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Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.11009/2020

Date of Institution ... 22.09.2020  
Date of Decision ... 15.01.2021

Muhammad Zada, presently posted as ADEO (Primary) Office of DEO (Male)  
Dir Upper under transfer/posted as GHS Katan, Dir Upper.

... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary E&SE  
Department, Khyber Pakhtunkhwa Peshawar and three others.

... (Respondents)

Present:

Noor Muhammad Khattak,  
Advocate ... For appellant.

Riaz Khan Paindakheil,  
Assistant Advocate General ... For official respondents.

Asad Zeb Khan  
Advocate ... For private respondent.

ROZINA REHMAN ... MEMBER (J)  
MIAN MUHAMMAD ... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER: This judgment is intended to dispose of four  
connected service appeals including the present one bearing No.11009/2020,  
titled Muhammad Zada Vs. Education Department and others, as common  
question of law and facts are involved therein.

15/1/21

2. Appellants Muhammad Zada, Muhammad Iqbal, Shahid Aziz and Peer Muhammad have assailed the notification dated 11.08.2020 and 16.09.2020 whereby they have been transferred allegedly on the basis of political intervention and in violation of transfer/posting policy.

3. Precisely stated facts of the case are that appellants are the employees of the respondents' Department. They were transferred vide impugned notification and order dated 11.08.2020. Private respondent has recently been appointed on Adhoc & School Based Policy and as such, under the transfer posting policy, they are non-transferable employees of the department but despite that, respondents posted Muhammad Riaz and Abdul Aziz against the Management Cadre, therefore, the impugned notification and order dated 11.08.2020 are violative of Clause-I, II, III and IV of the transfer posting policy of the Provincial Government. The appellants feeling aggrieved from the impugned notification submitted departmental appeals where-after filed Writ Petition before the Hon'ble Peshawar High Court and the said Writ Petition was disposed of with direction to respondent to decide the departmental appeals. In response, departmental appeals were accepted by the appellate authority and directions were issued for cancellation of the impugned order dated 11.08.2020. Accordingly, the impugned order was withdrawn but astonishingly, the said cancellation order dated 14.09.2020 was withdrawn and the original impugned transfer order was restored, hence, the instant service appeals.

4. Learned counsel for appellants contends that the impugned notification and orders dated 11.08.2020 and 16.09.2020 are against law, facts and norms of natural justice, hence, not tenable. That the appellants were not treated by the Department in accordance with law and violated

15/11/21

Articles 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. He argued that the impugned notifications are against Clauses-I, II, III and IV of the transfer/posting policy of the Government of Khyber Pakhtunkhwa. He submitted that private respondents are from Teaching Cadre while the post against which they were posted is of Management Cadre and thus the treatment meted out to the appellants is a clear violation of the fundamental rights of the appellants and lastly, he submitted that transfer orders of all the appellants are politically motivated and were never issued in the public interest, therefore, appeals were requested to be accepted.

5. Conversely learned A.A.G assisted by learned counsel for private respondents, strongly opposed the contention of learned counsel for appellants and fully supported the impugned notifications. He argued that the appellants were transferred under a general transfer posting policy and the order was passed in the best interest of the public. That neither the appellants were victimized nor there was any malafide on the part of the respondents. It was further argued that there was neither political nor other ulterior motive behind the posting transfer of the appellants.

6. We are conscious of the fact that transfer of any Government servant can be made by the competent authority in the exigency of service and public interest. No Government servant has a legal right to remain posted at a particular place but where transfer order is malafide and for an extraneous consideration to accommodate some blue eyed chap is justifiable. In such an eventuality, the matter would squarely fall within the jurisdictional domain of Service Tribunal. In the instant case, vide notification dated 11.08.2020, the present appellants were transferred in the interest of public service. They filed departmental appeals on 18.08.2020 and also filed Writ Petitions in the

  
15/11/21

august Peshawar High Court which was disposed of with direction to the Secretary E&SE Department to decide departmental appeals within a period of 14 days and it was on 31.08.2020, when their departmental appeals were accepted and directions were issued for cancellation of the transfer orders of the appellants. Accordingly vide office order dated 14.09.2020, posting transfer order dated 11.08.2020 was withdrawn in the best interest of public service but again, vide office order dated 16.09.2020, order dated 14.09.2020 was withdrawn. As per Clause-I of the transfer posting policy of the Provincial Government, all the posting transfers shall be strictly in public interest and shall not be misused to victimize the Government servant. As per Clause-II of the policy, all Government servants are prohibited to exert political, administrative, or any other pressure upon the posting transfer authorities for seeking posting transfers of their choice and against the public interest. In the instant case, certain documents were placed on file which clearly show that all these transfers are politically motivated. The proposal of transfer posting available on file, was properly mentioned in the letter dated 16.06.2020 addressed to the District Education Officer (Male) Dir Upper vide which the District Education Officer was required to submit report in the light of proposal dated 14.05.2020 and accordingly the impugned notification was issued vide which all four appellants were transferred. Despite the fact that their departmental appeals were accepted and the impugned notification was withdrawn even then, another office order was made and the notification vide which the impugned notification had been cancelled/withdrawn, was once again withdrawn and impugned earlier notification was restored. No best interest of public service was shown.

15/11/21

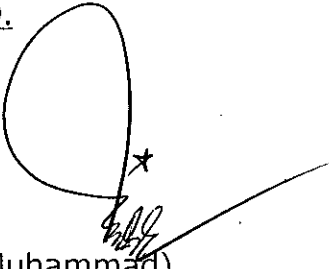
7. The Supreme Court of Pakistan in the case titled Zahid Akhtar v. Government of Punjab through Secretary, Local Government and Rural Development, Lahore and 2 others [PLD 1995 SC 530], held that:

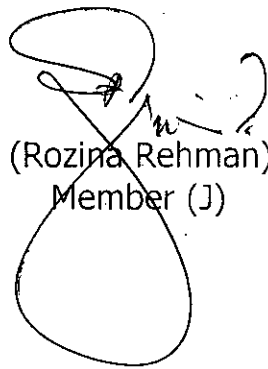
“The transfer of a civil servant by political figures which are capricious and are based on the considerations not in the public interest, are not legally sustainable”

8. The Supreme Court of Pakistan has pronounced in various cases that the competent authority has power to pass a transfer order of a civil servant but such transfer order be passed fairly, justly, impartially, judiciously and shall not be passed arbitrarily, malafidely, motivated by political considerations and colourable exercise of the authority. The transfer order which is politically motivated, in colourable exercise of the authority, passed without wisdom and good sense, is not a judicious order, such an order is arbitrary and fanciful, which is not maintainable.”

9. In view of the above, instant service appeals are accepted and impugned notification in respect of transfer posting of appellants, stands set aside. With no order as to costs. File be consigned to the record room.

ANNOUNCED.  
15.01.2021

  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

15.01.2021

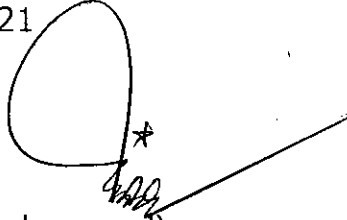
Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Wahid Gul ADEO for official respondents No.1 to 3 present. Counsel for private respondent No.4 present.

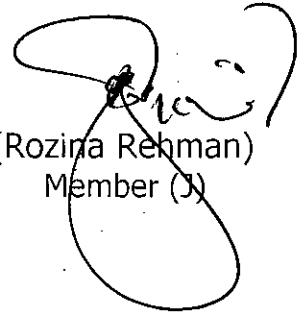
Vide detailed judgment of today of this Tribunal placed on file, instant service appeals are accepted and the impugned notification in respect of posting transfer of the appellants, stands set aside. With no order as to costs. File be consigned to the record room.

ANNOUNCED.

15.01.2021

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(Mian Muhammad)  
Member (E)

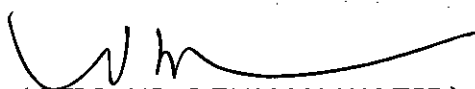
A handwritten signature in black ink, featuring a large, stylized loop at the top, a horizontal line, and a large loop at the bottom.

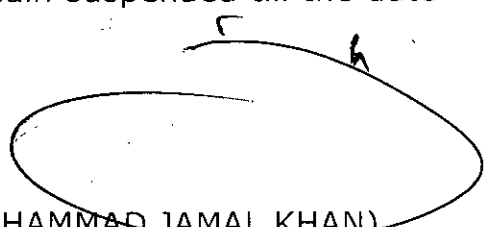
(Rozina Rehman)  
Member (J)

22.12.2020

Mr. Noor Muhammad Khattak, Advocate, for appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General, on behalf of official respondents No. 1 to 3 and Mr. Asad Zeb Khan, Advocate, on behalf of private respondents No. 4, are also present.

Learned counsel representing appellant submitted that he has not prepared the brief and requested for adjournment. The learned Assistant Advocate General as well as learned counsel representing private respondent No. 4 stressed to address arguments to the extent as to whether status-quo has to remain in the field or else has to be vacated. Learned counsel for appellant submitted that he has not opened the file yet and cannot address arguments and again requested for adjournment. The case is adjourned to 12.01.2021 on which to come up for arguments before D.B. Time sought for submission of rejoinder, time allowed. Appellant is directed to submit rejoinder. The operation of impugned order shall remain suspended till the date fixed if not acted upon already.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

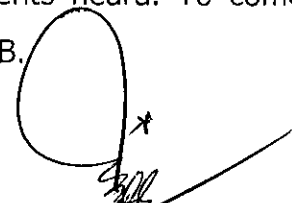
  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

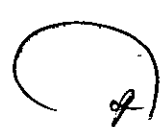
12.01.2021

Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Wahid Gul ADEO for respondents No.1 to 3 present. Counsel for private respondents No.4 present.

Arguments heard. To come up for order on 15.01.2021 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

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19.11.2020

Junior to counsel for appellant and Addl; AG alongwith Abdul Wahid for official respondents No. 1 to 3 and junior counsel for private respondents No. 4 present.

Reply/comments on behalf of private respondent No.4 has been already submitted. Representative of official respondents No.1 to 3 submitted written reply/comments. The appeal is assigned to D.B for arguments. Appellant may submit rejoinder within a fortnight. If, so advised. In the meanwhile, the operation of the impugned order, to the extent of appellant, shall remain suspended if not acted upon

Chairman

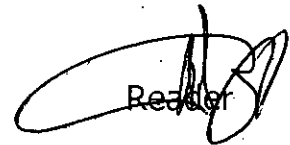


Chairman

Chairman

03.12.2020

Due to COVID-19, the case is adjourned to 22.12.2020 for the same as before.




Reader

19.10.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Ahmad Hussain, ADEO for official respondents and private respondent No. 4 are also present.

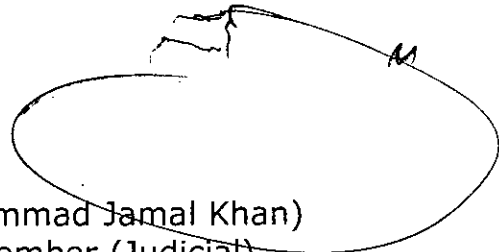
Private respondent No. 4 submitted para-wise reply on main appeal as well as reply on stay application which are placed on record. Representative of official respondents seeks time to furnish written reply/comments. Adjourned to 09.11.2020 on which to come up for written reply/comments on behalf of official respondents before S.B. In the meanwhile, the operation of impugned order, to the extent of appellant, shall remain suspended if not acted upon already.

  
(Muhammad Jamal Khan)  
Member (Judicial)

09.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General on behalf of official respondents No. 1 to 3 and private respondent No. 4 are also present.

Private respondent No. 4 submitted para-wise comments which is placed on record. While learned Additional AG requests for time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 19.11.2020 on which date file to come up for written reply/comments on behalf of official respondents before S.B. In the meanwhile, the operation of impugned order, to the extent of appellant, shall remain suspended if not acted upon already.

  
(Muhammad Jamal Khan)  
Member (Judicial)

01.10.2020


Counsel for the appellant present.

Contends that the impugned transfer order of appellant, dated 11.08.2020, was withdrawn after the submission of departmental appeal. It was done through office order dated 14.09.2020. However, on 16.09.2020 the order dated 14.09.2020 was withdrawn from the date of issuance. In the circumstances of the case valuable rights accrued in favour of appellant upon issuance of office order dated 14.09.2020. On the other hand, the office order dated 16.09.2020 was issued without any notice to the appellant. It is also contended that the original impugned order dated 11.08.2020 was politically motivated. In that regard a note by a Member of National Assembly of Pakistan was referred to wherein recommendations for certain transfers/postings was made.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 19.10.2020 before S.B.

Alongwith the appeal, there is an application for suspension of operation of the impugned orders dated 11.08.2020 and 16.09.2020. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, the operation of impugned order, to the extent of appellant, shall remain suspended if not acted upon already.

Appellant Deposited  
Security & Process Fee

  
d/10/20



  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 11009 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	22/09/2020	<p>The appeal of Mr. Muhammad Zada presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/10/20</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

APPEAL NO. 11009 /2020

**MUHAMMAD ZADA**

**VS**

**EDUCATION DEPTT:**

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4	Order & Notification	<b>B &amp; C</b>	8- 9.
5	Policy	<b>D</b>	10- 12.
6	Departmental appeal	<b>E</b>	13.
7	Judgment	<b>F</b>	14- 19.
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**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

Khyber Pakhtunkhwa  
Service Tribunal

**APPEAL NO. 11009 /2020**

Diary No. 10496

Dated 22-9-2020

Mr. Muhammad Zada, Presently posted as ADEO (Primary), O/O DEO (M),  
Dir Upper Under transfer/posted as GHS Katan, Dir Upper.

..... **APPELLANT**

**VERSUS**

- ✓1- The Government of Khyber Pakhtunkhwa through Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- ✓2- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officers Male & Female, District Dir Upper.
- ✓4- Mr. Abdul Aziz, SST (TC), GHS Seri Sultan Khel under transfer/posted as ADEO (Primary), O/O DEO (M), Dir Upper.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED TRANSFER ORDERS DATED 11.8.2020 & 16.9.2020 WHEREBY THE HAS BEEN TRANSFERRED ON THE BASIS OF POLITICAL INTERVENTION AGAINST TEACHING CADRE POST AND AGAINST THE APPELLATE ORDER DATED 16.9.2020 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 11.8.2020, 16.9.2020 and appellate order dated 16.9.2020 may very kindly be set aside and the respondents may kindly be directed not to transfer the appellant from the post of Assistant District Education Officer (Primary) O/O the District Education Officer (M), Dir Upper. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant is the employee of the respondent Department and is serving as Assistant District Education Officer (Primary) in the office of District Education Officer (M), District Dir upper quite efficiently and up to the entire satisfaction of his superiors.

cancellation order and appellate order are attached as annexure ..... **G, H & I.**

- 8-** That appellant feeling aggrieved and having no other remedy but to file the instant writ petition on the following grounds amongst the others.

**GROUND:**

- A-** That the impugned Notification and orders dated 11-08-2020, 16.9.2020 issued by the respondent No.2 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B-** That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C-** That the impugned Notification and order dated 11-08-2020 are against the clauses I, II, III & IV of the transfer/posting policy of the provincial Government of Khyber Pakhtunkhwa.
- D-** That the impugned Notification and orders of even date 11-08-2020 and 16.9.2020 are also violative of the Government Policy, therefore not tenable and liable to be set aside.
- E-** That it is pertinent to mention that the private respondents belongs to teaching cadre while the posts against they were posted are of management cadre but inspite of that the respondents posted the private respondents against the posts in question.
- F-** That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant.
- G-** That the respondents acted in arbitrary and malafide manner by issuing the impugned Notification & orders dated 11-08-2020 and 16.9.2020 against the appellant.
- H-** That, the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.
- I-** That neither the impugned Notification & orders dated 11-08-2020 and 16.9.2020 have been issued in the public interest nor have the same been issued in exigencies of public service.

- 2- That astonishingly through political interference the appellant was transferred and posted against the teaching cadre post vide impugned Notification and order dated 11.8.2020. That it is very pertinent to mention that the private respondent who has been transferred vice the appellant is belonging to teaching cadre but inspite of that the respondents issued the impugned notification and order dated 11.8.2020. Copies of the MNA letter, impugned notification and order are attached as annexure ..... **A, B & C.**
- 3- That it is also very pertinent to mention that the private respondent No. 4 has recently been appointed as Secondary School Teacher (Bio-Chem) (BPS-16) on adhoc and school based policy and as such under the transfer posting policy they are non transferable employees of the respondent Department but inspite of that the respondents posted them against the management cadre post.
- 4- That respondent no. 4 who is purely appointed for the school based post solely meant to deliver science education and as per policy of the respondent Department the teachers born on science cadre could not be adjusted/posted on Management cadre.
- 5- That the impugned Notification and order dated 11.8.2020 are violative of clause I, II, III & IV of the transfer/posting policy of the provincial Government. Copy of the policy is attached as annexure ..... **D.**
- 6- That appellant feeling aggrieved from the impugned Notification and order dated 11-08-2020 submitted Departmental appeal before the appellate authority and where after filed Writ petition before the Peshawar High Court, Darul Qaza Bench at Swat and the said writ petition was disposed of with the direction to decide the Departmental appeal of the appellant one way or the other vide judgment dated 1.9.2020. Copies of the Departmental appeal and judgment are attached as annexure ..... **E & F.**
- 7- That in response the appellate authority accepted the Departmental appeal of the appellant and directed the respondent No.2 to cancel the impugned order dated 11.8.2020. That vide order dated 14.9.2020 the transfer order 11.8.2020 of the appellant was withdrawn by the respondent No.2 but astonishingly vide impugned appellate order dated 16.9.2020 the said cancellation order dated 14.9.2020 has been withdrawn and restored the original impugned transfer order dated 11.8.2020 by the respondent No.2. Copies of the



J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 17-9-2020

APPELLANT



**MUHAMMAD ZADA**

Through:



**NOOR MOHAMMAD KHATTAK**  
ADVOCATE, HIGH COURT,  
PESHAWAR

**BEFORE THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD**

**APPEAL No. \_\_\_\_\_/2020**

**MUHAMMAD ZADA**

**VS**

**GOVT: OF KP:**

**APPLICATION FOR SUSPENSION OF OPERATION OF  
THE IMPUGNED ORDERS DATED 11.08.2020 &  
16.09.2020 TILL THE DISPOSAL OF THE ABOVE  
MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with this application has been filed by the appellant before this august Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned orders dated 11.08.2020 & 16.09.2020 whereby the appellant has been transferred on the basis of Political Intervention against the Teaching cadre post.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order dated 11.08.2020 & 16.09.2020 had been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned orders dated 11.08.2020 & 16.09.2020 may very kindly be suspended till the disposal of the above mentioned service appeal.

Dated: 18/09/2020

**APPLICANT**

  
**MUHAMMAD ZADA**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**

**&**

  
**MIR ZAMAN SAFI  
ADVOCATES**

ATTESTED

Suit # 412, Block-H, Parliament Lodges, Islamabad, Cell: 0313-8802230, 0343-8802230

SAHIBZAINA SIBGHATULLAH  
Member National Assembly

- 1. ✓ GHS Malak (M) GMS (M) - ✓
- 2. ✓ Saadara Khan - ✓
- 3. ✓ Muhammad Raj SST - ✓
- 4. ✓ Muhammad Raja - ✓
- 5. ✓ Muhammad Hamid - ✓
- 6. ✓ Muhammad Hamid - ✓
- 7. ✓ Muhammad Hamid - ✓
- 8. ✓ Muhammad Hamid - ✓
- 9. ✓ Muhammad Hamid - ✓
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- 16. ✓ Muhammad Hamid - ✓
- 17. ✓ Muhammad Hamid - ✓
- 18. ✓ Muhammad Hamid - ✓
- 19. ✓ Muhammad Hamid - ✓
- 20. ✓ Muhammad Hamid - ✓

Date: A-9



Member National Assembly of Pakistan



SAHIBZAINA SIBGHATULLAH  
NA-05 Upper Dir

ATTESTED

9, Muhammad Zada ADEO M.D. Div to

~~ATTESTED~~  
~~M. A. QURESHI~~

8, Muhammad Khan ADEO to

SDEO F, Larkana

7, Hareef Wajah (Assistant) SDEO F, Govt

to  
ADEO DEO DIV

6, Nazeer Ahmad SST GHS Govt to

ADEO F, P.D. Div

5, Muhammad Riaz SST GHS M.D. Div to

to ADEO Govt

4, Muhammad Ayub ADEO F

ADEO Investigation DEO M.D. Div (Vacant)

14/5/22  
Munir

3, Feroz Muhammad ADEO Govt

ADEO Govt

2, Muhammad Hanif SST GHS Govt

(7)

ADEO M, Primary Est. Div

1, Abdul Aziz SST GHS Ser. Sultana

Directorate of Elementary & Secondary Education

Khyber Pakhtunkhwa, Peshawar

No. 5003/F.No 32/Vol-4/ SST (M)/Transfer Cases

Dated Peshawar the 16/6/2020

**10.P.S.S.**  
DESPATCHER  
Director (E&SE)  
KPK Peshawar

To

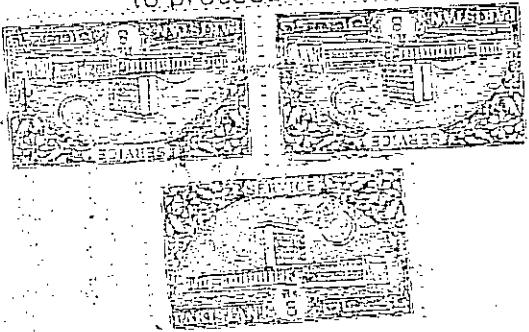
The District Education Officers,  
(M) Dir Upper.

Subject:-

PROPOSAL FOR TRANSFER/POSTING

Memo:

I am directed to the subject cited above and to enclose herewith a proposal bearing No.Nil dated 14-05-2020, for your perusal and to ask you to submit your report and apprise this office which of them belongs to Management Cadre and which pertains to teaching cadre, so as to proceed further into the matter as per rules please.

  
Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Endst. No:-

Copy of the above is to:-

1. PA to Director (E&SE) Local Directorate.

Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

RECEIVED  
BY ADVOCATE

**ATTESTED**

C - (9)

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

**EDUCATION**

The Competent Authority is pleased to order transfer/posting of the following officers in their own pay scale, with immediate effect in the interest of public service.

No	Name & Designation	From	To (posted as)	Remarks
1	Mr. Abdul Aziz SST (T.C)	GHS Seri Sultan Khel	ADEO(Primary)at O/O DEO(M) Dir Upper	V#2
2	Muhammad Zada (T.C)	ADEO((Primary)) at O/O DEO(M) Dir Upper	GHS Kotan	V#1 under Administrative basis
3	Mr. Muhammad Hanif SST	GMS Gamdat	ASDEO Circle Wari	Vice#5
4	Mr. Muhammad Iqbal (M.C)	ADEO (F) at O/O DEO(F) Dir Upper	ASDEO Circle Barwal.	AVP under Administrative basis
5	Mr. Peer Muhammad (M.C)	ASDEO Circle Wari	ASDEO Circle Larjam	AVP
6	Mr. Muhammad Riaz SST (T.C)	GHS Malavi	ADEO(F) at O/O DEO(F) Dir Upper	Vice#4
7	Mr. Nazeer Ahmad SST (T.C)	GHS Wari	ADEO(Secondary)at O/O DEO(M) Dir Upper	Vice#8
8	Mr. Shahid Aziz SST (T.C)	ADEO(Secondary)at O/O DEO(M) Dir Upper	GHS Wari	Vice#7 under Administrative basis

**Note:**

1. Posting/Adjustment of Teaching Cadre Officers shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.
2. The order of the above mentioned Teaching cadre officers will be effective subject to the condition that he will give an undertaking/affidavit on legal paper/stamp paper to DEO (M/F) Dir Upper to the effect, not to claim seniority of Management cadre.
3. Charge Report should be submitted to all concerned.
4. No TA/DA is allowed.
5. The terms & conditions mentioned in their appointment order as teaching cadre will remain intact.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Enlist No. 29471-75 F.NO. 12701-4/ ADEOs (M) Transfers Dated the Peshawar 11/2/2020

Copy forwarded to the:

1. District Education Officer (M/F) Dir Upper.
2. District Accounts Officer Dir Upper.
3. Officers Concerned.
4. Master Copy.

Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

**ATTESTED**

**ATTESTED**

11/8/2020



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

④  
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D-10

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- (i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- (iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

ATTACHED  
BY ADVISOR

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008.

Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

**ATTESTED**

- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof.

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

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

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

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

**ATTESTED**



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

~~(S)~~  
12

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

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

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

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

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

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

.....

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

.....

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

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

**ATTESTED**

The Honorable Secretary E& SED,  
Khyber Pakhtunkhwa Peshawar.

E-13  
13  
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Subject: APPEAL FOR WITHDRAWAL OF POSTINGS/TRANSFERS ORDER IN R/O ADEOs/ASDEOs (M&F) OFFICES DISTRICT DIR UPPER.

R/Sir

1- With great profound, I would like to invite your kind attention to the postings/transfers of ADEOs/ASDEOs (M&F) Offices Dir Upper have been issued vide office of Director E&SE Endst No: 29471-75/F: No: 32/Vol-4/ADEOs (M) Transfer Dated Peshawar the: 11/08/2020 (copy attached). In the instant order Serial No's 2,4 and 8 have been charged and transferred on administrative grounds, while before issuing orders no personal hearing etc have been made neither I was informed about the procedures, that what kinds of charges leveled against us.

2- If any charges are proved against us in any inquiry then why proper action has not been taken against the beneficiaries who have been appointed /promoted, which is yet not been initiated. As a matter of fact, initial action is required against the beneficiaries and competent authority who are wholly responsible for such kinds of miss-use of powers or other negligence.

3- Before issuing our transfer orders the director E&SED forwarded a letter to the District Education Officer (M) Dir Upper vide No:5003/F: No: 32/Vol-4/Dated 16/06/2020, seeking information about postings/transfers of ADEOs proper identification of teaching and management cadres officers along with proper proposal/recommendation duly signed by local MNA Dir Upper on specific letter pad (copy attached). The present situation indicate that proposal/recommendations submitted by local MNA is wholly implemented and eventually we have charged and transferred on administrative grounds, which is denoting that the orders has been issued only on the political pressure of local MNA for ulterior motives.

4- One Muhammad Riaz SST appointed through NTS on Sep, 2018 and still in a probation period and his appointment order has not yet been regularized, posted as ADEO(P&D) against Muhammad Iqbal (MC) which is against policy, while another one namey Luqman SST(IT) has also been posted as ADEO(S) which is technical one and not eligible for the post. so both the orders are against norms and rules and needs cancellation on merit. Moreover, Abdul Aziz appointed as ADEO(p) is also NTS appointee. It is pertinent to mention that one Muhammad Hanif SST has been adjusted as ASDEO against Pir Muhammad ASDEO (MC), which is clear violation of policy.

5- In view of the above quoted facts that our transfer orders have been issued on political influences having no legal status which is against the service Rules and therefore we are humbly requesting to please withdraw the aforementioned transfer orders and intact us on previous stations. Hoping that my request will be decided on merit according to the prescribed manners please

In view of the above quoted facts that my transfer orders have been issued on political influences having no legal status which is against the service Rules and therefore I am humbly requesting to please withdraw the aforementioned transfer orders and intact me on previous station/ position.

I hope that my case will be decided on merit according to the prescribed manners please.

Thanks for yours kind anticipations.

Yours sincerely,

MUHAMMAD ZADA, SST GHS Katan  
Ex-ADEO(Primary Establishment) Male Dir Upper.

18-08-2020

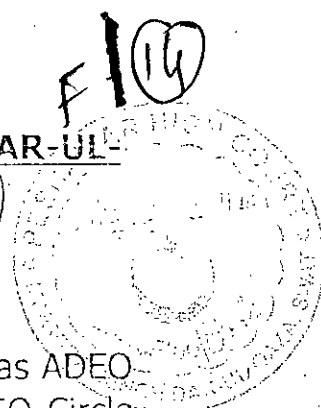
ATTESTED



BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DAR-UL-

QAZA AT SWAT

WRIT PETITION NO. 829-M/2020



- 1- Mr. Muhammad Iqbal, Management Cadre, Presently posted as ADEO (F), O/O DEO (F), Dir Upper Under transfer/posted as ASDEO Circle Barawal, Dir Upper. *R/o Kakad P.O Wari.*
  - 2- Mr. Peer Muhammad, Management Cadre, presently posted as ADEO Circle Wari under transfer/posted as ASDEO Circle Larjam. *DASKOT WARI DIR UPPER*
  - 3- Mr. Muhammad Zada, (Teaching Cadre) presently posted as ADEO (P) at the o/o DEO (M), Dir Upper under transfer to GHS Katan, Dir Upper. *Bihyawot. Dir Upper*
  - 4- Mr. Shahid Aziz, Teaching cadre, presently posted as ADEO (M) o/o DEO (M) Dir Upper under transfer/not yet posted, Dir Upper. *Shaw Dir(U)*
- ..... PETITIONERS

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
  - 2- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
  - 3- The District Education Officers Male & Female, District Dir Upper.
  - 4- Mr. Muhammad Riaz, SST (T.C), NTS adhoc school based GHS Molavi under transfer/posted as ADEO (F) o/o DEO (F), Dir upper. *Tangai, Tehsilwari Dir(U)*
  - 5- Mr. Muhammad Hanif, SST (T.C), GMS Gamdat, Dir Upper under transfer/posted as ASDEO circle Wari, Dir Upper. *Chappat P.O, Tehsilwari Dir(U)*
  - 6- Mr. Abdul Aziz, SST (T.C), NTS 2017 GHS Seri Sultan Kheil, Dir Upper under transfer/posted as ADEO (P) o/o DEO (M), Dir Upper. *Seri Sultan Kheil Dir(U)*
  - 7- Mr. Hazrat Luqman, SST, IT NTS 2017 GHS Katan Bala under transfer/posted as ADEO (M) o/o DEO (M), upper Dir. *Dislower Tehsilwari Dir(U)*
- ..... RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 AS AMENDED UP TO DATE

R/SHEWETH:  
ON FACTS:

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

**ATTESTED**

**FILED TODAY**

20 AUG 2020

Additional Registrar

1- That petitioners are the bonafide resident of District Dir upper and belongs to respectable families. Copies of CNIC's are attached as annexure ..... A.

2- That lastly all the petitioners were posted against the management cadre posts mentioned above through different orders/notifications. That in response to the said Notifications/orders regarding their posting the petitioners submitted their arrival reports and started performing their duties quite efficiently and up to the entire satisfaction of their superiors. Copies of the posting orders/notifications of the petitioners are attached as annexure ..... B.

3- That astonishingly through political interference all the petitioners have been transferred and posted against the teaching / management cadre posts vide impugned Notification and order dated 11.8.2020. That it is very pertinent to mention that all the private respondents who were transferred vice the petitioners are belonging to teaching cadre but inspite of that the respondents issued the impugned notification and order dated 11.8.2020. Copies of the MNA letter, impugned notification and order are attached as annexure ..... **C, D & E.**

4- That it is also very pertinent to mention that all the private respondents have recently been appointed on adhoc and school based policy and as such under the transfer posting policy they are non transferable employees of the respondent Department but inspite of that the respondents posted them against the management cadre posts.

5- That according to the recent judgment of the Peshawar High Court passed in W.P No. 3737-P/2019 Title Nisar Ahmad & others VS Govt of KPK & Others order and judgment dated:22-10-2019 strongly deprecated the practice of posting of teaching cadre against the post of management cadre but inspite that the respondents issued the impugned Notification and order dated 11.8.2020. Copy of the judgment is attached as annexure ..... **F.**

6- That the impugned Notification and order dated 11.8.2020 are violative of clause I, II, III & IV of the transfer/posting policy of the provincial Government. Copy of the policy is attached as annexure ..... **G.**

7- That petitioners feeling aggrieved from the impugned Notification and order dated 11-08-2020 submitted Departmental appeals before the appellate authority but of no avail though the appellate authority is legally bound in light of clause-xiv of the transfer/posting policy of the provincial Government to dispose of the Departmental appeals of the petitioners within fifteen days but inspite of that the appellate authority i.e. respondent No.1 is not willing to dispose of the Departmental appeals of the petitioners. Copies of the Departmental appeals are attached as annexure ..... **H.**

8- That petitioners feeling aggrieved and having no other remedy but to file the instant writ petition on the following grounds amongst the others.



FILED TODAY

20 AUG 2020

Additional Registrar

**ATTESTED**

*[Handwritten signature]*

**ATTESTED**

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

GROUNDS:

15

A- That the impugned Notification and order dated 11-08-2020 issued by the respondent No.2 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That the petitioners has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

C- That the impugned Notification and order dated 11-08-2020 are against the clauses I, II, III & IV of the transfer/posting policy of the provincial Government of Khyber Pakhtunkhwa.

D- That the impugned Notification and order of even date 11-08-2020 is also violative of the management cadre policy, therefore not tenable and liable to be set aside.

E- That it is pertinent to mention that the private respondents belongs to teaching cadre while the posts against they were posted are of management cadre but inspite of that the respondents posted the private respondents against the posts in question.

F- That the treatment meted out to the petitioners is a clear violation of the Fundamental Rights of the petitioner.

G- That the respondents acted in arbitrary and malafide manner by issuing the impugned Notification & order dated 11-08-2020 against the petitioners.

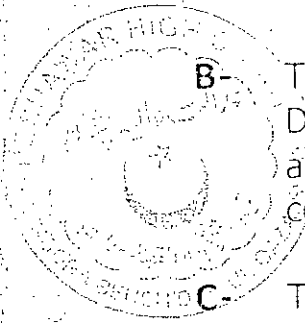
H- That according to Clause-XIV of the transfer/posting policy of the provincial Government the respondent No.1 is duty bound to dispose of the Departmental Appeal of the petitioners strictly within fifteen (15) days.

I- That, the petitioners has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.

J- That neither the impugned Notification & order dated 11-08-2020 have been issued in the public interest nor the same have been issued in exigencies of public service.

K- That the petitioners seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this writ petition the inaction of the respondent No.1 by not



ATTESTED  
Registrar  
High Court Bench  
Peshawar, K.P.K.

FILED TODAY

20 AUG 2020

Additional Registrar

ATTESTED

deciding/dispose of the Departmental appeals of the petitioners in light clause-xiv of the transfer/posting policy may be declared as illegal, unconstitutional and in effective upon the rights of the petitioner. That the respondent No.1 may please be directed to disposed of the Departmental appeals of the petitioners in light of Clause-XIV of the transfer/posting Policy of the Provincial Government. Any other remedy which this august Court deems fit that may also be awarded in favor of the petitioner.

**INTERIM RELIEF:**

That in the mean while the operation of the impugned Notification and order dated 11-08-2020 may kindly be suspended till the disposal of the Departmental appeal of petitioners.

Dated: 18-8-2020.



**PETITIONERS**

Muhammad Iqbal & 3 Others

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

**UMER FAROOQ**

**& SHAHZULLAH YOUSAFZAI,  
ADVOCATES  
HIGH COURT PESHAWAR**

**VERIFICATION:**

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

**FILED TODAY**

20 AUG 2020

Additional Registrar

**LIST OF BOOKS:**

1. Constitution of Pakistan.
2. Services Laws Books.
3. Any other Case law as per need.

DEPONENT

ATTESTED

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

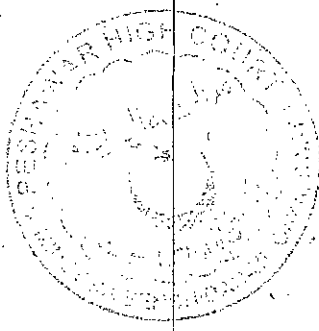
**ATTESTED**

**PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT**

**FORM OF ORDER SHEET**

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Court of .....  
 Case No. .... of .....

1	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
	<p>01-09-2020</p>	<p><u>W.P No. 829-M/2020 with Interim Relief</u></p> <p><i>Present: Mr. Noor Muhammad Khattak, Advocate for the petitioners.</i></p> <p>*****</p> <p><u>WIQAR AHMAD, J.-</u> This order is directed to dispose of the petition filed by petitioners, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the following prayer;</p> <p>“It is therefore, most humbly prayed that on acceptance of this writ petition the inaction of the respondent No. 1 by not deciding/dispose of the departmental appeals of the petitioners in light of Clause-XIV of the Transfer/ Posting Policy may be declared as illegal, unconstitutional and ineffective upon the rights of the petitioners. That the respondent No. 1 may please be directed to dispose of the departmental appeals of the petitioners in light of Clause-XIV of the Transfer/Posting Policy of the Provincial Government. Any other remedy which this august Court deems fit that may also be awarded in favor of the petitioners.”</p> <p>2. Learned counsel for petitioners at the outset requested that he would be satisfied, if respondent No. 1 is directed to decide departmental appeals of petitioners within fortnight.</p>

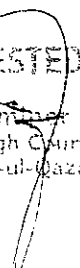
**ATTESTED**



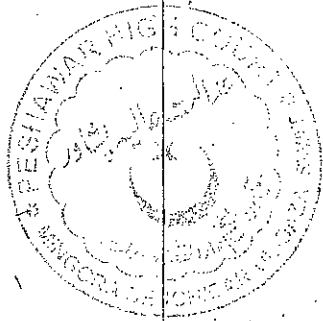
(D.B) HON'BLE MR. JUSTICE IHTIAQ IBRAHIM  
 HON'BLE MR. JUSTICE WIQAR AHMAD

**ATTESTED**

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



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3. Request of learned counsel for petitioners seems genuine. Respondent No. 1 i.e. Secretary E&SE Department, Khyber Pakhtunkhwa is therefore directed to decide departmental appeals of petitioners within a period of fourteen days positively, after receipt of order of this Court but strictly in accordance with law and rules.

4. The petition in hand is disposed of accordingly.

Announced  
Dt: 01.09.2020

JUDGE

JUDGE

S.No 62  
Name of Applicant Wpt 1  
Date of Presentation of Applicant 10-09-2020  
Date of Completion of Copies 10-09-2020  
No of Copies 6  
Urgent Fee \_\_\_\_\_  
Fee Charged 241  
Date of Delivery of Copies 10-09-2020

Certified to be true copy

EXAMINER  
Peshawar High Court, Mingora/Der-ul-Qaza, Swat  
Authorized Under Article 47 of Quano-e-Shahadat Order 1947  
10/09/2020

Office  
02/09  
**ATTESTED**





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
No. SO(PE)E&SED/2-1/General Transfer/Posting/2020  
Dated Peshawar the 31.08.2020

Handwritten marks: a circled '20', a circled '9', and a circled '20'.

To:

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: - APPEAL FOR WITHDRAWAL OF POSTINGS/TRANSFERS ORDER IN R/O ADEOs/ASDEOs (M/F) OFFICES DISTRICT DIR UPPER

Dear Sir,


I am directed to refer to the subject noted above and to intimate joint appeal of Mr. Shahid Aziz, SST GHS Kattan (B) Ex-ADEO (Secondary) Male Dir Upper, Muhammad Zada SST GHS Kattan (B) Ex-ADEO (Primary) Male Dir Upper, Muhammad Iqbal, ASDEO Brawal Ex-ADEO (P&D) Female Dir Upper and Peer Muhammad Ex-ASDEO Male Wari Circle Dir Upper, wherein they requested for withdrawal of transfer orders and restoration at their previous station/positions is accepted.

It is, therefore, directed to cancel the transfer orders of the above appellants immediately, and submit compliance report for perusal of the competent authority.

Yours faithfully,

Encl: as above:

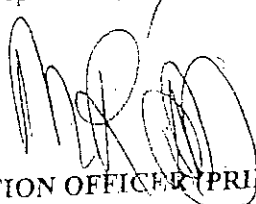
Endst: No & date even

  
SECTION OFFICER (PRIMARY)

Copy forwarded to:-

1. The DEO (Male), District Dir Upper, for similar necessary action.
2. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
3. PS to Spl: Secretary, E&SE Department, Peshawar.

**ATTESTED**  


  
SECTION OFFICER (PRIMARY)

**ATTENDED**

Deputy Director (Es/Ed)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

- 1. Section Officer (Primary) with the letter No. SO (PE) ESSEEDR-1/General Transfer/Posting/2020 dated 31-08-2020.
- 2. District Education Officer (N/F) Dir Upper
- 3. District Accounts Officer Dir Upper.
- 4. Officer concerned
- 5. PA to Director (ESSE) Khyber Pakhtunkhwa, Peshawar
- 6. Master File

Copy of the above is to the:-

Dated Peshawar the 11/09/2020.

No. 52-41/ADEO's (M) Transfer.

Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

ASDEO (M) Primary in o/a DKO(A) Dir Upper	ASDEO (M) Primary in o/a DKO(A) Dir Upper
ASDEO (M) Secondary in o/a DKO(A) Dir Upper	ASDEO (M) Secondary in o/a DKO(A) Dir Upper
ASDEO (M) Primary in o/a DKO(A) Dir Upper	ASDEO (M) Primary in o/a DKO(A) Dir Upper
ASDEO (M) Secondary in o/a DKO(A) Dir Upper	ASDEO (M) Secondary in o/a DKO(A) Dir Upper

Transfer Posting 2020 dated 31-08-2020, in the best interest of public service.

The Competent Authority is pleased to withdraw the Transfer Order bearing No. 29471-75 dated 11-08-2020 in respect of the following in the light of the letter No. SO (PE) ESSEEDR-1/General

**OFFICE ORDER**

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR



21



DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

H-221  
⑤  
⑥

OFFICE ORDER.

The Competent Authority is pleased to withdraw the Transfer/Posting Order bearing No. 210-14 dated 14-09-2020 in the light of the Admin: Department letter No. SO (PE) E&SEED/2-1/General Transfer/Posting/2020 dated 16-09-2020, from the date of issuance, in the best interest of public service.

**DIRECTOR**


Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst: No. 701-65 / F. No. 32-4/ ADEO's (M) Transfer.

Dated Peshawar the 16/9/2020.

Copy of the above is to the:-

1. Section Officer (Primary) w.r.t the letter No. SO (PE) E&SEED/2-1/General Transfer/Posting/2020 dated 16-08-2020.
2. District Education Officer (M/F) Dir Upper
3. District Accounts officer Dir Upper.
4. Officer concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

  
Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar



  
**ATTESTED**  


**VAKALATNAMA**

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

\_\_\_\_\_ OF 2020

Muhammad Zada

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

\_\_\_\_\_ EDUCATION DEPTT:

(RESPONDENT)  
(DEFENDANT)

I/We Muhammad Zada

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2020

  
\_\_\_\_\_  
**CLIENT**

**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

  
**MIR ZAMAN SAFI**

**&**

**AFRASIAB KHAN WAZIR**  
**ADVOCATES**

OFFICE:

Flat No.4, 2<sup>nd</sup> Floor, Juma Khan  
Plaza, near FATA Secretariat,  
Warsak Road, Peshawar.  
Mobile No.0345-9383141

BEFORE THE HON'BLE KHYBER PAKHTUN KHWA SERVICE  
TRIBUNAL, PESHAWAR

**Service appeal No. 11009/2020**

**MUHAMMAD ZADA**

**VERSUS**

**GOVT. OF KHYBER PAKHTUN KHWA & OTHERS**

**INDEX**

S. No	Description of Documents	Annexures	Pages
1	Written Reply of main appeal		2- 3
2	Written Reply of application for suspension of impugned orders		4- 5
3	Copy of transfer order dated: 11-08-2020 & Charge report along with salary slip	RA-RB	6- 11
4	Copy of Joint Appeal	RC	12-
5	Copy of letter dated: 31-08-2020 & 16-09-2020	RD-RE	13-14
6	Wakalat nama		15

Dated: 19-10-2020

Through

Respondent No. 4

  
ASAD ZEB KHAN

Advocate, High Court, Peshawar.

Off: 202, 2<sup>nd</sup> Floor, City Gate Plaza, Near  
Chamber of Commerce, G.T Road,  
Peshawar

0346-9800565

  
FIDA MUHAMMAD YOUSAFZAI

Advocate High Court.

①

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA  
SERVICE TRIBUNAL, PESHAWAR**

**Service appeal No. 11009/2020**

**MUHAMMAD ZADA**

**VERSUS**

**GOVT. OF KHYBER PAKHTUN KHWA & OTHERS**

**PARA WISE REPLY ON BEHALF OF RESPONDENT No. 4**

**Respectfully Sheweth,**

The Respondent No-4 humbly submits as under:

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no locus-standi to file the instant appeal.
2. That the appellant has not come to this tribunal with clean hands.
3. That the appeal is not maintainable in the present from and also in the present circumstances.
4. That the appellant also being a teaching cadre employee can't retain post of ADEO as a matter of right.
5. That the appellant has filed the instant appeal just to pressurized the respondents.
6. That the appeal is against the facts, rules and laws.
7. That the appellant is precluded and estopped from filing the instant appeal due to his own conduct.

**FACTS:**

1. Para No-1 in incorrect and vehemently denied. The appellant was appointed in the respondent department as School Teacher and was posted as ADEO as a stop gap arrangement. Further the appellant is transferred on administrative ground, so he can't claim and retain the post of ADEO as a matter of right.

2. Para No. 2 of the appeal is incorrect. As noted and mentioned in the preceding Para, the appellant is transferred on administrative grounds and not on political basis. The letter pad of the so-called MNA is fake and bogus, just to deprive the replying respondent from his new assignment. It would be imperative to state that the appellant in order to achieve his nefarious desires illegally relied upon letter pad of MNA, which is fake and bogus and the appellant is put to strict proof to prove the same.
  
3. Para No. 3 is incorrect. Replying respondent is a permanent employee of department and the assertion that the replying respondent is adhoc employee is bald in nature. Transfer order of replying respondent to the post of ADEO is purely on stop gap arrangement till arrival of new incumbent of Managerial cadre.  

**{True copy of transfer order dated: 11-08-2020 and charge report along with salary slip are attached, as mark Annex-RA & RB}**
  
4. Para No. 4 is incorrect. The Govt. has the authority to post any employee on any post which they want and the employee has no right to deny such transfer/ posting.
  
5. Para No. 5 of the appeal is incorrect. The transfer and posting have been made in accordance with law, policy of the Govt. and rules made there-under. The appellant is transferred on administrative ground, hence he can't challenge the order of authority.
  
6. Para No. 6 is incorrect. The appellant made joint appeal along with other officials/officers who was transferred and as per law, no joint appeal is permissible is allowed. The department appeal so attached, is fake and the appellant is put to strict proof to prove the same. The replying respondent came to know about the joint appeal of the appellant and others, when the office of DEO, Dir Upper received copy of letter dated: 31-08-2020 and letter dated: 16-09-2020.  

**{True copy of joint appeal, letters dated: 31-08-2020 & 16-09-2020 are attached, as mark Annex-RC, RD & RE}**
  
7. Para No. 7 of the appeal is correct to the extent of withdrawal of transfer order, but subsequently, the withdrawal order was cancelled vide office order dated: 16-09-2020 and the transfer order of appellant was restored.
  
8. Para No. 8 of the appeal is incorrect and the appellant is put to strict proof to prove the same.

**GROUND:**

(A-J). Grounds A to J of the appeal are incorrect, wrong, false and result of exagration.

The transfer order of appellant is issued in accordance with law. The appellant who is basically working as School Teacher and was posted as ADEO on stop gap arrangement and as per law, the appellant can't claim retention of post of ADEO as a matter of right, because as per service laws, every civil servant is duty bound to serve anywhere he is directed to serve.

The appellant is challenging the posting of replying respondent on managerial post being teaching cadre employee but on the other hand terming his own posting (being teaching cadre employee) as ADEO as legal.

Posting and transfer of a civil servant is not a fundamental right and as per service laws, every civil servant is under legal obligation to serve where-ever he is assigned the task.

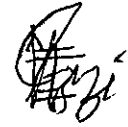
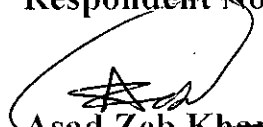
It would be note worthy that the appellant made a joint departmental appeal which is not permissible under the law.

Basically the transfer orders were made in accordance with law and policy of the Govt.

The appellant through bald assertions trying to get sympathies of the Hon'ble Tribunal as he is failed to provide any material through which it can be ascertained that the transfer orders were made due to political influence.

The replying respondent also reserve his right to advance additional ground at the time of arguments with permission of the Hon'ble Tribunal.

It is therefore most humbly prayed that this Hon'ble Tribunal may very graciously be pleased to dismiss the instant appeal with cost.

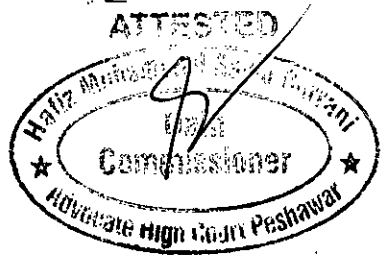
Through Respondent No. 4   
  
Asad Zeb Khan  
Advocate High Court.

  
Fida Muhammad Yousafzai  
Advocate High Court.

**VERIFICATION:**

I, Abdul Aziz, ADEO, Dir Upper (Respondent No. 4) do hereby solemnly affirm and declare on oath that the contents of the instant comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

19 OCT 2020



DEPONENT 



4

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA  
SERVICE TRIBUNAL, PESHAWAR**

**Service appeal No. 11009/2020**

**MUHAMMAD ZADA**

**VERSUS**

**GOVT. OF KHYBER PAKHTUN KHWA & OTHERS**

**WRITTEN REPLY ON BEHALF OF RESPONDENT No. 4**

**Respectfully Sheweth:**

The Respondent No. 4 submits as under:

**Preliminary Objections:**

1. The petitioner/appellant has got no cause to file such like petition.
2. The petitioner/appellant has not come to this Hon'ble Court with clean hands.
3. The petition is not verified on affidavit, hence no sanctity is available to the same.
4. The present petition is filed with malicious intent, just to harass the replying respondent.
5. That the instant application became infructuous as the appellant took charge at his new place of posting, which is evident from the pay-roll and charge report.

**Factual Objections:**

- A. Para No.1 of the application is irrelevant, hence needs no reply.
- B. Para No.2-4 of the petition are incorrect, wrong, unjustified, false, fictitious and the same is the result of misconception, hence expressly denied. Infact the instant application became infructuous as the appellant took charge at his new place of posting, which is evident from the pay-roll and charge report, hence he is not entitled to any relief what


5  
so ever, as main appeal become infructuous. Further the present petition has been filed by the present petitioner/appellant just to deceive the Hon'ble Tribunal by advancing mis-leading facts before the learned Tribunal, hence the present petition is liable to be dismissed with order of special compensatory costs. The transfer of appellant was made in accordance with law and policy of the Govt., because he was involved in illegal appointments and promotions of Class-IV employees and in light of the enquiry report, he is transferred from the post. Hence, the instant application is not maintainable under the law.

IT IS THEREFORE HUMBLY REQUESTED THAT IN THE LIGHT OF ABOVE LEGAL AND FACTUAL POINTS THE SUBJECT APPLICATION MAY GRACIOUSLY BE DISMISSED WITH ORDER OF COSTS.

  
Respondent No. 4

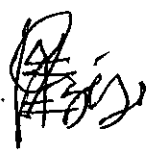
Through

  
Asad Zeb Khan  
Advocate High Court.

  
Fida Muhammad Yousafzai  
Advocate High Court.

**Verification:**

It is verified upon oath that the contents of the written reply is correct to the best of my knowledge and nothing has been kept concealed intentionally from this Hon'ble Court.

Deponent. 

19 OCT 2020.





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

"RA"

**OFFICE ORDER**

The Competent Authority is pleased to adjust Mr. Hazrat Luqman SST GHS Katan Bala District Dir Upper as ADEO(M) Secondary at Office of the DEO(M) Dir upper and the Transfer posting Order in respect of Mr. Naseer Ahmad SST occurring at Serial No.7 bearing No.29471-75 dated 11-08-2020 is hereby withdrawn with immediate effect in the best interest of public service.

**TERMS AND CONDITIONS.**

1. Posting/Adjustment of Teaching Cadre Officers shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.
2. The order of the above named SST (teaching cadre) will be effective subject to the condition that he will give an undertaking/affidavit on legal paper/stamp paper to DEO (M) District Dir Upper to the effect, not to claim seniority of Management cadre.
3. Charge Report should be submitted to all concerned.
4. No TA/ DA is allowed.
5. The terms & conditions mentioned in his appointment order as SST Teaching cadre will remain intact.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Endst: No. 29482-85 F.NO.32/Vol-4/ADEOs (M) Transfers Dated the Peshawar 11/8/2020

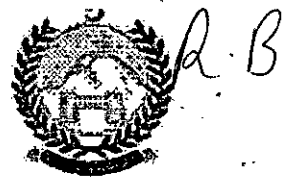
Copy forwarded to the:

1. District Education Officer Dir Upper.
2. District Accounts Officer Dir Upper.
3. Officer Concerned.
4. Master Copy.

11/8/2020  
Deputy Director (Estab)  
Elementary & Secondary Education  
for Khyber Pakhtunkhwa

*[Signature]*

Dist. Govt. KP-Provincial  
District Accounts Office Dir Upper  
Monthly Salary Statement (September-2020)



Personal Information of Mr MUHAMMAD ZADA d/w/s of MUHAMMAD SHER ZADA KHAN

Personnel Number: 00280065 CNIC: 1570144027629 NTN:  
Date of Birth: 03.08.1969 Entry into Govt. Service: 13.03.1988 Length of Service: 32 Years 06 Months 019 Days

**Employment Category: Active Temporary**

Designation: SECONDARY SCHOOL TEACHER 80001932-DISTRICT GOVERNMENT KHYBE

DDO Code: DP6043-H.M GHS KATTAN BALA

Payroll Section: 001 GPF Section: 002 Cash Center: 07

GPF A/C No: EDUDA005400 Interest Applied: Yes GPF Balance: 240,701.00

Vendor Number: 30329133 - MUHAMMAD ZADA ADO

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	49,310.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1924	UAA-OTHER 20%(16 G/NG)	1,500.00
1947	Medical Allow 15% (16-22)	1,924.00	2148	15% Adhoc Relief All-2013	1,100.00
2199	Adhoc Relief Allow @10%	737.00	2211	Adhoc Relief All 2016 10%	3,764.00
2224	Adhoc Relief All 2017 10%	4,931.00	2247	Adhoc Relief All 2018 10%	4,931.00
2264	Adhoc Relief All 2019 10%	4,931.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-1,543.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	200,000.00	-10,000.00	110,000.00

**Deductions - Income Tax**

Payable: 18,512.95 Recovered till SEP-2020: 4,629.00 Exempted: 0.35- Recoverable: 13,884.30

Gross Pay (Rs.): 80,855.00 Deductions: (Rs.): -16,483.00 Net Pay: (Rs.): 64,372.00

Payee Name: MUHAMMAD ZADA

Account Number: 010-0411-0

Bank Details: UNITED BANK LIMITED, 211785 BIBYAWAR BIBYAWAR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanant Address: VILL.BIBYAWAR

City: DIRPROPER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:


City:

Email: adeopestb@gmail.com

8

## CHARGE REPORT

In compliance Transfer order of Deputy Director (Estab) Notification No. 29471-75 F.No(32/Vol-4/ADEOs(M) Transfer Dated Peshawar August 11,2020, I Mr. Muhammad Zada took over charge of my duty as Secondary School Teacher at Government High School Katan Bala Dir Upper Against Vacant post today on (F.N) 14/08/2020.

  
Muhammad Zada  
Designation: SST  
Govt: High School Katan Bala  
Dir Upper



### OFFICE OF THE HEAD MASTER GOVT: HIGH SCHOOL KATAN BALA DIR UPPER


(Phone # 0944-870120)

Ref No \_\_\_\_\_

Dated 14/08/2020

Copy of above is forwarded to the :-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. PS to Director E&SE Khyber Pakhtunkhwa Peshawar.
3. The District Education Officer Dir Upper
4. The District Accounts Officer Dir Upper.
5. Office File.

  
HEAD MASTER  
GHS KATAN BALA  
DISTRICT DIR UPPER  
C.H.S Katan Bala  
Dir Upper

ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО  
НА РЕПУБЛИКАТА  
СОФИЈА

- 2. ОШКО БИГ
- 4. ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО НА РЕПУБЛИКАТА
- 3. ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО НА РЕПУБЛИКАТА
- 5. ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО НА РЕПУБЛИКАТА
- 7. ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО НА РЕПУБЛИКАТА

СЛУЖБЕН ДОКУМЕНТ

БРОЈ: 14/08/2020

0202\80\14\08\2020



(БРОЈ: 4-0844-820130)

СОЛ: HIGH SCHOOL KATLAN BULG DIV UBBAK  
OFFICE OF THE HEAD MASTER

ДИРЕКЦИЈА  
СОЛ: HIGH SCHOOL KATLAN BULG  
ДИРЕКЦИЈА  
ДИРЕКЦИЈА

*[Handwritten signature]*

(Б.Н.) 14/08/2020

СоЛ: HIGH SCHOOL KATLAN BULG DIV UBBAK  
ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО НА РЕПУБЛИКАТА  
ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО НА РЕПУБЛИКАТА  
ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО НА РЕПУБЛИКАТА  
ДИРЕКЦИЈА НА ОБРАЗОВАНИЕТО НА РЕПУБЛИКАТА

CHANGE REPORT



# Controller General of Accounts, Pakistan

## Islamabad

DDD: OPEN & FILLED POSTS

9

Government N  DDO CODE: DP6043

Details

View: [Standard View] Print Version Export

Personnel No	Employee Name	POSITION	DESCRIPTION	BPS	OPEN/FILLED	ID of related object	Employ
276899	RAHMAN HAZRAT	80115928	HEAD MASTER	17	FILLED	00102696	1
250035	M. HAMMAD ZADA	80116952	SECONDARY SCHOOL TEACHER IT	16	FILLED	00102727	7
277189	NAJIB ULLAH BADSHAH	80701783	SECONDARY SCHOOL TEACHER		FILLED	00102727	7
444440	IBRAR KHAN	80701782	SECONDARY SCHOOL TEACHER		FILLED	00102727	7
744109	ANWAR RAZJO	80701781	SECONDARY SCHOOL TEACHER		FILLED	00102727	7
277058	HABIB UR REHMAN	80486553	SENIOR CERTIFICATED TEACHER		FILLED	00102728	4
279747	SIRAJ UL ISLAM	80422972	SENIOR CERTIFIED TEACHER		FILLED	00102728	7
280069	KHAN SARDAR	80422971	SENIOR CERTIFIED TEACHER		FILLED	00102728	7
660153	BAHADAR ZEB	80115938	SECONDARY SCHOOL TEACHER		FILLED	00102727	7
277590	JAVED IQBAL	80115935	SENIOR DRAWING MASTER		FILLED	00102732	7
277623	FAZAL RABBI	80115932	SENIOR PHYSICAL EDUCATION TEACHER		FILLED	00100025	1
277789	AZIZ AHMAD	80115930	SECONDARY SCHOOL TEACHER		FILLED	00102727	7
280199	RASHID AHMAD	80115929	SENIOR THEOLOGY TEACHER		FILLED	00102744	7
444582	RAHAT ULLAH KHAN	80115927	SECONDARY SCHOOL TEACHER		FILLED	00102727	7
277957	MUHAMMAD ISLAM	80115926	SENIOR CERTIFIED TEACHER		FILLED	00102728	1
276919	SARFARAZ ALI SHAH	80115850	SENIOR CERTIFIED TEACHER		FILLED	00102728	7
		80115937	SECONDARY SCHOOL TEACHER		OPEN	00102727	7
		80115936	SENIOR ARABIC TEACHER		OPEN	00102775	7
278940	IBRAHIM	80701779	CERTIFICATED TEACHER	15	FILLED	00100560	7
278370	SALIH MUHAMMAD	80701778	CERTIFICATED TEACHER		FILLED	00100560	7
790382	ZAHID RAHMAN	80561013	CERTIFICATED TEACHER		FILLED	00100560	1
723479	IRSHAD MUHAMMAD	80486552	Certificated Teacher		FILLED	00100560	1
		80701780	CERTIFICATED TEACHER		OPEN	00100560	7
876305	ZAHID ULLAH	80816851	CERTIFIED TEACHER IT	12	FILLED	00105304	7
280242	GHULAM BASHAR	80115931	QARI		FILLED	00101992	7
818054	SHAFIQR RAHMAN	80561012	JUNIOR CLERK	11	FILLED	00101411	7
592409	MUHAMMAD NABI	80115939	CHOWKIDAR	03	FILLED	00100648	7
280826	MUHAMMAD ZAHIR SHAH	80115934	SWEEPER		FILLED	00102429	7
280542	SHERIN ZADA	80115933	BEHISHTI		FILLED	00100479	7
277014	SAID BACHA	80115849	LABORATORY ATTENDANT		FILLED	00101495	7
865530	MR SULIMAN	80115848	NAIB QASID		FILLED	00101698	7

10

Dir Upper

S#: 1

P Sec:001 Month:September 2020  
DP6043 -H.M GHS KATTAN BALA  
HEAD MASTER GHS KATTAN BA

Pers #: 00280065 Buckle:  
Name: MUHAMMAD ZADA  
SECONDARY SCHOOL TEACHER

NTN:  
GPF #: EDUDA005400  
Old #: 10790012770

CNIC No.1570144027629  
GPF Interest Applied  
16 Active Temporary

DP6043 -07

PAYS AND ALLOWANCES:

0001-Basic Pay	49,310.00
1000-House Rent Allowance	2,727.00
1210-Convey Allowance 2005	5,000.00
1924-UAA-OTHER 20%(16 G/NG)	1,500.00
1947-Medical Allow 15% (16-22)	1,924.00
2148-15% Adhoc Relief All-2013	1,100.00
2199-Adhoc Relief Allow @10%	737.00
2211-Adhoc Relief All 2016 10%	3,764.00
2224-Adhoc Relief All 2017 10%	4,931.00
Gross Pay and Allowances	80,855.00

DEDUCTIONS:

IT Payable 13,884.30 Deducted 4,629.00	TAX: (3609) 1,543.00
GPF Balance 240,701.00	Subrc: 3,340.00
6505-GPF Loan Principal Instal Bal: 110,000.00	10,000.00
3501-Benevolent Fund	800.00
3990-Emp.Edu. Fund KPK	150.00
4004-R. Benefits & Death Comp:	650.00

Total Deductions 16,483.00

64,372.00

D.O.B  
03.08.1969

LFP Quota:  
UNITED BANK LIMITED BIBYAWAR  
010-0411-0

32 Years 06 Months 019 Days

District Accounts Officer  
Dir Upper



11

Dir Upper

S#: 1

P Sec:001 Month:September 2020  
DP6043 -H.M GHS KATTAN BALA  
HEAD MASTER GHS KATTAN BA

Pers #: 00280065 Buckle:  
Name: MUHAMMAD ZADA  
SECONDARY SCHOOL TEACHER  
CNIC No.1570144027629  
GPF Interest Applied  
16 Active Temporary

NTN:  
GPF #: EDUDA005400  
Old #: 10790012770

DP6043 -07

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4004-R. Benefits & Death Comp:	650.00

Total Deductions 16,483.00  
64,372.00

D.O.B 03.08.1969 LFP Quota:  
32 Years 06 Months 019 Days UNITED BANK LIMITED BIBYAWAR  
010-0411-0

REC

12

To

The Honorable Secretary ER, SED,  
Hyder Pakturkhiya Peshawar.

Subject

APPEAL FOR WITHDRAWAL OF POSTINGS/TRANSFERS ORDER IN R/O ADEOs/ASDEOs  
(A&F) OFFICES DISTRICT DIR UPPER

R/Sr

- 1.
- 2.
- 3.
- 4.
- 5.

With great profound we would like to invite your kind attention to the post transfers of ADEOs/ASDEOs (A&F) Offices Dir Upper have been issued via office of Director F&SE Extra No 20471-75/F No: 32/Vol-4/ADEOs (A) Transfer Dated Peshawar the 11/08/2020 (copy attached). In the instant order Serial Nos 2, 4 and 6 have been changed and transferred on administrative grounds, while before issuing orders no personal hearing etc have been made neither we were informed about the procedures, that what kinds of charges leveled against us.

If any charges are proved against us in any inquiry then why proper action has not been taken against the beneficiaries who have been appointed / promoted which is yet not been initiated. As a matter of fact, initial action is required against the beneficiaries and competent authority who are wholly responsible for such kinds of misuse of powers or other negligence.

Before issuing our transfer orders the director F&SEO forwarded a letter to the District Education Officer (M) Dir Upper vide No.5003/F No. 32/Vol-4/Dated 16/06/2020, seeking information about postings/transfers of ADEOs proper identification of teaching and management cadres officers along with proper proposal/recommendation duly signed by local MMA Dir Upper on specific letter pad (copy attached) The present situation indicate that proposal/recommendations submitted by local MMA is wholly implemented and eventually we have charged and transferred on administrative grounds, which is denoting that the orders has been issued only on the political pressure of local MMA for ulterior motives.

One Muhammad Rizq SST appointed through NTS on Sep, 2018 and still in a probation period and his appointment order has not yet been regularized, posted as ADEO(P&D) against Muhammad Iqbal (MC) which is against policy, while another one namely Iqbal SST(IT) has also been posted as ADEO(S) which is technical one and not eligible for the post, so both the orders are against norms and rules and needs cancellation on merit.

Moreover, Abdul Aziz appointed as ADEO(S) is also NTS appointee.

It is pertinent to mention that one Muhammad Farid SST has been adjusted as ASDEO against Peer Muhammad ASDEO (MC), which is clear violation of policy.

In view of the above quoted facts that our transfer orders have been issued on political influences having no legal status which is against the service rules and therefore we are humbly requesting to please withdraw the aforementioned transfer orders and intact us on previous stations.

Hoping that our request will be decided on merit according to the prescribed manners please

In view of the above quoted facts that our transfer orders have been issued on political influences having no legal status which is against the service rules and therefore we are humbly requesting to please withdraw the aforementioned transfer orders and intact us on previous station/ position.

We hope that our case will be decided on merit according to the prescribed manners please.

Thanks for yours kind anticipations.

Yours sincerely,

- ATS E
- 1- AS Adm
- 2- So P...
- 3- So P...
- 4- Peer Muhammad ASDEO(Circle) Wari Ex-ASDEO Male Wari Circle

- 1- Shahid Aziz, SST GHS Kattan(B) Ex-ADEO(Secondary) Male Dir Upper
- 2- Muhammad Zada SST GHS Kattan(B) Ex-ADEO(Primary) Male Dir Upper,
- 3- Muhammad Iqbal ASDEO Brawal Ex-ADEO(P&D) Female Dir Upper,
- 4- Peer Muhammad ASDEO(Circle) Wari Ex-ASDEO Male Wari Circle

Signature

Signature

Signature

Pls Put up



13  
 R. D.

10.

The Director,  
 Elementary & Secondary Education,  
 Nember Partusukiwa,  
 Pekanbaru.

**APPEAL FOR WITHDRAWAL OF POSTINGS/TRANSFERS ORDERS IN  
 RO ADEQ/ASDEQ/IND OFFICES DISTRICT DIR UPPER**

Dear Sir,

I am directed to refer to the subject noted above and to intimate your appeal of Mr.

Shahid Aziz, SST GIS Karam (B) EA-ADEO (Secondary) Male Dir Upper, Mubarramad /ada SST  
 GIS Karam (U) EA-ADEO (Primary) Male Dir Upper, Mubarramad Iqbal ASDEQ Bawal EA-  
 ADEQ (P&R) Female Dir Upper and Fier Mubarramad EA-ASDEQ Male Wan Cukir Dir Upper,  
 wherein they requested for withdrawal of transfer orders and restoration as their previous  
 station/positions is accepted.

It is, therefore, directed to cancel the transfer orders of the above appellants  
 immediately, and submit compliance report for perusal of the competent authority.

Yours faithfully,

SECTION OFFICER (PRIMARY)

Fact as above:

Fact: No. & address

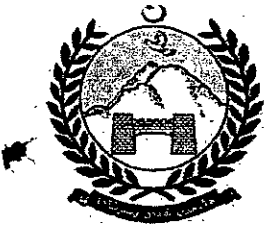
Copy forwarded to:-

1. The DEO (Male), District Dir Upper, for similar necessary action.
2. PS to Secretary, Elementary & Secondary Education Department, Pekanbaru.
3. PS to Spd: Secretary, EASE Department, Pekanbaru.

SECTION OFFICER (PRIMARY)

ASD/2-1/8





R. E

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

No. SO(PE)E&SED/2-1/General Transfer/Posting /2020

Dated Peshawar the 16.09.2020

14

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa,  
Peshawar.

**Subject: - APPEAL FOR WITHDRAWAL OF POSTINGS/TRANSFERS ORDER IN R/O ADEOs/ASDEOs (M/F) OFFICES DISTRICT DIR UPPER**

I am directed to refer to the subject and to state that this department's letter of even number dated 31.08.2020 is withdrawn with immediate effect. The concerned officer had issued this letter without properly considering the approval granted by the competent authority.

A joint appeal of Shahid Aziz, SST GHS Kattan (B) Ex-ADEO (Secondary) Male Dir Upper, Muhammad Zada SST GHS Kattan (B) Ex-ADEO (Primary) Male Dir Upper, Muhammad Iqbal, ASDEO Brawal Ex-ADEO (P&D) Female Dir Upper and Peer Muhammad Ex-ASDEO Male Wari Circle Dir Upper was put up before the competent authority. In the appeal it was mentioned that Muhammad Riaz SST had been posted as ASDEO who was appointed through NTS and his services not regularized to-date. The competent authority held his order as illegal as he was appointed through NTS on contract basis and his services to date had not been regularized and desired that his order may be cancelled and compliance reported.

It is clarified that appeals of Mr. Shahid Aziz, SST GHS Kattan (B) Ex-ADEO (Secondary) Male Dir Upper, Muhammad Zada SST GHS Kattan (B) Ex-ADEO (Primary) Male Dir Upper, Muhammad Iqbal, ASDEO Brawal Ex-ADEO (P&D) Female Dir Upper and Peer Muhammad Ex-ASDEO Male Wari Circle Dir Upper is still under consideration and no orders have been passed to their extent.

The Directorate is required to furnish comments on the joint appeal of Mr. Shahid Aziz, SST GHS Kattan (B) Ex-ADEO (Secondary) Male Dir Upper, Muhammad Zada SST GHS Kattan (B) Ex-ADEO (Primary) Male Dir Upper, Muhammad Iqbal, ASDEO Brawal Ex-ADEO (P&D) Female Dir Upper and Peer Muhammad Ex-ASDEO Male Wari Circle Dir Upper, on priority basis, and cancel any orders that have been issued by the Directorate on the basis of this department's letter of even number dated 31.08.2020 which stands withdrawn.

Deputy Secretary (Legal)

Copy forwarded to:-

1. The DEO (Male), District Dir Upper, for similar necessary action.

ممبران کی فہرست

DESHWAR BAR PARK KHAR ANJUMAN

Handwritten text in Urdu, likely a list of members or a notice, with some crossed-out lines.

Form with fields for Name, Address, and other details. Includes handwritten entries like 'نام' and 'پتہ'.

Handwritten text at the top of the bottom section, possibly a title or header.

Complex footer area containing a QR code, logos (PBA, etc.), and contact information.

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

**Service Appeal No: 11009/2020**

**Muhammad Zada SST/ADEO Dir Upper.....Appellant.**

**VERSUS**

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others.....Respondents

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-3.**

**Respectfully Sheweth:-**

The Respondents submit as under:-

**Preliminary Objections.**

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant Service Appeal is based on mala-fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits as the appellant is basically working against the SST B-16 (TC) post in the Respondent Department.
- 9 That the instant Service Appeal is not maintainable in its present form as the impugned orders & Notifications dated 11-08-2020 & 16-09-2020 are legally competent.
- 10 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.

- 11 That the instant Service Appeal is barred by law.
- 12 That no Departmental Appeal has been filed against above mentioned orders/Notification by the appellant to the Respondent Department, hence, got final.

### ON FACTS.

- 1 That Para-1 is incorrect & denied on the grounds that the appellant is working against the SST B-16 in the Respondent Department.
2. That Para-2 is also incorrect & denied as the appellant has been reverted to his original post of SST B-16 post vide Notification dated 11-08-2020 by the competent authority, hence, the plea of the appellant is liable to be rejected **.(Copy of the Notification dated 11-08-2020 is Ann-A).**
- 3 That Para-3 is incorrect hence denied.
- 4 That Para-4 is also incorrect & denied as the competent authority has got powers & jurisdiction to transfer & post a civil servant under section 10 of civil servants Act 1973 wherever his services are required, hence, the claim of the appellant is without any legal force & justification.
- 5 That Para-5 is incorrect & denied on the grounds that the act of the Respondent Department with regard to the impugned Notification dated 11-08-2020 is within legal sphere as cited above.
- 6 That Para-6 is correct to the extent of the impugned Notification dated 11-08-2020, whereby, the appellant has been transfer & posted against his original post of SST B-16 (TC),whereas, rest of para is relates to the record of the Honorable Peshawar High Court Peshawar in W.P No. 829/2020 case titled Muhammad Iqbal etc Vs Government of KPK & others decided vide Judgment dated 01-09-2020 with the directions to the Respondent Department for the disposal of the pending Departmental Appeal against the impugned order dated 11-08-2020. **.(Copy of the Judgment dated 01-09-2020 is Ann-B).**
- 7 That Para-7 is correct that in compliance of the Judgment dated 01-09-2020 of the Honorable Court the impugned order dated 11-08-2020 has been withdrawn vide office order dated 14-09-2020 by the Respondent Department, however the same order dated 14-09-2020 has been withdrawn vide office order dated 16-09-2020 by restoring the impugned order dated 11-08-2020 by the competent authority dully actualized by the appellant vide order dated 22-09-2020.**(Copies of the order dated 14-09-2020, 16-09-2020, 22-09-2020 & charge report dated 22-09-2020 are Ann-C, D , E & F).**
- 8 That Para-8 is also incorrect & denied on the grounds that agitated in the fore going paras of the present reply, hence, needs no further comments, however, the Respondents further submit on the following grounds inter alia:-

**ON GROUNDS.**

- A. **Incorrect & not admitted.** The appellant has been treated as per law & rules by the Respondent Department vide orders dated 11-08-2020 & 16-09-2020 in the instant case, hence, the stance of the appellant is baseless & liable to be rejected.
- B. **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy by the Respondent Department in the instant case as mentioned in reply to ground-A.
- C. **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents, hence, the plea of the appellant is without any justification.
- D. **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification & liable to be rejected.
- E. **Incorrect & not admitted.** The plea of the appellant is without legal justification & liable to be rejected as the appellant has been treated as per law, rules & policy by the Respondent Department in the instant case, hence, the stance of the appellant is baseless & liable to be rejected.
- F. **Incorrect & not admitted.** The plea of the appellant is without legal justification & liable to be rejected as the appellant has been treated as per law, rules & policy by the Respondent Department in the instant case, hence, the stance of the appellant is baseless & liable to be rejected.
- G. **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification & liable to be rejected.
- H. **Incorrect & not admitted.** The plea of the appellant is without legal justification & liable to be rejected as the appellant has been treated as per law, rules & policy by the Respondent Department in the instant case, hence, the stance of the appellant is baseless & liable to be rejected.
- I. **Incorrect & not admitted.** The plea of the appellant is without legal justification & liable to be rejected.
- J. **Legal.** However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.




In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.

Dated 13/11/2020



DIRECTOR

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 2 & 3)



SECRETARY  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 1)

**AFFIDAVIT**

**I, Hayat Khan Asstt: Director (Litigation-II)** E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.



Deponent

A

9

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

**NOTIFICATION**

The Competent Authority is pleased to order transfer/posting of the following officers in their own pay scale, with immediate effect in the interest of public service.

#	Name & Designation	From	To (pastel us)	Remarks
1	Mr. Abdul Aziz SST (T.C)	GHS Seri Sultan Khel	ADEO (Primary) at O/O DEO(M) Dir Upper	Vice 2
2	Muhammad Zain (T.C)	ADEO (Primary) at O/O DEO(M) Dir Upper	GHS Katon	Vice 1 under Administrative basis
3	Mr. Muhammad Hanif SST	GMS Candar	ASDEO Circle Warl	Vice 5
4	Mr. Muhammad Iqbal A.M.C	ADEO (F) at O/O DEO(F) Dir Upper	ASDEO Circle Nowal	AVP under Administrative basis
5	Mr. Feroz Muhammad (A.M.C)	ASDEO Circle Warl	ASDEO Circle Larjam	AVP
6	Mr. Muhammad Bilal SST (T.C)	GHS Malawi	ADEO (F) at O/O DEO (F) Dir Upper	Vice 4
7	Mr. Naveed Ahmad SST (T.C)	GHS Wari	ADEO (Secondary) at O/O DEO(M) Dir Upper	Vice 8
8	Mr. Shahid Aziz SST (T.C)	ADEO (Secondary) at O/O DEO(M) Dir Upper	GHS Wari	Vice 7 under Administrative basis

- Note:**
1. Posting/Adjustment of Teaching Cadre Officers shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.
  2. The order of the above mentioned Teaching cadre officers will be effective subject to the condition that he will give an undertaking in his own hand on legal paper/stamp paper to DEO (M/F) Dir Upper to the effect not to claim seniority of Management cadre.
  3. Charge Report should be submitted to all concerned.
  4. No TA/DA is allowed.
  5. The terms & conditions mentioned in their appointment order as teaching cadre will remain intact.

DIRECTOR  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa

Form No. \_\_\_\_\_ F.NO. 1349/11 ADEO (M) Transfers Based the Peshawar 11/6/2020

Copy forwarded to the:

1. District Education Officer (M/F) Dir Upper,
2. District Accounts Officer Dir Upper
3. Officers Concerned.
4. Master Copy

Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

11/6/2020

**RECEIVED**  
11/6/2020

Annex B -

PAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

18

Court of .....

Case No. .... of .....

1	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
	01-09-2020	<p>W.P No. 829-M/2020 with Interim Relief</p> <p>Present: Mr. Noor Muhammad Khattak, Advocate for the petitioners.</p> <p>*****</p> <p>WIQAR AHMAD, J.- This order is directed to dispose of the petition filed by petitioners, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the following prayer;</p> <p>"It is therefore, most humbly prayed that on acceptance of this writ petition the inaction of the respondent No. 1 by not deciding/dispose of the departmental appeals of the petitioners in light of Clause-XIV of the Transfer/ Posting Policy may be declared as illegal, unconstitutional and ineffective upon the rights of the petitioners. That the respondent No. 1 may please be directed to dispose of the departmental appeals of the petitioners in light of Clause-XIV of the Transfer/Posting Policy of the Provincial Government. Any other remedy which this august Court deems fit that may also be awarded in favor of the petitioners."</p> <p>2. Learned counsel for petitioners at the outset requested that he would be satisfied, if respondent No. 1 is directed to decide departmental appeals of petitioners within fortnight.</p>

ATTESTED

HONBLE MR. JUSTICE WIQAR AHMAD  
HONBLE MR. JUSTICE WIQAR AHMAD

ATTESTED

Examinant  
Peshawar High Court Bench  
Mingora Darul-Qaza, Swat.

Handwritten signature

19

3. Request of learned counsel for petitioners seems genuine. Respondent No. 1 i.e. Secretary E&SE Department, Khyber Pakhtunkhwa is therefore directed to decide departmental appeals of petitioners within a period of fourteen days positively, after receipt of order of this Court but strictly in accordance with law and rules.

4. The petition in hand is disposed of accordingly.

Announced  
Dt: 01.09.2020

~~JUDGE~~  
~~JUDGE~~

S.No. 62  
 Name of Applicant W. I. Khan  
 Date of Presentation of Application 10-09-2020  
 Date of Completion of Copies 10-09-2020  
 No. of Copies 3  
 Urgent Fee ---  
 Fee Charged 24/-  
 Date of Delivery of Copies 10-09-2020

Certified to be true copy  
 10/09/2020  
 Hon'ble Mr. Justice Iftikhar Jibrail  
 Hon'ble Mr. Justice Wiqar Ahmad

OTAC  
02/09

(D. P)

HON'BLE MR. JUSTICE IFTIKHAR JIBRAIL  
HON'BLE MR. JUSTICE WIQAR AHMAD

ATTESTED

*[Handwritten mark]*

Annex - 5

DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER.

The Competent Authority is pleased to withdraw the Transfer/Posting Order bearing No. 210-14 dated 14-09-2020 in the light of the Admin. Department letter No. SO (PE) E&SEED/2-1/General Transfer/Posting/2020 dated 16-09-2020, from the date of issuance, in the best interest of public service.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Encls: No. 7(1)-65 F. No. 32-4/ADEO's (M) Transfer.

Dated Peshawar the 16/9/2020.

Copy of the above is to the:-

1. Section Officer (Primary) w.r.t the letter No. SO (PE) E&SEED/2-1/General Transfer/Posting/2020 dated 16-08-2020.
2. District Education Officer (M/F) Dir Upper
3. District Accounts officer Dir Upper.
4. Officer concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

ATTACHED



Annex D

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

21

**OFFICE ORDER**

The Competent Authority is pleased to withdraw the Transfer/Posting Order bearing No. 29471-75 dated 11-08-2020 in respect of the following officers in the light of the Admin: Department letter No. SO (PE) E&SEED/2-1/General Transfer/Posting/2020 dated 31-08-2020, in the best interest of public service.

S.N	Name Designation	Previous Position
1	Mr. Shahid Aziz SST GHS Kattan	ADEO (M) Secondary at o/o DEO(M) Dir Upper.
2	Mr. Muhammad Zada SST SST GHS Kattan	ADEO (M) Primary at o/o DEO(M) Dir Upper.
3	Mr. Muhammad Iqbal ASDEO Barawal	ASDEO (M) Circle barawal Dir. Upper.
4	Mr. Peer Muhammad ASDEO Larjam	ASDEO (M) Circle Wari Dir Upper.

**DIRECTOR**

Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Encls: No. 710 /F. No. 32-4/ ADEO's (M) Transfer.

Dated Peshawar the 14/05/2020.

Copy of the above is to the:-

1. Section Officer (Primary) w.r.t the letter No. SO (PE) E&SEED/2-1/General Transfer/Posting/2020 dated 31-08-2020,.
2. District Education Officer (M/F) Dir Upper
3. District Accounts officer Dir Upper.
4. Officer concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Pay Scale type	Pay	Amount	Description	WAGE TYPE
P 1	1	0	0	0
P 1	1	0	0	0
P 1	1	0	0	0
P 1	1	0	0	0
P 1	1	0	0	0

DISTRICT EDUCATION OFFICER  
(MALE) DIR UPPER

of District Accounts Officer for Upper  
12- Incharge LHS Rehankot Dir  
13- Official concerned

No. 193-95 No. 01/DEO (M) Dir (Upper) dated Dir (U) dtc. 22/9/2000

DISTRICT EDUCATION OFFICER  
(MALE) DIR UPPER

of No. 171/24 is allowed  
12- Change Report should be submitted to all concerned

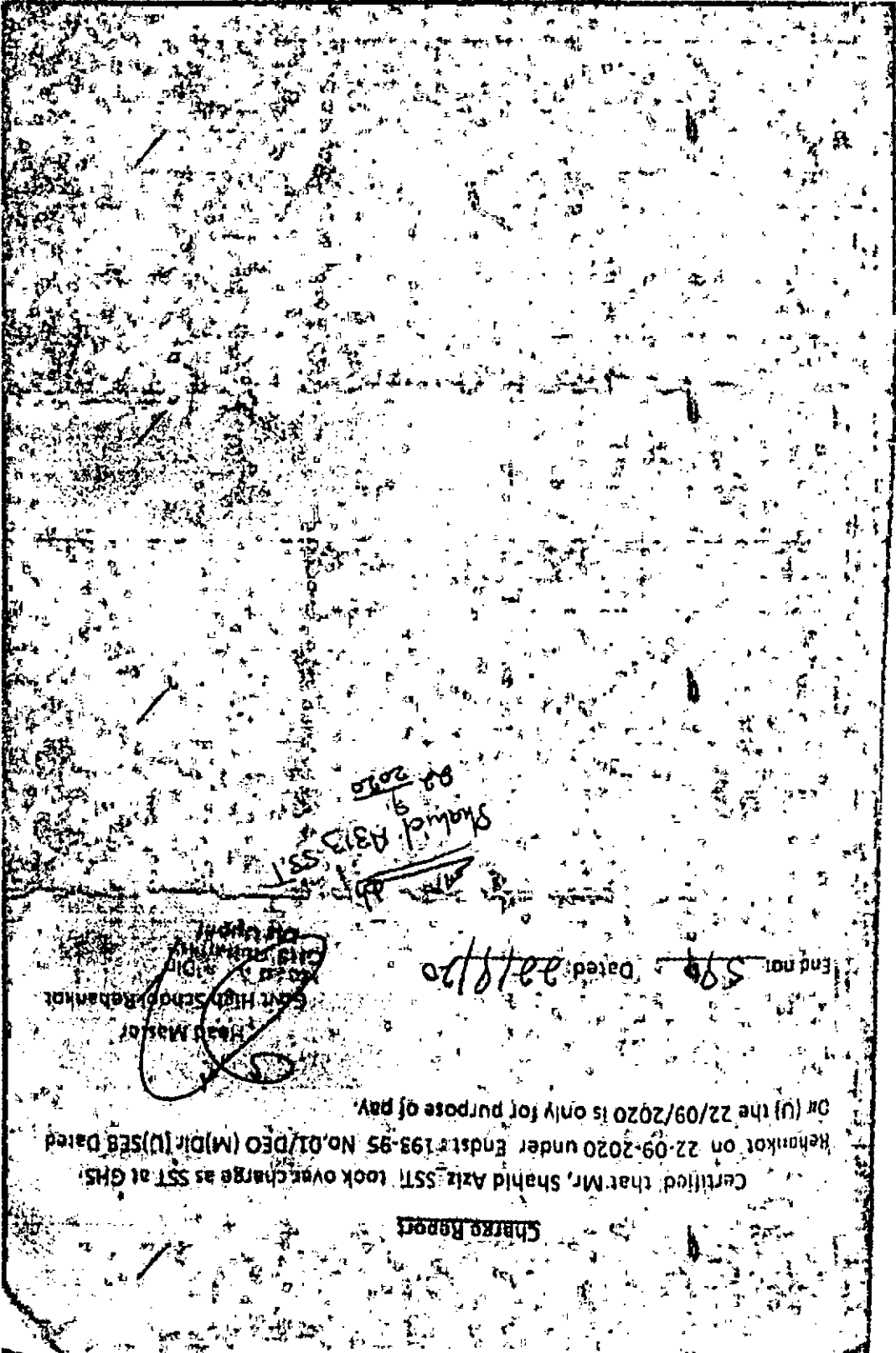
Mr. Shahid Aziz Ex-ADEOS) under transfer to GHS Kattan (Bado) Dir Upper.  
55 as no vacant post of SST BPS-16 is exists in the school, he is hereby posted/adjusted at  
Govt. High School Rehankot against vacant post of ~~Teacher~~ <sup>SST</sup> post only for the purpose  
of pay. on his own pay and scale in the best interest of public service. All further orders in 19/2000

OFFICE ORDER

OFFICE OF THE  
DISTRICT EDUCATION OFFICER MALE DIR  
PH NO 0544-881400 FAX 0544-880419 Email: deo@dir-education.gov.pk



Annex



Shahid Aziz SST  
22/09/2020

Head Master  
Smt. High School Rehankot  
Dated: 22/09/2020

End not: 599 Dated: 22/09/20

Certified that Mr. Shahid Aziz SST, look over charge as SST at GHS, Rehankot on 22-09-2020 under Endst: 193-95 No. 01/DEO (M) Dir. (U) SEB Dated 22/09/2020 is only for purpose of pay.

Sherko Report

17/09/2020



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 180 /ST

Dated 27/01/2021


To

The Director E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 11009/2020, MR. MUHAMMAD ZADA & 3  
OTHERS.

I am directed to forward herewith a certified copy of Judgement dated 15.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

**"B"**

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

No.

Appeal No. 11009 of 20 20

Muhammed Zada Appellant/Petitioner

Versus

The Govt of KP Secy E&IE Peshawar Respondent

Respondent No. 4

Notice to:

Mr. Abdul Aziz, SST (TC) CHS  
Savi Sultan Khel Under Transfer  
Posted as ADEO (Primary) O/o DEBIM/DIX

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 19/10/2020 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 5<sup>th</sup>

Day of.....Oct 20 20

  
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 Hollidays.  
2. Always quote Case No. While making any correspondence.