

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 7259/2021

Date of Institution ... 20.08.2021

Date of Decision ... 26.01.2022

Mr. Noor Hassan, (TC BS-19), District Education Officer Mohmand under transfer to Directorate of E&SE, Peshawar for further posting. ... (Appellant)

**VERSUS**

The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar and three others. ... (Respondents)

Noor Muhammad Khattak,  
Advocate

... For Appellant

Noor Zaman Khattak,  
District Attorney

... For official respondents No. 1 to 3

Javed Iqbal Gulbela,  
Advocate

... For private respondent No. 4

**AHMAD SULTAN TAREEN**  
**ATIQ-UR-REHMAN WAZIR**

...

...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case are

that the appellant, while serving as Teacher in Education Department was transferred and posted as District Education Officer (DEO) District Mohmand vide order dated 22-09-2020. The appellant accordingly assumed the charge and started performing his duty, but in the meanwhile, the appellant was again transferred and his services were placed at the disposal of Directorate of education for further posting and respondent No. 4 was posted as DEO Mohmand vide order dated 29-06-2021. Feeling aggrieved, the appellant filed departmental appeal, which was not responded within the stipulated timeframe, hence the instant service appeal with prayers that the impugned order dated 29-06-2021

may be set aside and the appellant may not be transferred from the post of DEO District Mohmand.

02. Learned counsel for the appellant has contended that the impugned transfer order is against law, facts and norms of natural justice, hence not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, as such the respondents violated Article-4 and 25 of the Constitution; that the impugned order has been passed in arbitrary and malafide manner, whereas the authority was bound to apply its judicial mind and the powers in this regard should not be exercised in an arbitrary manner. Reliance is placed on 2014 PLC (CS) 999; that the impugned order is politically motivated and was made on the recommendations of MNA of the constituency in violation of clause 2 of posting/transfer policy; that whenever there were statutory provisions or rules or regulations which governed the matter of posting/transfer of employees, the same must be followed, honestly and scrupulously. Reliance was placed on PLD 2013 SC 195; that the impugned transfer order is pre-mature and in violation of clause 4 of posting/transfer policy, whereas the appellant was required to complete his normal tenure against the post of EDO Education, but the appellant was not allowed to complete his tenure, which shows malafide on part of the respondents; that the appellant is on the verge of retirement and as per rule, he was required to complete his tenure until his retirement; that transfer/posting shall be made in accordance with provisions of transfer/posting policy in the best interest of public service, whereas the impugned transfer order was not made in the public interest, rather it was made on whim and wish of the respondents and the respondents cannot justify their illegal, unlawful and motivated orders passed at the behest of influential persons and the apex courts has invariably viewed with disfavor the postings and transfer of public servants every few months. Reliance was placed on 2014 PLC (CS) 1045; that the appellant was transferred within a period of seven months, if there was any complaint against the appellant,

authorities were competent under the law to proceed against appellant, but mere pre-mature transfers would not serve the purpose. Reliance was placed on 2015 PLC (CS) 1035.

03. Learned District Attorney for official respondents has contended that the appellant belong to teaching cadre and was posted against management cadre post as stop gap arrangement; that the appellant was transferred from the post of DEO through proper procedure without any political intervention; that in light of recommendations of placement committee issued vide order dated 25-10-2013, the department placed three candidates through summery to chief minister and in term of Rule-17(1) and (2) read with schedule-III of the Rule of Business, chief minister is the competent authority for posting/transfer of officers in BPS-18 and above; that departmental appeal of the appellant was processed and opportunity of personal hearing was afforded to the appellant, wherein he himself had withdrawn his appeal and has requested for adjustment elsewhere; that the impugned order has been issued in the interest of public service and respondent No. 4 has been adjusted due to his competency; that the appellant is in BPS-18, whereas the respondent No 4 is in BPS-19 and the post of DEO is in BPS-19, hence the respondent No 4 was rightly posted against the post of DEO; that as per section 10 of Civil Servant Act, 1973, the appellant is liable to serve anywhere in the province; that the appellant is not an aggrieved person, hence the instant appeal may be dismissed.

04. Learned counsel for private respondent No. 4 has contended that neither the impugned transfer order is politically motivated nor the said MNA has ever issued a letter in this regard for such transfer; that the MNA concerned has recorded his statement on affidavit that neither he has written down any letter, nor has ever signed the same, but the appellant has misused his letter head in an illegal manner just to mislead the august tribunal; that the appellant in his departmental appeal has never mentioned a single word about the transfer as

politically motivated, but have mentioned the same in service appeal, which means that the letter so annexed is false and fabricated one; that ordinarily transfer and posting could not be claimed as a matter of right and only government could determine as to which officer was suitable for which place. Reliance was placed on 2013 PLC (CS) 864 and 1991 PLC (CS) 374; that as per section 10 of Civil Servant Act, 1973, the appellant was bound to serve anywhere within province as per discretion of the employer. Reliance was placed on 2016 PLC (CS) 920; that civil servant could not claim posting at a particular station or at the place of his choice. Reliance was placed on 2004 PLC (CS) 705.

05. We have heard learned counsel for the parties and have perused the record.

06. During the course of arguments, the learned District Attorney was asked whether the appellant as well as private respondent No. 4 belong to the teaching cadre or not, but he frankly conceded that both of them belong to teaching cadre, but the impugned transfer order was a stopgap arrangement. Attention of the learned District Attorney was invited to the judgment dated 18-11-2009 of Peshawar High Court passed in Writ Petition No. 2937/2009, which has held that it is not befitting for teachers to hold administrative posts because they are getting benefits, but students are suffering; thus they shall go to their respective places. In view of the situation, respondents No. 2 and 3 were put on notice to show cause as to why they have made the posting of officers from the teaching cadre against the post of management cadre, failing which why a formal complaint should not be sent to honorable High Court for initiation of contempt of court proceedings against the concerned authorities in accordance with law. In response, respondents No. 2 and 3 submitted their written stance that due to shortage of officers of management cadre, the teaching cadre staff is posted against management cadre purely as a stopgap arrangement, as soon as the


deficiency is met out, the management cadre posts will be filled in by the officers of management cadre. Reply to this effect was considered satisfactory.


07. Record reveals that the appellant as well as respondent No. 4 belong to teaching cadre. The appellant is in BPS-18, whereas the respondent No. 4 is in BPS-19. We have observed that posting of the appellant against the post of DEO was made as a stopgap arrangement and the appellant being a teaching cadre staff cannot claim his transfer against a management cadre post as a matter of right. On the other hand transfer of respondent No. 4 against the post of DEO was made after approval of the competent authority and the transfer order did not suffer from any infirmities nor had been passed in flagrant violation of any principle and same could not be struck down.

08. Departmental appeal of the appellant was processed by the respondents and the appellant was afforded appropriate opportunity of personal hearing. During personal hearing, the appellant had withdrawn his appeal and requested for his adjustment against vacant post at Becket Ganj No. 2 Mardan or Shahbaz Garhi Mardan. The appellant also repeated the same stance before the Tribunal. We have noticed that the appellant was transferred but was left without any posting, such matter would need consideration being a matter involving fundamental principles, hence the respondents are directed to post him in his home district, particularly keeping in view his health condition.

09. The instant appeal is disposed of on the above terms. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
26.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

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

ORDER


26.01.2022

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for official respondents No. 1 to 3 present. Learned counsel for private respondent No. 4 present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the present service appeal is disposed of as per judgment. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

26.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN




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

18.01.2022

Learned counsel for the appellant present. Mr. Muhammad Rashed, Deputy District Attorney alongwith Mr. Muhammad Aslam, Deputy Secretary (Litigation) for official respondents No. 1 to 3 present. Counsel for private respondent No. 4 present.

Vide our order dated 14.01.2022 respondents No. 2 & 3 were put on notice to show cause as to why they have made the posting of officer of the Teaching Cadre against the post of Management Cadre. Today Mr. Aslam Khan Deputy Secretary (Litigation) present in the court and requested for time to submit reply. Request is allowed. File to come up for arguments before the D.B on 20.01.2022.


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

  
Chairman

20.01.2022

Clerk of counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Aslam, Deputy Secretary (Litigation) and Hussain Ahmad, Focal Person for official respondents present. Private respondent No. 4 in person present.

Lawyers are on general strike today. In response to order dated 14.01.2022, respondent No. 1 has furnished reply. Placed on file. To come up for arguments on 26.01.2022 before the D.B. Interim relief granted on 14.09.2021 is vacated.

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

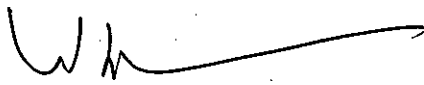
  
Chairman

7259/2021

14.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for official respondent No. 1 to 3 present. Learned counsel for private respondent No.4 present.

Arguments on behalf of appellant have been heard. Crux of the arguments of the learned counsel for the appellant is that the transfer of the appellant is politically motivated. When learned Addl. AG turned up to argue on behalf of official respondents, he was asked whether both the appellant and private respondents No. 4 belong to the Teaching Cadre or not. He frankly admitted that they both are belonging to the Teaching Cadre. However the appellant is in BPS-18 while private respondent No. 4 is in BPS-19 and further submitted that the impugned transfer order was a stopgap arrangement. Hon'ble Peshawar High Court, Peshawar in the judgment dated 18.11.2009 passed in Writ Petition No.2937/2009 held that it is not befitting for teachers to hold administrative posts because they are getting benefits, but students are suffering; thus, they shall go to their respective places. Let the respondent No. 2 & 3 be put on notice to show cause as to why they have made the posting of officer of the Teaching Cadre against the post of Management Cadre, failing which why a formal complaint should not be sent to Hon'ble Peshawar High Court for initiation of contempt of court proceedings against the concerned authority in accordance with law. File to come up for arguments before the D.B on 18.01.2022 at 3 pm.

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

  
Chairman



25.11.2021

Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Counsel for private respondent No. 4 present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 10.01.2022 before D.B.



(Rozina Rehman)  
Member (J)

10.01.2022

Counsel for the appellant, Mr. Kabirullah Khattak, Addl. AG for official respondents and counsel for private respondent No. 4 present.

Learned counsel for the appellant seeks short adjournment to submit rejoinder. Last opportunity is granted. Learned counsel for the appellant is required to furnish rejoinder on or before the next date. To come up for arguments on 14.01.2022 before the D.B.



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



Chairman

23.11.2021

Memo for appellant


Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

12.10.2021

Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for official respondent No. 1 to 3 present. Counsel for private respondent No.4 present and submitted reply/comments which are placed on file.

Learned Additional Advocate General requested for time for submission of reply/comments. Opportunity is granted with direction to submit reply/comments within 3 days positively in office. To come up for arguments on ~~25.10.2021~~ before D.B. The operation of the impugned notification shall remain suspended till date fixed and if the appellant has been relieved from the post of DEO (M) Mohmand, ante-status quo be restored.

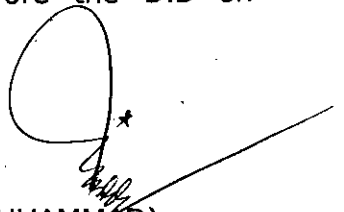
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

25.10.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

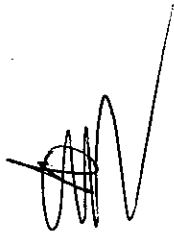
Written reply on behalf of the respondents have been submitted which is placed on file. Arguments could not be heard due to learned judicial member (Salah-ud-Din) is on leave. Adjourned. To come up for arguments before the D.B on 25.11.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

**S.A No. 7259/2021**

14.09.2021 Counsel for the appellant present. Preliminary arguments heard.

The appellant being aggrieved from his transfer made vide order dated 29.06.2021 submitted departmental appeal to the Chief Secretary Khyber Pakhtunkhwa on 01.07.2021 against his premature transfer and having got no response on his appeal, he preferred this appeal on 20.08.2021. Perusal of record in light of preliminary arguments would reveal that the appellant was posted as District Education Officer, Mohmand vide order dated 22.09.2020. Copy of the letter of Mr. Sajid Khan Mohmand MNA/Chairman Standing Committee on State & Frontier Region addressed to the Minister for Education Khyber Pakhtunkhwa has been annexed with the Memorandum of appeal. Accordingly, the Worthy MNA requested to the Minister for adjustment of respondent No. 4 as DEO Mohmand in place of appellant as the later is not working as per his directives. The impugned order would reveal that the transfer order is fully compatible with the request of MNA. Unless rebutted, there is strong presumption that the transfer of the appellant is the result of political interference which is manifestly against the Transfer/Posting Policy of the Government of Khyber



Pakhtunkhwa and pronouncements of Superior Courts, besides its being against the tenure under the same policy. Let this appeal be heard by D.B on merits. Therefore, this appeal is admitted for full hearing. 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 of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 12.10.2021 before the D.B.

Appellant Deposited  
Security Process Fee

14/9/21

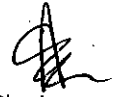
An application has been submitted alongwith memorandum of appeal for suspension of operation of impugned notification dated 29.06.2021 till disposal of the appeal. Notice of the application be also given to the respondents. The operation of the impugned notification shall remain suspended till date fixed and if the appellant has been relieved from the post of DEO(M) Mohmand, ante-status quo be restored.

  
Chairman

Note

14.09.2021

Mr. Sultan Muhammad, D.E.O (Male) Mohmand (respondent No. 4) is present on his own and has made submissions against the filing of appeal by appellant. As he is present before the Tribunal, notice of this appeal is served upon him with the direction that he may file his written reply on the date already fixed i.e. 12.10.2021.



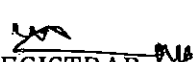

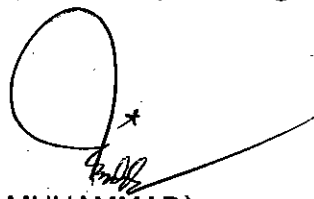
Chairman

Form-A

FORM OF ORDER SHEET

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

Case No.- 7259 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2021	<p>The appeal of Mr. Noor Hassan presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06.09.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior to counsel for the appellant present.</p> <p>Junior to counsel for the appellant requested for adjournment on the ground that senior learned counsel is not available today. Adjourned. To come up for preliminary hearing before the S.B on 14.09.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**CHECK LIST**

Case Title: NOOR HASSAN V/S EDUCATION DEPARTMENT

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

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

Name: **NOOR MOHAMMAD KHATTAK**

Signature: \_\_\_\_\_

Dated: /08/2021

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

SERVICE APPEAL NO. \_\_\_\_\_/2021

**NOOR HASSAN**

**V/S**

**EDUCATION DEPTT:**

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Dated: 20/08/2021

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

FLATE NO. 04, 2<sup>ND</sup> FLOOR,  
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,  
WARSAK ROAD, PESHAWAR

**0345-9383141**



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

APPEAL NO. 7259/2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7457

Dated 20-8-2021

Mr. Noor Hassan, (TC BS-19),  
District Education Officer Mohmand under transfer to Directorate of E&SE,  
Peshawar for further posting.

.....**APPELLANT**

**VERSUS**

- 1- The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Sultan Muhammad Principal GHSS Ghalani, Mohmand under transfer to District Education Office Mohmand.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 29-06-2021 WHEREBY THE APPELLANT HAS BEEN TRANSFER FROM THE POST OF DISTRICT EDUCATION OFFICER MOHMAND TO THE DIRECTORATE OF E&SE IN UTTER VIOLATION OF TRANSFER POSTING POLICY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 29-06-2021 may very kindly be set aside and the respondents may kindly be directed not transfer the appellant from the post of Distract Education Officer, District Mohmand. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:-**

- 1- That appellant is a law abiding and peaceful citizen serving the respondents department since 01-09-1985 and is at the verge of retirement.

Filed to-day  
20/8/2021  
Registrar

- 2- That it is important to mention here that the appellant has been transferred from GHSS Shahbaz Ghari Mardan and posted as District Education Officer District Mohmand vide order dated 22.9.2020. Copy of the order dated 22.9.2020 is attached as annex.....**A.**
- 3- That in response to the above transfer order the appellant was relieved from GHSS Shahbaz Ghari Mardan and accordingly the appellant submitted his charge report at District Education Office Mohmand. Copy of the relieving order are attached is annexure.....**B.**
- 4- That appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors but astonishingly through political interference of the MNA NA 42 Sajid Khan Mohmand moved a letter to Minister of Education KPK dated 08.06.2021 for the transfer of the appellant and to post/adjust private respondent No. 4 at his place as DEO District Mohmand. Copy of the letter attached as annexure .....**C.**
- 5- That in response to the ibid letter the respondent No. 2 issued the impugned order dated 29.06.2021 whereby the appellant was transferred from the post of District Education Officer, District Mohmand and place his Services at the disposal of Directorate of Elementary & Secondary Education for further posting, whereas the private respondent No. 4 has been posted as District Education Officer, District Mohmand. Copy of the impugned order dated 29.06.2021 is annexed as annexure .....**D.**
- 6- That appellant feeling aggrieved from the impugned transfer order dated 29.06.2021 preferred Departmental appeal before the appellant authority but the same has not been responded till the expiry of statutory period. Copy of the Departmental appeal is attached as annexure..... **E.**
- 7- That the appellant having no other remedy preferred the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned transfer order dated 29.06.2021 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as

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such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

- C- That the impugned transfer order dated 29.06.2021 has been issued by the respondents in arbitrary and mala fide manner, hence not tenable and liable to be set aside.
- D- That the impugned transfer order dated 29.06.2021 is based on discrimination, favoritism and nepotism, hence not tenable in the eye of law.
- E- That the impugned order dated 29.06.2021 is a politically motivated transfer order hence not sustainable in the eye of law and liable to be set aside.
- F- That the impugned transfers order dated 29.06.2021 has neither been in the best interest of public service nor in exigencies of service, hence not tenable and liable to be set aside.
- G- That the impugned transfers order dated 29.06.2021 is nothing but to harass the appellant and to accommodate her blue eyed person.
- H- That the impugned transfers order dated 29.06.2021 is violative of Clause-I, IV and XIII of the transfer/posting policy of the Government of Khyber Pakhtunkhwa as the appellant has been transferred prematurely from his current post. Copy of the transfer/posting policy is attached as annexure .....F.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

**APPELLANT**

**NOOR HASSAN**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

**&**

**UMAR FAROOQ**

**ADVOCATES**

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

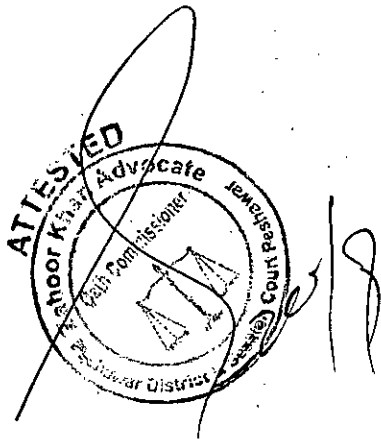
**NOOR HASSAN**

**VS**

**EDUCATION DEPTT:**

**AFFIDAVIT**

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



**DEPONENT**

**CERTIFICATE:**

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

**CERTIFICATION**

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

**SERVICE APPEAL No. \_\_\_\_\_/2021**

**NOOR HASSAN**

**VS**

**EDUCATION DEPTT:**

**APPLICATION FOR SUSPENSION OF OPERATION OF  
THE IMPUGNED NOTIFICATION DATED 29.06.2021 TILL  
THE DISPOSAL OF THE ABOVE MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned notification dated 09.07.2021 whereby the private respondent No. 4 has been posted against the post of appellant due to political interference and in utter violation of the transfer posting policy, law and rules and through the same order the appellant has been disturb.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order dated 29.06.2021 had been issued by the respondents in utter disregard of law and prevailing Rules.
- 5- That all the grounds of the main appeal be consider as part and parcel of this application.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned Notification dated 29.06.2021 may very kindly be suspended till the disposal of the above mentioned service appeal.

**APPLICANT**

  
**NOOR HASSAN**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

Better Copy

ANNEXURE \* A \*

PAGE - 06

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the September, 22. 2020

**NOTIFICATION**

**NO. SO(SM)E&SEd/7-1/2020/POSTING/TRANSFER/MC:** The competent Authority is pleased in order each, in the best public interest, With immediate effect:

S. No.	Name with designation	Present place of duty	Posted as	Remarks
01	Mr. Hamid Mehmood (MS BS-19)	Additional Director (Esttb) Directorate of E & SE	DEO Male Peshawar	AVP
02	Mr. Iqbal Khan (MS BS-19)	Additional Director Directorate of NMDs	Additional Director (Esttb) Directorate of E & SE	V S 01
03	Mr. Hamid Ullah jan (TC BS 19)	Principal GHSS jan khan Kali District Khyber	Additional Director Directorate of NMDs	V S 02
04	Mr. Saeed Gul (TC BS 19)	Deputy Managing Director E & SE NMDs	DEO North Waziristan	V S 06
05	Mr. Qadeem khan (TC BS 19)	Principal GHSS Lar DI Khan	DEO South Waziristan	V S 07
06	Mr. Saif Ullah (TC BS 19)	DEO North Waziristan	Principal GHSS Lar DI Khan	V S 05
07	Mr. Zain Ullah (TC BS 19)	DEO South Waziristan	Principal GHSS jan khan Kali District Khyber	V S 03
08	Mr. Azam Khan (MS BS-19)	DEO Male Buner	Deputy Managing Director E & SE NMDs	V S 04
09	Mr. Umer Zaman (MS BS-18)	DEO Male Torghar	DEO Male Buner in OPS	V S 08
10	Mr. Noor Hassan (TC BS 19)	Principal GHSS Shahbaz Gharhi Mardan	DEO Mohmand	V S 11
11	Mr. Jaddi Khan (TC BS 19)	DEO Mohmand	Service placed at the disposal of Directorate	

**SECRETARY**

Ends; of even No. & date  
Copy forward to the :

**ATTESTED**



**ANNEXURE 'A'**

**6**

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

Dated Peshawar the September, 22, 2020

**NOTIFICATION**

**NO.SOISME&SED/7-1/2020/Posting/Transfer/MC:** - The Competent Authority is pleased to order posting/transfer of the following officers of E&SED, on the posts/stations, as mentioned against each, in the best public interest, with immediate effect:

S#	Name with designation	Present place of duty	Posted as	Remarks
01	Mr. Hamid Mehmood (MC BS 19)	Additional Director (Estb) Directorate of E&SE	DEO Male Peshawar	AVP
02	Mr. Iqbal Khan (MC BS 19)	Additional Director Directorate of NMDs	Additional Director (Estb) Directorate of E&SE	V S#01
03	Mr. Hamid Ullah Jan (TC BS 19)	Principal GHSS Jan Khan Kali District Khyber	Additional Director Directorate of NMDs	V S#02
04	Mr. Saeed Gul (TC BS 19)	Deputy Managing Director ESEF NMDs	DEO North Waziristan	V S#06
05	Mr. Qadeem Khan (TC BS 19)	Principal GHSS Lar Di Khan	DEO South Waziristan	V S#07
06	Mr. Saif Ullah (TC BS 19)	DEO North Waziristan	Principal GHSS Lar Di Khan	V S#05
07	Mr. Zait Ullah (TC BS 19)	DEO South Waziristan	Principal GHSS Jan Khan Kali District Khyber	V S#03
08	Mr. Muhammad Azam Khan (MC BS 19)	DEO Male Buner	Deputy Managing Director ESEF NMDs	V S#04
09	Mr. Umer Zaman (MC BS 18)	DDEO Male Torghar	DEO Male Buner in OPS	V S#08
10	Mr. Noor Hassan (TC BS 19)	Principal GHSS Shalibaz Gharhi Mardan	DEO Mohmand	V S#11
11	Mr. Jaddi Khan (TC BS 19)	DEO Mohmand	Service placed at the disposal of Directorate	


Secretary

Ends: of even No. & Date

Copy forward to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Concerned.
4. District Accounts Officers, Concerned.
5. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Director EMIS E&SE Department.
10. Officers concerned.
11. Master file.

**ATTESTED**

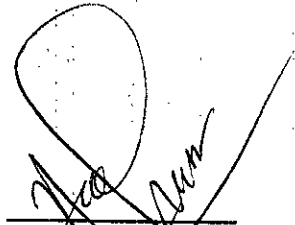
  
(MUNEEB UR REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)


**RELIEVING CHIT**

Consequent upon the transfer order Govt KPK Elementary & Secondary Education Department Peshawar notification Endst No.SO(SM)E&SED/7-2020/Posting/transfer Dated 22-09-2020.

It is certified that Mr. Noor Hassan Post Principal (Present Post) GHSS Shahbaz Garhi District Mardan has been transferred Post DEO (M) Mohmand Tribal District.

It is therefore stated that Mr. Noor Hassan thus has been relieved from GHSS Shahbaz Garhi District Mardan on the before afternoon of this day 22-09-2020 respectively.


  
\_\_\_\_\_  
Signature of the  
Transferred Official

  
\_\_\_\_\_  
Signature & Seal  
Head of the School

Dated 22/9/2020

**Copy forwarded:**

1. PS to Secretary Elementary & Secondary Education, KPK Peshawar
2. Director Elementary & Secondary Education, KPK Peshawar
3. Principal Concerned
4. Accounts Officer District Mardan
5. Official Record

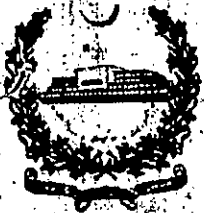
  
\_\_\_\_\_  
Signature & Seal  
Head of the School

**ATTESTED**



# ANNEXURE

8




## NATIONAL ASSEMBLY OF PAKISTAN

SAJID KHAN MOHMAND  
MNA/Chairman  
Standing Committee on  
States & Frontier Regions

Respected and Honorable  
Minister for Education, P.K

Respected Sir

It is requested in your great  
honors that Mr. Sultan Mohammad Princep  
G.H.S. Thullani, Mohmand may kindly be  
adjusted as D.E.O. Mohmand in place of  
Mr. Nos Hassan, D.E.O. Mohmand.  
as Mr. Nos Hassan is not working as per my  
directives.

  
8/6/2021  
Khan  
MNA NA49  
District Mohmand

ATTESTED

Better Copy

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the June, 29. 2021

**NOTIFICATION**

**NO, SO(SM)E&SED/7-1/2021/ SULTAN MUHAMMAD DEO:** The competent Authority is pleased to order the posting/transfer of the following Officers of Elementary & Secondary Education Department in the best public interest, With immediate effect:

S.No	Name with designation	From	To
01	Mr.Sultan Muhammad Principal BS-19 (TC)	GHSS Ghalanai Mohmand	District Education Officer BS-19 (Male), Mohmand vice S.No.2.
02	Mr. Noor Hassan BS-18 (TC)	District Education Officer (Male), Mohmand	

2. No TA/DA is allowed.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Ends; of even No. & date  
Copy forward to the :



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the June 29, 2021

NOTIFICATION

NO.SO(SM)E&SED/7-1/2021/Sultan Muhammad DEO: The Competent Authority is pleased to order the posting/transfer of the following Officers of Elementary & Secondary Education Department in the best public interest, with immediate effect:-

S#	Name & designation	From	To
1.	Mr. Sultan Muhammad, Principal BS-19 (TC)	GHSS Ghalanai Mohmand.	District Education Officer BS-19 (Male), Mohmand vice S.No.2.
2.	Mr. Noor Hassan BS-18 (TC)	District Education Officer (M) Mohmand	Services place at the disposal of Directorate of E&SE for further posting

2. No TA/DA is allowed.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Encls: of even No. & Date

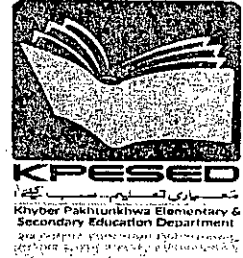
- Copy forwarded to the:
1. Accountant General, Khyber Pakhtunkhwa Peshawar.
  2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
  3. District Education Officer (Male) concerned.
  4. District Account Officers, Concerned.
  5. PS to Minister for E&SE Department.
  6. PS to Secretary E&SE Department.
  7. PA to Additional Secretary (Estab) E&SE Department.
  8. Director, EMIS-E&SE Department.
  9. Officers concerned.
  10. Master file.

*(Signature)*  
(HARVEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)

~~ATTESTED~~



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



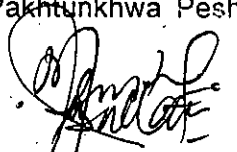
No. \_\_\_\_\_ / Dated \_\_\_\_\_ / 2021

## RELIEVING CHIT.

### Mr. Noor Hassan District Education Officer.

You have been transferred from District Education Office Mohmand Tribal District to Directorate Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Director of Education Secretary Education E&SE Department Peshawar Notification No. SO, (SM)/ E&SED / 07-1/2021 dated 29.06.2021.


Hence you are relieved of your duties today on 30-06-2021 (A/N) and directed to report to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for arrival positively.

  
District Education Officer  
Mohmand Tribal District

Endst: No 675-83 /  
Copy to the:-

Dated 30/06 /2021.

1. PS to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Additional Director Education (NMD) Khyber Pakhtunkhwa Peshawar.
4. Deputy Commissioner District Mohmand
5. District Accounts Officer-Mohmand Tribal.
6. Manager State Bank of Pakistan Peshawar.
7. Manager UBL Ghallanai.
8. Manager NBP Ghallanai.
9. Manager Bank of Khyber Ghallanai.

  
District Education Officer  
Mohmand Tribal District

**ATTESTED**

PS/C.S Khyber Pakhtunkhwa  
Diary No. 3400 w/c  
Date 01-07-2021

To

The Chief Secretary  
Khyber Pakhtunkhwa  
Peshawar

Subject: PRE MATURE TRANSFER IN VIOLATION OF LAW.

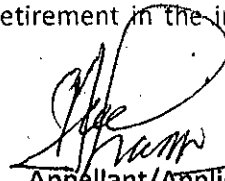
Respected Sir,

1. That the appellant was employee of the department since 01-09-1985.
2. That the appellant was serving as Vice Principal GHSS Shahbaz Garhi, Mardan when on 23/09/2020 he was appointed as a District Education Officer to Mohmand District(Transfer Order attached)
3. That the appellant was serving in District Mohmand, when all of sudden, The Secretary Education vide order Dt 29/06/2021 Transferred the appellant from Mohmand District and placed his service at the disposal of the Directorate of Elementary and Secondary Education and one Mr. Sultan Muhammad was transferred at the place of appellant.
4. That the transfer order Dt 29/06/2021 is bad in the eye of the law on the following grounds.

**GROUND:**

- a. That the transfer order is violation of transfer posting policy of the provincial Govt.
- b. The appellant has not completed his normal tenure according to the rules and judgment of the superior courts.
- c. That the appellant is going to retire with in the year, so the appellant should not have been disturbed at this stage.
- d. That the person who has been transferred at the place of appellant is local resident of the Mohmand District , so his transfer in Mohmand District is bad in the eye of law.
- e. Other grounds will be agitated at the time of hearing.

It is therefore most humbly prayed that an acceptance of this representation/Departmental appeal, the order Dt 29/06/2021 may kindly be setaside and appellant be allowed to complete his normal tenure at his place of posting till the retirement in the interest of justice.



Appellant/Applicant

Noor Hassan

DEO, Mohammad Agency, at  
Ghalanai.

**ATTESTED**



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

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

Para-I(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTESTED

15



**VAKALATNAMA**

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

APPEAL NO \_\_\_\_\_ OF 2021

Noor Hassan (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt. (RESPONDENT)  
(DEFENDANT)

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

Dated. \_\_\_\_/\_\_\_\_/2021

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

**ACCEPTED**  
**NOOR MUHAMMAD KHATTAK**  
  
**KAMRAN KHAN**  
  
**SAID KHAN**  
  
**UMAR FAROOQ MOHMAND**  
&   
**HAIDER KHAN**  
**ADVOCATE**

**OFFICE:**  
Flat No.4, 2<sup>ND</sup> Floor,  
Juma khan plaza near  
FATA secretariat, warsak road  
Peshawar City.  
Mobile No.0345-9383141

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 7259/2021

Noor Hassan


**VERSUS**

Government of Khyber Pakhtunkhwa & Others

**INDEX**

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
1.	Reply		1-3
2.	Affidavit, Suspension Application+ Affidavit		4, 4A, 4B
3.	Copy of Affidavit & Application	"A & A/I"	5-6
4.	Wakalatnama		7

Dated : 12/10/2021

Respondent  
Appellant  
No. 44  
Through   
**JAVED IQBAL GULBELA,**  
Advocate, Supreme Court of  
Pakistan.



①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

**S.A 7259/21**

Noor Hassan

Versus

Government of Khyber Pakhtunkhwa & Others

**REPLY ON BEHALF OF RESPONDENT NO. 4**

**Respectfully Sheweth,**

**Preliminary Objections:**

1. That the Appellant has no cause of action to file the instant Appeal.
2. That the Appellant has concealed material facts from this Hon'ble Court.
3. That the Appeal of the Appellant is not maintainable in its present form.
4. That the Appellant has not come to this Hon'ble Court with clean hands.
5. The Appellant has portrayed a wrong picture just to mislead this Hon'ble Court.
6. That the Appeal of the Appellant is badly time -barred.

**On Facts:**

1. Pertains to personal record of the Appellant.
2. Pertains to personal record of the Appellant.
3. Pertains to personal record of the Appellant.

4. Para No. 4 of the Appeal is incorrect, wrong, misleading and hypocritic hence sternly denied. The story behind the curtain is that neither the transfer order is politically motivated one, nor the said MNA Sajid Khan has ever issued a letter in this regard for transfer of the Appellant. In this context, the MNA Sajid Khan has also written down an affidavit that neither he has written down any letter, nor has ever signed the same, but the Appellant has misused his Letter Pad in an illegal way, just to mislead this August Tribunal. Moreover, the MNA Sajid Khan has also submitted an application to District Police Officer (D.P.O) District Mohmand for taking legal action against the Appellant for illegally using the Letter Pad of the Appellant. (Copy of Affidavit & Application are annexed herewith as Annexure "A & A/1").

5. Pertains to Official Respondents.

6. Incorrect and wrong hence denied. The Appellant has not even mentioned a single word about the Transfer as a politically motivated one, and have mentioned the same in Service Appeal, meaning thereby that the letter so annexed is false and fabricated one. Furthermore, the Appeal of the Appellant is time barred.

7. No comments.

On Grounds:

A. Incorrect & Denied. The Transfer and posting of the Appellant is strictly as per law.


B. Incorrect and denied. No violation of rules has ever been made.

- C. Incorrect, wrong, false, fabricated hence denied. No mala-fide exists on part of Respondent No. 4. The Appellant has provided a false and fake letter mentioning the transfer of the Appellant, which under the law is not allowed.
- D. Incorrect and denied. True and detailed picture has already been portrayed in the preceding paras.
- E. Incorrect and denied. Already explained in above paras.
- F. Incorrect and denied.
- G. Incorrect and denied.
- H. Official Respondents are well competent to Reply the same.
- I. No Comments.

*It is, therefore, humbly prayed that on acceptance of the instant reply, the appeal of the Appellant may graciously be dismissed with costs.*

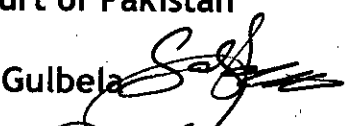

Dated: 12/10/2021.

Through

  
Respondent  
AD no 4

Javed Iqbal Gulbela  
Advocate  
Supreme Court of Pakistan

Saghir Iqbal Gulbela  
&  
Ahsan Sardar  
Advocates, High Court  
Peshawar.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 7259/2021

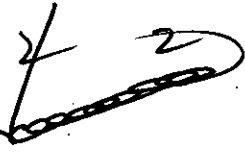
Noor Hassan

**VERSUS**

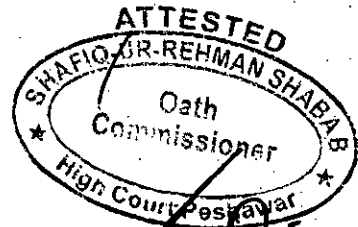
Government of Khyber Pakhtunkhwa & others  
**AFFIDAVIT**

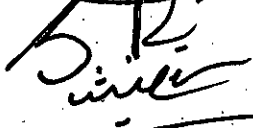
I, **Respondent No.4**, do hereby solemnly affirm and declare that all the contents of the accompanied **reply** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Identified By:

  
**Javed Iqbal Gulbela**  
Advocate Supreme Court  
of Pakistan.

  
**DEPONENT**



  
12-10-2021.

4A

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 7259/2021

Noor Hassan

**VERSUS**

Government of Khyber Pakhtunkhwa & others

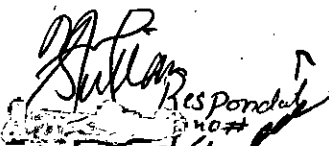
**Reply to Application for Temporary Injunction**

**Respectfully Sheweth,**

1. No Comments.
2. In correct & denied. Respondent No.4 has been posted against the post of the appellant strictly as per law.
3. Incorrect & denied. That no ingredient for status quo fulfills in case of the appellant.
4. Incorrect and denied.
5. Incorrect & denied.

*It is, therefore, most humbly prayed that on acceptance of the instant reply to application, the application for temporary injunction may graciously be dismissed with cost.*

Dated : 12/10/2021

  
Through  
**JAVED IQBAL GULBELA**  
Advocate, Supreme Court of  
Pakistan.

4-B

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 7259/2021

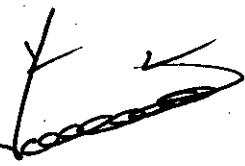
Noor Hassan

**VERSUS**

Government of Khyber Pakhtunkhwa & others  
**AFFIDAVIT**

I, **Respondent No.4**, do hereby solemnly affirm and declare that all the contents of the accompanied **reply** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

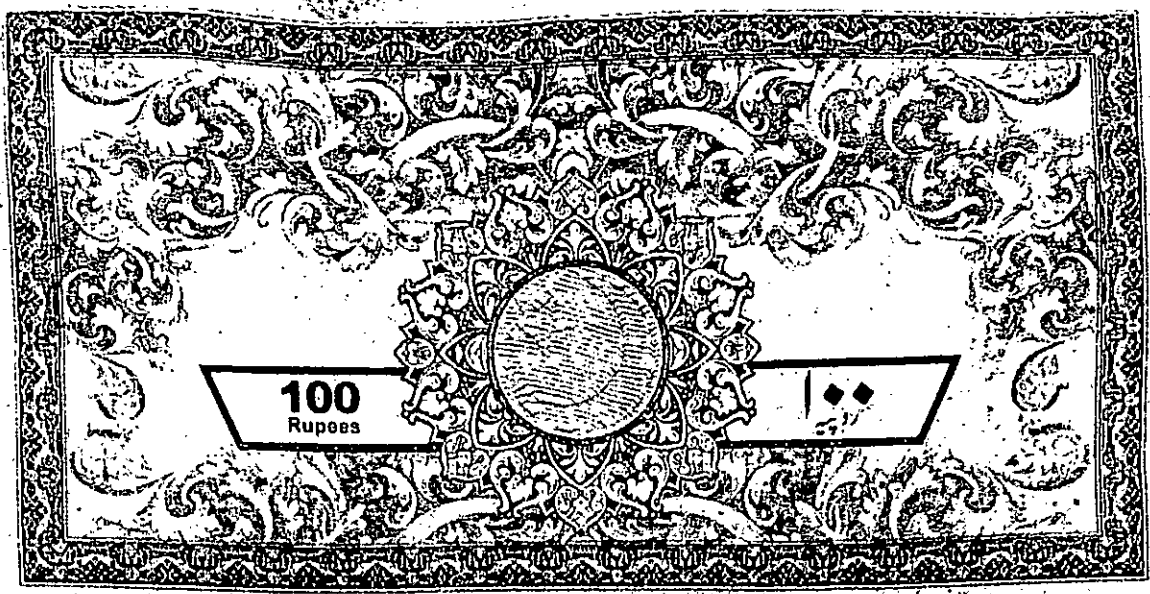
Identified By:

  
**Javed Iqbal Gulbela**  
Advocate Supreme Court  
of Pakistan.

  
**DEPONENT**



12-10-2021



### حلفیہ بیان

میں مسہی ساجد خان ولد سلطان خان ایم این اے حلقہ  
 این اے 42 سکنہ خانقہ لہور کے تحصیل حلیمپور ضلع مہمند  
 حلقہ میں اقرار کرتا ہوں کہ جناب لہور حسن صاحب ٹورسٹرز (پبلیکیشن  
 افسر ضلع مہمند نے جو خط سروس ٹریبونل میں بسلسلہ ٹرانسفر  
 سے کیس جمع کیا ہے وہ میرا لکھا ہوا خط نہیں ہے۔ اور نہ  
 ہی اس پر کیا گیا دستخط میرا ہے۔

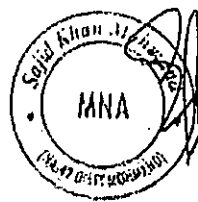
دراصل میرے لٹریچر کو جعلی طریقے سے استعمال کر کے  
 عدالت کو گمراہ کیا گیا ہے۔

میں اس بیان پر قائم ہوں اور اگر مجھے معزز عدالت  
 یا کسی اور فورم پر بتایا گیا تو میں حاضر ہو جاؤں گا۔

ساجد خان ولد سلطان خان

شناخت کارڈ نمبر 3-19-52932-52406

ایم این اے حلقہ این اے 42  
 ضلع مہمند



تاریخ: 22 ستمبر 2021

JAVED IOBAL QURESHA  
 Advocate  
 Supreme Court of Pakistan  
 (ASC # 5317)

SHO/G/Kallanaia  
for necessary action  
as per law  
District Police Office  
Dera Ismail Khan  
28/9/2021

درخواست لغز قانون کا، دائی / FIR  
پر غلطی جناب فورس صاحب DEO ضلع مہمند

1885  
28-09-21

موردبانہ گزارش ہے کہ جناب فورس صاحب DEO مہمند

نے سرورس ٹریڈیونل سپٹاور میں اہم این اے ساجد خان مہمند  
کا لٹر پید جعلی طریقے سے استعمال کرتے جمع کیا ہے۔ (نقل لفظ ہے)  
جنس کا متن اور اس پر موجود دستخط کو جعلی طریقے سے مرتب  
کیا ہے۔ اس نسبت لکھی بیان جعلی جناب ساجد خان اہم این اے  
ضلع مہمند نے ڈیڑھے گھنٹہ مہمند کو جمع کرائی ہے۔ (نقل لفظ ہے)  
اس لیے استدعا ہے کہ بمنظور ہی درخواست جناب فورس صاحب  
ڈسٹرکٹ ایجوکیشن افسر ضلع مہمند کچھ جمل سازی اور فراڈ کے تحت  
FIR درج کر کے قانونی کارروائی عمل میں لائی جائے۔

العارضہ

بمورخہ: 27 ستمبر 2021ء

لیاقت علی ولد محمد علی پرنسپل سیکرٹری اہم این اے ساجد خان سکندر علی ضلع مہمند

JAVED IQBAL BULBELA  
Advocate  
Supreme Court of Pakistan  
ASC # 5317



BC-10-7924

0302-5990617.

## وکالت نامہ

بعدالت: ضیبرہ پنشن خواہ سردار شری بنوئل لشار

نور حسن بنام حکومت

منجانب Resp No. 4 دعویٰ سردس اپیل

تاریخ 12-10-21

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی  
بمقام پشاور کیلئے جاوید اقبال گل بیلہ / ایڈووکیٹ ہائی کورٹ کو بدیں شرط وکیل

مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل  
صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے

کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر  
مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر

مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر  
من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی

صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور  
صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و

تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل  
کرنے اور ہر قسم کے بیان دینے اور سپروٹالشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور

بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف  
کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا

اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ  
مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل

ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو  
پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت

میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔  
مورخہ 12/10/21 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by

Alhaz

Sagheer

سلطان محمد (اسپانڈنٹ جج)

Alhaz

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

S.A.#7259/2021.

Noor Hassan.....Appellant.

**VERSUS**

Chief Secretary, Govt: of Khyber Pakhtunkhwa & others.....**Respondents.**

**PARAWISE COMMENTS FOR &ON BEHALF OF THE SECRETARY GOVT: OF KHYBER PAKHTUNKHWA, E&SE, DEPARTMENTRESPONDENT.**

Respectfully Sheweth,

Parawise Comments on behalf of Secretary E&SE, Department as Respondent are as under:-

**Preliminary Objections**

1. That the appellant has got no cause of action/locus standi.
2. That the instant appeal is badly time barred.
3. That the appellant has concealed the material facts from this Hon'able Tribunal, hence is liable to be dismissed on this score.
4. That the appellant has not come to this Hon'albe Tribunal with clean hands.
5. That the appellant has filed the instant appeal with malafide intention just to pressurize the Respondent for gaining illegal service benefits.
6. That the present appeal is liable to be dismissed fromis-joinder & non joinder of necessary parties.
7. That the instant appeal is against the prevailing law & rules.
8. That the appellant is estopped by his own conduct to file the instant appeal.
9. That the instant appeal isnot maintainable in its present form and also in the present circumstances ofthe issue.
10. That the appellant is liable to serve anywhere under section-10 of the Civil Servants Act, 1973.
11. The the appellant is serving in BS-18 while the post of DEO Mohmand is BS-19.
12. That the instant Appeal is not maintainable in its present forum.

**FACTS.**

1. That Para-1 pertains to record.
2. That Para-2 is correct to the extent that the appellant belong to Teaching Cadre and posted against Management Cadre post as stop gap arrangements.
3. That Para-3 pertains to record.
4. That Para-4 is incorrect; the appellant was transferred from the post of DEO through proper channel without any political intervention. In light of Placement Committee issued vide notification No. SO(S/M)E&SED/3-2/2013/Policy of Management Cadre dated 25.10.2013 (Annex-A) that the department placed three candidates through Summary to Chief Minister KP and in term of Rule-17(1) and (02) read with scheduled-III of the

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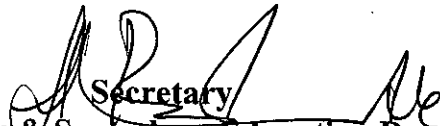
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6. Incorrect. the department processed his appeal and an opportunity of personal hearing was offered to him on 27.07.2021 at 1200 (noon) under the Chairmanship of Additional Secretary (Estab) E&SE Department, wherein he himself withdrawn and has requested for adjustment (**Annex-B**)
7. That the appellant is not an aggrieved person, hence the instant service appeal may be dismissed inter alia on the following ground.

### Grounds

- a. **Incorrect and not admitted**, The appellant has been treated as per Law, Rules and policy.
- b. **Incorrect and not admitted**, no violation of the Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973 has been made, and treated the appellant as per rules / policy.
- c. **Incorrect and not admitted**, no malafide has been made to the appellant, the appellant is exerting illegal pressure on the Respondent Department in ill will.
- d. **Incorrect and not admitted**, no discrimination has been made to the appellant, he has been treated as per rules / policy.
- e. **Incorrect and not admitted**, The appellant was transferred from the post of DEO through proper channel without any political intervention. In light of Placement Committee issued vide notification No. SO(S/M)E&SED/3-2/2013/Policy of Management Cadre dated 25.10.2013 (Annex-A) that the department placed three candidates through Summary to Chief Minister KP and in term of Rule-17(1) and (02) read with scheduled-III of the Khyber Pakhtunkhwa Govt. Rule of Business Chief Minister is the Competent Authority for posting / transfer of officers in BS-18 and above.
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- g. **Incorrect and not admitted**, no blued person has been adjusted, the appellant was transferred from the post of DEO through proper channel without any political intervention. It may be mentioned over here that the appellant is serving in BS-18 (Teaching cadre) while the private respondent No.4 is in BS-19 and the post of DEO Mohmand is also in BS-19. The Respondent No.4 has been adjusted due to his competency and on right post, furthermore under Section-10 of the Civil Servant Act 1973, the appellant is liable to serve anywhere in the province.
- h. **Incorrect and not admitted**, the Respondent Department has the right to post the right person for the right job, the services of the appellant under Section-10 of the

Civil Servant Act 1973 is on the discrete of the Respondent Department to utilize anywhere in the province.

In view of the above made submissions, it is, therefore, most humbly prayed that this Honourable Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the Respondents.

  
Secretary  
Elementary & Secondary Education Department.  
(Respondent-2)

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

S.A.#7259/2021.

Moaz Hassan..... Appellant.

**VERSUS**

Chief Secretary, Govt. of Khyber Pakhtunkhwa & others..... Respondents.

Respondents

**INDEX**

S.No.	Description of Documents	Annex	Pages
1.	Para-wise comments/reply		1-3
2.	Annexure	A, B	4-5

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

S.A.#7259/2021.

Noor Hassan.....Appellant.

**VERSUS**

Chief Secretary, Govt. of Khyber Pakhtunkhwa & others.....**Respondents.**

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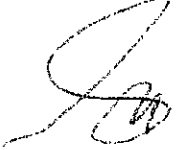
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Secretary  
Elementary & Secondary Education Department.  
(Respondent-2)

Parwise Comments is Submitted vetting pl.

AMS

  
So (Lit-II)

Vetted subject to necessary correction,  
attachment of annexures and affidavit

  
15/10/2021



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

S.A.#7259/2021.

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**VERSUS**

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Secretary  
Elementary & Secondary Education Department.  
(Respondent-2)



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

Dated Peshawar the October 25, 2013

**NOTIFICATION**

MS/SDIS/MI/ES&ED/3-2/2013/Policy of Management Cadre: The Provincial Government of Khyber Pakhtunkhwa is pleased to constitute placement committees comprising the following officers for selection of Education Officers in the Management Cadre at District level in Khyber Pakhtunkhwa.

**For DEOs (BS-19)**

1. Secretary E&S Education ..... Convener.
2. Secretary Establishment ..... Member.
3. Additional Secretary E&SE ..... Member.
4. Director E&S Education ..... Member.

**For DDEOs (BS-18) and SDEOs (BS-17)**

1. Secretary E&S Education ..... Convener.
2. Additional Secretary E&SE ..... Member/Secretary.
3. Director E&S Education ..... Member.
4. Deputy Secretary Establishment Department ..... Member.

**Terms of reference of the committees.**

The above cited committees will make recommendations to the final approving authorities for the placement of selected candidates according to the approved policy and as per the following TORs:

- (i) The concerned placement committee will conduct interviews of the shortlisted candidates for determining suitability of the officers according to the prescribed criteria.
- (ii) The posting orders will be issued by the E&SE Department as per recommendation of the committees.
- (iii) Meeting will be held on need basis.
- (iv) The Director, Directorate (E&SE) will prepare working papers for both the committees.
- (v) The Director, ESRU will provide progress of all DEOs on the performance indicators for each district.

**SECRETARY**

Number of pages No. & Date

Copy forwarded to after:

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. MP or Chief Minister Khyber Pakhtunkhwa.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Member, ESBI, E&SE Department.
5. Chief Manning Officer E&SE Khyber Pakhtunkhwa.
6. All District Education Officers in Khyber Pakhtunkhwa.
7. All Section Officers in E&SE Department.
8. PS in Charge Secretary Khyber Pakhtunkhwa.
9. PS in Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
10. PS in Special Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
11. PA to Additional Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
12. PA to Deputy Secretary-1, Legal E&SE Department.
13. In Charge EMISE E&SE Department.

**(MUJEEB-UR-REHMAN)**

**SECTION OFFICER (SCHOOLS/MALE)**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. (091-9229533)

No. SO(SM)E&SED/7-1/2021/Noor Hussam  
Dated Peshawar the July 14, 2021

To

Mr. Noor Hussam  
Ex-DEO Mohmand,  
(Now at the disposal of Directorate of E&SE Peshawar).

*[Handwritten signature]*  
15/7

Subject: - PERSONAL HEARING.

I am directed to refer to your appeal dated 11/07/2021 on the subject noted above and to inform you to attend office of the Additional Secretary (Estab), Elementary & Secondary Education Department, Civil Secretariat Peshawar on 27.07.2021 at 12:00 Noon for personal hearing before the said officer, please.

*[Handwritten signature]*  
(HAFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)

Encl: Even No. & Date:

Copy of the above is forwarded to the: -

1. Director, E&SE with the request to inform the incumbent officer.
2. P.A to Additional Secretary (Estab) E&SED.
3. PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.

*[Handwritten signature]*  
SECTION OFFICER (SCHOOLS MALE)

*[Handwritten initials]*  
15/7

The Secretary,  
Elementary & Secondary Edu  
ICPK

Subject: Withdrawal of appeal

Sir,

I have the honour to state that I have submitted an appeal dated 01.07.2021 regarding my transfer from Mohammarat Agency dated 29-6-21. I received an appeal from Secretary Edu, ICPK for personal hearing dated 27.7.2021. Now I willingly withdraw my appeal in front of Addl Secretary (Estab) and request in your great honour that I may be adjusted against vacant post at this Becket Gunj NO:2 Hardam or this Shakbaz Khan Hardam against 35-A post.

Yours faithfully  
[Signature]

[Signature]  
27/7/21

Noor Hassan  
Ex-1 E.O Mohammarat



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 311 /ST

Dated: 10/02 /2022

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

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


To

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

Subject: JUDGMENT IN APPEAL NO. 7259/2021 MR. NOOR HASSAN.

I am directed to forward herewith a certified copy of Judgement dated 26.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR



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

Dated Peshawar the January 04<sup>th</sup>, 2022

**NOTIFICATION**

**NO. SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC:** The Competent Authority is pleased to order the posting/transfer of the following Officers of Elementary & Secondary Education, Khyber Pakhtunkhwa with immediate effect, in the public interest: -

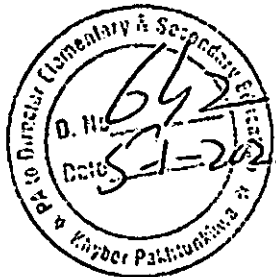
Sr. No	Name & designation	From	To
1.	Mr. Zahid Muhammad (MCBS-19)	DEO (Male) Swabi	Report to Directorate of E&SE Khyber Pakhtunkhwa.
2.	Mr. Irfan Ali (MCBS-18)	Deputy DEO (Male) Peshawar	DEO (Male) Swabi in his own pay & scale (Vice No-1)

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

**Endst: of even No.& date:**

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Peshawar and Swabi.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers Peshawar and Swabi.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Master file.



ADDE (m)

Amir

05/11/22

(HA FEEZ-UR-REHMAN SHAH)  
SECTION OFFICER (Management Cadre)

DDM-II

6-1-2022





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
PHONE NO. (91) 9221333

Dated Peshawar the July 05, 2021

**NOTIFICATION**

**NO.SO(SM)E&SED/7-1/2021/Posting/Transfer/MC:-** The Competent Authority is pleased to order the posting/ transfer of the following Officers of Elementary & Secondary Education Department in the best public interest with immediate effect -

S#	Name & Designation	From	To
1	[REDACTED]	Deputy Director Directorate of NMDs Peshawar	District Education Officer (Male) Nowshera in (OPS) vice S No 2
2	Mr Sajjad Akhtar (BS-19 MC)	District Education Officer (Male) Nowshera	Services placed at the disposal of Directorate of E&SE KP Peshawar

2. No TA/DA is allowed.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst. of even No. & Date

Copy forwarded to the

- 1 Accountant General Khyber Pakhtunkhwa Peshawar
- 2 Director, E&SE Khyber Pakhtunkhwa, Peshawar
- 3 District Education Officer (Male), Concerned
- 4 District Accounts Officer, Concerned
- 5 PS to Minister E&SE Department, Khyber Pakhtunkhwa
- 6 PS to Secretary E&SE Department, Khyber Pakhtunkhwa
- 7 PA to Additional Secretary (Estab) E&SE Department
- 8 Director, EMIS E&SE Department
- 9 Officers concerned.
- 10 Master file.

  
(HAMEEZ U REHMAN SHAH)  
5/7/21  
SECTION OFFICER (SCHOOLS MALE)

15	Mr. Jaffar Mansoor Abbassi (MC BS-19)	DEO Male Batagram	DEO Male Upper Dir	AVP
16	Mr. Mikhair Ull Ghami (MC BS-19)	DDEO Male Swabi	DEO Male Batagram OPS	V.S#15
17	Mr. Zahid Muhammad (MC BS-19)	DEO Male Mardan	DEO Male Swabi	V.S#16
18	Mr. Muhammad Idrees (MC BS-18)	DEO Male (OPS) Swabi	DEO Male Mardan OPS	V.S#17
19	Mr. Zahoor Khan (MC BS-18)	At the disposal of Directorate E&SE	DEO Dara Adam Khel, Kohat	V.S#20
20	Mr. Masood Khan (TC BS-19)	DEO Dara Adam Khel, Kohat	Principal GHSS Balyal District Shangla	AVP

Secretary

Ends: of even No. & Date

Copy forward to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Concerned.
4. District Accounts Officers, Concerned.
5. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Director EMIS E&SE Department.
10. Officers concerned.
11. Master file.



(MUJEEB UR REHMAN)

SECTION OFFICER (SCHOOLS/MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Dated Peshawar the September 30, 2021

**NOTIFICATION**

**NO.SO/SM/E&SED/7-1/2021/PT/G :** The Competent Authority is pleased to order the transfer of the following Officer/Teachers of Elementary & Secondary Education Department (on administrative grounds) in the best public interest, with immediate effect -

S.#	Name with Designation	From	To
1	Mr. Sharin Zada (TC) BS-18	District Education Officer (M) Bajaur	Services placed at the disposal of the Directorate E&SE Peshawar
2	Mr. Sher Nawab (TC) BS-18	Deputy District Officer (M) Bajaur	Service placed at the disposal of Directorate of E&SE Peshawar
3	Mr. Lovedan Shahid (MC) BS-17	SDEO(M) Lal Qilla District Dir Lower	Deputy District Officer (M) Bajaur in OPS vice S No 02
4	Mst Jamila Raza (TC) BS-17	GGHS Khar District Bajaur	Headmaster GGHS Timergara District Dir Lower against the vacant post

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

**Endst of even No. & Date**

- Copy forwarded to the:
1. Accountant General, Khyber Pakhtunkhwa Peshawar
  2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
  3. District Education Officer (Male) concerned.
  4. District Accounts Officer, concerned
  5. Director, EMIS E&SE Department
  6. PS to Minister for E&SE Department.
  7. PS to Secretary E&SE Department
  8. PA to Additional Secretary (Estab) E&SE Department.
  9. Officers concerned.
  10. Office order file.

  
(HAFFEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No 091-9223568

11.	Mst. Abida Parveen (MC BS-18)	At the disposal of Directorate of E&SE	Deputy District Education Officer (Female) Tor Ghar vice No-13 and DEO (Male) Tor Ghar is hereby assigned the additional charge of the post of DEO (Female) Tor Ghar till further orders.
12.	Mst. Fanoos Jamal (MC BS-18)	At the disposal of Directorate of E&SE	District Education Officer (Female) Khyber (OPS) AVP.
13.	Mst. Nadia Begum (MC BS-18)	District Education Officer (Female) Tor Ghar OPS	Deputy District Education Officer (Female) Peshawar AVP.
14.	Mst. Riaz Begum (TC BS-19)	Principal GGHS Subhan Khwar Mohmand	District Education Officer (Female) Mohmand AVP

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers Concerned.
4. District Accounts Officer, Concerned
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Master file.

*(Signature)*  
(HAFEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS FEMALE)  
9/9/2021



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the September, 22, 2020

**NOTIFICATION**

**NO.SO(SM)E&SE/D/7-1/2020/Posting/Transfer/MC:** - The Competent Authority is pleased to order posting/transfer of the following officers of E&SED, on the posts/stations, as mentioned against each, in the best public interest, with immediate effect:

S#	Name with designation	Present place of duty	Posted as	Remarks
01	Mr. Hamid Mehmood (MC BS 19)	Additional Director (Estb) Directorate of E&SE	DEO Male Peshawar	AVP
02	Mr. Iqbal Khan (MC BS 19)	Additional Director Directorate of NMDs	Additional Director (Estb) Directorate of E&SE	V S#01
03	Mr. Hamid Ullah Jan (TC BS 19)	Principal GHSS Jun Khan Kali District Khyber	Additional Director Directorate of NMDs	V S#02
04	Mr. Saeed Gul (TC BS 19)	Deputy Managing Director ESEF NMDs	DEO North Waziristan	V S#06
05	Mr. Qadeem Khan (TC BS 19)	Principal GHSS Lar Di Khan	DEO South Waziristan	V S#07
06	Mr. Saif Ullah (TC BS 19)	DEO North Waziristan	Principal GHSS Lar Di Khan	V S#05
07	Mr. Zait Ullah (TC BS 19)	DEO South Waziristan	Principal GHSS Jun Khan Kali District Khyber	V S#03
08	Mr. Muhammad Azam Khan (MC BS 19)	DEO Male Buner	Deputy Managing Director ESEF NMDs	V S#04
09	Mr. Umer Zaman (MC BS 18)	DDEO Male Torghar	DEO Male Buner in OPS	V S#08
10	Mr. Noor Hassan (TC BS 19)	Principal GHSS Sindhbaz Gharhi Mardan	DEO Mohmand	V S#11
11	Mr. Jaddi Khan (TC BS 19)	DEO Mohmand	Service placed at the disposal of Directorate	

Secretary

Ends: of even No. & Date

Copy forward to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Concerned.
4. District Accounts Officers, Concerned.
5. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Director EMIS E&SE Department.
10. Officers concerned.
11. Master file.

(MUBEEB UR REHMAN)  
SECTION OFFICER (SCHOOLS /MALE)



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

Dated Peshawar the September, 18, 2020

**NOTIFICATION**

**NO.SO(SM)E&SED/7-1/2020/Posting/Transfer/MC** - The Competent Authority is pleased to order posting/transfer of the following officers of E&SED, on the posts/stations, as mentioned against each in the best public interest, with immediate effect

Sr	Name with designation	Present place of duty	Posted as	Remarks
1	Mr. Abbas Khan (TC BS-19)	At the disposal of Directorate of E&SE	DEO Kurram	V S #7
2	Mr. Sherin Zaib (TC BS-19)	Principal GHSS Roglagan	DEO Bajawar	V S# 6
3	Mr. Farid Ullah (TC BS-19)	Principal GHSS NO. 1 Madani Malakand	DEO Orakzai	V S#5
4	Mr. Noor Muhammad (TC BS-19)	Principal GHSS Charsadda Khas	DEO Khyber	V S#8
5	Mr. Zameer Ullah (TC BS-19)	DEO Male Orakzai	Principal GHSS Charsadda Khas	V S#4
6	Mr. Jehan Muhammad (MC BS-19)	DEO Bajawar	DEO Malakand	AVP
7	Mr. Midhat Ullah (MC BS-19)	DEO Kurram	DEO Male Lakki Marwat	AVP
8	Mr. Muhammad Shaukat (MC BS-19)	DEO Khyber	DEO Male Abbottabad	AVP
9	Mr. Muhammad Umar Khan Kurah (MC BS-19)	DEO Male Haripur	DEO Male Tank	V S# 11
10	Mr. Haziq Ur Rahman (MC BS-19)	DEO Male Kohat	DEO Male Torghar	AVP
11	Mr. Abdus Salam (MC BS-19)	DEO Male Tank	DEO Male Kohat	V S# 10
12	Mr. ...	DEO Male Upper Kohistan	GHSS Pezu Lakki Marwat SSS (HC) BS-18 on Stop gap arrangement	AVP
13	Mr. Imkhan Ahmad Shamirza (TC BS-19)	Director of Physical Education & Sport Directorate of E&SE, KP	Chief Instructor Physical Education GHSS Chakdara Lower Dir	V S#14
14	Mr. Nekhat Ullah (TC BS-19)	Chief Instructor Physical Education GHSS Chakdara Lower Dir	Director of Physical Education & Sport Directorate of E&SE, KP	V S #13



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
District Peshawar

Dated Peshawar the September 09<sup>th</sup> 2021

**NOTIFICATION**

**No.SO(S/F) E&SED/4-16/2021/Posting/Transfers/MC:**

The Competent authority is pleased to order the posting/transfers of the following Officers of Elementary & Secondary Education Department Khyber Pakhtunkhwa in the best public interest with immediate effect

S. No	NAME & Designation	FROM	TO
1	Mst Farzana Sardar (MC BS-19)	At the disposal of Directorate of E&SE	District Education Officer (Female) DI Khan vice No-4
2	Mst Parveen Begum (MC BS-19)	At the disposal of Directorate of E&SE	DEO (Female) Lark Marwat vice No-5
3	Mst Sameena Itaf (MC BS-19)	District Education Officer (Female) Hanpur	District Education Officer (Female) Mardan AVP
4	Mst Syeda Anjum (MC BS-19)	District Education Officer (Female) DI Khan	District Education Officer (Female) Bannu vice No-7
5	Mst Sabira Parveen (MC BS-19)	District Education Officer (Female) Lakki Marwat	District Education Officer (Female) Karak vice No-8
6	Mst Naheed Anjum (MC BS-19)	Additional Director Directorate of E&SE	District Education Officer (Female) Malakand AVP and the additional charge of the post of Additional Director (Female) is assigned to the Additional Director (Male) of the Directorate of E&SE in further orders
7	Mst Surraya Begum (MC BS-19)	District Education Officer (Female) Bannu	District Education Officer (Female) Charsadda AVP
8	Mst Zaib Un Nisa (MC BS-19)	District Education Officer (Female) Karak	District Education Officer (Female) Hangu AVP
9	Mst Rukhsana Rahim (MS BS-18)	At the disposal of Directorate of E&SE	Deputy District Education Officer (Female) Upper Kohistan AVP. She is also authorize to hold additional charge of the post of DEO (Female) Upper Kohistan in further orders
10	Mst Rehana Yasmeen (MC BS-18)	At the disposal of Directorate of E&SE	Deputy District Education Officer (Female) Kaila Palas by leaving DEO (Female) Lower Kohistan from the additional charge and DEO (Male) Kaila Palas hereby assigned the additional charge of the post of DEO (Female) Kaila Palas



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 051-9223588

11.	Mst. Abida Parveen (MC BS-18)	At the disposal of Directorate of E&SE	Deputy District Education Officer (Female) Tor Ghar vice No-13 and DEO (Male) Tor Ghar is hereby assigned the additional charge of the post of DEO (Female) Tor Ghar till further orders
12.	Mst. Fanoos Jamal (MC BS-18)	At the disposal of Directorate of E&SE	District Education Officer (Female) Khyber OPS AVP
13.	Mst. Nadia Begum (MC BS-18)	District Education Officer (Female) Tor Ghar OPS	Deputy District Education Officer (Female) Peshawar AVP
14.	Mst. Riaz Begum (TC BS-19)	Principal GGHS Subhan Khwar Mohmand	District Education Officer (Female) Mohmand AVP

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officers Concerned
4. District Accounts Officer, Concerned
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa
7. Officers concerned.
8. Master file.

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





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Dated Peshawar the July 05, 2021

**NOTIFICATION**

**NO.SO(SM)E&SED/7-1/2021/Posting/Transfer/MC:-** The Competent Authority is pleased to order the posting/ transfer of the following Officers of Elementary & Secondary Education Department, in the best public interest with immediate effect.

S#	Name & Designation	From	To
1.	Mr. Shah Jehar (BS-18 MC)	Deputy Director Directorate of NMDs Peshawar	District Education Officer (Male) Nowshera in OPS, vice S No 2
2.	Mr. Sajjad Akhtar (BS-19 MC)	District Education Officer (Male) Nowshera.	Services placed at the disposal of Directorate of E&SE KP Peshawar

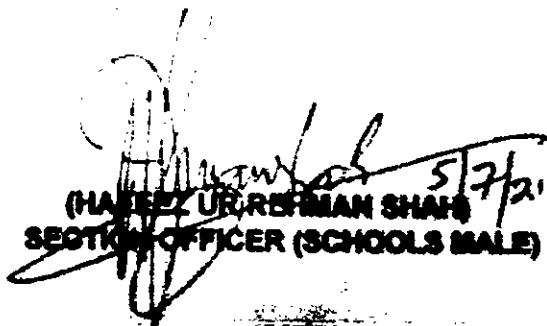
2. No TA/DA is allowed.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst. of even No. & Date

Copy forwarded to the

- 1 Accountant General, Khyber Pakhtunkhwa Peshawar
- 2 Director, E&SE Khyber Pakhtunkhwa, Peshawar
- 3 District Education Officer (Male), Concerned
- 4 District Accounts Officer Concerned
- 5 PS to Minister E&SE Department, Khyber Pakhtunkhwa
- 6 PS to Secretary E&SE Department, Khyber Pakhtunkhwa
- 7 PA to Additional Secretary (Estab) E&SE Department
- 8 Director EMIS E&SE Department
- 9 Officers concerned.
- 10 Master file.

  
(HAMEEZ UR REHMAN SHAH)  
SECTION OFFICER (SCHOOLS MALE)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KP PESHAWAR**

**S.A NO. 7259/2021**

MR. NOOR HASSAN TEACHING CADRE BPS-18..... APPELLANT

Vs

CHIEF SECRETARY KHYBER PAKHTUNKHWA & OTHERS...RESPONDENTS

Subject:- **REPLY TO THE ORDERS OF HONOURABLE SERVICE TRIBUNAL DATED 14-01-2022 IN SERVICE APPEAL NO. 7259/2021 TITLED AS NOOR HASSAN VS CHIEF SECRETARY KHYBER PAKHTUNKWA.**

**Respectfully sheweth,**

**The respondents most humbly submitted that:**

1. The Provincial Government of Elementary & Secondary Education Department vide Notification No.SO (SM) E & SED/3-2/2016/SSRC OF M.C dated 27-3-2019 notified the service rules for Management Cadre of E&SE Department KP. The post of District Education Officer / Additional Director (BPS-19) Male / Female are reflected at S.No.2 of the service rules, clearly indicates that the post shall be filled 100 % by promotion on the basis of seniority cum fitness from amongst the Deputy District Education Officers and Deputy Directors Male & Female with at least 07 years service in BPS-18 or twelve years service in BPS-17 and above.

Provided that if no suitable officer is available for promotion then by transfer of BPS-19 Officer (**Annex-A**).


2. On male side there are 40 posts of BPS-19 (Management Cadre) available on the strength of E&SE Department with the breakup (**35 posts of District Education Officer and 05 posts of Additional Directors Annex-B**), whereas, presently there are only 21 officers of BPS-19 in Management Cadre, as and when the Officers of Management cadre become available in BPS-19, the present incumbents of teaching cadre shall be replaced. Therefore, at present the Provincial Government KP is compelled to fill up the remaining posts from the Teaching cadre of BPS-19 specifically to carry out the day to day official business.

3. As far as the writ petition No. 2973/2009, titled as Wasi Ullah and others vs Chief Secretary and others is concerned, the posts of Assistant Controllers in BISEs NWFP were filled in by SSTs, Head Masters and Subject Specialists, the Respondent No.2 i.e Secretary E&SE Department KP issued Notification No.SO (S)E&SE(2009)Misc, wherein directed all the Chairmen of Boards of Intermediate and Secondary Education Department KP to repatriate all the teachers working against the post of Assistant Controllers on deputation to their concerned department. All the petitioners working against the post of Assistant Controllers feeling aggrieved filed the above quoted writ petition. The Honourable Peshawar high court in its order dated 18-11-2009 upheld the direction of Provincial Govt issued vide notification mentioned above that the Provincial Government has taken a firm decision that all those teachers belonging to teaching cadres shall be posted in the education institutions to teach the students according to their qualification while those belonging to Administrative cadre shall only hold the post relating to administration.

Hence, the E & SE Department KP has not committed any Contempt of Court in light of Court Judgment but followed Service Rules notified vide Notification No.SO (SM) E&SED/3-2/2016/SSRC of M.C dated 27-3-2019.

**Prayer:**

In view of above, legal and factual position, it is humbly prayed that the Department is compelled to comply the day to day business of District Management by posting a suitable office of BPS-19 as a stopgap arrangement.



**Secretary**  
**Elementary & Secondary Education Department**  
**Khyber Pakhtunkhwa**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

(Annex-A)

NOTIFICATION

Peshawar, dated the March 27, 2019

NO.SO(SM)E&SED/3-2/2016/SSRC of M.C: In pursuance of the provision contained in sub-rule (2) of rule-3 of the Khyber Pakhtunkhwa Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of this Department's Notification No. SO(SM)E&SED/3-2/2016/SSRC of MC dated 03-07-2018, the Elementary & Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in Column No. 3 to 5 of the Appendix to the Notification which shall be applicable to the posts of Schools Management Cadre under the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar and Directorate of Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad as specified in Column No. 2 of the said Appendix.

APPENDIX

S#	Nomenclature of the Post	Minimum Qualification for Appointment by Initial Recruitment or by Transfer	Age Limit	Method of Recruitment
1	2	3	4	5
1	Director (BPS-20)	.....	.....	By promotion, on the basis of seniority-cum-fitness, from amongst the District Education Officers and Additional Directors (Male and Female) with at least five year service in BPS-19 as such and having successful completion of Senior Management Course;  Provided that if no suitable officer is available for promotion then by transfer of BPS-20 officer,  Note: For the purpose of promotion, a joint seniority list of District Education Officers and Additional Directors (Male and Female) shall be maintained.

	District Education Officer/ Additional Director (BPS-19) (Male and Female)			<p>“By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy District Education Officers and Deputy Directors(Male and Female) with at least seven year service in BPS-18 or twelve year service in BPS-17 and above and such officer shall undergo six weeks post promotion training on the following modules, namely:</p> <ol style="list-style-type: none"> <li>i. Financial Management;</li> <li>ii. HR Management; and</li> <li>iii. Information Technology;</li> </ol> <p>Provided that if no suitable officer is available for promotion then by transfer of BPS-19 officer”.</p>
3	Deputy District Education Officer/Deputy Director (BPS-18) (Male and Female)	<ol style="list-style-type: none"> <li>i. M.Phil in Education from recognized University with three years teaching or administrative experience in Government recognized educational institutions or offices; or</li> <li>ii. at least Second Class Master’s Degree or BS (four years) and Bachelor’s Degree of Education from recognized University with five years teaching or administrative experience in BPS-17 and above in Government recognized educational institutions or offices; or</li> <li>iii. at least Second Class M.A/M.Sc with Second Class M.Ed./M.A (Education Planning and Management) or equivalent qualification from a recognized University with at least five years teaching or administrative experience in Government recognized educational institutions or offices.</li> </ol>	25 to 45 years	<p>(a) Eighty Percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Divisional Education Officers and Assistant Directors (Male/Female) with at least five year service as such and such officers shall undergo six weeks post promotion training on following modules, namely:</p> <ol style="list-style-type: none"> <li>i. Financial Management;</li> <li>ii. HR Management; and</li> <li>iii. Information Technology;</li> </ol> <p>Provided that if no suitable officer is available for promotion then by transfer of BPS-18 officer”; and</p> <p>(b) twenty percent by initial recruitment.</p>
4	Sub-Divisional Education Officer/Assistant Director (BPS-17) (Male and Female).	<ol style="list-style-type: none"> <li>i. At least Second Class M.A/M.Sc or BS (four years) from recognized University;</li> <li>ii. at least Second Class Bachelor’s of Education from a recognized University ; and</li> <li>iii. three years teaching or administrative experience in Government recognized institutions or offices.</li> </ol>	21 to 40 years	<p>(a) Eighty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sub-Divisional Education Officers and Assistant District Education Officers (Male &amp; Female) with at least five years’ service:</p> <p>Provided that if no suitable officer is available for promotion then by transfer of BPS-17 officer; and</p> <p>(b) Twenty percent by initial recruitment.</p>

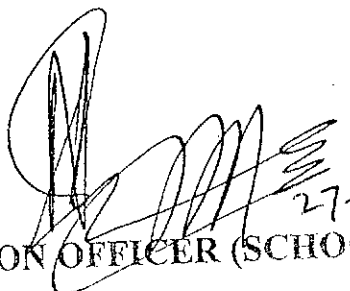
5	Assistant Sub-Divisional Education Officer/ Assistant District Education Officer (BPS-16) (Male and Female)	i. At least Second Class Bachelor's Degree or BS (four years) from a recognized University; ii. at least Second Class Bachelor's Degree of Education from a recognized University ; and iii. five years teaching or administrative experience in Government recognized institutions or offices.	25 to 35 years	"By initial recruitment:  Provided that if no suitable officer is available then by transfer of Secondary School Teacher (BPS-16) of Teaching Cadre. <b>Note:</b> On induction, all such officers shall undergo six weeks post induction training on the following modules, namely:  i. Financial Management; ii. HR Management; and iii. Information Technology"
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SECRETARY TO  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

**Endst: of even No. & Date:-**

Copy forwarded to the:

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Chairman Khyber Pakhtunkhwa Public Service Commission, Peshawar.
5. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Directorate of Curriculum and Teachers Education Khyber Pakhtunkhwa Abbottabad.
7. All District Education Officers (Male/Female) in Elementary & Secondary Education Khyber Pakhtunkhwa.
8. Director Information Khyber Pakhtunkhwa Peshawar with the request to give vide publicity.
9. Manager Government Printing Press Peshawar for publication in the next issue of Govt. Gazette.
10. PS to Advisor to Chief Minister for E&SE Department Khyber Pakhtunkhwa Peshawar.
11. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
12. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
13. PA to Additional Secretary (Estab) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
14. PA to Deputy Secretary (Admn) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
15. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
16. Director EMIS E&SE Department with the request to upload the same on the web site of the Department.

  
 27-03-19  
 for SECTION OFFICER (SCHOOLS MALE)

Detail of Sanctioned Posts of BS-19 (Male) (MC)

(Annex-B)

No.	Name of Offices	No. of Posts	Remarks
1	Additonal Director Directorate of E&SE KP Peshawar	3	2 Male 1 Female
2	District Education Officer (Male) Abbottabad	1	
3	District Education Officer (Male) Bannu	1	
4	District Education Officer (Male) Battagram	1	
5	District Education Officer (Male) Buner	1	
6	District Education Officer (Male) Charsadda	1	
7	District Education Officer (Male) Chitral Lower	1	
8	District Education Officer (Male) Chitral Upper	1	
9	District Education Officer (Male) D I Khan	1	
10	District Education Officer (Male) Dir Lower	1	
11	District Education Officer (Male) Dir Upper	1	
12	District Education Officer (Male) Hangu	1	
13	District Education Officer (Male) Haripur	1	
14	District Education Officer (Male) Karak	1	
15	District Education Officer (Male) Kohat	1	
16	District Education Officer (Male) Kohistan Lower	1	
17	District Education Officer (Male) Kohistan Upper (Dasu)	1	
18	District Education Officer (Male) Kohistan Kolai Palas	1	
19	District Education Officer (Male) Lakki Marwat	1	
20	District Education Officer (Male) Malakand	1	
21	District Education Officer (Male) Mansehra	1	
22	District Education Officer (Male) Mardan	1	
23	District Education Officer (Male) Nowshera	1	
24	District Education Officer (Male) Peshawar	1	
25	District Education Officer (Male) Shangla	1	
26	District Education Officer (Male) Swabi	1	
27	District Education Officer (Male) Swat	1	
28	District Education Officer (Male) Tank	1	
29	District Education Officer (Male) Torghar	1	
<b>Total</b>		<b>31</b>	
<b>Newly Merged Areas</b>			
1	Additonal Director Directorate of E&SE KP Peshawar	2	
2	District Education Officer (Male) Bajaur	1	
3	District Education Officer (Male) Khyber	1	
4	District Education Officer (Male) Kurram	1	
5	District Education Officer (Male) Mohmand	1	
6	District Education Officer (Male) North Waziristan	1	
7	District Education Officer (Male) Orakzai	1	
8	District Education Officer (Male) South Waziristan	1	
<b>Total</b>		<b>9</b>	
<b>Grand Total</b>		<b>40</b>	

<b>Summary</b>	
Total Sanctioned posts for Settled Areas	28
Total Sanctioned posts for Newly Merged Tribal Districts	7
Total Sanctioned posts of Additional Director	3
Total Sanctioned posts of Additional Director NMAs	2
<b>Grand Total</b>	<b>40</b>

Deputy Director (Estt. Male-II)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 7259/2021

Noor Hassan

**VERSUS**

Government of Khyber Pakhtunkhwa & Others

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<b><i>S#</i></b>	<b><i>Description of Documents</i></b>	<b><i>Annex</i></b>	<b><i>Pages</i></b>
1.	Reply		1-3
2.	Affidavit, Suspension Application+ Affidavit		4, 4A, 4B
3.	Copy of Affidavit & Application	"A & A/T"	5-6
4.	Wakalatnama		7

Dated : 12/10/2021

**Appellant**

Through

**JAVED IQBAL GULBELA,  
Advocate, Supreme Court of  
Pakistan.**



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

**S.A 7259/21**

Noor Hassan

Versus

Government of Khyber Pakhtunkhwa & Others

**REPLY ON BEHALF OF RESPONDENT NO. 4**

**Respectfully Sheweth,**

**Preliminary Objections:**

1. That the Appellant has no cause of action to file the instant Appeal.
2. That the Appellant has concealed material facts from this Hon'ble Court.
3. That the Appeal of the Appellant is not maintainable in its present form.
4. That the Appellant has not come to this Hon'ble Court with clean hands.
5. The Appellant has portrayed a wrong picture just to mislead this Hon'ble Court.
6. That the Appeal of the Appellant is badly time -barred.

**On Facts:**

1. Pertains to personal record of the Appellant.
2. Pertains to personal record of the Appellant.
3. Pertains to personal record of the Appellant.

4. Para No. 4 of the Appeal is incorrect, wrong, misleading and hypocritic hence sternly denied. The story behind the curtain is that neither the transfer order is politically motivated one, nor the said MNA Sajid Khan has ever issued a letter in this regard for transfer of the Appellant. In this context, the MNA Sajid Khan has also written down an affidavit that neither he has written down any letter, nor has ever signed the same, but the Appellant has misused his Letter Pad in an illegal way, just to mislead this August Tribunal. Moreover, the MNA Sajid Khan has also submitted an application to District Police Officer (D.P.O) District Mohmand for taking legal action against the Appellant for illegally using the Letter Pad of the Appellant. (Copy of Affidavit & Application are annexed herewith as Annexure "A & A/1").

5. Pertains to Official Respondents.

6. Incorrect and wrong hence denied. The Appellant has not even mentioned a single word about the Transfer as a politically motivated one, and have mentioned the same in Service Appeal, meaning thereby that the letter so annexed is false and fabricated one. Furthermore, the Appeal of the Appellant is time barred.

7. No comments.

On Grounds:

A. Incorrect & Denied. The Transfer and posting of the Appellant is strictly as per law.

B. Incorrect and denied. No violation of rules has ever been made.

- C. Incorrect, wrong, false, fabricated hence denied. No mala-fide exists on part of Respondent No. 4. The Appellant has provided a false and fake letter mentioning the transfer of the Appellant, which under the law is not allowed.
- D. Incorrect and denied. True and detailed picture has already been portrayed in the preceding paras.
- E. Incorrect and denied. Already explained in above paras.
- F. Incorrect and denied.
- G. Incorrect and denied.
- H. Official Respondents are well competent to Reply the same.
- I. No Comments.

*It is, therefore, humbly prayed that on acceptance of the instant reply, the appeal of the Appellant may graciously be dismissed with costs.*

Dated: 12/10/2021.

Appellant

Through

Javed Iqbal Gulbela  
Advocate  
Supreme Court of Pakistan

Saghir Iqbal Gulbela  
&  
Ahsan Sardar  
Advocates, High Court  
Peshawar.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 7259/2021

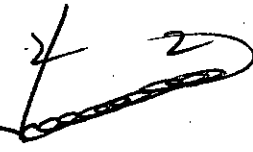
Noor Hassan

**VERSUS**

Government of Khyber Pakhtunkhwa & others  
**AFFIDAVIT**

I, **Respondent No.4**, do hereby solemnly affirm and declare that all the contents of the accompanied **reply** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Identified By:

  
**Javed Iqbal Gulbela**  
Advocate Supreme Court  
of Pakistan.

**DEPONENT**

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 7259/2021

Noor Hassan

**VERSUS**

Government of Khyber Pakhtunkhwa & others

**Reply to Application for Temporary Injunction**

**Respectfully Sheweth,**

1. No Comments.
2. In correct & denied. Respondent No.4 has been posted against the post of the appellant strictly as per law.
3. Incorrect & denied. That no ingredient for status quo fulfills in case of the appellant.
4. Incorrect and denied.
5. Incorrect & denied.

*It is, therefore, most humbly prayed that on acceptance of the instant reply to application, the application for temporary injunction may graciously be dismissed with cost.*

Dated : 12/10/2021

Appellant  
Through  
**JAVED IQBAL GULBELA**  
Advocate, Supreme Court of  
Pakistan.

4-B

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A-7259/2021

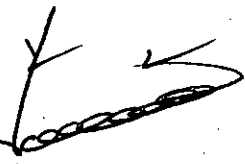
Noor Hassan

**VERSUS**

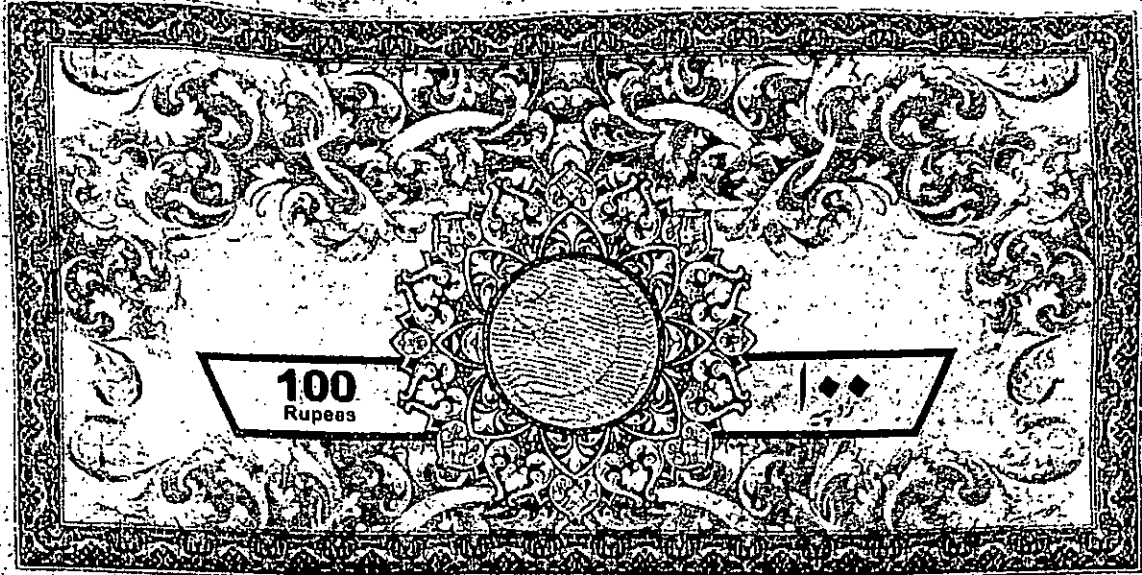
Government of Khyber Pakhtunkhwa & others  
**AFFIDAVIT**

I, **Respondent No.4**, do hereby solemnly affirm and declare that all the contents of the accompanied **reply** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Identified By:

  
**Javed Iqbal Gulbela**  
Advocate Supreme Court  
of Pakistan.

***DEPONENT***



### حلفیہ بیان

میں مسہی ساجد خان ولد سلطان خان ایم این اے حلقہ  
این اے 42 سکنہ خانگے لہو کے تھیلہ حلیمزئی ضلع بہمنہ  
حلقہ یہ اقرار کرتا ہوں کہ جناب لہو حسن صاحبہ ٹرسٹرز (موجودہ  
افسر ضلع بہمنہ نے جو خط سروس ٹریبونل میں بسلسلہ ٹرانسفر  
سے کیس جمع کیا ہے وہ میرا لکھا ہوا خط نہیں ہے۔ اور نہ  
ہی اس پر کیا گیا دستخط میرا ہے۔

دراصل میرے لٹریچر کو جعلی طریقے سے استعمال کر کے  
عدالت کو گمراہ کیا گیا ہے۔

میں اس بیان پر قائم ہوں اور اگر مجھے معزز عدالت  
یا کسی اور فورم پر بتایا گیا تو میں حاضر ہو جاؤں گا۔

ساجد خان ولد سلطان خان

شناخت کارڈ نمبر 3-19-52932-52406

ایم این اے حلقہ این اے 42  
ضلع بہمنہ



بہمنہ: 22 ستمبر 2022

JAVED IQBAL QURESHI  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

جناب و شریف پولیس افسر ضلع مہمند

درخواست بھرن قانونی کاروائی / FIR  
پر غلطی جناب فورسز صاحب DEO ضلع مہمند

SHO / Ghalani  
For necessary action  
as per law

(188) / 21-08-2021

عالی! District Police Officer Mithamir

موردبانہ گزارش ہے کہ جناب فورسز صاحب DEO مہمند

نے سرور میں ٹریسول سپٹاور میں اہم این اے ساہرا خان مہمند

کا لٹر پید جعلی طریقے سے استعمال کرتے جمع کیا ہے۔ (نقل لہ ہے)

جس کام میں اور اس پر موجود دستخط کو جعلی طریقے سے مرتب

کیا ہے۔ اس نسبت میں بیان جعلی جناب ساہرا خان اہم این اے

ضلع مہمند نے جوٹی مکشن مہمند کو جمع کرائی ہے۔ (نقل لہ ہے)

اس لیے استدعا ہے کہ منظور ہی درخواست جناب فورسز صاحب

ڈسٹرکٹ ایجوکیشن افسر ضلع مہمند کو جمل سازی اور فراڈ کے تحت

FIR درج کر کے قانونی کاروائی عمل میں لائی جائے۔

العارضہ

بمورخہ: 27 ستمبر 2021ء

لیاقت علی ولد محمد گل پراسنٹر سیکریٹری اہم این اے ساہرا خان سکنہ غازی ضلع مہمند

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
ASC # 53171