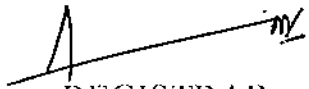


FORM OF ORDER SHEET

Court of _____

Case No. - 214/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/1/2023	<p>The appeal of Mr. Atta-ur-Rehman presented today by Mr. Amjad Ali Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 214 /2023

Atta ur Rehman (Junior Clerk BPS-11 DEO(F) Mardan)

.....(Appellant)

VERSUS


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

..... (Respondents)

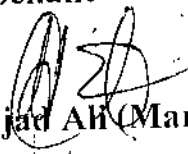
INDEX

Serial No	Description of Documents	Annexure	Pages
1	Service Appeal along with affidavit		1-6
2	Application for suspension of impugned orders along with affidavit		7-8
3	Copy of the CNIC, office order dated 03/02/2018, service performance certificate & monthly salary statement of wife of appellant	A	9-12
4	Copy of the office order dated 14/07/2021	B	13
5	Copy of the office order dated 20/08/2021	C	14
6	Copy of the cancellation dated 03/09/2021	D	15
7	Copy of the letter dated 07/12/2022	E	16
8	Copy of the office order dated 04/01/2023	F	17
9	Copy of office order dated 11/01/2023	G	18
10	Copy of the departmental appeal dated 12/01/2023	H	19
11	Copy of office order dated 20/01/2023	I	20
12	Copy of the letter dated 19/01/2023	J	21
13	Copy of the show cause notice dated 21/01/2023	K	22
14	Copy of the transfer policy	L	23-26

15	Wakalatnama		27
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Appellant

Through


Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Dated: 23/01/2023

(1)

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 214 /2023

Atta ur Rehman (Junior Clerk BPS-11 DEO(F) Mardan)
.....(Appellant)

VERSUS

1. Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
2. Secretary Elementary and Secondary Education Civil Secretariate Peshawar.
3. Director of Elementary & Secondary Education KP at Directorate of E&SED Hashtangari Chowk, Near Qila Bala Hisar Peshawar.
4. District Education Officer (female) Mardan
5. Shahid Islam Junior Clerk (BPS-11) presently posted at GHS Sangao Mardan

.....(Respondents)

SUBJECT: Appeal under Section 4 of Service Tribunal Act, against the office order bearing Endst No 33-36 dated 04/01/2023 passed by respondent no 4 and transfer order dated 11/01/2023 passed by respondent 3 wherein appellant is transferred from the office of DEO(F) Mardan to GHSS Khanano Dherai Buner pre-mature transfer and against the wedlock transfer policy and the rejection order dated 20/01/2023 passed by the respondent no 2 on the appeal of the appellant as well as show cause notice dated 21/01/2023 are illegal against law and facts without lawful authority, void ab initio and liable to be set aside.

Respected Sir,

Appellant humbly submits as under:

1. That appellant was appointed vide order dated, 12/11/2018.
2. That wife of appellant namely Saima Kausar is posted as Primary School Teacher (BPS-12) and is currently performing duty at GGPS Qasim No 1 Mardan as evident from service performance certificate, office order dated 03/02/2018 and monthly salary statement (Copy of the CNIC, office order dated 03/02/2018, service performance certificate & monthly salary statement of wife of appellant is attached as Annexure A)

- 2
3. That appellant performed duties to the entire satisfaction of his superiors and there is no complaint against the appellant.
 4. That appellant is transferred from GHSS No 1 Mardan to DEO (F) Mardan vide office order dated 14/07/2021 **(Copy of the office order dated 14/07/2021 is attached as Annexure B)**
 5. That after one month, appellant is again transferred from DEO(F) Mardan to GHS, Jhanga Mardan vide office order dated 20/08/2021 **(Copy of the office order dated 20/08/2021 is attached as Annexure C)**
 6. That respondent no 3 withdraw the transfer order dated 20/08/2021 vide cancellation dated 03/09/2021. **(Copy of the cancellation dated 03/09/2021 is attached as Annexure D)**
 7. That respondent no 4 vide letter no 9126 dated 07/12/2022 expressed full satisfaction with the duties and responsibilities of appellant as Junior Clerk in the office of DEO(F) Mardan **(Copy of the letter dated 07/12/2022 is attached as Annexure E)**
 8. That to the surprise and dismay of the appellant, the services of the appellant are again placed at the disposal of the Directorate of Elementary & Secondary Education KP on administrative ground vide office order dated 04/01/2023 and later on appellant is transferred vide office order dated 11/01/2023 from DEO(F) Mardan to GHSS Khanano, Dherai Buner on administrative ground which is illegal against law and facts **(Copy of the office order dated 04/01/2023 is attached as Annexure F & Copy of office order dated 11/01/2023 is attached as Annexure G)**
 9. That appellant filed departmental appeal dated 12/01/2023 against the office orders dated 04/01/2023 & 11/01/2023 which is regretted vide office order dated 20/01/2023 **(Copy of the departmental appeal dated 12/01/2023 is attached as Annexure H & Copy of office order dated 20/01/2023 is attached as Annexure I)**
 10. That before regretting the departmental appeal of the appellant, the Deputy Director (F&A) Directorate of Elementary & Secondary Education KP is instructing the respondent no 4 vide letter dated 19/01/2023 to issue show cause notice to the appellant which speaks of the malafide of the officials of the Education Department and to please their political masters **(Copy of the letter dated 19/01/2023 is attached as Annexure J)**
 11. That respondent no 4 issued show cause notice dated 21/01/2023 to the appellant without allowing 01 month time which is allowed as per rules to submit compliance which in itself shows the

malafide of the officials of the Education Department (Copy of the show cause notice dated 21/01/2023 is attached as Annexure K)

3

12. That impugned office order bearing Endst No 33-36 dated 04/01/2023 passed by respondent no 4 and transfer order dated 11/01/2023 passed by respondent 3 wherein appellant is transferred from the office of DEO(F) Mardan to GHSS Khanano Dherai Buner being pre-mature transfer and against the wedlock transfer policy and the rejection order dated 20/01/2023 passed by the respondent no 2 on the appeal of the appellant as well as show cause notice dated 21/01/2023 are illegal against law and facts on the following grounds:

GROUNDS

A. Because appellant has performed duties to the entire satisfaction of his superiors and in this respect a letter no 9126 dated 07/12/2022 has been issued by respondent no 4 expressing her full satisfaction with the duties and responsibilities of the appellant.

B. Because the impugned transfer is in contravention of the transfer policy of the Provincial Government wherein it is specifically provided that posting/transfer shall not be misused/abused to victimize a civil servant. The relevant Para is reproduced as under: (Copy of the transfer policy is attached as Annexure L)

“i). All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants.”

C. Because there is no provision for transfer on administrative grounds and it is specifically prohibited in the posting/transfer policy.

D. Because the appellant has not completed his tenure at his existing station and therefore the impugned transfer being pre-mature is illegal and against the transfer policy. The relevant para is reproduced as under:

“iv). Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.”

E. Because while making transfer orders, the authority has to look into the following factors:

4

“ 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.”

In the instant case, the performance of the appellant has been termed satisfactory by the District Education Officer female Mardan and the tenure of the appellant is not complete at his existing station and therefore the impugned transfer is in contravention of the clear policy of transfer of KP Government.

- F. Because impugned transfer orders are the result of political pressure which has been consistently deprecated by this Honorable Tribunal as well as the Honorable Supreme Court of Pakistan.
- G. Because the appellant is not allowed even the joining time of one month and are issuing instructions to issue show cause notice before regrettal of the departmental appeal to pressurize the appellant and to satisfy their political masters.
- H. Because it is strange that on 07/12/2022 the performance of the appellant is termed by the respondent no 4 as satisfactory and just after a month i.e on 20/01/2023, the newly temporarily appointed respondent no 4 is issuing show cause notice to the appellant which in itself speaks of the malafide of the Education Department just to please their political masters.
- I. Because the wife of the appellant is performing duty for the last 21 years in the Education Department and is currently posted as Primary School Teacher (BPS-12) in the GGPS Qasim No-1 Mardan and therefore the impugned transfer is

illegal and in contravention of the wedlock transfer policy of the Provincial Government. The relevant Para of the transfer policy is reproduced as under:

5

“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.”

J. Because the impugned transfer is in contravention of Article 35 of the Constitution of Pakistan 1973 which guarantees protection of marriage and family. Article 35 of the Constitution of Pakistan 1973 is reproduced as under:

“Protection of family, etc.

35. The State shall protect the marriage, the family, the mother and the child.”

K. Because appellant is made a rolling stone at the hands of the respondents due to frequent transfers without any plausible reason just to please their political masters and pressurize the appellant.

L. Because the appellant is regularly performing duty to the entire satisfaction of his superiors.

M. Because soliciting impugned show cause notice to the appellant is the result of malice and is totally a void order.

N. Because void order has got no legal status and can't be implemented/obeyed.

O. Because impugned orders are without lawful authority.

P. Because the Departmental Appeal as well as the service appeal are within time.

Q. Because giving effect to impugned void orders means down-throdding the whole transfer policy.

R. Because the appointment of the appellant is on divisional basis and appellant cannot be transferred outside the division.

S. Because appellant is a low-paid employee and transferring appellant to Buner from District Mardan is clear-cut victimization of the appellant.

T. Because the respondents have got no authority to transfer the

appellant from settled area (i.e District Mardan) to unsettled area (i.e Buner) without the express permission of the Chief Secretary of the Province of KP as enshrined the transfer/posting policy.

6

U. Because the appellant being appointed in Divisional cadre can at most be transferred within the Division (i.e Mardan Division) and the Director for settled and unsettled areas are different and Director of settled area cannot transfer an employee of settled area to unsettled area and therefore the order is without lawful authority and untenable in the eye of law.

It is therefore humbly prayed that on acceptance of this service appeal, impugned office order bearing Endst No 33-36 dated 04/01/2023 passed by respondent no 4 and transfer order dated 11/01/2023 passed by respondent 3 wherein appellant is transferred from the office of DEO(F) Mardan to GHSS Khanano Dherai Buner being pre-mature transfer and against the wedlock transfer policy and the rejection order dated 20/01/2023 passed by the respondent no 2 on the appeal of the appellant as well as show cause notice dated 21/01/2023 may please be set aside and appellant may please be permitted to perform his duty in the office of DEO(F) Mardan as per the wedlock transfer policy of the KP Government. Any other relief deemed fit may also be graciously granted.

Through

Appellant

Amjad Ali (Mardan)
Advocate

Supreme Court of Pakistan

Dated: 23/01/2023

AFFIDAVIT

I, Atta ur Rehman (Junior Clerk BPS-11 DEO(F) Mardan) (appellant) do hereby solemnly affirm and declare that all the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.

Deponent

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

CM No. _____ /2023

IN

Service Appeal No. _____ /2023

7

Atta ur Rehman (Junior Clerk BPS-11 DEO(F) Mardan)

.....(Applicant)

VERSUS

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

..... (Respondents)

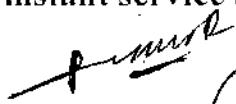
Subject: Application for suspension of operation of impugned office order bearing Endst No 33-36 dated 04/01/2023 passed by respondent no 4 and transfer order dated 11/01/2023 passed by respondent 3, the rejection order dated 20/01/2023 passed by the respondent no 2 on the appeal of the appellant as well as show cause notice dated 21/01/2023 till decision of the instant service appeal.

Respected Sir,


Applicant humbly submits as under:

1. That the aforementioned appeal has been filed today.
 2. That the impugned transfer of the appellant/applicant is an illegal order, in violation of the transfer/posting policy being pre-mature as well as in contravention of the wedlock policy which infringes Article 35 of the Constitution of Pakistan 1973 and therefore the impugned transfer is an illegal order and not tenable in the eye of law.
 3. That appellant/applicant has a strong prima facie case and is sanguine about its success.
 4. That balance of convenience lies in favour of the appellant/applicant.
 5. That there shall be irreparable loss to the appellant/applicant if the impugned orders are not suspended.
-

It is therefore humbly requested that the operation of impugned office order bearing Endst No 33-36 dated 04/01/2023 passed by respondent no 4 and transfer order dated 11/01/2023 passed by respondent 3, the rejection order dated 20/01/2023 passed by the respondent no 2 on the appeal of the appellant as well as show cause notice dated 21/01/2023 may please be suspended till decision of the instant service appeal.


Applicant


Through


Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

Dated: 23/01/2023

AFFIDAVIT

I, Atta ur Rehman (Junior Clerk BPS-11 DEO(F) Mardan) (appellant/applicant) do hereby solemnly affirm and declare that all the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal.


Deponent

Annex A (9)



کسترو کارڈ سے برقراری کے لیے اس کارڈ میں ڈال دیں

CLEAR COPY

10

**OFFICE OF THE DISTRICT EDUCATION OFFICERS (FEMALE)
MARDAN**

Phone / Fax No. 0937-9280150

OFFICE ORDER

In compliance with the Notification issued by Secretary E&SE Khyber Pakhtunkhwa, Peshawar vide No.SO(PK) 2-7/FATA Settled Frontier/ Khyber Pakhtunkhwa/ M.S Saima Kausar PST/ 17 dated 16.01.2018, the undersigned is hereby to adjust, Mst. Saima Kausar PSP 12 in GGPS Qasim (Toru) No.1 and base for a period of three (3) years. In the best interest of public interest with immediate effect.

Note: No. TA/DA is allowed.

Charge Report should be submitted to all concerned.

(Samina Ghani)
DISTRICT EDUCATION OFFICER,
(FEMALE) MARDAN

Endst No. 1165-70/ PST File dated Mardan the 03.2.2018

Copy forwarded to the:-

1. PS to Secretary E&SE Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. District Account Officer Mardan.
4. EDHO (F) Mardan.
5. Supdt Local Office.
6. Personal File.

DISTRICT EDUCATION OFFICER,
(FEMALE) MARDAN

OFFICE ORDER

In compliance with the notification issued by the Government of Punjab, vide No. 311/P2/2018, dated 14/01/2018, regarding the appointment of teachers for a period of three (3) years to the best interest with immediate effect.

Date: 03/02/2018


Charge Report should be submitted to all concerned.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER,
(FEMALE) MARDAN.

OS No. 1165-70 / PSF File dated Mardan the 03/02/2018

Copy forwarded to the:

- 1. P.O. Secretary, E&SE, Shyba Poshunkhwa Poshawat
- 2. P.O. Shyba Poshunkhwa Poshawat
- 3. District Account Officer Muzaffar
- 4. DZO (F) Mardan
- 5. Supdt. Local Office
- 6. Personal File


DISTRICT EDUCATION OFFICER,
(FEMALE) MARDAN.

Service Performance Certificate (11)

It is certificate that Miss
Saimee Kausar wife of Ataur Rehman
working as primary school teacher
in G.O.P school Gasim No. 1
Mardan.

Ataur Rehman
REGISTRAR
Govt. H.S. Pr. S.
No. 1 Gasim (Mardan)
20-01-2023

Dist. Govt. KP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (November-2022)



Personal Information of Mrs SAIMA KASUAR d/w/s of BEHRAMAND

Personnel Number: 00355141 CNIC: 1730113775178 NTN:
 Date of Birth: 08.01.1980 Entry into Govt. Service: 13.12.2001 Length of Service: 20 Years 11 Months 019 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL TEACHER 80003434-DISTRICT GOVERNMENT KHYBE
 DDO Code: MR6158-DY.DISTRICT EDUCATION OFFICER (F) M
 Payroll Section: 003 GPF Section: 001 Cash Center: 44
 GPF A/C No: GPF Interest applied **GPF Balance:** 249,069.00 (provisional)
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 12 Pay Stage: 13

Wage type		Amount	Wage type		Amount
0001	Basic Pay	38,360.00	1001	House Rent Allowance 45%	2,940.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	500.00	2199	Adhoc Relief Allow @10%	340.00
2316	Teaching Allowance 2021	2,664.00	2341	Dispr. Red All 15%.2022KP	3,870.00
2347	Adhoc Rel Al 15% 22(PS17)	3,870.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-2,220.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-130.00	3990	Emp.Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,069.98 Recovered till NOV-2022: 650.00 Exempted: 516.49 Recoverable: 903.49

Gross Pay (Rs.): 56,900.00 Deductions: (Rs.): -4,275.00 Net Pay: (Rs.): 52,625.00

Payee Name: SAIMA KASUAR
 Account Number: 6360003
 Bank Details: THE BANK OF KHYBER, 080015 SECRETARIAT BR. PESHAWAR. SECRETARIAT BR. PESHAWAR., Peshawar

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: MARDAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email: hoiyarahman@gmail.com

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION**

KHYBER PAKHTUNKHWA, PESHAWAR

Phone 091-9225344 Email ddadmin.ese@gmail.com

OFFICE ORDER

The posting/ transfer in respect of the following officials is hereby ordered on their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S #	Name/ Design	Present posting	Adjustment at	Remarks
1	Mr. Atta ur Rahman J/C	GHSS No.1 Mardan	DEO (F) Mardan	V.S No.02
2.	Mr. Bahar Ali J/C	DO (F) Mardan	GGHSS No.1 Mardan	V.S No.01

Note:

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.

Director
Elementary & Secondary Education
Khyber Pakhtukhwa, Peshawar

Endst No. 155-59/ F No. A/-23/ MS/ transfer/ Mardan/ Vol-1/2020

Dated Peshawar the 14.07.2021

Copy forwarded to the:-

1. District Education Officer (M/F) Concerned.
2. District Account Officer Concerned.
3. Official Concerned.
4. Master File.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Deputy Director
Director E & Secondary Education
Khyber Pakhtunkhwa, Peshawar



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR
 Phone: 091-9225144

Am B B

Office Order

The Posting/ transfer in respect of the following officials is hereby ordered on their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S.#	Name/Design	Present Posting	Adjustment of	Remarks
1	Mr. Alta ur J/C	GHSS No.1 Mardan	DEO (F) Mardan	V.S.No. 02
2	Mr. Bahar Ali J/C	DEO (F) Mardan	GHSS No.1 Mardan	V.S.No. 01

Note

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.

DIRECTOR

Elementary & Secondary Education
 Khyber Pakhtunkhwa, Peshawar

Endst: No: 155-59

/F.No. / A-23/MS/transfer/Mardan/Vol-1/2020

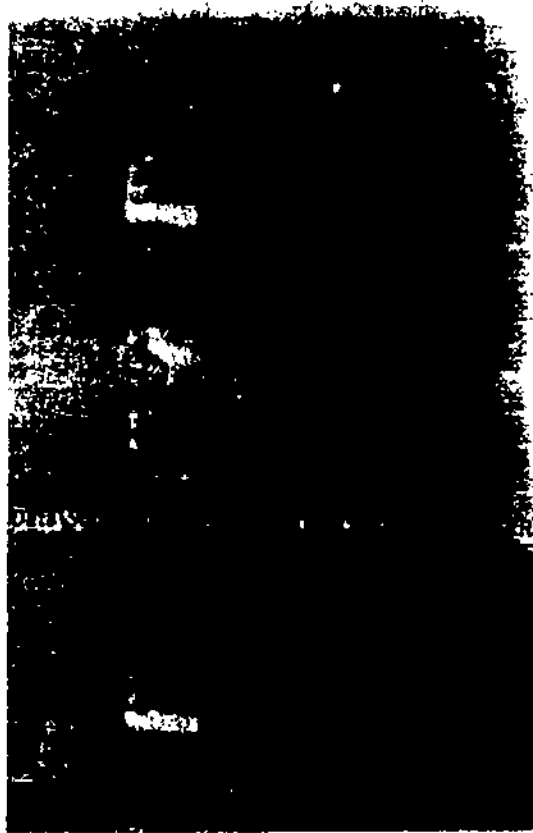
Dated Peshawar the 14/07/2021.

Copy forwarded to the:-

1. District Education Officer (M/F) Concerned.
2. District Account Officer Concerned.
3. Official concerned.
4. Master File.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

[Signature]
 Deputy Director (F&A)

Directorate E& Secondary Education
 Khyber Pakhtunkhwa, Peshawar



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

Phone 091-9225344

Email ddadmin.ese@gmail.co

OFFICE ORDER

The posting/ transfer in respect of the following officials is hereby ordered on their own pay and BPS in the interest of public service with effect.

S #	Name/ Design	Present posting	Adjustment at	Remarks
1	Mr. Atta ur Rahman J/C	DEO (Female) Mardan	GHS Jhanga Mardan	V.S No.02
2.	Mr. Sadiq AMin J/c	GHS Jhanga Mardan	DEO (F) Mardan	V.S No.01

Note:

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst No. 95-55/ F No. A/-23/ MS/ transfer/ Mardan/ Vol-KPK

Dated Peshawar the 20.08.2021

Copy forwarded to the:-

1. District Education Officer (M/F) Concerned.
2. District Account Officer Concerned.
3. Principle concerned.
4. Official Concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File

Deputy Director (F&A)
Director E & Secondary Education
Khyber Pakhtunkhwa, Peshawar



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
 KHYBER PAKHTUNKHWA PESHAWAR
 Phone: 091-0225344
 Email: dces@peshawar.gov.pk

Ans (C)
 14

Office Order

The posting/transfer in respect of the following officers is hereby ordered on their own pay and RPS in the interest of public service.



File No: /E.No. /A-23/MS/transfer/Mardan Vol-3 KPE
 Dated Peshawar the 5th / 8 / 2021.

Copy forwarded to the:-

1. District Education Officer (M/F) Mardan.
2. District Account Officer concerned.
3. Principal concerned.
4. Officials concerned.
5. D.A. to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

2021 (P.S.)

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15

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

Phone 091-9225344

Email ddadmin.ese@gmail.co

CANCELLATION

The posting/ transfer order issued vides this office Endst No. 950-55 dated 20.08.2021 is hereby by withdrawn.

Director
Elementary & Secondary Education
Khyber Pakhtukhwa, Peshawar

Endst No. 5004-09/ F No. A/-23/ MS/ transfer/ Mardan/ Vol-I/KPK

Dated Peshawar the 03.09.2021

Copy forwarded to the:-

1. District Education Officer (M/F) Concerned.
2. District Account Officer Concerned.
3. Principle concerned.
4. Official Concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

Additional Director (PE&S)
Director E & Secondary Education
Khyber Pakhtunkhwa, Peshawar



(D)
(15)



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

Phone: (91) 92253111 Email: ddadm@ee@pk.gov.pk

CANCELLATION

The posting/transfer order issued vide this office Order No. 950/55 dated 20/08/2021 is hereby **Withdrawn**.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Order No. 5004-09 / F No /A-23/MS/Transfer Mardan/Vol-1/KPK
Dated Peshawar the 3/9 /2021

Copy forwarded to the:-

- 1. District Education Officer (M/F) Concerned.
- 2. District Account Officer Concerned
- 3. District Officer Concerned
- 4. District Officer Concerned
- 5. Office of the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar, Mardan file

[Signature]
Additional Director (PE&S)
Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar
21/9/21



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
MARDAN

PHONE/FAX NO. 0937-9230150
Email Address: emlmardan_dcofemale@peshwa.com

NO. 9126

Date 27-12-2022

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

Aux E
16

Subject: COMPLAINT ON PAKISTAN CITIZEN PORTAL.

Reference to letter No. 3197 dated 25/10/2022 on the subject cited above, it is submitted that one Mr. Atta ur Rahman, Junior Clerk, Local office is serving in this office since my arrival. The order mentioned in the complaint regarding the said Junior clerk was duly withdrawn by your good office vide endst No. 5004-09/F.No./A-23/MS/TransferMardan/Vol-1/KPK dated 03/09/2019. It is also submitted that I am fully satisfied with the duties and responsibilities of Mr. Atta ur Rahman, Junior Clerk in this office.

The report is submitted along with attachments for your kind perusal.


District Education Officer
(Female) Mardan

Encl. _____ Dated: _____ /2022.

Copies of this letter are being sent to the
Director, Elementary & Secondary Education, Khyber Pakhtunkhwa,
Peshawar and the District Education Officer, Mardan.


District Education Officer
(Female) Mardan



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)

MARDAN

PHONE/FAX NO.0937-9230150

Email Address: emismardan_deofemale@yahoo.com

Aux (F)
(17)

OFFICE ORDER

Services of the following officials of DEO (Female) office Mardan are hereby placed on disposal of Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar on administrative ground in the best interest of public service.

S. no.	Name of Official	Designation
1.	Mr. Yasir Ali Shah	Senior Clerk
2.	Mr. Atta ur Rehman	Junior Clerk

Endst: No. 37-36 Dated: 04-01-2023

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Mardan.
3. DMO, EMA Mardan.
4. Officials concerned.

(Atiya Sultana)
District Education Officer
(Female) Mardan

Sultana
04-01-2023
District Education Officer
(Female) Mardan



Aux-G
(18)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-0225344 Email: ddadmn_eee@gmail.com

Office Order

The posting/transfer in respect of the following officials is hereby ordered on their own pay and BPS on administrative ground as per report of DEO Female Mardan vide letter No 33-38 dated 04/01/2023 in the interest of public service with immediate effect

S.#	Name/Design:	Present Posting	Adjustment at	Remarks
1	Yasir Ali Senior Clerk BPS-14	DEO Female Mardan	GHSS Kharara Buner	A V P
2	Atta ur Rehman Junior Clerk BPS-11	DEO Female Mardan	GHSS Khanano Dherai Buner	A V P
3	Shahid Islam Junior Clerk BPS-11	GHS Sangao Mardan	DEO Female Mardan	V S N ?

Note -

- 1 Compliance report should be submitted to all concerned
- 2 No TA/DA etc is allowed

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: NO 6141-56 /F.No. IA-23/MS/Transfer Mardan Vol I/KPK. Dated Peshawar the 11-1- 2023
Copy forwarded to the: -

- 1 District Education Officer (Male/Female) Mardan
- 2 District Education Officer (Male) Buner
- 3 District Accounts Officer concerned.
- 4 Principal/HM concerned
- 5 Officials concerned
- 6 PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- 7 Master file.

Assistant Director (Admin)
Directorate of Elementary & Secy. Education
Khyber Pakhtunkhwa, Peshawar

To

Aux (H) (19)

The Secretary
E&SE Department
Govt: Of Khyber Pakhunkhwa
E&SE Department

Subject: **Request for cancellation of Transfer order**

R/Sir

With due respect it is stated that I am performing my duties as Junior Clerk in DEO(F) office Mardan with the entire satisfaction of high-up's.

That the newly teaching cadre Principal Namely Mst Attia Sultana adjusted on Purely temporary basis as DEO (F) Mardan placed the services of applicant to the Directorate of E&SE Peshawar vide No.36-37 dated 04.01.2023.(Copy attached) and later on the said act of transfer on political basis Director E&SED order No.6441-50 dated 11.01.2023(Copy attached) issued the transfer order.

That there is no complaint in black & white against the applicant but unfortunately the DEO (F) Mardan directly act upon the political personnel's without prior investigation or inquiry.

That the DEO(F) Mardan was given a certificate to the applicant given by Ex DEO(F) Mardan regarding no complaint.

That due to this act of DEO (F) Mardan the applicant is mentally disturbed as the applicant was performing his duties honestly.

That impugned order of DEO (F) Mardan is totally against the Law rules & Policy and based on malafied intensions and just for the happiness of local politician.

Keeping in view the above facts & figure , being competent authority it is therefore humbly requested to issued direction of cancellation of above mentioned order please..

I hope your good honor will give proper attention in the instant case.

Thanking you sir

Attia Sultana
12/01/2023
Yours truly,
ATTA UR REHMAN
J/Clerk O/O DEO (F) Mardan
0315-9768111



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block "A", Civil Secretariat, Peshawar

Dated Peshawar the 20th January, 2023

OFFICE ORDER

Ann (I) (20)

NO. SO(PE)2-1/General Posting Transfer: The Competent Authority is pleased to regret the appeal of **Mr. Atta Ur Rehman**, Junior Clerk (BPS-11), District Education Office (F), Mardan being deviated of merit.

-----sd-----

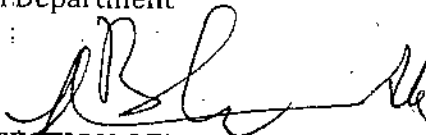
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

NO. SO(PE)2-1/General Posting Transfer

Dated 20-01-2023

Copy forwarded for information to;

1. Director, Elementary & Secondary Education Department.
2. The DEO (F), Mardan.
3. PS to Secretary, Elementary & Secondary Education Department


SECTION OFFICER (PRIMARY)
E&SE DEPARTMENT



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
No. 1063 / A-23/MS//Transfer/Mardan Vol-1/KPK

Phone: 091 922 1411

Dated Peshawar the 19-1- /2023
Email: dde@kpk.gov.pk

To

The District Education Officer
(Female) Mardan

Amr (J) (21) 9

Subject: **RELUCTANCE IN HANDING OVER CHARGE AFTER TRANSFER OF CLERICAL
STAFF ON ADMINISTRATIVE GROUNDS**

Memo:

I am directed to refer to your letter No.320 dated 16/01/2023 on the subject
cited above and to ask you to issue show cause notice to Mr. Atta ur Rehman (Clerk and
Mr. Yasir Ali Shah Senior Clerk immediately under intimation to this Directorate.

Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Encls: No

Copy forwarded to the:-

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Master File.

s/d
Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address:- emismardan_deofemale @ Yahoo.com

Aux K
22

SHOW CAUSE NOTICE.

In pursuance of the worthy Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar letter No.1063/A-23/MS/Transfer/Mdn: /Vol-I/KPK dated 11-01-2023.

You Mr. Attaur-Rahman Junior Clerk O/O DEO (F) Mardan under transfer to GGHS Khanano Dheri District Buner on administrative grounds vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar endst: No.641-50/F.No./A-23/MS/Transfer/MDn: /Vol-I/KPK dated 11-01-2023 with the direction to submit compliance report to all concerned. Further you were not allowed joining time except transfer time in the said order, but you have reluctance in handing over the office record/charge to the substitute so far, which has proved "your inefficiency and misconduct" and not obey the order of the high-ups.

Therefore, you are liable to be proceeded under Khyber Pakhtunkhwa Revised Efficiency and Disciplinary Rules 2011 and will be punished strictly for your irresponsible attitude towards your duties.

Now therefore, you are hereby called upon to show cause in written as to why disciplinary action should not be taken against you.

Your reply should reach to the under-signed within seven days of the receipt of this show cause for onward submission to the high-ups, failing which it will be presumed that you have nothing to offer in your defence.

You may also intimate this office as to whether you want to heard in person or not.

(MST.ATTIA SULTANA)
DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN.

430-34
Endst: No. _____ /Gen file Ministerial Staff file/Dated Mardan the 21/01/2023

Copy of the above is to be warded to the-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to his letter No. & date cited above.
2. P.S to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. DAO Mardan with the remarks to stop the pay above named official his Personal is No.897676.
4. Supdt: local office.
5. Mr. Attaur-Rahman Junior Clerk O/O DEO (F) Mardan under transfer to GGHS Khanano Dheri District Buner

Attia
21-01-2023
DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN.



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN

PHONE/FAX NO. 0937-9230150

Email Address:- emismardan_deofemale@yahoo.com

Aux **K**
22

SHOW CAUSE NOTICE.

In pursuance of the worthy Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar letter No.1063/A-23/MS/Transfer/Mdn: /Vol-I/KPK dated 11-01-2023.

You Mr. Attaur-Rahman Junior Clerk O/O DEO (F) Mardan under transfer to GGHS Khanano Dheri District Buner on administrative grounds vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar endst: No.641-50/F.No./A-23/MS/Transfer/Mdn: /Vol-I/KPK dated 11-01-2023 with the direction to submit compliance report to all concerned. Further you were not allowed joining time except transfer time in the said order, but you have reluctance in handing over the office record/charge to the substitute so far, which has proved "your inefficiency and misconduct" and not obey the order of the high-up's.

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You may also intimate this office as to whether you want to heard in person or not.

(MST.ATTIA SULTANA)
DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN.

Endst: No. 430-34 /Gen file Ministerial Staff file/Dated Mardan the 21-01 /2023

Copy of the above is to be warded to the-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar w/r to his letter No. & date cited above
2. P.S to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. DAO Mardan with the remarks to stop the pay above named official his Personal is No.897676.
4. Supdt: local office.
5. Mr. Attaur-Rahman Junior Clerk O/O DEO (F) Mardan under transfer to GGHS Khanano Dheri District Buner

Bult
21-01-2023
DISTRICT EDUCATION OFFICER
(FEMALE)MARDAN.

Aux (L)
(23)

Posting and Transfer

Statutory Provision:

Section 10 of the NWFP Civil Servants Act, 1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

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) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) ⁷⁹[]

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- vi) ⁸⁰While making posting/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. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. 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.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least 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 officers/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/ transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

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⁸¹ 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 Department 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.

⁸¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

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

- i) Pre-mature posting/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.

5. 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).

بعدالت فیس، عنوان سروس بڑا سونل ساور

27

Appellant 2023 منجانب

مورخہ: 21/01/2023

مقدمہ: عطاء الزمان (جوئر کارگر)

دعویٰ: Service appeal

جرم:

باجت تحریر آفندہ

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

آئن مقام ساور کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلاف دیئے جواب رہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء و خصوصی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کیلئے یا اپیل کی براندگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ دجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب یا بند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

2023

ماہ جنوری

المرقوم: 21

العبد

عواہ

العبد

کے لیے منظور ہے۔

مقام ساور

Accepted by:

عطاء الزمان (Appellant)

BC 105506
0321-9882434 0321-9870175
amjad.ali.advsc@yahoo.com

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