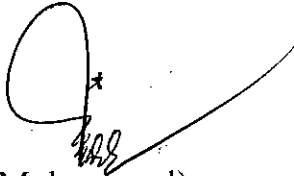


22.11.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 09.01.2023 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

09.01.2023

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned Member Executive (Miss Fareeha Paul) left the court at 12.00 Noon in order to attend a meeting in the Law Department, Government of Khyber Pakhtunkhwa, therefore, this case is adjourned to 04.04.2023 for arguments before the D.B.



(ROZINA REHMAN)
Member (J)

*Counsel for the appellant
was informed
telephonically on
04/01/2023*

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

17-2-22

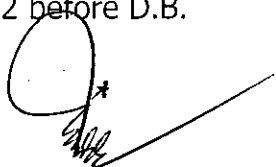
Due retirement of the Honble Chairman
The case is adjourned to come up for
the same as before on 3-6-22

Muhammad
Reader

03.06.2022

Nemo for the appellant. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 present. Syed Noman Ali Bukhari, Advocate for private respondent No. 4 present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant and his counsel through registered post and to come up for arguments on 09.08.2022 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

9-8-2022

Due to the Public holiday the case
is adjourned to 22.11.2022

Muhammad
Reader

29.03.2021

The concerned D.B is not available today, therefore, the appeal is adjourned to 28.04.2021 for the same.

28.4.2021

Due to COVID-19, the case is adjourned to 30.8.2021 for the same.

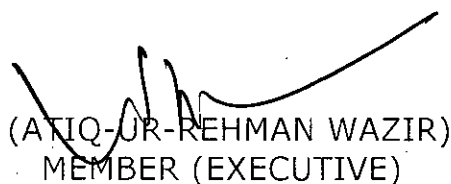

Reader

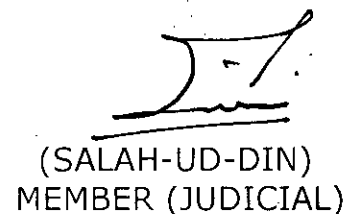


30.08.2021

Nemo for the appellant. Mr. Muhammad Rasheed, Deputy District Attorney for official respondents No. 1 to 3 present. None present for private respondent No. 4.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as private respondent No. 4 and their respective counsel and to come up for arguments on the application before the D.B on 13.12.2021.

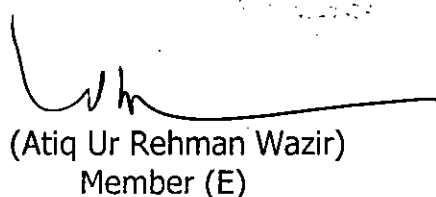

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

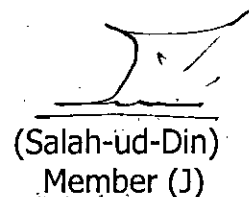

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

13.12.2021

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Syed Noman Ali Bukhari, Advocate for private respondent No. 4 present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments on the application before the D.B on 17.02.2022.


(Atiq Ur Rehman Wazir)
Member (E)

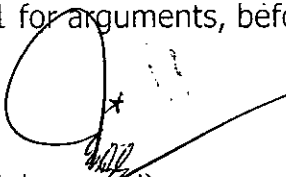

(Salah-ud-Din)
Member (J)

26.01.2021

Appellant present through counsel.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

It was on 09.12.2020 when directions were issued for issuance of notice to respondent No.4. The record does contain copy of requisite notice which was issued for 20.01.2021 but private respondent No.4 did not appear before the Tribunal. Today, learned counsel is ready for arguments but a request was made for adjournment on behalf of learned D.D.A. Therefore, case is adjourned to 10.02.2021 for arguments, before D.B.

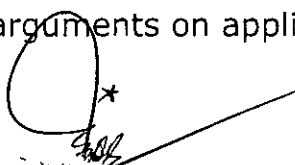

(Mian Muhammad)
Member (E)

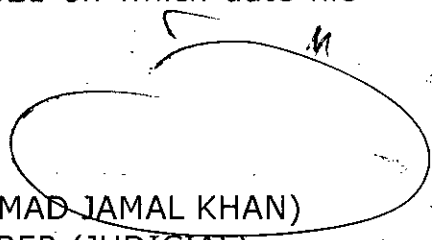

(Rozina Rehman)
Member (J)

10.02.2021

Appellant is present in person. Mr. Muhammad Rasheed, Deputy District Attorney, for the respondents is also present.


The bench was informed that the learned counsel representing appellant is engaged elsewhere in other courts and cannot spare time to attend the Tribunal and request for adjournment. At this stage the learned Deputy District Attorney invited the attention of the bench to the application submitted by private respondent No. 4 for deletion of his name from the column of respondents and submitted that the matter in issue has already been adjudicated rendering this appeal infructuous. Since the learned counsel for appellant is not available, therefore, appeal is adjourned to 29.03.2021 on which date file to come up for arguments on application.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

09.12.2020 Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Rahmanullah, Assistant for the respondents present.

On the last date of hearing order was made regarding issuance of notice to respondent No. 4 (Muhammad Irshad). The record, however, does not contain copy of the requisite notice. The office is required to comply with the order dated 19.11.2020 and requisite notice shall positively be sent for next date of hearing. Adjourned to 20.01.2021 for hearing before the D.B.



(Rozina Rehman)
Member(J)

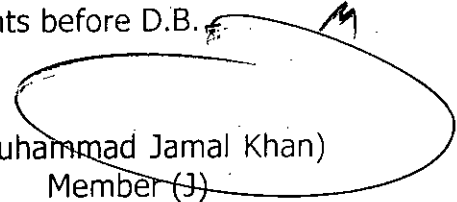

Chairman

20.01.2021

Assistant of counsel for appellant is present. Mr. Riaz Painsdakhel learned Assistant AG alongwith Saleem Section Officer for respondents present.

According to assistant of learned counsel that due to a death of near relative of learned counsel for appellant he has proceed to his home district Bannu and not available for today. Adjourned to 26.01.2021 on which to come up for arguments before D.B.


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

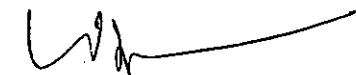

(Muhammad Jamal Khan)
Member (J)

16.09.2020

Junior counsel for appellant on behalf of appellant present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment as senior counsel is busy before Hon'ble High Court, Bannu Bench. Adjourned. To come up for argument on 19.11.2020 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



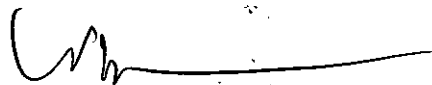
(Rozina Rehman)
Member (J)

19.11.2020

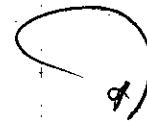
Appellant with counsel present.

Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment. Record shows that appeal has been filed against the transfer notification and one Muhammad Irshad was also made party to the instant appeal who is not before the Tribunal today. Therefore, notice be issued to respondent No.4 to attend the Tribunal in person on 09.12.2020 for arguments before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

29.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Learned counsel for the appellant furnished rejoinder (placed on record) and requested for adjournment in order to prepare brief of the matter.

Adjourned to 02.09.2020 for hearing before the D.B.

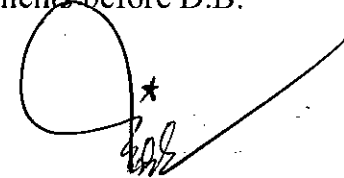
(Muhammad Jamal Khan)
Member

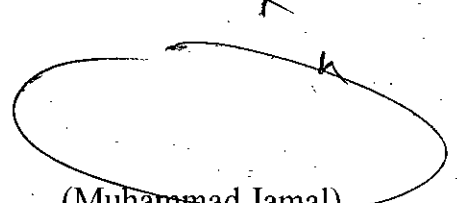

Chairman

02.09.2020

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for respondents is present.

According to the appellant his counsel is engaged in the august Peshawar High Court, Peshawar and could not spare time to argue the instant appeal in this Tribunal. In this regard he has made several contacts with his respective counsel ~~thrice~~ but with the same response. At last, he was directed by the Members of the Bench to have a last contact if he could attend the Tribunal for arguing the instant appeal but in response thereof the appellant submitted that no contact could be made with him and requested for adjournment. The appeal is adjourned accordingly. Adjourned to/6.09.2020 for arguments before D.B.


(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member(J)

01.04.2020

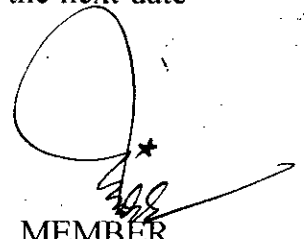
Due to public holiday on account of COVID-19, the case is adjourned to 24.06.2020 for the same. To come up for the same as before S.B.



Reader

24.06.2020

Appellant in person present. Addl:AG alongwith Mr. M. Fazal Subhan, SO for respondent No. 1 and 2, Mr. M. Irfan, Assistant for respondent No. 3 and counsel for private respondent No.4 present. Written reply on behalf of respondents No. 1 and 2 submitted while representative of respondent No. 3 rely on the same. To come up for rejoinder and arguments on main appeal as well as reply/arguments on application on 10.07.2020 before D.B. The restraint order passed on 19.12.2019 shall remain operative till the next date of hearing.

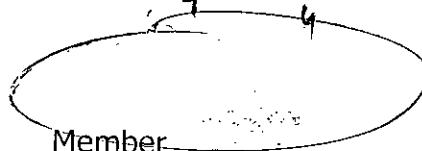


MEMBER

10.07.2020

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Former requests for adjournment as his learned counsel is engaged before the Honourable High Court today. Adjourned to 29.07.2020 for arguments before the D.B.



Member



Chairman

28.02.2020

Counsel for the appellant present. Addl: AG for official respondents no. 1 to 3 and private respondent no. 4 in person present. Written reply/comments on behalf of the respondents not submitted. Learned Addl: AG seeks time to submit written reply/comments. Learned counsel for the appellant also seeks time to submit reply on application submitted by private respondent no.4. Adjourned. To come up for reply/arguments on application as well as reply/comments on main appeal on 17.03.2020 before S.B. The restraint order passed on 19.12.2019 shall remain operative till the next date of hearing.


Member

17.03.2020

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG and private respondent No.4 in person present. None present on behalf of the official respondent No. 1 to 3 nor submitted written reply, therefore notice be issued to the official No. 1 to 3 for reply/comments. Last opportunity is granted. To come up for reply/arguments on application submitted by private respondent No.4 as well as reply/comments on 01.04.2020 before S.B. The restraint order passed on 19.12.2019 shall remain operative till the next date of hearing.


(Hussain Shah)
Member

31.01.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General for the official respondents No. 1 to 3 and private respondent No. 4 in person present. Written reply not submitted. Learned Additional Advocate General for the official respondents No. 1 to 3 and private respondent No. 4 seeks time to furnish written reply/comments. Last opportunity is granted. Adjourned. To come up for written reply/comments on 12.02.2020 before S.B. The restraint order passed on 19.12.2019 shall remain operative till the date fixed.


(Hussain Shah)
Member

12.02.2020

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Fazle Subhan, Section Officer on behalf of official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present. Learned counsel for private respondent No. 4 submitted application for deletion of name of private respondent No. 4 from the panel of respondents on the ground mentioned in the application. The same is placed on record. Copy of the same is also handed over to appellant as well as learned Additional AG. To come up for reply and arguments on the said application as well as reply/comments on main appeal on 28.02.2020 before S.B. The restraint order passed on 19.12.2019 shall remain operative till the next date of hearing.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

1727/2019

03.01.2020

Appellant alongwith counsel and Addl. AG for the respondents present.

Learned AAG requests for time to obtain reply/comments from the respondents. Adjourned to 17.01.2020. The restraint order passed on 19.12.2019 shall remain operative till next date.

Chairman 

17.01.2020

Appellant in person and Addl. AG for the respondents present.

Fresh notices be issued to respondents for submission of reply/comments on 31.01.2020. The restraint order passed on 19.12.2019 shall remain operative till the date fixed.

Chairman 

~~17.01.2020~~ Appellant & counsel present. Addl. AG for the respondents No. 1 to 3 and private respondent No. 4 in person present. Written reply not submitted. Learned Addl. AG requests for time to obtain reply/comments from the respondents No. 1 to 3 and private respondent No. 4. Opportunity granted. Adjourned to 17.01.2020 for written reply/comments on 31.01.2020 before S.A.

~~Chairman~~
Chairman

19.12.2019

Counsel for the appellant present.

Contends that on 24.12.2018 the appellant was transferred and posted as SDEO (M) Bannu after his promotion to BPS-17. On 18.01.2019 he was again transferred from Bannu and posted as SDEO (Male) at Hangu. On 13.09.2019 the appellant was yet again transferred from Hangu to Chakisar Shangla. The successive transfers of appellant were obviously not in interest of public service and smack of malafide on the part of respondents. He also argued that the impugned transfer dated 13.09.2019 was not only in violation of the Khyber Pakhtunkhwa Government transfer/posting policy, wherein a normal tenure of two years was provided for posting of a civil servant, but also in disregard to the ban dated 14.02.2019 on all kind of posting/transfer in Elementary & Secondary Education Department.

In view of arguments of learned counsel and available record, instant appeal is admitted to regular hearing subject to all just exceptions. 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 03.01.2020 before S.B.

Alongwith the appeal there is an application for suspension of impugned notification dated 13.09.2019. Notice of the application be also given to the respondents for the date fixed. Till then the operation of impugned notification shall remain suspended, if not already complied with.

Appellant Deposited
Security & Process Fee
19/12/19

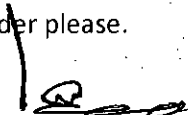


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1727/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/12/2019	<p>The appeal of Mr. Muhammad Tariq resubmitted today by Mr. Inayatullah 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 11/12/19</p>
2-	13/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/12/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Tariq son of Noor Ali Khan SDEO Thall District Hango received today i.e. on 09.12.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of rejection order of departmental appeal dated 29.11.2019 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.

No. 2148 /S.T,

Dt. 10-12- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Inayatullah Khan Adv. Pesh.

Copy of impugned order is attached at page No. 32 of the appeal hence the objection raised is not tenable.

Plz see page no: 32 and the final impugned order has been attached at page

NO. 33. A.
11/12/2019 resub m. used
= The same Bench for placing
Only Inayatullah Khan Adv. Pesh.
LLM (UK)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No. 1727/2019

Muhammad Tariq..... Appellant

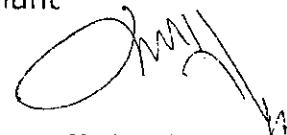
Versus

The Government of Khyber Pakhtunkhwa
& others..... Respondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1	Grounds of appeal.		1-7
2	Application for suspension		8-9
2	Affidavit.		10
3	Addresses of the parties.		10/A
4	Copy of notification dated 26.09.2018	A	11-12
5	Copy of notification dated 29.10.2018	B	13-18
6	Copy of order dated 08.11.2018	C	19
7	Copy of notification dated 24.12.2018	D	20-22
8	Copy of notification dated 18.01.2019	E	23
9	Copy of writ petition alongwith order dated 23.01.2019	F-G	24-31
10	Copy of impugned order dated 13.09.2019 along with departmental appeal.	H-I	32-33/ A
11	Copy of earlier service appeal No.523/2019 decided vide impugned judgment dated 16.10.2019	J-K	34-47
12	Wakalatnama.		48

Appellant
through



Inayat Ullah Khan
Advocate High Court
LL.M (U.K)
Cell: 0333-9227736

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. _____/2019.

Muhammad Tariq son of Noor Ali Khan
R/o Molla Khel Tehsil and District Bannu
(Sub Divisional Male Officer BPS-17)
Presently serving as SDEO Thall District Hangu..... Appellant

Versus

- 1) The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2) Secretary Elementary and Secondary Education to Government of Khyber Pakhtunkhwa Peshawar.
- 3) Director, Elementary and Secondary Education to Government of Khyber Pakhtunkhwa Peshawar.
- 4) Mr. Muhammad Irshad Sub Divisional Education officer (SDEO) Tehsil and District Bannu.

..... Respondents

Appeal u/s 4 of the K.P Service Tribunal Act, 1974 against the impugned transfer Notification Order No.SO(SM) E&SED/7-1/2019/Posting/Transfer/Generl dated 13.09.2019 whereby the appellant was again transferred from the post of SDEO Male Hangu (BPS-17) to the post of SDEO (Male) Chakisar, Shangla by the respondent No.2 during pendency of earlier service appeal No.523/2019 purely on the basis of political influence exerted/put forth /used by respondent No.4 through MPA namely Pakhtunyar Khan which act is not only against the posting and transfer of Education Policy

and also a misconduct under the E&D Rules 2011.

Departmental appeal dated 06.11.2019 filed before respondent No.1 against the impugned order dated 13.09.2019 which was declined vide order dated 29.11.2019, hence files the instant service appeal before this hon'ble court Tribunal, which is well within time.

Note:

That the impugned order dated 13.09.2019 was passed by respondent No.2 during pendency of service appeal No.523/2019 with malafide to frustrate the pending appeal to accommodate his blue-eyed officer i.e. respondent No.4, namely Muhammad Irshad, at all cost.

PRAYER:

On acceptance of this appeal, the impugned Notification Order No.SO(SM)E&SED/7-1/2019/ Posting/ Transfer/General dated 13.09.2019 may kindly be set aside by restoring earlier notification Order No.SO (SM) E&SED/2-1/2018/Posting/ Transfer/ MC dated 24.12.2018 vide which the appellant was posted as SDEO (BPS-17) (Male) at District Bannu with further directions to the respondent No.1 to initiate disciplinary proceedings against all those found involved in securing posting and transfer orders on the basis of political influence which is a misconduct under the relevant service rules.

It is also pertinent to mention that earlier impugned order dated 18.01.2019 whereby

the appellant was transferred from the post of SDEO (Male) Bannu to the post of SDEO (Male) Thall Hangu followed by impugned order dated 13.09.2019 which was passed during pendency of service appeal No.523/2019.

Respectfully Sheweth;

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

- 1) That the appellant was appointed as ASDEO in BPS-16 and later on was promoted to the post of SDEO (BPS-17) vide order Notification No.SO(SM)E&SED/3-2/2018/Promotion of ASDEOs (BS-16) to SDEOs (BS-17) dated 26.07.2018.

(Copy of notification dated 26.07.2018 is attached as Annexure-A at Page No 11-12).

- 2) That the appellant after promotion to (BPS-17) was posted as Assistant Director (BPS-17) Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Notification No. SO(SM)E&SED/3-2/2018/Promotion of ASDEOs (BS-16) to SDEOs (BS-17). Dated 29.10.2018 issued by respondent No.2.

(Copy of notification dated 29.10.2018 is attached as Annex-B at Page No. 13-18).

- 3) That the appellant after posting as Assistant Director (BPS-17) Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar was declared as surplus, vide notification order No.1864/A-12/Estab:1/Promotion of ASDEO/ADEO to SDEO/AD. Dated 8.11.2018 and appellant was deputed as officer on special duty (OSD) for a period of 2 months but no formal order was issued to this effect.

(Copy of order dated 08.11.2018 is attached as Annexure C at Page No 19).

- 4) That the appellant vide notification order No.SO(SM)E&SED/2-1/ 2018 /Posting /Transfer/MC dated 24.12.2018 was again posted as SDEO (Male) Bannu and assumed the charge as such at District Bannu.

(Copy of notification dated 24.12.2018 is attached as Annexure-D at Page No 20-22).

- 5) That once again the appellant was transferred vide notification No. SO(SM)E&SED /2-1/ 2019 /Posting /Transfer/MC dated 18.01.2019 from the post of SDEO (Male) Bannu to SDEO (Male) Thall Hangu against the posting and transfer of Education Police 2009, on the basis of Political influence exerted/ put forth/ used by respondent No.4 through MPA of KP Pakhtunyar Khan.

(Copy of notification dated 18.01.2019 is attached as Annexure-E at Page No 23).

- 6) That earlier the appellant approached to the Honorable Peshawar High Court Bannu Bench for cancellation of the impugned order through writ petition No. 62/2019 titled Muhammad Tariq..VS.. Govt of KP and others which was converted into departmental representation/ appeal with the directions to the respondents to dispose off the same within a period of one month from the date of receipt of the order.

(Copy of writ petition alongwith order dated 23.01.2019 is attached as Annexure F & G at Pages No. 24-31).

- 7) That the appellant was again transferred as a punishment from the post of SDEO (Male) BS-17 Management Cadre

(MC) to the post of SDEO (Male) BS-17 Chakisar, Shangla vide impugned order dated 13.09.2019 during pendency of earlier service appeal filed by the appellant against the impugned order dated 18.01.2019.

(Copy of impugned order dated 13.09.2019 along with departmental appeal dated 06.11.2019 are attached as Annex: "H-I", copy of earlier service appeal No.523/2019 decided vide judgment dated 16.10.2019 are attached as Annex: "J and K").No 32-47

- 8) That the appellant filed the departmental appeal against the impugned order dated 13.09.2019 after judgment dated 16.10.2019 passed by the Provincial Services Tribunal wherein it was held that present service appeal against the impugned order dated 18.01.2019 has become infructuous without adhering to the arguments of the appellant, hence through instant service appeal the impugned order dated 13.09.2019 is challenged in continuation with the earlier order dated 18.01.2019 consequently seeking restoration of posting order of the appellant at District Bannu i.e. order dated 24.12.2018, on the following amongst other grounds:-

GROUND FOR APPEAL:

- a) That the impugned order is violative of Article 2-A, 4 and 25 of the Constitution of Islamic Republic of Pakistan, also against the Education Policy and the E&D Rules 2011 hence not tenable in the eyes of law.
- b) That the appellant was time and again/ frequently transferred for more than 4 times within a short span of 3 to 4 months and thereafter during pendency of earlier service appeal No.523/2019 which act is not only arbitrary, capricious but also violative of the mandatory provisions of law, which needs to be adhered in its letter and spirit that posting and transfer order shall only be made in the public interest without exerting/ using any political influence as in the instant case respondent

No.4 succeeded in exerting/ using his political clout/ influence through Member Provincial Assembly of KP namely Pakhtunyar Khan which is a serious misconduct on his part and also on the part of competent authority and such practice of exerting political influence in posting and transfer orders has been time and again deprecated by the August Supreme Court of Pakistan and various judgments of the High Courts of this country including the Services Tribunals.

- c) That the earlier Notification Order No.SO(SM) E&SED/2-1/2019/Posting/Transfer/MC dated 18.01.2019 and the latest impugned notification dated 13.09.2019 is smack of malafide, ill will and purely influenced on the basis of political consideration and the concept of good administration in departments viz-a-viz posting and transfer of its employees had been eroded on the one hand while the public confidence would be shaken on the other.
- d) That it was time and again emphasized in the Education Policy that decline in education system has resulted from exerting political interference and using corrupt practices in recruitments, posting and transfers, hence such practice of securing desired posting and transfer shall be curbed with iron hand and on this score alone the impugned order as referred to in the heading of this appeal is liable to set at naught in terms of the referred service rules and regulations and judgments of superior courts.

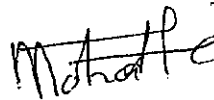
It is pertinent to refer to a reported judgment reported in *2009 PLC (CS) 891* it was held "*plaintiff had been transferred four times since august 2008, which ex facie, appeared to be violative of the principle of policy governing the transfer of the government servants --- such indiscriminate action could be taken note of by the court --- Case of ad interim injunction having been made*

out, order of defendant/ authority transferring the plaintiff was suspended --- No further transfer would be ordered by the defendants during pendency of application"

Keeping in view, what has been stated above, it is, therefore, humbly prayed that on acceptance of this appeal, the impugned Notification Order No.SO(SM)E&SED/7-1/2019/ Posting/ Transfer/General dated 13.09.2019 may kindly be set aside by restoring earlier notification Order No.SO (SM) E&SED/2-1/2018/Posting/ Transfer/ MC dated 24.12.2018 vide which the appellant was posted as SDEO (BPS-17) (Male) at District Bannu with further directions to the respondent No.1 to initiate disciplinary proceedings against all those found involved in securing posting and transfer orders on the basis of political influence which is a misconduct under the relevant service rules.

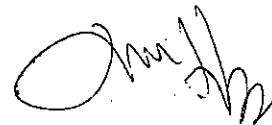
It is also pertinent to mention that earlier impugned order dated 18.01.2019 whereby the appellant was transferred from the post of SDEO (Male) Bannu to the post of SDEO (Male) Thall Hangu.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may also be granted.



Appellant

Through



Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

C.M No. _____/2019

IN

S.A.No. ____/2019

Muhammad Tariq..... Appellant

Versus

The Government of Khyber Pakhtunkhwa
& others..... Respondents

**APPLICATION FOR SUSPENSION OF
IMPUGNED NOTIFICATION ORDER
NO.SO(SM)E&SED/7-1/2019/ POSTING/
TRANSFER /GENERAL DATED 13.09.2019
TILL THE FINAL DISPOSAL OF INSTANT
SERVICE APPEAL WITH FURTHER
PRAYER NOT TO TRANSFER AGAIN THE
APPELLANT DURING PENDENCY OF
ACCOMPANYING APPEAL.**

Respectfully Sheweth:-

1. That the above titled is being filed before this Honorable Tribunal which has not been fixed for hearing.
2. That the accompanying service appeal may kindly be treated as part and parcel of this application.
3. That through the instant Misc. application the appellant is seeking suspension of the impugned Notification Order No.SO(SM)E&SED/7-1/2019 /Posting /Transfer /General dated 13.09.2019 by restoring the earlier notification

SO(SM)E&SED/2-1/ 2018 /Posting/Transfer/MC dated 24.12.2018 vide which the appellant was posted as SDEO (BPS-17 Male Bannu) in the interest of justice, fair play and equity.

4. That balance of convenience also lies in favour of appellant having a good prima facie case and appellant is sanguine about its success.

It is therefore humbly prayed that on acceptance of this application the impugned posting transfer impugned Notification Order No.SO(SM)E&SED/7-1/2019 /Posting / Transfer/General dated 13.09.2019 be suspended and the earlier posting order dated 24.12.2018 may kindly be restored till the final disposal of the accompanying service appeal with further direction to the respondents not to transfer again the appellant during pendency of the accompanying service appeal.

Mahd

Appellant
Through

Inayat Ullah Khan
Inayat Ullah Khan
Advocate High Court
LL. M (U.K)

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

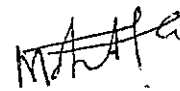
S.A.No.____/2019

Muhammad Tariq..... Appellant

Versus

The Government of Khyber Pakhtunkhwa
& others..... RespondentsAFFIDAVIT

I, **Muhammad Tariq** son of Noor Ali Khan R/o Molla Khel Tehsil and District Bannu (Sub Divisional Male Officer BPS-17) Presently serving as SDEO Thall District Hangu do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No. ____/2019

Muhammad Tariq..... Appellant

Versus

The Government of Khyber Pakhtunkhwa
& others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Muhammad Tariq son of Noor Ali Khan
R/o Molla Khel Tehsil and District Bannu
(Sub Divisional Male Officer BPS-17)
Presently serving as SDEO Thall District Hangu


RESPONDENTS:

- 1) The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2) Secretary Elementary and Secondary Education to Government of Khyber Pakhtunkhwa Peshawar.
- 3) Director, Elementary and Secondary Education to Government of Khyber Pakhtunkhwa Peshawar.
- 4) Mr. Muhammad Irshad Sub Divisional Education officer (SDEO) Tehsil and District Bannu.



Appellant

through



Inayat Ullah Khan
Advocate High Court
LL.M (U.K)



Annex "A" (11)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the September 26, 2018.

NOTIFICATION

NO.SO(SM)E&SED/3-2/2018/Promotion of ASDEOs (BS-16) to SDEOs (BS-17): Consequent upon the recommendation of Departmental Promotion Committee, the Competent Authority/Chief Secretary Khyber Pakhtunkhwa is pleased to promote the following fifty nine (59) Assistant Sub-Divisional Education Officers/ Assistant District Education Officers (BS-16) to the post of Sub-Divisional Education Officers/ Assistant Directors (BS-17) (Management Cadre) in the Elementary & Secondary Education Department on regular basis with immediate effect:

S.No.	Name of Officer	S.No.	Name of Officer
1	Gulam Habib	2	Mehboob Elahi
3	Muhammad Farooq	4	Abdul Qayyum Khan
5	Muhammad Zahid Khan	6	Shams-ul-Islam Niaz
7	Sharafat Khan	8	Mehmood Iqbal
9	Muhammad Irshad	10	Muhammad Anwar
11	Zia Ullah	12	Shams Ur Rehman
13	Iftikhar Ahmed	14	Ghulam Sarwar
15	Muhammad Zubair	16	Fazali Khuda
17	Muhammad Rehmat Shah	18	Muhammad Sohail Khan
19	Ali Haider	20	Muhammad Raza Shah
21	Muhammad Islam	22	Dil Nawaz Khan
23	Fida Muhammad	24	Muhammad Aftab
25	Hayat Khan	26	Muhammad Ajmal
27	Salih Muhammad	28	Waheedullah Shah
29	Khalid Naseem	30	Gul Faraz
31	Abdur Rehman Rashid	32	Abdul Wahab
33	Imtiaz Khan	34	Hameedullah
35	Muhammad Abid	36	Muhammad Azam
37	Raees Khan	38	Adil Muhammad
39	Shah Jehan Khan	40	Love Dan
41	Amir Badshah	42	Muhammad Hamayun
43	Niaz Wali Khan	44	Muhammad Saleem
45	Shafiq Ur Rehman	46	Ahmed Ullah

ATTESTED



(12)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

47	Races ur Rehman	48	Muhammad Zarif
49	Muhammad Tariq	50	Hamid Rasool
51	Qadir Shah	52	Muhammad Arshad
53	Irshad Khan	54	Syed Attaullah Shah
55	Shehzad Nadeem	56	Habib ur Rehman
57	Abdul Samad	58	Chanzeb
59	Raja Babu Jahangir		

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with rule-15(1) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) rules, 1989, the above named officers, on their promotion, shall be on probation for a period of one year extendable for further one year as per rules.

3. Adjustment of the above named officers shall be notified later on.

SECRETARY
E&SE Department
Khyber Pakhtunkhwa

Endst: of even No. & Date :-

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male) Concerned.
4. District Accounts Officers Concerned.
5. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
6. PS to Minister E&SE Khyber Pakhtunkhwa Peshawar.
7. In-charge EMIS, E&SE Department for uploading at official website.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Office order file.

Mian Hussain Din 26/9/018
(MIAN HUSSAIN DIN)
SECTION OFFICER (SCHOOLS MALE)

APPROVED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the October 29, 2018.

Ank "B" 13

NOTIFICATION

NO.SO(SME&SED)/3-2/2018/Promotion of ASDEOs (BS-16) to SDEOs (BS-17):

Consequent upon their promotion to the post of Sub-Divisional Education Officer Male (BS-17) vide notification of even number dated 26.09.2018, the following SDEOs are hereby posted/adjusted on the posts & stations as mentioned against each:

S#	Name of candidate	Posted as
1	Mr. Zia Ullah	Assistant Director (BS-17), Directorate of E&SF
2	Mr. Shah Jehan Khan	Assistant Director (BS-17), Directorate of E&SE
3	Mr. Muhammad Arshad	Assistant Director (BS-17), Directorate of E&SE
4	Mr. Irshad Khan	SDEO (BS-17) Town-IV Peshawar
5	Mr. Muhammad Zahid Khan	Assistant Director (BS-17), Directorate of E&SE
6	Mr. Muhammad Sohail Khan	Assistant Director (BS-17), Directorate of E&SE
7	Mr. Muhammad Aftab	Assistant Director (BS-17), Directorate of E&SE
8	Mr. Imtiaz Khan	SDEO (BS-17) Swat
9	Mr. Muhammad Saleem	SDEO (BS-17) Pabbi Nowshera
10	Mr. Shams-ul-Islam Niaz	SDEO (BS-17) Kabal Swat
11	Mr. Muhammad Zubair	SDEO (BS-17) Takhtbai Mardan
12	Mr. Hayat Khan	Assistant Director (BS-17), Directorate of E&SE
13	Mr. Ahmad Ullah	SDEO (BS-17) Shabqadar
14	Mr. Muhammad Anwar	SDEO (BS-17) Mardan
15	Mr. Fazi-e-Khuda	SDEO (BS-17) Khadokhel Buner
16	Mr. Amir Badshah	SDEO (BS-17) Mandan Buner
17	Mr. Fida Muhammad	SDEO (BS-17) Town-III Peshawar
18	Mr. Salih Muhammad	SDEO (BS-17) Daggar Buner
19	Mr. Abdul Wahab	SDEO (BS-17) Lahore Swabi
20	Mr. Muhammad Abid	SDEO (BS-17) Rajjar Swabi
21	Mr. Adil Muhammad	SDEO (BS-17) Katlang Mardan
22	Mr. Niaz Wali Khan	SDEO (BS-17) Ghazi Haripur

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(14)

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

23	Mr. Mehboob Elahi	Assistant Director (BS-17), Directorate of E&SE
24	Mr. Shehzad Nadeem	SDEO (BS-17) Darosh Chitral
25	Mr. Muhammad Farooq	SDEO (BS-17) Karak
26	Mr. Dil Nawaz	SDEO (BS-17) Kohistan
27	Mr. Gul Faraz	SDEO (BS-17) Bahrain Swat
28	Mr. Muhammad Humayun	SDEO (BS-17) Darahan D.I. Khan
29	Mr. Abdul Qayum Khan	Assistant Director (BS-17), Directorate of E&SE
30	Mr. Iftikhar Ahmed	SDEO (BS-17) Battagram
31	Mr. Chanzeb	SDEO (BS-17) Alai Battagram
32	Mr. Sharafat Khan	SDEO (BS-17) Bisham Shangla
33	Mr. Mehmood Iqbal	SDEO (BS-17) Paharpur D.I. Khan
34	Mr. Khalid Naseem	SDEO (BS-17) Prova D.I. Khan
35	Mr. Muhammad Zarif	SDEO (BS-17) D.I. Khan
36	Mr. Muhammad Irshad	SDEO (BS-17) Tall Hangu
37	Mr. Muhammad Rehman Shah	SDEO (BS-17) Bakka Kheil Bannu
38	Mr. Waheed Ullah Shah	SDEO (BS-17) Domel Bannu
39	Mr. Muhammad Tariq	Assistant Director (BS-17), Directorate of E&SE
40	Mr. Hamid Rasool	SDEO (BS-17) Bannu
41	Mr. Ali Haider	SDEO (BS-17) Sarnar Bagh Dir Lower
42	Mr. Muhammad Raza Shah	SDEO (BS-17) Adenzai Dir Lower
43	Mr. Muhammad Islam	SDEO (BS-17) Munda Dir Lower
44	Mr. Muhammad Ajmal	SDEO (BS-17) Oghi Manshara
45	Mr. Shafiq Ur Rehman	SDEO (BS-17) Darban Manshara
46	Mr. Raees Ur rehman	Assistant Director (BS-17), Directorate of E&SE
47	Mr. Abdus Samad	SDEO (BS-17) Bafila Manshara
48	Mr. Raja Babu Jehangir	Assistant Director (BS-17), Directorate of E&SE
49	Mr. Shams Ur Rehman	SDEO (BS-17) Balakot Manshara
50	Mr. Abdur Rehman Rashid	SDEO (BS-17) Serai Naurang Lakki Marwat
51	Mr. Qadir Shah	SDEO (BS-17) Lakki Marwat
52	Mr. Habib Ur Rehman	SDEO (BS-17) Kulachi D.I. Khan

Appellant

A. N. Khan

8
ANNEXED



(15)

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

53	Mr Hameed Ullah	SDEO (BS-17) Pahas Kohistan
54	Mr Muhammad Azam	SDEO (BS-17) Sedu Sharif Swat
55	Mr Ghulam Sarwar	SDEO (BS-17) Balambat Dir Lower
56	Mr Ghulam Habib	SDEO (BS-17) Dir Lower
57	Syed Atta Ullah Shan	Assistant Director (BS-17), Directorate of E&SE
58	Mr Raees Khan	SDEO (BS-17) Matta Swat
59	Mr Love Dan	SDEO (BS-17) Sheringal Dir Upper

CONSEQUENTIAL TRANSFER

S.No	Name of candidate	Posted as
60	Mr. Muhammad Arif, SS (Economics) BS-17 working as SDEO (M) Town-IV	SS (Economics) BS-17 GHSS Nizampur, Nowshera
61	Mr. Ghazi Bacha SS (Maths) BS-17 working as SDEO (M), Lahore Swabi	SS (Maths) BS-17 GHSS Kabganj, Swabi
62	Mr. Wisal Muhammad HM BS-17 working as SDEO (M) Katlang Mardan	HM BS-17 GHS Sohbat Abad, Mardan
63	Mr. Abdul Haleem SS (Islamiat) BS-17 working as SDEO (M) Mardan	SS (Islamiat) BS-17 GHSS Gujar Garhi, Mardan
64	Syed Arslan Hussain Shah SS (English) BS-17 working as SDEO (M) Takht Bhai, Mardan	Instructor (BS-17) RITE (Male) Mardan
65	Mr. Iqbal Khaliq SS (English) BS-17 working as SDEO (M) Sedu Sharif Swat	SS (English) BS-17 GHSS Mandana, Swat
66	Mr. Inayat Ullah HM BS-17 working as SDEO (M) Matta Swat	HM BS-17 GHS Sambat Swat
67	Mr. Inayat Ullah HM BS-17 working as SDEO (M) Charbagh Swat	HM BS-17 GHS Manpatal Swat
68	Mr. Ishaq Ali HM BS-17 working as SDEO (M) Khawaza Khela Swat	HM BS-17 GHS Laikot Swat
69	Mr. Majeed Ullah HM BS-17 working as SDEO (M) Kabal Swat	HM BS-17 GHS Ghalooch Swat
70	Mr. Muhammad Zahid SS (Statistics) BS-17 working as SDEO (M) Pura Shangla	SS (Statistics) BS-17 GHSS Buryal Shangla

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(16)

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

71	Mr. Muhammad Pervez DPE BS-17 working as SDEO (M) Shangla	DPE BS-17 GHSS Olandar Shangla
72	Mr. Akhtar Naeem SS (Urdu) BS-17 working as SDEO (M) Basham, Shangla	SS (Urdu) BS-17 GHSS Shahpur Shangla
73	Mr. Rehman Ul Mulk SS (Pak- Study) BS-17 working as SDEO (M) Lal Qilla, Dir Lower	SS (Pak-Study) BS-17 GHSS Akhagaram Dir Upper
74	Mr. Sadiq Jan SS (Urdu) BS-17 working as SDEO (M) Balambat Dir Lower	SS (Urdu) BS-17 GHSS Pachakalay Dir Upper
75	Mr. Hameed Ur Rehman HM BS-17 working as SDEO (M) Samar Bagh Dir Lower	HM BS-17 GHS Kumber Dir Lower
76	Mr. Raza Shah ADEO BS-16 working as SDEO (M) Munda Dir Lower	Services placed at the disposal of Directorate E.&SF KPK
77	Mr. Muhammad Zafar HM BS-17 working as SDEO (M) Temergrah Dir	HM BS-17 GHS Badin Dir Lower
78	Mr. Mehboob Ur Rab SST BS- 16 working as SDEO (M) Sheringal Dir Upper	Services placed at the disposal of DEO (M) Dir Upper
79	Mr. Habib Ullah, HM BS-17 working as SDEO (M) Laachi Kohat	HM BS-17 GHS Pakka Topi, Kohat
80	Mr. Muhammad Naeem Shah HM BS-17 working as SDEO (M) Tall Hangu	HM BS-17 GHS Sarozai Hangu
81	Mr. Tariq Javed SS (Chemistry) BS-17 working as SDEO (M) D.I. Khan	SS (Chemistry) BS-17 GHSS Darban Kalan, D.I. Khan
82	Mr. Mirza Khan SS (English) BS-17 working as SDEO (M) Phar Pur D.I. Khan	SS (English) BS-17 GHSS Abdul Kkhel D.I. Khan
83	Mr. Zain Ullah Khan SS (Chemistry) BS-17 working as SDEO (M) Prova D.I. Khan	SS (Chemistry) BS-17 GHSS No.2 D.I. Khan
84	Mr. Muhammad Khalid HM BS-17 working as SDEO (M) Kulachi D.I. Khan	HM BS-17 GHS Budd D.I. Khan
85	Mr. Saif Ul Malook HM BS-17 working as SDEO (M) Palas Kohistan	HM BS-17 GHS Shore Kot Kohistan
86	Mr. Muhammad Nawab SST BS-16 working as SDEO (M) Pattan, Kohistan	Services placed at disposal of DEO (M) Kohistan

RECEIVED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

17

87	Mr. Fazal Qayum SS (Pashto) BS-17 working as SDEO (M) Kohistan	SS (Pashto) BS-17 GHSS Sakhara, Swat
88	Mr. Abdur Rauf SS (Urdu) BS-17 working as SDEO (M) Khudo Khail, Buner	SS (Urdu) BS-17 GHSS Nogram, Buner
89	Mr. Ikhtiyar Ahmed SS (English) BS-17 working as SDEO (M) Mandan Buner	SS (English) BS-17 GHSS Agarai, Buner
90	Mr. Bakht Sher Hussain HM BS-17 working as SDEO (M) Gagara Buner	HM BS-17 GHS Rega Buner
91	Mr. Ayub Khan HM BS-17 working as SDEO (M) Dagar Buner	HM BS-17 GHS Anar Baig Mardan
92	Mr. Mir Samad ASDEO BS-16 working as SDEO (M) Batagaram	Services placed at disposal of Directorate of E&SE KPK
93	Mr. Sherferoz SST BS-16 working as SDEO (M) Alai Batagaram	Services placed at the disposal of DEO (M) Batagaram
94	Mr. Shabir Ahmed HM BS-17 working as SDEO (M) Baffa Mansehra	HM BS-17 GHS Darband (New) Mansehra
95	Mr. Abid Hussain, HM BS-17 working as SDEO (M) Ghazi Haripur	HM BS-17 GHS Chintari Haripur
96	Mr. Aman Ullah HM BS-17 working as SDEO (M) Bannu	HM BS-17 GHS Bilawar Khan Bannu
97	Mr. Akhtar Zaman HM BS-17 working as SDEO (M) Lakki Marwat	HM BS-17 GHS Shukrullah Hussain, Bannu
98	Mr. Muhammad Shafiq HM BS-17 working as SDEO (M) Sarai Naurang, Lakki Marwat	HM BS-17 GHS Nowar Khel Lakki Marwat
99	Mr. Raja Sheraz Ahmed HM BS-17 working as SDEO (M) Torghar	HM BS-17 GHS Judha Torghar
100	Mr. Sanaullah SS (Maths) BS-17 working as assistant Director	SS (Maths) BS-17 GHSS No.1 Peshawar City
101	Mr. Iqbal Hussain SS (Pashtu) BS-17 working as Assistant Director	SS (Pashto) BS-17 GHSS No.1 Peshawar City
102	Mr. Abdul Qayyum ADEO BS-16 working as Assistant Director Directorate of E&SE	Services placed at disposal of Director E&SE KPK for further posting

J. J. J.

ATTESTED



(18)

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

103	Mr. Hameed Ur Rehman ADEO BS-16 working as Assistant Director, Directorate of E&SE	Services placed at disposal of Directorate E&SE KPK for further posting
104	Mr. Aziz Ul Haq SS (Maths) BS-17 working as Assistant Director, Directorate of E&SE KPK	SS (Maths) BS-17 GHSS Manga Mardan
105	Mr. Hamood Ur Rehman ADEO BS-16 working as Assistant Director BS-17, Directorate of E&SE KPK	Services placed at disposal of Directorate E&SE KPK for further posting.
106	Mr. Azim Khan ADEO BS-16 working as Assistant Director BS-17 Directorate of E&SE KPK	Services placed at disposal of Directorate E&SE KPK for further posting.
107	Mr. Muhammad Ilyas, SDEO BS-17 working as AD BS-17 at Directorate of E&SE.	SDEO BS-17 Lachi Kohat
108	Mr. Abdur Rehman, SDEO BS-17 Topi Swabi	Services placed at disposal of Directorate E&SE KPK for further posting.
109	Mr. Shahid Lodan, SDEO (BS-17) Wari Dir Upper	Services placed at disposal of Directorate E&SE KPK for further posting.
110	Mr. Amin Zada, SS (BS-17) GHS Akhwagram Dir Upper	SDEO (BS-17) Wari Dir Upper

2. No TA/DA is allowed.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Male), Concerned.
4. District Account Officers, Concerned.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Advisor to CM for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (Estab), E&SE Department.
9. PA to Deputy Secretary (Admn), E&SE Department.
10. In-charge EMIS E&SE Department with the request to upload it on the website of the Department i.e. www.kpese.gov.pk
11. SDEOs Concerned.
12. Master file.


(ANWAR AKBAR KHAN)
SECTION OFFICER (SCHOOLS MALE)

ATTESTED

Anx C" (19)

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

No. 1864/A-12/Estab:-1/Promotion of
ASDEO/ADEO to SDEO/AD

Dated Peshawar the 8/11/2018.

To

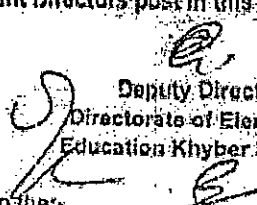
The Secretary,
Govt. of Khyber Pakhtunkhwa
Elementary and Secondary Education
Department Peshawar.

SUBJECT: NOTIFICATION
Memo:

I am directed to refer to the Notification No. SO(S/M)/E&SED/3-2/2018, Promotion of ASDEOs BS-16 to SDEOs BS-17, dated 29.10.2018 and Notification No. SO(S/M)/E&SED/3-2/2013/Recruitment of SDEOs (M) BS-17 MC, dated 29.10.2018 on the subject cited above and to request that the services of 19 Assistant Directors placed at the disposal of this Directorate who are recently promotion from ASDEOs/ADEOs (MC) to the post of SDEOs/Assistant Directors while as per working papers submitted to your good office 10 post of Assistant Directors are available in this Directorate as per share of male officers. Now the following remaining 9 officers may be adjusted at on your own level against the SDEOs posts which are occupied by teaching cadre.

S#	Serial No. in Notification	Name of officers	Remarks
1.	03	Mr. Dilawar Khan	Appointed through KPK PSC
2.	11	Mr. Sheraz Hayat	Promoted through KPK PSC
3.	23	Mr. Mehboob Elahi	Promoted through DPC
4.	26	Mr. Dil Nawaz	Promoted through DPC
5.	29	Mr. Abdul Qayum	Promoted through DPC
6.	30	Mr. Irfikhar Ahmad	Promoted through DPC
7.	39	Muhammad Tariq	Promoted through DPC
8.	40	Mr. Hamid Rasool	Promoted through DPC
9.	46	Mr. Raisur Rehman	Promoted through DPC

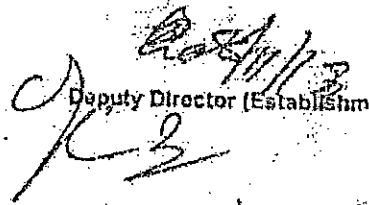
It is therefore, requested that the above named officers may be adjusted as SDEOs in various Tehsils due to non availability of Assistant Directors post in this Directorate please.


Deputy Director (Establishment)
Directorate of Elementary and Secondary
Education Khyber Pakhtunkhwa Peshawar.

Endst:No. _____

Copy forwarded for information to the:-

1. P.A. to Director (E&SE) Khyber Pakhtunkhwa Peshawar.


Deputy Director (Establishment)


ATTENDED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the December 24, 2018

NOTIFICATION

NO.SO(SME&SED/2-1/2018/Posting/Transfer/MC) Consequent upon recommendations of the Placement Committee, in its meeting held on 13.12.2018, the Competent Authority has been pleased to order posting/adjustment of the following officers of Management Cadre/Teaching Cadre on the posts/stations as mentioned against each with immediate effect:

S#	Name & Designation	From	To	Remarks
1	Mr. Baiullah, HM BS-17 (Teaching Cadre)	SDEO (M) Kohat	HM BS-17 GHS Shewaki Kohat	A.V.P
2	Mr. Dilawar Khan, SDEO BS-17 (Management Cadre)	waiting for posting	SDEO(M) Lachi, Kohat	V.S#3
3	Mr. Habib Ullah, HM BS-17 (Teaching Cadre)	SDEO(M) Lachi Kohat	HM BS-17 GHS Kirrosam Kohat	A.V.P
4	Mr. Mohammad Ilyas Khan, SDEO BS-17 (Management Cadre)	Waiting for posting	SDEO(M) Kohat	V.S#1
5	Mr. Abdul Hameed, SDEO BS-17 (Management Cadre)	Waiting for posting	Assistant Director at Directorate of E&SE	A.V.P
6	Mr. Ghaza Bacha, SS Maths BS-17 (Teaching Cadre)	SDEO(M) Chota Lahore, Swabi	SS Maths (BS-17) GHSS Kunda Swabi	-do-
7	Mr. Shams Ul Islam Niaz, SDEO BS-17 (Management Cadre)	Waiting for posting	SDEO(M) Chota Lahore, Swabi	V.S#6
8	Mr. Abdur Rehman, SDEO BS-17 (Management Cadre)	-do-	SDEO (M) Gagra, Buner	A.V.P
9	Mr. Najeeb Ullah, SST BS-16 (Teaching Cadre)	SDEO (M) Lal Qila Dir Lower in OPS	Services placed at the disposal of DEO(M) Dir Lower for further posting	---
10	Mr. Lovedan Shahid, SDEO BS-17 (Management Cadre)	Waiting for posting	SDEO(M) Lal Qila, Dir Lower.	V.S#9
11	Mr. Abdul Mustan, SS English (BS-17) (Teaching Cadre)	SDEO (M) Barikot Swat	SS English (BS-17) GHSS Uror Swat	A.V.P

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Any "D" (20)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

12	Mr. Imtiaz Khan, SDEO SDEO BS-17 (Management Cadre)	Waiting for posting	SDEO(M) Barkot Syar	V.S#11
13	Mr. Abdul Qayum, SDEO BS-17 (Management Cadre)	waiting for posting	SDEO(M) Cora Abbottabad	A.V.P
14	Mr. Raja Sheraz HM BS-17 (Teaching Cadre)	SDEO(M) Judba Torghar	HM (BS-17) GHS Judba Torghar	-do-
15	Mr. Raees Ur Rehman, SDEO BS-17 (Management Cadre)	waiting for posting	SDEO(M) Judba Torghar	V.S#14
16	Mr. Akhtar Jadoon, HM BS-17 (Teaching Cadre)	SDEO(M) Haripur	HM (BS-17) GHS Badhora Haripur	A.V.P
17	Mr. Brikhar Ahmad, SDEO BS-17 (Management Cadre)	waiting for posting	SDEO (M) Haripur	V.S#16
18	Mr. Amin Zada, SS Biology BS-17 (Teaching Cadre)	SDEO(M) Wari Dir Upper	SS Biology (BS-17) GHSS Akhagram Dir Upper	A.V.P
19	Mr. Fazli Rehman, SS Urdu BS-17 (Teaching Cadre)	SDEO (M) Hangu	SS Urdu (BS-17) GHSS Ibrahim Zai Hangu	A.V.P
20	Mr. Dilnawaz Khan, SDEO BS-17 (Management Cadre)	waiting for posting	SDEO(M) Hangu	V.S#19
21	Mr. Choudry Nazir, SS Urdu BS-17 (Teaching Cadre)	SDEO (M) Khanpur Haripur	SS Urdu (BS-17) GHSS Barkot Haripur	A.V.P
22	Mr. Nasser Ahmed, SDEO BS-17 (Management Cadre)	waiting for posting	SDEO (M) Khanpur Haripur	V.S#21
23	Mr. Muhammad Nawab, SST BS-16 (Teaching Cadre)	SDEO(M) Patan Kohistan	Services placed at the disposal of DEO(M) Kohistan for further posting	---
24	Mr. Luqman Hakeem, SDEO BS-17 (Management Cadre)	waiting for posting	Assistant Director at Directorate of E&SE	A.V.P
25	Mr. Abdul Hameed Lodhi, SS Maths BS-17 (Teaching Cadre)	SDEO (M) Lower Tanawal Abbottabad	SS Maths (BS-17) GHSS Muslim Abad Abbottabad	-do-
26	Mr. Abdul Malik SDEO, SDEO BS-17 (Management Cadre)	waiting for posting	Assistant Director at Directorate of E&SE	-do-
27	Mr. Abdus Sumad, SDEO BS-17 (Management Cadre)	do Abbottabad	SDEO (M) Lower Tanawal Abbottabad	V.S#25

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22



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

28	Mr. Farukh Said Khan HM/BS-17 (Teaching Cadre)	SDEO(M) Bannu	HM (BS-17) GHS Kinger Jan Bahadar Bannu	A.V.P
29	Mr. Muhammad Tariq SDEO/BS-17 (Management Cadre)	waiting for posting	SDEO (M) Bannu	V.S#28
30	Mr. Sheraz Hayat SDEO BS-17 (Management Cadre)	waiting for posting	SDEO (M) War Dir Upper	V.S#18
31	Mr. Inayat Ullah HM BS-17 (Teaching Cadre)	SDEO(M) Charbagh Swat	HM/BS-17 GHS Manpatal Swat	A.V.P
32	Mr. Hamid Rasool SDEO BS-17 (Management Cadre)	waiting for posting	Assistant Director at Directorate of E&SE	A.V.P
33	Mr. Mir Samad ASDEO B-16 (Management Cadre)	SDEO(M) Battagram in OPS	Services placed at the disposal of Directorate of E&SE	---
34	Mr. Sharafat Khan SDEO BS-17 (Management Cadre)	waiting for posting	SDEO(M) Battagram	V.S#33
35	Mr. Raja Babu Jehangir SDEO (BS-17)	DDEO (M) Lower Kohistan in OPS	Assistant Director Training (BS-17) at DCTE Abbottabad	A.V.P

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2. No TA/DA is allowed.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Male), Concerned.
4. District Accounts Officers, Concerned.
5. PS to Advisor to CM for E&SE Department.
6. PS to Secretary, E&SE Department.
7. In-charge EMISE E&SE Department.
8. Officers Concerned
9. Master file.

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Handwritten signature 24/12/2015
(MIAN HUSSAIN DIN)
SECTION OFFICER (SCHOOLS MALE)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the January 18, 2019

Ank^o E^o
23

NOTIFICATION

NO.SO(SM)E&SED/2-1/2019/Posting/Transfer/MC: The Competent Authority is pleased to order posting/transfer of the following officers of Management Cadre/Teaching Cadre on the posts/stations as mentioned against each, in the interest of public service, with immediate effect:

S#	Name & Designation	From	Posted as	Remarks
1	Mr. Muhammad Tariq, SDEO (BS-17) MC	SDEO (Male) Bannu	SDEO (Male) Tall Hangu	V.S#2
2	Mr. Muhammad Irshad, SDEO (BS-17) MC	SDEO (Male) Tall Hangu	SDEO (Male) Bannu	V.S#1
3	Mr. Charagh Din, SS H/Civics (BS-17) TC	Working as SDEO (Male) Barawal Bandi Dir Upper	SS H/Civics (BS-17) GHSS Beyar Dir Upper	A.V.P
4	Mr. Sharif Ullah, SS English (BS-17) TC	Working as SDEO (Male) Dir Upper	SS English (BS-17) GISS Beyar Dir Upper	-do-
5	Mr. Mahboob ur Rab, SST (BS-16) TC	Working as SDEO (Male) Sheringal Dir Upper in OPS	Services placed at the disposal of DEO (Male) Dir Upper	---
6	Mr. Shah Rawan, SS Chemistry (BS-17) TC	Working as SDEO (Male) Kalkot Dir Upper	SS Chemistry (BS-17) GHSS Birari Dir Upper	A.V.P
7	Mr. Muhammad Ayub, HM (BS-17) TC	Working as SDEO (Male) Dagar Buner	HM (BS-17) GHS Pipil Mardan	-do-
8	Mr. Fazal Qayum, SS Pashto (BS-17) TC	Working as SDEO (Male) Kohistan	SS Pashto (BS-17) GHSS Sakhara Swat	-do-
9	Mr. Muhammad Pervez, DPE (BS-17) TC	Working as SDEO (Male) Alpuri Shangla	IPE (BS-17) GHSS Butyal Shangla	-do-
10	Mr. Akhtar Naeem, SS Urdu (BS-17) TC	Working as SDEO (Male) Besham Shangla	SS Urdu (BS-17) GHSS Butyal Shangla	-do-
11	Mr. Baitullah, HM (BS-17) TC	GHS Shawaki Kohat	HM (BS-17) GHS Khadarkhel Kohat	A.V.P

2. No TA/DA is allowed.

SECRETARY

Ends: of Even No. & Date:

Copy forwarded to the:-

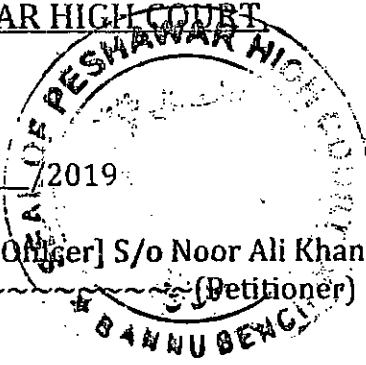
1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director E&SE, Khyber Pakhtunkhwa, Peshawar

ATTESTED

Anx "F" (24)

BEFORE THE HON'BLE PESHAWAR HIGH COURT
BANNU BENCH

Writ Petition # 62



Muhammad Tariq [Sub-Divisional Education Officer] S/o Noor Ali Khan
R/o Mula Khel Tehsil & District Bannu (Petitioner)

VERSUS

- (1) The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- (2) The Secretary Elementary & Secondary Education Govt. of Khyber Pakhtunkhwa Peshawar.
- (3) The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- (4) The Deputy Director (Establishment) Directorate of Elementary & Secondary Education KPK Peshawar.
- (5) Mr. Muhammad Irshad Sub-Divisional Education Officer (Male) Tall District Hangu.

~~~~~ (Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE  
ISLAMIC REPUBLIC OF PAKISTAN, 1973 AS AMENDED UP TO DATE

PRAYER: ON ACCEPTANCE OF INSTANT WRIT PETITION, THIS  
HON'BLE COURT MAY VERY GRACIOUSLY BE PLEASED TO  
DECLARE TRANSFER POSTING NOTIFICATION #SO(SM)  
E&SED/2-1/2019/POSTING/TRANSFER/MC DATED 18/01/  
2019 ISSUED BY THE RESPONDENT #1. TO THE EXTENT OF  
PETITIONER, AS NULL, VOID-AB-INITIO, ILLEGAL, BASED ON  
POLITICAL INFLUENCE, AGAINST THE RULES AND NATIONAL  
EDUCATION POLICY 2009, BASED ON COLLUSION AND THUS  
LIABLE TO CANCELLATION. THIS HON'BLE COURT MAY ALSO  
BE PLEASED TO DIRECT THE RESPONDENTS NOT TO ISSUE

*Fazruddin*

ATTESTED

Filed Today  
Additional Registrar

ATTESTED  
EXAMINER



25

TRANSFER NOTIFICATION OF PETITIONER PRIOR TO COMPLETION OF HIS POSTING TENURE AS PER LAW. ANY OTHER RELIEF NOT SPECIFICALLY PRAYED BUT DEEMS FIT BY THIS HON'BLE COURT MAY KINDLY BE ALSO GRANTED.

INTERIM RELIEF:

Since this writ petition might take some time in disposal and respondents are pressurizing the petitioner to relinquish charge of the post of SDEO Bannu, therefore, interim relief in shape of suspension of aforesaid notification may kindly be granted till final disposal of this writ petition.

Note: Addresses of parties given in heading of this writ petition, are correct and sufficient for the purpose of service.



Respectfully Sheweth:

1. Short facts of the case in hand are that the petitioner is a Govt. Servant in capacity of Assistant Sub-Divisional Education Officer (SDEO) and is serving at District Bannu.

**ATTESTED**

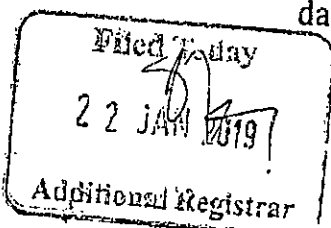
That, vide notification bearing #SO(SM)E&SED/3-2/2018/ Promotion of ASDEOS (BS-16) to SDEOS (BS-17) dated 26/9/2018, the petitioner was promoted from Assistant Sub-Divisional Education Officer (BS-16) to Sub-

Filed Today  
22 JAN 2018  
Additional Registrar

**ATTESTED**  
EXAMINER  
Peshawar High Court

(26)

Divisional Education Officer (BS-17) and as such the respondents on 29/10/2018 issued adjustment/posting notification bearing #SO(SM)E&SED/3-2/2018/ Promotion of ASDEOS (BS-16) to SDEOS (BS-17), whereby, the petitioner was posted as Assistant Director (BS-17) at Directorate of E&SE Peshawar; that on 30/10/2018 the respondents issued corrigendum bearing #SO (SM)E&SED/3-2/2018/SDEOs (BS-17), whereby, services of one Mr. Hamid Rasool SDEO were transferred to Directorate of E&SE and seat of SDEO District Bannu was left vacant; that having vacant seat at parent District, the petitioner requested the respondents for his posting at District Bannu on ground that he is only male member of his family coupled with fact that his son is suffering from Rheumatic Fever, Serious allergy and poor immunity and he cannot be left unattended for long period, however, the respondents paid no heed and were intending to fill said post via political influence. Feeling aggrieved, the petitioner submitted Writ Petition #1007-B of 2018 before this Hon'ble Court, and this Hon'ble Court vide order dated 26/11/2018 was pleased to convert the same into departmental representation and was sent to the respondents for adjudication of same on merits in accordance with law within period of 15 days. (Copy of W.P #1007-B of 2018 and order of this Hon'ble Court dated 26/11/2018 are annexed "A" & "B").



**ATTESTED**  
*W*  
EXAMINER  
Peshawar High Court  
Bannu Bench

27

3. That, the respondents adjudicated the said representation and vide notification #notification #SO(SM) E&SED/2-1/2018/Posting/Transfer/MC dated 24/12/ 2019, the petitioner was posted at his parent district. (Copy of notification #SO(SM) E&SED/2-1/2018/Posting/Transfer /MC dated 24/12/ 2019, is annexed "C").

4. Nevertheless, within a period of 25 days, the respondents issued the impugned notification #SO(SM) E&SED/2-1/2018/Posting/Transfer/MC dated 18/01/2019, whereby, services of the petitioner were transferred from District Bannu to Tall District Hangu. (Copy of impugned notification #SO(SM) E&SED/2-1/2018/Posting/Transfer /MC dated 18/01/2019 is annexed "D").



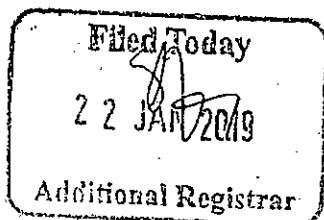
5. Feeling aggrieved from the act of respondents, the petitioner having no other remedy but to invoke the inherent jurisdiction of this Hon'ble Court, *inter-alia* on the following grounds:

#### GROUNDS

1. That, the act of respondents by again transferring the petitioner within 25 days of service, is against the law, rules, based on political influence, against the National Education Policy 2009; hence, is untenable in the eyes of law and is liable to be set at naught.

ATTESTED

2. That, it has been time and again emphasized in the National Education Policy 2009/2017 that decline in



ATTESTED

EXAMINER

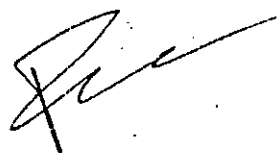
Examiner, High Court

(28)

education system of Pakistan has resulted from political interference and corrupt practices in recruitments, transfers and postings, therefore, such practice must be curbed and recruitments, transfers and postings shall be based on merits. On this score too, the impugned transfer order is not maintainable and the act of respondents is *prima-facie* violation of NEP, 2009/2017.

3. That, the petitioner had discharged his duty in District Bannu with great zeal, zest and honesty and a solitary complaint was neither received to respondents nor filed against him.

4. That, son of petitioner is suffering from Rheumatic Fever, Serious allergy and poor immunity and it is strongly recommended by doctors that he should not be left unattended even for a week otherwise his life may be at stake. Therefore, on merits as well as on humanitarian ground, the petitioner is entitled to be posted at District Bannu.



5. That, it is also the spirit of law, rules, policy of civil servants and natural justice, that an honest and responsible officer may be given opportunity to serve his parent district especially in view the unavoidable domestic affairs and illness of son of petitioner.

ATTESTED

Filed Today  
22 JAN 2019  
Additional Registrar

ATTESTED

Additional Registrar  
District Bannu

29

6. That, the learned counsel for the petitioner may kindly be permitted to raise additional grounds at the time of arguments.

For the reasons mentioned above, it is, therefore requested that the instant writ petition may graciously be accepted as prayed for.

Dated: 21/01/2019

Muhammad Tariq (Petitioner)  
Through counsel:

(SYED FAKHR-UD-DIN SHAH)  
Advocate Supreme Court

CERTIFICATE:

This is to certify that no such petition is neither pending nor filed before any other forum.

(SYED FAKHR-UD-DIN SHAH)  
Advocate Supreme Court

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of instant writ petition are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed from this Hon'ble Court.

Deponent:

ATTESTED

Muhammad Tariq  
SDEO (Petitioner)

Identified by:

(SYED FAKHR-UD-DIN SHAH)  
Advocate Supreme Court

No. 7803

Certified that the above was verified on solemnly

affirmation before me in office this 21

day of Jan 2019 by Muhammad Tariq

to SDEO Bannu

who was identified by Syed Fakhrudelin

who is personally know to me

Oath Commissioner  
Peshawar High Court  
Bannu Bench

Adv.

Filed Today  
22 JAN 2019

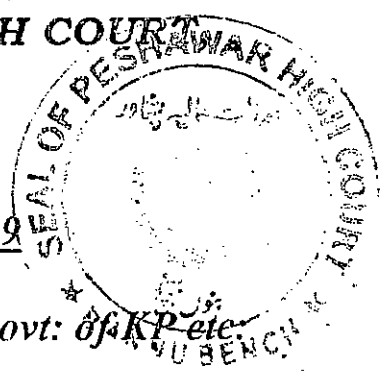
ATTESTED  
EXAMINED  
Peshawar High Court  
Bannu Bench

Anx "G" 30

**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT  
BANNU BENCH.**

(Judicial Department)

W.P No. 62-B of 2019



**Muhammad Tariq Vs. Govt: of KP etc**

**JUDGMENT**

Date of hearing 23/01/2019

Appellant-Petitioner By Syed Fakhrul-Din Shah Adu

Respondent(s) \_\_\_\_\_

**SHAKEEL AHMAD, J.---** The petitioner through this Constitutional petition filed U/A-199 of the Islamic Republic of Pakistan, 1973, the following relief:-

"On acceptance of instant writ petition, this Hon'ble Court may very graciously be pleased to declare transfer posting notification No. SO(SM) E&SED/2-1/2019/Posting/Transfer/MC dated 18.01.2019 issued by the respondent No.1, to the extent of petitioner, as null, void-ab-initio, illegal based on political influence, against the rules and National Education Policy 2009, based on collusion and thus liable to cancellation. This Hon'ble Court may also be pleased to direct the respondents not to issue transfer

ATTESTED

\*Imranullah\* (D.B) Justice Muhammad Nasir Mahfooz and Justice Shakeel Ahmad

ATTESTED

EXAMINER

3.1

notification of petitioner prior to completion of his posting tenure as per law."

2. At the very out-set, learned counsel for the petitioner stated at the bar that he would not press the instant petition, provided the same be treated as representation and sent to competent authority for decision in accordance with law.

3. In view of the above, this petition is treated as representation and sent to the competent authority for decision in accordance with law within a period of one month from the date of receipt of this order. Disposed of accordingly.

**Announced.**  
23.01.2019.

SdJustice Muhammad Nasir Mahfooz, J  
SdJustice Shakeel Ahmad, J

~~NOT TO BE USED FOR~~  
*Nasir Mahfooz*  
13/2/19

Examiners  
Peshawar High Court Bench  
Authorised Under Article 87 of  
the Qanun-e-Shahadat Order 1984

*Atty*  
*13/2/19*

ATTEST  
7

Annexure "I"

(33)

To,

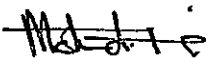
The Chief Secretary,  
Govt: of Khyber Pakhtunkhwa Peshawar.

Subject:- **DEPARTMENT APPEAL**

With due reverence I have the honor to state

1. That I was promoted to the post of SDEO(M) vide notification bearing No. SO (SM) E&SED/3-2/2018 / promotion of ASDEO Management cadre dated September 26,2018 ( Annexure "A").
2. That I was posted as Assistant Director in Directorate Peshawar vide notification No. SO (SM)E&SED/promotion of ASDEO to SDEO dated October 29, 2019 (Annexure "B").
3. That I was declared surplus in the directorate vide notification No.1864/A-12/Estab/promotion of ASDEO dated.08/11/2018 (Annexure "C").
4. That I remained OSD ( with out posting for about two months).
5. That I was adjusted as SDEO Bannu vide notification No.SO (SM) E&SED /2-1/2018/posting/transfer MC dated 24/12/2018(Annexure "D").
6. That I was transferred to the post SDEO (M) Thall District Hangu vide notification No. SO (SM) E&SED/2-1/2019/ posting /transfer MC dated 18/01/2019 within 25 days without any reason ("Annexure" E)
7. That I was again transferred from the post of SDEO Thall Hangu to the post SDEO Chakisar Shangla vide notification No. SO (SM) E&SED/7-1/2019/posting /transfer/general Dated 13/09/2019 (Annexure "F").
8. It is requested that the notifications bearing No. SO (SM) E&SED/2-1/2019/posting/transfer /MC dated 18/01/2019 and notification bearing SO (SM) E&SED/7-1/2019/posting/ transfer/General dated 13/09/2019 may be withdrawn and I may e posted as SDEO (M) Bannu.

Dated.06/11/2019

  
Muhammad Tariq  
SDEO(M) MC

ATTESTED





(33) (A)

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

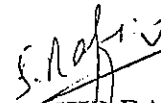
No.SO(SM)E&SED/7-1/2019/Posting/Transfer/MC  
Dated Peshawar the November 29, 2019

To

Mr. Muhammad Tariq,  
SDEO (BS-17) Male Chakisar Shangla.

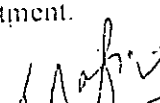
Subject:- APPEAL FOR CANCELLATION OF TRANSFER ORDERS.

I am directed to refer to your appeal dated 08.11.2019, addressed to Chief Secretary, Khyber Pakhtunkhwa, on the subject cited above and to state that your appeal has been examined and rejected by the Competent Authority having no valid grounds.

  
(SHAHID RAFIQ)  
SECTION OFFICER (SCHOOLS MALE)

Copy of the above is forwarded to the:

1. PS to Secretary E&SE Department.
2. PA to Additional Secretary (Estab) E&SE Department.

  
SECTION OFFICER (SCHOOLS MALE)

  
ATTENDED

Annexus "J" (34)

1

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.



Service Appeal No. 523/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 658

Dated 24-4-2019

Muhammad Tariq son of Noor Ali Khan  
R/o Molla Khel Tehsil and District Bannu  
(Sub Divisional Male Officer BPS-17)  
Presently serving as SDEO Thall District Hangu..... Appellant

Versus

- 1) The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 2) Secretary Elementary and Secondary Education to Government of Khyber Pakhtunkhwa Peshawar.
- 3) Director, Elementary and Secondary Education to Government of Khyber Pakhtunkhwa Peshawar.
- 4) Mr. Muhammad Irshad Sub Divisional Education officer (SDEO) Tehsil and District Bannu.

..... Respondents

Filed to-day  
Registrar  
24/4/19

Appeal u/s 4 of the K.P Service Tribunal Act, 1974 against the impugned transfer Notification Order No. SO(SM)E&SED/2-1/2019/Posting/Transfer/MC dated 18.01.2019, whereby the appellant was transferred from the post of SDEO Male Bannu (BPs-17) to the post of SDEO (Male) Thall Hangu by the respondent No.2 purely on the basis of political influence exerted/put forth /used by respondent No.4 through MPA namely Pakhtunyar Khan which act is not only against the posting and transfer of Education Policy of 2009 and also a misconduct under the E&D Rules, 2011.

ATTESTED

Registrar  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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2

**PRAYER:**

On acceptance of this appeal, the impugned Notification Order No.SO(SM)E&SED/2-1 /2019 /Posting /Transfer /MC dated 18.01.2019 may kindly be set aside by restoring earlier notification Order No. SO(SM)E&SED /2-1/ 2018 /Posting /Transfer/MC dated 24.12.2018 vide which the appellant was posted as SDEO (BPs-17) (Male) at District Bannu with further directions to the respondent No.1 to initiate disciplinary proceedings against all those found involved in securing posting and transfer orders on the basis of political influence which is a misconduct under the relevant service rules.

***Respectfully Sheweth;***

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

- 1) That the appellant was appointed as ASDEO in BPS-16 and later on was promoted to the post of SDEO (BPS-17) vide order Notification No.SO(SM)E&SED/3-2/2018/Promotion of ASDEOs (BS-16) to SDEOs (BS-17) dated 26.09.2018.

(Copy of notification dated 26.09.2018 is attached as Annexure-A at Page No 11-12 ).

- 2) That the appellant after promotion to (BPS-17) was posted as Assistant Director (BPS-17) Directorate of Elementary & Secondary Education Khyber Pakhtukhwa Peshawar vide Notification No. SO(SM)E&SED/3-2/2018/Promotion of ASDEOs (BS-16) to SDEOs (BS-17). Dated 29.10.2018 issued by respondent No.2.

(Copy of notification dated 29.10.2018 is attached as Annex-B at Page No. 13-18 ).

**ATTESTED**

36

- 3) That the appellant after posting as Assistant Director (BPS-17) Directorate of Elementary & Secondary Education Khyber Pakhtukhwa Peshawar was declared as surplus vide notification order No.1864/A-12/Estab:1/Promotion of ASDEO/ADEO to SDEO/AD. Dated 8.11.2018 and appellant was deputed as officer on special duty (OSD) for a period of 2 months but no formal order was issued to this effect.

**(Copy of order dated 08.11.2018 is attached as Annexure C at Page No 19).**

- 4) That the appellant vide notification order No.SO(SM)E&SED /2-1/ 2018 /Posting /Transfer/MC dated 24.12.2018 was again posted as SDEO (Male) Bannu and assumed the charge as such at District Bannu.

**(Copy of notification dated 24.12.2018 is attached as Annexure-D at Page No 20 - 22).**

- 5) That once again the appellant was transferred vide notification No. SO(SM)E&SED /2-1/ 2019 /Posting /Transfer/MC dated 18.01.2019 from the post of SDEO (Male) Bannu to SDEO (Male) Thall Hangu against the posting and transfer of Education Policy 2009, on the basis of Political influence exerted/ put forth/ used by respondent No.4 through MPA of KP Pakhtunyar Khan.

**(Copy of notification dated 18.01.2019 is attached as Annexure-E at Page No 23).**

- 6) That earlier the appellant approached to the Honorable Peshawar High Court Bannu Bench for cancellation of the impugned order through writ petition No. 62/2019 titled Muhammad Tariq..VS.. Govt of KP and others which was converted into departmental representation/ appeal with the directions to the respondents to dispose off the same

ATTESTED

within a period of one month from the date of receipt of the order.

**(Copy of writ petition alongwith order dated 23.01.2019 is attached as Annexure F & G at Pages No. 24 - 31).**

- 7) That since writ petition was converted into departmental representation with the directions to the respondents to dispose off the same within a period of one month from the date of receipt of this order but unfortunately no response was provided to the appellant despite lapse of statutory period of 90 days, hence presents this service appeal within 30 days which is well within time from the date of sending the writ petition to the respondents for its disposal.
- 8) That the appellant being aggrieved from the impugned transfer Notification Order No. SO(SM)E&SED/2-1/2019/Posting/Transfer/MC dated 18.01.2019, prefers the instant service appeal for setting aside the above-mentioned order on the following amongst other grounds:-

GROUND FOR APPEAL:

- a. That the impugned order is violative of Article 2-A, 4 and 25 of the Constitution of Islamic Republic of Pakistan, also against the National Education Policy 2009 and the E&D Rules 2011 hence not tenable in the eyes of law.
- b. That the appellant was time and again/ frequently transferred for more then 3 times within a short span of 3 to 4 months which act is not only arbitrary, capricious but also violative of the mandatory provisions of law which needs to be adhered in its letter and spirit that posting and transfer order shall only be made in the public interest without exerting/ using any political influence as in the instant case

ATTESTED

respondent No.4 succeeded in exerting/ using his political clout/ influence through Member Provincial Assembly of KP namely Pakhtunyar Khan which is a serious misconduct on his part and also on the part of competent authority and such practice of exerting political influence in posting and transfer orders has been time and again deprecated by the August Supreme Court of Pakistan and various High Courts of this country including the Services Tribunals.

- c. That the impugned transfer Notification Order No. SO(SM)E&SED/2-1/2019/Posting/Transfer/MC dated 18.01.2019, is smacked off malafide, ill will and purely influenced on the basis of political consideration and the concept of good administration in departments viz a viz posting and transfer of its employees had been eroded <sup>one hand</sup> on while the public confidence would be shaken on the other.
- d. That it was time and again emphasized in the National Education Policy 2009/ 2017 that decline in education system has resulted from exerting political interference and using corrupt practices in recruitments, posting and transfers, hence such practice of securing desired posting and transfer shall be curbed with iron hand and on this score alone the impugned order as referred to in the heading of this appeal is liable to set at naught in terms of the referred service rules and regulations in the body of this appeal.

It is pertinent to refer to a reported judgment reported in *2009 PLC (CS) 891* it was held " *plaintiff had been transferred four times since august 2008, which ex facie, appeared to be violative of the principle of policy*

  
ATTESTED

***governing the transfer of the government servants--- such indiscriminate action could be taken note of by the court--- Case of ad interim injunction having been made out, order of defendant/ authority transferring the plaintiff was suspended--- No further transfer would be ordered by the defendants during pendency of application"***

Keeping in view, what has been stated above, it is, therefore, humbly prayed that on acceptance of this appeal, the impugned Notification Order No.SO(SM)E&SED/2-1 /2019 /Posting /Transfer /MC dated 18.01.2019 may kindly be set aside by restoring earlier notification Order No. SO(SM)E&SED /2-1/ 2018 /Posting /Transfer/MC dated 24.12.2018 vide which the appellant was posted as SDEO (BPs-17) (Male) at District Bannu with further directions to respondent No.1 to initiate disciplinary proceedings against all those found involved in securing posting and transfer orders on the basis of political influence at their whims which is a misconduct under the relevant service rules.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may also be granted.

  
Appellant

through



Inayat Ullah Khan  
Advocate High Court  
LL. M (U.K)

  
ATTESTED

(40)

7

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

CM No. \_\_\_\_\_/2019

IN

S.A.No. \_\_\_\_/2019

Muhammad Tariq..... Appellant

Versus

The Government of Khyber Pakhtunkhwa  
& others..... Respondents

**APPLICATION FOR SUSPENSION OF  
IMPUGNED NOTIFICATION ORDER  
NO.SO(SM)E&SED/2-1 /2019  
/POSTING /TRANSFER /MC DATED  
18.01.2019.**

**Respectfully Sheweth:-**

1. That the above titled is being filed before this Honorable Tribunal which has not been fixed for hearing.
2. That the accompanying service appeal may kindly be treated as part and parcel of this application.
3. That through the instant misc application the appellant is seeking suspension of the impugned Notification Order No.SO(SM)E&SED/2-1 /2019 /Posting /Transfer /MC dated 18.01.2019 by restoring the earlier notification SO(SM)E&SED /2-1/ 2018 /Posting /Transfer/MC dated 24.12.2018 vide which the appellant was posted as SDEO (BPS-17 Male Bannu) in the interest of justice, fair play and equity.

ATTESTED



(11)


8

4. That balance of convenience also lies in favour of appellant having a good prima facie case and appellant is sanguine about its success.

It is therefore humbly prayed that on acceptance of this application the impugned posting transfer impugned Notification Order No.SO(SM)E&SED/2-1 /2019 /Posting /Transfer /MC dated 18.01.2019 be suspended and the earlier posting order dated 24.12.2018 may kindly be restored till the final disposal of the accompanying service appeal.

~~MAHJIB~~  
Appellant

through



Inayat Ullah Khan  
Advocate High Court  
LL. M (U.K)

~~ATTESTED~~

42

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

S.A.No. \_\_\_\_/2019

Muhammad Tariq..... Appellant

Versus

The Government of Khyber Pakhtunkhwa  
& others..... Respondents

AFFIDAVIT

I, **Muhammad Tariq** son of Noor Ali Khan R/o Molla Khel Tehsil and District Bannu (Sub Divisonal Male Officer BPS-17) Presently serving as SDEO Thall District Hangu do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*M.A. Fe*  
Deponent

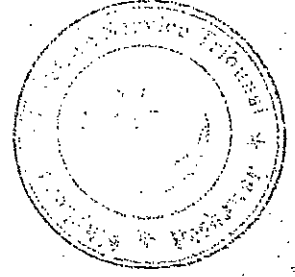
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ATTESTED

Annexure (43)  
K

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 523/2019**

Date of institution ... 24.04.2019  
Date of judgment ... 16.10.2019



Muhammad Tariq son of Noor Ali Khan  
R/o Molla Khel Tehsil and District Bannu  
(Sub-Divisional Male Officer BPS-17)  
Presently serving as SDEO Thall District Hangu

... (Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary & Secondary Education to Government of Khyber Pakhtunkhwa Peshawar.
3. Director, Elementary & Secondary Education to Government of Khyber Pakhtunkhwa Peshawar.
4. Mr. Muhammad Irshad Sub-Divisional Education Officer (SDEO) Tehsil and District Bannu.

... (Respondents)

Appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned transfer Notification Order No. SO(SM)E&SED/2-1/2019 Posting/Transfer/MC dated 18.01.2019, whereby the appellant was transferred from the post of SDEO Male Bannu (BPS-17) to the post of SDEO (Male) Thall Hangu by the respondent No. 2 purely on the basis of political influence exerted/put forth/used by respondent No. 4 through MPA namely Pakhtunyar Khan which act is not only against the posting and transfer of Education Policy of 2009 and also a misconduct under the E&D Rules 2011.

ATTESTED  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Mr. Inayat Ullah Khan, Advocate. .. For appellant.  
Mr. Kabirullah Khattak, Additional AG .. For official respondents No. 1 to 3.  
Syed Noman Ali Bukhari, Advocate. .. For private respondent No. 4.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)  
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER: -** Appellant

alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate

M. Amin  
16.10.2019

IS  
CS  
CS  
K

General for official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant and private respondent No. 4 were promoted from the post of Assistant Sub-Divisional Education Officer/Assistant District Education Officer (BPS-16) to the post of Sub-Divisional Education Officer/Assistant Director (BPS-17) (Management Cadre) alongwith 57 others vide order dated 26.09.2018. The appellant was adjusted/posted as Assistant Director (BPS-17) at the office of Directorate of Elementary & Secondary Education while the private respondent namely Muhammad Irshad was posted/adjusted as Sub-Divisional Education Officer (BPS-17) at Tall Hangu vide order dated 29.10.2018. The appellant waiting for posting was adjusted as SDEO (Male) Bannu vide order dated 24.12.2018. Later on, the appellant was transferred from the post of SDEO (Male) Bannu to the post of SDEO (Male) Tall Hangu while private respondent No. 4 Muhammad Irshad was transferred from the post of SDEO (M) Tall Hangu to the post of SDEO (Male) Bannu at the place of the appellant vide order dated 18<sup>th</sup> January 2019. The appellant challenged the impugned order dated 18<sup>th</sup> January 2019 before the worthy High Court in Writ Petition and the worthy High Court disposed of the Writ Petition and treated the same as representation and sent to the departmental authority for decision in accordance with law within a period of one month from the date of receipt of copy of order vide judgment dated 23.01.2019. The departmental authority has not decided the same within statutory period hence, the present service appeal on 24.04.2019.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant after promotion to (BPS-17) was posted as Assistant Director (BPS-17) at

*M. Bannu*  
15.10.2019

ATTESTED  
  
 District Education Officer  
 Tal Chakrala  
 Peshawar

(45)

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide order dated 29.10.2018. It was further contended that the appellant was transferred to Bannu as SDEO (Male) vide order dated 24.12.2018 and assumed the charge. It was further contended that again the appellant was transferred from the post of SDEO (Male) Bannu to SDEO (Male) Tall Hangu while the private respondent No. 4 namely Muhammad Irshad was posted/adjusted from the post of SDEO (Male) Tall Hangu to the post of SDEO (M) Bannu at the place of the appellant vide order dated 18.01.2019 without completing normal tenure by the appellant. It was further contended that the appellant challenged the said order through Writ Petition which was treated as departmental appeal with the direction to departmental authority to decide the same within one month but the departmental authority has not decided the same. It was further contended that the impugned order is violate of Article 2-A, 4 and 25 of the Constitution of Islamic Republic of Pakistan. It was further contended that the impugned order dated 18.01.2019 has passed by the competent authority against the transfer posting policy as the appellant was transferred from Bannu to Thall Hangu just after 20 days. It was further contended that the impugned order was passed by the competent

*Handwritten note:*  
16.10.2019

Committee and liable to be set-aside and prayed for acceptance of appeal.

**ATTACHED**

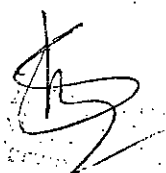
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5. On the other hand, learned Additional Advocate General for official respondents No. 1 to 3 and learned counsel for private respondent No. 4 opposed the contention of learned counsel for the appellant and contended that competent authority has rightly passed the impugned order on the basis of merit list. It was further contended that the impugned transfer order of the appellant

and private respondent has been passed in accordance with the policy and rules and the same is not suffering from legal defects. It was further contended that the appellant was posted at Bannu due to political influence therefore, the competent authority has rightly passed the impugned order dated 18.01.2019. It was further contended that the appellant has also been transferred from the post of SDEO (Male) Tall Hangu to the post of SDEO (Male) Shangla vide order dated 13.09.2019 during the pendency of the present service appeal but neither the appellant has challenged the said order through departmental appeal nor has challenged the same in the present service appeal therefore, it was vehemently contended that the present service appeal has become infructuous. It was further contended that under Section 10 of the Civil Servants Act, the competent authority is empowered to transfer a civil servant from one place to another place to meet the exigency of service on administration provided the terms and conditions of services were not adversely affected and the civil servant has no vested right to claim posting or transfer to any particular place at his choice nor he has any right to continue to hold at particular post at a particular place therefore, it was vehemently contended that the appeal has no force and prayed for dismissal of appeal.

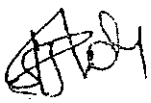
6. Perusal of the record reveals that the appellant and private respondent were promoted from the post of Assistant Sub-Divisional Education Officer/Assistant District Education Officer (BPS-16) to the post of Sub-Divisional Education Officer/Assistant Director (BPS-17) (Management Cadre) alongwith 57 others vide order dated 26.09.2018. The appellant was shown in the said promotion order at serial no. 49 while the private respondent was shown at serial no. 9. The record further reveals that the appellant was adjusted/posted as Assistant Director (BPS-17) at the office of Directorate of Elementary & Secondary Education while the private respondent namely Muhammad Irshad was posted/adjusted as Sub-Divisional Education Officer

M. H. Khan  
16.10.2019

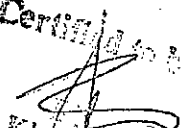
  
Peshawar

(BPS-17) at Tall Hangu vide order dated 29.10.2018. The record further reveals that the appellant waiting for posting was transferred as SDEO (Male) Bannu vide order dated 24.12.2018. The record further reveals that the appellant was transferred from the post of SDEO (Male) Bannu to the post of SDEO (Male) Tall Hangu while private respondent No. 4 Muhammad Irshad was transferred from the post of SDEO (M) Tall Hangu to the post of SDEO (Male) Bannu at the place of the appellant vide order dated 18<sup>th</sup> January 2019. The record further reveals that after availing remedy of departmental appeal, the appellant filed the present service appeal on 24.04.2019 however, during the pendency of the present service appeal, the respondent-department again transferred the appellant from the post of SDEO (Male) Tall Hangu to the post of SDEO (Male) Shangla vide order dated 13.09.2019 but the appellant has neither challenged the said transfer order dated 13.09.2019 through departmental appeal nor has challenged the same in the instant service appeal. Meaning thereby, that the present service appeal against the impugned transfer order dated 18.01.2019 become infructuous. Furthermore, under Section-10 of the Civil Servants Act, the competent authority is empowered to transfer a civil servant from one place to another place to meet the exigency of service on administration provided the terms and conditions of services were not adversely affected and the civil servant has no vested right to claim posting or transfer to any particular place at his choice nor he has any right to continue to hold at particular post at a particular place therefore, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

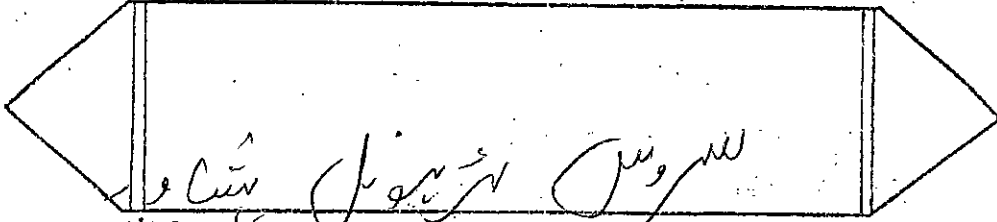
ANNOUNCED  
16.10.2019

  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

  
Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

بعدالت



پتہ 2، منجانب

محمد طاہر بنام گورنمنٹ آف ایف ڈی  
وفاقی

موزخہ  
مقدمہ 19 ایف ڈی SA  
دعویٰ  
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام P.H.C کیلئے عبداللہ محمد خان کی طرف سے کی گئی ہے۔  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز (4) LLM  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ پر حلف دینے جو جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں 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 بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ  
پر اختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جائز التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب یا بند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

محمد طاہر

المرقوم 07 ماہ 12 2019

Attested  
accepted by

Inayat Ullah  
Adv

LLM  
(LLM)

بمقام سناور

لئے منظور ہے۔



**THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR.**

Service Appeal No: 1727/2019

and Tariq (Sub Divisional Male Officer BS-17 Hangu.....Appellant

Versus

Govt: of Khyber Pakhtunkhwa through Chief Secretary & Others.....Respondents

Para wise comments/Reply on behalf of respondents.

Respectfully sheweth:

**PRELIMINARY OBJECTIONS ON SERVICE APPEAL.**

- 1- That the appellant has got no cause of action and locus standi to lodge the instant service appeal before this honorable tribunal.
- 2- That appeal of the appellant is bad for non-joinder and miss joinder of the necessary parties.
- 3- That the instant service appeal is not maintainable and tenable in the eyes of law, is liable to be set, aside.
- 4- That the appeal of the appellant is suffering from material, factual and legal defects.
- 5- That the appellant has filed the instant service appeal before this tribunal just to pressurize the replying respondents and tries to make interference in public service as well as in smooth running of official business.
- 6- That the appellant better knows that respondent No.4 is senior to him in service etc.
- 7- That postings and transfers are purely administrative matters and are exercised in the betterment of Government employees as well as public service.
- 8- That according to policy and rules no officer of management cadre can be posted in his native town/Sub Division and District while the appellant is a bonafied resident of District Bannu, Sub Division Bannu.
- 9- That the appellant is chronic litigant and throughout his entire service history, he has contested cases and trials against his higher-ups.
- 10- Section 4 of /10 of the Khyber Pakhtunkhwa Civil Servant Act,1973 empowers the Competent Authority regularly posting / transfer of Civil Servant to anywhere in the province.

**REPLY TO FACTS.**

- 1- That 1<sup>st</sup> Para of the appeal pertains to the appointment and promotion from the post of ASDEO (BS-16) to SDEO (BS-17), however, it would not be out of place to mention that appellant in accordance of seniority is junior to private respondent No.4. the appellant is standing at S.No. 49 while private respondent No.4 is on S.No 9.
- 2- That para pertains to record.
- 3- As already explained in the foregoing para.
- 4- That the appellant's transfer vide Notification order No. SO(SM)E&SED/2-1/2018/Posting/Transfer Dated 24.12.2018 was against the vacant post, but later on the respondent No.4 submitted an appeal that according to seniority the appellant is much junior than private respondent No.4.
- 5- That private respondent No.4 on the basis of his merit as well as seniority position was transferred/adjusted against the post of SDEO Male (BS-17) at District Bannu whereas the appellant was adjusted at District Hangu vide Notification No. SO(SM)E&SED/2-1/2009/

Posting/Transfer Dated 18/01/2019. That the said transfer/adjustment has been made purely on merit and policy. That no political influence or pressure has been exercised in the instant case.

- 6- That the instant Para of the appeal is relevant to the record of Peshawar High Court Bannu Bench in writ petition No. 62/2019 titled Muhammad Tariq versus Govt. of Khyber Pakhtunkhwa and others, the Para being legal and related to judicial record, hence no comments.
- 7- That under Section-10 of Civil Servant Act, the Competent Authority is empowered to transfer a civil servant from one place to another place to meet the exigency of service on administration provided the terms and conditions of services were not adversely affected and the civil servant has no vested right to claim posting or transfer to any particular post at his choice nor he has any right to continue to hold at particular post at a particular place.
- 8- That incorrect and not admitted as the appellant is not an aggrieved person as because all transfers/adjustments and postings are made in the interest of public services on administrative grounds, hence the plea of the appellant is liable to be dismissed along with his service appeal on the following grounds.

**REPLY TO GROUNDS:-**

- a- Incorrect: The transfer/adjustment order of the appellant has been issued in accordance of policy and rules and the same is not suffering from material and legal defects. The same is tenable in the eyes of law. That the appellant has quoted and referred the National Education Policy 2009 whereas the said policy time and again emphasizes that transfer and posting shall be based on merits.
- b- That incorrect and not admitted: That private respondent No.4 on the basis of his merit and seniority has been transferred to the post of SDEO (BS-17) at Bannu but not on the basis of using political influence etc.
- c- Incorrect and not admitted: No political consideration, mala-fide and ill will has been exercised with the appellant on the part of replying respondents.
- d- That the instant Para pertains to national education policy 2009/2017. It is important to note that transfer/adjustment orders of the appellant and that private respondent No.4 etc, has been made keeping in view their merit position and seniority.

It is therefore most humbly prayed that keeping in view the above Para wise comments/reply in response to service appeal No. 523/2019, this Honorable Tribunal may very graciously be pleased to dismiss the appeal filed by the appellant with heavy cost throughout.

  
(Secretary)  
E&SE Department KP

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.**

**Appeal No. 1727/2019**

Muhammad Tariq

Vs

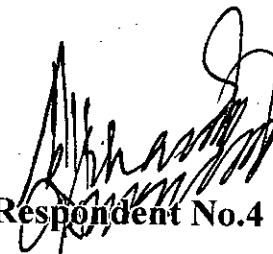
Govt of KPK

**APPLICATION FOR DELETION OF NAME OF THE  
PRIVATE RESPONDENT NO.4 FROM THE PANEL OF  
RESPONDENTS.**


**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the above captioned appeal wherein he has challenged the transferred order dated 13.09.2019 where the appellant was transferred from male Tall Hangu to Shangla.
2. That the order challenged before the Hon'ble Tribunal has no bearing/concern upon the right of respondent no.4 because the respondent no.4 was posted as Male Bannu. the respondent no.4 was party in the instant appeal only on the basis of personal grudges, to mentally torture the respondent no.4.
3. That the earlier appeal no 523/2019 wherein the respondent no.4 transfer order dated 18.01.2019 was challenged by the appellant and the same was dismissed by this Hon'ble Tribunal and maintained the order dated 18.01.2019. So the same cannot be re-opened before this Hon'ble Tribunal which is violation of rule 23 of Service Tribunal Rules 1974. If the appellant aggrieved from the Hon'ble Tribunal Judgment, the same may be challenged before the supreme court.
4. That in the instant appeal order dated 13.09.2019 has been challenged, which has no concerned with the respondent no.4. If the order dated 13.09.2019 is set aside by the tribunal, then the appellant was posted at male tall Hangu, which will not affected the right of the respondent no.4 because the posting of respondent no.4 was at SDEO male Bannu and has no concerned with the order dated 13.09.2019.
5. That the respondent no.4 was only party in this appeal on the basis of personal grudges, to mentally torture the respondent no.4 but nothing else, so the name of respondent No.4 may be deleted from the panel of respondent.

It is most therefore, humbly prayed that on acceptance of this application the respondent no.4 may be erase from the panel of respondents in the instant appeal in interest of justice to save the time of court and respondent no.4. Any other remedy which this Tribunal deems fit and appropriate that may also be awarded in favour of the applicants.

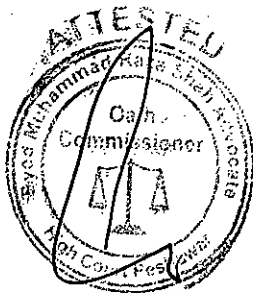
  
Respondent No.4

Through:

  
(Syed Noman Ali Bukhari)  
Advocate High Court.

**AFFIDAVIT:**

It is affirmed on oath that the contents of application are true and correct and nothing has been concealed form this Honb'le Tribunal.



  
Deponent

**VAKALAT NAMA**

Appeal NO. 1797 /2019.

IN THE COURT OF KIP Service Tribunal, Peshawar

Muhammed Paria (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

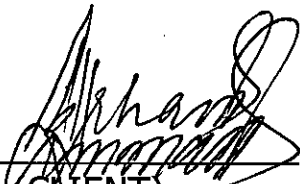
Education Deptt (Respondent)  
(Defendant)

I/We, Respondent No.4

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI 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

  
**SYED NOMAN ALI BUKHARI**  
Advocate High Court Peshawar.

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

**PESHAWAR.**

**Service Appeal No: 1727/2019**

**Muhammad Tariq (Sub Divisional Male Officer BS-17 Hangu.....Appellant**

**Versus**

**Govt: of Khyber Pakhtunkhwa through Chief Secretary & Others.....Respondents**

**Para wise comments/Reply on behalf of respondents.**

**Respectfully sheweth:**

**PRELIMINARY OBJECTIONS ON SERVICE APPEAL.**

- 1- That the appellant has got no cause of action and locus standi to lodge the instant service appeal before this honorable tribunal.
- 2- That appeal of the appellant is bad for non-joinder and miss joinder of the necessary parties.
- 3- That the instant service appeal is not maintainable and tenable in the eyes of law, is liable to be set, aside.
- 4- That the appeal of the appellant is suffering from material, factual and legal defects.
- 5- That the appellant has filed the instant service appeal before this tribunal just to pressurize the replying respondents and tries to make interference in public service as well as in smooth running of official business.
- 6- That the appellant better knows that respondent No.4 is senior to him in service etc.
- 7- That postings and transfers are purely administrative matters and are exercised in the betterment of Government employees as well as public service.
- 8- That according to policy and rules no officer of management cadre can be posted in his native town/Sub Division and District while the appellant is a bonafied resident of District Bannu, Sub Division Bannu.
- 9- That the appellant is chronic litigant and throughout his entire service history, he has contested cases and trials against his higher-ups.
- 10- Section 4 of /10 of the Khyber Pakhtunkhwa Civil Servant Act,1973 empowers the Competent Authority regularly posting / transfer of Civil Servant to anywhere in the province.

**REPLY TO FACTS.**


- 1- That 1<sup>st</sup> Para of the appeal pertains to the appointment and promotion from the post of ASDEO (BS-16) to SDEO (BS-17), however, it would not be out of place to mention that appellant in accordance of seniority is junior to private respondent No.4. the appellant is standing at S.No. 49 while private respondent No.4 is on S.No 9.
- 2- That para pertains to record.
- 3- As already explained in the foregoing para.
- 4- That the appellant's transfer vide Notification order No. SO(SM)E&SED/2-1/2018/Posting/Transfer Dated 24.12.2018 was against the vacant post, but later on the respondent No.4 submitted an appeal that according to seniority the appellant is much junior than private respondent No.4.
- 5- That private respondent No.4 on the basis of his merit as well as seniority position was transferred/adjusted against the post of SDEO Male (BS-17) at District Bannu whereas the appellant was adjusted at District Hangu vide Notification No. SO(SM)E&SED/2-1/2009/

- Posting/Transfer Dated 18/01/2019. That the said transfer/adjustment has been made purely on merit and policy. That no political influence or pressure has been exercised in the instant case.
- 6- That the instant Para of the appeal is relevant to the record of Peshawar High Court Bannu Bench in writ petition No. 62/2019 titled Muhammad Tariq versus Govt. of Khyber Pakhtunkhwa and others, the Para being legal and related to judicial record, hence no comments.
  - 7- That under Section-10 of Civil Servant Act, the Competent Authority is empowered to transfer a civil servant from one place to another place to meet the exigency of service on administration provided the terms and conditions of services were not adversely affected and the civil servant has no vested right to claim posting or transfer to any particular post at his choice nor he has any right to continue to hold at particular post at a particular place.
  - 8- That incorrect and not admitted as the appellant is not an aggrieved person as because all transfers/adjustments and postings are made in the interest of public services on administrative grounds, hence the plea of the appellant is liable to be dismissed along with his service appeal on the following grounds.

**REPLY TO GROUNDS:-**

- a- Incorrect: The transfer/adjustment order of the appellant has been issued in accordance of policy and rules and the same is not suffering from material and legal defects. The same is tenable in the eyes of law. That the appellant has quoted and referred the National Education Policy 2009 whereas the said policy time and again emphasizes that transfer and posting shall be based on merits.
- b- That incorrect and not admitted: That private respondent No.4 on the basis of his merit and seniority has been transferred to the post of SDEO (BS-17) at Bannu but not on the basis of using political influence etc.
- c- Incorrect and not admitted: No political consideration, mala-fide and ill will has been exercised with the appellant on the part of replying respondents.
- d- That the instant Para pertains to national education policy 2009/2017. It is important to note that transfer/adjustment orders of the appellant and that private respondent No.4 etc, has been made keeping in view their merit position and seniority.

It is therefore most humbly prayed that keeping in view the above Para wise comments/reply in response to service appeal No. 523/2019, this Honorable Tribunal may very graciously be pleased to dismiss the appeal filed by the appellant with heavy cost throughout.

  
(Secretary)  
E&SE Department KP

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,  
PESHAWAR.

S.A.No.1727/2019

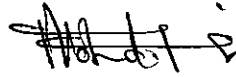
Muhammad Tariq..... Appellant

Versus


The Government of Khyber Pakhtunkhwa  
& others..... Respondents

**I N D E X**

| S.No. | Description of documents.                                                              | Annexure | Pages. |
|-------|----------------------------------------------------------------------------------------|----------|--------|
| 1.    | Rejoinder                                                                              |          | 1-4    |
| 2.    | Affidavit.                                                                             |          | 5      |
| 3.    | Copy of CNIC                                                                           |          | 6      |
| 4.    | Copy voter list of respondent No.4                                                     |          | 7-13   |
| 5.    | Copy of notification dated 19.07.2018 regarding merger of FR Bannu into District Bannu |          | 14-15  |

  
Appellant

Through

  
**Inayat Ullah Khan**  
Advocate High Court  
LL.M (U.K)

Dated: 28.07.2020



0

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,  
PESHAWAR.

S.A.No.1727/2019

Muhammad Tariq..... Appellant

Versus

The Government of Khyber Pakhtunkhwa  
& others..... Respondents

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REJOINDER ON BEHALF OF APPELLANT  
WITH REGARD TO THE PARA-WISE  
COMMENTS SUBMITTED BY  
RESPONDENTS.

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*Respectfully Sheweth;*

Reply Preliminary objections:

1-10) Preliminary Objections No.1 to 10 of the para-wise comments are incorrect, hence denied.

With regard to preliminary objections 6,7,8,9 and 10, it is submitted that seniority of a civil servant is no ground for claiming posting and that too when the appellant was prematurely transferred against the provisions of Posting and Transfer Policy formulated by the Provincial Government. In a recent judgment case title Dr.Barkat Ali v/s Chief Minister KP and others, the premature transfer order of the appellant Dr.Barkat Ali was set aside with direction to the respondents to respondents to allow the appellant to complete his

tenure against his post as Director Merged Areas ARI Tarnab, Peshawar. It was further held that the respondents must follow the Posting and Transfer Policy in its letter and spirit. (Copy of judgment will be produced at the time of arguments).

It is pertinent to mention that more than 45 officers/ SDEOs have been posted by the Provincial Government in their native town, hence this plea raised by the respondents is without substance and fore. It is further stated that both the appellants and respondent No.4 belong to District Bannu, therefore, the argument that the appellant cannot be posted at his native town is itself rebutted by posting respondent No.4 at District Bannu.

(Copies of CNIC, voter list of respondent No.4 are enclosed with this rejoinder).

REPLY ON FACTS:

- 1) Para-1 is denied to the extent that seniority is no ground for making premature posting and transfer orders when both civil servants are in same grade.
- 2) Para-2 needs no reply.
- 3) Para-3 is incorrect, hence denied.
- 4) With regard to Para-4 it is submitted that the appellant was posted against the post of SDEO on 24.12.2018 whereby he was transferred from the said position in less than a month time on 18.01.2019, which is clear cut violation of the mandatory provision of Posting and Transfer Policy of the provincial government wherein in a normal period of two years tenure provided.

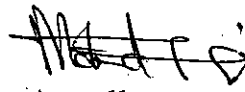
- 5) Para-5 is incorrect, hence denied. The respondents did not meet the question of premature transfer of the appellant rather raised a flimsy ground to justify the premature transfer of the appellant. It further stated that no regard whatsoever was given to the posting and transfer policy formulated by the Govt. rather the appointment of respondent No.4 was clearly influenced on the basis of political considerations, which is a misconduct under E&D Rules, 2011.
- 6) Para No.6 needs no reply.
- 7) With regard to Para No.7 it is submitted that no doubt section 10 of Civil Servant Act empowers the authority to transfer a civil servant from one place to another but strictly in terms of the Posting and Transfer Policy formulated by the Provincial Government, hence the posting and transfer of respondent No.4 was against public interest and made on political consideration which factum is not only clearly violative of section 10 of Civil Servant Act but also various clauses of Posting and Transfer Policy. It is authoritatively held by the August Supreme Court in various rulings that premature transfer made on the basis of extraneous considerations always justiciable and subject to judicial scrutiny.
- 8) Para-8 is incorrect, hence denied. The malafide of the respondent can be easily evident from the fact that the appellant was firstly premature transferred from District Bannu on 18.01.20219 to District Hangu in less than a month time and thereafter he was transferred again in sheer violation of the provisions of Posting and Transfer Policy from District Hangu to Chakesar District Shangla on 13.07.2019 inspite that the provincial government has imposed ban on posting and transfer.

**REPLY ON GROUNDS:**

All Ground "a to d" of para-wise comments are incorrect, hence denied while that of appeal are correct and legally set up in terms of various clauses of Posting and Transfer Policy of the Provincial Government.

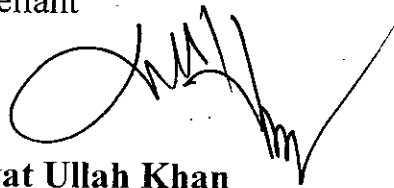
It is pertinent to mention that it is a case of premature transfer, firstly from District Bannu to District, Hangu and thereafter from District Hangu District Shangla. The respondents did not allow the appellant his normal tenure of two years service at District Bannu, hence having a good prima facie case and sanguine about its success.

In view of the above submissions, it is, most humbly prayed that the legal points raised in the rejoinder are to be considered in its true perspective and the appeal of the appellant may please be accepted with cost.



Appellant

Through



**Inayat Ullah Khan**  
Advocate High Court  
LL.M (U.K)

Dated: 28.07.2020

5

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK,

PESHAWAR.

S.A.No.1727/2019

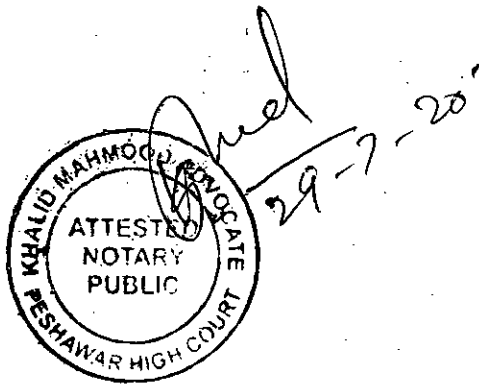
Muhammad Tariq..... Appellant

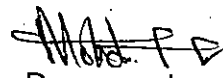
Versus

The Government of Khyber Pakhtunkhwa  
& others..... Respondents

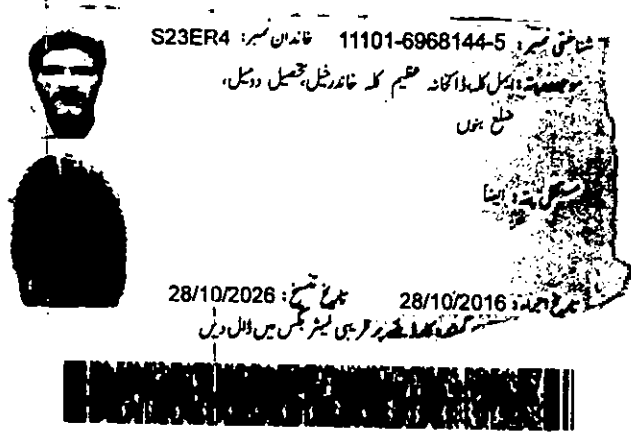
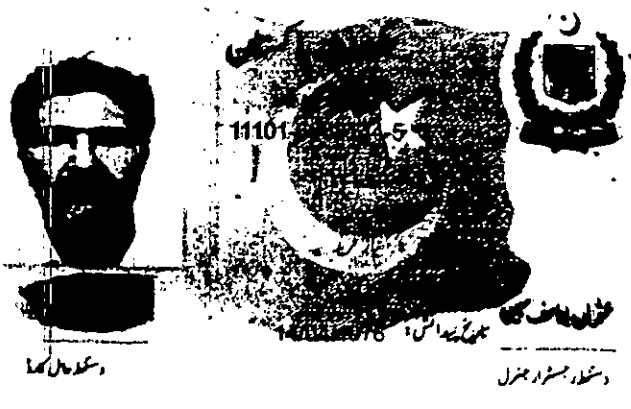
**AFFIDAVIT**

I, **Muhammad Tariq** son of Noor Ali Khan R/o Molla Khel Tehsil and District Bannu (Sub Divisional Male Officer BPS-17) Presently serving as SDEO Thall District Hangu do hereby affirm and declare on oath that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



  
Deponent

6



بنفٹ PK-87

شماریاتی بلاک کوڈ

(7)

0 5 3 0 1 0 3 0 9

## حتمی انتخابی فہرست

انتخابی علاقے کا نام خاندان خیل

پتو اور حلقہ / تپے دار سرکل کا نام خاندان خیل

موضع / دیہہ / شہر خاندان خیل

یونین کونسل

بٹوں

ضلع

دو تہیل

تحصیل / علاقہ

| ووٹروں کی تفصیل |         |
|-----------------|---------|
| 806             | مرد     |
| 643             | خواتین  |
| 1449            | کل ووٹر |



0 5 3 0 1 0 3 0 9

DECARO BANNU

پر ٹنگ کی تاریخ: 20 مئی 2018

کتاب نمبر: 563/622

8

# حتمی انتخابی فہرست (مرد)

خاندر خان خیل

قلمی علاقے کا نام

ضلع اڑیسہ ایچ خاندر خان خیل

پتو اور حلقہ ایچ ڈاں سرکل کا نام خاندر خان خیل

تحصیل / علاقہ ڈو میں

بھون

شاریاتی بلاک کوڈ

053010309

یونین کونسل

| سلسلہ نمبر | گھرانہ نمبر | نام                | والد کا نام     | قلمی شناختی کارڈ نمبر | عمر | پتہ                                                                     |
|------------|-------------|--------------------|-----------------|-----------------------|-----|-------------------------------------------------------------------------|
| 1          | 1           | شیر حیدر           | سلائی           | 11101-0957507-9       | 87  | اعظمیہ کور، تحصیل، ضلع بھون                                             |
| 2          | 1           | گل فراد            | شیر حیدر        | 11101-8043932-7       | 49  | ڈاک خان، اعظمیہ کور، تحصیل، ضلع بھون                                    |
| 3          | 1           | نوا عبد            | شیر حیدر        | 11101-3461927-7       | 47  | سکن اعظمیہ کور، تحصیل، ڈو میں                                           |
| 4          | 1           | نوراض اللہ خان     | شیر حیدر        | 11101-0510522-9       | 45  | اعظمیہ کور، تحصیل، ضلع بھون                                             |
| 5          | 1           | نوراض اللہ         | شیر حیدر        | 11101-8770289-7       | 29  | اعظمیہ کور، تحصیل، ضلع بھون                                             |
| 6          | 1           | نور ساجد           | گل فراد         | 11102-0365192-3       | 19  | ڈاک خان، اعظمیہ کور، خاندر خان خیل، تحصیل، ڈو میں، ضلع بھون             |
| 7          | 2           | محمد الرشید خان    | اسد ملوک خان    | 11101-1446108-3       | 87  | اعظمیہ کور، تحصیل، ضلع بھون                                             |
| 8          | 2           | میر حسن خان        | محمد رشید       | 11101-5457305-5       | 60  | اعظمیہ کور، تحصیل، ضلع بھون                                             |
| 9          | 2           | مدرس خان           | محمد رشید خان   | 11101-3804917-3       | 55  | اعظمیہ کور، ڈاک خان، اعظمیہ کور، خاندر خان خیل، تحصیل، ڈو میں، ضلع بھون |
| 1          | 2           | ریاض خان           | محمد رشید       | 11101-1618377-3       | 51  | ڈو میں، تحصیل، ضلع بھون                                                 |
| 1          | 2           | امجد علی خان       | محمد رشید خان   | 11101-1432201-5       | 48  | اعظمیہ کور، تحصیل، ضلع بھون                                             |
| 1          | 2           | جمال اسفندیار      | مدرس خان        | 11101-6533506-7       | 27  | اعظمیہ کور، ڈاک خان، اعظمیہ کور، خاندر خان خیل، تحصیل، ڈو میں، ضلع بھون |
| 1          | 2           | داؤد علی بختون یار | مدرس خان        | 11101-6711182-7       | 22  | ڈاک خان، اعظمیہ کور، خاندر خان خیل، تحصیل، ضلع بھون                     |
| 1          | 2           | محمد آصف           | ریاض خان        | 11102-0349812-1       | 22  | ڈاک خان، اعظمیہ کور، خاندر خان خیل، تحصیل، ضلع بھون                     |
| 1          | 3           | فرود حسین خان      | گل رحیم         | 11101-1434736-3       | 60  | اعظمیہ کور، تحصیل، ڈو میں                                               |
| 1          | 3           | محمد شہد خان       | گل رحیم خان     | 11101-1434513-9       | 49  | اعظمیہ کور، تحصیل، ڈو میں                                               |
| 1          | 3           | مکتب اللہ خان      | گل رحیم خان     | 11101-1440023-7       | 42  | اعظمیہ کور، تحصیل، ڈو میں                                               |
| 1          | 3           | محمد رومان         | محمد مومن       | 56503-7843839-3       | 31  | اعظمیہ کور، تحصیل، ڈو میں                                               |
| 1          | 3           | فرانز دل خان       | گل رحیم خان     | 11101-2051592-1       | 32  | اعظمیہ کور، تحصیل، ڈو میں                                               |
| 1          | 3           | فرمان اللہ         | محمد مومن       | 11101-2570116-7       | 27  | اعظمیہ کور، تحصیل، ڈو میں                                               |
| 1          | 3           | سکندر              | فرود حسین خان   | 17301-5703411-1       | 24  | اعظمیہ کور، تحصیل، ڈو میں                                               |
| 1          | 4           | شہنشاہ             | محمد طارق عثمان | 11101-1488114-1       | 61  | سکن اعظمیہ کور، تحصیل، ڈو میں                                           |
| 1          | 4           | شار احمد           | محمد طارق       | 11101-1478495-1       | 55  | سکن اعظمیہ کور، تحصیل، ڈو میں                                           |
| 1          | 4           | شہنشاہ علی خان     | محمد طارق خان   | 11101-1478881-1       | 51  | سکن اعظمیہ کور، تحصیل، ڈو میں                                           |

PRO, BANNU

برائے نمائندگی کی تاریخ 20 مئی 2018ء

563/622 053010309 صفحہ نمبر 1/54

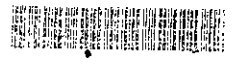


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|----|-----------------|------------|------------|----|----|
| 31 | 11101-4952531-7 | 05/11/2017 | 05/11/2017 | 13 | 32 |
| 33 | 11101-5075191-3 | 05/11/2017 | 05/11/2017 | 13 | 31 |
| 81 | 11101-1471381-1 | 05/11/2017 | 05/11/2017 | 13 | 50 |
| 29 | 11101-5339202-5 | 05/11/2017 | 05/11/2017 | 12 | 49 |
| 31 | 11101-5819702-9 | 05/11/2017 | 05/11/2017 | 12 | 48 |
| 23 | 11102-0359998-1 | 05/11/2017 | 05/11/2017 | 11 | 47 |
| 23 | 11102-0347120-7 | 05/11/2017 | 05/11/2017 | 11 | 46 |
| 24 | 11102-0343610-5 | 05/11/2017 | 05/11/2017 | 11 | 45 |
| 56 | 11101-1467222-6 | 05/11/2017 | 05/11/2017 | 11 | 44 |
| 74 | 11101-5954231-9 | 05/11/2017 | 05/11/2017 | 11 | 43 |
| 26 | 11101-1052191-2 | 05/11/2017 | 05/11/2017 | 10 | 42 |
| 32 | 22201-6375635-7 | 05/11/2017 | 05/11/2017 | 10 | 41 |
| 36 | 22201-9311306-7 | 05/11/2017 | 05/11/2017 | 10 | 40 |
| 66 | 11101-8490343-1 | 05/11/2017 | 05/11/2017 | 10 | 39 |
| 49 | 22201-0579376-3 | 05/11/2017 | 05/11/2017 | 9  | 38 |
| 55 | 11101-1279169-7 | 05/11/2017 | 05/11/2017 | 8  | 37 |
| 27 | 11101-5975749-2 | 05/11/2017 | 05/11/2017 | 8  | 36 |
| 31 | 11101-9459632-5 | 05/11/2017 | 05/11/2017 | 8  | 35 |
| 52 | 11101-0856605-2 | 05/11/2017 | 05/11/2017 | 8  | 34 |
| 54 | 11101-5265008-7 | 05/11/2017 | 05/11/2017 | 8  | 33 |
| 80 | 11101-0550356-3 | 05/11/2017 | 05/11/2017 | 8  | 32 |
| 22 | 11102-0359794-1 | 05/11/2017 | 05/11/2017 | 7  | 31 |
| 24 | 11102-0345662-5 | 05/11/2017 | 05/11/2017 | 7  | 30 |
| 60 | 11101-5004514-9 | 05/11/2017 | 05/11/2017 | 7  | 29 |
| 36 | 11101-1443177-1 | 05/11/2017 | 05/11/2017 | 6  | 28 |
| 38 | 42401-4147776-3 | 05/11/2017 | 05/11/2017 | 6  | 27 |
| 48 | 11101-5081585-7 | 05/11/2017 | 05/11/2017 | 6  | 26 |
| 25 | 11102-0339504-9 | 05/11/2017 | 05/11/2017 | 5  | 25 |
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|----|----|-----------------|-----------------|-----------------|-----------------|-----------------|
| 80 | 18 | 11101-8864251-7 | 11101-8864251-7 | 11101-8864251-7 | 11101-8864251-7 | 11101-8864251-7 |
| 79 | 18 | 11101-8712843-9 | 11101-8712843-9 | 11101-8712843-9 | 11101-8712843-9 | 11101-8712843-9 |
| 78 | 18 | 11101-7841285-1 | 11101-7841285-1 | 11101-7841285-1 | 11101-7841285-1 | 11101-7841285-1 |
| 77 | 18 | 11101-4156943-3 | 11101-4156943-3 | 11101-4156943-3 | 11101-4156943-3 | 11101-4156943-3 |
| 76 | 18 | 11101-7760289-1 | 11101-7760289-1 | 11101-7760289-1 | 11101-7760289-1 | 11101-7760289-1 |
| 75 | 17 | 11102-0367773-9 | 11102-0367773-9 | 11102-0367773-9 | 11102-0367773-9 | 11102-0367773-9 |
| 74 | 17 | 11101-6155862-7 | 11101-6155862-7 | 11101-6155862-7 | 11101-6155862-7 | 11101-6155862-7 |
| 73 | 17 | 11101-1521076-3 | 11101-1521076-3 | 11101-1521076-3 | 11101-1521076-3 | 11101-1521076-3 |
| 72 | 17 | 11101-1521075-7 | 11101-1521075-7 | 11101-1521075-7 | 11101-1521075-7 | 11101-1521075-7 |
| 71 | 17 | 11101-1521073-7 | 11101-1521073-7 | 11101-1521073-7 | 11101-1521073-7 | 11101-1521073-7 |
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| 69 | 17 | 11101-1521073-3 | 11101-1521073-3 | 11101-1521073-3 | 11101-1521073-3 | 11101-1521073-3 |
| 68 | 17 | 11101-1521070-9 | 11101-1521070-9 | 11101-1521070-9 | 11101-1521070-9 | 11101-1521070-9 |
| 67 | 17 | 11101-1521045-1 | 11101-1521045-1 | 11101-1521045-1 | 11101-1521045-1 | 11101-1521045-1 |
| 66 | 17 | 11101-1521042-9 | 11101-1521042-9 | 11101-1521042-9 | 11101-1521042-9 | 11101-1521042-9 |
| 65 | 16 | 11101-8165766-3 | 11101-8165766-3 | 11101-8165766-3 | 11101-8165766-3 | 11101-8165766-3 |
| 64 | 16 | 11101-2103922-9 | 11101-2103922-9 | 11101-2103922-9 | 11101-2103922-9 | 11101-2103922-9 |
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| 62 | 16 | 11101-7443861-7 | 11101-7443861-7 | 11101-7443861-7 | 11101-7443861-7 | 11101-7443861-7 |
| 61 | 16 | 90406-0133494-3 | 90406-0133494-3 | 90406-0133494-3 | 90406-0133494-3 | 90406-0133494-3 |
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| 59 | 15 | 11101-6917632-5 | 11101-6917632-5 | 11101-6917632-5 | 11101-6917632-5 | 11101-6917632-5 |
| 58 | 15 | 11101-5826157-7 | 11101-5826157-7 | 11101-5826157-7 | 11101-5826157-7 | 11101-5826157-7 |
| 57 | 15 | 11101-5826252-7 | 11101-5826252-7 | 11101-5826252-7 | 11101-5826252-7 | 11101-5826252-7 |
| 56 | 15 | 11102-0344727-3 | 11102-0344727-3 | 11102-0344727-3 | 11102-0344727-3 | 11102-0344727-3 |
| 55 | 15 | 11101-5351610-7 | 11101-5351610-7 | 11101-5351610-7 | 11101-5351610-7 | 11101-5351610-7 |
| 54 | 14 | 11101-1835653-1 | 11101-1835653-1 | 11101-1835653-1 | 11101-1835653-1 | 11101-1835653-1 |
| 53 | 13 | 11101-0660217-3 | 11101-0660217-3 | 11101-0660217-3 | 11101-0660217-3 | 11101-0660217-3 |
|    |    |                 |                 |                 |                 |                 |

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|     |    |                 |                 |    |                 |
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| 108 | 24 | 11101-760958-3  | 11101-760958-3  | 28 | 11101-760958-3  |
| 107 | 24 | 11101-3119262-9 | 11101-3119262-9 | 58 | 11101-3119262-9 |
| 106 | 23 | 11102-0360434-3 | 11102-0360434-3 | 20 | 11102-0360434-3 |
| 105 | 23 | 11102-0345632-5 | 11102-0345632-5 | 24 | 11102-0345632-5 |
| 104 | 23 | 11101-7856536-1 | 11101-7856536-1 | 27 | 11101-7856536-1 |
| 103 | 23 | 11101-1019809-9 | 11101-1019809-9 | 33 | 11101-1019809-9 |
| 102 | 23 | 11101-3584063-9 | 11101-3584063-9 | 37 | 11101-3584063-9 |
| 101 | 23 | 11101-9355287-7 | 11101-9355287-7 | 64 | 11101-9355287-7 |
| 100 | 22 | 11102-0359980-9 | 11102-0359980-9 | 18 | 11102-0359980-9 |
| 99  | 22 | 11102-0348544-5 | 11102-0348544-5 | 23 | 11102-0348544-5 |
| 98  | 22 | 11102-0346710-9 | 11102-0346710-9 | 26 | 11102-0346710-9 |
| 97  | 22 | 22201-3496974-1 | 22201-3496974-1 | 32 | 22201-3496974-1 |
| 96  | 22 | 11101-0639379-1 | 11101-0639379-1 | 52 | 11101-0639379-1 |
| 95  | 22 | 11101-8180225-9 | 11101-8180225-9 | 58 | 11101-8180225-9 |
| 94  | 21 | 22201-9500009-5 | 22201-9500009-5 | 34 | 22201-9500009-5 |
| 93  | 21 | 11101-7598586-7 | 11101-7598586-7 | 37 | 11101-7598586-7 |
| 92  | 21 | 17301-2514032-1 | 17301-2514032-1 | 40 | 17301-2514032-1 |
| 91  | 21 | 11101-6968144-5 | 11101-6968144-5 | 42 | 11101-6968144-5 |
| 90  | 21 | 17301-5296048-3 | 17301-5296048-3 | 48 | 17301-5296048-3 |
| 89  | 20 | 11101-6230505-7 | 11101-6230505-7 | 44 | 11101-6230505-7 |
| 88  | 20 | 11101-1605283-3 | 11101-1605283-3 | 54 | 11101-1605283-3 |
| 87  | 20 | 11101-6287458-3 | 11101-6287458-3 | 80 | 11101-6287458-3 |
| 86  | 19 | 11101-1451704-5 | 11101-1451704-5 | 55 | 11101-1451704-5 |
| 85  | 19 | 11101-1451700-5 | 11101-1451700-5 | 62 | 11101-1451700-5 |
| 84  | 19 | 11101-1451701-1 | 11101-1451701-1 | 64 | 11101-1451701-1 |
| 83  | 19 | 11101-1470588-1 | 11101-1470588-1 | 93 | 11101-1470588-1 |
| 82  | 18 | 11102-0342723-3 | 11102-0342723-3 | 24 | 11102-0342723-3 |
| 81  | 18 | 11101-8864156-7 | 11101-8864156-7 | 26 | 11101-8864156-7 |
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| نمبر | نمبر | نام           | والد کا نام   | قانونی شناختی نمبر | نمبر |
|------|------|---------------|---------------|--------------------|------|
| 10   | 24   | غائب اللہ     | محمد اللہ خان | 11101-7722822-3    | 23   |
| 110  | 24   | امداد اللہ    | میر اللہ خان  | 11101-5951671-5    | 22   |
| 111  | 24   | مسیب اللہ     | محمد اللہ خان | 11101-5857526-5    | 20   |
| 112  | 25   | میر دول خان   | میر صاحب خان  | 11101-1461452-3    | 58   |
| 113  | 25   | نثار محمد میز | میر دول خان   | 11101-7706455-5    | 24   |
| 114  | 25   | انجیل محمد    | میر دول خان   | 11101-7715050-5    | 20   |
| 115  | 26   | شیر دراز خان  | نواز خان      | 11101-1531886-9    | 61   |
| 116  | 26   | آمین اللہ خان | شیر دراز خان  | 11101-1250192-9    | 32   |
| 117  | 26   | نیک مراد      | شیر دراز خان  | 11101-4666710-1    | 27   |
| 118  | 26   | حکیم اللہ     | شیر دراز خان  | 11101-7199986-3    | 23   |
| 119  | 26   | وحید اللہ     | شیر دراز خان  | 11102-0349631-5    | 22   |
| 120  | 27   | عنایت اللہ    | منور خان      | 11101-2711523-7    | 64   |
| 121  | 27   | ارشد محمود    | عنایت اللہ    | 11102-0350669-3    | 22   |
| 122  | 27   | ناصر محمود    | عنایت اللہ    | 11102-0360762-5    | 20   |
| 123  | 28   | گل انداز خان  | منور خان      | 11101-2474847-1    | 62   |
| 124  | 28   | امین محمود    | گل انداز خان  | 11101-4157876-9    | 21   |
| 125  | 28   | اسد محمود     | گل انداز خان  | 11101-0855509-7    | 19   |
| 126  | 29   | محمد الطیف    | دور ملوک      | 11101-2369604-7    | 34   |
| 127  | 29   | فیض اللہ      | شاہی خان      | 11101-1455773-1    | 50   |
| 128  | 29   | انعام اللہ    | شاہی خان      | 11101-1478887-5    | 47   |
| 129  | 29   | فخر اللہ      | شاہی خان      | 11101-8189606-7    | 40   |
| 130  | 30   | ہرسل خان      | میراجان       | 11101-1450660-1    | 80   |
| 131  | 30   | شیر اللہ      | ہرسل خان      | 11101-1451214-9    | 38   |
| 132  | 30   | انور اللہ     | ہرسل خان      | 22201-9240672-5    | 34   |
| 133  | 31   | عمر خان       | میراجان       | 11101-1446108-7    | 52   |
| 134  | 31   | محمد علی      | عمر خان       | 22201-7894108-7    | 30   |
| 135  | 31   | غائب علی      | عمر خان       | 11102-0343264-7    | 25   |
| 136  | 31   | مشتاق علی     | عمر خان       | 11102-0355269-1    | 20   |

DEC/RO, BANNU

پر نافذ کی تاریخ: 20 مئی 2018ء

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|-----|----|-----------------|-----------------|----|
| 137 | 31 | 1102-0370511-7  | 1101-1490764-1  | 63 |
| 138 | 32 | 22201-7691505-3 | 11102-0368222-1 | 68 |
| 139 | 32 | 11101-4231312-7 | 11101-5794646-9 | 26 |
| 140 | 33 | 11101-9318238-7 | 11101-3340873-7 | 29 |
| 141 | 33 | 22201-0975159-5 | 11101-1490771-3 | 37 |
| 142 | 34 | 11101-1456523-7 | 11101-1523958-5 | 48 |
| 143 | 34 | 11101-1456720-3 | 11101-9100711-9 | 53 |
| 144 | 35 | 11101-2237290-9 | 11101-1490587-3 | 59 |
| 145 | 35 | 11101-6504964-7 | 11101-1490767-5 | 85 |
| 146 | 35 | 11101-1331322-5 | 11101-3482957-1 | 79 |
| 147 | 36 | 11101-1455825-3 | 22201-6501233-3 | 29 |
| 148 | 36 | 11101-1360632-5 | 22201-3544010-5 | 58 |
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| 197 | 38 | 11101-1360632-5 | 11101-0643382-7 | 27 |
| 198 | 38 | 11101-1360632-5 | 11101-0643382-7 | 27 |
| 199 | 38 | 11101-1360632-5 | 11101-0643382-7 | 27 |
| 200 | 38 | 11101-1360632-5 | 11101-0643382-7 | 27 |





(14)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the, 19/07/2018.

NOTIFICATION

No. Rev: VI/FATA Merging/ 28250 In pursuant to the constitution (25<sup>th</sup> amendment) Act, 2018 regarding the merger of erstwhile FATA in the Province of Khyber Pakhtunkhwa and in exercise of the powers conferred as per Section 6 Chapter-II of Land Revenue Act 1967, the Government of Khyber Pakhtunkhwa is pleased to notify the following Divisions, (Districts & Sub Divisions) of Khyber Pakhtunkhwa as per below composition with immediate effect.

| DIVISION | DISTRICT                                                                                                                                                                                  |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PESHAWAR | a) District Peshawar with Sub Division "Hassan Khel"<br>b) District Nowshera<br>c) District Charsadda<br>d) District Khyber<br>e) District Mohmand                                        |
| MALAKAND | a) District Malakand.<br>b) District Swat.<br>c) District Shangla<br>d) District Buner.<br>e) District Dir Upper.<br>f) District Dir Lower.<br>g) District Chitral<br>h) District Bajaur. |
| KOHAT    | a) District Kohat with Sub Division "Darra Adam Khel"<br>b) District Hangu<br>c) District Karak<br>d) District Orakzai<br>e) District Kurram                                              |
| BANNU    | a) District Bannu with Sub Division "Wazir"<br>b) District Lakki Marwat with Sub Division "Bettani"<br>c) District North Waziristan.                                                      |
| D.I.KHAN | a) District D.I.Khan with Sub Division "Drazandla"<br>b) District Tank with Sub Division "Jandola"<br>c) District South Waziristan.                                                       |

Deputy Commissioner  
Bannu

Note:- As no erstwhile FATA is attached with HAZARA and MARDAN Divisions of Khyber Pakhtunkhwa. Therefore, there will be no change in the composition of these Two Divisions.

RECEIVED  
11480  
1-8-18

With the approval of  
SMBR/Secretary to Govt. of Khyber Pakhtunkhwa  
Revenue & Estate Department

Copy forwarded to the:-

1. Secretary to President of Islamic Republic of Pakistan, Islamabad.
2. Secretary to Government of Pakistan, States & Frontier Regions Division (SAFRON), Islamabad.
3. Principal Secretary to Governor, Governor's Secretariat, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Chief Minister's Secretariat Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
6. All Commissioners, in Khyber Pakhtunkhwa.
7. PSO to Chief Secretary, Khyber Pakhtunkhwa.
8. Inspector General of Police Khyber Pakhtunkhwa.
9. All Deputy Commissioners, in Khyber Pakhtunkhwa.
10. Provincial Election Commissioner, Khyber Pakhtunkhwa.
11. All Heads of Attached Department in Khyber Pakhtunkhwa.
12. Deputy Census Commissioner (G) Government of Pakistan, Statistics Division Population Census Organization State Life Building, Peshawar.
13. Survey General of Pakistan, Government of Pakistan Survey of Pakistan, Murree Road, Faiz Abad, Rawalpindi.
14. Director Information Khyber Pakhtunkhwa, Peshawar.
15. The Manager Government Printing & Stationary Department, Khyber Pakhtunkhwa Peshawar. He is requested to publish the above Notification in the extra ordinary Gazette of Khyber Pakhtunkhwa and supply 50 Copies (Printed) of the same to Board of Revenue.

Banner

Deputy Secretary  
Board of Revenue

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR



S.A.No. 1727/2019

Muhammad Tariq..... Appellant

Versus

The Government of Khyber Pakhtunkhwa  
& others..... Respondents

Put up to the worthy chairman  
with relevant app-U

APPLICATION FOR EARLY HEARING OF  
THE ABOVE NOTED APPEAL.


Respectfully Sheweth;

- 1) That the above appeal is pending adjudication before this Hon'ble Tribunal, now fixed for ~~13~~ 12.2021
- 2) That the titled writ petition pertains to service matter wherein the question of posting and transfer is involved.
- 3) That the next date of hearing is too lengthy while under the law cases of transfer posting should be fixed within 15 days,
- 4) That appellant has a prima facie case and is hopeful of its success.
- 5) That fixing the case for a too lengthy date amounts to justice delayed justice denied.
- 6) That in the light of the above said facts and circumstances the case may be kindly be fixed in an early date.

It is, therefore, requested that an early date of hearing may kindly be fixed in the above noted service appeal.

Appellant

Through

  
**Inayat Ullah Khan**  
Advocate High Court  
LL.M (U.K)

Reader

NFA  
22/9/2021



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR

S.A.No. 1727/2019

Muhammad Tariq..... Appellant

Versus

The Government of Khyber Pakhtunkhwa  
& others..... Respondents

APPLICATION FOR EARLY HEARING OF  
THE ABOVE NOTED APPEAL.


*Respectfully Sheweth;*

- 1) That the above appeal is pending adjudication before this Hon'ble Tribunal, now fixed for 13.12.2021
- 2) That the titled writ petition pertains to service matter wherein the question of posting and transfer is involved.
- 3) That the next date of hearing is too lengthy while under the law cases of transfer posting should be fixed within 15 days,
- 4) That appellant has a prima facie case and is hopeful of its success.
- 5) That fixing the case for a too lengthy date amounts to justice delayed justice denied.
- 6) That in the light of the above said facts and circumstances the case may be kindly be fixed in an early date.

It is, therefore, requested that an early date of hearing may kindly be fixed in the above noted service appeal.

Appellant

Through

  
**Inayat Ullah Khan**  
Advocate High Court  
LL.M (U.K)