

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	20.11.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center"><u>Appeal No. 696/2019</u></p> <p>Date of Institution ... 27.05.2018 Date of Decision ... 20.11.2019</p> <p align="center">-----</p> <p>Mr. Abdul Rauf ADO (P&D) O/ DEO (Female), Kohat -----Appellant</p> <p align="center"><u>Versus</u></p> <p>The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar and others -----Respondents</p> <p>Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain ShahMember (E)</p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u>Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present.</p> <p>2. The instant appeal has been filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 24.05.2019 whereby the departmental appeal of the appellant was rejected against the order dated 21.05.2019 wherein the appellant was prematurely transferred from the post of ADEO (P&D) at DEO (F) Kohat, ^{to} SST GMS Alakzai Kohat. Prior to impugned order the appellant was posted vide order dated 09.03.2018 as ADEO (P&D) in the office of DEO (F) Kohat. After about a month he was posted out again vide order of 04.04.2018 from the post of ADEO (P&D) and placing his service at the disposal of DEO (M) Kohat for further posting at the vacant post of PST in his Own Pay and Scale. Again on 09.05.2018 the respondent No.2 placed his services at the disposal of DEO (M) Kohat for further posting against the post of ASDEO (M) at any circle in his Own Pay and Scale, after a week or so the appellant was again posted as ADEO (P&D) at DEO (F) Kohat in his</p>

Own Pay and Scale but the same order was withdrawn on 06.08.2018. On 17.08.2018 the previous order of dated 23.05.2018 was again restored and the appellant was posted as ADEO (P&D) office of DEO (Female). The appellant was again transferred from the post of ADEO (P&D) office of DEO (F) Kohat to the post of SST GMS Alizai Kohat vide order dated 21.05.2019 despite his alleged satisfactory performance as ADEO (P&D). Feeling aggrieved by the order dated 21.05.2019 the appellant filed departmental appeal on 23.05.2019 which was rejected on 24.05.2019 hence the appellant preferred the instant service appeal with the prayer to set aside the impugned order dated 21.05.2019 and 24.05.2019 and in violation of Posting Transfer Policy and direct the respondents not to transfer the appellant before the completion of the tenure.

3. Learned counsel for the appellant contested the rational of impugned order dated 21.05.2019 and 24.05.2019 on the ground that the posting order of 21.05.2019 is against the norms of justice, premature, violation of posting/transfer policy circular dated 27.02.2013. He stress upon the provision of the said policy of the government regarding the tenure and referred to the circular of dated 27.02.2013 issued by the government in the light of famous case of Anita Turab. He further argued that he was not allowed to complete his tenure against the post of ADEO (P&D). Learned counsel of the appellant also referred to the alleged violation of the prescribed procedure required as per the provisions of the posting transfer policy wherein every posting transfer in BPS-19 and below will be issued after submission of the case to the competent authority, through a summary. He also referred to the frequent posting transfer of the appellant in year. He also relied upon the judgment of August Supreme Court of Pakistan reported as PLD 2013 (195), 2009

SCMR 390 & PLD 1995 530.


4. The learned Additional Advocate General contested the facts, grounds of the appeal and arguments of the learned counsel for the appellant and argued that the appellant belonging to the teaching cadre of the Education Department and the posting of ADEO is meant to be felt through posting of the officer of the management cadre. The appellant manured his posting against the management post of ADEO (F) through political influences despite the fact that he doesn't know about the planning and development activity and the relevant procedure required to process the developmental scheme in the department. Further argued that the District Education Officer (F) had complaint against the conduct of the appellant as he preferred to visits the school frequently without proper permission of his immediate Boss. Moreover he poses himself as a blue eyed of political dignitary of the locality. As regarding that his frequent posting transferred were because of his personal conduct and incompetency. The appellant frequently pressurize through political influence the competent authority on various stages to keep his self posted as ADEO (F). This fact could be verified through various correspondence between the DEO and the Directorate hence the appeal may be rejected with costs.


5. Arguments heard. File perused.

6. After the detailed scrutiny of the document record on file arguments and counter arguments of learned counsel for the appellant and learned Additional Advocate General the Tribunal and observed that the appellant conduct is an evidence against his own cause as he is interested only in keeping the post of ADEO (P&D) at any cost. The report of DEO (F) dated 06.05.2019 to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar reveals that the

appellant is incompetent and visits frequently Female School without the permission of DEO concerned. In another previous correspondence the DEO had conveyed the similar remarks to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar on 12.02.2018 as regarding the political influences exerted by the appellant on the department. The respondent department also annexed a copy of the letter from Deputy Director Establishment to DEO (F) District Kohat wherein it has been noted that a Minister of the Provincial Government has recommended the transfer of the appellant from the post of SST GMS Mirozai to the post of DEO (F) Kohat against the vacant post of ADEO (P&D).

7. In view of the above we are of the opinion that the factor of the tenure of two (02) years has been provided in the posting transfer policy of the department is only relevant if the officer is competent and suitable to perform the duties assigned to the post concerned. In the instant case the controlling officer of the appellant repeatedly conveyed that the appellant is not competent to perform the duties relating to development in the District. Moreover, in the light of the judgment of the Superior Courts the Posting Transfer induced due to political pressure and influences is not valid and not permitted in the law, hence the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi)
Member


(Hussain Shah)
Member


ANNOUNCED
20.11.2019

Service Appeal No. 696/2019

11.11.2019

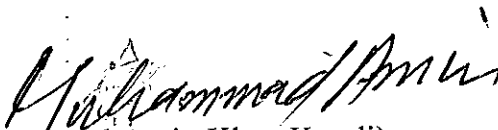
Appellant alongwith his counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Irfan, Assistant on behalf of official respondents No. 1 to 3 and private respondent No. 4 in person present. Private respondent No. 4 seeks adjournment on the ground that his counsel is ill and cannot attend the Tribunal today. Adjourned to 20.11.2019 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

20.11.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi)
Member


(Hussain Shah)
Member

ANNOUNCED
20.11.2019

12.09.2019

Appellant in person, Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present. The appeal was fixed for order for today but learned Deputy District Attorney and counsel for private respondent No. 4 stated that they want to argue some further points and requested for re-arguments. Request is accepted. To come up for re-arguments on 17.10.2019 before D.B. The restraint order shall continue till the date fixed.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

17.10.2019

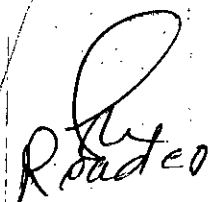
Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Hayat Muhammad, Assistant Director for official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present. Appellant requested for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court and cannot attend the Tribunal today. Adjourned to 24.10.2019 for arguments before D.B. The restraint order shall continue till the date fixed.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

24-10-19

The Bench is incomplete
Therefore case is adjourned
to 11-11-2019


Roadco


08.08.2019 Appellant in person present. Mr. Muhammad Jan, DDA alongwith Mr. Umer Khan, Supdt for official respondents and private respondent no.4 in person present. Appellant seeks adjournment due to general strike on the call of Pakistan Bar council. Adjourn. To come up for arguments on 23.08.2019 before D.B.


Member


Member


23.08.2019 Appellant alongwith his counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Umer Khan, Superintendent for official respondents No. 1 to 3, and counsel for private respondent No. 4 present. Learned counsel for the appellant requested for adjournment. Adjourned to 04.09.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

04.09.2019 Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the official respondent No. 1 to 3 and counsel for private respondent No.4 present. Arguments heard. To come up for order on 12.09.2019 before D.B

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member


15.07.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Umar Khan, Superintendent for official respondents and private respondent No. 4 in person present.

Respondent No. 4 has submitted written reply/comments. The same are placed on record. To come up for arguments on 29.07.2019 before the D.B. The appellant may submit rejoinder, within a fortnight, if so advised.


Chairman

29.07.2019. Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Umar Superintendent for official respondents present. Learned counsel for private respondent No.4 also present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 08.08.2019 before D.B.


Member


Member

17.06.2019

Counsel for the appellant, Mr. Kabirullah Khattak, Additional AG for official respondents No. 1 to 3 and Mr. Yasir Saleem, Advocate on behalf of private respondent No. 4 present and submitted his Vakalatnama. Written reply on behalf of respondents not submitted. Learned Additional AG for official respondents No. 1 to 3 as well as learned counsel for private respondent No. 4 requested for adjournment. Adjourned to 01.07.2019 for written reply/comments before S.B. The restraint order already granted vide order sheet dated 28.05.2019 shall continue till the date fixed.



(Muhammad Amin Khan Kundi)
Member

01.07.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Omer Khan Superintendent for the official respondents present and submitted written reply/comments. Private respondents No. 4 in person present and ^{requested for} further time to file written reply/comments. Granted. To come up for written reply on behalf of the private respondent No.4 on 15.07.2019 before S.B. The restraint order already granted vide order sheet dated 28.05.2019 shall continue till the date fixed.



Member

28.05.2019

Counsel for the appellant present.

Contends that the appellant was adjusted/transferred on 09.03.2018, 4.4.2018, 09.05.2018, 23.05.2018 and 21.05.2019 i.e. at least five time during a period of about 14 months. The impugned act of respondents is in violation of the posting/transfer policy prescribed by the Provincial Government in the year, 2009 (as amended from time to time). The impugned transfer order dated 21.05.2019 was passed in utter disregard of spirit of Para- vi of Placement Policy dated 22.12.2018 and also verdict of Apex Court reported as PLD 2013-Supreme Court-195.

In view of the available record and averments of learned counsel, instant 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. To come up for written reply/comments on 17.06.2019 before S.B.

The appeal is accompanied by an application for suspension of operation of impugned order dated 21.05.2019. Notice of the application be also given to the respondents for the date fixed. Till next date of hearing the operation of impugned order shall remain suspended.




Chairman

Appellant Deposited
Security & Process Fee
28/5/19

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. - _____ 696/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/05/2019	<p>The appeal of Mr. Abdur Rauf presented today by Mr. Taimur Ali 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 27/5/19</p>
2-	27/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right; margin-top: 20px;">RECORDED 27/05/19</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 696 /2019

Abdur Rauf

V/S

Education Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
01	Memo of appeal	-----	01-04
02	Suspension application	-----	05-06
03	Copy of order dated 09.03.2018	A	07
04	Copies of order dated 04.04.2018 and order dated 09.05.2018	B&C	08-09
05	Copies of order dated 23.05.2018, 06.08.2018 and 17.08.2018	D,E&F	10-12
06	Copy of order dated 21.05.2019	G	13
07	Copy of departmental appeal and rejection order dated 24.05.2019	H&I	14-15
08	Copies of posting transfer policy and circular dated 27.02.2013	J&K	16-24
09	Vakalat Nama	-----	25

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

Room No. FR 8, 4th Flour,
Bilour plaza, Peshawar cantt:
Cell# 0333-9390916

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 696 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 807

Dated 27/5/2019

Mr. Abdur Rauf,
ADO (P&D) O/O DEO (Female), Kohat.

(APPELLANT)

VERSUS

1. The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
2. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer, (Female), Kohat.
4. Mr. Traiq Aman (SST), GMS, Alizai District Kohat.

(RESPONDENTS)

Filed to-day

Registrar

27/5/19.

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 24.05.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE ORDER 21.05.2019 WHEREBY THE APPELLANT WAS PREMATURE TRANSFERRED FROM THE POST OF ADEO (P&D) AT DEO (F) KOHAT TO SST GMS ALIZAI KOHAT, FOR NO GOOD GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 24.05.2019 AND 21.05.2019 MAY KINDLY BE SET ASIDE BEING PREMATURE AND IN VIOLATION OF POSTING/TRANSFER POLICY AND CIRCULAR DATED 27.02.2013. THE RESPONDENT DEPTT:

MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT PREMATURE AND IN VIOLATION OF POSTING/TRANSFER POLICY AND CIRCULAR DATED 27.12.2013. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is working in Education Department and was transferred and posted as ADEO (P&D) office of DEO (F) Kohat vide order dated 09.03.2018 and performed his duty as ADEO (P&D) with zeal and devotion whatsoever assigned to him. **(Copy of order dated 09.03.2018 is attached as Annexure-A)**
2. That just after about 25 days, the service of the appellant was placed at the disposal of District Education Officer (Male) Kohat for further posting vide order dated 04.04.2018 and in the compliance of that order, the services of the appellant was placed at the disposal of District Education Officer (Male) Kohat for further posting against the post of ASDEO (M) at any circle vide order dated 09.05.2018. **(Copies of Order dated 04.04.2018 and order dated 09.05.2018 are attached as Annexure-B&C)**
3. That the appellant was again transferred and posted as ADEO (P&D) office of DEO (F) Kohat vide order dated 23.05.2018 which was withdrawn after about 2 months by passing another order dated 06.08.2018, however the order dated 23.05.2018 has restored by issuing another order dated 17.08.2018 and the appellant was again transferred and posted as ADEO (P&D) office of DEO (F). **(Copies of order dated 23.05.2018, 06.08.2018 and 17.08.2018 are attached as Annexure-D,E&F)**
4. That without completing his normal tenure on the post of ADEO (P&D) office of DEO (F) Kohat, the appellant was again transferred from the post ADEO (P&D) office of DEO (F) Kohat and posted as SST GMS, Alizai District Kohat vide order dated 21.05.2019 despite satisfactory performance on the post of ADEO (P&D). **(Copy of order dated 21.05.2019 is attached as Annexure-G)**

5. That against the order dated 21.05.2019, the appellant filed departmental appeal on 23.05.2019, which was rejected on 24.05.2019 on good ground. **(Copies of departmental appeal and rejection order dated 24.05.2019 are attached as Annexure-H&I)**
6. That the appellant has no other remedy but come this august Tribunal on the basis of following grounds amongst others.

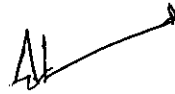
GROUND:

- A) That the impugned orders dated 24.05.2019 and 21.05.2019 are against the law, facts, norms of justice, premature, violation of posting/transfer policy, Govt: circular dated 27.02.2013, therefore not tenable and liable to be set aside.
- B) That the impugned transfer order dated 21.05.2019 of the appellant is total violation of posting/transfer policy and circular based on the Anita Turab case dated 27.2.2013 in which it is clearly mentioned that tenure must be respected. Thus the impugned transfer order is liable to be set-aside on this score alone. **(Copies of posting transfer policy and circular dated 27.02.2013 are attached as Annexure- I&J)**
- C) The impugned transfer order is premature as the appellant has not completed his tenure on the post of ADEO (P&D), therefore the impugned transfer order is liable to be set aside.
- D) That in passing of impugned transfer order, no exigencies or public interest was shown by the respondent, but just to adjust blue eyed person on the post of appellant.
- E) That the appellant has been transferred more than 5 times in short spin of about one year and make a rolling stone in such short spin of time due to which he was not allowed to perform his duty to best of his ability and capability and such consecutive transfer orders was also discouraged by the superior courts.
- F) That according to posting/transfer policy, that posting/transfer orders of all the officers up to BS-19 except the Heads of the Attached Departments irrespective of the grade will be notified by the concerned Administrative Departments with the prior approval of the

Competent Authority obtained on the Summary, but in the case of the appellant, no prior approval of Summary for transfer was obtained, which is violation of posting/transfer policy.

- G) That high up was also satisfied from the performance of the appellant as ADEO (P&D), which is evident from the remarks of the DEO (F) Kohat on the departmental appeal of the appellant.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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



APPELLANT
Abdur Rauf

THROUGH:



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____ /2019

Abdur Rauf

V/S

Education Deptt:

**APPLICATION FOR SUSPENDING THE OPERATION
OF ORDER DATED 21.05.2019 TILL THE DISPOSAL OF
MAIN SERVICE APPEAL.**

RESPECTFULLY SHEWETH:

- 1) That the appellant has filed an appeal against the order dated 24.05.2019 whereby the departmental appeal of the appellant has been rejected against the order 21.05.2019 whereby the appellant was premature transferred from the post of ADEO (P&D) at DEO (F) Kohat to SST GMS Alizai Kohat, along with this application in this august Service Tribunal in which no date is fixed so for.
- 2) That impugned transfer order 21.05.2019 was premature and in violation of posting transfer policy and circular dated 27.02.2013, therefore liable to be suspended.
- 3) That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
- 4) That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that the operation of the order dated 21.05.2019 may kindly be suspended till the decision of main appeal.


APPELLANT

THROUGH:

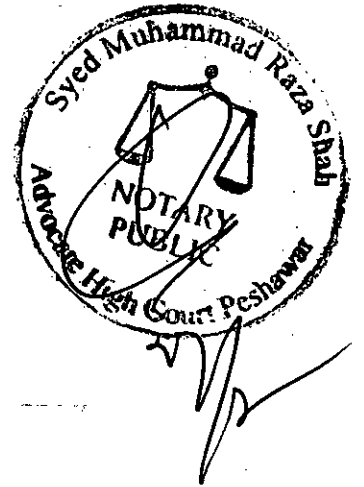

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

AFFIDAVIT

It is solemnly affirmed that the contents of the application is true and correct to best of my knowledge and belief and nothing has been concealed from this Honourable Service Tribunal.



DEPONENT



RECTORATE, DEPARTMENT OF A SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

The following posting/transfers of SSTs/ADEOs are hereby ordered in their own pay & BPS in the larger interest of public service with immediate effect with the following terms and conditions.

S#	Name/Designation & Address	Where adjusted as	Remarks
1	Mr. Atiq Ur Rehman SST/ADEO (P&D) O/O DEO (F) Kohat.	His services is hereby placed at the disposal of DEO(M) Kohat.	For further posting against vacant post of SST
2	Mr. Abdul Rauf SST GMS, Merzai Kohat.	ADEO (P&D) O/O DEO (F) Kohat.	Vice S.No.1

TERMS & CONDITIONS.

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.
3. The order of SST (teaching cadre) at S.No.2 will be effective subject to the condition that he will give an undertaking/affidavit on legal paper/stamp paper to DEO (F) Kohat to the effect not to claim seniority of Management cadre.
4. His seniority will be intact in teaching cadre as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms & conditions mentioned in his appointment orders as SST teaching cadre will intact.
6. They will not claim any kind of absorption in management cadre.

DIRECTOR

Endst: No. 1291/198 F.No.436/Vol-24/ADEO (M) Transfers.

Dated Peshawar the 93 /2018

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. District Education Officer (M&F) Kohat.
3. District Accounts Officer Kohat
4. Officials concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

Law - d/29/18
Deputy Director (E&SE)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

M
9/3/18

ATTACHED

Q

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

OFFICE ORDER

The following posting / transfers of SSTs / ADEOs are hereby ordered in their own pay & BPS in the larger interest public service with immediate effect with the following terms and conditions.

S#	Name/ Designation & Address	Where Adjusted as	Remarks
1.	Mr. Atiq Ur Rehman SST / ADEO (P&D) O/O DEO (F) Kohat	His services is hereby placed at the disposal of DEO (M) Kohat. /	For further posting against vacant post of SST
2.	Mr. Abdul Rauf SST GMS, Merzai Kohat	ADEO (P&D) O/O DEO (F) Kohat. /	Vice S. No. 1

TERMS AND CONDITIONS

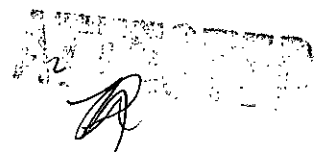
- Charge report should be submitted to all concerned.
- No TA / DA etc are allowed.
- The order of SST (teaching cadre) at S. No 2 will be effective subject to the condition that he will an undertaking / affidavit on legal paper / stamp paper to DEO (F) Kohat to the effect not to claim seniority of Management cadre.
- His seniority will be intact in teaching cadre as per rules. He will not affect the promotion of any incumbent of that cadre.
- The terms & conditions mentioned in his appointment orders as SST teaching cadre will intact.
- They will not claim any kind of absorption in management cadre.

DIRECTOR**Endst No. 189/4-98 F. No. 436 / Vol-24/ ADEO (M) Transfers****Dated Peshawar the 9.3.2018**

Copy of the above is forwarded to the:

- Accountant General Khyber Pakhtunkhwa, Peshawar.
- District Education Officer (M&F) Kohat.
- District Accounts Officer Kohat.
- Officials Concerned.
- PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
- Master File.

**Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**



SSK
4/4/18

B (8)

OFFICE OF THE DIRECTOR, ELEMENTARY & SECONDARY EDUCATION, KHYBER
PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

The services in respect of the following SSTs working against the post of ASDEO/ADEO are hereby placed at the disposal of District Education Officer (Male) Kohat for further posting against the vacant post of SSTs in their own pay & BPS in the interest of public service with immediate effect.

1. Mr. Abdul Rauf SST/ADEO (P&D) O/O DEO (F) Kohat.
2. Mr. Amir Muhammad ASDEO (M) Circle Ghurzai Kohat.

Note:-

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

DIRECTOR

Endst: No 37-939 /F.No.436/Vol-27/ADEO (M) Transfers Kohistan.

Dated Peshawar the 4/4 /2018

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. District Education Officer (M&F) Kohat.
3. District Accounts Officer Kohat.
4. Officials concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

@4/4/18
Deputy Director (E&SE)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

4/4/18

APR 10 2018

AK

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

OFFICE ORDER

The services in respect of the following SSTs working against the post of ASDEO / ADEO are hereby placed at the disposal of District Education Officer (Male) Kohat for further posting against the vacant post of SSTs in their own pay & BPS in the interest of public service with immediate effect.

1. Mr. Abdul Rauuf SST / ADEO (P&D) O/O DEO (F) Kohat.
2. Mr. Amir Muhammad ASDEO (M) Circle Ghurzai Kohat.

Note:-

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

DIRECTOR

Endst No. 937-939/ F. No! 436 / Vol-27/ ADEO (M) Transfers Kohistan

Dated Peshawar the 4/4/2018

Copy of the above is forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M&F) Kohat.
3. District Accounts Officer Kohat.
4. Officials Concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
6. Master File.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTACHED
[Signature]

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

The services in respect of Mr. Abdul Rauf SST/ADEO (F) O/O DEO (F) Kohat under transfer to DEO (M) Kohat vide No. 937-39 dated 04-04-2018 is hereby placed at the disposal of District Education Officer (M) Kohat for further posting against the post of ASDEO (M) at any circle in his own pay & BPS in the interest of public service with immediate effect.

Note:- compliance report should be submitted to all concerned.

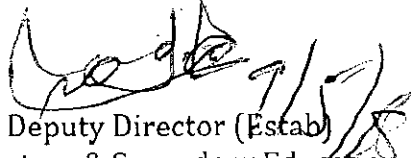
DIRECTOR

Endst: No. 1380-84 /F.No. 436/Vol-02/ADEOs (M) Transfers

Dated Peshawar the 5 2018

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M&F), Kohat.
3. District Accounts Officer Kohat.
4. Official concerned.
5. PA to Director Local Directorate.
6. Master File.


Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR

NOTIFICATION

Mr. Abdur Rauf SST GMS, Merozai under transfer to DEO (M) Kohat is hereby transferred and posted against the vacant post of ADEO (P&D) at DEO (F) Kohat in his own pay & BPS in the interest of public service with effect the date of his taking over charge with following terms and conditions.

TERMS AND CONDITIONS.

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.
3. The order of the above named SST (teaching cadre) will be effective subject to the conditions that he will give an undertaking/affidavit on legal paper/stamp paper to DEO (Female) Kohat to the effect not to claim seniority of management cadre.
4. His seniority will be intact in teaching cadre as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms & conditions mentioned in his appointment order as SST (teaching cadre) will intact.
6. He will not claim any kind of absorption in management cadre.

Endst: No. W693-97 /F. No.436/Vol-24/ADEEO (M) Transfers.

DIRECTOR

Dated Peshawar the 23/5 2018.

Copy of the above is to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M&F) Kohat.
3. District Accounts Officer Kohat.
4. Official concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

M/S 23/8/10
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

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23/5/18

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

OFFICE ORDER

The office orders issued vide this Directorate under endorsement No. 4693/97 and No. 4696/4702 dated 23-05-2018 is hereby withdrawn.

Compliance report should be submitted to all concerned.

DIRECTOR

Order No. 1078-S1 No. 476 Vol-24/ADFO (Male) Transfers/2018 Dated Peshawar the 1/5 2018

Copy of the above is forwarded to the:-

1. District Education Officer (M&F) Kohat
2. District Accounts Officer Kohat
3. Official concerned
4. PA to Director (ESS&E) Local Directorate
5. Master File

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

1/5/18

BETTER COPY -

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER
PAKHTUNKHWA PESHAWAR

OFFICE ORDER

The office orders issued vide this Directorate under endorsement No.4693-97 and No.4698-4702 is hereby withdrawn.

Compliance report should be submitted to all concerned

DIRECTOR

Endst. No.1078-81/ No.436/vol-24/ADEO (Male) Transfers/2018 Dated Peshawar the 6/8/2018

Copy of the above is forwarded to the:

1. District Education Officer (M/F) Kohat.
2. District Account Officer Kohat.
3. Official concerned.
4. PA to Director (E&SE) Directorate.
5. Master File.

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

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DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER

The transfer order in respect of Abdur Rauf SST as ADEO (P&D) Office of the District Education Officer (F) Kohat issued vide this Directorate office order No. 4693-97 dated 23-052018 is hereby restored.

Furthermore the services of Mr. Atiq Ur Rehman SST/ADEO (P&D) Office of the DEO (F) Kohat is hereby placed at the disposal of District Education Officer (M) Kohat for further posting against the vacant of SST in his own pay & BPS in the interest of public service with immediate effect.

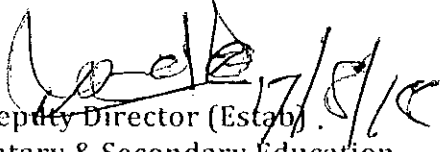
- Note:-
1. No TA/DA etc are allowed.
 2. Charge report should be sent to all concerned.

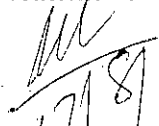
Endst: No. 3498-3502 /No. 436/Vol-24/ADEO (M) Transfers. Dated Peshawar the 17/8 2018

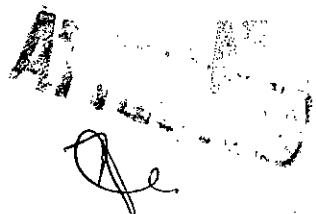
DIRECTOR

Copy of the above is forwarded to the:-

1. District Education Officer (M&F) Kohat.
2. District Accounts Kohat.
3. Official concerned.
4. PA to Director (E&SE) Local Directorate.
5. Master File.


Deputy Director (Estab.)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


17/8/18



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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

The following posting/transfers are hereby ordered in their own Pay & BPS in the larger interest of public service with immediate effect with the following terms and conditions.

S#	Name/Designation & Address	Where adjusted as	Remarks
1	Mr. Abdur Rauf SST/ADEO (P&D) at DEO (F) Kohat	SST GMS Alizal District Kohat	Vice S.No.2
2	Mr. Tariq Aman SST-GMS, Alizal District Kohat	ADEO (P&D) at DEO (F) Kohat	Vice S.No.1

TERMS & CONDITIONS.

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.
3. The order of SST (teaching cadre) above will be effective subject to the condition that they will give an undertaking/affidavit on legal paper/stamp paper to DEO (F) Kohat to the effect not to claim seniority of Management cadre.
4. His seniority will be intact in management/teaching cadre as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms & conditions mentioned in their appointment orders as teaching cadre will intact. He will not claim any kind of absorption in management cadre.

DIRECTOR

Endst: No. 5787-01 /F.No. 436/Vol-07/ADEO (M) Transfers KP.

Dated Peshawar the 21/5/2019

Copy of the above is forwarded to the:-

1. District Education Officer (M&F) Kohat.
2. District Accounts Officer Kohat.
3. Principal concerned.
4. Officials concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Masier File.

[Signature]
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Signature]
21/5/19

[Signature]

محکمہ اعلیٰ - آڈیٹر جنرل ایف ڈی ایف سکندریہ ایجوکیشن سیکشن کراچی

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عنوان: اپیل برائے مستوفی ڈائریکشن ایف ڈی ایف اے

21/5/19 dt 91-9787

صا - عالی

خود نام گزارش ہے کہ سائل آئیے زیر سابق ڈسٹرکٹ ایجوکیشن آفیس (زبانہ) کوپارٹ میں طبیعت اسٹنٹ ڈسٹرکٹ ایجوکیشن آفیسر (P&D) جس 2018 سے کام کر رہا ہوں۔

میں نے طبیعت (P&D) اسٹنٹ ڈسٹرکٹ ایجوکیشن آفیسر سے کام کیا اور اسٹنٹن مالا کو شکایت کا موقع پیش کیا مگر تشہیر کس وجہ سے میرا تبادلہ دفتر سے سکول کر رہا ہے لہذا استدعا ہے کہ میرا تبادلہ مستوفی کے پاس کیونکہ میرا Tenure پورا نہیں ہوا ہے۔

آڈیٹر مستوفی کے پاس زندگی بھر سمونہ دستکوری رہے گا۔

تاریخ: 23/05/19
نوٹ: ڈائریکشن آفیسر کے پاس ہے۔

22-5-2019

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الکمار پٹیل

آئیے کا سید

عبدالرزاق

ADEU (P&D)

075 DEO (F) Kohat

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Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

No. ~~718~~/F.No.436/Vol-07/ADEO (M) Transfers.

Dated Peshawar the 24/5 2019

I (15)

To

Mr. Abdur Rauf SST
Govt. Middle School Alizai
District Kohat.

Subject: - APPEAL FOR CANCELLATION OF TRANSFER ORDER DATED 21-05-2019.

Memo:

I am directed to refer to your appeal No. nil dated 23-05-2019 on the subject cited above and to state that your adjustment has already been made against the post of SST being your original cadre/post. Hence your appeal is hereby rejected.

24/5/2019
Asstt: Director (Estab)

Elementary & Secondary Education
Khyber Pakhtunkhwa.

Endst: No. _____

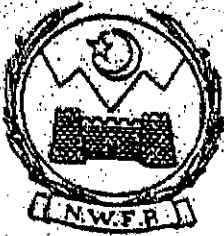
Copy of the above is to:-

1. PA to Director (E&SE) Local Directorate.

24/5/19
Asstt: Director (Estab)

Elementary & Secondary Education
Khyber Pakhtunkhwa

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**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 posting/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.

1 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.
2 Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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- 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.
- 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:	

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

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[Handwritten Signature]

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a) Within the same Department	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	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.

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.

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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.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT

Dated Peshawar, _____

NOTIFICATION

NO. _____ The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF NWFP

Endst. No. and date even.

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(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008}.

.....
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.
{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005.}

.....
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

ATTESTED

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- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004.
Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}.

PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training institution within the country. The knowledge gained by the

Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dt 9-2-2007

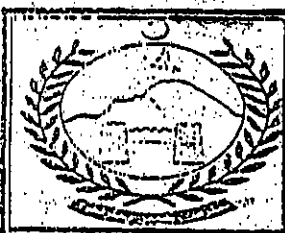
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officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
 - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
 - vi) The Normal tenure of posting as already provided in the policy would be ensured;
 - vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
 - viii) No participant will decline/represent against his/her posting.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD)1-4/2005/Vol-II

Dated Peshawar, 27th February, 2013

To
Sigra

1. The Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- (i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made hereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- (ii) **Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

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- (iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- (iv) **OSD:** Officers should not be posted as OSD except for compelling reasons; which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

NAJAM

(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

1 copy is forwarded to:-

- 1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 4. The Accountant General, Khyber Pakhtunkhwa.
- 5. The Registrar, Peshawar High Court, Peshwar.
- 6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
- 7. All Addl: Secretaries Establishment & Administration Department.
- 8. All Deputy Secretaries in Establishment & Administration Department.

NAJAM

SECTION OFFICER (REG-VI)

Allesht

VAKALAT NAMA

NO. _____/2019

IN THE COURT OF Service Tribunal Peshawar

Abdur Rauf (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt (Respondent)
(Defendant)

I/We, Abdur Rauf


Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20


(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court

&
ASAD MAHMOOD,
Advocate High Court

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

قیمت 50 روپے	17335	  
ایڈوکیٹ: <u>حکیم علی</u> بارکونسل/ایسوسی ایشن نمبر: رابطہ نمبر: ۸۴ ۸۸۹۲۵-۳۳۱		

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

منجانب: <u>دبیانہ منج</u>	دعوی:
<u>عبدالرشید بنام گولڈ</u>	علت نمبر: ①
	مورخہ:
	جرم:
	تھانہ: <u>A</u>

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کاروائی متعلقہ درآن مقام کلیہ کا کلمہ، جدواں رقمی سے خبر راز کوویل مقرر ط ایس ایم کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زرین پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری نہ بنظر ذہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: عبدالرشید

17/10/2024

بد الع بد الع

مقام کے لیے منظور ہے۔

Asad
نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔
P. Tayyab

Accepted
Accepted

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHWA PESHAWA
SERVICE APPEAL NO: 696/2019

1. Mr. Abdur Rauf ADEO (P&D) O/O DEO(FEMALE) KOHATPetitioner


VERSUS

1. The District Education Officer (Female) Kohat & Others

S#	Description of the Documents	Annex	Pages
1	Para wise comments		1-2
2	Affidavit		3
3	Photo copy of letter No: 6537-39/P.File/ADEO (P&D) Kohat dated 06.05.2019	A	4
4	Photo copy of Political dignity	B & C	5-6
5	Policy letter	D	7
6	<i>Application for vacation of status quo</i>	E	8

Dated 17.06.2019

Respondent No: 1,2 & 3


District Education Officer
(Female) Kohat

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWA
SERVICE APPEAL NO: 696/2019

1. Mr. Abdur Rauf ADEO (P&D) O/O DEO (FEMALE) KOHAT **Petitioner**

V E R S U S

1. The Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar
2. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. The District Education Officer (Female) Kohat

..... **Respondents**

Parawise Comments on behalf of respondent no: 1, 2 & 3

Respectfully sheweth

Preliminary Objections:-

1. That the appellant has got no locus standi to file instant Writ Petition.
2. That the appellant has concealed material facts from the Honourable Court
3. That the appellant has not come to this Court with clean hands
4. That the instant Service appeal is not maintainable in the eyes of law.
5. That the appellant is based upon malicious/ vexatious and frivolous grounds.

Facts

1. Admitted to the extent that the appellant has been transferred vide order dated 28.02.2019 but so far as his performance is concerned, the appellant does not know a single legal lacunas of rules/ regulation even the related work pertaining to planning & development of his job/ post copy of the order dated 09.03.2018 on which the appellant relied upon is totally ambiguous rather forged as date of submission of application is 23.05.2019 and the recommendation made thereon is dated 22.05.2019 that is one day before the submission of application. On behalf of respondent No: 3 written request was communicated to authority concerned vide No: 6537-39/P.File/ADEO (P&D) Kohat dated 06.05.2019(Copy attached as **Annexure A**) narrated therein that the appellant may be transferred to his original post as pedagogue(Teacher) as he disturbed the office decorum and discipline, posing himself as political dignitary representative and sharking his own responsibility to his junior and frequently visiting female schools without the consent of respondent No: 3 being a immediate boss. The Director Elem & Secondary Education Khyber Pakhtunkhwa Peshawar being a competent authority transferred the appellant and posted as pedagogue at GMS Ali Zai Kohat.
2. Incorrect the appellant get advantage of the political influence as evident from record (copies of the recommendation of the political dignity is attached as **Annexure B,C**) the frequent transfer of the appellant has been made by his own conduct and political pressure as the appellant was blue-eyed of one MPA and his predecessor was blue-eyed of an other MPA (please see the high lighted para of the **Annexure D**)
3. Incorrect as stated vide para 2 above.
4. Admitted to the extend that the appellant has been transferred due to his inefficiency as he can not read a single line of official letter and have no capability to shoulder the huge/ technical work of Planning & Development as a proof the Hon'able service tribunal Khyber Pakhtunkhwa is supplicated to ask him to read his service appeal with its meaning before the dice of the Hon'able judges.

5. The appellant has been stopped by his own conduct because the respondent No: 3 has paramount responsibility to run the office upto the mark and standard and within the ambit of prescribed rules/regulation.
6. Respondent Department would adduce some other ground which is not specifically mentioned here at the time of argument with the permission of this Hon'able tribunal.


GROUNDS

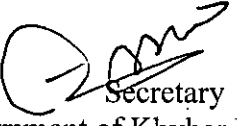
- A. Incorrect the appellant has been dealt strictly in accordance with rules/regulation.
- B. Incorrect the para contain on the basis of mis-read/ non read and wrong presumption of law as posting transfer policy and circular dated 27.03.2013 vide par "xiii) section a) is very much clear that to ensure the posting of proper person on proper post, a performance of evaluation report/ Annual confidential report passed and present record of service, and general reputation with focus on the integrity of concerned/official be considered and identical reference of *Anita Turab* case mentioned in the relevant para has no nexus with instant case.
- C. Incorrect the appellant has been transferred in exigency and in the best intrest of public service.
- D. Incorrect as stated vide para 1 above.
- E. Incorrect the appellant was transfer with in spin of one year due to his own political influence while he first attempt to join the ADEO (P&D) post as stated vide para 2 above.
- F. Incorrect on behalf of respondent No: 3 proper letter/summary about his conduct and performance was processed to competent authority/ Director E&SE, Khyber Pakhtunkhwa Peshawar recommended him for transfer, after the fulfilling the summary approval formality the Director E&SE, Khyber Pakhtunkhwa notified his transfer order dated 21.05.2019.
- G. Incorrect the DEO (Female) /Respondent No: 3 does not own his remarks.
- H. Respondent Department would adduce some other ground which is not specifically mentioned here will also raise at the time of argument with the permission of this Hon'able court.

It is therefore humbly prayed that the petition may please be dismissed with Cost.


District Education Officer
(Female) Kohat

District Education Officer
(Female) Kohat
Respondent No: 3


Director
Elementary & Secondary Edu
Khyber Pakhtunkhwa Pesh
Respondent No: 2


Secretary
Government of Khyber Pakhtunkhwa
E&SE Department Peshawar
Respondent No: 1

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHWA PESHAWA

SERVICE APPEAL NO: 696/2019

1. Mr. Abdur Rauf ADEO (P&D) O/O DEO(FEMALE) KOHAT**Petitioner**

V E R S U S

1. The Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department Peshawar

2. The Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar


3. The District Education Officer (Female) Kohat

.....**Respondents**

Affidavit

I, Mrs. Farzana Sardar District Education Officer (Female) Kohat Tehsil Kohat do hereby solemnly affirm and declare on oath that the contents of the accompanying Parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed withheld from this Honourable court.

Deponent


District Education Officer
(Female) Kohat

DISTRICT EDUCATION OFFICER
OFFICE (FEMALE) KOHAT

Annex A

4



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHAT

No. 6536 /P.File/ADEO (P&D)/(M) Kohat
Dated Kohat the 26 / 05 /2019

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Subject:- **TRANSFER OF MR.ABDUR RAUF ADEO (P&)**

Respected Sir,

It is requested that Mr.Abdur Rauf is serving as ADEO (P&D) in the Office of the undersigned.

- (1).He is extremely incompetent fellow
- (2).He pays visits to Female Schools without the permission of undersigned

Hence in the light of above it is requested that he may kindly be transferred to any male school in District Kohat and proper substitute may kindly be provided please.

DISTRICT EDUCATION OFFICER
(FELAME) KOHAT

Endst.No. 4537-39

Copy to the:-

1. PS to Secretary E&SED Khyber Pakhtunkhwa Peshawar
2. District Nazim District Govt: District Kohat
3. Deputy Commissioner Kohat

DISTRICT EDUCATION OFFICER
(FELAME) KOHAT

Annex B

5



MINISTER

MINISTER FOR LAW,
PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
GOVT. OF KHYBER PAKHTUNKHWA

No.DO/Min:-Law/KP/2018/3899
Dated Peshawar, the 15-01-2018

Subject:- POSTING/TRANSFER.

Assalam-o-Alaikum.

I am writing this letter in favour of Mr. Abdul Rauf, SST presently posted at GMS, Mirozai, Kohat. He is strongly recommended for posting as ADEO (P&D), Female, Kohat in the best public interest as per rules/policy.

With regards.

Imtiaz
Imtiaz Shahid Qureshi (Advocate)

Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

Annex - C (6)

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
No. 7295-96 / F.No.436/Vol-24/ADEO (M) Transfers.
Dated Peshawar the 28/09/2018

To

The District Education Officer,
(M&F) Kohat.

(Remade)

Subject: - POSTING/TRANSFER.

Memo:

I am directed to refer to the subject cited above and to state that the Minister for Law Khyber Pakhtunkhwa, has recommended the transfer in respect of Abdul Rauf SSI from GMS, Mirozai to DEO (F) Kohat against vacant post of ADEO (P&D).

In this regard, I am further directed to ask you to submit your comments to this office immediately for further necessary action.

(Signature)
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Peshawar:

Copy of the above is to PA to Director (E&SE) Khyber Pakhtunkhwa.

(Signature)
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ADEO P&D

Zi
28/09/2018

1-200
1-31/18



**OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
DISTRICT KOHAT**

Tell# +92-922-9260290

No. 2257 /Comments/ADEO/ P&D/Transfer Dated 12 / 2 / 2018

To.

Director
Elementary & Secondary Education KPK
Peshawar.

Subject: POSTING/TRANSFER

Memo;

In pursuance to your office Memo; No. 7295-96/F.No.436/Vol-24/ADEO(M)/Transfer Dated 28/1/2018 regarding the subject cited above. The undersigned submits detail comments in the light of Prevailing Rules and Services laws.

Detail about Mr. Atiq-UR - Rahman ADEO P&D	Detail about the Substitute /Nominated Teacher Mr. AbdurRahif SST GMS Mirozai	Remarks /Comments
<ul style="list-style-type: none"> • He is a senior one and has the skills of Planning & Development. • He is expert in his job and good reputation in his field. • He is a considerate and cooperative and has the ability to produce constructive ideas. 	<ul style="list-style-type: none"> • He has no experience in the field of Planning & Development. • He does not know enough about the job of Planning & Development which is technical. • He is not fit for the post of Planning & Development due to legal lacunas. 	<ul style="list-style-type: none"> ➤ Keeping in view the devotion and experience and skill, Mr. Atiq-UR-Rahman may not be transferred. ➤ Due to his transfer, this office will be suffered badly because Mr. Atiq-UR-Rahman knows better on developmental side. ➤ Already the Honble MPA Mr. Ziaullah Khan Bangsh recommended that Mr. Atiq-UR-Rahman may not be transferred. ➤ Being District Head, I am fully satisfied from his performance in his field.

**DISTRICT EDUCATION OFFICER (F)
KOHAT**

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUN KHWA PESHAWA

SERVICE APPEAL NO: 696/2019

1. Mr. Abdur Rauf ADEO (P&D) O/O DEO(FEMALE) KOHAT**Petitioner**

V E R S U S

4. The Secretary to Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department Peshawar

5. The Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar

6. The District Education Officer (Female) Kohat
.....**Respondents**

APPLICATION FOR VACATION OF STATUSQUO/ TEMPORARY
INJUCTION

Respected Sheweth

1. That the appellant has been transferred due to his inefficiency within the ambit of transfer policy/circular dated 27.03.2013 vide par "xiii) section a) which is very much clear , for proper appraisal of rules the relevant para of ibid Notification is re produced as "*to ensure the posting of proper person on proper post, a performance of evaluation report/ Annual confidential report passed and present record of service, and general reputation with focus on the integrity of concerned/official be considered and hope that the instant case will be dismissed.*

2. The impugned transfer order dated 21.05.2019 has been issued strictly in accordance with posting transfer policy/circular dated 27.02.2013 as stated vide para 1 above.

3. The appellant has no solid justification to attract prima facie case in the instant appeal.

4. The appellant has been transfer due to his inefficiency and his status quo can not be considered as integral part of the service appeal.

It is therefore humbly prayed before this Hon'able Tribunal to vacate the status quo and restore the transfer order for the smooth running of office.

(Signature)
DISTRICT EDUCATION OFFICER
(FEMALE) KOHAT
(Respondent No: 3)

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 696/2019

Mr. Abdur Rauf ADO (P&D) O/O DEO (Female), Kohat.

(Appellant)

VERSUS

Secretary elementary and secondary education Khyber
Pakhtunkhwa, Peshawar and others.


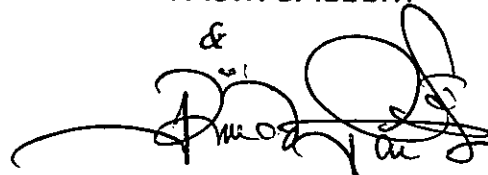
(Respondents)

INDEX

S. No	Description of documents	Annexure	Page No
1	Reply		1 - 3
2	Copies of letter dated 15.01.2018, 29.01.2018 and 12.02.2018	A, B & C	4 - 6
3	Copies of resolution and letter dated 27.11.2018	D & E	7 - 8


Respondent No.4

Through


YASIR SALEEM
&

JAWAD UR REHMAN
Advocates, High Court Peshawar

61

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 696/2019

Mr. Abdur Rauf ADO (P&D) O/O DEO (Female), Kohat.

(Appellant)

VERSUS

Secretary elementary and secondary education Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

**WRITTEN REPLY/ COMMENTS ON
BEHALF OF THE RESPONDENT NO.4**

PRELIMINARY OBJECTIONS:

- a. That the appellant has got neither cause of action nor any locus standi to file the instant appeal.
- b. That the appellant has suppressed material facts from this honorable tribunal and has not come to the tribunal with clean hands.
- c. That the appellant has filed the instant appeal with malafide intention and ulterior motives.
- d. That under section 10 of the civil servant act 1973, every civil servant is liable to be transfer anywhere through out the province and he cannot legally insist for choice posting.
- e. That the appellant is estopped to file the instant appeal.
- f. That the appellant got the post of ADEO (P&D) female, Kohat on ^{exting} ~~exting~~ political pressure even though he was neither suitable nor eligible for the post, which is evident from the letter dated 15.01.2018 vide which he was recommended by the then law minister of Khyber Pakhtunkhwa for the post ^{and} Even when the comments were sought from DEO Kohat vide letter dated 29.01.2018, the DEO clearly shown her dissatisfaction over the abilities and performance of the appellant and was held not suitable for the post vide her comments dated 12.02.2018. (Copies of letter

dated 15.01.2018, 29.01.2018 and 12.02.2018 are attached as annexure A, B & C)

ON FACTS OF THE CASE

1. In Reply to Para No.1 it is stated that the appellant used political influence to get the post of his choice despite the fact that he was neither competent nor was recommended/held suitable by the DEO female, Kohat.
2. In reply to Para No.2 of the appeal it is submitted as the appellant was found incompetent to hold the post therefore he was rightly transferred from the post.
3. In reply to Para No.3 of the appeal it is submitted that the appellant by using political influence transferred himself back to the post of his choice i.e ADEO (P&D) female, Kohat which was withdrawn vide order dated 6.08.2018. However again the appellant got managed to restored the order dated 23.05.2018 by using his political influence.
4. Contents of Para No.4 of the appeal are incorrect as laid. In fact the appellant was not competent to hold the post from the day first but he, by using political influence, got himself posted against the post so the rule of spending normal tenure is not applicable in the case of the appellant. Apart from his inefficiency, a complaint was also filed by a local district councilor and upon his complaint a proper resolution was also passed against him by district council Kohat which was duly forwarded to deputy commissioner Kohat vide letter dated 27.11.2018. *(Copies of resolution and letter dated 27.11.2018 is attached as annexure D & E)*
5. Contents of Para No.5 is incorrect the departmental appeal was rightly rejected by the department. Furthermore it is the prerogative of competent authority to issue such like orders.

GROUND

Ground A to H of the appeal is not applicable in the case of the appellant.

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

Respondent No.4

Through

YASIR SALEEM

&

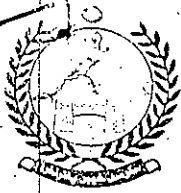
JAWAD UR REHMAN

Advocates, High Court Peshawar

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above reply/comments are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

DEPONENT



MINISTER

MINISTER FOR LAW,
PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
GOVT. OF KHYBER PAKHTUNKHWA

No.DO/Min:-Law/KP/2018/3899
Dated Peshawar, the 15-01-2018

Subject:- POSTING/TRANSFER.

Assalam-o-Alaikum.

I am writing this letter in favour of Mr. Abdul Rauf, SST presently posted at GMS, Mirozai, Kohat. He is strongly recommended for posting as ADEO (P&D), Female, Kohat in the best public interest as per rules/policy.

With regards.

Imtiaz
Imtiaz Shahid Qureshi (Advocate)

Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

attested
J

B

5

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar
No. 72959/F.No.436/Vol-24/ADEO (M) Transfers.
Dated Peshawar the 28/01/2018

To

The District Education Officer,
(M&F) Kohat. *(Fennade)*

Subject: - POSTING/TRANSFER.
Memo:

I am directed to refer to the subject cited above and to state that the Minister for Law Khyber Pakhtunkhwa, has recommended the transfer in respect of Abdul Rauf SST from GMS, Mirozai to DEO (F) Kohat against vacant post of ADEO (P&D).

In this regard, I am further directed to ask you to submit your comments to this office immediately for further necessary action.

(Signature)
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____

Peshawar.

Copy of the above is to PA to Director (E&SE) Khyber Pakhtunkhwa. *(Signature)*

Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ADEO P&D

28/01/2018

1520
1-31/18

(Signature)



OFFICE OF THE DISTRICT EDUCATION OFFICER (F)
DISTRICT KOHAT

6

Tell# +92-922-9260290

No. 2257 /Comments/ADEO/ P&D/Transfer Dated 12 / 2 /2018

To.

Director
Elementary & Secondary Education KPK
Peshawar.


Subject: POSTING/TRANSFER

Memo;

In pursuance to your office Memo; No 7295-96/F.No.436/Vol-24/ADEO(M)/Transfer Dated 28/1/2018 regarding the subject cited above The undersigned submits detail comments in the light of Prevailing Rules and Services laws .

Detail about Mr.Atiq-UR - Rahman ADEO P&D	Detail about the Substitute /Nominated Teacher Mr.AbdurRaaf SST GMS Mirozai	Remarks /Comments
<ul style="list-style-type: none">• He is a senior one and has the skills of Planning & Development..• He is expert in his job and good reputation in his field.• He is a considerate and cooperative and has the ability to produce constructive ideas.	<ul style="list-style-type: none">• He has no experience in the field of Planning & Development.• He does not know enough about the job of Planning & Development which is technical.• He is not fit for the post of Planning & Development due to legal lacunas.	<ul style="list-style-type: none">➤ Keeping in view the devotion and experience and skill, Mr.Atiq-UR-Rahman may not be transferred.➤ Due to his transfer, this office will be suffered badly because Mr.Atiq-UR-Rahman knows better on developmental side.➤ Already the Honble MPA Mr.Ziaullah Khan Bangsh recommended that Mr.Atiq-UR-Rahman may not be transferred.➤ Being District Head, I am fully satisfied from his performance in his field.


DISTRICT EDUCATION OFFICER (F)
KOHAT

attested




DISTRICT COUNCIL SECRETARIAT KOHAT.

Amra

(7)

No. 1869-96 /DC/KT

Dated 27 / 11 /2018

To
The Deputy Commissioner,
Kohat.

Subject: RESOLUTION.

Enclosed please find herewith a Resolution presented by Dr. Matiullah Shah, District Councilor, in the monthly session of District Council Kohat held on 20-11-2018 regarding, complaint against the ADO (P & D) Elementary & Secondary Education Department Kohat.

It is therefore, requested to take appropriate necessary action in the best interest of general public please.

[Signature]
Secretary,
District Council Kohat.

Even Number & date as above:-

Copy forwarded for information to:-

1. PS to Secretary, LGE & RDD, Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary, LCB, Khyber Pakhtunkhwa Peshawar.
3. The Nazim, District Government, Kohat.
4. The Naib Nazim, District Council Kohat.
5. The Director Education, Khyber Pakhtunkhwa Peshawar.
5. The District Officer, Education (Female) Kohat alongwith copy of Resolution dated 20-11-2018 for information and necessary action please.
6. Mr. Matiullah Shah, District Councilor District Council Kohat.

attested
[Signature]

A. Hattal
[Signature]
SECRETARY
DISTRICT COUNCIL KOHAT

[Signature]
Secretary,
District Council Kohat

[Signature]
20/11/18

منجانب ڈائری عظمیٰ کوہاٹ

2018

(8)

جناب پرنسپل ایڈنگ آفیسر صاحب

دفتری استعمال کے لیے

سلسلہ نمبر

مورخہ 19-11-2018

متعلقہ محکمہ DO Edu (F)

دستخط وصول شدہ

پرنسپل ایڈنگ آفیسر کا فیصلہ - Admitted

[Signature]

صوبائی محکمہ تعلیم اور ذمہ داری ایجوکیشن آفیسر (فی میل) کی ہدایت کے مطابق
حضرات کا داخلہ ممنوع ہے۔ جب کہ ای محکمہ کے میل آفیسر اور اس کے ذمہ داران
سکول میں بلا وجہ جا کر تہہ رسی عملے پر مختلف خطے پر ہانوں سے دباؤ ڈال رہے ہیں۔
حتیٰ کے سوبائس نمبر مانتے کی بھی اطلاعات ہیں۔
یہ طرز عمل انتہائی قابل اعتراض ہے۔ قرار داد دہریے استناد ہے کہ CEO
میں اور سکول کے اوقات کار میں اس نوعیت کی سرگرمیوں کو سختی سے روکیں۔
قرار داد کی منظوری درکار ہے۔

Unanimously adopted by the House.

[Signature] 20/11/18

[Signature]

SECRETARY
DISTRICT COUNCIL KOHAT

[Signature] 01/11/18

District Council Kohat

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 696/2019

Abdur Rauf

VS

Education Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. First portion of para 1 is admitted correct, hence no comments, while the rest of the para is incorrect hence denied.
2. Incorrect. The appellant did not use political influence for his posting, but the respondent department made the appellant as a rolling stone due to which he could not perform his duty with best of his ability and capability.
3. Incorrect as replied in para 2 above.
4. Not replied according to para 4 of the appeal. Moreover para of the appeal is correct.
5. Incorrect. The appellant has a lot of experience to run the office efficiently, but he was frequently transferred on political basis, which is against the posting transfer policy.
6. Not replied according to para 6 of the appeal. Moreover para of the appeal is correct.

GROUND:

- A. Incorrect. The appellant has not dealt strictly in accordance with rules/regulation.
- B. Incorrect. The respondent has made wrong presumption of posting transfer policy and circular dated 27.03.2013 as in posting transfer

policy there are instructions for posting/transfer of an official and these instructions should be followed strictly and has given same wattage as rule by different Supreme Court judgments. Moreover there is no need of ACR etc for posting on a particular post.

- C. Not replied according to para C of the appeal. Moreover para C of the appeal is correct.
- D. Incorrect. Which exigency and public interest were shown in impugned transfer order of the appellant.
- E. Subject to proof of the approval of the summary of the competent authority.
- F. Incorrect. As replied in para 2 of the facts above.
- G. Incorrect. While para G of the appeal is correct.
- H. Legal.

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

Through:

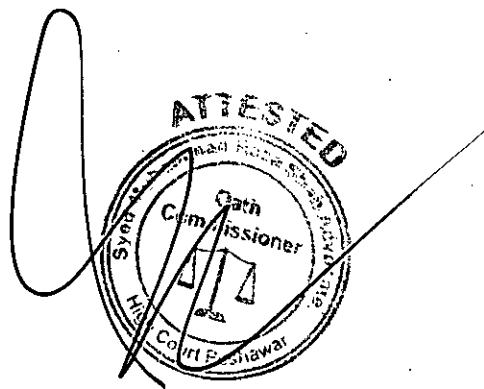
APPELLANT


TAIMUR ALI KHAN
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT



قیمت
50 روپے

25446



ایڈوکیٹ:
بار کونسل/ایسوسی ایشن نمبر: 43-10-10
رابطہ نمبر: (915196) 0300

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: حسرت محمد کوسری ڈائریکٹر (سینئر)

مخانب: <u>Respect No. 4</u>	دعویٰ: <u>Appel - 696/19</u>
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام حسرت محمد کوسری کیلئے حسرت محمد کوسری کو وکیل 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 حالت و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

الع گواہ شد الع

مقام کے لیے منظور ہے۔