

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1215/2019

Date of Institution ... 01.10.2019

Date of Decision ... 05.03.2021

Badshah Zamin son of Muhammad Yamin R/O Lilonai, presently posted as Vice Principal (BS-18) GHSS Butyal, District Shangla. ... (Appellant)

VERSUS

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

Present.

Mr. Shahid Mehmood Khan,
Advocate.

... For appellant

Mr. Kabirullah Khattak,
Addl. Advocate General

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. ATIQRU REHMAN WAZIR,



... CHAIRMAN
... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

Learned counsel for the appellant argued the matter at formidable length. It was his contention that the impugned order, regarding transfer of appellant to GHSS Butyal, was passed only after about six weeks of the order dated 01.01.2019. Through the latter, the appellant was transferred and posted at GHSS Kotkay, District Shangla. In the said backdrop, the Transfer and Posting policy of Provincial Government was blatantly disregarded in the case of appellant while the post at Kotkay was still vacant and there was no impediment in posting the appellant to the said station. 2014 PLC (C.S) 1045 was referred to by learned counsel who maintained that successive transfers of a civil servant were not warranted under the law.



S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	05.03.2021	<p><u>Present.</u></p> <p>Mr. Shahid Mehmood Khan, ... For appellant Advocate</p> <p>Mr. Kabirullah Khattak, Addl. Advocate General ... For respondents.</p> <p>Vide our detailed judgment, as the impugned order dated 12.02.2019 has been superseded by the latest transfer order pertaining to appellant, instant appeal has become infructuous and is disposed of as such. The disposal of instant appeal shall not, by any means, mar the service rights of appellant available to him under the law. Parties are, however, left to bear their respective costs.</p> <p>File be consigned to the record room.</p> <p> (ATIQ-UR-REHMAN WAZIR) Member(E)</p> <p><u>ANNOUNCED</u> 05.03.2021</p> <p> CHAIRMAN</p>

19.11.2020

Appellant present through counsel.

Zara Tajwar learned Deputy District Attorney alongwith Shaheen Shah C.T for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 08.12.2020 before D.B.



(Atiq ur Rehman Wazir)
Member (E)

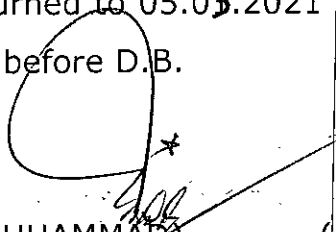


(Rozina Rehman)
Member (J)

08.12.2020

Mr. Shahid Mehmood, Advocate, for appellant is present. Zara Tajwar, Deputy District Attorney alongwith representatives of the department Mr. Rehmanullah, Assistant and Mr. Shaheen Shah, C.T, for the respondents are also present.

According to the learned counsel his senior is indisposed of today and cannot attend the Tribunal and submitted adjournment application. The same is placed on record. The appeal is adjourned to 05.03.2021 on which date file to come up for arguments before D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

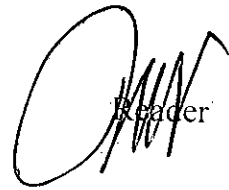
13-5 .2020

Due to COVID19, the case is adjourned to
06/8/2020 for the same as before.


Reader

06.08.2020

Due to summer vacation case to come up for the same on
16.09.2020 before D.B.



Reader


16.09.2020

Nemo for appellant.

Mr. Muhammad Jan learned Deputy District Attorney
~~along with Nazeer Ahmed~~ Assistant present.

Notice be issued to the appellant and his counsel. To
come up for arguments on 19.11.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

17.03.2020 Clerk to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG alongwith Mr. Shaheen Shah, SCT for respondents present and submitted written reply/comments. Adjourned. To come up for rejoinder if any, and arguments on 13.05.2020 before D.B.


Member

1215/2019

17.12.2019

Junior to counsel for the appellant present.

Submitted an application for extension of time to deposit security and process fee. The reasons noted in the application are that the appellant hails from District Shangla and was sick during the relevant days.

Application is accepted and the appellant is allowed to deposit security and process fee within three working days from today. After such deposit, notices be issued to the respondents.

Appellant Deposited
Security Process Fee

To come up for written reply/comments of the respondents on 29.01.2020 before S.B.


Chairman

29.01.2020 Appellant in person present. Written reply not submitted. Shahenshah SCT representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 12.02.2020 before S.B.


Member

12.02.2020

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shaheen Shah, SCT for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further time. Adjourned to 17.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

27.11.2019

Counsel for the appellant present.

Learned counsel contends that on 01.01.2019 the appellant was posted as Principal BPS-18 at GHSS Kotkay District Shangla where he assumed the charge and started performing his duty. On 12.02.2019 another notification was issued by respondent No. 2, whereby, the appellant was once again transferred to perform duty as Vice Principal at GHSS Butyal Besham District Shangla, a station 45 K.Ms apart from the place of prior posting of the appellant. The act of respondents was in utter disregard to the transfer/posting policy of Provincial Government, wherein, normal tenure at a station barring hard area is two years.

Explaining the delay in submission of instant service appeal, learned counsel referred to the affidavit of appellant appended with the application for condonation and stated that the delay occurred due to the conduct of erstwhile counsel of the appellant. The said counsel left the practice and the appellant was kept in dark regarding filing of service appeal in hand.

In view of the arguments of learned counsel as well as the available record, instant appeal is admitted to regular hearing but subject to all just exceptions regarding the delay. 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 on 17.12.2019 before S.B.

Chairman

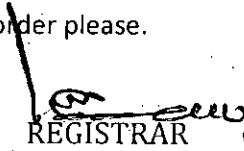
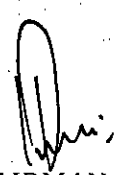


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1215/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2019	<p>The appeal of Mr. Badshah Zamin presented today by Shahid Mahmood Khan 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 01/10/19</p>
2-	14/10/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/11/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 125/2019

Badshah Zamin Appellant

VERSUS

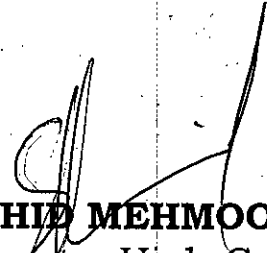
Govt of KPK & others Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Application for suspension along with affidavit		7-8
4.	Application for condonation of delay along with affidavit		9-11
5.	Copy of Order dated 01.01.2019	A	12-14
6.	Copy of Certificate	B	15-18
7.	Copy of department Appeal	C	19-20
8.	Wakalat Nama		21


Appellant

Through:


SHAHID MEHMOOD KHAN
Advocate, High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1215/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1335

Dated 01-10-2019

Badshah Zamin S/o Muhammad Yamin R/o Lilonai,
Presently posted as Vice Principal (BS-18) GHSS Butyal
District Shangla.

..... **Appellant**

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Education, Civil Secretariat, Peshawar.
3. Director General, Elementary and Secondary Education, Khyber Pakhtunkhwa, GT Road Peshawar.
4. District Education Officer, (Male) Shangla.

..... **Respondents**

Filed to-day

Registrar

01/10/19

APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER OF RESPONDENT NO.2
DATED 12.02.2019 PASSED BY RESPONDENT
NO 2, WHEREBY THE TRANSFER AND POSTING
ORDER DATED 01.01.2019 OF APPELLANT
HAS BEEN CANCELLED AND THE APPELLANT

**HAS BEEN TRANSFERRED TO A FAR FLUNGED
AREA WITHOUT ANY LAWFUL AND COGENT
REASON AND THE DEPARTMENTAL APPEAL OF
APPELLANT HAS NOT BEEN ANSWERED /
DISPOSED OFF.**

Prayer:

On acceptance of this Appeal the concerned respondents may please be directed to withdraw the order dated 12.02.2019 and to give effect to the transfer / posting order dated 01.01.2019 of the appellant.

Respectfully Sheweth:-

1. That the appellant was initially appointed as Naib Khateeb Teacher on dated 16.03.2004, in the F.C and he has unblemished service record at his credit in F.C.
2. That the Appellant was appointed as Qari in BS-07 on dated 28.05.2004 in Respondents Department.
3. That on 23.12.2010 the Appellant was appointed and posted as Subject Specialist in BS-17 on the

recommendation of Public Service Commission Khyber Pakhtunkhwa, Peshawar.

4. That keeping in view the best performance and service record of the Appellant, he was promoted to BS-18 vide order dated 01.01.2019 and was posted at GHSS Kotkay as Principal against a vacant post. **(Copy of Order dated 01.01.2019 is attached)**
5. That on dated 12.02.2019 Respondent No 2 passed another order and the Appellant was transferred and posted as Vice Principal at GHSS Butyal Besham Shangla without showing any cogent reason, which is blatantly against the rules and the law. *(Copy of order dated 12/02/19 is Attached)*
6. That it is pertinent to mention here that the post of principal in BS-18 at GHSS Kotkay was vacant and in this respect the Appellant have already taken post availability / vacancy certificate from Respondent No 4. **(Copy of Certificate is attached)**
7. That feeling extremely aggrieved from the order dated 12.02.2019 the Appellant filed a departmental Representation / Appeal before the good office of Respondent No 1 but which has still not been disposed off. **(Copy of department Appeal is attached)**
8. That the Appellant having no other efficacious, alternate and adequate remedy, but approaches this Hon'ble Court, for setting aside the impugned order.

dated 12.02.2019, inter alia on the following grounds:-

GROUND S:-


- A. That the impugned order dated 12.02.2019 of Respondent No 2 is illegal, unlawful, without authority as well as based on the malafide intentions.
- B. That the appellant is eligible and well qualified to be posted as Principal at GHSS Kotkay in BS-18 hence the impugned order dated 12.02.2019 is liable to be set aside.
- C. That the order dated 12.02.2019 is against the law, facts and the policy and the rules, hence the order dated 12.02.2019 is liable to be set aside because the post in BS-18 was available and which is also far nearer to the home of the Appellant.
- D. That the order dated 01.01.2019 was a valid order and the order dated 12.02.2019 is totally illegal, unlawful and discriminatory and is against the fundamental rights guaranteed under the constitution of Islamic republic of Pakistan 1973.
- E. That there is also not a single charge or complaint against the Appellant but the Respondent No 2 passed the order illegally and without any lawful reasons which is also against the law and the natural justice.

- F. That the order dated 12.02.2019 is against the law, facts and the policy and it is also against the reported Judgment which is reported as 2014 PLC (CS 1045) as the Respondent No 2 has cancelled the order dated 01.01.2019 without giving any cogent reason.
- G. That the Appellant seeks the permission of this Hon'ble Tribunal to file further documents in the instant Appeal during its pendency.
- H. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

It is, therefore, respectfully prayed that On acceptance of this Appeal the concerned respondents may please be directed to withdraw the order dated 12.02.2019 and to give effect to the transfer / posting order dated 01.01.2019 of the appellant.

Any other relief deemed proper and fit in the circumstances of the case may also very graciously be granted to the appellant.

Appellant 

Through: 

SHAHID MEHMOOD KHAN
Advocate, High Court
Peshawar

CERTIFICATE:-

Certified that as per instructions of my client no such Service Appeal on behalf of the petitioner has earlier been filed in this Hon'ble Tribunal on the subject matter.


ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. ____/2019

Badshah Zamin Appellant

VERSUS

Govt of KPK & others Respondents

A F F I D A V I T

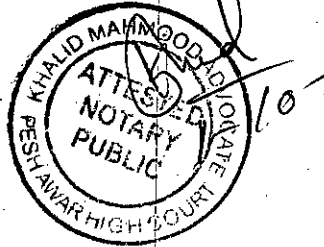
I, Badshah Zamin S/o Muhammad Yamin R/o Lilonai, Presently posted as Vice Principal (BS-18) GHSS Butyal District Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:

SHAHID MEHMOOD KHAN

Advocate, Peshawar

DEPONENT



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. ____/2019

Badshah Zamin Appellant

VERSUS

Govt of KPK & others Respondents


**APPLICATION FOR SUSPENSION OF
IMPUGNED ORDERS DATED
12.02.2019, TILL THE FINAL
DECISION OF THE INSTANT
SERVICE APPEAL**

Respectfully Sheweth:


1. That the above noted Service Appeal is being filed before this hon'ble court, in which no date of hearing has yet been fixed.
2. That the applicant has got a good prima facie case in his favour, and are sanguine about its success.
3. That the balance of inconvenience also lies in favour of the applicant.
4. That if the impugned orders dated 12.02.2019 is not suspended, the applicant would sustain an irreparable loss, and very purpose of the present Appeal will become infructuous.

5. That the facts and grounds of the appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned order dated 12.02.2019 may kindly be suspended, till the final decision of the case.

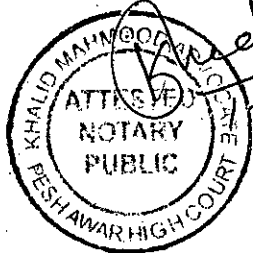
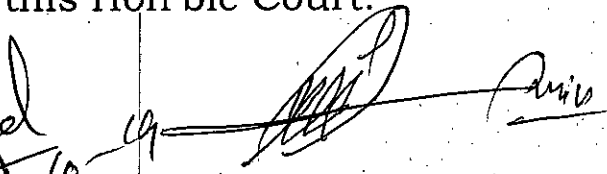

Appellant

Through:


SHAHID MEHMOOD KHAN
Advocate, High Court
Peshawar

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

 
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Badshah Zamin

.....**Appellant**

VERSUS

Government of Khyber Pakhtunkhwa through Chief
Secretary & others

.....**Respondents**

APPLICATION FOR CONDONATION OF DELAY

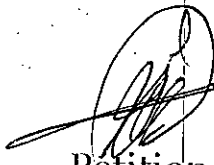
Respectfully Sheweth:

1. That initially the applicant/appellant had handed over all the relevant documents to One Niaz Ali Advocate for filling his service Appeal on dated 20/05/2019 alongwith charges for documentation.
(Copy of affidavit is attached herewith)
2. That the appellant time and again contracted the advocate concerned and inquired about his case/appeal but the counsel told the applicant/appellant that the case has been filed within time.
3. That later on it came to the knowledge of the applicant/appellant the counsel above named has

been declared as persona-non grata by the bar and he has left the bar.

4. That the appellant was shocked and astonished to know that his case has not been filed.
5. That applicant/appellant again visited Peshawar high court and met there Advocate Shahid Mehmood Khan and engaged him for his case on dated 27/09/2019.
6. That delay in filing the titled appeal is neither willful nor deliberate but due to reason mentioned above.

It is, therefore, most humbly prayed that on acceptance of this application, the delay, if any, in filing the above titled service appeal may kindly be condoned in the interest of justice.


Petitioner

Through


Shahid Mehmood Khan
Advocate, Peshawar

Date: 01-Oct-19

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

Service Appeal No. _____/2019

Badshah Zamin

.....**Appellant**

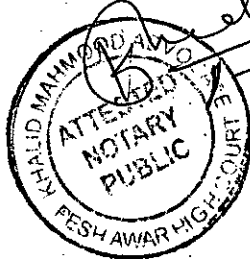
VERSUS

Government of Khyber Pakhtunkhwa through Chief
Secretary & others

.....**Respondents**

AFFIDAVIT

I, Badshah Zamin S/o Muhammad Yamin R/o Lilonai District Shangla, do hereby solemnly affirm and declare on oath that I had given the documents to one Niaz Ali advocate on dated 20/05/2019 for filling my service appeal but he failed to file my appeal in time, hence delay occurred due to the counsel aforementioned not due to my fault, whatever stated above is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT



Amex "A" 12

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

Dated Peshawar the January 01, 2019

NOTIFICATION

NO.SO(SM)E&SED/1-3/2018/Promotion BS-17 to BS-18 (TC): Consequent upon the promotion of Teaching Cadre officers from (BS-17) to (BS-18) vide promotion Notification **NO.SO(SM)E&SED/1-3/2018/Promotion BS-17 to BS-18 (TC)** dated 22.10.2018, their postings/adjustment are hereby ordered as mentioned against their names.

S#	Name, designation & present place of posting	Adjusted as	Remarks
1.	Mr. Asmatullah, SS Maths GHSS Gulbela Peshawar	SS Maths (BS-18) GHSS No.1 Peshawar Cantt.	A.V.P
2.	Mr. Muhammad Shakoor, SS Pak-Study GHSS Ghani Dheri Malakand	SS Pak-Study (BS-18) GHSS Ghani Dheri Malakand	Already occupied
3.	Mr. Gul Rukhan, HM GHS Gulshahjan Kot Miran Shah Distt. North Waziristan	Principal (BS-18) GHS Mandati Crakzai	His promotion will be considered from the date of PSB i.e. 17.09.2018
4.	Mr. Said Wali, HM GHS Sangi Mardan	Principal (BS-18) GHSS Garyala Mardan.	-do-
5.	Mr. Muhammad Javed, HM GHS No.2 Kulachi D.I. Khan	Principal (BS-18) GHS No.1 Kulachi D.I. Khan	A.V.P
6.	Mr. Ahmad Ghazi, HM GHSS Sonogher Chitral	Principal (BS-18) GHSS Arandu Chitral	A.V.P
7.	Mr. Sher Daraz Khan, HM GHS Kotka Bilawar Khan Bannu	Vice-Principal (BS-18) GHS Kakki Bannu	A.V.P
8.	Mr. Abdur Rashid, HM GHS Tabi Murad Lakki Marwat	Principal (BS-18) GHSS Titter Khel Lakki Marwat	A.V.P
9.	Mr. Ghulam Murtaza, HM GHS Kochatti Mansehra	Vice-Principal (BS-18) GHSS Sher Garh Mansehra	A.V.P
10.	Mr. Kamazar Khan, HM GHS Muzghole Chitral	Principal (BS-18) GHSS Mastuj Chitral	A.V.P
11.	Mr. Iqbal ur Rahman, SS (Pak Study) GHSS Dabli Lawaghar Karak	SS Pak Study (BS-18) GHSS Bogara Karak	A.V.P
12.	Muhammad Issa Khan, SS (Economics) GHSS Kabal Swat	SS Economics (BS-18) GHSS Barikot Swat	V.S#364
13.	Hafiz Muhammad Rasool, SS (Islamiat) GHSS Tarnab Farn Peshawar	SS Islamiat (BS-18) GHSS Usterzai Puyan Kohat	A.V.P
14.	Mr. Riaz Khan, SS Economics GHSS Manga Dargai Charsadda	SS Economics (BS-18) GHSS Gujar Garhi Mardan	A.V.P
15.	Mr. Zahid Rafiq, SS Economics GHSS Nissata Charsadda	SS Economics (BS-18) GHSS Tarnab Charsadda	V.S#412

ATTESTED



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

141.	Mr. Muhammad Iqbal, HM GHS Paloski Karak	Vice-Principal (BS-18) GHSS Jehangiri Karak	A.V.P
142.	Mr. Akbar Jan, HM working as SDEO (M) Bannu	Principal (BS-18) GHS Behzadi Chakar Kot Kohat	A.V.P
143.	Mr. Imtiaz Khan, HM GHS Raghasar FR D.I. Khan	Principal (BS-18) GHS Gul Akram District Bannu	V.S#394
144.	Mr. Muhammad Tariq, SS Urdu GHSS Bogara Karak	SS Urdu (BS-18) GHSS Dara Pezu Lakki Marwat	A.V.P
145.	Mr. Khalid Khan, HM GHS Haryan Kot Malakand	Principal (BS-18) GHS Makhband Malakand	A.V.P
146.	Mr. Muhammad Ayaz, HM GHS Afrido Kallay Nowshera	Principal (BS-18) GHS Pir Sabaq Nowshera	A.V.P
147.	Mr. Abdullah, HM GHS Mala Dheri Mardan	Instructor (BS-18) RITE (M) Mardan	A.V.P
148.	Muhammad Saeed, HM GHS Serri Haripur	Principal (BS-18) GHSS Jab Haripur	His promotion will be considered from the date of PSB i.e. 17.09.2018
149.	Mr. Farukh Sair, HM GHS Shahnoor Pul Mardan	Instructor (BS-18) RITE (M) Mardan	A.V.P
150.	Mr. Anwar Saeed, HM GHS Sikandari Mardan	Principal (BS-18) GHS Mian Khan Sangho Mardan	A.V.P
151.	Mr. Paidar Khan, HM GHS Besak Swabi	Principal (BS-18) GHS Gabasni Swabi	A.V.P
152.	Mr. Fazli Akbar, HM GHS No.3 Yar Hussain Swabi	Principal (BS-18) GHSS Ambela Buner	A.V.P
153.	Mr. Muhammad Qasim Khan, HM GHS Akbari Tank	Principal (BS-18) GHS Tajori Tank	A.V.P
154.	Mr. Wali Ayaz, HM GHS Dheri Saidan Bannu	Instructor (BS-18) RITE (M) Ghorivala Bannu	A.V.P
155.	Mr. Badshah Zamin, SS Islamiat GHSS Kotkai Shangla	Principal (BS-18) GHSS Kotkai Shangla	A.V.P
156.	Mr. Hafiz Muhammad Ibrahim, SS Islamiat GHSS Bakhshali Mardan	Vice Principal (BS-18) GSSHSS Gujrat Mardan	A.V.P
157.	Mr. Muhammad Tahir, SS Islamiat GHSS Tarakai Swabi	SS Islamiat (BS-18) GHSS Ayub Khan Killi Swabi	V.S#368
158.	Mr. Sakhi Marjan, SS Physics GHSS Abba Khel Lakki Marwat	SS Physics (BS-13) GHSS No.4 D.I. Khan	A.V.P

ATTESTED



14

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

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, Education Merged Areas Districts, Warsak Road, Peshawar.
4. Director, PITE Peshawar.
5. District Education Officers (Male), Concerned.
6. District Accounts Officers Concerned.
7. PS to Advisor to CM for E&SE Department.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
10. PA to Additional Secretary (Estab), E&SE Department.
11. PA to Deputy Secretary (Admn), E&SE Department.
12. In-charge EMIS E&SE Department.
13. Officers concerned.
14. Master file.

Mian Hussain Din Sem Ist, 2019
(MIAN HUSSAIN DIN)

SECTION OFFICER (SCHOOLS MALE)

ATTESTED



Amd "B"

15

OFFICE OF THE PRINCIPAL GHSS KOTKAY DISTRICT SHANGLA

No, 2771

Dated, 22/10/2018.

VACANCY CERTIFICATE.

It is certified that a post of Principal BPS-18 is lying vacant in GHSS Kotkay as per Budget Book (record).

~~Muhammad~~

D/C Principal
Govt. Higher Secondary School,
Kotkay, Distt. Shangla.

**INCHARGE PRINCIPAL
GHSS KOTKAY, DISTRICT, SHANGLA**

ATTESSED

[Signature]
District Education Officer (M)
Shangla.



16

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

Dated Peshawar the February 17, 2019

NOTIFICATION

NO. SO(SMDE & SF) D/2-1/2019, Posting/Transfer/General: The Competent Authority is pleased to order posting/transfer/adjustment of the following officers of E&SE Department on the posts/stations as mentioned against each, in the interest of public service with immediate effect:

Sl#	Name, designation & present place	Posted as	Remarks
1)	Mr. Inayat Ullah, Principal (BS-19) GHSS Kabal Swat	Principal (BS-19) GHSS Matta Swat	V.S#2
2)	Mr. Ahmad Sultan, Principal (BS-19) GHSS Matta Swat	Principal (BS-19) GHSS Kabal Swat	V.S#1
3)	Mr. Jamil Ur Rehman, Principal, (BS-18) GHSS Zarabi Swabi	Principal (BS-18) GHSS Jhanda Swabi	V.S#4
4)	Mr. Taqweem Ull Haq, Principal (BS-18) GHSS Jhanda Swabi	Principal (BS-18) GHSS Sheikh Jana Swabi	V.S#5
5)	Mr. Johar Ali, Principal (BS-18) GHSS Sheikh Jana Swabi	Principal (BS-18) GHSS Zarabi Swabi	V.S#3
6)	Mr. Muhammad Usman, (BS-18) Awaiting posting	Principal (BS-19) GHS Sia Warchar Dir Lower OPS	A.V.P.
7)	Mr. Ali Gohar, SS Biology (BS-18) Awaiting posting	Principal (BS-19) No.1 Alladand Malakand OPS	A.V.P.
8)	Mr. Tahir Khan, Vice-Principal (BS-18) GHSS Kohi Barmal Mardan	SS Biology (BS-18) GHSS Takkar Mardan	V.S#9
9)	Mr. Azmat, SS Biology (BS-18) GHSS Takkar Mardan	Vice-Principal (BS-18) GHSS Kohi Barmal Mardan	V.S#8
10)	Mr. Usman Sirah, SS Economics (BS-18) Awaiting posting	Principal (BS-18) GHSS Jan Khan Kulay Bara Khyber	A.V.P.
11)	Mr. Masceh Ullah, SS Islamiat (BS-18) Awaiting posting	Principal (BS-18) GHS Kandji Zareen Khail Peshawar	V.S#12
12)	Mr. Amir Nawaz, HM (BS-17) working against (BS-18) GHS Kandji Zareen Khail Peshawar	HM (BS-17) GHS Toot Qamar Khyber	A.V.P.
13)	Mr. Ghayur Ahmad, SS Economics (BS-18) Awaiting posting	Principal (BS-18) GHS Sama Churi Khyber	V.S#14
14)	Mr. Sardar, HM BS-17 working against (BS-18) GHS Sama Churi Khyber	HM (BS-17) GHS Prang Dara Khyber	V.S#21
15)	Mr. Niaz Ali Khan, Principal (BS-18) GHSS Mama Khel Banochi Bannu	SS Biology (BS-18) GHSS Nurar Bannu	V.S#16
16)	Mr. Farid Ullah Shah, SS Biology (BS-18) GHSS Nurar Bannu	Principal (BS-18) GHSS Mama Khel Banochi Bannu	V.S#15
17)	Mr. Hadshah Zamin, Principal (BS-18) GHSS Kotkai Shangla	Vice-Principal (BS-18) GHSS Butyal Shangla	A.V.P.

ATTACHED



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

17

167	Mr. Eld Akbar, SS Economics (BS-17) GHSS Rautakot Nowshera	SS Economics (BS-17) GHSS Mohib Banda Nowshera	A.V.P
168	Mr. Mohammad Razaq, SS Economics (BS-17) GHSS Miankhan Swat	HSI (BS-17) GHSS Sigrum Swat	A.V.P
169	Mr. Shauqatullah, SS English (BS-17) under adjustment at GHSS Beya Dir Upper	SS English (BS-17) GHSS Qulandi Dir Upper	A.V.P
170	Mr. Mian Ejaz Mustafa, SS Economics (BS-17) GHSS Khatir Mانشهرا	SS Economics (BS-17) GHSS Batta Mانشهرا OPS	A.V.P
171	Mr. Altaf-Ur-Rehman Anwar, SS Islahiyat (BS-17) GHSS Karchi Mانشهرا	SS Islahiyat (BS-17) GHSS Paira Mانشهرا	A.V.P
172	Mr. Rahman Janan, SS H Civics (BS-17) GHSS Dally Haripur	SS H Civics (BS-17) GHSS Mandoori Kohat	A.V.P
173	Mr. Muhammad Saeed Siddiqi, (BS-18) under adjustment at GHSS Shikolai puran Shangha	Principal (BS-18) GHSS Kozpaw Shangha	A.V.P
174	Mr. Asafullah, SS H Civics (BS-17) GHSS Ashar Dir Lower	SS H Civics (BS-17) GHSS Chakdara Dir Lower	A.V.P
175	Mr. Melkias Ur Rehman, SS Pak Study (BS-17) GHSS Nara Amaza Haripur	SS Pak Study (BS-17) GHSS Jab Haripur	A.V.P
176	Mr. Junaid Khan, SS Biology (BS-17) GHSS Sibban Swat	SS Biology (BS-17) GHSS Charbagh Swat	A.V.P
177	Mr. Amal Bad Shah, SS Pashto (BS-17) GHSS Shahwar Kheil Lakki Marwat	SS Pashto (BS-17) GHSS Landiwah Lakki Marwat	A.V.P
178	Mr. Imran Khan, SS Maths (BS-17) working against SS Statistics at GHSS Paira Mانشهرا	SS Maths (BS-17) GHSS Dungi Haripur	A.V.P
179	Mr. Zahir ul Haq, SS Pak Study (BS-17) GHSS Pashtoon Garhi Nowshera	SS Pak Study (BS-17) GHSS Mohib Banda Nowshera	A.V.P
180	Mr. Muhammad Jamal, Superintendent (BS-17) working against Coordinating Engineer at Directorate of E&SE	Superintendent (BS-17) Directorate of E&SE	A.V.P
181	Mr. Qayum Nawaz, SIPE (BS-18) GHSS Abdul Khel Lakki Marwat	SIPE (BS-18) GHSS No.3 Lakki Marwat	A.V.P
182	Mr. Muhammad Haroon, SIPE (BS-18) GHSS Madyan Swat	SIPE (BS-18) GHSS Ismaila Swabi	A.V.P
183	Mr. Nekhatullah, SIPE (BS-18) GHSS Gumbat Kohat	SIPE (BS-18) GHSS Warana Karak	A.V.P
184	Mr. Habib Ullah, SIPE (BS-18) RITE (Male) Kehar	SIPE (BS-18) GHSS Jani Khel Bannu	A.V.P
185	Mr. Aurang Zeb, IPE (BS-17) GHSS Bama Khela Swat	IPE (BS-17) GHSS No.3 Mingora Swat	A.V.P

ATTESTED



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

18

186	Mr. Gul Ajab Khan, IPE (BS-17) GHSS Mubaraq Tumb.	IPE (BS-17) GHSS Landiwah Tumb. Mawar	A.V.P.
187	Mr. Rabbawiz, IPE (BS-17) GHSS Mijan Khan Mardan.	IPE (BS-17) GHSS Mulkani Tank	V.S#186
188	Mr. Abdul Karim, IPE (BS-17) GHSS Saran, Jalal D. T. Swat	IPE (BS-17) GHSS Zarat Talash D. T. Lower	A.V.P.
189	Mr. Afzar Ali, SS Muz. (BS-17) GHSS Garin G. D. M. Swat Peshawar	SS Muz. (BS-17) GHSS Tarnab Tarn. Peshawar	A.V.P.
190	Mr. Liaqat Ali, IPE (BS-17) GHSS Pirsaddi Mardan.	IPE (BS-17) GHSS Hassadara Charsadda	A.V.P.
191	Mr. Muhammad Yousaf, IPE (BS-17) GHSS U. D. D. Swat	IPE (BS-17) GHSS N. T. M. Swat	A.V.P.
192	Mr. Kamal U. D. Principal (BS-13) under adjustment at GHSS Inchoi Chitral	Vice-Principal (BS-13) GHSS Mandastal Chitral	A.V.P.
193	Mr. Shaukat Ali, SS Muz. (BS-17) GHSS Sayyid Swat	SS Muz. (BS-17) GHSS B. D. T. Swat	A.V.P.
194	Mr. Mehbub Khan, IPE (BS-17) GHSS Qazipet Haripur	Vice-Principal (BS-13) GHSS N. S. M. Khan Haripur	A.V.P.

2. No TADA is allowed.

1. Public Relation No. 4/19

SECRETARY

Copy forwarded to the

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (M), Concerned
4. District Accounts Officers, Concerned
5. PS to Advisor to CM for 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. Incharge E&SE Department
9. Officers concerned.
10. Master file.

3/12/21/19
(SHABIR KHAN)

SECTION OFFICER (SCHOOLS MALE)

ATTESTED

To,

Amex 11/31

19

The secretary,
E&SED Kber Pukhtoonkhwa Peshawar.

Subject: APPEAL AGAINST NOTIFICATION NO SO(SM)E&SED/2-1/2019/POSTING/TRANSFER/GENERAL, DATED 12-2-2019 SERIAL NO 17.

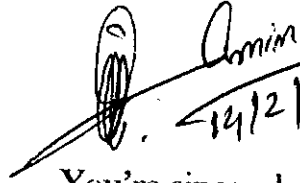
Respected sir,

It is stated respectfully that I have been promoted to BS-18 and placed at GHSS Kotkay Shangla against vacant post of Principal B-18 vide notification No SO(SM) E&SED/1-3/2018/Promotion BS-17 to BS-18 (TC).

Mr, Said Rafiq SS Chemistry was incharged Principal of the school, who had been declared incharged by Director E&SE Pakhtoonkhwa. when I took over charge of my duties on 01-01-2019(A.N) he began to create problems to me, because, he insisted to produce and hand over all the financial record to me. Instead of producing and handing over of proper record he began to make intrigues against me so that to protect his embezzlement on the large scale in the school funds and at last after a huge hardworking transferred me to GHSS Butyal Besham Shangla, which, is 65 KM away from my home and the post of Principal B-18 at GHSS Kotkay was lift vacant for him, although, being SS Chemistry, he is not eligible to be nominated as incharged Principal.

It is therefore, requested keeping in view the above mentioned circumstances my transferred order to GHSS Butyal against vacant post of vice Principal vide above referred notification at serial no 17 may be withdrawn and I may be retained at GHSS Kotkay shangla against vacant post of Principal or may be posted at GHS Lilownai Shangla against vacant post of Principal B-19 on my own pay and scale, please.

D.No: 808
15-02-2019-


14/2/2019-

You're sincerely
Badshah Zamin Principal B-18
Order transfer to GHSS Butyal

ATTESTED

20

To,

The Chief Secretary,
Khyber Pukhtoonkhwa Peshawar.

Subject: APPEAL AGAINST NOTIFICATION NO SO(SM)E&SED/2-1/2019/POSTING/TRANSFER/GENERAL, DATED 12-2-2019 SERIAL NO 17.


Respected sir,

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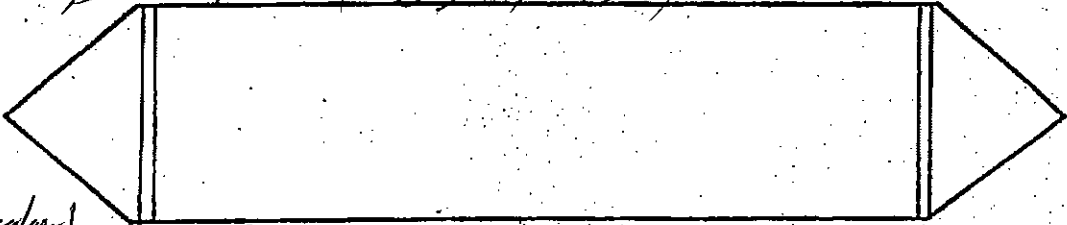
D.N. 2594
18/2/19


Amin
15/2/19.

You're sincerely
Badshah Zamin Principal B-18
Under transfer to GHSS Butyal

ATTESTED

بعدالت سروس ٹریڈ یونٹ کے ساتھ



Appendant 2019ء مخائب

بنام گورنمنٹ آف سندھ

بادشاہ زمین

Service Appeal

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آج مقام سید علی محمد خان کے لیے سید علی محمد خان کے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلقہ دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانا التوائے مقدمہ کے سبب سے وہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 01 ماہ اکتوبر 2019

بمقام سید علی محمد خان کے لئے منظور ہے۔

Bc-10-3539

Attested and Accepted by

0333-9306491

صدائق جناب شیخ صاحب کوئی ایڈیشن نہیں بخشتا خواہ وہ سارا

اپریل 2019 / 1315

بادشاہ زمین حکم ایجوکیشن ٹرسٹ

دانشواصت لہور عظیمائی اجازت جمع کران سیکورٹی قیس

جناب عالی! سائل حسب ذیل عرض کرنا چاہتا ہے۔

① یہ کہ سائل کو مقدمہ عنوان بالا عدالت محوز میں زیر غور
ہے۔ جو کہ آج مورخہ 17/12/2019 کو پیشی کے لئے مقرر
کیا گیا ہے۔

② جبکہ سائل کو مقدمہ عنوان بالا میں سیکورٹی قیس ادا کرنے کا حکم
ہوا ہے۔ جبکہ سائل ضلع کا شہداء کا ریکارڈ بھی ہے اور شہداء
بیماری کا شہادہ بھی اس کے سیکورٹی جمع کرنے سے قائم رہا۔

③ جبکہ سائل اب سیکورٹی قیس ادا کرنا چاہتا ہے۔

لہذا استدعا ہے کہ سائل کو مقدمہ عنوان بالا میں سیکورٹی ادا کرنے کا حکم
سناد فرمایا جائے۔ شکریہ

17/12/19 اے فوم

سائل ہزارف = شاہد محمود خان رٹورٹس

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1215/2019

Badshah Zamin S/O Muhammad Yamin R/O Lilownai Tehsil Alpurai District Shangla.

(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Khyber Pakhtunkhwa Peshawar.
2. The Secretary E&SE Department Khyber Pakhtunkhwa Peshawar
3. Director E& SE Department Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (M) District Shangla.

(Respondents)

INDEX

S#	Description of Documents	Annexure	Pages
1	Joint Parawise Comments	-	1-2
2	Affidavit	-	3
3	Copy of Job Description of Subject Specialist	(A)	
4	Copy of Judgment Dated: 07/01/2020	(B)	

Deponent 

**Mian Asif Ali Shah S/O Jam Mian
Assistant District Education Officer (M)
Shangla**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1215/2019

Badsha Zamin S/O Muhammad Yamin R/O Lilownai Tehsil Alpurai District Shangla.

(Appellant)

VERSUS

- 1. The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.**
- 2. Secretary Education Civil Secretariat Peshawar.**
- 3. Director E& SE Department Khyber Pakhtunkhwa Peshawar.**
- 4. District Education Officer (M) District Shangla.**

(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

RESPECTED SHEWETH:

PRELIMINARY OBJECTIONS:-

- 1. That the Appellant has no cause of action/locus standi.**
- 2. That the Appellant has concealed the material facts from this Honorable Tribunal.**
- 3. That the Appellant has not come to this Honorable Tribunal with clean hands.**
- 4. That the Appellant has filed the instant appeal on mala fide motives.**
- 5. That the appellant has been treated as per law, rules & policy.**
- 6. That the instant service appeal is not maintainable in the present form.**
- 7. That the instant service appeal is against the prevailing Law and Rules.**
- 8. That the appellant has filed the instant appeal just to pressurize the respondents.**
- 9. That the Impugned order dated 12/02/2019 is lawful and liable to be maintained.**

FACTS.

- 1. Pertains to record.**
- 2. Pertains to record.**
- 3. Pertains to record.**
- 4. Correct to the extent that upon his promotion to BPS-18, he was adjusted at GHSS Kotkay Shangla.**
- 5. Incorrect because the competent authority issued Notification No. SO (SM)E&SED/2/1/2019 Posting /Transfer/ General dated Peshawar the February 12-2019 due to the intense need of experienced and skillful administrator at GHSS Butyal District Shangla as the competent authority shall have to act in the best interest of public and Students of any institution.**
- 6. Correct but as replied vide Para# 5, the teaching/ learning conditions at GHSS Butyal were very depressing, hence he was adjusted to improve the teaching environment in the said School.**
- 7. Correct to the extent that his appeal did not disposed of which mean rejection. As per rules he had to appeal before the Service Tribunal after 90 days of Departmental appeal but he failed to file an appeal accordingly so, his appeal is badly time barred.**
- 8. Correct to the extent that he has filed an appeal to the Honorable Court but not within the time frame as per existing Rules. Hence on the basis of the following Grounds his appeal is not acceptable.**

GROUND.

- A. Incorrect and baseless because the competent authority has to use his authority purely in the interest of public service.**

- B. incorrect because basically he is Subject Specialist BPS-18, the job description of which is to teach to their students in the Higher Secondary School not Administration as Principal BPS-18. (Copy is attached as Annexure "A")
- C. Incorrect on the basis of the facts vide Para# 5.
- D. Incorrect and baseless because the competent authority is not bound to satisfy the likes and dislikes of an individual but must exercise its authority while keeping in view the larger interests of the institution and public.
- E. Incorrect and baseless, as the appellant is bound to execute compliance of the competent authority as per statement vide Section 10 of the Khyber Pakhtunkhwa Civil Servant Act, 1973, he is bound to perform his duties at the place of his posting. PHC Mingora Bench/ Darul Qaza Swat has been decided such like case on 07/01/2020. (Copy of PHC/ Darul Qaza Swat Judgment dated 07/01/2020 is attached as Annexure "B")
- F. Incorrect. As replied in above paras.

G,H. The respondents seek permission to raise additional ground and produce documents at the time of arguments.

PRAYER:

It is therefore, humbly prayed that on acceptance of the above reply, the appeal of the appellant may be dismissed being badly time barred and against the existing policy and rules as well as based on challenging the competent authority.


Secretary

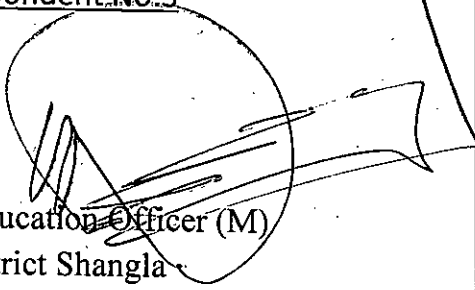
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Respondent No:2


Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Respondent.No:3


District Education Officer (M)
District Shangla

Respondent No:4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1215/2019

Badsha Zamin S/O Muhammad Yamin R/O Lilownai Tehsil Alpurai District Shangla.

(Appellant)

VERSUS

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2. Secretary Education Civil Secretariat Peshawar.
3. Director E& SE Department Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (M) District Shangla.

(Respondents)

AFFIDAVIT

I Mian Asif Ali Shah Assistant District Education Officer O/O DEO (M) District Shangla do hereby solemnly affirm and declare on oath that the contents of these Joint Parawise Comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Deponent 

**Mian Asif Ali Shah S/O Jam Mian
ASSISTANT DISTRICT EDUCATION OFFICER (M)
SHANGLA
CELL NO. 03008811866
CNIC NO. 15501-2279446-3**

Dated: 14/03/2020

Job description: Middle, Secondary and Higher Secondary School Teacher

Position: This Job Description is for *all* teachers including Subject Specialist appointed to teach in secondary grades (grades 6-12).

Subjects taught: Teachers teaching middle school grades will teach at least two subjects.

Teachers teaching secondary grades are required to teach their specialist subject(s) and related subjects in grades 6-10.

Teachers teaching higher secondary grades are required to teach their specialist subject(s) and related subjects in grades 11-12. As directed by the Principal, they are required to teach their specialist subject(s) and related subjects in grades 6-10.

Supervision: Middle, Secondary and Higher Secondary School Teachers are employees of the Government of Khyber Pakhtunkhwa. They are supervised by the Head Mistress or Head Master, or Principal.

Hours per week: Middle, Secondary and Higher Secondary School Teachers are required to work a minimum of 36 hours per week. This includes a half hour break each work day and time for non-teaching duties.

Middle, Secondary and Higher Secondary School teachers must be present at school during official school hours and carrying out duties as described below.

Middle and Secondary School teachers are required to teach at least 30 periods per week. Higher Secondary School teachers are required to teach at least 18 periods per week as per direction from the Principal. The remainder of the time is to be used for important non-teaching duties such as lesson preparation, marking student work, researching new topics and co-curricular activities.

Main Tasks and Responsibilities

Teaching and Assessing Learning (for the subject or subjects taught)

- Plan, prepare and deliver instructional activities based on the approved curriculum that facilitate student learning
- Maintain up-to-date subject knowledge
- Develop schemes of work and lesson plans
- Select (or set) challenging learning outcomes in accordance with the curriculum for students of all backgrounds and abilities
- Communicate learning objectives for to students
- Organise the classroom and instructional resources to create a positive learning environment
- Identify and select methods and instructional resources to meet students' varying needs
- Set homework to consolidate and extend student knowledge and understanding
- Use an appropriate range of assessment strategies to monitor individual student progress
- Grade class work, homework, tests and assignments
- Provide regular and appropriate feedback on work to individual students
- Maintain accurate and complete records of students' progress and development
- Discuss and report on student's progress to parents Prepare students for external examinations
- Participate in arrangements for external examinations

Student well-being and school discipline

- Manage student behaviour in the classroom and in school by establishing and implementing rules and procedures
- Apply appropriate disciplinary measures where necessary
- Counsel students with academic problems
- Promote and safeguard the well-being of students and take appropriate action to raise and resolve concerns

Professional development

- Actively participate in school based Teacher Group Meetings and other professional development opportunities

- Undergo regular performance evaluation/appraisal
- Regularly reflect on the effectiveness of teaching and refine approaches where necessary responding to advice and feedback from colleagues
- Work collaboratively with colleagues, sharing ideas and resources and providing support
- Supervise and support trainee teachers and newly recruited teachers

Other responsibilities

- Be a positive role model and demonstrate the attitudes, values and behaviour expected of students (including high standards of attendance and punctuality)
- Organise and take part in school events and co-curricular activities, some of which may take place out of school hours
- Organise and take part in school events and co-curricular activities, some of which may take place after school hours
- Take part in activities that promote enrolment, attendance and community participation in education
- Maintain an accurate register of student attendance
- Perform duties for absent colleagues as requested by the Head Teacher
- Any other duty assigned by the Head Teacher

Qualifications

There are several routes into teaching. Prospective teachers should consult current recruitment policy.

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

W.P 271-M/2019

Date of hearing: 07.01.2020

*Ali Haider s/o Bakht Biland r/o Damorai, Tehsil Alpuri,
District Shangla.*

(Petitioner)

Versus

*Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education at Peshawar and 08
others.*

(Respondents)

Present: *Mr. Asghar Ali, Advocate for the Petitioner.*

*Mr. Wilayat Ali Khan, A.A.G for the official
Respondents alongwith Mian Saif Ali Shah, ADEO,
Shangla.*

JUDGMENT

SYED ARSHAD ALI, J.- Ali Haider, the petitioner.

through this petition, has invoked the constitutional

jurisdiction of this Court; with the following prayer.

"It is, therefore, humbly prayed that on
acceptance of the instant writ petition:

- i. Appointment order dated 29.8.2017 to each of respondents No.4 to 9 may please be declared as null and void.
- ii. Respondents No.1 to 3 be directed to appoint petitioner on retired sons quota against the vacant post of Class-IV (BPS-03)
- iii. Any other relief not specifically prayed but this august Court deems proper may also be granted."

2. In essence, through this petition, the petitioner seeks his appointment as Class-IV against 25% quota reserved for children of the retired Class-IV employees in the respondent department.

3. When this case came up for hearing on 28.10.2019, the Court was informed that the present petitioner was appointed as *Chowkidar* against a vacant post at Government Primary School *Jorait*, Lilowanai, Alpuri, District Shangla, however, the petitioner was not satisfied from his appointment in said School, which is situated at a considerable distance from the place of his residence and he was insisting for his appointment at a place near to his house. In this view of the matter, the representative of the department, present in the Court, was asked to consider the adjustment of the petitioner at a School nearer to the place of his residence. Today, the said representative has come forward with a suggestion that he had requested a Lab Attendant namely Ghaffar Khan, who is working at Government High School *Lari* for his transfer to the School where the present petitioner was appointed and the said Ghaffar Khan had accepted the request, as such, the petitioner can be

adjusted at GHS *Lari*. However, the petitioner is not ready to accept the said offer and still insisted that he be appointed as Sweeper at GHS *Damorai*, Shangla, which post, according to the certificate placed on file, is lying vacant, but the representative of the respondent department has stated that the said post is not lying vacant.

4. Be that as it may, the present petitioner has been appointed as Class-IV (*Chowkidar*) and now he is a civil servant, therefore, according to section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, he is bound to perform his duties at the place of his posting. Indeed, the respondent department is not bound to make transfer and posting of its employees according to their whims and wishes.

5. In view of the above, this petition has served its purpose, which is accordingly disposed of.

Announced
07.01.2020


JUDGE


JUDGE

Sabz Alar (DB)

HON'BLE MR. JUSTICE SYED ARSHAD ALI
HON'BLE MR. JUSTICE WIQAR AHMAD

Office
13/1/2020

(C/30C/56) 5/3/2021- DB. Chairman

~~Allah Dad~~ Mohd Faheem

Impugned order P/19/2116 (12/2/19)
prior 1-1-2019. (P/13) printed & posted
at Kotky - near to my home.

After lapse of 41 days - again transferred
against a post which was not vacant
65 km away from my home.

prior to this I replied to respondent - No. (P/15)
Dep't Appeal 15/2/2019. (P/19-20)

S.A: - along with condonations of delay.

Grounds:

Post at G.H.S Kotky is still vacant.
No reason for vacant
transfer policy - section 4 of transfer/posting
policy -

Again transferred from Butyal to Karora:

2014 MeCS 1045

Deposed of

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. 1215/2019

Badshah Zamin. **Appellant**

V E R S U S

Govt. of Khyber Pakhtunkhwa & others. **Respondents**

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:

1. That the titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for 08.12.2020.
2. That the counsel for the appellant is suffering from fever and throat infection, therefore, is not in a position to appear before this Hon'ble Tribunal.

It is, therefore, respectfully prayed that on acceptance of this application, the titled case may kindly be adjourned.

Through Appellant


Shahid Mahmood Khan
Advocate High Court
Cell: 0321-9040499

Dated: 08.12.2020

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 529 /ST

Dated 12/03/2021

To

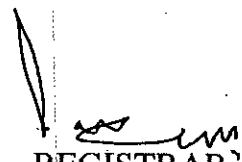
The Secretary Education Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 1215/2019, MR. BADSHAH ZAMIN.

I am directed to forward herewith a certified copy of Judgement dated 05.03.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.