

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 756/2020

Date of Institution ... 28.01.2020

Date of Decision ... 22.01.2021

Abdul Qayum Jan son of Abdul Rahim Jan
PSHT BPS-15, presently serving at GPS Shpano Kasai Kambat
District Dir Lower.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education Khyber Pakhtunkhwa, Civil
Secretariat Peshawar.

... (Respondents)

Mr. JEHAN AFSAR PAINDAKHEL,
Advocate

--- For appellant.

MR. MUHAMMAD RASHEED,
Deputy District Attorney

--- For respondents.

MUHAMMAD JAMAL KHAN
ATIQU-UR-REHMAN WAZIR

--- **MEMBER (Judicial)**
--- **MEMBER (Executive)**

JUDGEMENT:

MUHAMMAD JAMAL KHAN, MEMBER:- Through the instant
appeal submitted under Section-4 of the Khyber Pakhtunkhwa Service
Tribunal Act, 1974, the vires of the impugned order dated 12.10.2019
passed by the District Education Officer (Male) District Lower Dir, has
been called in question whereby appellant was transferred from GPS
Shpano Kasal to GPS Lohar, on the basis of disciplinary grounds.

2. According to the appellant, he is rendering duty as PHST at GPS Shpano Kasal. By virtue of order bearing No. 11001-03 dated 12.10.2019 appellant was transferred from GPS Shpano Kasal to GPS Lohar on the ground of maintenance of discipline, departmental appeal moved for the purpose remained undecided, having no other adequate remedy, he filed the instant service appeal.

3. Respondents were summoned, in compliance thereof they attended this Tribunal through their legally authorized representative denying the claim of appellant by submission of their reply/comments.

4. We have heard arguments of the learned counsel representing their respective parties.

5. The main stress of the learned counsel representing appellant was laid on the fact that the impugned order was made by the authority without adherence to the ban imposed on the posting transfer of teachers in Education Department and the policy of the Provincial Government on the subject. The order of transfer has been made without issuance of any show-cause notice which order is beyond the scope of jurisdiction and is tainted with mala-fide. The order is not in conformity with the provision contained in Article 25 of the Constitution of Islamic Republic of Pakistan, 1973, which ordains meting out of equal treatment to all and sundry. Likewise the impugned order was stated to be contrary to the provision contained in Article-24 of the Constitution of Islamic Republic of Pakistan thus order passed is beyond the scope of legally permitted sphere of powers conferred on the authority.

6. On the other hand, the learned Additional Advocate General submitted that under the supervision of appellant the school suffered a

lot, since parents of the kids were not satisfied with the performance of appellant which factum was affirmed by his immediate circle office, therefore, he was transferred to another school in the circle. Appellant is a habitual absentee and in this regard on visit of an official appellant was not available at the school. The learned Additional Advocate General supported the action taken against the appellant.

7. The perusal of record speaks volume of the facts that action against the appellant was initiated sans any complaint to have been made by anyone hailing from the locality specifically containing allegations of worth credence nor the fact has properly been investigated for looking at the veracity of allegations. The authority at the helm of affairs was bound to have inquired the real facts before resorting to initiation of a punitive action against the teacher. When the services of a civil servant is found deficient in material respects the authority having cognizance of the matter can proceed against the that official in accordance with cannon of rules in vogue, therefore, adopting of any other mode of transient nature would not provide a viable solution to the problem and emphasis is laid once again on initiation of a proper departmental proceedings rather than steps of transitory nature which may not have positive result which may have counter repercussion. An order passed without any valid ground is beyond the scope of the contours of power echelon invested on the authority. Conferment of right on someone to the entire prejudice of other is against the provisions of law and the policy in vogue, therefore, passage of an order without legal vitality is contrary to the principles of maintaining a balance and such an order passed is against the principles of equality and tantamount to discrimination to which no legal

sanctity could be attached and is repugnant to the provision laid down in Article 24 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. The record further reveals that during the relevant period a ban was imposed by the provincial government on the Transfer Posting of Teachers of Elementary & Secondary Education vide in this regard notification No. SO(SM)E&SED/7-1/2019 posting/transfer/general dated 16.09.2019. Respondents failed to produce any documentary proof that the ban on transfer posting was not efficacious and was lifted. The impugned order carry no weight in view of the Khyber Pakhtunkhwa Government Education Policy dated 11.09.2019 No. SO (SM) E&SED/7-1/2019 posting/transfer/policy of TC, therefore, the transfer order is not sustainable in the eyes of law and the same is liable to be set-aside.

8. The Kernel of what has been discussed above is that, we accept the present appeal by setting at naught the impugned transfer order dated 12.10.2019. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
22.01.2021



(MUHAMMAD JAMAL KHAN)
Member (Judicial)



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

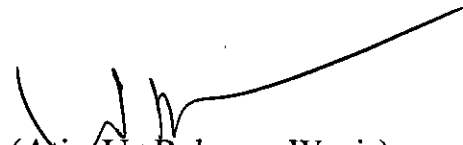
Service Appeal No. 756/2020

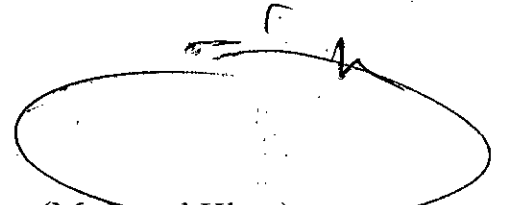
S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	22.01.2021	<p><u>Present.</u></p> <p>Mr. Jehan Afsar Paindakhel, Advocate ... For appellant</p> <p>Mr. Muhammad Rasheed, Deputy District Attorney ... For respondents.</p> <p>Vide our detailed judgement of today, we accept the present appeal by setting at naught the impugned transfer order dated 12.10.2019. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 22.01.2021</p> <p>(Muhammad Jamal Khan) Member (Judicial)</p> <p>(Atiq-ur-Rehman Wazir) Member (Executive)</p>

21.12.2020

Appellant alongwith counsel present. Mr. Kabirullah Khattak learned Addl. AG alongwith Bakht Zada SDEO for respondents present.

Former requests for adjournment as he could not prepare the brief today. Adjourned to 22.01.2021 for argument before D.B.

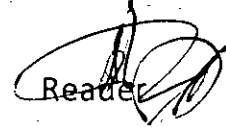

(Atiq-Ur-Rehman Wazir)
Member (E)


(M. Jamal Khan)
Member (J)

_____.2020

Due to COVID19, the case is adjourned to

13/8/2020 for the same as before.


Reader

13.08.2020

Due to summer vacations case to come up for the same on
26.10.2020 before D.B.


Reader

26.10.2020

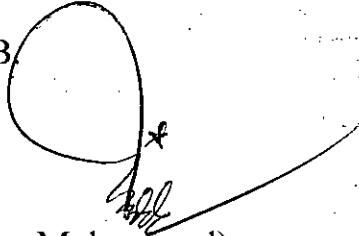
Proper D.B is on Tour, therefore, the case is
adjourned for the same on 21.12.2020 before D.B.


Reader

16.07.2020 Counsel for the appellant and Addl: AG alongwith Mr. Shahid Anwar, ADEO for official respondents No. 1 to 3 present.

Representative of respondents No.1 to 3 has submitted reply which is placed on file. Notice be issued to private respondent No.4 for submission of reply.

Adjourned to 29.07.2020 before S.B.



(Mian Muhammad)
Member(E)

29.07.2020

Counsel for the appellant and Addl. AG for the respondents present,

On the last date notice was required to be issued to respondent No. 4 for submission of reply/comments. The record shows that the requisite notice was duly issued. It is now 12.20 P.M and despite repeated calls respondent No. 4 is not in attendance, therefore, he is placed ex-parte. Office shall make necessary endorsement to that effect in the memorandum of appeal.

To come up for arguments before the D.B on 13.08.2020. The appellant may furnish rejoinder within 10 days, if so advised.



Chairman

19.03.2020

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG seeks adjournment to obtain written reply/comments from respondents. Adjourned to 07.04.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 30.06.2020 for the same. To come up for the same as before S.B.


30.06.2020

Counsel for the appellant present.


Reader

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Written reply was not submitted. Learned AAG requested for adjournment for submission of written reply/comments. Opportunity is granted. To come up for submission of written reply/comments on 16.07.2020 before S.B.


Member (J)

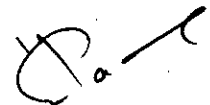
12.02.2020

Appellant with counsel present. Preliminary arguments heard.

The appellant (PSHT) has filed the present service appeal being aggrieved against his transfer from GPS Shpano Kasal and posting at GPS Lohar, vide order dated 12.10.2019.

Submission made by learned counsel for the appellant need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 05.03.2020 before S.B.

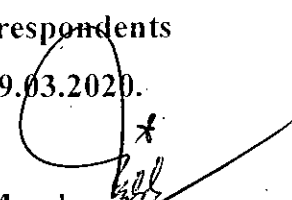
Annexed with the memo of appeal is an application for interim relief. Notice of the said application be also issued to the respondents for the date fixed.



Member

05.03.2020

Appellant present with counsel. Stated that security & process fee have not been deposited inadvertently and submitted an application for extension of time. Application is allowed. The appellant is directed to deposit the requisite fee within three working days from today. After such deposit, notices be issued to the respondents for submission of written reply/comments on 19.03.2020.



Member



Appellant Deposited
Security & Process Fee
S.B.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 756 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	3/02/2020	<p>The appeal of Mr. Abdul Qayyum resubmitted today by Mr. Jehan Afsar Pinda Khel Advocate may be entered in the Institution Register and put up to the Worthy ^{member} Chairman for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR 3/02/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/02/2020</u>.</p> <p style="text-align: right;"> MEMBER. CHAIRMAN</p>

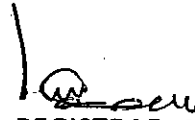
The appeal of Mr. Abdul Qayum Jan PHST GPS Shpano Kasai Kambat District Dir Lower received today i.e. on 28.01.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Page no 12 of the appeal is illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be flagged.
- 3- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal which may be placed on it.

No. 261 /S.T,

Dt. 28-01 /2020.


Mr. Jehan Afsar Painsa Khel Adv.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

All objection removing.

URGENT FORM

IN THE COURT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL , PESHAWAR

Service Appeal No. 756 /2020

Abdul Qayum.....Appellant

VERSUS

Govt. of KPK through Secretary
E& SE Peshawar & others.....Respondents

1. Will you kindly treat the accompanying **S.A** as urgent and in accordance with the provisions of Rules 9, Chapter 3-A, Rules orders of the High Court Lahore Volume V.
2. The Grounds of urgency are:

"That the appeal may kindly be fixed as soon as possible as an urgent matter because the respondent No.3 directed the appellant to take charge within 15 days, therefore the titled appeal may kindly be fixed on or before 29th of this month otherwise the appeal will become infructuous and the appellant would suffer irreparable loss"

Handwritten signature
Appellant

Through

Handwritten signature
Muhammad Ifkhar
Advocate, Peshawar

Dated: 28.10.2020

**IN THE COURT OF KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 756 /2019

Abdul Qayum.....Appellant

V E R S U S

Govt. of KPK through Secretary
E& SE Peshawar & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal & affidavit		1-7
2.	Application for suspension with affidavit		8-10
3.	Addresses of Parties		11
4.	Copy of the impugned order dated 12.10.2019	A	12
5.	Copy of departmental appeal	B	13
6.	Copy of the attendance sheet	"C"	14-16
7.	notification No.SO(SM) E&SED/7-1/2019/ Posting/ Transfer/ General dated 16.09.2019	"D"	17
8.	Copy of the E-policy No.SO(SM)E&SED/7-1/2019/posting/ Transfer/ policy of TC as well as cutting of newspaper are	E & F	18-23 24-25
9.	Wakalat Nama		26

Appellant

Through


Muhammad Iftikhar


Asad Zeb Khan

&


Jehan Afsar Paimdakhel
Advocates, Peshawar

Dated: 28.10.2019

I.

IN THE COURT OF KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 756 /2019

Khyber Pakhtunkhwa
Service Tribunal

Case No. 877

Dated 28/01/2020

Abdul Qayum Jan Son of Abdul Rahim Jan
PHST BPS-15, presently serving at
GPS Shpano Kasai Kambat
District Dir Lower.....

Appellant

V E R S U S

1. Govt. of KPK through Secretary
Elementary & Secondary Education KPK, Civil
Secretariat Peshawar
2. Director,
Elementary & Secondary Education School &
Literacy, Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (Male), District lower Dir
4. Gul Rehman, PHST, BPS-15
GPS Lahor District Dir lower

.....Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER
DATED 12.10.2019 OF RESPONDENT NO.3,
WHEREBY APPELLANT WAS ILLEGALLY
TRANSFERRED FROM GPS Shpano Kasal to
GPS LOHAR ON DISCIPLINARY GROUND**

Filed to-day
Registrar
28/01/2020

re-submitted to-day
and filed.

Registrar
3/02/2020

Prayer in Appeal:

On acceptance of the instant service appeal, the impugned office order dated 12.10.2019 issued by respondent No.3 may kindly be set aside and stopped the transfer of the appellant from GPS Shpano Kasal to GPS Lahor .

OR

Any other remedy which deems fit by this Honourable Tribunal in the interest of justice, may also be granted in favour of appellant.

Respectfully Sheweth:

Brief facts of the instant service appeal are as under:

1. That the appellant is in BPS-15 and is performing his duties as PHSC at GPS Shpano Kasal.
2. That on 12.10.2019 the respondent No.3 issued a transfer order bearing No.11001-03 from GPS Shpano Kasal to GPS Lohar on "disciplinary ground." (Copy of the impugned order dated 12.10.2019 is attached as annexure "A").
3. That the appellant filed a departmental appeal before the respondent No.2 which is still pending.

(Copy of departmental appeal is attached as annexure "B").

4. That the appellant is regularly performing his duty with honesty and no complaint whatsoever has ever been filed against him. (Copy of the attendance sheet is attached as annexure "C").
5. That feeling aggrieved from the act of the respondents the appellant having no other adequate and alternate remedy hence approach this Hon'ble Tribunal inter alia on the following grounds:

GROUND S:

- A. That the impugned transfer orders dated 12.10.2019 of respondent No.3 is illegal and with malafide intention as the government of Khyber Pakhtunkhwa vide notification No.SO(SM) E&SED/7-1/2019/ Posting/ Transfer/ General dated 16.09.2019 imposed complete ban on transfer of teacher in Education Department till further order (Copy of notification No.SO(SM) E&SED/7-1/2019/ Posting/ Transfer/ General dated 16.09.2019 is attached as annexure "D").

- B. That the impugned illegal order dated 12.10.2019 has no value as it is against the education transfer policy adopted by government of Khyber Pakhtunkhwa dated 11.09.2019. (Copy of the E-policy No.SO(SM)E&SED/7-1/2019/posting/ Transfer/ policy of TC as well as cutting of newspaper are attached as annexure "E & F" respectively).
- C. That ~~no show cause~~ notice has been served upon the appellant nor any inquiry has been conducted against the appellant.
- D. That respondent No.3 has exercised his powers beyond his jurisdiction.
- E. That the impugned order dated 12.10.2019 on the face of it based on malafide and to oblige some of his blue-eyed.
- F. That the impugned order is against the prevailing services/ rules/policy.
- G. That the Govt. of Khyber Pakhtunkhwa has imposed ban on transfer & posting and the impugned order has been issued during ban period in the departments, which is also glaring violation of the

rules and procedure, thus, is liable to be cancelled/
set aside.

- H. That the impugned transfer order of the appellant is manifest of discrimination on the part of respondent No.3, hence hit at the core of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- I: That there was no complaint neither any other allegations against the appellant and thus, without letting him to complete his tenure, he was transferred by recalling, thus, on the face it, is sheer malafide.
- J. That the impugned act of respondent No.3 is contrary to Article 24 of the Constitution of Islamic Republic of Pakistan, 1973.
- K. That the transfer order of the appellant is clear-cut violation of transfer/ posting and appointment rules and tenure policy has been virtually brought to zero.
- L. That any other ground may be agitated at the time of arguments with the kind permission of the Honourable Tribunal.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned transfer order dated 12.10.2019 issued by respondent No.3 may kindly be set aside and the appellant may kindly be retain/posted/dept in his original position as PHST BPS-15 at GPS Shpano Kasal

And any other remedy which deems fit by this Honourable Tribunal in the interest of justice, may also be granted in favour of appellant.


Appellant

Through


Muhammad Iffikhar

Asad Zeb Khan 

&


Jehan Afsar Paindakhel
Advocates, Peshawar

Dated: 23.10.2019

IN THE COURT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Abdul Qayum.....**Appellant**

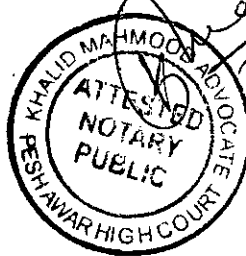
VERSUS

Govt. of KPK through Secretary
E& SE Peshawar & others.....**Respondents**

AFFIDAVIT

I, Abdul Qayum Jan PHST BPS-15, presently serving at GPS Shpano Kasal, District Dir Lower, do hereby solemnly affirm and declare 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 Tribunal.

Abdul Qayum
24-10-19
AK
DEPONENT



**IN THE COURT OF KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR**

C.M. No. _____/2019

In

Service Appeal No. _____/2019

Abdul Qayum.....**Appellant**

V E R S U S

Govt. of KPK through Secretary

E& SE Peshawar & others.....**Respondents**

**APPLICATION FOR SUSPENSION OF THE OPERATION
OF IMPUGNED TRANSFER ORDER DATED
12.10.2019 AND NOT TO TAKE ANY ADVERSE
ACTION WHATSOEVER AGAINST APPLICANT/
APPELLANT, TILL THE FINAL DECISION OF THE
ACCOMPANYING SERVICE APPEAL**

Respectfully Sheweth:

1. That the above noted service appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the petitioner/ appellant has got a good prima facie and arguable case and is sanguine about its success.

3. That the balance of convenience also lies in favour of the petitioner/ appellant.
4. That if the operation of impugned transfer order dated 12.10.2019 is not suspended, then the petitioner/ appellant would suffer irreparable loss.
5. That the facts and reasons stated in the accompanying service appeal may please be read integral part of this application

It is, therefore, respectfully prayed that on acceptance of this application, the operation of impugned transfer orders dated 12.10.2019, may kindly be suspended, till the final decision of the case.


Appellant

Through


Muhammad Iffikhar


Asad Zeb Khan

&


Jehan Afsar Painsakhel
Advocates, Peshawar

Dated: 28.10.2019

**IN THE COURT OF KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

Abdul Qayum.....Appellant

V E R S U S

Govt. of KPK through Secretary
E& SE Peshawar & others.....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Abdul Qayum Jan Son of Abdul Rahim Jan
PHST BPS-15, presently serving at
GPS Shpano Kasal Samar Bagh, District Dir Lower

RESPONDENTS:-

1. Govt. of KPK through Secretary
Elementary & Secondary Education KPK, Civil
Secretariat Peshawar
2. Director,
Elementary & Secondary Education School & Literacy,
Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (Male), District lower Dir
4. ^{Qul}~~Abdul~~ Rehman, PHST, BPS-15 GPS Lahor District Dir lower

Qul
Appellant

Through

Muhammad Iffikhar
Muhammad Iffikhar
Advocate, Peshawar

Dated: 28/10/2019

عبد القوي كيا شيخو شيخو

The impugned order dated

12-10-2019 was passed in continuation of the ban imposed on the Posting Transfer Policy with notification no. 50 (SM) Band SED/

-1/2019 Posting Transfer General dated 16-9-2019.

Nothing on the contrary to documentary proof has been produced to show that the ban on posting transfer has been lifted.

The impugned order carry no weight in view of the 14th government education Policy dated 11-9-2019 No. 50 (SM) Band

SED/7-1/2019 Posting Transfer Policy of TC

No complaint specifically containing allegations of untruth credibility has been made by anyone nor anything has been properly ascertained just to probe the veracity of allegations. Such an order is beyond the confines of power entrusted on the authority. Confingment of right in someone to the utter prejudice of other such a scheme of things is against the law and the Policy of roguer. Passage of an order without any legal authority is based contrary to the principles of maintaining equality in the of the law. It is based on obvious discrimination to which no legal sanctity could be attached, such an order is not SAC to sanction, Article 25 of the constitution obviously be disapproved when an act of the authority is based on discrimination. when there was no complaint nor there was any charges of work conduct warranting passage of an order. In all cases there was something meaningful in that must have been properly inquired before proceeding apparent.

Before embarking on the venture the authority must

have been satisfied that appropriate has spent B -
and completed his normal duties at the place of
his posting.

Article 24 of the Constitution - Contingency - setting
at naught the impugned matter.
- whether maintenance of order and discipline in the
department can be insured by instituting such an
ad hoc step alone. The manner of ~~the~~ ^{the} ~~steps~~ ^{steps}
steps ^{is} something other than taking ordinary steps: a pre-
mature transfer ~~must~~ must have preceded by
proper steps within the legal framework,
as established in Govt. Servant (R and D) v. ^{the} ~~the~~
Roy.

Roy.

When a Civil servant is

when the services of a Civil servant is found
deficient in nature to respect the authority
and having cognizance of the matter can proceed
against the delinquent ~~in~~ in accordance with

the common objects in logic, therefore adoption

of any other mode of management which

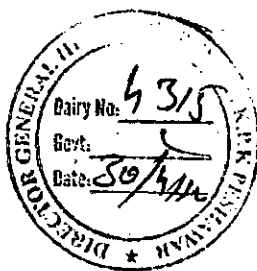
would not provide ^{once} a ~~single~~ ^{single} solution to

the problem. ^{once} Again emphasis is laid on
manner of proper departmental proceeding
rather than hasty steps which may not

have positive results. How much the administration
to do the dependence of an individual
agency ~~to~~ agency - whether whether
of information is of any

To

Director General Health Services
Khyber Pakhtunkhwa Peshawar,



Through: Proper Channel

Subject: APPLICATION FOR THE POST COMPUTER OPERATOR BPS-12

R/Sir,

Respectfully stated that I have come to know from some reliable source that some posts of Computer Operator BPS-12 are lying vacant under the control of DHO, Mardan for which I officer myself for the same post with the following bio-data.

1. I have passed F. Sc examination form BISE Mardan in 2012
2. I have passed my Computer course form Frontier College, Mardan
3. Presently I am working as Junior Clerk at DHO Office, Mardan.

In view of the above, it is requested that I may kindly appointed as Computer Operator under your kind supervision and oblige.

Thank you.

Yours Sincerely,

Pirzada Muhammad Ismail

Pirzada Muhammad Ismail
Junior Clerk
Son of
Pir Muhammad Sufaid
DHO Office, Mardan

*1/2
Pirzada Muhammad Ismail
D.G.H.S. Mardan
M.A. Peshawar*

*District Health Officer
Mardan*

*Strong
Recommendation*

Signature
Iftikhar Ali Mashwani
MPA PK-26
Chairman, Distt. Dev
Advisory Committee Mardan

*D.G.H (K.P.K) pls. Appoint pirzada M. Ismail
s/o pir M. Sufaid as computer
operator BPS 12 very
Special case.*

*pls. appoint the applicant in
relaxation of all codal
formalities as computer
operator BPS 12 as a
Special case.*

MUHAMMAD ATIF
Minister for Elementary &
Secondary Education
Khyber Pakhtunkhwa

CHIEF MINISTER
KHYBER PAKHTUNKHWA

OFFICE OF THE DISTT. EDUCATION OFFICER
OFFICE ORDER

The following PSHT teachers are hereby transferred on disciplinary ground to the school noted against their name in the intranet public service with immediate effect.

S.NO	Name & Desig:	From	To	Remarks
1	Abdul Qayum Jan PSHT B-15	GPS: Shpano kasal	GPS: Lohar	V.No.2
2	Gul Rahman PSHT B-15	GPS: Lohar	GPS: Shpano Kasal	V.No.1

Note: No

1. NO TA/DA is allowed.
2. Charge report should be submitted to all concerned.

GHU. MINA QURAN
DIST. EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA

Endst. NO. 11/10/19 Dated Timergara the 12 / 10 / 2019
Copy of the above is forwarded to:

1. The Distt. Accounts Officer, Dir Lower at Timergara.
2. The SDO (M) Saman Bagh, Dir Lower concerned.
3. The teachers concerned.

DIST. EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA

(Better Copy)

Page No. 12

Annexure-A

**OFFICE OF THE DISTT: EDUCATION OFFICER, M.DIR LOWER AT
TIMERGARA**

The following PSHT teachers are here transfer on disciplinary ground to the school noted against their name in the (sic) public service with immediate effect.

S. No.	Name & Design:	From ✓	To	Remarks
1.	Abdul Qayum Jan PSHT B-15	GPS: Shpano Kasal	GPS Lahoar	V. No. 2
2.	Gul Rahman PSHT B-15	GPS Lohar ✓	GPS Shpano Kasal	V. No. 1

Note: No.

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

Sd/-
(GHULAM NABI KHAN)
Dist Education Officer
Dir Lower at Timergara

Endst: No. _____ /Dated/Timergara the ___/10/2019

Copy of the above is forwarded to:

1. The Distt Account Officer Dir Lower at Timergara.
2. The SDEO (M) Samar Bagh Dir Lower concerned.
3. The Teachers Concerned.

Sd/-
Distt Educiton Officer (M)
Dir Lower at Timergara

Attested
by


Annex - B

13

To

The Director
Elementary & Secondary Education, Peshawar.

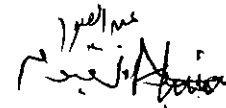
Subject: **APPEAL AGAINST POSTING/TRANSFER DATED 12-10-2019**
DEO DIR (LOWER) TIMERGARA.

Dear Sir,

It is submitted that I have been serving since long on PHST (B-15) in the entire satisfaction. Recently the DEO (M) Dir (L) Timergara issued my positing /transfer order vide No. 11001-03 dated 12-10-2019, which is seemingly a mutual transfer, on disciplinary ground. That the undersigned has not received any intimation from the DEO, nor any complaint copy and that no such inquiry has been conducted. Out of the blue my posting / transferring has been issued upon unknown/undocumented complaint disciplinary action, despite the fact that government has already put ban on posting / transfer Elementary & Secondary ~~vide~~.

2. It is, therefore, requested that the said order has no substance and thus be cancelled. Moreover, inquiry into the issued order be also conducted properly that why such order has been issued by the DEO office. The undersigned will cooperate in the inquiry.

Yours faithfully,



(Abdul Qayum Jan)

PHST B-15 (SAMAR BAGH)

Copy forwarded to:-

1. PS to Secretary Elementary & Secondary Deptt: Peshawar.
2. DEO (M) w/r to his order No. 11001-03 dated 12-10-2019.

Dated 21-10-2019


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9/2/19

رجسٹر مقررہ فرائض

9/2/19

P S-T			
10	10:25	10	7:25
10	11:15	10	7:35
10	12:15	10	7:45
SUNDAY SUNDAY			
10	11:35	10	7:35
C-leave			
10	12:35	10	7:45
10	1:35	10	7:55
10	10:45	10	7:35
10	12:15	10	7:35
Eid ul Aha - Eid			
10	10:35	10	7:35
10	12:35	10	7:35
SUNDAY SUNDAY			
10	11:35	10	7:35
10	12:15	10	7:35
10	12:55	10	7:35
10	12:35	10	7:35
10	11:40	10	7:35
10	12:35	10	7:35
C-leave			
10	12:35	10	7:35
SUNDAY SUNDAY			
10	12:15	10	7:35
10	12:35	10	7:35
10	12:35	10	7:35
10	12:35	10	7:35
10	12:35	10	7:35
10	12:35	10	7:35
10	10:35	10	7:35

1	2	3	4	5	6	7	8	9	10
4	3	1	2	2	-	5	4	1	3
2									

رجسٹر حاضرین ڈی آر سی
 ستمبر 2019

مقررہ وقت		مقررہ وقت		مقررہ وقت	
P.S.T		P.S.T		P.S.T	
1	7:30	1	7:30	1	7:30
2	7:30	2	7:30	2	7:30
3	7:30	3	7:30	3	7:30
4	7:30	4	7:30	4	7:30
5	7:30	5	7:30	5	7:30
6	7:30	6	7:30	6	7:30
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13	7:30	13	7:30	13	7:30
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22	7:30	22	7:30	22	7:30
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25	7:30	25	7:30	25	7:30
26	7:30	26	7:30	26	7:30
27	7:30	27	7:30	27	7:30
28	7:30	28	7:30	28	7:30
29	7:30	29	7:30	29	7:30
30	7:30	30	7:30	30	7:30
31	7:30	31	7:30	31	7:30

1	3	2	1	6	5	1	4	3	1
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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/7-1/2019/Posting/Transfer/General
Dated Peshawar the September 16, 2019

17

To

All the District Education Officers (Male & Female),
Khyber Pakhtunkhwa, Peshawar.

Subject: - COMPLETE BAN ON POSTING/TRANSFER

I am directed to refer to the subject cited above and to state that complete ban on posting/transfers of Teaching Staff in the Elementary and Secondary Education Department was imposed by the Hon'ble Chief Minister Khyber Pakhtunkhwa vide this Department notification dated 14.02.2019.

However, it has been observed by the Competent Authority that the DEOs (Male & Female) are issuing Posting/Transfers orders at their level which is sheer violation of ban imposed by Hon'ble Chief Minister Khyber Pakhtunkhwa. The Hon'ble Chief Minister, Khyber Pakhtunkhwa, has taken serious notice of the non-compliance of the order and has directed to observe complete ban in the entire province with no provision of relaxation of ban by any officer.

Encl: As Above:

S. Rafiq
16/09/2019
(SHAHID RAFIQ)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:

1. PSO to Chief Minister Khyber Pakhtunkhwa.
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar for similar action.
4. Director Education, Merged Areas Districts, Peshawar for similar action.
5. PS to Secretary, E&SE Department.
6. PA to Deputy Secretary (Admn), E&SE Department.

S. Rafiq
16/09/2019
SECTION OFFICER (SCHOOLS MALE)

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On
17/9/19
64120 P.A.



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

No.SO(SM)E&SED/7-1/2019/Posting/Transfer/Policy of TC
Dated Peshawar the September 11, 2019

To

1. The Director, Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
2. The Director, Curriculum and Teachers Education
Khyber Pakhtunkhwa Abbottabad.
3. The Director, Provincial Institutes of Teachers Education, Peshawar.
4. The Director, Education Sector Reforms Unit, Elementary & Secondary
Education Department, Khyber Pakhtunkhwa.
5. All District Education Officers (Male & Female) in Khyber Pakhtunkhwa.

Subject:- **E-TRANSFER POLICY OF TEACHING CADRE IN E&SE DEPARTMENT
KHYBER PAKHTUNKHWA**

I am directed to refer to the subject noted above and to state that the Provincial Government has been pleased to implement the subject policy for posting/transfer of Teaching Cadre officers/officials in the Elementary and Secondary Education Khyber Pakhtunkhwa: -

- i. The introduction of e-Transfer for Teaching Cadre policy supersede all previous Posting/Transfer policies in the E&SE Department.
- ✓ ii. Transfer on Complaint (Administrative Ground Transfer), Mutual, Inter District Transfer and transfer for Operationalization of Newly Established schools will be exempted from the present policy.
- iii. Transfers shall be made annually in the month of March of the academic year.
- iv. Transfer shall be made only against the vacant post.
- v. The posts filled through NTS on school based recruitment process shall be declared non-transferable.
- vi. The vacant positions will be uploaded by the District Education Officers for all teaching cadres in last week of February.
- vii. The desirous employees shall apply through e-Transfer Application.
- viii. Each Competent Authority shall constitute a Grievance Redressal Cell headed by a BPS-18 or above officer which will resolve the grievances and determine the merit position of the applicants with in a week positively.
- ix. Each Competent Authority shall visit the Dash Board of e-Transfer app, check and verify all the particulars of the applicants till 25th of March.
- x. At the end of March Transfer orders generated by e-Transfer App will be issued.

S. M. M. M. W.
11/09/2019

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(19)

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

- xi. Minimum tenure of 3 years on the present post at a school in plain area while 1.5 years in hard area is must for eligibility of e-posting/transfer.
- 2 The indicators as per from (A, B, C & D) will be considered for posting/transfer as per detail given below:

Form-A: Posting/Transfer of Teachers up to BPS 16 except SST (Total marks 80)

1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks
3. STR (Total number of Students in the school / Total number of Teachers) – 10 marks (IMU data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level – 5 marks
 - c. STR at the present school is less than desired school – 10 marks
4. Chronic Disease – 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
5. Disability – 10 marks
10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
6. Domicile -10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
7. Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

S. Nazki
11/09/2019

Form-B: Posting/Transfers of SSTs (Total Marks – 100)

1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks


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20

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

- a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks
3. STR (Total Number of Students in Class 9 & 10 / Number of SST) - 10 marks (IMU data Source)
- a. STR at present school is greater than the Desired school. - 0 marks
 - b. STR at present and the desired school are equal or at the same level – 5 marks
 - c. STR at the present school is less than desired school – 10 marks
4. Chronic Disease – 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases).
A certificate in this regard will be required from Standing Medical Board.
5. Disability – 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile - 10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
8. Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
9. Annual SSC Result (of the subjects taught by the teacher) working in High/Higher Secondary Schools – 20 Marks
- a. 90% or above – 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

OR

- For SSTs (General) working in Middle/Primary Schools – 20 Marks
Overall Students Attendance Rate Percentage as per IMU data
- a. 90% or above – 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

Form-C Posting/Transfers of Subject Specialists (SSS/SS) (Total Marks – 100)

1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks

Page 3 of 6


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(21)

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

- e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks
3. Number of Students in Class-11 & 12 in the relevant subject - 10 marks
 - a. Number of Students at present school is greater than the Desired school - 0 marks
 - b. Number of Students at present and the desired school are equal or at the same level – 5 marks
 - c. Number of Students at the present school is less than desired school – 10 marks
4. Chronic Disease – 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases).
A certificate in this regard will be required from Standing Medical Board.
5. Disability – 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile -10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
8. Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
9. Annual HSSC Result (of the subjects taught by the teacher) – 20 Marks
 - a. 90% or above – 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

S. M. Khan
4/10/2019

Form-D: Posting/Transfers of Principals/Head Masters of High/Higher Secondary Schools (Total Marks – 120)

1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks

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22

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

3. STR (Total number of Students in the school / Total number of Teachers) - 10 marks (IMU data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level - 5 marks
 - c. STR at the present school is less than desired school - 10 marks
4. Chronic Disease - 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
5. Disability - 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile -10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
8. Spouse - 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
9. Annual SSC & HSSC Result of the School - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.
10. Overall Students Attendance Rate Percentage as IMU data - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

S. Rafiq
11/09/2022

(SHAHID RAFIQ)

SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Peshawar.
3. Deputy Secretary, (Estab), Establishment Department Government of Khyber Pakhtunkhwa, Peshawar.
4. All Section Officers, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

Page 5 of 6

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

23

6. PS to Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. PA to Additional Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
8. PA to Chief Planning Officer, Elementary & Secondary Education Department Khyber Pakhtunkhwa.
9. PAs to Deputy Secretary Admn/ Legal, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
10. Office Record.

S. N. Afridi
11/10/19
SECTION OFFICER (SCHOOLS MALE)

[Signature]
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KP govt bans transfers/postings of teachers

By Correspondent TNN - February 16, 2019

24



PESHAWAR: Adviser to Khyber Pakhtunkhwa Chief Minister on Education Ziaullah Bangash has imposed complete ban on all kinds of postings/transfers in the Elementary and Secondary Education Department.

According to a statement issued by the media cell of the KP Elementary and Secondary Education Department, fresh recruitments and subsequent adjustments, promotions and subsequent adjustments, and summaries already sent to the chief minister will be exempted from this ban.

Sources in the Education Department say the provincial government has also introduced a new transfer policy under which transfers and postings will only happen during vacations and at the end of the academic year. Ziaullah Bangash has already made it clear that all the transfers and postings will be made purely on merit basis. He said the new transfer/posting policy of the Education Department will be unveiled soon. He said now the transfers and postings will take place only at the end of academic year.

The CM's adviser was of the view that the continuous transfers and postings of teachers affect the education of students at schools. He said the ban on transfers has been imposed over increasing complaints of parents of the students in this regard. He said Chief Minister Mehmood Khan has issued clear directions to the Education Department to do all transfers and postings purely on merit and no political influence will be tolerated in this regard.

The KP Elementary and Secondary Education Department is in the process of appointing 17,000 new teachers in various cadres in KP. The appointment orders of SST, CT, PET, DM, Qari/Qaria and TT teachers have already been issued, while in some areas the appointment orders of PST teachers are awaited. In this scenario, the Education Department is already busy in too much work in shape of document checking and verification and thousands of candidates visit the Education Department offices on daily basis.

10/22/2019

KP govt bans transfers/postings of teachers | TNN

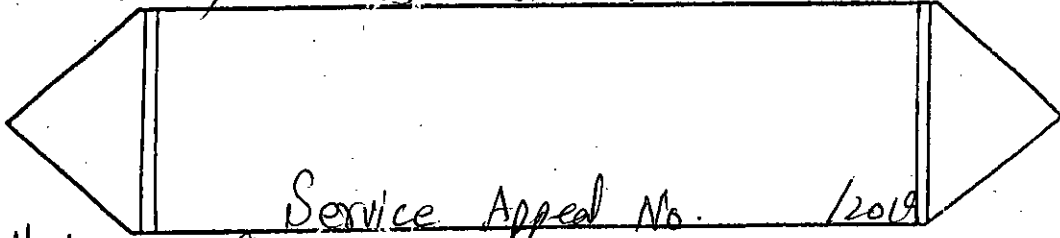
Sources said most of the newly appointed teachers are making efforts to get appointment at the nearest schools to their residences, but it is not possible to accommodate every candidate in the school of their liking. The already serving teachers also have the same issues and thousands of transfer applications remain pending with the Education Department.

(25)

The ban on transfers/postings has been imposed apparently to focus on completion of ongoing recruitment process and ensure merit-based postings.


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بعدالت جناب جسٹریس کے جی کے سوسائٹیز ٹرسٹوں کی لیسٹ اور



2019ء جناب ایڈوائس

عبدالقیوم بنام سیکرٹری انٹیکولیشن و سٹوڈنٹ

(ایڈوائس) CNIC: 16202-9988321-1

Mob: 0333-9433554

bc-09/1646

موزعہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کے جی کے سوسائٹیز ٹرسٹوں کے لئے محمد افتخار احمد سید زبیر خان ایڈوائس جی ایم افسر یا سٹوڈنٹ کی طرف سے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور

بہ صورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بہ صورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی 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 اختیار حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔

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 سندر ہے۔

المترجم 28 ماہ 2020ء

وہ العبد

Attested by

[Signature]

کے لئے منظور ہے۔

لیسٹ اور

بمقام

[Signature]

عبدالقیوم ایڈوائس

ب

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 756/2020.

ABDUL QAUM

VS

GOVERNMENT.

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Reply	.....	1-2
2	Vetted Comments	.....	3-4
3	Appeal rejection	Anex. __ A	5
4	Proposal for Transfer	Anex. __ B	6
5	Complaint of Parents (PTC)	Anex. __ C	7
6	Attendance Register	.....	8-9
7	Transfer order	.....	10
8	Written statement of the DEO	.....	11

DISTRICT EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA

(Respondent No.3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 756/2020.

M. Abdul Qayum Jan PSHT.

.....Appellant

VERSUS

1. The Government Khyber Pakhtunkhwa through Secretary Elementary and secondary Education at Peshawar.
2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Male) Dir lower at Timergara.

(RESPONDENTS)

PERA WISE COMMENTS ON BEHALF OF RESPONDENTS, 1,2.and 3.

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. The appellant has got no locus standi or cause of action to file the instant appeal.
2. The appellant has concealed the material fact from this Hon! Able Tribunal, hence liable to be dismissed.
3. The appellant has not approached this Honorable Tribunal with clean hands.
4. The appellant has filed the instant appeal on malafide motives.
5. The instant appeal is against the prevailing laws & rules.

ON FACTS.

1. Correct up to the extent of his grade BPS-15, but his performance was not good as desired from a teacher.
2. In addition to para I above, under his supervision, the school suffered greatly. The parents were not satisfied with his performance. His immediate Circle office also showed his concern about his miss management, inefficiency and habitual absenteeism. Hence he was transferred to another school in the circle.
3. Incorrect, his departmental appeal has been rejected vid. No. 5530-33 Dated 05/03/2020. (Annexed-A)
4. Incorrect, he badly failed to run his school , even he showed himself unable to utilize the PTC funds, allocated for construction of class Room and the respondent made his joner as in charge to utilize the funds and construct Room for kids.
5. Being court matter, need no comments.

GROUND:-

- A. Incorrect, the respondent department always follow the rules and regulation.

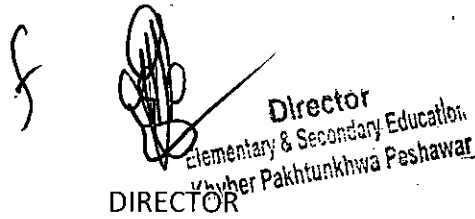
The mentioned order was issued under administrative grounds for the smooth running of institution.

- B. Incorrect, it is not a routine transfer because he was transferred in the best interest of school, as both the kids and parents wants him to be transferred.
- C. Being the competent authority, was satisfied to make his transfer without show cause and inquiry.
- D. Incorrect, being the competent authority the order was issued within the jurisdiction.
- E. Para "B" may be considered as reply to this para.
- F. As above.
- G. As stated in para A and B.
- H. Incorrect, and denied.
- I. Incorrect, the PTC council of the school and Circle officer reported him for transfer. (Annexed B & C)
- J. Incorrect and denied.
- K. Incorrect, the competent authority has the jurisdiction to make transfer under the circumstances, where the school suffer.
- L. The respondent department will, if allowed argue more at the time of hearing.

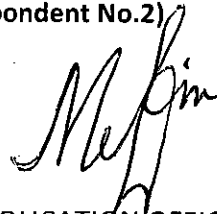
It is therefore, humbly prayed that on acceptance of the above submission, the instant Service appeal may very graciously be dismissed in favor of the answering respondents with cost.



SECRETARY
GOVT. KHYBER PUKHTOON KHWA
ELEMENTRY AND SECONDARY DEPARMENT
(Respondent No.1)



DIRECTOR
ELEMENTARY & SECODARY
EDUCATION KHYBER PAKHTOON KHWA
(Respondent No.2)



DISTRICT EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA
(Respondent No.3)

877
12/03/2020

(Ann-A)

Nasir's badshah
12/13/2020

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

25

NOTIFICATION

1. **WHEREAS**, You Mr. Abdul Qayum Jan S/O Raheem Jan R/O Samar Bagh District Dir (Lower) was working as PSHT (BPS-15) at GPS Shpano Kasai.
2. **AND WHEREAS**, You were transferred vide District Education Officer (Male) Dir (Lower) Office under transfer order dated 12-10-2019 from GPS Shpano Kasai to GPS Lohar on violation disciplinary ground, poor duty, performance inefficiency, mismanagement and negligence in School duties.
3. **AND WHEREAS**, You filed Writ Petition No. 1106-M/2019 before the Hon'able Peshawar High Court Bench Mingora Dar Ul Qaza Swat against the said transfer order issued by District Education Officer (Male) Dir (Lower).
4. **AND WHEREAS**, The Hon'able Peshawar High Court directed the Respondent No. 2 i.e (Director of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar) to consider the departmental appeal already submitted by you to this Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
5. **AND WHEREAS**, As the committee scrutinized & examined your case under the prevailing Rules & Policy in vogue, the committee members unanimously rejected your departmental appeal on the ground that you have violated the disciplinary rules and found guilty.

NOW THEREFORE, I, Mr. Dr Hafiz Muhammad Ibrahim Director E&SE KPK Peshawar in exercise of powers conferred upon me under Section 17 rule 2(a) pleased to reject the appeal of you Mr. Abdul Qayum Jan S/O Raheem Jan of R/O Samar Bagh of District Dir (Lower).

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar**

Endst. No. 5530-33

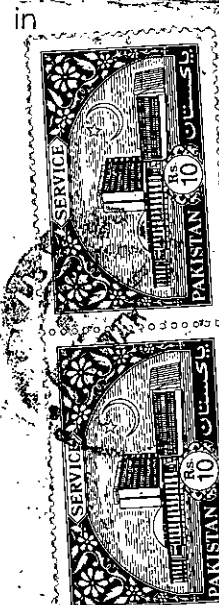
Dated Peshawar the 05/3/2020

1. Additional Registrar Peshawar High Court Bench Mingora Dar-Ul-Qaza Swat in writ petition No. 1106-M/2019
2. District Education Officer (Male) Dir (Lower).
3. Mr. Abdul Qayum Jan S/O Raheem Jan R/O Samar Bagh District Dir (Lower).
4. PA to the Director E&SE KPK Peshawar
5. Office copy

Director (E&SE)
KPK Peshawar

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

O.S.S.



To

Anex (B)

MY Naseeb Badshahi sb
process please.

19/03/19 (5)

The District Education Officer (M),
Dir lower at Timergara.

Subject: REQUEST TO TRANSFER MR. ABDUL QAYUM JAN PSHT GPS SHPANO KASAI TO GPS LOHAR DUE TO POOR DUTY PERFORMANCE, INEFFICIENCY, MISMANAGEMENT AND NEGLIGENCE IN SCHOOL DUTIES.

R/Sir:

It is stated that Mr Abdul Qayum Jan has been working as PSHT at GPS Shpano Kasai for the last three or four years. The elders of the community had telephonically called/informed me about the mismanagement, negligence and irresponsible attitude of Mr Abdul Qayum jan PSHT towards his duty.

According to them, the said Head Teacher always come late and leave the school before closing time and does not observe school official time. In order to verify the complaint, I the undersigned visited the school on 25-03-2019 and 03-06-2019 (copies of attendance register is attached). But it is regretted to say that on both days of visit, the said Head Teacher along with 2 or 3 other teachers had left the school before closing time. Which shows mismanagement and negligence in duties of the Head Teacher. Due to which the studies of 250 students are suffering badly which is no more tolerable for the undersigned.

Furthermore Rs.800000 had been allocated for the construction of one additional class rooms at this school but the said amount was not properly utilized well in time due to the inefficiency of the said Head Teacher. As a result the said Head Teacher was removed from the post of secretary of the PTC Committee and one NTS teacher was appointed as secretary of PTC Committee.

I therefore suggest the following recommendations for the smooth running of the school as well as in the best interest of students and school.

- 1). Mr. Abdul Qayum Jan PSHT GPS Shpano Kasai may be transferred to GPS Lohar.
- 2). Mr. Gul Rahman PSHT GPS Lohar may be transferred to his nearest home station school GPS Shpano Kasai.

Hence report is submitted for further process please.

Forwarded to the DEO (M), Dir (L)
for further necessary action please.

Tariq Ahmad
ASDEO (M)
Samar Bagh Dir-LE
TARIQ AHMAD ASDEO (M)
CIRCLE SAMAR BAGH DIR LOWER

Atch
CDEO (M) S. Bagh

بخدمت جناب SDEO صاحب سرکل ٹمبر باغ ضلع لوئر دیر

درخواست برآمد عدم اعتماد ہیڈ ماسٹر عبدالقیوم GPS شیپو کسی

جناب عالی!

مؤدبانہ گزارش کی جاتی ہے کہ سکول ہذا میں موجود ہیڈ ماسٹر عبدالقیوم جان صاحب اپنے ذمہ داری میں مکمل طور پر ناکام ہو چکا ہے۔ سکول اور اہلیان علاقہ کے لئے سکول کے مہینہ کی مسائل پیدا کئے ہیں۔ جو کہ قابل عمل ہے ان کی موجودگی میں ان مسائل میں کچھ درجہ ذیل ہیں۔

۱۔ پی ٹی سی کمیٹی کے اجراء اور سیکرٹری کا تعین

۲۔ سکول کے نظم و ضبط

۳۔ سکول کے امور اور کاغذی کارروائی۔

۴۔ پی ٹی سی کمیٹی کے ساتھ عدم تعاون

مندرجہ ذیل بالا مسائل کی وجہ سے ہم پی ٹی سی کمیٹی اور اہلیان علاقہ اپنے سکول کے ہیڈ ماسٹر کو تبدیل کرنے کے خواہ ہے۔ لہذا التماس کی جاتی ہے کہ مذکورہ ہیڈ ماسٹر کو تبدیل کر کے تبادلہ ہیڈ ماسٹر اس سکول میں تعینات کی جانی تو بڑی مہربانی ہوگی۔ عین نوازش ہوگی۔

منجانب:- پی ٹی سی کمیٹی اہلیان علاقہ شیپو کسی

المہر قوم: 26/04/2019

کمیٹی ممبران:

۱۔ چیئر مین محمد دین موبائل نمبر 0305-3665555

۲۔ ممبر عبدالرشید شفیع اللہ

۳۔ ممبر عبدالقیوم عبدالرشید

۴۔ ممبر مناس خان

۵۔ ممبر گل خان گلدار خیل

۶۔ ممبر محمد روز خان محمد روز خان

۶۔ ممبر شیر محمد خان

۷۔ ممبر عبدالغفار خان عبدالغفار خان

وائس چیئر مین دلچ کونسل غورہ بانڈہ۔ گران باچہ

کونسلر باچہ زادہ

RABSHAH ZAFAR

Gran Bache

Forwarded to the DEO(M) Div (L) for further process please.

29-4-019

ASDEO (M) Samar Bagh Dir (L)

27/4/019

C/Signed
S.D.E.O (M)
Samar Bagh Dir (L)

۲۰۱۴

رجسٹر حاضری مدرسہ سہیل گورنمنٹ پبلک سکول شیبنو کئی

16

2

بابت ماہ جون 2019

ارشد الحق

محمد عمران خان

محمد عارف خان

نام عبدالقیوم خان

تاریخ	P.S.T				P.S.T				P.S.T				P.S.H.T			
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دستخط ہیڈ ماسٹر

وزیر دی پبلسٹک کپنی

تاریخ

تاریخ	آمد	دستخط	سماپی	دستخط	آمد	دستخط	سماپی	دستخط	آمد	دستخط	سماپی	دستخط	آمد	دستخط	سماپی	دستخط
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~~Mr~~ Abdul Gajum Jan

Your School was visited today at 10:50 AM, but it is regretted to say that you along with two other teachers namely M. Arif PST and Mr. Yar PST were found absent. You had left the school on 10:35 AM & 10:50 which is very prior to school closing time i.e. 12 PM which is very regrettable. This shows that you are habitual and always leave the school before school closing time, because in the month of March you had been found absent 5 times which shows your irresponsible attitude towards duties.

You are therefore reported

✓

میزان	سابقہ	میزان	سابقہ	میزان	سابقہ	میزان	سابقہ	میزان	سابقہ	میزان	سابقہ	میزان	سابقہ	میزان	سابقہ

Note - Log Book was Locked in the Armourah

3-6-19

دستخط ہیڈ ماسٹر

وزیر دی پبلشنگ کمپنی

تاریخ

20

6

**OFFICE OF THE DISTT: EDUCATION OFFICER (M) DIR LOWER AT TIMERGARA
OFFICE ORDER**

The following PSHT teachers are hereby transfer on disciplinary ground to the school noted against their name in the intrest of public service with immediate effect.

S.NO	Name & Desig:	From	To	Remarks
1	Abdul Qayum Jan PSHT B-15	GPS: Shpano kasai	GPS: Lohar	V.No.2
2	Gul Rahman PSHT B-15	GPS: Lohar	GPS: Shpano Kasai	V.No.1

- Note: No
1. NO TA/DA is allowed.
 2. Charge report should be submitted to all Concerned.

(GHULAM NABI KHAN)
DISTT: EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA

Endst:NO 11001-03 / Dated Timergara the 12 /10/2019.

Copy of the above is forwarded to:

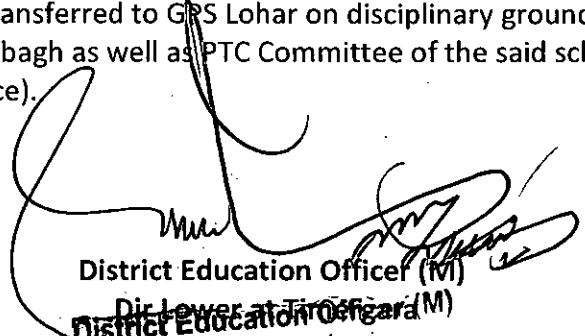
1. The Distt: Accounts Officer Dir Lower at Timergaa.
2. The SDEO (M) Samar Bagh Dir Lower concerned.
3. The Teachers Concerned.


DISTT: EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA

WRITTEN STATEMENT FOR INQUIRY FILED BY ABDUL QAYUM JAN PSHT GPS LOHAR

24

I Mr Ghulam Nabi khan District Education Officer Male Dir Lower solemnly declare that Mr Abdul Qayum jan PSHT has been transferred to GPS Lohar on disciplinary ground after proper Reporting of ASDEO (M) Samarbagh as well as PTC Committee of the said school. (Photo Copies are attached for ready reference).


District Education Officer (M)
Dir Lower at Tirsah (M)
District Education Officer
(F&SE) District
17/12/09

Before the Chairman Services Tribunal KPR Peshawar


Abdul Rayyem --- Vs --- Govt of KP & others

Subject: Application to deposit security money for the respondents.

Respected Sir,

- 1) That the above titled case/App-eal is pending before this August tribunal and was fixed for today in reply.
- 2) That on previous date the appellant was directed to deposite the security money which was inadvertently did not deposite by the appellant.
- 3) That the appellant wish to deposite the security money for the respondents, today.

It is therefore most humbly prayed that on acceptance of this application, the Appellant may kindly be allow to deposite the security money for the respondents.

Appellant 
Through Counsel

Dated: 05-03-2020

~~Mir Nawaz~~

22/1/2021

S.B. Jamal Sb.

Abdul Sayem: impugned order 12/10/2019.

on disciplinary grounds. transfer during ban (16/9/2019)

P/18 (iii)(iv)

P/9 of reply (complaint)

2012 PLCCS 187. transfer not punishment

No disciplinary action taken against me
which however ^{was} required if any complaint
against me. complaints against others
but no action against them.

~~DDA~~

impugned 12/10/2019.

Appel. 21/10/2019

S.A. 28/1/2020

P/25/7 Rejection of appeal. 5/3/2020.

P/18/9.c Another complaint.

P/18 Appel: (ii)

Section 10. Civil servant Act 1973.

Sec Rule section-7.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 322 /ST Dated 11/02/2021

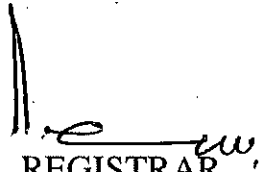
To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Lower Dir.

Subject: **JUDGMENT IN APPEAL NO. 756/2020, MR. ABDUL QAYUM.**

I am directed to forward herewith a certified copy of Judgement dated 22.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

CM (Early Hearing) No:- _____/2020

In

Service Appeal No:- 756/2020



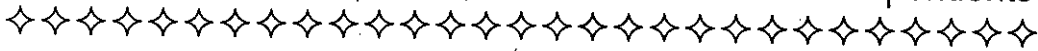
Abdul Qayum

Versus

Govt: of KPK & others

..... Petitioner

..... Respondents



APPLICATION FOR FIXATION AN EARLY DATE OF
HEARING IN ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth:-

Put up to the court with relevant appeal.

Petitioner submits as under:-

*Twice adjourned
due to vacation
shall remain posted
to the date fixed.
9/10*

1. That the above noted Service Appeal is pending in this Honourable Tribunal and is fixed for 26/10/2020.

8/10/2020.

Reader 2. That in the instant appeal interim relief for suspension of impugned transfer order dated 12/10/2019 is sought before this Honourable Tribunal.

3. That the transfers were banned, but even then the appellant have been illegally transferred.


4. *That the place of posting of the appellant so far away about 25 kilometer.*
5. *That recently a post is vacant due to retirement of one employee namely Mr. Nishadar Khan PHST GPS Samar Bagh, Lower Dir and respondents are bent upon to fill up the vacant post available at GPS Samar Bagh, Lower Dir and if the vacant post has been filled by the respondent, then the very appeal of the appellant will become infructuous, hence in such state of matter equity of justice demands early fixation of the above titled appeal.*

It is, therefore, requested that on acceptance of this application, an early date of hearing may kindly be fixed in the above noted Service Appeal.

Dated:- 07/10/2020

Through:-

Appellant 


Jehan Afsar Paindakhel
Advocate High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

CM (Early Hearing) No:- _____/2020

In

Service Appeal No:- 756/2020

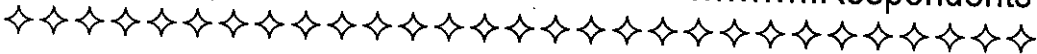
Abdul Qayum

Versus

Govt: of KPK & others




..... Petitioner

..... Respondents



AFFIDAVIT

I, Abdul Qayum, (The petitioner/appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying Early Hearing are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


DEPONENT



07 OCT 2020

ATTESTED

