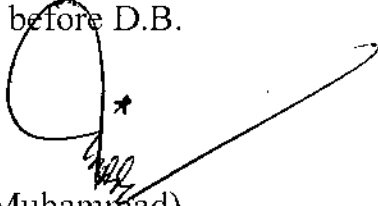


05.01.2023

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Last opportunity is granted. Adjourned. To come up for arguments on 06.04.2023 before D.B.



(Mian Muhammad)
Member (E)



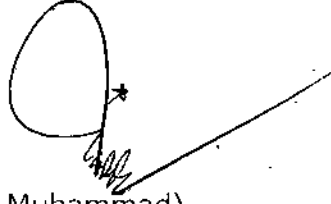
(Kalim Arshad Khan)
Chairman

SCANNED
KPT ST
PESHAWAR

01.06.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Faheem Ullah Section Officer for the respondents present.

Representative of the respondents department produced copy of the Notification NO.SO (SM) E&SED/7-1/2021/PT/G dated 30.09.2021 and stated at the Bar that grievance of the appellant has been redressed. Copy of the said notification is placed of file as well as provided to the learned counsel for the appellant. Learned counsel for the appellant requested that opportunity may be granted to him to consult the appellant. Adjourned. To come up for arguments on 08.08.2022 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

8.8.2022

*Due to the Public holiday the case is
adjourned to 8-11-2022*

*Mr
Reader*

08.11.2022

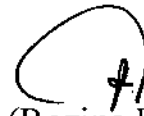
Clerk of counsel for the appellant present.

Muhammad Adeel Butt learned Additional Advocate General for the respondents present.

Former requested for adjournment on the ground that learned counsel for the appellant is busy in hon'ble Peshawar High Court. Adjourned. To come up for arguments on 05.01.2023 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

14.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 01.06.2022 for the same as before.


Reader

22.11.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl: AG present.

No one is present on behalf of the respondents. Notices have not been issued to the respondents. Office is directed to issue notices to the respondents and be careful in future. Adjourned. To come up for written reply/comments on 08.12.2021 before S.B. The operation of impugned Notification dated 30.09.2021 shall remain suspended till next date.


(MIAN MUHAMMAD)

08.12.2021

Clerk of learned counsel for the appellant present: Mr. Muhammad Adeel, Addl: AG alongwith Mr. Syed Naseer Ud Din Shah, Assistant for respondents present.


Representative of the respondents submitted written reply/comments which is placed on file. A copy of the same is also handed over to the clerk of learned counsel for the appellant. To come up for arguments on 04.01.2022 before D.B. The operation of impugned Notification dated 30.09.2021 shall remain suspended till next date.


(MIAN MUHAMMAD)
MEMBER (E)

04.01.2022

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Gul Shahzad, SI (L) for the respondents present.

Former seeks adjournment in order to further prepare the brief. Request accorded. To come up for arguments on 14.02.2022 before the D.B.


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


Chairman

SA No. 7614/21

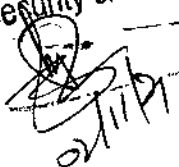
25.10.2021

Counsel for the appellant present. Preliminary arguments heard.

SCANNED
KPST
Peshawar

According to general posting/transfer order dated 12.03.2021 annexed with the appeal, the appellant was posted as DDEO(M) BS-18 Bajaur. As per copy of the charge report as annexed with the appeal, he assumed the charge of the said post on 13.03.2021. The impugned notification was issued on 30.09.2021, whereby the appellant alongwith others has been transferred. According to the impugned notification, the appellant has been transferred from the said post and his service has been placed at the disposal of the Directorate, E&SE, Peshawar. Apparently, the premature transfer of the appellant has been made on administrative ground but it is not yet clear as to what were those grounds necessitating the transfer of the appellant. Let the respondents be heard, this appeal is admitted for regular 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 after 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 shall

Appellant Deposited
Security & Process Fee


25/10/21

12/11/21

submit the file with a report of non-compliance. File to come up for arguments on 22.11.2021 before the D.B.

Alongwith the memorandum of appeal an application has also been submitted for suspension of operation of the impugned notification dated 30.09.2021 to the extent of appellant and private respondent No. 4 till the disposal of the main appeal. Notice of application be also issued to the respondents. If already not acted upon, the operation of impugned Notification dated 30.09.2021 shall remain suspended till next date.

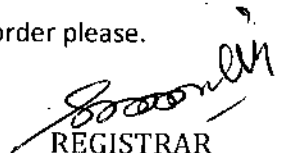
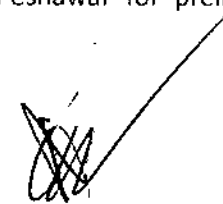

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7614 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/10/2021 SCANNED PESHAWAR	<p>The appeal of Mr. Sher Nawab presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>25/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

SERVICE APPEAL NO. 7614 /2021

SHER NAWAB

V/S

EDUCATION DEPTT:

INDEX

S.N ^o	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1-3
2	Affidavit	4
3	Stay Application	5
4	Notification dt: 12.03.2021	A	6-10
5	Charge report	B	11
7	Impugned notification dt: 30.09.2021	C	12
8	Departmental appeal	D	13-14
9	Transfer/posting policy	E	15-17
10	Wakalat Nama	18

Dated: _____ 10.2021

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE
FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR
0345-9383141

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

APPEAL NO. _____/2021

Mr. Sher Nawab, Deputy District Education Officer (M) (TC) (BPS-18),
District Bajaur, under transfer to Directorate of E&SE Peshawar.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director E&S Education, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Lovedan Shahid, (MC) BPS-17 posted as Deputy District Officer Bajaur.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 30-09-2021 WHEREBY THE APPELLANT HAS PREMATURELY BEEN TRANSFERRED TO DIRECTORATE OF E&SE PESHAWAR IN UTTER VIOLATION OF THE TRANSFER/POSTING POLICY OF THE PROVINCIAL GOVERNMENT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE PERIOD PRESCRIBED BY THE TRANSFER/POSTING POLICY

PRAYER:

That on acceptance of this appeal the impugned notification dated 30.09.2021 may kindly be set aside to the extent of appellant and private respondent No.4 and the official respondents may kindly be directed not to transfer the appellant from Deputy District Officer (M) Bajaur till completion of his normal tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of respondent Department and is serving the department quite efficiently and up to the entire satisfaction of her superiors.

- 2- That during serving the respondent department with whole heartedly and with zeal and zest, the appellatant was transferred and posted as Deputy District Education Officer (M) Bajaur vide notification dated 12.03.2021 in the best public interest. Copy of the notification dated 12.03.2021 is attached is annexure **A.**
- 3- That in response to ibid transfer Notification the appellatant took over the charge at his new place of posting i.e. DDEO (T.C) at District Education Office Bajaur on 13.03.2021. Copy of the charge report is attached as annexure **B.**
- 4- That while performing his duties quite efficiently and up to the entire satisfaction of his superiors the appellatant was astonishingly transferred vide impugned notification dated 30.09.2021 in utter violation of the transfer and posting policy of the provincial government after few months and the private respondent No. 4 was posted on the post in OPS. Copy of the impugned notification dated 30.09.2021 is attached as annexure **C.**
- 5- That feeling aggrieved from the impugned notification, the appellatant filed departmental appeal before the appellate authority but the same has not been responded till date. Copy of the departmental appeal is attached as annexure **D.**
- 6- That appellants feeling aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

- A-** That the impugned notification dated 30.09.2021 issued by the respondents is against the law, facts, norms of natural justice and in utter violation of posting /transfer policy hence liable to be set aside to the extent of appellatant and the private respondent No.4.
- B-** That the appellatant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C-** That the impugned notification dated 30.09.2021 is against the clauses I, IV and XIV of the transfer/posting policy of the provincial Government of Khyber Pakhtunkhwa. Copy of transfer/posting policy is attached as annexure..... **E.**
- D-** That, the treatment meted out to the appellatant is a clear violation of the Fundamental Rights of the appellatant.

- E- That the respondents acted in arbitrary and malafide manner by issuing the impugned notification dated 30.09.2021 against the appellant.
- F- That, the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the Principle of Natural Justice.
- G- That neither the impugned notification dated 30.09.2021 has been issued in the public interest nor the same have been issued in exigencies of public service.
- H- That the appellant has been transferred pre maturely, therefore the impugned notification dated 30.09.2021 is not tenable and liable to be set aside.
- I- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 16.10.2021

APPELLANT

[Signature]
SHER NAWAB

THROUGH:

[Signature]
NOOR MOHAMMAD KHATTAK

[Signature]
KAMRAN KHAN

[Signature]
SAID KHAN

[Signature]
UMAR FARROQ

[Signature]
HAIDER ALI
ADVOCATES,
HIGH COURT, PESHAWAR

ANNEXURE A

6



GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the March 12, 2021

NOTIFICATION

NO.SO(SM)E&SED/7-1/2020/Posting/Transfer/MC:- Posting/transfer of the following officers of Elementary & Secondary Education is hereby ordered as mentioned against each, in the best public interest, with immediate effect:

S#	Name, designation & present place of duty	Posted as	Remarks
1.	Mr. Aurangzeb BS-17 (MC) SDEO (M) Bisham, Shangla	Deputy DEO (M) BS-18 Swat in OPS	AVP
2.	Raja Jehangir SDEO (Male) Abbottabad, (MC BS-17).	DDEO (Male) BS-18 Manshra in OPS	AVP
3.	Mr. Raees Ur Rehman SDEO (MC BS-17) SDEO (Male) Judba Torghar	DDEO (M) Torghar BS- 18 in OPS.	AVP
4.	Mr. Said Muhammad SS H/Civics (BS-17) GHSS Sarobi Garhi Orakzai (TC BS-17)	DDEO (M) Miranshah North Waziristan TD BS- 18 in OPS	AVP
5.	Mr. Ali Haider SDEO (BS-17) MC SDEO (M) Timergara Dir Lower	DDEO (M) BS-18 Dir Lower In OPS.	AVP
6.	Mr. Mehboob Elahi SDEO (BS- 17) MC SDEO (M) Chitral Lower	DDEO (M) BS-18 Chitral Lower In OPS	AVP
7.	Muhammad Zubair, BS-17, (MC) Deputy DEO (M) Charsadda in OPS	Deputy DEO (M) BS-18 Mohmand TD in OPS	AVP
8.	Mr. Abdul Haleem BS-16 (MC) ASDEO, O/O DEO (M), Shangla	SDEO (M) BS-17 Bisham, Shangla in OPS	V.S#1
9.	Muhammad Zahid BS-17 (MC) Assistant Director, Directorate of E&SE, KP	SDEO (M) BS-17 Kabal ,Swat	AVP
10.	Mr. Saleh Badshah ASDEO BS-16 (MC) ASDEO (M) Serai Naurang Lakki Marwat	Assistant Director (BS-17) , Directorate of E&SE, KP.	V.S# 9 Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021

Order 2021/Management Cadre Notifications-2021.docx

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

7

11.	Muhammad Noor Sultan ADEO (BS-16) SDEO (M) Daraban D.I Khan In OPS	SDEO (M) BS-17 Daraban D.I Khan	Already Occupied Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
12.	Wisal Muhammad ADEO (BS-16) SDEO (M) Tangi Charsadda In OPS	SDEO (M) BS-17 Tangi Charsadda.	Already Occupied Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
13.	Muhammad Alamdin ASDEO BS-16 (MC) ASDEO Circle Kotka Muhammad Khan Bannu	SDEO (M) BS-17 Hangu	AVP. Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
14.	Mr. Sikandar Hayat ASDEO BS-16 (MC) ASDEO (M) Tand Kowai Swabi	DDEO (M) BS-18 Swabi in OPS	AVP Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021. He will actualize his promotion against AD (BS-17) (DDU) Directorate of E&SE Peshawar
15.	Mr. Nisar Ahmad ADEO BS-16 (MC) ADEO (Estab Primary) O/O DEO (M) Mardan	SDEO (M) BS-17 Rustam Mardan	V.#31 Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020

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ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

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			dated: 04.02.2021
16.	Mr. Said. Zamin Shah ASDEO, (MC BS-16) ASDEO (Male) Dargai, Malakand	SDEO (Male) BS-17 Khwaza Khela Swat in OPS	AVP
17.	Mr. Altaf Hussain ADEO (MC BS-16) ADEO (Male) P&D Malakand	SDEO (M) BS-17 Barikot Swat	AVP Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
18.	Mr. Akbar Ghani ASDEO (MC BS-16) ASDEO (Male) Kubar Medan, Dir Lower	SDEO (Male) BS-17 Barawal Bandi Dir Upper.	AVP Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
19.	Mr. Muhammad Iqbal ADEO (MC BS-16) ADEO (Female) Dir Upper	SDEO (Male) BS-17 Kalkot Dir Upper In OPS	AVP
20.	Mr. Muhammad Tahir ADEO (MC BS-16) ADEO (Male) P&D Dir Upper	SDEO (Male) BS-17 Larjam Dir Upper In OPS	AVP
21.	Mr. Muhammad Azem Khan (MC BS-16) At Directorate of E&SE Peshawar	Assistant Director (Sports) BS-17 Directorate of E&SE Peshawar	V.S#22 Promoted to BS-17 MC vide Notification No.SO(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
22.	Mr. Abdul Ahad Assistant Director (Sports) BS-17 Directorate of E&SE Peshawar	Services placed at the disposal of Directorate of E&SE Peshawar	
23.	Syed. Anwar Shah ASDEO (MC BS-16) ASDEO (Male) Mansehra	SDEO (Male) BS-17 Kolai Palas Kohistan in OPS.	AVP

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ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

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24.	Mr. Muhammad Ishfaq ASDEO (MC BS-16) ASDEO (Male) Battal Manshra	SDEO (Male) BS-17 Kohistan Upper in OPS.	AVP
25.	Mr. Sarfaraz Khan ADEO (MC BS-16) ADEO (Male) P&D Manshra	SDEO (Male) BS-17 Hassan Zai Torghar In OPS.	AVP
26.	Mr. Ghulam Jilani ASDEO (MC) BS-16 ASDEO Circle Kaghan Manshra	SDEO (Male) BS-17 Balakot Manshra in OPS	V.S#27
27.	Mr. Shamas ur Rehman SDEO (M) Balakot Manshra (MC BS- 17)	SDEO (Male) BS-17 Abbottabad	V.S#2
28.	Mr. Zahcer Ud Din ASDEO (MC) BS-16 ASDEO Malakand	SDEO (M) BS-17 Munda Dir Lower. In OPS.	V.S#36
29.	Mr. Sharafuddin SDEO (MC) BS-17 working as HM (BS-17) GHS Balim Chitral	SDEO (M) BS-17 Mastuj Chitral Upper	V.S#30
30.	Mr. Shahid Hussan SDEO (MC) BS-17 Mastuj Chitral Upper	SDEO (M) BS-17 Drosh Chitral Lower	V.S#32
31.	Mr. Imtiaz SDEO (MC) BS-17) Rustam Mardan	DDEO (M) BS-18 Mardan in OPS	AVP
32.	Mr. Shahzad Nadeem SDEO (MC) BS-17 Drosh Chitral Lower	SDEO (M) BS-17 Chitral Lower	V.S#6
33.	Mr. Adil Muhammad SDEO (MC) BS-17 Jehangira Nowshera	SDEO (M) BS-17 Katlang Mardan	V.S#34
34.	Mr. Fazl-E-Khuda SDEO (MC) BS-17 Katlang Mardan	SDEO (M) BS-17 Jehangira Nowshera	V.S#33
35.	Mr. Zahid Ullah (TC BS-18) at the disposal of Directorate of E&SE Peshawar	DDEO (M) BS-18 Orakzai	AVP
36.	Mr. Muhammad Islam SDEO (MC) BS-17 Munda Dir Lower	SDEO (M) BS-17 Timergar Dir Lower	V.S#5
37.	Mr. Sher Nawab (TC BS-18) GHSS Gardai Bajaur	DDEO (M) BS-18 Bajaur	AVP
38.	Syed Tahir Shah (MC BS-18) DDEO Dir Upper	DDEO (M) BS-18 Nowshera	V.S#39

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

10

39.	Mr. Abdur Rehman (MC BS-18) DDEO Nowshera	DDEO (M) BS-18 Dir Upper	V.S#38
-----	---	--------------------------	--------

Encls: of even No. & Date
Copy forwarded to the:

SECRETARY

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

12/03/21

(MUTEEB UR REHMAN)

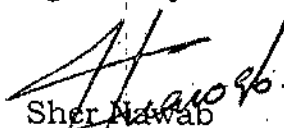
SECTION OFFICER (SCHOOLS MALE)

ATTESTED

CHARGE REPORT

I Mr. Sher Nawab assumed the charge of the DDEO (T-C) Post at District Education Office Bajaur at Khar to-day fore noon 13/03/2021 Vide Govt: of KPK E&SE Department Peshawar No. SO (SM) EGSED/7-1/ 2020/ Posting/ Transfer/M.C dated 12-03-2021.

Please accept my Charge report for Assuming of Duty.


Sher Nawab
DDEO T/C District Bajaur.

OFFICE OF THE DISTRICT EDUCATION OFFICER DISTRICT BAJAUR

Endst: No. 13460-64 Dated: 24/3/2021

Copy Forwarded To the:

1. Director E&SE KPK Peshawar.
2. Deputy Director (Estab.) NMD KPK Peshawar.
3. District Account Officer Bajaur.
4. Officer Concern.
5. Personal File.


District Education Officer
Bajaur

ATTESTED

**GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY &
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, Sherin Zada (TC) BS-18	District Education Officer (M) bajaur	Service place at the disposal of the Directorate E&SE Peshawar
2	Mr, Sher Nawab (TC) BS-18	District Education Officer (M) bajaur	Service place at the disposal of the Directorate E&SE Peshawar
3	Mr, Lovedan Shahid (TC) BS-17	SDEO (M) Lai Oilla 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 pos.

**SECRETARY TO GOVERNMENT K.P
E&SE DEPARTMENT**

Endst. of even No. & Date

Copy forwarded to the:.

1. Accountant General K.P Peshawar.
2. Director E&SE K.P 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.

**(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)**



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

12

Dated Peshawar the September 30, 2021

NOTIFICATION

NO.SD/SME/SS/ED/7-1/2021/PT/16 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 Sherin 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 Olla District Dir Lower	Deputy District Officer (M) Bajaur in OPS vice S No 02
4	Mst Jamila Raza (TC) BS-17	GGHS Khair District Bajaur	Headmaster GGHS Timergora District Dir Lower against the vacant post.

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 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

ATTESTED

(HAFEEZ UR-REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Shaf Ullah Haqqani

TO

THE WORTHY
Secretary, Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL REPRESENTATION AGAINST THE
TRANSFER ORDER DATED 30/09/2021

Respected Sir,

Most respectfully, it is stated that:

1. The undersigned has been placed at the disposal of Directorate Elementary and Secondary Education on the Administrative Ground vide Notification No. SO(SM)E&SED/7-1/2021/PT/G dated 30/09/2021, needless to mention here that the undersigned throughout his services at District Bajour perform his duty with the best interest of the parent department and promote the education in the backward area of the Erstwhile FATA.
2. That I was assigned a charge of Deputy District Education Officer, District Bajour vide No. ~~SO(SM)E&SED/7-1/2021/PT/G~~ posting /transfer/MC dated 12-03-2021 therefore all the assigns duties and responsibilities to supervise/monitor boys and girls educational institutions of the entire district. it is necessary to mention here that the undersigned so many time informed the departmental authorities about the post of District Education Officer (Female) and the department has been sanctioned but till yet no such posting has been given to any female District Education Officer for female office. hence being the Deputy District Education Officer, the undersigned promote and support the female staff and schools activities for Erstwhile FATA Female Education, furthermore the undersigned was also through Notification No. 17986-90 dated 28/08/2021 empower to arrange proper procedure to development, progress work, funds, transferred, SIP Collection, Teacher Hiring, Monitoring of construction work, record keeping and functionalizing and mobilization the PTC with keen interest.
3. That it is also necessary to mention here that the undersigned was invited by the principal of the Govt. Girls High School Khar on 25/09/2021 to promote the educational activities in school, therefore the undersigned being the Deputy District Educational Officer, along with the District Education Officer, Incharge of P&D visited for encouragement of the educational activities in Erstwhile FATA which has badly suffered due to terrorism, thus needs special attention. Being the Officer of the Education Department, the undersigned has the prime duty to extent full support towards subordinate staff.

Dear Sir, with kind attention the undersigned has performed his duties his best abilities and In accordance with law. Therefore, the transfer vide Notification NO. SOP(SM)E&SED/7-1/2021/PT/G dated 30/09/2021 on the administrative ground is badly effect the status of undersigned, hence may please be recalled.

TESTED

In view of the above, it is, therefore, most kindly requested that the transfer Notification NO. SOP(SM)E&SED/7-1/2021/PT/G dated 30/09/2021 on the administrative ground may be set aside.

Yours Obediently,

[Handwritten signature]
10/10/2021

SHER NAWAB (TC) BR-18
Deputy District Education Officer,
Bajour

Diary No. 2629
Dated: 01/10/2021

[Handwritten signature]
1/10/2

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) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

ATTESTER

to be true copy
Advocate

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

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

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

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

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

Added vide Urdu circular letter No: SOR-VI (E&AD)/1.4/2005, dated 9-9-2005.

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to be true copy
Advocate



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

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

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

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

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

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

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

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

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

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

ATTESTED

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No.# 7614/2021

Sher Nawab TC (BS-18)..... (Appellant)

Versus

GOVT: of KHYBER PAKHTUNKHWA..... (Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01,02&03

Respectfully sheweth:-


PRELIMINARY OBJECTIONS

- I. That the appellant has got no cause of action.
- II. That, the instant is badly time barred.
- III. That the appellant has concealed the material facts from this Honorable Tribunal, hence is liable to be dismissed on this score.
- IV. That the services of the appellant is on the discrete of the Competent Authority and he is liable to serve anywhere in the province under Section-10 of the Civil Servant Act 1973, hence the appellant has no right to file the instant appeal.
- V. That the appellant has violated the Department Policy regarding visiting the Girls School being ADEOs/ ASDEOs Female are available and serving in the DEO office Bajaur, the Department has already been issued clear directions regarding not vising of Male Officers to the Girls School, due to the act of the appellant the Department has faced to defamation on social media as well as in general.
- VI. That the appellant has not come to this Honorable Tribunal with clean hands.
- VII. That the present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
- VIII. That the instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
- IX. That the post of DEO Bajaur (BS-19) is Management Cadre post while the appellant belongs to Teaching Cadre in (BS-18) and he has been adjusted as stop gap arrangement

ON FACTS:

1. That para-1 is subject to service record of the appellant, however performance of duty with honesty and efficiency is the prior responsibility of an employee.
2. That para-2 is also pertaining to record.
3. That para-3 pertains to record.
4. That this department has categorically issued instructions to all the DEO (F) / Head of all Girls Schools, that there will be complete ban on media coverage of such functions where females are participating. Furthermore, strict ban was also imposed on taking part of male dignitaries in the functions / festivals in Government girls Schools as Chief Gusts in Khyber Pakhtunkhwa with further instructions not to invite any male Ministers, Members of Parliament, Member of Provincial Assembly and other officers to any Girls Schools as Chief Guest.

That the appellant has violated the Department instructions regarding visiting the Girls School, although ADEOs/ ASDEOs Female are available and serving in the DEO office Bajaur, due to the act of the appellant the Department has faced to defamation on social media as well as in general (Directions of the Department attached as (Annex-A) Therefore, appointees has been removed from the post of DEO.



5. That detail reply has already been submitted under para-4 above, however, the services of the appellant is on the discretion of the Competent Authority and the appellant is liable to serve anywhere in the province under Section-10 of the Civil Servant Act 1973, hence the appellant has no right to file the instant appeal.
6. That the appellant is not an aggrieved person, hence the instant Service Appeal may be dismissed inter-alia on the following grounds.

GROUND:

- A. **Incorrect & denied.** The respondent Department has acted according to the Rules / Policy in-vogue.
- B. **Incorrect & denied.** The appellant has been treated as per rules / policy, furthermore the services of the appellant is on the discretion of the Competent Authority and the appellant is liable to serve anywhere in the province under Section-10 of the Civil Servant Act 1973.
- C. **Incorrect & denied.** The services of the Appellant is on the discretion of the Respondent Department, the appellant is liable to serve as per policy / rules in-vogue, furthermore the post of DEO Bajaur (BS-19) is Management Cadre post while the appellant belongs to Teaching Cadre in (BS-18) and he has been adjusted as stop gap arrangement.
- D. **Incorrect & denied.** That no violation has been made, however appellant has violated the Department Policy regarding visiting the Girls School. ADEOs/ ASDEOs Female are available and serving in the DEO office Bajaur, the Department has already been issued clear directions regarding not vising of Male Officers to the Girls School, due to the act of the appellant the Department has faced defamation on social media as well as in general.
- E. **Incorrect & denied.** That no mala-fide has been done to the Appellant, he has been treated as per rules / policy in-vogue, furthermore in regards to the performance of duty, it is the prior responsibility of an employee to perform duties with full enthusiasm and honesty.
- F. **Incorrect & denied.** That no discriminations has been made to the appellant, he has been treated as per rules / policy in-vogue
- G. **Incorrect & denied.** That the impugned notification has been issued in the interest of Public and in this regard detail reply has already been submitted under para-4 above on facts.
- H. **Incorrect & denied.** That detail reply has already been submitted under para-4 above on facts.
- I. That the Respondents also seek permission of this Honorable Tribunal to advance additional grounds at the time of arguments.

Prayer

In view of the above made submissions, it is therefore, most humbly prayed that this Hon'ble Court may very graciously be pleased to dismiss the Appeal with the cost in favour of the Respondents in the interest of justice.


SECRETARY to Govt;

Elementary & Secondary Education, Department,
Govt of Khyber Pakhtunkhwa, Peshawar
Respondent No. 01, 02 & 03



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**Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department**

Dated Peshawar the 29/10/2018

CIRCULAR

No. SOG/E&SE/1-31/2018. The competent authority is pleased to impose ban on taking part of male dignitaries in the functions/festivals in Government Girls Schools as Chief Guests in Khyber Pakhtunkhwa with immediate effect. No male Minister, Member of Parliament, Member of Provincial Assembly or Officer shall be invited to the girls schools as Chief Guest. Entry of male MPs and officers in girls schools shall be strictly banned.

Women Member of Parliament/Provincial Assembly or female Officers shall be invited as Chief Guests in the girls schools.

No function program held in the girls schools shall be aired on social media and there will be complete ban on media coverage of such functions in government girls schools in Khyber Pakhtunkhwa.

Secretary

Endst: No. & date even.

Copy forwarded to: -

1. The Director, I & SE Khyber Pakhtunkhwa Peshawar.
2. The Director, Curriculum & Teacher Education Khyber Pakhtunkhwa, Abbottabad.
3. The Director, ITE, Khyber Pakhtunkhwa, Peshawar.
4. The Director of Education, Merged Districts, FATA Secretariat, Warsak Road, Peshawar.
5. The Director Information, Khyber Pakhtunkhwa, Peshawar.
6. The Project Director, IMU, Khyber Pakhtunkhwa, Peshawar.
7. All Chairmen, BISE in Khyber Pakhtunkhwa.
8. The Chairman Text Book Board, Peshawar.
9. The Managing Director, ESEF, Peshawar.
10. The Managing Director, PSRA, E&SE Department.
11. All District Education Officers (Male/Female) in Khyber Pakhtunkhwa.
12. The Director, HMIS, E&SE Department for uploading on website
13. All Section Officers, E&SE Department.
14. P.S to Secretary Information Department, Govt. of Khyber Pakhtunkhwa.
15. P.S to Minister for Education (E&SE), Peshawar.
16. P.S to Secretary, E&SE Department.
17. P.S to Special Secretary, E&SE Department.
18. P.As to Additional Secretaries, E&SE Department.
19. P.A to Chief Planning Officer, E&SE Department.
20. P.A to Director ESRU, E&SE Department.
21. P.As to Deputy Secretaries, E&SE Department.

29/10

Section Officer (General)

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 2021

Sher Nawab

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)
(DEFENDANT)

I/We *Sher Nawab*

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

Dated: ____ / ____ / 202

[Signature]
CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

[Signature]
KAMRAN KHAN
&

[Signature]
UMAR FAROOQ MOHMAND

[Signature]
SAID KHAN
[Signature]

HAIDER ALI
ADVOCATES

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