgani Gadoon iv. GGMS Haryan v. GGMS Sard Cheena vi. GGMS Bazargay vii. GGMS Adeena viii. GGHS Parmoli ix. GGHS Sarwarsha Kotay x. GGHS Yar Hussain xi. JICA Primary Adeena	Posting Stations are as under: i. Jalbay (01 year) ii. JICA Adeena (14 years) iii. Kalu Khan 10/11/2014 (04 years) iv. Sarwar Shah Kootay 06/03/2019 v. JICA Adeena 31/07/2021
e	Native Union Council: Adeena	Native Union Council: Kalu Khan and not Adeena

Para 11 That Para 11 of the appeal is correct and that of reply is incorrect. Denied. Neither any new facts were submitted to I.T nor computer automation nor there are any new facts. Moreover, husband of appellant is also civil servant and husband of Robina Naz and Robina

Naz are S.S.T (G) can be transferred anywhere in province as per Para 9 of the reply of respondents.

Para 12 That Para 12 of the appeal is correct and that of reply is incorrect. Appellant has been made a rolling ball i.e transfer in 11x schools whereas Robina NAz has already spent 14x years in JICA School Adeena and she can't be given a license to complete her entire service in the same school.

Para 13-19 That Para 13 to 19 of appeal are correct whereas that of reply are incorrect. Denied. Moreover, explained above.

Para 20-22 That Para No 20 to 22 of appeal is correct and those of reply are incorrect, misconceived. Denied. It is not the case of repeated appeals, but his appeal has not been decided by Director Education who is Hafiz e Quran and Phd Doctor. No one whether Secretary or Minister can interfere in Automated, Electronic Transfer Systemt and the so-called letter of Section Officer dated 15/10/2021 is the result of political pressure, and is an arbitrary letter by incompetent authority, signed by S.O over both designations and seems to be correspondence between P.S to Secretary and Section Officer. The letter is devoid of reason, rule/law. The letter is totally void as without passing proper order on Departmental appeal by Director E&SE and without resorting to E-Transfer system, the unilateral one sided orders are passed.

Para 23 That Para 23 of appeal is correct and that of reply is incorrect. Denied.

GROUND:

(6)

A-Z That all the grounds of appeal are correct and those of reply are incorrect. Denied. No one has the authority to change or alter the transfer orders passed and given effect on the basis of E-Transfer system and it is the portal which has to decide. Moreover, respondent no 4 can't be permitted to serve in JICA School Adeena again where she has enjoyed a spell of 14x long years. As per spouse policy, if official respondents are so favourable to respondent no 4, she should be posted in her Union Council Kalu Khan forever along with her husband.

It is therefore humbly requested that the appeal may please be accepted as prayed for.

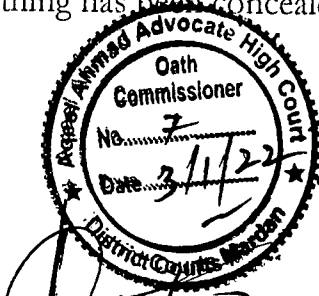
Any other relief which this Honorable Tribunal deems appropriate in the circumstances of the case may also be graciously granted.

Appellant ✓
Through Amjad Ali Advocate
Supreme Court at
Distt: Courts Mardan

Dated: 03/01/2022

AFFIDAVIT

I, Mst Riffat Munir SST General JICA Model School Adina Swabi do hereby solemnly affirm and declare that all the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Court.



Deponent ✓

2005 S C M R 890

[Supreme Court of Pakistan]

(7)

Present: Sardar Muhammad Raza Khan and Mian Shakerullah Jan, JJ

MANAGING DIRECTOR, OIL AND GAS DEVELOPMENT COMPANY LTD.---Appellant

versus

Syed NAJMUL HASSAN NAQVI---Respondent

Civil Appeal No.662 of 2001, decided on 28th February, 2005.

(On appeal from the judgment, dated 23-6-2000 passed by the Federal Service Tribunal, Islamabad in Appeal No.1675(R) of 1999).

(a) Service Tribunals Act (LXX of 1973)---

---S. 4---Civil Procedure Code (V of 1908), S.80 & O.VII, R.11---Premature appeal---Effect---Any suit or cause of action which is premature, does not entail dismissal of that cause but it results into rejection under O.VII, R.11 C.P.C. that does not operate as res judicata---If appeal before Service Tribunal is premature, it should be returned by Registrar so as to be re-submitted after maturity of cause of action.

Abdullah Bhai's case PLD 1964 SC 106; Muhammad Usman's case PLD 1983 SC 436; Syed Aftab Ahmed's case 1999 SCMR 197; Pakistan International Airlines Corporation's case 1999 PLC (C.S.) 1539 and Sui Southern Gas Company Limited's case 2003 PLC (C.S.) 796 ref.

(b) Service Tribunals Act (LXX of 1973)---

---S. 4---Civil Procedure Code (V of 1908), O.VII, R.11---Premature appeal---Filing of appeal before expiry of ninety days---Penalty of compulsory retirement, setting aside of---Civil servant was compulsory retired from service but Service Tribunal allowed appeal and set aside the penalty---Plea raised by the authorities was that civil servant had filed appeal after eighty days from filing of departmental representation, thus the appeal was premature the same merited dismissal by Service Tribunal---Validity---If at the initial stage, by serious omission, the timely return of appeal was avoided and the cause of action was allowed to mature during pendency of appeal and on the fag end of proceedings, the appeal was dismissed on the ground that the initial submission was premature, such volte face if taken by Service Tribunal, could not be endorsed under any canon of justice---Premature matters were not bad but simply premature and must be returned---Failure to return the appeal debarred the Tribunal to subsequently jeopardize rights and bona fide claims of civil servants---Service Tribunal was required to return the appeal at the very first instance, if such course was not adhered to, then the Tribunal subsequently could not damage the civil servant on the grounds of prematurity of appeal when the same had become mature during the pendency allowed by Service Tribunal itself---Service Tribunal had rightly declined to dismiss the appeal on the score of prematurity---Appeal was dismissed.

(c) Service Tribunals Act (LXX of 1973)---

---S. 4---Penalty of compulsory retirement, setting aside of---Discrimination---Departmental inquiry was initiated against eight officers but the respondent civil servant was only condemned who was compulsory retired from service just 4 days prior to his superannuation---Service Tribunal allowed the appeal and set aside the penalty---Validity---No action was taken against other officers under inquiry on the ground that he was to retire after about four months---If such reason could prevail with the authorities with regard to that other officer, it was equally available for the respondent civil servant who was compulsorily retired 4 days before his superannuation---Service Tribunal had rightly concluded that the penalty awarded to respondent civil servant was clearly discriminatory and his retirement was expedited mala fide despite the

fact that after 4 days he was to retire on superannuation---Supreme Court declined to interfere with the judgment passed by Service Tribunal as the same was unexceptionable---Appeal was dismissed.

Shah Abdul Rasheed, Advocate Supreme Court with Syed Amjad Ali, Dy. Admn. Officer (O.G.D.C.) for Appellant.

Hafiz S.A. Rehman, Advocate Supreme Court for Respondent.

Date of hearing: 28th February, 2005.

8

JUDGMENT

SARDAR MUHAMMAD RAZA KHAN, J--- Oil and Gas Development Company Limited, Islamabad has challenged, after leave of the Court, the judgment, dated 23-6-2000 of learned Federal Service Tribunal whereby, on acceptance of the appeal of Syed Najamul Hassan Naqvi, his compulsory retirement from service was set aside.

2. The respondent joined the company on 23-9-1982 as Deputy Chief Geologist and in due course became a Manager (B-21) when on 12-12-1998 he was served with a charge-sheet levelling the allegations of misconduct. An inquiry was held and ultimately it was found that the charges of misconduct were proved. Accordingly, vide office memorandum dated 13-8-1999 he was made to retire from service compulsorily. His appeal before the Service Tribunal succeeded and hence this appeal.

3. Learned counsel for the appellant challenged the very maintainability of appeal before the Tribunal on the ground that it was premature and was filed without waiting for a period of 90 days after filing of appeal or representation before the higher departmental authority. The learned counsel drew analogy from section 80 of the Civil Procedure Code where no suit against Government could be filed before the expiry of two months next after notice in writing, as contemplated by the section itself. It was vehemently asserted by the learned counsel that any suit brought in contravention of section 80, C.P.C. was bound to be rejected under Order VII, rule 11 of the C.P.C. and could not be entertained by the Court. That identical was the case of appeals to be filed under section 4 of the Service Tribunal Act.

4. We believe that the one in hand is a matter squarely akin to the civil law and that is why the learned counsel also consciously sought protection under the provisions of section 80, C.P.C. Still, we cannot avoid making expression that the condition of prematurity involved under section 80, C.P.C. as well as under section 4 of the Service Tribunals Act is of hyper-technical nature. Legislature having realized this fact has amended the section in the year 1962 by adding proviso to the effect that if a premature suit is instituted without such notice or in contravention of the provision of section 80, C.P.C., the Court shall allow not less than three months to the Government to submit its written statement. The logic behind the issuance of notice under section 80, C.P.C. of providing time to the Government is covered by allowing it three months time after the institution of suit, to file written statement. This carries an idea that the causes of action if premature can be overlooked if those become mature during pendency of the cause. This Court comprising of Mr. Justice A.R. Cornelius, Mr. Justice B.Z. Kaikus and Mr. Justice Hamoodur Rahman in Abdullah Bhai's case PLD 1964 SC 106-113 had categorically observed that it was open for the Court to have decreed the suit which was premature when it was filed but where the cause of action matured during the pendency of the suit.

5. The aforesaid verdict though available in field, in principle, this Court comprising of two Honourable Judges in Muhammad Usman's case PLD 1983 SC 436 did not agree to the hearing of a premature appeal by the Tribunal under section 4 of the Service Tribunals Act. Subsequent development would indicate that this rule was relaxed in Syed Aftab Ahmed's case 1999 SCMR 197 by holding that where no statutory provision or statutory rule providing a right of appeal or representation is available in the relevant laws of the appellant, he is not bound to file the same and then wait for a period of 90 days in order to have resort to the Service Tribunal. Similar view was taken in Pakistan International Airlines Corporation 1999 PLC (C.S.) 1539 that if the provision of appeal or representation is available in the statutory rules of a corporation or statutory body, the employee shall have to file such appeal but where the rules are not statutory, the employees can directly resort to the Service Tribunal. In the instant case, the Oil and Gas Development Company is not possessed of any statutory rules and hence the appeal before the Tribunal could be filed directly either without filing any appeal or representation before the departmental

authority or without waiting for a period of 90 days. The latest view of this Court in this behalf is given in the case of Sui Southern Gas Company Limited 2003 PLC (C.S.) 796. (9)

6. With regard to the stringency of the rule involved, we have another view of the matter as well. Any suit or cause which is premature, does not entail the dismissal of that cause but it results into rejection under Order VII, rule 11, C.P.C. that does not operate as res judicata. We are, therefore, of the firm view that if an appeal before a Service Tribunal is premature, it should be returned by the Registrar so as to be re-submitted after the maturity of the cause of action. Quite an anomalous situation would it be that on the one hand and at the initial stage, by serious omission, the timely return of appeal is avoided and the cause of action is allowed to mature during pendency and, on the other hand, at the fag end of proceedings, it is dismissed on the ground that the initial submission was premature. Such volte face if taken by the Tribunal cannot be endorsed under any canon of justice. The fact remains that premature matters are not bad but simply premature and must be returned. Failure to do so debar the Tribunal to subsequently jeopardize the rights and bona fide claims of the appellants. We, therefore, conclude that a premature appeal before the Tribunal requires to be returned at the very first instance. If this course of action is not adhered to, the Tribunal subsequently, cannot damage the appellant on grounds of prematurity of appeal when the same had become mature during the pendency allowed by the Tribunal itself. The Tribunal, in the instant case, has rightly declined to dismiss the appeal on this score and moreover, this objection was not taken before the Tribunal either, by filing any concise statement.

7. Coming to the factual aspect of the case concerning charges of misconduct and the manner those were tackled with by the Tribunal, we would take up the charge concerning Gas Dehydration Plant. In this charge 8 officers were under inquiry and the respondent was held liable being member of the Evaluation Committee. The learned Tribunal has rightly concluded that on the one hand, the respondent was not a member of Evaluation Committee consisting of 5 members namely, Mr. Ain-ud-Din Siddique, Mr. Jaffar Muhammad, Mr. Ghulam Abbas Nakai, Mr. Qamar Saeed Awan and Muhammad Athar. It may be remarked at this stage that Mr. Qamar Saeed Awan was exonerated for not being a member of the committee while he was very much the member thereof, whereas, the respondent was condemned though not a member at all. This was an act of discrimination as well.

8. No action was taken against Mr. Qamar Saeed Awan on the ground that he was to retire on 7-1-1999. If such reason could prevail with the authorities qua Mr. Qamar ASaeed Awan, it was equally available for he respondent as well who also was to retire on 17-8-1999. The height of discrimination is that Mr. Qamar Saeed Awan was accordingly exonerated but the respondent was compulsorily retired only 4 days before his superannuation.

9. Concerning the charge about appointment of a consultant, it is rightly observed by the Tribunal that the same appointment of consultant was dropped on 27-4-1995 by the competent authority and the said committee did not take any final decision. There were many officers senior to him in the committee and the final decision never rested with the respondent.

10. Regarding Gas Transport Pipeline the allegation against the respondent was that he facilitated the procurement of a Pipeline at a very high cost, depriving the corporation of the benefits of a fair and transparent competition. Suffice it to say for negation of charge that the decision to adopt the gallop tender was taken at the level of Chairman, the Minister and the Prime Minister. It was implemented through the decision of Chairman O.G.D.C. and the period of 15 days after gallop tender was determined by the Chairman himself.

11. For all the aforesaid reasons, it was rightly concluded that the penalty awarded to the respondent did not commensurate with the so-called misconduct on his part. That he was clearly discriminated and his retirement was expedited malafidely despite the fact that after 4 days he was to retire on superannuation. In the circumstances, the judgment of the Tribunal being unexceptionable is maintained and the appeal is hereby dismissed.

M.H./M-233/S

Appeal dismissed.



**PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY
OFFICE OF THE
FOR THE MONTH OF**

POSITION CODE: 2001202

FORM PAY02
Date _____
Page No _____

SUB DIVISIONAL EDUCATION OFFICER (FEMALE) RAZZAR
August, 2021

**DDO Code
(Cost Center)**

S U 6 3 0 4

Description

SDEO (FEMALE) RAZZAR

**Personnel
Number**

236416

Employee

Name

RIFAT BEGUM

National ID

Card Number

16202 49700000

**Grade (Pay
Scale Group)**

1 6

SST

**Salary
Status**

0.00

Info Type	GENERAL DATA CHANGE		CHANGE IN PAYMENTS / DEDUCTIONS			Effective Date	Remarks
	Field ID	New Contents	Wedge Type	Amount			
				Rupees	Pais		
055	Status of Salary	0001	CHANGE DDO CODE			01.08.2021	(1) Transfer from DDO Code (Swabi) to DDO Code (Swabi) vide order No 1738 B Transferred on 01/07/2021. Order for necessary documents received.
			FROM SU-6118				
			TO SU-6304				

**SDEO (F)
Razzar**



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No: 2039-42/ST Dated: 16/06 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,

- 1 Secretary Education, Govt. Of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- 2 Director of Education Khyber Pakhtunkhwa near Dabgari Garden , Peshawar.
- 3 District Education Officer (f) Swabi.

Subject: SALARY RELEASE IN APPEAL NO. 7580/2021 OF Mst. RIFFAT MUNIR.

I am directed to forward herewith a certified copy of Order dated 26.05.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.


(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Copy forwarded to

- 1 Additional Advocate General Khyber Pakhtunkhwa, Peshawar.

(WASEEMAKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

S.A No.7580/2021

Riffat Munir SST (General) GGHS Yar Hussain, Swabi, Tehsil Razzar, District Swabi **Appellant**

VERSUS

The District Education Officer (Female) District Swabi & Others.....**Respondents**

INDEX

S#	Description of Documents	Annexure	Page
1	Implementation and Compliance Report with Affidavit.	-	01
2	Pay Release order	(A)	02
3	Form Pay 02	(B)	03-05


DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

District Edu. Officer
(Female) Swabi

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

S.A No.7580/2021

Riffat Munir SST (General) GGHS Yar Hussain, Swabi, Tehsil Razzar, District Swabi **Appellant**

VERSUS

The District Education Officer (Female) District Swabi & Others.....**Respondents**

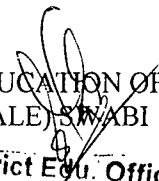
Submission of implementation/compliance report, order dated 26/05/2022.

Respectfully Sheweth,

Facts.

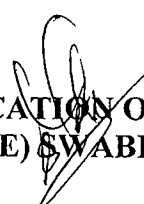
1. That the service appeal is pending for adjudicating and next date fixed for hearing before the Honourable Service Tribunal is 20/06/2022.
2. That the previous date was fixed for hearing 26/05/2022, wherein the respondent DEO (F) Swabi was directed to release the pay of appellant.
3. That the respondent DEO(F) Swabi released the pay of the appellant vide order Endst: No.1268/DA-09/SST-G dated 26/05/2022.
4. That form pay 02 was filled, signed by the concerned DDO (Principal GGHS No.1 Yar Hussain) after which the same was submitted to the DAO Swabi. Pay release order and Form Pay 02 are annexed as **A & B.**

It is, therefore, humbly prayed that the implementation and compliance report may very graciously be filed & the service appeal may be decided on its merit.


 DISTRICT EDUCATION OFFICER
 (FEMALE) SWABI
District Edu. Officer
 (Female) Swabi

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the implementation and compliance report submitted by the respondent is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.


 DISTRICT EDUCATION OFFICER
 (FEMALE) SWABI
District Edu. Officer
 (Female) Swabi



**DISTRICT EDUCATION OFFICE (FEMALE)
SWABI**

Phone & Fax NO 0938-280339, Email: emisfswabi@yahoo.com

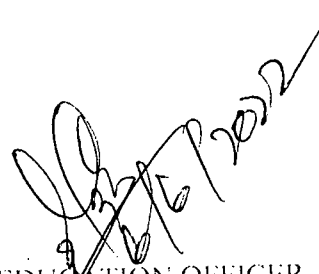
PAY RELEASE ORDER

Consequent upon the direction of Chairman Service tribunal Khyber Pakhtunkhwa Peshawar Order dated 26/05/2022 in the service appeal No: 7580/2021, The pay of the Miss Riffat Munir SST-G GGHS Yar Hussain No1 Swabi is hereby released in the best interest of public service with immediate along with all the arrears.

(SOFIA TABASSUM)
DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Endst: No. 1416 DA-V/SST-G/PAY RELEASE Dated Swabi the 6 / 6 2022
Copy of the above is forwarded for information and necessary action to the:-

1. District Accounts Officer Swabi.
2. ADO (B&A) Local Office.
3. Principal GGHS Yar Hussain No1.
4. Official Concerned.


DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

**District Education Officer
(Female) Swabi**

PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY



OFFICE OF THE _____ OFFICE OF THE PRINCIPAL
FOR THE MONTH OF **MARCH :2022**

DDO Code (Cost Center) **S U 6 0 3 1** Description **OFFICE OF**

Personnel Number **0 0 2 3 6 4 1 6** Employee Name **MRS RI**

Grade (Pay Scale Group) **1 6** **SS T BPS-16**

Info Type	Field ID	GENERAL DATA CHANGE New Contents	Wage Type	CHANGE IN PAYMENT	
				Rupees	
8	55	PAY FOR JUNE 2022	0001	58430	
		HRA	1001	4091	
		CA	1210	5000	
		MEDICAL	1247	1500	
		ARA 15(2013)	2148	1180	
		ARA 10(2015)	2199	789	
		ARA 10(2016)	2211	4276	
		ARA 10%(2017)	2224	5842	
		ARA 10%(2018)	2247	5842	
		ARA 10%(2019)	2264	5842	
		ARA 10%(2021)	2309	5842	
		TEACHING ALOW	2316	3782	
		DRA	2341	8764	
		G.TOTAL		111180	
		DEDUCTION		6090	
		NET AMOUNT		105090	

Prepared By²³

Audited/Checked

04

PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

YCTS

FORM: PAY02

Date 01-06-2022

Page No. 2



OFFICE OF THE OFFICE OF THE PRICIPAL GGHS NO(1)YAR HUSSAIN
FOR THE MONTH OF JUNE :2022

POSITION CODE

DDO Code (Cost Center) S U 6 1 1 8 Description OFFICE OF THE PRICIPAL GGHS NO(1)YAR HUSSAIN
Personnel Number 0 0 2 3 6 4 1 6 Employee Name MRS RIFFAT BEGUM SST B-16 National ID Card Number GGHSNO(1)YH
Grade (Pay Scale Group) 1 6 Salary Status SS T BPS-16 Start Stop

Info Type	Field ID	GENERAL DATA CHANGE	Wage Type	CHANGE IN PAYMENTS / DEDUCTIONS			Effective Date	Remarks
				Amount	Rupees	Paisa Adj		
8	55	ADJ OF PAY	5801(+)	464400	DEDUCTION		1/6/2022	SHE WAS UNDER TRANSFERRED FROM GGHS NO(1)YH TO JICA MODEL ADINA DURING THIS PROCESS HER PAY FOR THE PERIOD 01-10-2021 TO 31-05-2022 HAS NOT BEEN CLAIMED SO FOR HENCE PAY MAY ADJ FOR THE ABOVE MENTION ED PERIOD MY ADJUST IMMEDIATELY COURT JUDGMENT/PAY RELEASE ETC ATTACHED FOR READY REFERENCE
		ADJ OF HRA	5002(+)	32728	6075-GPF	26720		
		ADJ OF CA	5011(+)	40000	6001-BF	12000		
		ADJ OF MEDICAL	5012(+)	12000	6204-EEF	1200		
		ADJ OFARA 15(2013)	5309(+)	9440	6217-RBDC	4800		
		ADJ OF ARA 10(2015)	5964(+)	6312	DEDUCTION	44720		
		ADJ OF ARA 10(2016)	5975(+)	34208				
		ADJ OF ARA 10%(2017)	5990(+)	46736				
		ADJ OF ARA 10%(2018)	5333(+)	46736				
		ADJ OF ARA 10%(2019)	5336(+)	46736				
		ADJ OF ARA 10%(2021)	5151(+)	46736				
		ADJ OF TEACHING ALOW	5150(+)	30256				
		ADJ OF DRA	5155(+)	52584				
		G.TOTAL		868872				
		DEDUCTION		44720				
		NET AMOUNT		824152				

Prepared By

Audited/Checked By


Entered / Verified By


District Edu. Office
(Ferozkoala)

[Handwritten Signature]

05

DETAIL OF PAY ARREAR IN RESPECT OF MRS RIFFAT BEGUM SST GGHS NO(1)YAR HUSSAIN																				
PERIOD OF ARREAR 01-10-2021 TO 31-05-2022(08 M)																				
OBJECT	A01151	A01202	A01210	A1300	A02148	A02198	A02211	2017	2018	2019	2021	TEACHING	DRA	Total	3016	3510	3990	4004	DED	NET
HEAD	POE	HRA	CA	MEDICAL	15%	2015	2016	10%	10%	10%	10%	ALOW	15%	Total	GPF	BF	EEF	D&B	DED	NET
RATE PER MONTH	56910	4091	5000	1500	1180	789	4276	5842	5842	5842	5842	3782	8764	109660	3340	1500	150	600	5590	104070
01-10-21 TO 30-11-22(02 M)	113820	8182	10000	3000	2360	1578	8552	11684	11684	11684	11684	7564	0	201792	6680	3000	300	1200	11180	190612
01-12-21 TO 31-05-22(06 M)	350580	24546	30000	9000	7080	4734	25656	35052	35052	35052	35052	22692	52584	667080	20040	9000	900	3600	33540	633540
G/Total	464400	32728	40000	12000	9440	6312	34208	46736	46736	46736	46736	30256	52584	868872	26720	12000	1200	4800	44720	824152


 District Edu. Officer
 (Female) Swabi


 PRINCIPAL
 GGHS
 Yar Hussain No.1

Submitted in office
 on 07-06-2022