

06.12.2021

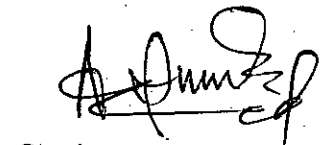
Appellant with his counsel namely Qaisar Abbas Bangash, Advocate present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that as per instruction from his client he wants to withdraw the instant appeal. In this respect, written endorsement of learned counsel for the appellant was obtained at the margin of order sheet.

In view of the above, the appeal in hand stands dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
06.12.2021


(Salah-ud-Din)
Member (J)


Chairman

*As per instructions of my client/appellant
I withdraw the subject Appeal.
Counsel: Qaisar Abbas Bangash
for appellant. 6/12/21.*

05.11.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Waheed Gul ADEO (Litigation) for respondents present.

Reply on behalf of respondents was not submitted. Request for adjournment was made on behalf of respondents in order to submit reply/comments. Request is accorded with direction to submit the same within 10 days in office, positively. If the reply/comments are not submitted in office, right of respondents for submission of reply shall be deemed as struck off. To come up for arguments on 06.12.2021 before D.B. The operation of impugned order shall remain suspended, if not already acted upon.



(Rozina Rehman)
Member (J)



Chairman

04.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Kashif Munir, Litigation Officer for respondents present.

The Written reply/comments have not been submitted on behalf of the respondents and they seek time. Notice of application for interim relief was also given but the respondents have not come up so far with any objection in writing as they have not submitted the reply. Let them submit any objection, if they have got. To come up for further proceedings on 05.11.2021 before the D.B. The operation of impugned order shall remain suspended till next date, if not already acted upon.



(Mian Muhammad)
Member(E)


Chairman

~~05.11.2021~~

~~Learned counsel for appellant present~~

~~(Kashif Munir) Khattak learned Additional Advocate General alongwith Muhammad Gul ADEO (Litigation) for respondents present.~~

~~Reply on behalf of respondents was not submitted. Request for adjournment was made on behalf of respondents in order to submit reply/comments. Request is accorded with direction to submit the same within 10 days in office positively. If the reply/comments are not submitted in office, right of respondents for submission of reply shall be deemed as struck off. To come up for arguments on 05.11.2021 before D.B. The operation of impugned order shall remain suspended, if not already acted upon.~~

~~(Rozina Rehman)
Member (J)~~

~~Chairman~~

Syed Shah Raza 7147/2021

17.09.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant has been promoted from SPST (BS-14) to PSHT(BS-15) vide office order dated 02.04.2021. On promotion he was transferred from GPS Mlang Abad to GPS Dok Mashal against the vacant post. He submitted departmental appeal to respondent No.3 on 12.04.2021 which remained undecided, hence, the instant service appeal instituted in the Service Tribunal on 06.08.2021. It was further contended that the appellant has also instituted service appeal No. 1068/2019 against an earlier promotion order dated 31.01.2019 withdrawn by respondent No.1 on 03.04.2019 and which is fixed for regular hearing before D.B-II on 04.10.2021. Since the instant service appeal is based on a subsequent order it would therefore, be appropriate to club the appeal in hand with the earlier one as mentioned above so as to be heard/decided juxtaposed.

Points raised need consideration. The appeal is provisionally admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.10.2022 before the D.B-II.

Appellant Deposited
Security & Process Fee
22/9/21

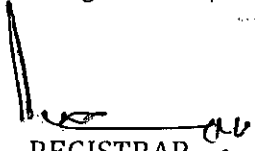

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7197 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2021	<p>The appeal of Syed Shah Raza presented today by Mr. Qaiser Abbas Bangash 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>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: *Syed Shah Raza vs DEO (M) Kohat & others*

CHECK LIST

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <i>Qaisar Abbas Aze</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Whether appeal is within time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Whether the enactment under which the appeal is filed mentioned?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Whether the enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Whether affidavit is appended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Whether affidavit is duly attested by competent Oath Commissioner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Whether appeal/annexures are properly paged?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Whether annexures are legible?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Whether annexures are attested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Whether copies of annexures are readable/clear?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	Whether copy of appeal is delivered to AG/DAG?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15	Whether numbers of referred cases given are correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16	Whether appeal contains cutting/overwriting?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17	Whether list of books has been provided at the end of the appeal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18	Whether case relate to this court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19	Whether requisite number of spare copies attached?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21	Whether addresses of parties given are complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22	Whether index filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23	Whether index is correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24	Whether Security and Process Fee deposited? On	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Whether copies of comments/reply/rejoinder submitted? On	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: *Qaisar Abbas Bangash*
 Signature: *ASE*
 Dated: *6/8/21*

IN THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No.

/2021

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

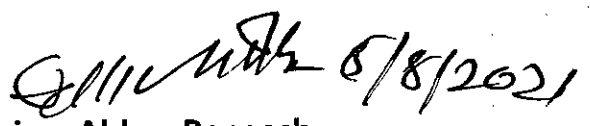
District Education Officer (Male) Kohat & OthersRespondents

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5.	Copy of application	B	0-10
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Appellant

Through


Qaisar Abbas Bangash.
Advocate, High Court,
Peshawar.

Off: R, No.20, Khalil Plaza,
G.T.Road, Peshawar
Cell: 0300-5871466

IN THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No.

7197

/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7412

Dated 06/8/2021

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

1. District Education Officer (Male) Kohat.
2. Sub: Divisional Education Officer (Male) Kohat.
3. Director Elementary & Secondary Education, Khyber pakhtoonkhwa,
G.T Road, Peshawar.
4. Secretary, Govt; of KP, Elementary & Secondary Education, Civil Secretariat,
Peshawar.Respondents

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE SUBSEQUENT
PROMOTION ORDER END: NO.1727-33, DATED 02.04.2021 OF RESPONDENT
NO.1, WHEREBY THE APPELLANT HAS BEEN PROMOTED AT SERIAL NO.10 FROM
THE POST OF (SPST) BS-14 TO THE POST OF (PSHT) BS-15**

Respectfully sheweth,

1. That the appellant is the permanent resident of Village Usterzai Payan, District Kohat and serving as Senior Primary School Teacher (SPST) in GPS Malangabad, Kohat.
2. That the Department vide Office Order End: No.815/22, dated, 31.01.2019 of Respondent No.1 issued combined promotion Order whereby the appellant was promoted from the present post of (SPST) BPS- 14 to the post of (PSHT) Primary School Head Teacher BPS- 15 to GPS Tilkin, Gumbat, Distt: Kohat, however through Corrigendum/ partial modification in the said Order the department vide office Order End: No.1272-76, dated- 15.02.2019 transferred the appellant from GPS Tilkin to GPS Khwaja Pail, Distt: Kohat (Copy of promotion Order dated 31.01.2019 and Corrigendum dated- 15.02.2019 are attached as annexed- "A" & "A/1").

3. That the appellant feeling aggrieved of the said Order having serious security problems due to communal clashes, moved an application to Respondent No.1 stating therein that " the appellant belong to Shia Community and in the present place of posting on promotion in past so many sectarian clashes have occurred which resulted in loss of precious lives, therefore, keeping in view the security risk in future, the appellant

Filed to-day

Registrar

6/8/2021

may graciously be posted/ re-adjusted on any detailed post in Kohat city or nearby Shia Territory so that the appellant may perform his duty freely and without any fear". The appellant during this period did not take charge of the post of PSHT on promotion and waited for reply of the Respondent No.1 regarding re-adjustment on a detailed post. **(Copy of application is attached as annexed-"B")**.

4. That the Deptt: /office of Respondent No.1 totally ignored the said request of the appellant as well of the worthy Local MPA duly in writing rather wrongly and illegally assumed vide office Order End: No. 2841-45, dated- 03.04.2019 that "the refusal from SPST to PSHT of the following SPST Kohat are hereby accepted on their own request, so they may be restricted from promotion for next four (4) years". **(Copy of Order Dated 03.04.2019 is attached as annexed- "C")**.
5. That feeling aggrieved of the said impugned order dated- 03.04.2019 of Respondent No.1, the appellant filed Departmental Appeal before the competent authority (Respondent No.3) on 29.04 2019, and finding no reply within statutory period filed Service Appeal No.1069/2019 before this Hon'ble Tribunal on 20/08/2019, which is still pending adjudication and fixed for final arguments on 04/10/2021. **(Copies of Departmental Appeal and Service Appeal are attached as annexed- "D" & "E")**.
6. That to the utter surprise of the appellant, the Office of Respondent No.1 totally ignoring the earlier impugned promotion Order No. 815/22, dated, 31.01.2019, corrigendum dated-15.02.2019 and Pending Service Appeal No.1069/2019 of the Appellant, subsequently issued another combined promotion Order No.1727-33, dated-02/04/2021, whereby the appellant at serial No.10 has been promoted to the post of PSHT BS-15 and posted/transferred from GPS Malangabad, Kohat to GPS Dhok Mashal Kohat, which is far flung area than the earlier place of posting i.e (GPS) Malangabad, Kohat, where the life of the Appellant may be in danger due to sectarian and communal clashes as taken place earlier.**(Copy of impugned subsequent promotion Order dated -02.04.2021 is attached as annexed-"F")**.
7. That feeling further aggrieved of the said subsequent impugned combined promotion order No.1727-33, dated- 02.04.2021 of Respondent No.1, the appellant filed Departmental Appeal before the competent authority (Respondent No.3) on 12.04.2021, which is still pending and no reply as yet.**(Copy of departmental appeal is attached as annexed-"G")**.
8. That it is pertinent to point out that the statutory period of 90 days regarding deciding of appeal has already been lapsed, hence feeling further aggrieved of the impugned order the appellant approaches this Hon'ble Tribunal for relief inter- alia on the following other grounds:-

GROUND:

- a. That the impugned subsequent promotion order dated 02.04.2021 of Respondent No.1 **to the extent of Appellant** is based on malafide, illegal, arbitrary, without lawful authority, discriminatory and against the law, rules and regulations, hence untenable and liable to be set aside.
- b. That since the appellant has duly challenged the earlier promotion Order No.815-22, dated-31.01.2019 and Order No.2841-45 dated-03.04.2019 before this Hon'ble Tribunal through **Service Appeal No.1069/2019** which is pending adjudication as yet, hence the present **Subsequent** impugned Combined Promotion Order No.1727-33, dated-02.04.2021 **to the extent of appellant** is totally wrong, illegal, against law, rules and regulations and therefore, is ineffective upon the rights of the appellant.
- c. That the relevant statute, rules and regulations also do not provide issuance of any subsequent order during pendency of earlier order before Tribunal or court of Law, hence, respondents have committed gross illegality and acted in excess of the authority vested with them under the law by issuing the said subsequent promotion order.
- d. That the appellant seeks leave of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

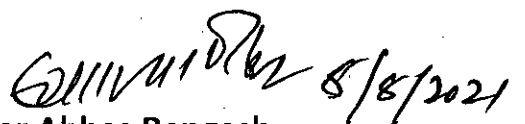
PRAYER:

It is therefore, very humbly prayed, that on acceptance of this appeal the impugned **subsequent** Combined Promotion Order dated- 02.04.2021 of respondent No.1 being illegal, arbitrary, discriminatory, without lawful authority, against the law, facts, rules and regulations may very graciously be set aside only **to the extent of the appellant** and the appellant may graciously be posted/ re-adjusted after decision of the already pending earlier **Service Appeal No.1069/2019 before this Hon'ble Tribunal accordingly.**

NOTE: Appeal No.1069/2019 on the same issue is already pending before this Hon'ble Tribunal.


Appellant

Through


Qaisar Abbas Bangash
Advocate Supreme Court
Of Pakistan
Cell: 0300-5871466

IN THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

IN RE: **Service Appeal No.**

/2019

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

District Education Officer (Male) Kohat & OthersRespondents

AFFIDAVIT

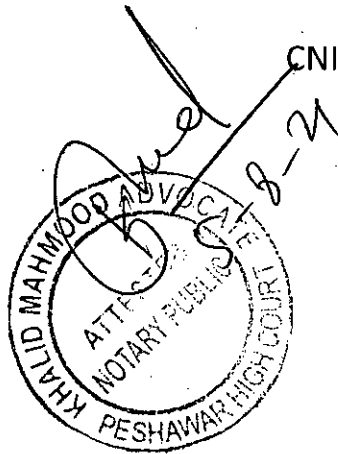
1, Syed Shah Raza s/o Syed Arif Hussain r/o Village Usterzai Payan, Distt: Kohat, do hereby affirm and declare on oath that contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Syed Shah Raza
DEPONENT

CNIC NO. 14301- 3896528-1

IDENTIFIED BY:

Qaiser Abbas Bangash
Qaiser Abbas Bangash
Advocate Supreme Court of
Pakistan.



5

IN THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No.

/2019

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

District Education Officer (Male) Kohat & OthersRespondents

MEMO OF ADDRESSES

APPELLANTS:

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat

RESPONDENTS:

1. District Education Officer (Male) Kohat.
2. Sub: Divisional Education Officer (Male) Kohat.
3. Director Elementary & Secondary Education, Khyber pakhtoonkhwa,
G.T Road, Peshawar.
4. Secretary, Govt; of KP, Elementary & Secondary Education, Civil Secretariat,
Peshawar.



Appellant

Through



Qaisar Abbas Bangash

Advocate Supreme Court

Of Pakistan

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

ORDER

Consequent upon recommendation of the Departmental Promotion Committee & In pursuance of the Government of Khyber Pakhtunkhwa E&SE Department Notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30/01/2018, the following SPSTs BPS-14 are hereby promoted/ posted to the Post of PSHT BPS-15 (16120-1330-56020) plus usual allowances as admissible under the Rules on Regular Basis on the terms & conditions given below. Their Promotion will be effective w.e.f January 01, 2019 however their salary will be drawn w.e.f date of taking overcharge as PSHT.

S#	Sen: No	Name of Teacher	Present School	Name of School where posted	Remarks
1.	267	Saidar Iqbal	GPS Behzadi	GPS No.2 Malqin	AVP
2.	271	Rafi Ud Din	GPS Karigaran Togh Bala	GPS Dhok Ghulam Farooq	AVP
3.	273	Iqbal Ahmad	GPS PAF Bazar	GPS Shahi Banda Darmalaki	AVP
4.	285	Zahid Khan	GPS Dhoke Riaz	GPS Dhoke Riaz	AVP
5.	287	Muhammad Aliuddin	GPS Tanda Banda	GPS Tanda Banda	AVP
6.	288	Faqir Afzal	GPS Muhammad Zai	GPS Sulman Talab	AVP
7.	290	Israail Khan	GPS Lokhari	GPS Lukhari	AVP
8.	291	Zameer Hussain	GPS Chashma Miltha Khan	GPS Chashma Miltha Khan	AVP
9.	292	Mushlaq Ahmed	GPS Togh Bala No.2	GPS Togh Bala No.2	AVP
10.	294	Narash Chand	GPS Dhali Behzadi	GPS Dhok Akbar Shah	AVP
11.	295	Fazal Akbar	GPS Jangle Khel No.1	GPS No.2 Sumari Payan	AVP
12.	296	Zafar Iqbal	GPS Lachi Payan	GPS Shiekhan Banda	AVP
13.	299	Adnan Abbas	GPS Kohl Killa	GPS Ali Zal	AVP
14.	299	Bakht Munir	GPS Miangan Colony	GPS Sher Ali Banda	AVP
15.	300	Muhammad Qaisar	GPS KTM Area	GPS Sarwan Banda	AVP
16.	301	Aliq Ur Rehman	GPS Muhammad Zai	GPS Darshah Khel	AVP
17.	303	Salceem Rashid	GPS Dhoke Akbar Khan	GPS Haji Abad Kharmatoo	AVP
18.	307	Shamroz Khan	GPS Dhoke Bukhari	GPS Dhok Lal Badshah	AVP
19.	310	Sharif Ullah	GPS Chashmi Saghri	GPS Singol	AVP
20.	314	Khalid Mehmood	GPS MC Area No.3	GPS Jalal Abad Mandoori	AVP
21.	316	Muhammad Israili	GPS Gandiali Toolang	GPS Dhok Munir	AVP
22.	318	Tahir Jamil	GPS Sangerh	GPS No.2 Surgul	AVP
23.	319	Muhammad Javaid	GPS Togh Payan	GPS Hakim Abad	AVP
24.	323	Races Shah	GPS Miangan Colony	GPS No.2 Muslim Abad	AVP
25.	324	Syed Ibrar Hussain Shah	GPS Sher Pao Colony	GPS No.2 Nakband	AVP
26.	325	Muhammad Azam Khan	GPS Chechana	GPS Khan Colony	AVP
27.	320	Ajmal Hussain	GPS Mir Banda	GPS Salim Abad	AVP
28.	330	Muhammad Afzal	GPS Lab Elementary	GPS Lab Elementary	AVP
29.	331	Alauddin	GPS MC Area No.1	GPS Barh	AVP
30.	332	Hussain Asghar	GPS Sadiq Abad	GPS Sadiq Abad	AVP
31.	333	M. Aleem	GPS #2 Shakardara	GPS Polosi Banda	AVP
32.	336	M. Afzal	GPS Terawal Banda	GPS Alwara	AVP
33.	342	Syed Shah Raza	GPS Malang Abad	GPS Tilkin	AVP
34.	343	Khalid Khan	GPS Hoti	GPS Hoti	AVP
35.	344	Jamil Khan	GPS Jerma	GPS Borakka	AVP
36.	346	Ghulam Yaseen	GPS Noor Ellahi Colony	GPS No.2 Shadi Khel	AVP
37.	348	Shafiq Ur Rehman	GPS No.2 Shakardara	GPS Dhok Amir Shah	AVP
38.	349	Sifat Ali	GPS Tora Warai	GPS Dhok Mashal	AVP
39.	350	Mehmood Iqbal	GPS Shah Pur	GPS Qasaba	AVP
40.	352	Khujan Ali	GPS Haji Abad Marai	GPS No.2 Marai Bala	AVP
41.	353	Nazeer Hussain	GPS Banda Mosam Khan	GPS Dhoda	AVP
42.	355	Said Umar	GPS Jabbar	GPS Banda Zamir Gul	AVP
43.	357	Bashir Ahmad Shah	GPS #3 Lachi Payan	GPS Mohsin Khel	AVP
44.	358	Amin S	GPS Lachi Payan	GPS Ali Kach	AVP
45.	360	M. Sohar Ali	GPS Noor Abad	GPS Dhok Khijab Gul	AVP

ATTESTED

S#	Sen: No	Name of Teacher	Present School	Name of School where posted	Remarks
46	361	M.Nawaz	GPS Chapri Saghri	GPS Chapri Saghri	AVP
47	362	Muhammad Sadiq	GPS PAF Base	GPS Viso Sami	AVP
48	363	Amjad Saeed	GPS Tolang Jadeed	GPS Tolang Jadeed	AVP
49	366	Abdul Basil	GPS Behzadi	GPS Sumari Bala	AVP
50	369	Zahir Mehmood	GPS Sher-Pao Colony	GPS Teen Talab	AVP
51	370	Liaqat Nawaz	GPS Alfalah Colony	GPS Alfalah Colony	AVP
52	371	Abdul Shaheed Khan	GPS Jangle Khel No,3	GPS Resi Banda	AVP
53	374	Safiullah	GPS Dhoke Sanjab	GPS No.3 Gumbal	AVP
54	375	Sajjad Ahmad	GPS Dhoke Noor Alam	GPS Kohali Dhok	AVP
55	377	Muhammad Wasif	GPS Billitang No,2	GPS Terwa Bera	AVP
56	380	Zahid Mehmood	GPS:Khalifa Abad	GPS Nai Abadi Nakband	AVP
57	385	Nadeem Shah	GPS West Muhammad Zai	GPS No.2 Z.S.Allah Dad	AVP
58	387	Masood Ur Rehman	GPS:Kagh Zai	GPS Jabbi	AVP
59	388	Ikram Ullah	GPS:Karigararan Togh	GPS Karigararan Togh	AVP
60	394	Tariq Rasool	GPS:Ashiq Colony	GPS Dhok Gulab Din	AVP
61	395	Muhammad Shoaib	GPS Ahmad Nager	GPS Khwaja Khel	AVP
62	399	Muhammad Yousaf	GPS:Gul Kana	GPS No.2 Dhok Raza Khan	AVP
63	401	Muhammad Sohail	GPS:Jangle Khel No,2	GPS Dhok Nalla	AVP
64	403	Taj Mohsin Khan	GPS No,2 Shakardara	GPS Baddu	AVP
65	404	Muhammad Asif	GPS:Billitang No,1	GPS No.1.Tora Slana	AVP
66	407	Abdur Rehman	GPS:Sanjerh	GPS No.1 Z.S.Allah dad	AVP
67	409	Shahi Rohman	GPS Mehmandi	GPS Mehmandi	AVP
68	411	Sajjad Khan	GPS Lachi Payan	GPS No.1 Mandoor	AVP
69	412	Mustafa Kamal	GPS TC Lachi	GPS No.1 Ghurzandi	AVP
70	414	Ibrar Hussain	GPS #1:Shakardara	GPS Janak	AVP
71	415	Muhammad Hanif	GPS Bahader Kol	GPS Bahader Kol	AVP
72	416	Noor Muhammad	GPS Sullan Abad	GPS Nai Abadi Shadi Khel	AVP
73	419	Muhammad Arshed	GPS Latif Abad	GPS No.2 Doli Banda	AVP
74	422	Khalid Raza	GPS Nasrat Khel	GPS No.1 Terwa Bera	AVP
75	427	Gul Farid Khan	GPS Summari Payan No,1	GPS Sumari Payan No.1	AVP
76	429	Gul Zamin	GPS Dhoke Eid Gul	GPS Mir Aslam	AVP
77	431	Muhammad Tahir Shah	GPS Kharmaloo	GPS Kharmaloo	AVP
78	432	Rehmat Ali Khan	GPS Tappi	GPS Gulshah Khel	AVP
79	433	Shabir Khan	GPS Ambar Banda No,2	GPS Watal	AVP
80	439	Ghani Gul	GPS Kata Kani	GPS Kata Kani	AVP
81	440	Irshad Ahmad Ansari	GPS Tanda Banda	GPS Khader Khel	AVP
82	441	M. Badshah	GPS No.1 Doli Banda	GPS No.1 Doli Banda	AVP
83	443	Niaz Khan	GPS Ghurzai Payan No,1	GPS Warshand	AVP
84	445	Syed Rasool	GPS Tappi	GPS Inzar Wala Banda	AVP
85	446	Amir Hussain	GPS Mastan Abad	GPS Mastan Abad	AVP
86	447	Hasnain Shah	GPS Malang Abad	GPS Jalal Abad Malgin	AVP
87	448	Imtiaz Ali	GPS KDA No,1	GPS Darlappi	AVP
88	449	Muhammad Nawaz	GPS Manda Khel	GPS Terawal Banda	AVP
89	450	Hamid Hussain	GPS Haji Abad Marai	GPS Marai Bala	AVP
90	454	Ghazanfar Ali	GPS Jabgabroo	GPS Lado Mela	AVP
91	457	Amir Muhammad Khan	GPS Daqar Banda	GPS Daqar Banda	AVP
92	458	Sardar Khan	GPS Ghurzai Payan No,1	GPS Drabo Kach	AVP
93	459	Said-Ur-Rehman	GPS Dhand Saghri	GPS Dhand Saghri	AVP
94	460	Shad Akbar	GPS Hassan Banda	GPS Hassan Banda	AVP
95	464	Zafar Ali	GPS Gul Kana	GPS Takht Old	AVP
96	468	Hayat Muhammad Khan	GPS Nari Kak	GPS Chishana Ghunda	AVP
97	469	Said Badshah	GPS Pakka Sharki	GPS Pakka Sharki	AVP
98	470	Muhammad Saeed	GPS Zara Mela	GPS Dervezi Banda Lachi	AVP
99	471	Muhammad Tahir	GPS Spin Mar	GPS New Takht	AVP
100	472	Malang Shah	GPS Hawasi Banda	GPS Hawasi Banda	AVP
101	474	Sadiq Ullah	GPS Nari Shakardara	GPS Dhok Umer Badshah	AVP
102	475	Nadir Pervez	GPS #2 Shakardara	GPS Sharqi	AVP
103	476	Muhammad Saeed	GPS Musal	GPS Dhand Bakhtawa	AVP

A. Ghazanfar
ALISTED
On 25/11/2019

8

S#	Sen: No	Name of Teacher	Present School	Name of School where posted	Remarks
104	477	Rahim Ullah	GPS No.3 Shakardara	GPS Mulla Wali	AVP

CONSEQUENTIAL TRANSFER

Sr.No	Name of Teacher	Transfer From	Transfer To	Remarks
1	Muhammad Shafiq, PSHT	GPS Sarwan Banda	GPS KTM	AVP

Note:

- Sr.No.44 will relinquish charge at GPS Ali Kach and will assume charge at GPS No.1 Lachi Payan as & when the post of PSHT is vacated due to Promotion to the Post of CT of the sitting incumbent.
- Sr.No.104 will relinquish charge at GPS Mulla Wali and will assume charge at GPS No.3 Shakardara as & when the post of PSHT is vacated due to Promotion to the Post of SST of the sitting incumbent.
- No separate/further transfer/ adjustment order to the above effect will be issued.

Terms & Conditions

- They would be probation for a period of one year extendable for another one year.
- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- Their services can be terminated at any time, in case their performance is found unsatisfactory during their probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time by the Government.
- NO TADA etc is allowed.
- They will given an undertaken to be recorded in their Service Books to the effect that if any over payment is made to them in light this order will be recorded, if they are wrongly promoted they will reversed.
- Before handing over charge once again their documents may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.
- Their Inter-Se-Seniority on lower post will remain intact.

District Education Officer
(Male) Kohat

Endst: No.815-22/ File PST Promotion Dated Kohat the 31/01/2019.

Copy forwarded for information and necessary action to the:-

- Director E&SE Khyber Pakhtunkhwa, Peshawar.
- Deputy Commissioner Kohat.
- District Accounts Officer Kohat.
- District Monitoring Officer (IMU) Kohat.
- SDEO (Male) Kohat & Lachi.
- Official Concerned.
- M/File

[Signature]
Dy: District Education Officer
(Male) Kohat

[Signature]
[Signature]

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Annexed- A/1



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

CORRIGENDUM

In partial modification in respect of Order vide No. 815-22 dated 31/01/2019 and consequential transfer in respect of the following is hereby ordered.

Table with 5 columns: Sr.No, Name, From, To, Remarks. It lists 15 PSHTs and their transfer details.

CONSEQUENTIAL TRANSFER

Table with 5 columns: Sr.No, Name, From, To, Remarks. It lists 2 PSHTs and their consequential transfer details.

DISTRICT EDUCATION OFFICER (MALE) KOHAT

Endst: No. 1272-76 Date 15-2-2019

Copy to the:

- 1. Director E&SE, Khyber Pakhtunkhwa Peshawar.
2. District Nazim Kohat.
3. Deputy Commissioner Kohat.
4. District Account Officer Kohat.
5. SDEO (Male) Kohat & Lachi.

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DY: DISTRICT EDUCATION OFFICER (MALE) KOHAT

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ATTESTED

خدمت جناب D.E.O. صاحب (مردانہ) ضلع کوہاٹ

عنوان :- درخواست برائے Re-adjustment آرڈر

جناب عالی

مؤدبانہ التماس ہے کہ بحکم ڈسٹرکٹ ایجوکیشن آفیسر آرڈر نمبر 815-22

ہمارا تیار کردہ بحیثیت P.S.H.T کوہاٹ کے حساس علاقوں میں ہوا ہے

چونکہ ہمارا تعلق فقہ جعفریہ سے ہے۔ اس لیے ان علاقوں میں فرقہ واریت

کے کئی واقعات رونما ہو چکے ہیں۔ جن میں کئی قیمتی جانوں خصوصاً اساتذہ کا ضیاع

ہوا ہے۔ چونکہ اساتذہ کے پاس سیکورٹی کا کوئی خاص انتظام نہیں ہوتا جس

کے باعث اس قسم کے واقعات کا خطرہ مزید بڑھ جاتا ہے

لہذا آپ صاحبان کی خدمت میں عرض ہے کہ ہماری گزارش کو سامنے رکھ کر ہمارے

تبادلے کوہاٹ کے شہری علاقوں یا اہل تشیع کے علاقوں میں کیا جائے تاکہ

ہم بغیر کسی خوف و خطر کے اپنے فرائض بخوبی انجام دے سکیں

عین نوازش ہوگی

کاپی برائے اہل ذمہ

1- فقیر رائے تعلیم ضیاع اللہ بخش

2- ڈسٹرکٹ ناظم کوہاٹ

3- محکمہ صاحب ضلع کوہاٹ

العارضان

بر شمار نام استاد

1- سید شاہ رضا

دستخط

(Signature)

(Signature)

ATTESTED

تاریخ :- 12-2-19



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

OFFICE ORDER

In the light of SDEO (M) Kohat letter No.2133 dated 16-03-2019 and approved by the competent authority, refusal from SPST to PSHT in respect of Mr. following SPST Kohat are hereby accepted on own from own request, So that they may be restricted from promotion for next four years.

S#	Name of SPST
✓1	Nadeem Shah SPST GPS West Muhammadzar Kohat
✓2	Syed Shah Raza SPST GPS Malang Abad
✓3	Muhammad Yousaf, SPST GPS Gul Kana
✓4	Imtiaz Ali SPST GPS No.1 KDA Kohat
✓5	Zafar Ali SPST GPS Gul Kana Kohat
✓6	Sifat Ali SPST GPS Gul Kana Kohat

Note:-Mr. Muhammad Shoaib SPST GPS Ahmad Nager at Promotion order No.61 is hereby adjusted in GPS

Dt: Ghulam Farooq Kohat

Necessary entries to this effect should be made in their service books accordingly.

DISTRICT EDUCATION OFFICER

Endst.No. 2841-4

dated 3/4/2019

Copy to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Kohat
3. DMC IMU Kohat
4. SDEO (M) Kohat
5. Official concerned

District Education Officer
(MALE) KOHAT

ATTESTED

خدمت جناب ڈائریکٹر صاحب ایجوکیشن اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا (19)

عنوان : Re-adjustment on Detachment basis

Annexed - D

جناب عالی

نوڈیانہ التماس ہے کہ ہمارا پروموشن مطابق آرڈر نمبر Endst No 815/22

تاریخ 31/01/2019 کو PSHT کو ریٹ کے حساب سے تین علاقوں میں واقع ہوا تھا۔ چونکہ ہمارا تعلق قصبہ جعفریہ سے ہے۔ اس سے پہلے بھی ان علاقوں میں دہشت گردی کے کئی واقعات رونما ہوئے ہیں۔ اور ان واقعات میں خصوصاً اساتذہ کرام اپنی قیمتی جانوں سے ہاتھ دھو بیٹھے ہیں۔ علاوہ ازیں مسائل میں بھی ایسے اساتذہ ہیں کہ جبکہ اپنے ہی گولڈے میں ایسی دہشت گردی کیوجہ سے کئی سرکاری افسران شہید ہو چکے ہیں۔ اسی نقصان سے بچنے کے لیے ہم نے اپنے ڈسٹرکٹ ایجوکیشن افسران سے رابطہ کیا۔ جس کے لئے افسران نے ہمیں ڈی سی کو ہاٹ کو involve کرنے کا کہا۔ لہذا اس مسئلہ میں ہم نے ڈی سی کو ہاٹ کو ایک درخواست دی۔ ڈی سی کو ریٹ بنام ڈسٹرکٹ ایجوکیشن افسر کو ریٹ کو باقاعدہ Letter no 186 نوٹیفکیشن جاری کیا۔ کہ ان اساتذہ کو کو ہاٹ شہر ماہل تشیع کے اپنے علاقوں میں ڈسٹریکٹ پولیس سٹیشن پر ایڈجسٹ کیا جائے۔ جس پر ڈسٹرکٹ ایجوکیشن افسر نے کوئی عمل درآمد نہیں کیا۔ اور ہمارے پروموشن کے معطلی کے احکامات جاری کر دیئے۔

حالانکہ پچھلے سال بھی جن SPST اساتذہ کو PSHT میں ترقی دی گئی تھی انکو بھی اپنے علاقوں میں ڈسٹریکٹ پولیس سٹیشن پر ایڈجسٹ کرنے کیے گئے تھے۔

لہذا آپ صاحبان کی طرف سے اس کیجائی ہے کہ ہمارے درخواست پر بعد روانہ ہو کر ہمارے پروموشن آرڈر کو منظور کر کے ہمارے تعلق کو ریٹ کے علاقوں میں ڈسٹریکٹ پولیس سٹیشن پر ایڈجسٹ کرنے کے احکامات صادر فرمائیں۔ تاکہ درخواست گزاران کو ایسی خوف و خطر کے اپنے قرائض بعضی انجام دے سکیں۔

سین نواز شاہ پوگی
29/04/2019

1. اطلاع برائے شہر تعلیم KPK
2. سیکری ایجوکیشن KPK

العارضان

1. سید شاہ رضا SPST جی پی ایس ملک آباد کوہاٹ۔

ATTESTED

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Annexed - E

IN THE KHYBER PAKHTOONKHWASERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No. 1069 /2019

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

1. District Education Officer (Male) Kohat.
2. Sub: Divisional Education Officer (Male) Kohat.
3. Director Elementary & Secondary Education, Khyber pakhtoonkhwa,
G.T Road, Peshawar.
4. Secretary, Govt; of KP, Elementary & Secondary Education, Civil Secretariat,
Peshawar.Respondents

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE OFFICE
ORDER END: NO.2841-45, DATED 03.04.2019 OF RESPONDENT NO.1,
WHEREBY PROMOTION OF THE APPELLANT VIDE ORDER NO. 815/22, DATED,
31.01.2019 HAS BEEN SUSPENDED AND THE APPELLANT HAS BEEN
RESTRICTED FROM PROMOTION FOR NEXT FOUR (4) YEARS.**

Respectfully sheweth,

1. That the appellant is the permanent resident of Village Usterzai Payan, District Kohat and serving as Senior Primary School Teacher (SPST) in GPS Malangabad, Kohat.
2. That the appellant was initially appointed as PTC teacher on 15.05.1993 in BPS-07 and getting promotion from time to time presently is serving as Senior Primary School Teacher (SPST) in BPS-14 in GPS Malangabad, Kohat, to the entire satisfaction of his superiors without any complaint.
3. That the Department vide Office Order End: No.815/22, dated, 31.01.2019 of Respondent No.1 issued combined promotion Order whereby the appellant was promoted from the present post of (SPST) BPS- 14 to the post of (PSHT) Primary School Head Teacher BPS- 15 to GPS Tilkin, Gumbat, Distt: Kohat, however through Corrigendum/ partial modification in the said Order the department vide office Order End: No.1272-76, dated- 15.02.2019 transferred the appellant from GPS Tilkin to GPS Khwaja Pail, Distt: Kohat (Copy of promotion Order dated 31.01.2019 and Corrigendum dated- 15.02.2019 are attached as annexed- "A" & "A/1").

G.W. W. W. W.
ATTESTED

4. That the appellant feeling aggrieved of the said Order having serious security problems due to communal clashes, moved an application to Respondent No.1 stating therein that " the appellant belong to Shia Community and in the present place of posting on promotion in past so many sectarian clashes have occurred which resulted in loss of precious lives, therefore, keeping in view the security risk in future, the appellant may graciously be posted/ re-adjusted on any detailed post in Kohat city or nearby Shia Territory so that the appellant may perform his duty freely and without any fear". The appellant during this period did not take charge of the post of PSHT on promotion and waited for reply of the Respondent No.1 regarding re-adjustment on a detailed post. **(Copy of application is attached as annexed-"B")**.
5. That it is important to mention that the same fact and plea of the appellant regarding communal clashes and security threats was recognized and endorsed by the Local MPA Zia Ullah Bangash Advisor to Chief Minister on Elementary & Secondary education K.P who was kind enough to write a letter to Respondent No.1 as well to the worthy Deputy Commissioner in this regard. **(Copy of letter dated, 20.03.2019 is attached as annexed- "C")**.
6. That the Deptt: /office of Respondent No.1 totally ignored the said request of the appellant as well of the worthy Local MPA duly in writing rather wrongly and illegally assumed vide office Order End: No. 2841-45, dated- 03.04.2019 that "the refusal from SPST to PSHT of the following SPST Kohat are hereby accepted on their own request, so they may be restricted from promotion for next four (4) years". **(Copy of Order Dated 03.04.2019 is attached as annexed- "D")**.
7. That feeling aggrieved of the said impugned order dated- 03.04.2019 of Respondent No.1, the appellant filed Departmental Appeal before the competent authority (Respondent No.3) on 29.04.2019, which is still pending adjudication and not decided as yet. **(Copy of Departmental appeal is attached as annexed- "E")**.
8. That it is pertinent to point out that the statutory period of 90 days regarding deciding of appeal has already been lapsed, hence feeling further aggrieved of the impugned order dated- 03.04.2019 the appellant approaches this Hon'ble Tribunal for relief inter- alia on the following other grounds:-

GROUNDS:

- a. That the impugned order dated 03.04.2019 of Respondent No.1 is based on malafide, illegal, arbitrary, without lawful authority, discriminatory and against the law, rules and regulations, hence untenable and liable to be set aside.
- b. That the appellant has never refused the promotion from SPST to the post of PSHT but has only requested the Respondent No.1 through application for re-adjustment on a detailed post in Kohat City or nearby Shia locality for

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ATTESTED

the reason that the place of posting/transfer on promotion i.e GPS Khwaja Pail, Distt: Kohat was a far flung area where the appellant belonging to Shia community was not feeling secured as in past so many communal clashes have taken place, which fact has duly been recognized and endorsed by the worthy local MPA of the appellant in writing, hence the office of Respondent No.1 giving no weight to the genuine request of the appellant, wrongly and illegally has issued the impugned Order suspending the promotion of the appellant and imposing restriction from promotion for next four (4) years.


- c. That the appellant has never given any undertaking to the department waiving his right of promotion, therefore, the department has wrongly and illegally deprived the appellant from the right of promotion having ~~26/27~~ years' service to his credit.
- d. That the relevant statute, rules and regulations also do not provide restriction from promotion for next four (4) years in such like circumstances, hence, respondents have committed gross illegality and acted in excess of the authority vested with them under the law.
- e. That the department after the said promotion Order of the appellant has issued another promotion Order from BPS-12 to BPS-14 of other Teachers whereby the Teachers belonging to Shia Community have been posted in their own nearest areas or Kohat city area.
- f. That the appellant seeks leave of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

PRAYER:

It is therefore, very humbly prayed, that on acceptance of this appeal the impugned Order dated- 03.04.2019 being illegal, arbitrary, discriminatory, without lawful authority, against the law, facts, rules and regulations may very graciously be set aside and the appellant be ordered to be posted/ re-adjusted in the nearest Shia locality or Kohat city in light of the Promotion Order dated- 31.01.2019 and Corrigendum dated- 15.02.2019.

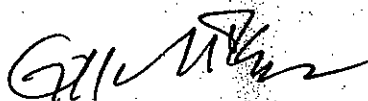

Appellant

Through


Qaisar Abbas Bangash 20/8/19
Advocate Supreme Court
Of Pakistan

Off: R. No.20, Khalil Plaza,
G.T.Road
Peshawar.

Cell: 0300-5871466


ATTESTED

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16

IN THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No. /2019

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

District Education Officer (Male) Kohat & Others Respondents

AFFIDAVIT

1, Syed Shah Raza s/o Syed Arif Hussain r/o Village Usterzai Payan, Distt:
Kohat, do hereby affirm and declare on oath that contents of the accompanying
Service Appeal are true and correct to the best of my knowledge and belief and
that nothing has been concealed from this Hon'ble Tribunal.

Signature

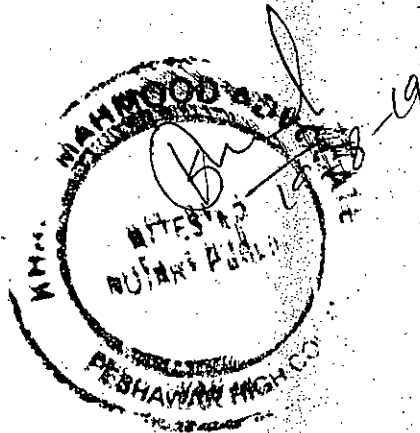
DEPONENT

CNIC NO. 14301-3896528-1

IDENTIFIED BY:

Signature

Qaisar Abbas Bangash
Advocate Supreme Court of
Pakistan.



Signature

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

17

Annexed - F

ORDER

Consequent upon recommendation of the Departmental Promotion Committee & in pursuance of the Government of Khyber Pakhtunkhwa E&SE Department Notification No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 dated 30/01/2018, the following SPSTs BPS-14 are hereby promoted/ posted to the Post of PSIT BPS-15 (16120-1330-56020) plus usual allowances as admissible under the Rules on Regular Basis with immediate effect on the terms & conditions given below with effect from the date of their taking over charge:-

S#	Name of Teacher	Present School	Name of School where posted	Remarks
1.	Muhammad Asif	GPS PAF Bazar	GPS Noor Abad	AVP
2.	Ikhtiar Muhammad	GPS No.1 Shadi Pur	GPS Dhok Chaman	AVP
3.	Waheed Ur Rehman	GPS Nasrat Khel	GPS Nasrat Khel	AVP
4.	Arshid Mahmood	GPS Navey Kallay	GPS Shahpur	AVP
5.	Muhammad Yousaf	GPS Gul Kana	GPS Gul Kana	AVP
6.	Muhammad Nawaz	GPS No.1 Nakband	GPS No.2 Nakband	AVP
7.	Najib Ullah Khan	GPS Sher Kot	GPS No.2 Marai Bala	AVP
8.	Muhammad Shakil	GPS PAF Base	GPS Dheri Banda	AVP
9.	Muzaffar Abbas	GPS Chekarkot Bala	GPS Ali Kach	AVP
10.	Syed Shah Raza	GPS Malang Abad	GPS Dhok Mashal	AVP
11.	Inayat Hussain	GPS Nasrat Khel	GPS Mir Asghar Mela	AVP
12.	Mujahid Din	GPS No.2 Janglo Khel	GPS No.2 KDA	AVP
13.	Kirshan Lal	GPS Mianqan Colony	GPS Walai	AVP
14.	Nadeem Shah	GPS Ghulam Banda	GPS Shikhan	AVP
15.	Tariq Mehmood	GPS Tolang Jadeed	GPS Tolang Jadeed	AVP
16.	Zafar Ali	GPS Gul Kana	GPS No.2 Doli Banda	AVP
17.	Gul Ahmad	GPS No.1 Shadi Pur	GPS No.2 Tora Stana	AVP
18.	Arshad Mehmood	GPS Dhoke Raza Khan Bililang	GPS Gandialy Tolaj	AVP
19.	Imtiaz Ali	GPS KDA No. 1 Kohal	GPS Terwa Bera No. 1	
20.	Shahid Majeed	GPS Asghari Mela	GPS Chishma Mitha Khan	AVP
21.	Shaiqat Ali	GPS No.2 Usterzal Payan	GPS Jalal Abad Malqin	AVP
22.	Hayat Ali	GPS Hassan Khel	GPS No.2 Essa Khel Kachai	AVP
23.	Muhammad Tariq	GPS No.1 MC Area	GPS Kamar Dhand	AVP
24.	Nadeem Khan	GPS Mir Banda	GPS Mir Banda	AVP
25.	Abdul Mateen	GPS New Takhl	GPS New Takhl	AVP
26.	Umar Din	GPS MC Area No.1	GPS Garni Risaldar	AVP
27.	Illikhar Ali Khan	GPS No.1 Ghurzai Payan	GPS Dhok Khijab Gul	AVP
28.	Muhammad Nadeem	GPS Hakim Abad	GPS Kamal Khel	AVP
29.	Sail Ur Rehman	GPS Dhok Parachagan Kharmatoo	GPS Dartappi	AVP
30.	Jabir Ali	GPS Gul Kana	GPS Spin Ali Banda	AVP
31.	Muhammad Rauf	GPS Dhoke Eid Gul	GPS Sheen Dhand	AVP
32.	Ijaz Gul	GPS Band Banda	GPS Band Banda	AVP
33.	Muhammad Ilyas	GPS No. 1 Baqi Zal	GPS Banda Fateh Khan	AVP
34.	Muhammad Younas	GPS Banda Karim Khan	GPS Dhok Raza Khan	AVP
35.	Atiq ur Rahman	GPS Khushal Garh	GPS Khushal Garh	AVP
36.	Akhtar Hussain	GPS No.3 Shakardara	GPS Baddu	AVP
37.	Illikhar Ahmad	GPS No. 1 Shakardara	GPS Rukwan	AVP
38.	Hashim Zaman	GPS No. 2 Babari Banda	GPS Dhok Shahab Ud Din	AVP
39.	Syed Munazzam Shah	GPS Sher Pao Colony	GPS Banda Zaman Shah	AVP
40.	Syed Zafar Latif	GPS No.1 Sumary Payan	GPS No.2 Sumary Payan	AVP
41.	Bashir Hussain	GPS Sping Khawar	GPS Shahi Banda	AVP
42.	Allah Mir	GPS Khawaja Khel	GPS Khawaja Pail	AVP
43.	Muhammad Ishaq	GPS No. 1 Billirang	GPS Palosi Banda	AVP
44.	Gul Hassan	GPS Tora Waral	GPS Tora Wari Kachai	AVP
45.	Fazal Hakeem	GPS Barali Banda	GPS Darsha Khel	AVP
46.	Fazal Ur Rauf	GPS Dhoda No.2	GPS No.1 Dhoda	AVP

Attested

18

S#	Name of Teacher	Present School	Name of School where posted	Remarks
47.	Allal Hussain	GPS Dagar Banda	GPS Toi Banda	AVP
48.	Zameer ul Hassan	GPS Ustler Zai Payan No.1	GPS Kachkina	AVP
49.	Rehmat Munir	GPS Khattak Colony	GPS Sumary Bala	AVP
50.	Muhammad Idrees	GPS Bandki	GPS No.2 ZSA Dad	AVP
51.	Shams Ul Haq	GPS Banda Mosam Khan	GPS Dhok Yaseen	AVP
52.	Syed Muhammad Shah Turab	GPS Spina Khawara	GPS No. 2 Terwa Bera	AVP
53.	Shahid Mahmood	GPS No. 2 Kot	GPS Wizo Sami	AVP
54.	Lalif Ullah	GPS Gul Abad	GPS No.1 ZSA	AVP
55.	Sulman Khan	GPS Kandi Allah Din Khel	GPS Sami	AVP

CONSEQUENTIAL TRANSFER

Sr.No	Name of Teacher	Transfer From	Transfer To	Remarks
1	Abdus Sami, PSHT	GPS Ali Kach	GPS No.1 Muslim Abad	AVP

Terms & Conditions

1. They would be probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during their probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time by the Government.
4. NO TANDA etc is allowed.
5. They will given an undertaken to be recorded in their Service Books to the effect that if any over payment is made to them in light this order will be recorded, if they are wrongly promoted they will reversed.
6. Before handing over charge once again their documents may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.
7. Their Inter-Se-Seniority on lower post will remain intact.

District Education Officer
(Male) Kohat

Endst: No. 1727-33 /File PST Promotion Dated Kohat the 02/04/2021.

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner Kohat.
3. District Accounts Officer Kohat.
4. District Monitoring Officer (IMU) Kohat.
5. SDEO (Male) Kohat & Lachi.
6. Official Concerned.
7. M/File

02/04/21
Dy: District Education Officer
(Male) Kohat

Gulistan Khan
ATTESTED

خدمت جناب ڈائریکٹر صاحب ایڈمنسٹریٹو ایجوکیشن KPK پشاور

موضوع: ترمیم پائل اعلیٰ بر خلاف پروموشن آرڈر نمبر 33-1727-2021 مورخہ 04-04-2021 (M) DEO کوہاٹ تا حد اعلیٰ سیریل نمبر 10

جناب عالی ایلیانٹ حسب ذیل عرض درساں یہ۔

1068/19

1- یہ کہ ایلیانٹ سوجوہ طور پر پائلور (SPST) (BPS-14) گورنمنٹ پرائمری سکول ملنگ آباد کوہاٹ میں خدمات سرانجام دے رہا ہے۔

2- یہ کہ ایلیانٹ (M) DEO کوہاٹ کے مشرقی پروموشن آرڈر نمبر 22/815/2019 مورخہ 31-01-2019 کے ذریعے سیریل نمبر 33 پر ایلیانٹ کی BPS-14 SPST کی پوسٹ BPS-15 پر ترقی ہو کر گورنمنٹ پرائمری سکول ملنگ آباد میں بحال کی گئی۔ اس کے بعد CORRIGENDUM آرڈر نمبر DEO

آرڈر نمبر 1272-78 Dated 15-02-2019 سیریل نمبر 10 پر پرائمری سکول ملنگ آباد سے GPS Khawja Pail ٹرانسفر کر دیا۔

3- یہ کہ مذکورہ بالا پروموشن آرڈر کے ذریعے چونکہ ایلیانٹ کی تعیناتی روز دراز ملاحظے میں ہوئی تھی۔ چنانچہ ماضی میں فرق داران خدمات واقعات رونما ہونے کی وجہ سے کئی

قیمتی جانوں کا نقصان ہو چکا تھا جس وجہ سے ایلیانٹ نے DEO (M) کوہاٹ کو اپنے ترقی ایف ایم منسلک (شید) علاقے یا کوہاٹ میں Re Adjustment پر تعیناتی کی درخواست مورخہ 12-2-2019 کو دی تھی جس کی تصدیق ہاتھ نہ ہوئے طور پر مقامی MFA صاحب نے بھی کی تھی۔

4- یہ کہ مذکورہ بالا درخواست پر DEO (M) کوہاٹ نے نئے کوئی ادارہ کی بلکہ اپنی جانب سے ملاحظہ طور پر ایلیانٹ کی طرف سے پروموشن لینے سے انکار تصور کیا۔ اور بذریعہ

آفس آرڈر نمبر 45-2841 مورخہ 04-2019 ایلیانٹ پر آئندہ چار سال تک پروموشن لینے پر پابندی لگا دی۔

5- یہ کہ مذکورہ بالا آفس آرڈر مورخہ 04-2019 کے خلاف ایلیانٹ نے دفتر پرائمری سکول ملنگ آباد میں مورخہ 04-2019-29 دائر کی اور اپنے پروموشن آرڈر مذکورہ بالا کو قرار دے رکھے ہوئے کوہاٹ میں یا ترقی اہل تشیع علاقے میں واقع سکول میں ایلیانٹ پوسٹ پر ایڈجسٹ کرنے کی استدعا کی۔

6- یہ کہ مذکورہ حکامات اعلیٰ پر کوئی فیصلہ حکم جاری نہ ہونے کی صورت میں ایلیانٹ نے متعلقہ قانون کے مطابق سروس میں بحال KPK پشاور میں سروس اہل نمبر 068/2019 دائر کی جو کہ حال زیر تجویز ہے۔ جس میں ایڈمنسٹریٹو نے ہاتھ نہ جواب اکتیس داخل کیے ہیں اور آئندہ تاریخ پیش برائے بحث مورخہ 7/8/2021 کو مقرر ہے۔

7- یہ کہ درج بالا حالات واقعات اور سابقہ پروموشن آرڈر نمبر 22-815/2019 مورخہ 31-01-2019 کو مکمل طور پر نظر انداز کرتے ہوئے DEO (M) کوہاٹ نے ایک ایلیانٹ پائلور پروموشن آرڈر نمبر 33-1727 مورخہ 04-2021 جاری کیا۔ جس کے مطابق ایلیانٹ سیریل نمبر 10 کو GPS ملنگ آباد کوہاٹ سے گورنمنٹ پرائمری سکول لاہورک تحصیل لاہور ٹرانسفر کیا گیا۔ جو کہ پہلے پروموشن آرڈر والے سکول واقع خٹوبہ پائل سے بھی روز دراز ہے اور ایلیانٹ کی جان و مال کو ہرج ذکورہ بالا انتہائی خطرہ لاحق ہونے کا اندیشہ ہے۔

8- یہ کہ ایلیانٹ نے جو کہ پہلا پروموشن آرڈر 22-815/2019 مورخہ 31-01-2019 آرڈر نمبر 45-2841 مورخہ 04-19 سروس میں بحال میں بذریعہ اعلیٰ نمبر 68/2019 پہنچانے کیے ہیں اس لئے سوجوہ طور پر پروموشن آرڈر نمبر 33-1727 مورخہ 04-2021 (M) DEO کوہاٹ تا حد اعلیٰ منسوخ فرمایا جائے اور ایلیانٹ کے پروموشن تعیناتی کے بارے میں سروس اہل نمبر 068/2019 مذکورہ بالا کے فیصلے ہونے کے بعد احکامات جاری کیے جائیں۔

میں نوادش ہوگی۔

ایلیانٹ

سید شاہد رضا گورنمنٹ پرائمری سکول ملنگ آباد کوہاٹ

مورخہ 12/04/2021

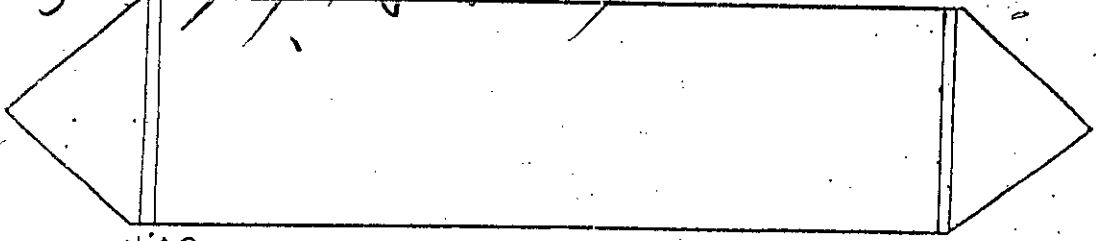
اطلاع برائے:-

1- سیکرٹری ایجوکیشن KPK پشاور

2- DEO (M) کوہاٹ

ATTESTED

بعدالت حرموں کی بیورو کی سربراہی کے ذریعہ فراہم کیا گیا



2 منجانب

سید شاہ رضا

بنام DEO (M)

کوٹا ڈویژن

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی و جواب دہی و کل کارروائی متعلقہ
 آئن مقام سید شاہ رضا کیلئے سید شاہ رضا کے نام سے درخواست کی گئی ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل طور پر اختیار اور اختیار کا
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل طور پر اختیار اور اختیار کا مکمل طور پر اختیار اور اختیار کا
 وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Signature
Acceptance

المرقوم _____ کماہ _____ 2021
العبد _____ واہ العبد _____

Signature
5/8/2021

بمقام

b.e. 10-7393
cell no. 03005871466

دستخط سید شاہ رضا

Signature



IN THE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtoonkhwa
Service Tribunal

IN RE: Service Appeal No. 1068 /2019

Diary No. 1180

Dated 20/8/2019

Imtiaz Ali s/o. Mohammad Ali Senior Primary School Teacher (SPST)
Government Primary School No.1, K D A, Kohat.Appellant

VERSUS

- ✓ 1. District Education Officer (Male) Kohat.
2. Sub: Divisional Education Officer (Male) Kohat.
- ✓ 3. Director Elementary & Secondary Education, Khyber pakhtoonkhwa,
G.T Road, Peshawar.
- ✓ 4. Secretary, Govt; of KP, Elementary & Secondary Education, Civil Secretariat,
Peshawar.Respondents

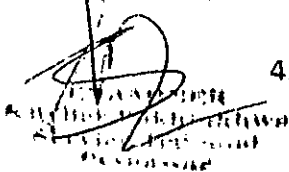
APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE OFFICE
ORDER END: NO.2841-45, DATED 03.04.2019 OF RESPONDENT NO.1,
WHEREBY PROMOTION OF THE APPELLANT VIDE ORDER NO. 815/22, DATED,
31.01.2019 HAS BEEN SUSPENDED AND THE APPELLANT HAS BEEN
RESTRICTED FROM PROMOTION FOR NEXT FOUR (4) YEARS.

Respectfully sheweth,

1. That the appellant is the permanent resident of Village Usterzai Payan, District Kohat and serving as Senior Primary School Teacher (SPST) in GPS No.1, KDA, Kohat.
2. That the appellant was initially appointed as PTC teacher on 09.10.1995 in BPS-09 and getting promotion from time to time presently is serving as Senior Primary School Teacher (SPST) in BPS-14 in GPS No.1 KDA Kohat, to the entire satisfaction of his superiors without any complaint.
3. That the Department vide Office Order End: No.815/22, dated, 31.01.2019 of Respondent No.1 issued combined promotion Order whereby the appellant was promoted from the present post of (SPST) BPS- 14 to the post of (PSHT) Primary School Head Teacher BPS- 15 to GPS Dartappi, Tehsil Lachi, Distt: Kohat. (Copy of promotion Order dated 31.01.2019 is attached as annexed- "A").
4. That the appellant feeling aggrieved of the said Order having serious security problems due to communal clashes, moved an application to Respondent No.1 stating therein that " the appellant belong to Shia Community and in the present place of posting on promotion in past so

Filed to-day
Registrar
20/8/19

ATTESTED


Registrar
Khyber Pakhtoonkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1068/2019

Date of institution ... 20.08.2019
Date of judgment ... 04.10.2021



Imtiaz Ali S/O Muhammad Ali Senior Primary School Teacher (SPST)
Government Primary School No. 1, KDA, Kohat.

... (Appellant)

VERSUS

District Education Officer (Male) Kohat and three others.

... (Respondents)

Present:

MR. QAISAR ABBAS BANGASH,
Advocate

... For appellant.

MR. ABDUR RASHEED,
Deputy District Attorney

... For respondents.

MR. AHMAD SULTAN TAREEN,
MR. MIAN MUHAMMAD

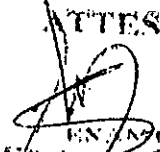
... CHAIRMAN
... MEMBER (EXECUTIVE)

JUDGEMENT

MIAN MUHAMMAD, MEMBER (E):- The instant service appeal

has been filed against the impugned order dated 03.04.2019 whereby promotion order of the appellant dated 31.01.2019 was suspended and he was restricted from promotion for next four years. The impugned order is therefore assailed and is being adjudicated upon which will also dispose of an identical Service Appeal of the same facts and circumstances bearing No. 1069/2019 titled "Syed Shah Raza Versus District Education Officer (Male) Kohat and three others".

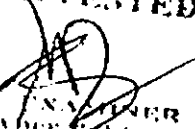
ATTESTED


CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

2. Brief facts of the case leading to the service appeal in hand are that the appellant was serving as Senior Primary School Teacher (SPST) in BS-14 and posted at GPS No. 1 KDA, Kohat when his promotion order was issued by respondent No. 1 on 31.01.2019. He was promoted to the post of Primary School Head Teacher (PSHT) BS-15 and posted at GPS Dartappi, Tehsil Lachi, District Kohat. The appellant submitted an application dated 12.02.2019 for readjustment taking the plea that he belongs to Ahl-e-Tashi Sect and feeling life threats in far flung area due to communal clashes in recent past, he may therefore be re-adjusted on detailment basis somewhere in Kohat City or in the vicinity of Ahl-e-Tashi area. However, his request for readjustment was taken as refusal to accept promotion as PSHT (BS-15) and his promotion order dated 31.01.2019 was therefore suspended keeping him restricted from promotion for next four years vide impugned order dated 03.04.2019.

3. Parties were heard and available record perused thoroughly with assistance of their respective learned counsel.

4. Learned counsel for the appellant at the outset of his arguments contended that the appellant belonging to Ahle-e-Tashi sect, on his promotion as PSHT (BS-15) was posted at Dartappi, Tehsil Lachi, District Kohat, where he was feeling insecure. He therefore submitted application for readjustment in Kohat City or near the area of Ahl-e-Tashi. The appellant could not actualize promotion and was waiting for response of his application/request dated 12.02.2019. However, his application for readjustment was misconceived by Respondent No.1 who rather took it as refusal by

ATTESTED

 N. A. T. S. R.
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

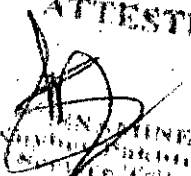
It is not disputed that the appellant alongwith other 103
 292T (82-14) was promoted to the post of PHT (82-12) through a
 combined promotion order dated 31.01.2019 and posted at GPS
 Dargapal which falls in Tehsil Lachi of District Kohat. The appellant
 belonging to Ahle-e-Tashi Sect had apprehension of security threat to
 his life and did not join the duty at new station. He therefore, did not
 actualize his promotion on the post of PHT (82-12) at new place of
 posting. He rather approached the respondent-department on his
 12.02.2019 for redressal of his grievance which was based on his
 apprehension. However, the department instead of providing him
 relief, misconstrued and misinterpreted his request for re-adjustment
 and took it as his refusal to accept and avail the opportunity of
 promotion. The department was also at fault and failed to have
 directed him to join the new position and actualize his promotion as
 PHT (82-12) at GPS Dargapal Tehsil Lachi. Neither specific
 directions were issued to the appellant to join duty at new place of
 duty nor disciplinary proceedings initiated against him for non-
 compliance of the promotion/transfer orders. Rather, he was kept
 awaited till issuance of the impugned order on 03.04.2019. Even the
 misconstrued contention of the department is unfounded on the
 touch stone of Rule-7(2) of the Khyber Pakhtunkhwa Civil Servants
 (Appointment, Promotion and Transfer) Rules, 1989 because the
 appellant has not forgone the right of his promotion through a formal
 request in the form of an application required to be submitted to the
 respondent-department.

ATTESTED
 [Signature]
 [Stamp]

appellant to accept his promotion and to his utter surprise respondent No. 1 suspended the promotion order for next four years vide impugned order dated 03.04.2019. Action of respondent No. 1 is therefore mala fide, illegal, arbitrary, without lawful authority, discriminatory and against the law, rules and regulations, hence untenable and liable to be set-aside.

5. Learned Deputy District Attorney for the respondents, on the other hand, rebutted plea of the learned counsel for appellant and argued that the appellant has taken the shelter of communal/sectarian clash at the new station of posting but did not mention or quote any such incident to have taken place in that area to justify the security risk to his life at new place of posting. It does not absolve him to perform his duties and he was required to have joined duty and actualized his promotion as PSHT (BS-15). Since he did not actualize his promotion as PSHT (BS-15) therefore, his plea for adjustment on detailment basis, being contrary to the rules and policy invogue, was deemed as refusal. The order dated 03.04.2019 was therefore issued. In addition to the refusal of appellant to comply with the legal orders of competent authority, he resorted to exert political influence in his service matters by getting a letter dated 20.03.2019, in his support, from Advisor to Chief Minister Khyber Pakhtunkhwa on Elementary & Secondary Education and has thus violated the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987. The impugned order dated 3.04.2019 is therefore bonafide, legal and with lawful authority is neither arbitrary nor discriminatory.

*
D

ATTESTED

 DEPUTY DISTRICT ATTORNEY
 KHYBER PAKHTUNKHWA

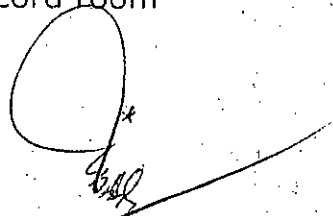
06. It is not disputed that the appellant alongwith other 103 SPST (BS-14) was promoted to the post of PSHT (BS-15) through a combined promotion order dated 31.01.2019 and posted at GPS Dartappi which falls in Tehsil Lachi of District Kohat. The appellant belonging to Ahle-e-Tashi Sect had apprehension of security threat to his life and did not join the duty at new station. He therefore, did not actualize his promotion on the post of PSHT (BS-15) at new place of posting. He rather approached the respondent-department on 12.02.2019 for redressal of his grievance which was based on his apprehension. However, the department instead of providing him relief, misconstrued and misinterpreted his request for re-adjustment and took it as his refusal to accept and avail the opportunity of promotion. The department was also at fault and failed to have directed him to join the new position and actualize his promotion as PSHT (BS-15) at GPS Dartappi Tehsil Lachi. Neither specific directions were issued to the appellant to join duty at new place of duty nor disciplinary proceedings initiated against him for non-compliance of the promotion/transfer orders. Rather, he was kept awaited till issuance of the impugned order on 03.04.2019. Even the misconstrued contention of the department is unfounded on the touch stone of Rule-7(5) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 because the appellant has not forgone the right of his promotion through a formal request in the form of an application required to be submitted to the respondent-department.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

07. As a sequel to the above, prayer of the appellant is partially accepted to the extent that his promotion order dated 31.01.2019 is restored for the purpose of length of service and seniority but without financial benefits as the promotion as PSHT (BS-15) had not been actualized against the post of PSHT (BS-15) at GPS Dartappi Tehsil Lachi within the permissible period of joining time. Parties are left to bear their own costs. File be consigned to the record room

ANNOUNCED
04.10.2021

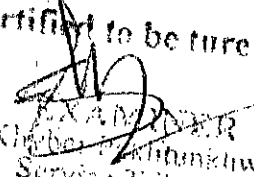


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(AHMAD SULTAN TAREEN)
CHAIRMAN

Certified to be true copy


Khabeer Khattak
Service Tribunal,
Peshawar

Date of presentation of Application 05-10-21

Number of sheets 2450

Cost of copy 26/-

Amount 26/-

Name of Applicant

Date of completion of copy 21-10-2021

Date of delivery of copy 21-10-2021

IN THE KHYBER PAKHTOONKHTWA SERVICE TRIBUNAL PESHAWAR



IN RE: Service Appeal No. 1069 /2019

Diary No. 1179

Dated 20/8/2019

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

1. District Education Officer (Male) Kohat.
2. Sub: Divisional Education Officer (Male) Kohat.
3. Director Elementary & Secondary Education, Khyber pakhtoonkhwa,
G.T Road, Peshawar.
4. Secretary, Govt; of KP, Elementary & Secondary Education, Civil Secretariat,
Peshawar.Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE OFFICE
ORDER END: NO.2841-45, DATED 03.04.2019 OF RESPONDENT NO.1,
WHEREBY PROMOTION OF THE APPELLANT VIDE ORDER NO. 815/22, DATED,
31.01.2019 HAS BEEN SUSPENDED AND THE APPELLANT HAS BEEN
RESTRICTED FROM PROMOTION FOR NEXT FOUR (4) YEARS.

Respectfully sheweth,

1. That the appellant is the permanent resident of Village Usterzai Payan, District Kohat and serving as Senior Primary School Teacher (SPST) in GPS Malangabad, Kohat.
2. That the appellant was initially appointed as PTC teacher on 15.05.1993 in BPS-07 and getting promotion from time to time presently is serving as Senior Primary School Teacher (SPST) in BPS-14 in GPS Malangabad, Kohat, to the entire satisfaction of his superiors without any complaint.
3. That the Department vide Office Order End: No.815/22, dated, 31.01.2019 of Respondent No.1 issued combined promotion Order whereby the appellant was promoted from the present post of (SPST) BPS- 14 to the post of (PSHT) Primary School Head Teacher BPS- 15 to GPS Tilkin, Gumbat, Distt: Kohat, however through Corrigendum/ partial modification in the said Order the department vide office Order End: No.1272-76, dated- 15.02.2019 transferred the appellant from GPS Tilkin to GPS Khwaja Pail, Distt: Kohat (Copy of promotion Order dated 31.01.2019 and Corrigendum dated- 15.02.2019 are attached as annexed- "A" & "A/1").

filed to-day
Registrar
20/8/19

ATTESTED
[Signature]
[Stamp]



ORDER

04.10.2021

Appellant alongwith his counsel present. Mr. Abdul Rashid, DDA alongwith Mr. Waheed Gul, ADEO for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in Service Appeal No. 1068/2019 titled "Imtiaz Ali -vs- District Education Officer (Male) Kohat and three others" prayer of the appellant in the instant appeal is also partially accepted to the extent that his promotion order dated 31.01.2019 is restored for the purpose of length of service and seniority but without financial benefits as the promotion as PSHT (BS-15) had not been actualized against the post of PSHT (BS-15) at GPS Tilkin, Gumbat, District Kohat within the permissible period of joining time. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
04.10.2021

(AHMAD SULTAN TAREEN)
CHAIRMAN

(Mian Muhammad)
Member(E)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 05/10/21
Number of Words 800
Copying Fee 10/-
Urgent 10/-
Total 10/-
Name of Copyist _____
Date of Completion of Copy 21-10-21
Date of Delivery of Copy 21-10-21

06-12-21

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 7197/2019

Syed Shah Raza APPELLANT

V/S

DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER RESPONDENTS

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Dated 07/12 /2021

Respondent No: 1 to 4


District Education Officer
(Male) Tehsil Kohat

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 7197/2019

Syed Shah Raza APPELLANT

V/S

DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER..... RESPONDENTS

Parawise comments on behalf of Respondent No: 1 to 4

Respectfully Sheweth:- That the respondents submits 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 the Hon'able Tribunal in the instant service appeal.
4. That the instant service appeal is against the relevant provisions of law.
5. That the appellant has not come to this Hon'able Tribunal with clean hands.
6. That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
7. That the appellant is estopped by his own conduct to file the instant appeal.
8. That the instant service appeal is not maintainable in the present form & circumstances of the case.
9. That the instant appeal hit by rule 23 of the Service Tribunal Act 1974.

FACTS

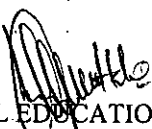
1. That the Para 1 of the fact pertains to record.
2. That the Para No: 2 of the fact pertains to record.
3. That the Para No: 3 of the fact is incorrect as the appellant was intimated through office order vide No: 1823 Dated 07.04.2021 (**Annexure A**) regarding non serious attitude as well as not actualization for the post neither the appellant bother to comply the order as the appellant having no communal clash nor brought in to the knowledge neither approach to police station for any apprehension, further added the appellant conduct is mysterious & intending to seek the indulgences & the Hon'able tribunal for his choice of posting for his nefarious desired goals what so ever, rest of the Para also incorrect the appellant did mis-conduct for disobeying the good order of the competent authority which is bad in the eye of law.


4. That the Para No: 4 of the fact is incorrect as the appellant is involved in political activities. Hence put political pressure for un-due favor it is worth mentioning here that in the light of superior Court guide lines i.e. political & illegal command of the elite bosses is condemned & the appellant himself admitted the above scenario which is apparently bad in eye of law. Hence denied.
5. Incorrect No Departmental appeal has been submitted before the competent authority. Hence Denied as well as the appeal in hand is time barred.
6. That the Para No: 6 pertains to record so for as communal clash is concern which is already discussed in leading Para above. In fact the authority is at liberty to issue all the orders in accordance with the law & in the best Public intrest.
7. That the Para No: 7 of the fact is incorrect no departmental appeal submitted in nay forum.
8. That the Para No: 8 of the fact is incorrect.

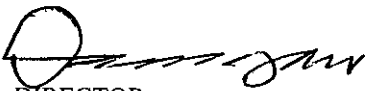
GROUNDS


- A. That the Para A of the ground is incorrect, illegal & without any cogent evidence regarding the allegation mentioned therein. Hence denied.
- B. That the Para No: B of the ground is incorrect, illegal as the instance of the appellant for twice appeals on same cause of action which is bad in eye of law.
- C. That the Para No: C of the ground is totally incorrect as the respondent authority is duty bound to obey all the gracious order of the court of law with true sprit as in the absence of any earlier order which claimed by the appellant is not based on sound reasons.
- D. That the respondents also seeks permission of this Hon'able court to agitated further points at the time of arguments.

It is therefore humble prayed that on acceptance of this reply instant appeal may graciously be dismissed with heavy cost.


SUB DIVISIONAL EDUCATION OFFICER
(MALE) KOHAT
Respondent No: 1


DISTRICT EDUCATION OFFICER
(MALE) KOHAT
Respondent No: 2


DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR DEPARMENT
PESHAWAR
Respondent No: 3


SECRETARY
TO GOVT ELEM & SEOCY EDUCATION
KHYBER PKAHTUNKHWA
Respondent No: 4

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 7197/2019

Syed Shah Raza APPELLANT

V/S

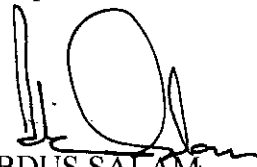
DISTT EDUCATION OFFICER (MALE) KOHAT & OTHER..... RESPONDENTS

Parawise comments on behalf of Respondent No: 1, 4 & 5

Affidavit

I, Abdus Salam District Education Officer (Male) Kohat do hereby solemnly affirm and declare on oath that the contends of the accompanying Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed withheld from this Honorable court.

Deponent



ABDUS SALAM
DISTRICT EDUCATION OFFICER
(MALE) KOHAT

DATE OF

Call

Amir A

(9)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT

No. 1823
To

Dated Kohat the 07-04 2021.

1. Syed Shah Raza GPS Malang Abad Kohat
2. Mr. Imtiaz Ali SPST GPS KDA No: 1 Kohat

Subject **EXPLANATION**

It is to inform you that vide this office Order No: 1727-33 dated 02.04.2021, you were directed to ensure compliance for actualization of your subject promotion schools with transfer order for your new assigned post i.e. GPS Dhock Mashal, GPS Terwa Bera No: 1 respectively.

That consequent to above you are still not obeying the lawful good order of the authority, why the show cause notice should not be served to you for committing mis conduct on your part/ Therefor you are hereby directed to explain your position within a week time positively with relevant fact.

Dy: DISTRICT EDUCATION OFFICER
(MALE) KOHAT

Endst No _____

Copy of the above is forwarded for information to the:-

1-2 SDEO(M) Kohat & Lachi

Sotc
Abdul Ghani
Assistant (BPS-16)
DEO(F) Office Kohat

Dy: DISTRICT EDUCATION OFFICER
(MALE) KOHAT

ANNEX-B

5

IN THE KHYBER PAKHTOONKHWASERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No. 1069/2019

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS


District Education Officer (Male) Kohat & OthersRespondents

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6.	Copy of letter dated, 20.03.2019	C	0-11
7.	Copy of Order Dated 03.04.2019	D	0-12
8.	Copy of Departmental appeal with receipt	E	13-14
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Appellant

Through


Qaisar Abbas Bangash. 20/8/2019
Advocate, High Court,
Peshawar.

Off: R, No.20, Khalil Plaza,
G.T.Road, Peshawar
Cell: 0300-5871466

6

IN THE KHYBER PAKHTOONKHA SERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No. /2019

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

1. District Education Officer (Male) Kohat.
2. Sub: Divisional Education Officer (Male) Kohat.
3. Director Elementary & Secondary Education, Khyber pakhtoonkhwa,
G.T Road, Peshawar.
4. Secretary, Govt; of KP, Elementary & Secondary Education, Civil Secretariat,
Peshawar.Respondents

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE OFFICE
ORDER END: NO.2841-45, DATED 03.04.2019 OF RESPONDENT NO.1,
WHEREBY PROMOTION OF THE APPELLANT VIDE ORDER NO. 815/22, DATED,
31.01.2019 HAS BEEN SUSPENDED AND THE APPELLANT HAS BEEN
RESTRICTED FROM PROMOTION FOR NEXT FOUR (4) YEARS.**

Respectfully sheweth,

1. That the appellant is the permanent resident of Village Usterzai Payan, District Kohat and serving as Senior Primary School Teacher (SPST) in GPS Malangabad, Kohat.
2. That the appellant was initially appointed as PTC teacher on 15.05.1993 in BPS-07 and getting promotion from time to time presently is serving as Senior Primary School Teacher (SPST) in BPS-14 in GPS Malangabad, Kohat, to the entire satisfaction of his superiors without any complaint.
3. That the Department vide Office Order End: No.815/22, dated, 31.01.2019 of Respondent No.1 issued combined promotion Order whereby the appellant was promoted from the present post of (SPST) BPS- 14 to the post of (PSHT) Primary School Head Teacher BPS- 15 to GPS Tilkin, Gumbat, Distt: Kohat, however through Corrigendum/ partial modification in the said Order the department vide office Order End: No.1272-76, dated- 15.02.2019 transferred the appellant from GPS Tilkin to GPS Khwaja Pail, Distt: Kohat (Copy of promotion Order dated 31.01.2019 and Corrigendum dated- 15.02.2019 are attached as annexed- "A" & "A/1").

4. That the appellant feeling aggrieved of the said Order having serious security problems due to communal clashes, moved an application to Respondent No.1 stating therein that " the appellant belong to Shia Community and in the present place of posting on promotion in past so many sectarian clashes have occurred which resulted in loss of precious lives, therefore, keeping in view the security risk in future, the appellant may graciously be posted/ re-adjusted on any detailed post in Kohat city or nearby Shia Territory so that the appellant may perform his duty freely and without any fear". The appellant during this period did not take charge of the post of PSHT on promotion and waited for reply of the Respondent No.1 regarding re-adjustment on a detailed post. (Copy of application is attached as annexed-"B").
5. That it is important to mention that the same fact and plea of the appellant regarding communal clashes and security threats was recognized and endorsed by the Local MPA Zia Ullah Bangash Advisor to Chief Minister on Elementary & Secondary education K.P who was kind enough to write a letter to Respondent No.1 as well to the worthy Deputy Commissioner in this regard. (Copy of letter dated, 20.03.2019 is attached as annexed- "C").
6. That the Deptt: /office of Respondent No.1 totally ignored the said request of the appellant as well of the worthy Local MPA duly in writing rather wrongly and illegally assumed vide office Order End: No. 2841-45, dated- 03.04.2019 that "the refusal from SPST to PSHT of the following SPST Kohat are hereby accepted on their own request, so they may be restricted from promotion for next four (4) years". (Copy of Order Dated 03.04.2019 is attached as annexed- "D").
7. That feeling aggrieved of the said impugned order dated- 03.04.2019 of Respondent No.1, the appellant filed Departmental Appeal before the competent authority (Respondent No.3) on 29.04.2019, which is still pending adjudication and not decided as yet. (Copy of Departmental appeal is attached as annexed- "E").
8. That it is pertinent to point out that the statutory period of 90 days regarding deciding of appeal has already been lapsed, hence feeling further aggrieved of the impugned order dated- 03.04.2019 the appellant approaches this Hon'ble Tribunal for relief inter- alia on the following other grounds:-

GROUNDS:

- a. That the impugned order dated 03.04.2019 of Respondent No.1 is based on malafide, illegal, arbitrary, without lawful authority, discriminatory and against the law, rules and regulations, hence untenable and liable to be set aside.
- b. That the appellant has never refused the promotion from SPST to the post of PSHT but has only requested the Respondent No.1 through application for re-adjustment on a detailed post in Kohat City or nearby Shia locality for

8

3

the reason that the place of posting/transfer on promotion i.e GPS Khwaja Pail, Distt: Kohat was a far flung area where the appellant belonging to Shia community was not feeling secured as in past so many communal clashes have taken place, which fact has duly been recognized and endorsed by the worthy local MPA of the appellant in writing, hence the office of Respondent No.1 giving no weight to the genuine request of the appellant, wrongly and illegally has issued the impugned Order suspending the promotion of the appellant and imposing restriction from promotion for next four (4) years.


- c. That the appellant has never given any undertaking to the department waiving his right of promotion, therefore, the department has wrongly and illegally deprived the appellant from the right of promotion having 28/27 years' service to his credit.
- d. That the relevant statute, rules and regulations also do not provide restriction from promotion for next four (4) years in such like circumstances; hence, respondents have committed gross illegality and acted in excess of the authority vested with them under the law.
- e. That the department after the said promotion Order of the appellant has issued another promotion Order from BPS-12 to BPS-14 of other Teachers whereby the Teachers belonging to Shia Community have been posted in their own nearest areas or Kohat city area.
- f. That the appellant seeks leave of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

PRAYER:

It is therefore, very humbly prayed, that on acceptance of this appeal the impugned Order dated- 03.04.2019 being illegal, arbitrary, discriminatory, without lawful authority, against the law, facts, rules and regulations may very graciously be set aside and the appellant be ordered to be posted/ re-adjusted in the nearest Shia locality or Kohat city in light of the Promotion Order dated- 31.01.2019 and Corrigendum dated- 15.02.2019.


Appellant

Through


Qaisar Abbas Bangash
Advocate Supreme Court
Of Pakistan

20/8/19

Off: R. No.20, Khalil Plaza,
G.T.Road
Peshawar.

Cell: 0300-5871466

9

4

IN THE KHYBER PAKHTOONKHW A SERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No. /2019

Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST) Malangabad, Kohat:Appellant

VERSUS

District Education Officer (Male) Kohat & OthersRespondents

AFFIDAVIT

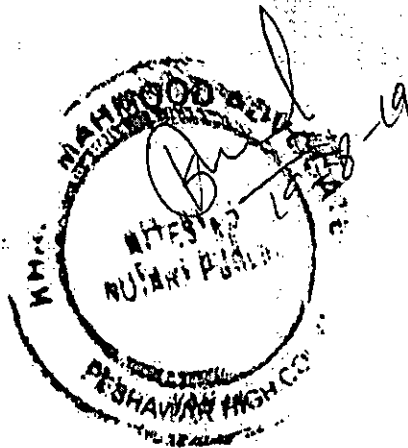
I, Syed Shah Raza s/o Syed Arif Hussain r/o Village Usterzai Payan, Distt: Kohat, do hereby affirm and declare on oath that contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Signature
DEPONENT

CNIC NO. 14301-3896528-1

IDENTIFIED BY:

Signature
Qaisar Abbas Bangash
Advocate Supreme Court of Pakistan.



5

IN THE KHYBER PAKHTOONKHWASERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No. /2019

Syed Shah Raza s/o Syed ArifHussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.Appellant

VERSUS

District Education Officer (Male) Kohat& OthersRespondents

MEMO OF ADDRESSES

APPELLANTS:

Syed Shah Raza s/o Syed ArifHussain Senior Primary School Teacher (SPST)
Malangabad, Kohat

RESPONDENTS:

1. District Education Officer (Male) Kohat.
2. Sub: Divisional Education Officer (Male) Kohat.
3. Director Elementary & Secondary Education, Khyber pakhtoonkhwa,
G.T Road, Peshawar.
4. Secretary, Govt; of KP, Elementary & Secondary Education, Civil Secretariat,
Peshawar.

[Signature]
Appellant

Through

[Signature]
Qaisar Abbas Bangash
Advocate Supreme Court
Of Pakistan

Annex-C

11

IN THE KHYBER PAKHTOONKHTWA SERVICE TRIBUNAL PESHAWAR

IN RE: Service Appeal No. 1069 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1179

Dated 20/8/2019

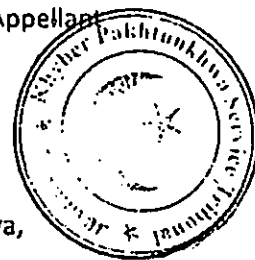
Syed Shah Raza s/o Syed Arif Hussain Senior Primary School Teacher (SPST)
Malangabad, Kohat.

.....Appellant

VERSUS

1. District Education Officer (Male) Kohat.
2. Sub: Divisional Education Officer (Male) Kohat.
3. Director Elementary & Secondary Education, Khyber pakhtoonkhwa,
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4. Secretary, Govt. of KP, Elementary & Secondary Education, Civil Secretariat,
Peshawar.

.....Respondents



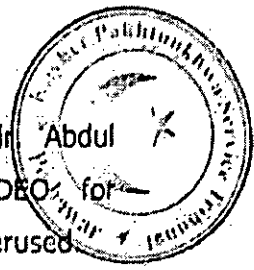
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RESTRICTED FROM PROMOTION FOR NEXT FOUR (4) YEARS.

Respectfully sheweth,

Filed to-day
Registrar
20/8/19

1. That the appellant is the permanent resident of Village Usterzai Payan, District Kohat and serving as Senior Primary School Teacher (SPST) in GPS Malangabad, Kohat.
2. That the appellant was initially appointed as PTC teacher on 15.05.1993 in BPS-07 and getting promotion from time to time presently is serving as Senior Primary School Teacher (SPST) in BPS-14 in GPS Malangabad, Kohat, to the entire satisfaction of his superiors without any complaint.
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Verified to be true copy
Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



ORDER

04.10.2021

Appellant alongwith his counsel present. Mr. Abdul Rashid, DDA alongwith Mr. Waheed Gul, ADEO for respondents present. Arguments heard and record perused

Vide our detailed judgment of today in Service Appeal No. 1068/2019 titled "Imtiaz Ali -vs- District Education Officer (Male) Kohat and three others" prayer of the appellant in the instant appeal is also partially accepted to the extent that his promotion order dated 31.01.2019 is restored for the purpose of length of service and seniority but without financial benefits as the promotion as PSHT (BS-15) had not been actualized against the post of PSHT (BS-15) at GPS Tilkin, Gumbat, District Kohat within the permissible period of joining time. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
04.10.2021

(AHMAD SULTAN TAREEN)
CHAIRMAN

(Mian Muhammad)
Member(E)

Certified to be true copy

OWNER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 04-10-21
 Number of Wards 800
 Copying Fee 10/-
 Urgent _____
 Total 10/-
 Number of Copies _____
 Date of Completion of Copy 22-10-21
 Date of Delivery of Copy 22-10-21



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06 / 8 / 2020

No.S0(Policy)E&AD/1-3/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 1973), the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the following further amendment shall be made, namely.

AMENDMENT

In rule 7, sub-rule (5) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

ENDS: NO & EVEN DATE

Copy is forwarded to:-

1. Additional Chief Secretary, Govt of Khyber Pakhtunkhwa, Planning & Development Department
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar Peshawar High Court, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration Department.
15. The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

Wardah Latif

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)