


The appeal of Hafiz Abdul Wahid, AT, GHS Ghami Kor, District Mohmand received today i.e. on 14.12.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Memorandum of the appeal is unsigned which may be signed by the appellant.
2. Annexures B, C, D, F and G attached with the appeal are illegible which may be replaced by legible/better one.
3. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.


No. 2486 /S.T,

Dt. 14/12 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Isa Khan Khalil Adv. Pesh.

*Sir, as submitted after completion  
the appeal may, please, be posted <sup>for hearing</sup> at  
the earliest as it pertains to transfer  
matter.*

  
16.12.2021

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.

SA No. 7912 /2021

Hafiz Abdul Wahid.....Appellant

Versus

District Education Officer (DEO),  
Mohmand Tribal District and others.....Respondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1.	Service Appeal		1 - 5
2.	Stay application		6 - 7
3.	Copy of Transfer Order dated 12.10.2021	A	8
4.	Copy of E-Transfer Policy	B	9 - 14
5.	Copy of Letter to the Headmaster dated 13.10.2021	C	15
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Appellant

Through

  
Muhammad Isa Khan Khalil  
Advocate Supreme Court

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.

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

Hafiz Abdul Wahid, AT, Government High School,  
Ghami Kor, District Mohmand

.....Appellant

**VERSUS**

- 1) District Education Officer (DEO), Mohmand Tribal District.
- 2) Director Education, E&SE, KPK, Peshawar.
- 3) Secretary E&SE, KPK, Peshawar.
- 4) Head Master, GHS, Ghami Kor, Tehsil Ekka Ghund, District Mohmand.
- 5) Muhammad Zakria, SAT, GHS, Ghami Kor, District Mohmand.

..... Respondents

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*APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE LETTER DATED  
08.11.2021 OF RESPONDENT NO.1,  
WHEREBY THE APPELLANT HAS BEEN  
RELIVED FROM THE POST OF SAT, GHS  
GHANI KOR, DISTRICT MOHMAND AND  
PLACED AT THE DISPOSAL OF DEO.*

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*Sheweth;*

- 1) That the appellant was appointed as AT (BPS-15) on 26.09.2020 and posted at GHSS, Ghalanai. On 27.03.2021, he was transferred from there and posted as such at GHS Ghami Kor.
- 2) That vide Transfer Order dated 12.10.2021 (Annex "A"), respondent No.1 in the garb of e-transfer policy (Annex "B") made some transfers/ postings. The candidate at S.No.3 of the impugned order, respondent No.5 herein, was transferred on the post of SAT, GHS Ghami Kor, which was already occupied by the appellant since 27.03.2021.
- 3) That when respondent No.5 reported for taking over charge, he was informed by the worthy Headmaster about non-availability of a vacant post. On the very next day, the worthy DEO addressed another letter/ memo: to the Headmaster dated 13.10.2021 (Annex "C") with a categorical direction for handing over the charge to the respondent NO.5.
- 4) That respondent No.4 explained the position vide letter dated 23.10.2021 (Annex "D") that no vacant post of AT was available with him and the single post at that school was already occupied by the appellant. However, the DEO was showing extraordinary interest in the matter, for reasons best known to him, and once again issued direction to hand over charge to the transferee vide letter dated 29.10.2021 (Annex "E"). The respondent No.4 reiterated his stance and showed his inability to hand over charge to the newly transferred teacher vide letter dated 01.11.2021. (Annex "F")
- 5) That this time DEO became more hard while addressing letter dated 02.11.2021 (Annex "G") and not only directed

respondent No.4 to implement the transfer order and hand over charge to respondent No.5 positively, but also directed for relieving the appellant and placing him at the disposal of his own (DEO's) Office, consequently, he was relived vide Reliving Chit dated 09.11.2021 (Annex 'H').

- 6) That payment of salary has been stopped to the appellant since his relieving from his post.
- 7) That the appellant preferred a departmental appeal to the worthy Secretary E&SE on 09.11.2021 (Annex "I"), but it could not be decided in the stipulated time period of 15 days, hence the instant appeal, inter alia, on the following:-

GROUNDS

- a. That the impugned order of transfer dated 12.10.2021 is misplaced, misconceived and misconstrued to the extent of the post of SAT of GHS Ghami Kor, which has wrongly been shown vacant. The appellant has already been working against the same since March 27, 2021 and respondent No.5 could not be posted against it.
- b. That the impugned transfer of respondent No.5 is also offending against the E-Transfer Policy of Teaching cadre in E&SE Department Khyber Pakhtunkhwa according to which:

*"xi. Minimum tenure of 3 years on the present post at a school in plain area, while 1.5 years in hard area is must for eligibility of e-posting/ transfer"*

*"iii. Transfer shall be made annually in the month of March of the academic year"*

*"iv. Transfer shall be made only against the vacant post"*

- c. That all the aforesaid three provisions of the policy have been violated, in that neither the appellant has completed his 3 years

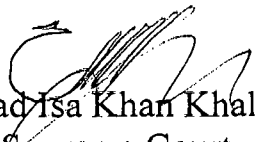
tenure on the subject post nor has the impugned transfer been made in the month of March nor is the subject post vacant.

- d. That the conduct demonstrated by the DEO is also derogative of the earlier Posting/ Transfer Policy of the Provincial Government framed for all the provincial Officers / Officials vide No.SOR-II (E&AD)1-1/85 (Vol-II) dated Peshawar the 15<sup>th</sup> February, 2003. (Copy is appended as Annex "J")
- e. That the pressure asserted on the Headmaster by the DEO is uncalled for rather is illegal and not warranted by law.
- f. That act of reliving the petitioner on the part of the Headmaster is also unlawful, as such he was not supposed to have bowed before the illegal orders of the DEO. It is, settled law that a civil servant is not bound to obey illegal orders of his superiors rather a legal duty is cast upon him to resist the same reporting the matter to his high ups.
- g. That stoppage of salary to the appellant cannot be justified under any cannon of law. It contravenes the provision contained in Article 11 of the Constitution.
- h. That the appellant has not been dealt with in accordance with law in utter violation of Article 4 of the Constitution.

**Prayer:**

In view of the foregoing factual and legal position of the matter, it is, therefore, prayed that on acceptance of the instant appeal the impugned transfer order of respondent No.5 against the post of SAT at GHS, Ghami Kor, District Mohmand and the consequent relieving order of the appellant therefrom may, graciously, be set aside and the appellant may be reinstated on his previous position. Moreso, appropriate orders may be passed for releasing the salaries of the appellant since his reliving.

Any other remedy to which the appellant is found fit in law,  
justice and equity may also be allowed.

Appellant  
Through   
Muhammad Isa Khan Khalil  
Advocate Supreme Court

AFFIDAVIT

I, Hafiz Abdul Wahid, AT, Government High School, Ghani  
Kor, District Mohmand , do hereby solemnly affirm and declare on  
Oath that the contents of accompanying Appeal are true and correct to  
the best to my knowledge and nothing has been concealed from this  
hon'ble court.

  
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.

CM No. \_\_\_\_\_/2021

IN

SA No. \_\_\_\_\_/2021

Hafiz Abdul Wahid.....Appellant

Versus

District Education Officer (DEO),  
Mohmand Tribal District and others.....Respondents

APPLICATION FOR GRANT OF INTERIM RELIEF

Sheweth:

- 1) That the application in hand is being filed alongwith the accompanying service appeal, the grounds whereof may be considered as its integral part.
- 2) That the applicant has a strong case and is very much sanguine about its success.
- 3) That balance of convenience also leans in favour of grant of the temporary injunction.
- 4) That in case the interim relief is not granted the applicant will certainly suffer a irreparable loss.

In this view of the matter, it is, therefore, prayed that on acceptance of the instant application, the impugned order of transfer dated 12.10.2021 to the extent of S.No.3 and the consequent relieving dated 08.11.2021 may kindly be suspended.



(9)

It is, further prayed that respondents may also be directed to release salaries of the applicant.

Appellant  
Through  
Muhammad Isa Khan Khalil  
Advocate Supreme Court

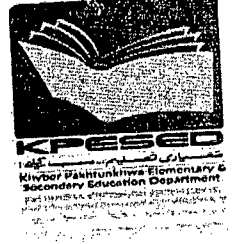
AFFIDAVIT

I, Hafiz Abdul Wahid, AT, Government High School, Ghami Kor, District Mohmand, do hereby solemnly affirm and declare on Oath that the contents of accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

  
DEPONENT



OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT  
Ph. No. 02 : 0924-290180  
FAX 02 : 0924290180  
Email :- [deomohmand@gmail.com](mailto:deomohmand@gmail.com)



Annex - A (8)

**TRANSFER ORDER.**

The following candidates submitted online application in e-transfer system which have been recommended for transfer on vacant posts/positions mentioned in front of each candidate. The transfer is purely based on e-transfer policy.

S.No.	Name	Designation	From	Transfer to
01.	Muhammad Younas	PSHT	GPS Chamar Kand No.1	GPS Marai Kor
02	Ziarat Gul	PST	GPS Gat Warsak	GPS Juma Khel Khwaizai
03	Muhammad Zakria	SAT	GMS Zafar Kili	GHS Ghami Kor
04	Shamshad Khan	SDM	GMS Hayati Kor	GHS Mateen Kor

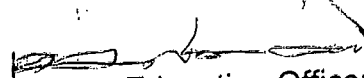
**Note:-**

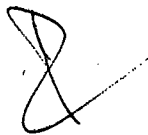
- 1:- No TA/DA and Transfer grant is allowed.
- 2:- Charge report should be submitted to all concerned.

(NOOR HASSAN KHAN)  
District Education Officer,  
Mohmand Tribal District

Endst: No. 3240-45 / Estab: II / Transfer / dated: 12/10/2021

- Copy to the:-
01. Director Education (NMD) Khyber Pakhtunkhwa Peshawar.
  02. DMO Mohmand Tribal District.
  03. ADEO Concerned.
  04. Acctt/Pay Clerk at local office.
  05. Teacher Concerned.
  06. Office Record.

  
District Education Officer  
Mohmand Tribal District.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

1

No.SO(SM)E&SED/7-1/2019/Posting/Transfer/Policy of TC  
Dated Peshawar the September 11, 2019

To.

1. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The Director, Curriculum and Teachers Education Khyber Pakhtunkhwa Abbottabad.
3. The Director, Provincial Institutes of Teachers Education, Peshawar
4. The Director, Education Sector Reforms Unit, Elementary & Secondary Education Department, Khyber Pakhtunkhwa.
5. All District Education Officers (Male & Female) in Khyber Pakhtunkhwa.

Subject: E-TRANSFER POLICY OF TEACHING CADRE IN E&SE DEPARTMENT  
KHYBER PAKHTUNKHWA

I am directed to refer to the subject noted above and to state that the Provincial Government has been pleased to implement the subject policy for posting/transfer of Teaching Cadre officers/officials in the Elementary and Secondary Education Khyber Pakhtunkhwa:

- I. The introduction of e-Transfer for Teaching Cadre policy supersede all previous Posting/Transfer policies in the E&SE Department.
- II. Transfer on Complaint (Administrative Ground Transfer), Mutual, Inter District Transfer and transfer for Operationalization of Newly Established schools will be exempted from the present policy.
- III. Transfers shall be made annually in the month of March of the academic year.
- IV. Transfer shall be made only against the vacant post.
- V. The posts filled through NTS on school based recruitment process shall be declared non-transferable.
- VI. The vacant positions will be uploaded by the District Education Officers for all teaching cadres in last week of February.
- VII. The desirous employees shall apply through e-Transfer Application.
- VIII. 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 with in a week positively.
- IX. Each Competent Authority shall visit the Dash Board of e-Transfer app, check and verify all the particulars of the applicants till 25th of March.
- X. At the end of March Transfer orders generated by e-Transfer App will be issued.

Page 1 of 6

  
**ATTESTED**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

- xi. Minimum tenure of 3 years on the present post at a school in plain area while 1.5 years in hard area is must for eligibility of e-posting/transfer.
2. The indicators as per from (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 80)**

1. 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
2. Hard Area - 10 marks
  - a. Normal tenure (within 1.5 years) - 0 marks
  - b. Tenure at hard area (from 1.5 to 3 years) - 4 marks
  - c. Tenure at hard area (from 3 to 5 years) - 7 marks
  - d. Tenure at hard area (more than 5 years) - 10 marks
3. STR (Total number of Students in the school/Total number of Teachers) - 10 marks (IMU 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
4. Chronic Disease - 10 marks  
10 marks will only be awarded for chronic diseases (as per notified chronic diseases).  
A certificate in this regard will be required from Standing Medical Board
5. 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.
6. Domicile -10 marks  
10 marks will be awarded to those when the desired school is in his/her district of domicile.
7. 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 - 100)**

1. 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
2. Hard Area - 10 marks

8  
**ATTESTED**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

3

- a. Normal tenure (within 1.5 years) - 0 marks
  - b. Tenure at hard area (from 1.5 to 3 years) - 4 marks
  - c. Tenure at hard area (from 3 to 5 years) - 7 marks
  - d. Tenure at hard area (more than 5 years) - 10 marks
3. STR (Total Number of Students in Class 9 & 10 / Number of SST) - 10 marks (IMU 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
4. Chronic Disease - 10 marks  
10 marks will only be awarded for chronic diseases (as per notified chronic diseases), A certificate in this regard will be required from Standing Medical Board.
5. Disability - 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate.
7. Domicile -10 marks  
10 marks will be awarded to those when the desired school is in his/her district of domicile.
8. 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.
9. Annual SSC Result of the subjects taught by the teacher) working in Higl/Higher Secondary Schools - 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

OR

For STS (General) working in Middle/Primary Schools - 20 Marks Overall Students Attendance Rate Percentage as per IMU data

- 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

**Form-C Posting/Transfers of Subject Specialists (SSS/SS) (Total Marks-100)**

1. 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

  
**ATTESTED**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

(12)

- c. Greater than 20 KM-20 marks
2. Hard Area - 10 marks
- Normal tenure (within 1.5 years) - 0 marks
  - Tenure at hard area (from 1.5 to 3 years) - 4 marks
  - Tenure at hard area (from 3 to 5 years) - 7 marks.
  - Tenure at hard area (more than 5 years) - 10 marks
3. Number of Students in Class-11 & 12 in the relevant subject - 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
4. Chronic Disease - 10 marks
- 10 marks will only be awarded for chronic diseases (as per notified chronic diseases).  
A certificate in this regard will be required from Standing Medical Board.
5. Disability - 10 marks 6. 10 marks will only be awarded only to those with Physical Disability.  
Proof required will be Special person CNIC + Standing Medical Board disability certificate.
7. Domicile -10 marks
- 10 marks will be awarded to those when the desired school is in his/her district of domicile.
8. 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.
9. Annual HSSC Result of the subjects taught by the teacher) - 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.

**Form-D: Posting/Transfers of Principals/Head Masters of High/Higher Secondary Schools**  
**(Total Marks - 120)**

1. 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
2. Hard Area - 10 marks
- Normal tenure (within 1.5 years)-0 marks
  - Tenure at hard area (from 1.5 to 3 years) - 4 marks
  - Tenure at hard area (from 3 to 5 years) - 7 marks
  - Tenure at hard area (more than 5 years) - 10 marks

(1)

**ATTESTED**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

3. STR (Total number of Students in the school / Total number of Teachers) - 10 marks (IMU 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
4. Chronic Disease - 10 marks  
10 marks will only be awarded for chronic diseases (as per notified chronic diseases).  
A certificate in this regard will be required from Standing Medical Board.
5. Disability - 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate.
7. Domicile -10 marks  
10 marks will be awarded to those when the desired school is in his/her district of domicile.
8. 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.
9. 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.
10. Overall Students Attendance Rate Percentage as IMU 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
  - c. Below 60% - 0 marks.

(SHAHID RAFIQ)  
SECTION OFFICER (SCHOOLS MALE)

**Endst: Even No. & Date:**

Copy of the above is forwarded to the:

1. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Peshawar.
3. Deputy Secretary, (Estab), Establishment Department Government of Khyber Pakhtunkhwa, Peshawar.
4. All Section Officers, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

  
**ATTESTED**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

6. PS to Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. PA to Additional Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
8. PA to Chief Planning Officer, Elementary & Secondary Education Department Khyber Pakhtunkhwa.
9. PAS to Deputy Secretary Admn / Legal, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
10. Office Record

SECTION OFFICER (SCHOOLS MALE)

Page 6 of 6

  
ATTESTED



Annex - 6 (15)

Better Copy Annex

OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No. : 0924-290180

FAX : 0924290180

Email :- [deomohmand@gmail.com](mailto:deomohmand@gmail.com)

No. 3346 \_\_\_\_\_ /

Dated 13/10/2021

To,

The Head Master  
GHS Ghami Kor  
District Mohmand

Subject:-

**CHARGE REPORT**

Memo:

I am to refer to the above noted subject and to state that one Mr. Muhammad Zakria SAT (BS-16) has been transferred from GMS Zafar Kor Tehsil Halimzai to GHS Ghami Kor Tehsil Ekka Ghund Mohmand Tribal District under e.Transfer policy vide this office order No.3240-45 dated 12-10-2021.

You are hereby directed to hand over the charge to the above mentioned named AT against vacant AT (BS-16) post positively.

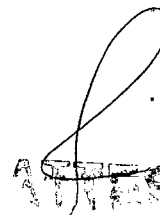
District Education Officer  
Mohmand Tribal District

Endst:No \_\_\_\_\_ /Dated. \_\_\_\_\_ /2021.

Copy forwarded for information and necessary action to the:

1. PS to Secrestry E&SE Khyber Pakhtunkhwa Peshawar
2. PA to Director E&SED Khyber Pakhtunkhwa Peshawar.
3. DMO Mohmand Tribal District.
4. Official concerned.

District Education Officer  
Mohmand Tribal District

  
**ATTESTED**

Annex - D (6)

Better Copy Annex

OFFICE OF THE HEAD MASTER GHS GHAMIKOR  
MOHMAND TRIBAL DISTRICT  
Ph. No. : 03219855539  
FAX:  
Email :- [ilyasdaudzai2013@gmail.com](mailto:ilyasdaudzai2013@gmail.com)  
No\_223\_\_Dated 23/10/2021

To

The District Education officer  
at Ghallanai District Mohmand

Respected Sir,

Most Respectfully I beg to State that according to your letter order No. 3240-45 Dated 12-10-2021 that Mr. Muhammad Zikira (SAT) has been Transferred from GMS Zafar kor Tehsil Halimzai to GHS Ghami kor Tehsil Ekka Ghund District Mohmand on Vacant Post of AT in my School. But there is no Vacant Post of A.T in my School.

Mr. Abdul Wahid (A.T) is already working since 27, March 2021 Till Date.

Although (C.T) Post is Vacant in my School. You are Requested to Transfer appoint C.T Teacher to fill it.

I cannot give Charge to Mr. Muhammad Zikira.

(Arsala khan Head Master GHS Ghami kor)

Tehsil Ekka Ghund Distict Momand

  
ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No. : 0924-290180

FAX : 0924290180

Email :- deomohmand@gmail.com

No: \_\_\_\_\_ Estab:II Date: \_\_\_\_\_ /10/2021.

**2ND REMINDER**

To,

The Heed Master,  
GHS Ghami Kore Tehsil Ekka Ghund,  
District MohmandSubject: **HANDING OVER OF CHARGE OF SAT BS-16 POST TO MR.  
MUHAMMAD ZAKRIA SAT.**

Memo:

In compliance with direction of the Additional Director Establishment NMDs and in continuation of this office letter No. 3347-50 dated 13/10/2021, you are once again directed to hand over charge to Mr: Muhammad Zakria SAT transferred under E-policy against the vacant SAT post at your school immediately.

(NOOR HASSAN KHAN)  
District Education Officer  
(Male) District Mohmand.

Endst: No. 3769-73\_/Estab:11 Dated: 29/10/2021.

Copy to:

01. PA to Secretary E&SE Khyber Pakhtunkhwa Peshawar.
02. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
03. DMO District Mohmand.

District Education Office,  
(Male) District Mohmand.

ATTESTED

Annex - F (B)

Better Copy Annex

OFFICE OF THE HEAD MASTER GHS GHAMI KOR  
MOHMAND TRIBAL DISTRICT

Ph. No. :-03219855539

FAX:.....

Email : [ilyasdaudzai2013@gmail.com](mailto:ilyasdaudzai2013@gmail.com)

No\_226\_\_Dated\_01/11/\_2021

To,

The District Education Officer

at Ghallanai District Mohmand

Subject: Replay 2nd List Remainder No.3769-73 Dated 29-10-2021 Handing over of Charge

Respected Sir,

It is stated that according to your Letter No.2769-73 Dated 29-10-2021 about Compliance of Transfer order of Muhammad Zikria S.A.T.

I already replied to Letter No.223 /Dated 23-10-2021 that there is no Vacant Post in this School and Mr. Hafiz Abdul wahid A.T is already working on this post since 27-03-2021 till now.

According to the transfer order and your office letter Mr. Muhammad Zakria transfer against vacant post. However there is no vacant post of A.T in this school, so I cannot hand overcharge to Mr. Muhammad Zikria.

(Arsala Khan Head Master GHS Ghami kor)

Tehsil Ekka Ghund District Mohmand

  
**ATTESTED**

OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT  
Ph. No: 0924-290180  
FAX No:0924290180  
Email : deomohmand@gmail.com  
No 4029 Dated 8/11/2021

TO

The Head Master  
GHS Ghami kor  
District Mohmand

Subject: **IMPLEMENTATION OF TRANSFER ORDER**

Memo:

I am to refer to this office order No.3240-45 dated 12-10-2021 on the the above noted subject and to state that one Mr. Muhammad Zakria SAT (BS-16) has been transferred from GMS Zafar Kor Tehsil Halimzai to GHS Ghami Kor Tehsil Ekka Ghund Mohmand Tribal District under E.Transfer policy.

You are hereby directed to implement the transfer order and hand over the charge to! the above mentioned named SAT against the vacant SAT post (BS-16) positively.

Mr. Abdul Wahid AT working against wrong post may be relived and place at the disposal of this office immediately.

Otherwise you will be held responsible and strict action in this regard will be taken against you.

District Education Officer  
Mohmand Tribal District

Endst: No \_\_\_\_\_ /Dated: \_\_\_\_\_ 2021

Copy forwarded for information and necessary action to the:

1. PS to Secretary E&SE Khyber Pakhtunkhwa Peshawar
2. PA to Director E&SED Khyber Pakhtunkhwa Peshawar.
3. DMO Mohmand Tribal District,
4. Official concerned.

District Education Officer  
Mohmand Tribal District

  
**ATTESTED**

Amex - H

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RELIEVING CHIT

Certified That Mr. Head 2 Abdul Wahid CAT has been <sup>Relieved</sup> ~~Transferred~~  
to DEO Mohmand

Ghallaori District Mohmand on the  
noon/after noon

Of this day on Dated 09/11/21 vide Endost

No 3240-45 Dated 12/10/21

District Education Officer Mohmand.

Sign [Signature]

Head Master

GHS Ghami kor

District Mohmand.

Dated 09/11/21

Head Master  
G.H.S Ghami Kor  
Distt: Mohmand

[Signature]

جناب عالی!

مؤدبانہ گزارش کی جاتی ہے کہ سائل گورنمنٹ ہائی سکول غمی کور ضلع مہمند میں 27 مارچ 2021ء سے تاحال AT پوسٹ پر کام کر رہا ہے۔ مؤرخہ 12 اکتوبر کو ڈسٹرکٹ ایجوکیشن آفس ضلع مہمند سے ایک ٹرانسفر آرڈر جاری کیا گیا ہے جس میں ایک استاد سہمی محمد زکریا AT کو اسی سکول میں خالی AT پوسٹ پر ای ٹرانسفر پالیسی کے تحت ٹرانسفر کیا گیا ہے، متعلقہ استاد اسی دن سکول چارج لینے آیا مگر ہیڈ ماسٹر نے اس کو بتایا کہ آپ کا ٹرانسفر خالی پوسٹ پر کیا گیا ہے جبکہ اس سکول میں اس پوسٹ پر بندہ کام کر رہا ہے اور خالی نہیں اس لیے میں چارج نہیں دے سکتا۔

مؤرخہ 13 اکتوبر کو ایجوکیشن آفس ضلع مہمند نے ہیڈ ماسٹر کو فون کیا کہ اس استاد کو چارج دیں۔ ہیڈ ماسٹر نے جواب میں وہی موقف اختیار کیا کہ یہ پوسٹ خالی نہیں اس میں چارج نہیں دے سکتا۔ اس پر دفتر والوں نے مجھے دفتر بلا یا وہاں پر ڈسٹرکٹ ایجوکیشن آفس رسمیت تمام متعلقہ عملہ کیساتھ اس پر تفصیلی گفتگو ہوئی۔ جس کے آخر میں ڈی ای او نے ٹرانسفر ہونے والے استاد کو کہا کہ اس پوسٹ پر جب ایک استاد موجود ہو اور پوسٹ خالی نہ ہو تو تمہیں کیسے چارج دیا جائے۔ البتہ کوئی حل نکالیں گے۔ اس کے بعد مختلف طریقوں سے ہیڈ ماسٹر کو پریشاں کر کے چارج دینے کی کوشش کی جا رہی ہے۔ اسی سلسلے میں 16 اکتوبر کو پی ٹی سی ایل نمبر (091-9223533) سے کسی نے ہیڈ ماسٹر کو فون کر کے اپنا تعارف سیکرٹری ایجوکیشن کے طور پر کیا اور نہایت سخت لہجے میں ہیڈ ماسٹر کو دھمکیاں دی اور فوری طور پر چارج دینے کا کہا، ہیڈ ماسٹر نے جواب میں وہی موقف اختیار کیا کہ میرے پاس پوسٹ خالی نہیں ہے تو میں کیسے چارج دے دوں۔ اسی طرح DEO آفس سے بھی چارج دینے کے لئے لیٹر جاری کئے گئے۔ اس کے جواب میں بھی ہیڈ ماسٹر نے یہی لکھا ہے کہ اس پوسٹ پر میرے ساتھ استاد کام کر رہا ہے۔ اسلئے پوسٹ خالی نہ ہونے کی وجہ سے میں چارج نہیں دے سکتا۔ (کاپیاں لف ہیں)

آج ایک بار پھر پی ٹی سی ایل (091-9223533) ہیڈ ماسٹر کو حسب سابق فون کیا گیا اور ان کو Suspension کی دھمکیاں دے کر چارج حوالہ کرنے کا کہا جس پر ہیڈ ماسٹر نے مجھے صوبت حال آپ کے سامنے رکھنے کا حکم دیا اس لئے میں آپ جناب کے حضور درخواست کرتا ہوں کہ

- ۱۔ یہ ٹرانسفر پالیسی کے تحت غلط معلومات کی بنیاد پر کی گئی ہے۔ لہذا اس کو منسوخ کیا جائے۔
- ۲۔ ایک پوسٹ پر جب کوئی بندہ کام کر رہا ہو تو وہ پوسٹ کیونکر ای پالیسی میں خالی ظاہر کیا گیا ہے۔
- ۳۔ ہیڈ ماسٹر نے جب اصولی طور پر آفس کو جواب دیا کہ میرے پاس پوسٹ خالی نہیں ہے جبکہ ٹرانسفر ہونے والے کو خالی پوسٹ پر ٹرانسفر کیا گیا ہے۔ اس کے باوجود ان کو پریشاں کر ڈیا جا رہا ہے۔

۴۔ پی ٹی سی ایل (091-9223533) سے ہیڈ ماسٹر کو فون کر کے سیکرٹری ایجوکیشن کے نام سے ان کو مرعوب کیا جاتا ہے جبکہ ہمارے معلومات کے مطابق یہ سیکرٹری ایجوکیشن کا نمبر نہیں ہے۔

لہذا مندرجہ بالا استدعا کو منظور کرتے ہوئے نظر ثانی کر کے انصاف کے تقاضے پورے فرمائیں۔

العارض  
حافظ عبدالواحد  
054/11/2021  
AT گورنمنٹ ہائی سکول غمی کور ضلع مہمند

NO.SOR-II (E&AD) 1-1/85(VOL-II)  
Dated Peshawar the 15<sup>th</sup> February 2003.

22

**Subject: POSTING /TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.**

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following posting Transfer Policy.

- i. All the postings /transfers shall be strictly in public interest and shall not be abused misused to victimize the Government servants.
- ii. All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting /transfer authorities for seeking posting /transfers of their choice and against the public interest.
- iii. All contract Government employees, appointed against specific posts, cannot be posted against anyother post.
- iv. The normal tenure of posting shall be three years subject to the condition that for the officers /officials posted in unattractive areas, the tenure shall be two years and for hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v. Months of March and July are fixed for posting /transfer of the officers /officials excluding the officers in B-19 and above in the Province. Posting /transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting /transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where posting /transfer of Government employees become inevitable in other months due to promotion /retirement /creation of new posts/return from long leave/involvement in

  
**ATTESTED**



disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

- vi. While making postings transfers from settled areas to FATA and vice versa specific approval of the Governor, NWFP needs to be obtained.
- vii. Officers may be posted on executive /administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area /resident is situated.
- viii. No postings /transfers of the officers/officials on detailment basis shall be made.
- ix. Regarding the posting of husband /wife, both in Provincial services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- x. All the posting /transferring authorities may facilitate the postings /transfers of the unmarried female Government Servants at the station of the residence of their parents.
- xi. Officers /officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Districts of their domicile and be allowed to serve their till the retirement.
- xii. In terms of Rules-17 (1) and (2) read Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against.

  
**ATTESTED**

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**Outside the Secretariat**

i. Officers of the all Pakistan Unified Group i.e DMG , PSP including Provincial Police Officers in BPS-18 and above.

ii. Other officers in BPS-17 and above to be posted against schedule posts, or posts normally held by the APUG, PCS (EG) and PCS (SG).

iii. Head of Attached Departments and other Officers in B-19 & above in all Departments.

**In the Secretariat:**

iv. Secretaries .

v. Other Officers of and above the rank of Section Officers:-  
a. Within the Same Department.  
b. Within the Secretariat from one Department to another.

vi. Officials upto the rank of Superintendent:-  
a. Within the same Department.  
b. To and from an Attached Department.

2

Chief Secretary in consultation with the Establishment Department and the Department concerned with the approval of the Chief Minister.

--do--

--do--

Chief Secretary with the approval of Chief Minister.

Secretary of the Department concerned .  
Chief Secretary /Secretary Establishment.

Secretary of the Department concerned.  
Secretary of the Department in consultation

  
**ATTESTED**

c. Within the Secretariat from on  
Department to another.

with Head of Attached Department  
concerned. Secretary (Establishment)

  
**ATTESTED**

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xiii. While considering postings /transfers proposals all the concerned authorities shall keep in mind the following:

a. To ensure the posting of proper persons on proper posts, the annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.

b. Tenure on present post shall also be taken into consideration and the posting transfers shall be in the best public interest.

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

i) pre-mature posting/transfer or posting/transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

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

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

  
**ATTESTED**




4.	Official in BPS-16 and below.	Executive District Officer in consultation with District Coordination Officer.
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As per Rule 25(2) of the Rules above the District Coordination Department shall consult the Government if it is proposed to :

- a. transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure; and
- b. require an officer to hold charge of more than one post for a period exceeding two months.

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

  
TESTED

قیمت 50 روپے	108222	  
ایڈوکیٹ: <u>محمد علی خان علی صاحب</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر: <u>10-7199</u>		
رابطہ نمبر: <u>0300-5949173</u>		

بعدالت جناب: محمد علی خان علی صاحب

مخانب:	دعوی:
APPellant	<u>محمد علی خان علی صاحب</u>
علت نمبر:	<u>14/12/21</u>
مورخہ:	<u>14/12/21</u>
جرم:	
تھانہ:	

**باعت تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کا روائی متعلقہ آن مقام محمد علی خان علی صاحب کیلئے محمد علی خان علی صاحب کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تارتخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 14/12/21

الع بد **گواہ شد** الع بد

مقام محمد علی خان علی صاحب کے لیے منظور ہے۔

محمد علی خان علی صاحب  
Accountant

**"B"**

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

No.

Appeal No.....7912..... of 20 21

*Reed*  
.....Hafiz Abdul Wahid.....Appellant/Petitioner

Versus

.....D-E-O Distt. Mohmand.....Respondent

Respondent No.....1.....

Notice to: —

Distt: Education Office  
Distt: Mohmand.

**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.....11/2/22.....at 8.00 A.M. If you wish to urge anything against the appelland/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 a forementioned, 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.

*✓ Along with stay Application*

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.....26/12.....

Day of.....Jan.....20 22 /

*(For Reply)*



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

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

**“B”**

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

No.

Appeal No. 7912 of 20 21

Hafiz Abdul Wahid Appellant/Petitioner  
 Versus

D-E-O Distt. Mch. and Respondent

Respondent No. 4

Notice to: —

Head Master GHS Ghamsi Koh  
Tehsil TKK Ghund Distt  
Mohmand.

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 11/2/22 at 8.00 A.M. If you wish to urge anything against the appellent/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 26th

Day of Jan 20 22

(For Reply)

  
 Registrar

Khyber Pakhtunkhwa Service Tribunal,  
 Peshawar.

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



**"B"**

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

No.

79/12  
Appeal No. Hafiz Abdul Wahid of 20 21  
Appellant/Petitioner

D-E-O Distt. Mohmand  
Respondent

Respondent No. Muhammad Zakeria SAT GHS  
Shami Koh Distt. Mohmand.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellent/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..... 26th

Given under my hand and the seal of this Court, at Peshawar this.....  
Jan 22  
Day of.....20

(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, SD**  
**PESHAWAR.**

No. \_\_\_\_\_

Appeal No. 7912 of 20 21

Hafiz Abdul Wahid Appellant/Petitioner

Versus

D. F. O Distt. Mohmand Respondent

Respondent No. 3

Secretary BS&FE KPK Peshawar  
1/2

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 11/2/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

✓ Along with stay application

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 26th

Day of Jan 20 22

(for Reply)



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

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

10/02

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

**Service Appeal No. 7912/2021.**

Hafiz Abdul Wahid

.....Appellant

**Versus**

District Education Officer (DEO), Mohmand Tribal District and others ..... Respondents

**INDEX**

<b>S. No.</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Page</b>
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3.	Copy of the appointment order	A	4
4.	Copy of the transfer order	B	5
5.	Copy of the cancellation transfer order	C	6
6.	Copy of E-transfer order	D	7
7.	Copy of the letter to Head Master GHS Ghami Kor	E	8

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

**Service Appeal No. 7912/2021.**

Hafiz Abdul Wahid .....Appellant

Versus

District Education Officer (DEO), Mohmand Tribal District and others .....Respondents

**Para-wise comments on behalf of respondent No. 1.**



Respectively Sheweth:

**Preliminary objection.**

- That the appellant has got no cause of action to file the instant appeal.
- That the appellant has not come to this Honourable Tribunal with clean hands.
- That the appellant has concealed material facts from this Honourable Tribunal.
- That the appellant is estopped by his own conduct to bring the instant appeal.
- That the appointment order of the appellant is contract basis, according to S.2 (b) (ii) of Civil servant Act -1973, this Court has no Jurisdiction.

**ON FACTS.**

1. That the appellant was appointed as AT (BPS-15) on contract school based GHSS Ghallanai. Appointed order Endst: No. 4524-31 dated 26.09.2020. As per term and condition of the said appointment order at serial No. 13 **“their appointment is school based they will have to serve at the place of posting and there service is not transferable to any other station”** (Annex-A). After that appellant managed to transfer himself from GHS Ghallanai to GHS Ghami Kor transfer order Endst: No. 2359-61 dated 25.03.2020 (Annex-B).  
The said transfer order was cancelled District Education Officer Male Endst: No. 2699-2704 dated 09.04.2021 (Annex-C).
2. That the respondent No. 5 submitted online application on E-transfer system on vacant post GHS Ghami Kor. Respondent No. 1 issued transfer order of the respondent No. 5 Endst No. 3240-45 dated 12.10.2021 on the recommendation of the e-transfer system. Copy of the transfer order is attached (Annex-D).
3. Incorrect, hence denied. That the respondent No. 1 issued a letter to respondent No. 4. According to the law to hand over charge to respondent No. 5. E-Letter to the Head Master GHS Ghami Kor. Copy of the Letter is attached (Annex- E).
4. Incorrect, hence denied. That the respondent No. 4 was informed the cancellation order dated 09.04.2021 of the appellant to act upon the law.
5. That the competent authority issued a letter Endst: No. 3769-73-/Estab:11 dated 29.10.2021 to respondent No. 4 to implement the transfer order dated 12.10.2021 to hand over charge to respondent No. 5 positively and relieved appellant from GHS Ghami Kor. As his impugned Transfer order cancelled as stated in Para 1.

6. Incorrect, hence denied. As the appellant was directed to draw his pay against his original station of duty that is GHS Ghallanai by complained the cancellation order issued by the respondent No.1 Dated 09-04-2021 as mention in Para 1.
7. Subject to the record.

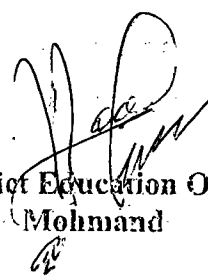
**GROUND.**

- A. Incorrect, hence denied: that the appellant appointed on contract school based, specifically mentioned in above Para No. 1 that the transfer of the respondent No. 5 is lawful through e-transfer system on the vacant post of BPS-16 at GHS Ghami Kor.
- B. Incorrect, hence denied: That appellant is appointed on contract School based is reflection in his appointment order dated 26.09.2020. The confirmation period is still awaited.
- C. Incorrect and denied: that appellant is not eligible for as reflection on his appointment order terms and conditions is stated in Para 1 above.
- D. Incorrect, hence denied:
- E. Incorrect, hence denied. That the competent authority directed the respondent No. 4 according to the law.
- F. That the act of respondent No. 4 is lawful and we implemented the Lawful order of the respondent-1 the transfer order of respondent No. 5.
- G. Incorrect, hence denied: that the competent authority directed to the appellant to draw his salary from his proper per station of Duty GHS Ghallanai. As his transfer was cancelled on 09-04-2021 as mention in Para 1.
- II. That the respondent No. 1 has acted according to the law and not violated of Article 4 of the Constitution of Islamic Republic of Pakistan.

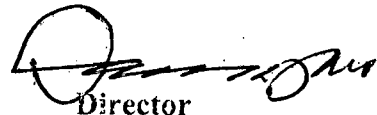
**PRAY.**

In light of the above factual and legal position, it is humbly prayed that the instant appeal may kindly be dismissed with cost.

**Respondent No. 1**

  
District Education Officer  
Mohmand

**Respondent No. 2**

  
Director  
E&SE Khyber Pakhtunkhwa

**Respondent No. 3**

  
Secretary  
E&SE Khyber Pakhtunkhwa

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

**Service Appeal No. 7912/2021.**

Hafiz Abdul Wahid ..... **Appellant**

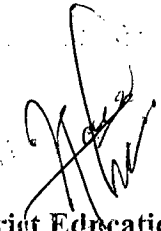
Versus

District Education Officer (DEO), Mohmand Tribal District and others  
..... **Respondents**

**AFFIDAVIT**

I Mr. Noor Hassan District Education Officer Mohmand do hereby declare and affirm on oath that the above comments are true and correct to the best of their knowledge and belief and nothing has been concealed from this honorable Tribunal.

Respondent No. 1

  
**District Education Officer  
District Mohmand**

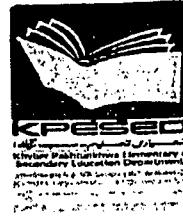


**OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT**

Ph. No. : 0924-290180

FAX : 0924290180

Email :- [deomohmand@gmail.com](mailto:deomohmand@gmail.com)



(45)  
(ANWER)  
(A)

**APPOINTMENT ORDER.**

In compliance of the competent authority Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Letter No.2492/F-6/Guidance/Recruitment (M&F) and consequent upon the recommendations of the Departmental Selection Committee, appointment of the following male candidates are hereby ordered against the post of AT male School based in BPS-15 (Rs.16120-1330-56020) @ Rs. 16120/- fixed plus usual allowances as admissible under the rules on adhoc basis and on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below: -

S.No	ETE A Roll No.	Name	Father Name	Name of school	CNIC#	Total Score	Remarks
1.	1905	RAHMAN ULLAH	AMROZ KHAN	GHS Danish Kool	2140177971007	124.98	AVP
2.	2068	MOHTB ULLAH	AKHTAR MUNIR	GMS Abdul Baqi	2140119269701	122.18	AVP
3.	2827	ROOH ULLAH	MIAN HABIB U DIYAN	GMS Alingar	2140606742259	115.77	AVP
4.	2446	ABDUL BASEER	SAMI ULLAH	GHS Sagi Bala	2140657051983	114.31	AVP
5.	1300	ZAKIR HUSSAIN	FAZAL RAHEEM	GHS Azcem Kore	2140664941117	113.21	AVP
6.	2251	NAJEEB ULLAH	QAZI GUL	GMS Sultan Khel	2140329793563	112.57	AVP
7.	1297	ROOH ULLAH ANWAR	MUHAMMAD SAEED	GMS Suran Dara	2140178625203	112.34	AVP
8.	1374	HAFIZ ABDUL WAHID	GUL SAID JAN	GHSS GhaHanai	2140677081761	110.81	AVP
9.	2923	MUHAMMAD TAHIR	SHER ALI KHAN	GMS Abdul Kore	2140286067919	108.60	AVP

**TERMS & CONDITIONS.**

- No TA/DA is allowed.
- Charge reports should be submitted to all concerned in duplicate.
- Appointment is purely on temporary & contract basis initially for one year i.e. till 26-09-2021.
- Appointment is subject to the condition that the certificates/degrees must be verified from the concerned authorities by Office of the District Education Officer Mohmand Tribal District. Any one found producing bogus Documents / Testimonials will be reported to the law enforcing agencies for further action.
- Their services are liable to termination on One Month notice from either side. In case of resignation without notice their One Month pay/allowances shall be forfeited to the Government.
- Pay will not be drawn until and unless a certificate to this effect by Office of the District Education Officer Mohmand is issued that his certificates/degrees are verified
- They should join their posts within 15 days. In case of failure to join their posts within 15 days, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
- Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- Before handing over charge they will sign an agreement with the department, otherwise their order will not be valid.
- They will be governed by such rules and regulations as may be issued from time to time by the Government.
- They will get 09 months in service, mandatory professional induction training from RITE, PITE or FITE.
- Their services shall be terminated at any time, in case one's performance is found unsatisfactory during his contract period. In case of misconduct, He shall be proceeded under the rules framed from time to time.
- Their appointment is School based, they will have to serve at the place of posting, and thier service is not transferable to any other station.
- Before handing over charge once again their documents may be checked if they have not the required qualification they may not be handed over charge.
- They should not be handed overcharge if he exceeds thiry five (35) years or below nineteen (19) years of age.
- If any meritorious candidate is deprived from appointment by this order and the competent authority accepted his appeal, the appointment order of the low merit candidate will be withdrawn and adjustment order will be reviewed/revised according to the merit.
- Drawing & Disbursing Officer should personally verify this order from the Office of the DEO Mohmand Tribal District before handing over charge to the officials.
- District Account Officer (DAO) Mohmand should released their salaries on the production of duty certificate duly signed by the principal /HM/DDO concerned and countersigned by District Education Officer Mohmand.

(Noor Hassan)  
District Education Officer  
Mohmand Tribal District.

Endst: No. 4824-31

Dated 26/09/2020.

Copy forwarded for information and necessary action to:

- PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
- PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
- Deputy Commissioner, Mohmand Tribal District.
- District Account Officer Mohmand Tribal District.
- Principals / Headmasters Concerned
- Cashier Local Office.
- Officials Concerned.
- M/File

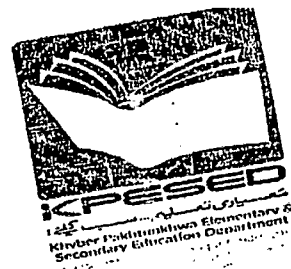
District Education Officer  
Mohmand Tribal District

OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No. : 0924-290180

FAX : 0924290180

Email :- deomohmand@gmail.com



5

( Annex )

( B )

MUTUAL TRANSFER

Consequent upon on the request of concerned teachers ar  
commendation of ADEO (Male), mutual transfer of the following Male ATs teache  
3S-15) are hereby order to the Schools noted against their names on their own pay  
scale in the best interest of public with effect from the date of their taking over charge

S.No.	Name & Designation	From	To	Remarks
1	Mr. Safiyan AT	GMS Ghami Kor Tehsil Ekka Ghund Distt: Mohmand	GMS Alingar Tehsil Safi Distt: Mohmand	Vice S.No.2
2	Mr. Roohullah AT	GMS Alingar Tehsil Safi Distt: Mohmand	GHSS Ghallanai Tehsil Halimzai Distt: Mohmand	Vice S.No.3
3	Hafiz Abdul Wahad AT	GHSS Ghallanai Tehsil Halimzai Distt: Mohmand	GHS Ghami Kor Tehsil Ekka Ghund Distt: Mohmand	Vice S.No.1

Note.

- No TA/DA and Transfer grant is allowed.
- Charge report should be submitted to all concerned.

(NOOR HASSAN KHAN)  
District Education Officer  
Mohmand Tribal District

Endst: No. 2359-61 Dated: 25/03/2020

- District Accounts officer Mohmand.
- ADEO (M) Concerned.
- Pay Clerk concerned.
- Teachers Concerned.

*Mirza Aslam Khan*  
7/4

*Noor Hassan Khan*  
District Education Officer  
Mohmand Tribal District  
7/4

C/O  
7/4

DDE (M)  
ASK DDEO to justify  
as one of the teacher at  
S.No 1 has got retired at  
Funding S.No 2, 3 are school  
based.  
7/4



( Annex ) ( C ) ( 6 )

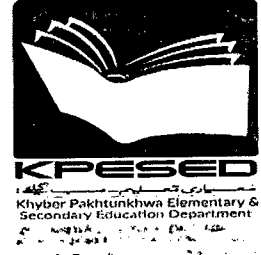


**OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT**

Ph. No. : 0924-290180

FAX : 0924290180

Email :- [deomohmand@gmail.com](mailto:deomohmand@gmail.com)



**CANCELLATION OF MUTUAL TRANSFER**

Mutual transfer issued vide this office order No.2359-61 dated 25-03-2021 is hereby withdrawn/canceled with effect from the date of issue.

**Note.**

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

(NOOR HASSAN KHAN)  
District Education Officer  
Mohmand Tribal District

Endst.No. 2699-2704,

Dated: 09 / 04 / 2021.

Copy forwarded to the:-

1. District Accounts officer Mohmand.
2. Principal/Head Master concerned.
3. Pay Clerk concerned
4. EMIS concerned.
5. Teachers Concerned.

District Education Officer  
Mohmand Tribal District

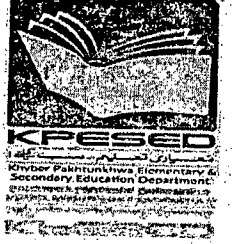


OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No. : 0924-290180 (Amixer)

FAX : 0924290180

Email :- deomohmand@gmail.com



**TRANSFER ORDER.**

The following candidates submitted online application in e-transfer system which have been recommended for transfer on vacant posts/positions mentioned in front of each candidate. The transfer is purely based on e-transfer policy.

S.No.	Name	Designation	From	Transfer to
01.	Muhammad Younas	PSHT	GPS Chamar Kand No.1	GPS Marai Kor
02	Ziarat Gul	PST	GPS Gat Warsak	GPS Juma Khel Khwaizai
03	Muhammad Zakria	SAT	GMS Zafar Kili	GHS Ghami Kor
04	Shamshad Khan	SDM	GMS Hayati Kor	GHS Mateen Kor

**Note:-**

- 1:- No TA/DA and Transfer grant is allowed.
- 2:- Charge report should be submitted to all concerned.

(NOOR HASSAN KHAN)  
District Education Officer,  
Mohmand Tribal District

Endst: No. 3240-45 / Estab: II/Transfer/dated: 12/10/2021

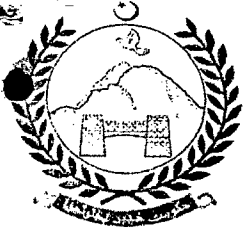
Copy to the:-

01. Director Education (NMD) Khyber .Pakhtunkhwa Peshawar.
02. DMO Mohmand Tribal District.
03. ADEO Concerned.
04. Acctt/Pay Clerk at local office.
05. Teacher Concerned.
06. Office Record.

District Education Officer  
Mohmand Tribal District.

(Annexes) (E)

8



OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No. : 0924-290180

FAX : 0924290180

Email :- deomohmand@gmail.com



No. 4028

Dated. 8/11/ /2021

To

- The Head Master  
GHS Ghami Kor  
District Mohmand

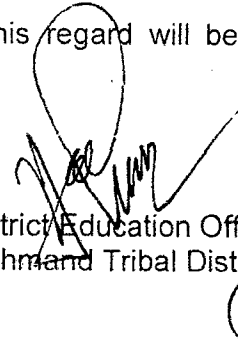
Subject:- **IMPLEMENTATION OF TRANSFER ORDER**

Memo:-

I am to refer to this office order No.3240-45 dated 12-10-2021 on the the above noted subject and to state that one Mr. Muhammad Zakria SAT (BS-16) has been transferred from GMS Zafar Kor Tehsil Halimzai to GHS Ghami Kor Tehsil Ekka Ghund Mohmand Tribal District under .E.Transfer policy.

You are hereby directed to implement the transfer order and hand over the charge to the above mentioned named SAT against the vacant SAT post (BS-16) positively. Mr. Abdul Wahid AT working against wrong post may be relived and place at the disposal of this office immediately.

Otherwise you will be held responsible and strict action in this regard will be taken against you.

  
District Education Officer  
Mohmand Tribal District

Endst.No. \_\_\_\_\_ /Dated. \_\_\_\_\_ /2021.

Copy forwarded for information and necessary action to the:-

1. PS to Secretary E&SE Khyber Pakhtunkhwa Peshawar
2. PA to Director E&SED Khyber Pakhtunkhwa Peshawar.
3. DMO Mohmand Tribal District.
4. Official concerned.

\_\_\_\_\_  
District Education Officer  
Mohmand Tribal District

**"B"**

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

No. *RESA*

SB

Appeal No. *7912* of 202*1*

*Hafiz Abdul Wahid* Appellant/Petitioner

Versus

*DEO, Mohmand Tribal District* Respondent

Respondent No. *(4)*

Notice to: — *Head Master, GHS, Ghani Kot, Tehsil Ekka Ghund, District Mohmand*

*26/5/2022*

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.....*26/05/2022*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Given under my hand and the seal of this Court, at Peshawar this.....*8th*.....

Day of.....*April*.....202*2*

*For KPT*

*[Signature]*  
Registrar, *et*

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.

No. *Resd**SB*Appeal No. *7912* of 20*21**Hafiz Abdul Wahid* Appellant/Petitioner*DEO, Mohmand Tribal Distt:* RespondentRespondent No. *(5)*

Notice to: — *Muhammad Zakria, SAT, GHS, Ghamsi Kor*  
*District Mohmand*

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.....*26/05/2022*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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~~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.....*8th*.....  
Day of.....*April*.....*2022*.....

*[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.

**"A"**

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

No.

APPEAL No..... of 20 ..

Apellant/Petitioner

Versus

RESPONDENT(S)

Notice to Apellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"B"**

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

SB

No. *Res*Appeal No. 7912 of 2022Hafiz Abdul Wahid Appellant/PetitionerDEO Mohmand Tribal District RespondentRespondent No. (4)

Notice to: —

Head Master, GHS, Ghani Kor, Teh Ekka  
Shund, District Mohmand

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.....20/06/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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~~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.....02.....Day of.....June.....2022For Reply  
Last Chance

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.**

No. *Recd*

*SB*

Appeal No. *7912* of *28<sup>th</sup>*

*Hafiz Abdul Wahid* Appellant/Petitioner

*DEO Mohmand Tribal District* Respondent

Respondent No. *(5)*

Notice to: —

*Muhammad Zakria, SAI, GHS, Ghomi Kor  
District Mohmand*

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 *28/06/2022* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....*02*.....

Day of.....*June*.....*2022*

*For Reply  
Last Chance*

*[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.



JUDICIAL COMPLEX (OLD) KHYBER ROAD,  
PESHAWAR.

No. 107

Appeal No. 107 of 2008

Appellant Petitioner: *Abdul Wahid*

Respondent: *DEO Mohmand Tribal District*

Respondent No. (2)

Notice to: *Muhammad Sabir, 211 P.O. Peshawar, District Mohmand*

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 for him herby informed that the said appeal petition is fixed for hearing before the Tribunal on ..... at 8:00 A.M. If you wish to urge anything against the appellant petitioner you are at liberty to do so on the date fixed or any other day to which the case may be postponed either in person or by authorised representative on the date fixed, duly supported by your power of Attorney. You are therefore, required to appear in this Court at least seven days before the date of hearing & 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, your appeal petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal petition shall 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 will be used. Address given in the appeal petition will be deemed to be your correct address, and if you notice posted to this address by registered post will be deemed sufficient for the purposes of this appeal petition.

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

Given under my hand and the seal of this Court in Peshawar this ..... 2008

Day of: *June*

Registrar  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

*For 107/11/08*  
*June*

Note: 1. The hours of attendance in the court are from 9:00 A.M. to 4:00 P.M. on working days.  
2. Always quote Case No. While making any application.

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

CM No. \_\_\_\_\_/2022

IN

S.A No.7912/2021

Hafiz Abdul Wahid.....Petitioner

Versus

Noor Hassan, District Education Officer (DEO),

Mohmand Tribal District and others .....Respondents

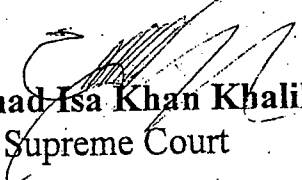
INDEX

S.No.	Description of documents.	Annexure	Pages.
1.	Contempt application.		1-2
2.	Affidavit.		3
3.	Copy of judgment / order dated 24.01.2021	A	4-5
4.	Wakalatnama		6

Dated: 08.02.2022

Petitioner

Through

  
**Muhammad Isa Khan Khalil**  
Advocate Supreme Court

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

C.M No. \_\_\_\_\_/2022

IN

S.A.No.7912/2021

Hafiz Abdul Wahid, AT, Government High School,  
Ghami Kor, District Mohmand

.....Petitioner

VERSUS

- 1) Noor Hassan, District Education Officer (DEO), Mohmand Tribal District.
- 2) Liaqat Ali, DDEO Education Department, Peshawar.
- 3) Arsala Khan, Head Master, GHS Ghmai Kor, Ekka Ghundi District Mohmand.
- 4) Muhammad Zakria, AT, GHS, Ghami Kor, District Mohmand.

..... Respondents

**APPLICATION FOR INITIATION OF**  
**CONTEMPT OF COURT PROCEEDINGS**  
**AGAINST THE RESPONDENTS FOR**  
**DISOBEYING THE ORDER DATED**  
**24.01.2021 OF THIS HON'BLE TRIBUNAL.**

**Sheweth;**

1. That the above captioned Service Appeal alongwith an application for interim relief was filed, which was heard in preliminary hearing on 24.01.2021 and was admitted to full hearing. Besides, this hon'ble Tribunal was pleased to grant the interim relief, and suspended the impugned transfer order to the extent of respondent No.5 and also the relieving order of the appellant/ applicant.

- (2)
2. That on obtaining attested copy of the order, the petitioner personally communicated the same to the above named respondents on 25.01.2021. The respondent No.3 allowed the petitioner to resume his duty, but respondent No.4 approached the official respondents who directed him to continue his duty, whereas, the petitioner was once again hindered from performing his duty.
  3. That the conduct demonstrated and act done by the respondents is willful, deliberate and contumacious, which offends against the clear, manifest and unambiguous interim order dated 24.01.2021, and the same is bound to bring a bad name to the Tribunal, besides it will certainly lower the esteem of the Tribunal in the eye of general public.
  4. That the willful disobedience of the stated order squarely attracts the provisions of Contempt of Court Ordinance, 2003, and the respondents are needed to be dealt with iron hand so that it may serve as a deterrence for the like-minded people.


#### PRAYER

In this view of the matter, it is, therefore, prayed that on acceptance of the instant petition, contempt proceedings may be initiated against the respondents and they may be awarded punishment according to the law on the subject.

Any other remedy to which the petitioner is found fit in law, justice and equity may also be allowed.

Petitioner

Through

  
**Muhammad Isa Khan Khalil**  
Advocate Supreme Court

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

CM No. \_\_\_\_\_/2022

IN

S.A No.7912/2021

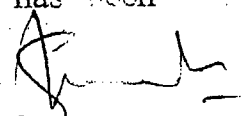
Hafiz Abdul Wahid.....Petitioner


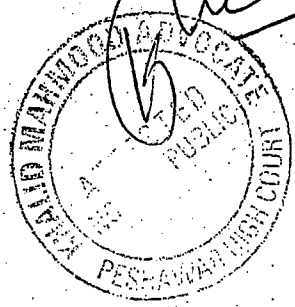
Versus

Noor Hassan, District Education Officer (DEO),  
Mohmand Tribal District and others .....Respondents

**AFFIDAVIT**

I, Hafiz Abdul Wahid, AT, Government High School, Ghami Kor, District Mohmand (Petitioner), do hereby affirm and declare on oath that the contents of the accompanying C.O.C are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
Deponent

  
8-2-22  


(4)

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8039

Date 14-12-2021

Service Appeal No. 7912 /2021

Hafiz Abdul Wahid, AT. Government High School,  
Ghami Kor, District Mohmand



.....Appellant

VERSUS

- 1) District Education Officer (DEO), Mohmand Tribal District.
- 2) Director Education, E&SE, KPK, Peshawar.
- 3) Secretary E&SE, KPK, Peshawar.
- 4) Head Master, GHS, Ghami Kor, Tehsil Ekka Ghund, District Mohmand.
- 5) Muhammad Zakria, SAT, GHS, Ghami Kor, District Mohmand.

..... Respondents

APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE LETTER DATED  
08.11.2021 OF RESPONDENT NO.1,  
WHEREBY THE APPELLANT HAS BEEN  
RELIEVED FROM THE POST OF SAT, GHS  
GHANI KOR, DISTRICT MOHMAND AND  
PLACED AT THE DISPOSAL OF DEO.

Filed to-day

W. Registrar  
14/12/2021

Submitted to-day  
Filed.

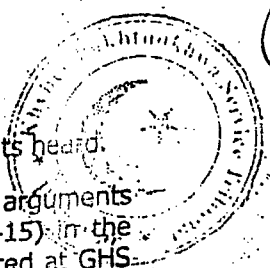
W. Registrar  
14/12/21

Certified to be true copy

W. Registrar  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Appeal No. 7912/2021

5



24.01.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while opening his arguments stated that the appellant is working as Arabic Teacher (BS-15) in the respondent-department since 26.9.2020 and is presently posted at GHS Ghami Kor since 27.03.2021. The appellant is aggrieved of the transfer order dated 12.10.2021 whereby teacher at serial No. 3 (now private respondent No.5) was transferred against the post of appellant. Consequent upon the said impugned order, private respondent No.5 submitted his charge report to the Headmaster, GHS Ghami Kor, District Mohmand. As the post was already occupied by the appellant, Headmaster of the school informed respondent No.1 of the factual position vide E-mail message dated 23.10.2021 followed by another E-mail dated 01.11.2021. However, respondent No.1 was adamant not to implement the impugned order, directed him to implement the transfer order in question vide letter dated 08.11.2021. The Headmaster had no other option but to relieve the appellant on 09.11.2021. However, the appellant before having been relieved from GHS Ghami Kor, District Mohmand submitted departmental appeal to respondent No.3 on 04.11.2021 which was not responded to, hence, the instant service appeal was instituted in the Service Tribunal on 14.12.2021. It was further contended that the impugned order has been issued with total disregard to clause-I,III, IV and IX of the E-Transfer policy of the provincial government dated 11.09.2019 because neither the impugned order has been issued in the month of March nor it has been issued against the vacant post or on completion of normal tenure of posting and as such the said impugned order is discriminatory and not sustainable.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 11.02.2022 before S.B.

An application for suspension of impugned order dated 12.10.2021 is also submitted with the memorandum of appeal. Status-quo be maintained and the impugned transfer order is suspended to the extent of teacher at Serial No.3 only i.e private respondent No.5 till the date fixed.

(Mian Muhammad)  
Member(E)





Date of Presentation of Appeal: 25/01/22  
 Number of Words: 1200  
 Copying Fee: 4/-  
 Urgent: 5/-  
 Total: 28/-  
 Name of Applicant: \_\_\_\_\_  
 Date of Completion of Appeal: 25/01/22  
 Date of Delivery of Copy: 25/01/22

Certified to be true copy  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

Form- A  
FORM OF ORDER SHEET

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

Case No. 7912/2021



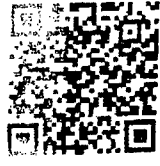
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2021	<p>The appeal of Hafiz Abdul Wahid resubmitted by Mr. Muhammad Isa Khan Khalil Advocate may be entered in the Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14.01.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>14/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.01.2022	<p>Learned counsel for the appellant present. Being Chairman of Departmental Selection Committee, I am busy in Administrative work regarding recruitment, therefore, to come up for preliminary hearing on 24.01.2022 before the S.B.</p> <p style="text-align: center;"> (Salah-Ud-Din) Member (3)</p> <p style="text-align: center;"> MEMBER</p>

1102/12

13/12/21

13/12/21



<p>قیمت 50 روپے</p> <p>7374</p>	  
<p>ایڈوکیٹ: <i>محمد علی خان گل</i></p> <p>بار کونسل ایسوسی ایشن نمبر: 7145-10</p> <p>رابطہ نمبر: 9173-59-3200</p>	<p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p>

بعدالت جناب:

<p>مخاطب: <i>محمد علی خان گل</i></p> <p>بنام <i>نور حسین و عہدہ</i></p>	<p>نور حسین و عہدہ</p> <p>نمبر:</p> <p>موضوع:</p> <p>جرم:</p> <p>تہا:</p>
<p><b>باعت تحریر آئیکہ</b></p>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ

مقام *پشاور* کیلئے *محمد علی خان گل* کی وکیل مقرر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق میں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز اپیل کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب رشده کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخیت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دوزہ یا حد سے پیشی تو وکیل صاحب پابندتہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الترجم: *محمد علی خان گل*

کے واسطے *محمد علی خان گل*

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Acceptance

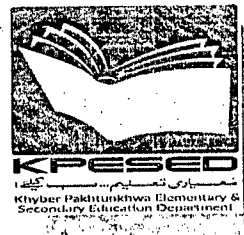


OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No.: 0924-290180

FAX : 0924-290180

email: email: deomohmand@gmail.com



No. \_\_\_\_\_

Dated \_\_\_\_/04/2022

**SUSPENSION OF TRANSFER ORDER**

As per the status quo order of the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar vide Service Appeal No. 7912/2021 dated 25/01/2022 , the Competent Authority is pleased to suspend transfer order issued vide this office No. 3240-45 dated 12/10/2021.

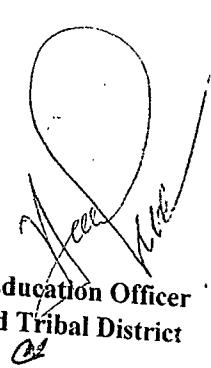
S.No.	Name/Designation	From	To	Remarks
1	Muhammad Zakria SAT	GHS Ghami Kore	GMS Zafar Killi	The Honourable Service Tribunal order
2	Hafiz Abdul Wahid AT	GHS Ghallanai	GHS Ghami Kore	The Honourable Service Tribunal order

(Noor Hassan Khan)  
District Education Officer  
Mohmand Tribal District

Endst; No. 1560-62 dated: 11 /04/2022

Copy for information forwarded to the:

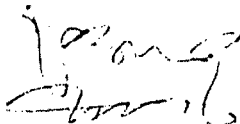
1. Honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar.
2. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.
3. Head Masters concerned.

  
District Education Officer  
Mohmand Tribal District

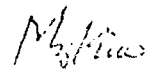
# CHARGE REPORT

I. Mr. Muhammad Zakria, Arabic Teacher (AT) has taken over charge of GMS Zafar Killi on April 19, 2022 as per the office order No. 1560-62, dated 11/04/2022 of DEO Mohmand Tribal District.

Charge Over

  
HEAD MASTER  
G.M.S. Zafar Killi  
District Mohmand

Charge Taker



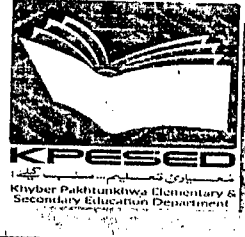


OFFICE OF THE DISTRICT EDUCATION OFFICER  
MOHMAND TRIBAL DISTRICT

Ph. No.: 0924-290180

FAX : 0924-290180

email: email: deomohmand@gmail.com



No \_\_\_\_\_

Dated \_\_\_\_/04/2022

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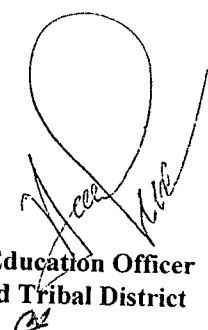
S.No.	Name/Designation	From	To	Remarks
1	Muhammad Zakria SAT	GHS Ghami Kore	GMS Zafar Killi	The Honourable Service Tribunal order
2	Hafiz Abdul Wahid AT	GHS Ghallanai	GHS Ghami Kore	The Honourable Service Tribunal order

(Noor Hassan Khan)  
District Education Officer  
Mohmand Tribal District

Endst: No. 1560-62 dated: 11 /04/2022

Copy for information forwarded to the:

1. Honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar.
2. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa.
3. Head Masters concerned.

  
District Education Officer  
Mohmand Tribal District

# CHARGE REPORT

1. Mr. Muhammad Zakria, Arabic Teacher (AT) has taken over charge of GMS Zafar Killi on April 19, 2022 as per the office order No. 1560-62, dated 11/04/2022 of DEO Mohmand Tribal District.

Charge Given

*[Signature]*  
HEADMASTER  
GMS Zafar Killi  
District Mohmand

Charge Taken

*[Signature]*

20.6.22  
Rat

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

OF 2022

Hajir Abdul Wahid (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Muhammed Zallria (private Respondent No. 5) (RESPONDENT)  
(DEFENDANT)

I/We Muhammed Zallria (private Respondent No. 5)  
Do hereby appoint and constitute **AFRASIAB KHAN WAZIR,**  
**Advocate, Peshawar** to appear, plead, act, compromise, withdraw  
or refer to arbitration for me/us as my/our Counsel/Advocate in the  
above noted matter, without any liability for his default and with the  
authority to engage/appoint any other Advocate Counsel on my/our  
cost. I/we authorize the said Advocate to deposit, withdraw and  
receive on my/our behalf all sums and amounts payable or deposited  
on my/our account in the above noted matter.

Dated.        /        / 2022

M. Asir  
CLIENT(S)

**ACCEPTED**  
**AFRASIAB KHAN WAZIR**  
&  
**NAZUREHMAN MEHSOOD**  
ADVOCATES

OFFICE:  
Room No.6 Ground Floor, Afridi Tower,  
Government College Chowk, Faqir Abad,  
Peshawar City.  
Mobile No: 0312-9888752

Note

I rely on reply/comments of the official respondents 1-3, being counsel of the private Respondent No. 5, Mahamud Zallia SAs, and further I will advance my argument in D.B. relating the issue.  
Counsel

Date. 04.07.2022

04/7/22

Advocate Akhbar Khan  
Adv High Court  
AK