

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1127/2019

Date of institution ... 05.09.2019

Date of judgment ... 02.03.2020

Ghulam Anbia S/o Abdul Hakim R/o Booni, Tehsil Mastuj,
District Upper Chitral presently serving as SDM BPS-16
At Government High School Booni, Chitral

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through its Secretary (E&SE) at Civil Secretariat, Peshawar..
2. Director (E&SE) Khyber Pakhtunkhwa at its Directorate, GT Road, Hashtnagri, Peshawar.
3. District Education Officer, District Upper Chitral at Booni.
4. Mr. Ihsan-ul-Haq, presently working as District Education Officer, District Lower Chitral.
5. Mr. Muhammad Ayub presently serving as SDM at Government High School, Barinis District Chitral.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AS AMENDED UPTO DATED READ WITH ALL THOSE PROVISIONS OF LAW/ RULES/ REGULATION/ POLICIES GOVERNING THE SUBJECT MATTER AGAINST AN IMPUGNED PORTION OF ORDER BEARING Endst No. 15113-20/EB(M)/T-3/Trf: POSTING DMs/SDMs DATED 19.08.2019 UPTO THE EXTENT OF THE APPELLANT FOLLOWED BY DEPARTMENTAL APPEAL TO THE RESPONDENTS DATED 21.08.2019 WHICH WAS DISMISSED ON 03.09.2019.

Malik Muhammad Ajmal Khan, Advocate. .. For appellant.
Mr. Ziaullah, Deputy District Attorney .. For official respondents.
Muhammad Maaz Madni, Advocate .. For private respondent No.5

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. MIAN MOHAMMAD .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel present. Mr. Ziaullah, Deputy District Attorney
alongwith Mr. Irfanullah, Assistant for official respondents no. 1 to 4
and private respondent no. 5 alongwith his counsel present.
Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving as Senior Drawing Master (SDM) BPS-16 in Education Department. He was transferred from Government High School Chuinj to Government High School Booni District Chitral while private respondent No. 5 Muhammad Ayub SDM was transferred from Government High School Booni to Government High School Barenis District Chitral alongwith some other transfer vide order dated 30.07.2019. After 19 days, the transfer order of the appellant and private respondent No. 5 was withdrawn by the District Education Officer (Male) Lower Chitral vide order dated 19.08.2019. The appellant filed departmental appeal on 21.08.2019 to the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar which was rejected by the Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide order dated 03.09.2019 hence, the present service appeal on 05.09.2019.

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

4. Learned counsel for the appellant contended that the appellant was serving as Senior Drawing Master (BPS-16) in Education Department. It was further contended that the appellant was transferred from Government High School Chuinj to Government High School Booni District Chitral under the spouse policy because the appellant wife was also performing her duty as Primary School Teacher at Government Girls Primary School Booni while private respondent No. 5 Muhammad Ayub SDM was transferred from Government High School Booni to Government High School Barenis alongwith transfer order of four other employees to other schools vide order dated 30.07.2019 by the District Education Officer (Male) Chitral. It was further contended that after the transfer order of the

M. Ayub
2.3.2020

appellant and private respondent No. 5, the District Chitral was bifurcated into two Districts i.e District Chitral Upper and District Chitral Lower. It was further contended that the Government High School Booni and Government High School Barinis fall within the limit of District Chitral Upper. It was further contended that the District Education Officer District Chitral Upper had assumed the charge of his office on 10.08.2019. It was further contended that all of sudden and without disturbing others the aforesaid transfer order to the extent of the appellant and private respondent No. 5 was cancelled on 19.08.2019 by District Education Officer Chitral Lower. It was further contended that District Education Officer Chitral Upper was competent to withdraw the transfer order dated 30.07.2019 but the impugned withdrawal order was passed by the District Education Officer Chitral Lower who was incompetent authority and the same is liable to be set-aside on this score alone. It was further contended that the appellant filed departmental appeal to the Director Education but again the same was rejected by the Secretary Education vide order dated 03.09.2019, therefore, it was contended that the departmental appeal was also rejected by incompetent authority. It was further contended that the appellant was transferred to Government High School Booni on spouse policy but his transfer order was withdrawn just after 19 days before completion of his normal tenure. It was further contended that the impugned order of withdrawal of transfer order of the appellant was passed against the transfer posting policy as well as spouse policy. It was further contended that the impugned order dated 19.08.2019 regarding the withdrawal of transfer order was passed malafidely by incompetent authority. It was also contended that after the institution of service appeal, the impugned withdrawal of transfer

M. Amin
2.3.2020

order of the appellant was also suspended by this Tribunal vide order dated 06.09.2019 and on the basis of aforesaid order, the appellant is still performing his duty in Government High School Booni while the private respondent is performing his duty in Government High School Barinis, therefore, it was prayed that the impugned order may be set-aside.

5. On the other hand, learned Deputy District Attorney assisted by learned counsel for private respondent No. 5 opposed the contention of learned counsel for the appellant and contended that the appellant submitted application on 17.07.2019 to Education Minister for his transfer to Government High School Booni on the ground mentioned in the application. It was further contended that on the recommendation of Education Minister, he was transferred to Government High School Booni vide order dated 30.07.2019 while private respondent No. 5 was transferred to Government High School Barinis vide same order. It was further contended that the transfer order dated 30.07.2019 was passed due to political influence, therefore, it was contended that the transfer order of the appellant and private respondent No. 5 was withdrawn by the competent authority. It was further contended that the civil servant has no vested right to claim for his choice posting. It was further contended that the impugned order was passed as per transfer posting policy, therefore, prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Education Department. He submitted application to Education Minister for his transfer from hard area to any other school located near village Booni on the ground of spouse policy as his wife was also serving as Primary School Teacher in Government Girls Primary School Booni. The record further reveals that after the said

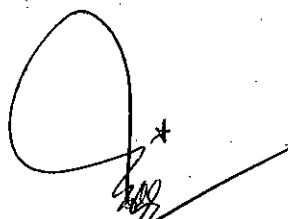
M. Anwar
2.3.2020

application, the appellant was transferred from Government High School Chuinj to Government High School Booni while the private respondent No. 5 was transferred from Government High School Booni to Government High School Barinis alongwith four others transfer order by District Education Officer Chitral and thereafter District Chitral was bifurcated into two Districts i.e District Chitral Upper and District Chitral Lowr. The record further reveals that the District Education Officer Male District Chitral Lower has issued a letter dated 23.08.2019 to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar in reply to his office letter No. 3072/F No.1035/CT/DM(M)G dated 23.08.2019 regarding departmental appeal of the appellant that the private respondent No. 5 Muhammad Ayub SDM approached the Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar who vide letter dated 07.08.2019 as well as telephonically on 19.08.2019 directed him (District Education Officer Male Chitral Lower) to withdraw transfer order and in compliance with the instruction he (District Education Officer Male Chitral Lower) withdrawn the aforesaid transfer order vide order dated 19.08.2019. It was also mentioned in the said letter that both the teachers (appellant & private respondent No. 5) are belonging to District Chitral Upper and District Education Officer (Male) Upper Chitral has taken over charge of his post, so he may very kindly be asked for further correspondence in this regard meaning thereby that at the time of impugned withdrawal of transfer order of the appellant and private respondent no. 5 on 19.08.2019 the District Education Officer Male Chitral Upper was the competent authority of both the appellant and private respondent No. 5 but the withdrawal order of their transfer has been passed by the District Education Officer Male

M. Amin
2.3.2020

Chitral Lower who was not the competent authority and the withdrawal order of transfer of both the appellant and private respondent no. 5 was illegal, void ab-initio and liable to be set-aside on this score alone. Moreover, the District Education Officer (Male) Lower Chitral has also informed Secretary Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar through letter No. 15048 dated 10.08.2019 in the last para that the private respondent (Muhammad Ayub) has also not been suffered from the aforesaid transfer order as his present posting in Government High School Barinis is near to him as compared to his old station Government High School Booni where he has spent long tenure of more than five years. . The record also reveals that the appellant filed departmental appeal to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar but the same was also regretted by the Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for the reason best known to him. Furthermore, the impugned withdrawal order was already suspended by this Tribunal vide order sheet dated 06.09.2019 and the same withdrawal order was also passed by incompetent authority prematurely and against the spouse policy, therefore, the impugned withdrawal order dated 19.08.2019 of transfer of appellant and private respondent no.5 is illegal and liable to be set-aside. As such, we accept the appeal and set-aside the impugned order. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
02.03.2020



(MIAN MOHAMMAD)
MEMBER



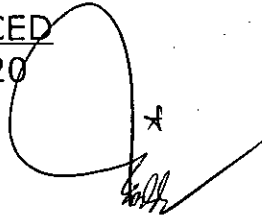
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

02.03.2020

Appellant alongwith his counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Irfanullah, Assistant for official respondents no. 1 to 4 and private respondent no. 5 alongwith his counsel present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of six pages placed on file, we accept the appeal and set-aside the impugned order. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
03.02.2020



(MIAN MOHAMMAD)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

21.01.2020
12.02.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council,
Junior to counsel for the appellant is not available today. Mr.
Khattak learned Additional AG for the official respondent No. 1
Kabirullah Khattak, Additional AG for the respondents present.
Adiourned to 12.02.2020 for arguments before D.B.
Junior to counsel for the appellant seeks adjournment on the
ground that senior counsel for the appellant is not available today.
(Hussain Shah) (M. Amin Khan Kundi)
Adiourned. To come up for arguments on 02.03.2020 before D.B.
Member Member

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

12.02.2020

Junior to counsel for the appellant present. Mr. Kabirullah
Khattak learned Additional AG for the official respondent No. 1
to 3 and private respondent No. 5 alongwith his counsel present.
Junior to counsel for the appellant seeks adjournment on the
ground that senior counsel for the appellant is not available today.
Adiourned. To come up for arguments on 02.03.2020 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

20.12.2019 Petitioner with counsel present. Mr. Zia Ullah learned DDA alongwith Mehmood Ghaznavi DEO (Male) for official respondents present. Private respondent No.5 present.

Arguments heard. File perused.

Learned counsel for the petitioner/appellant raised the plea that the instant application for restoration of service appeal No.1127/2019 was filed within time and in the interest of justice, the same may be allowed, to which learned DDA showed his no objection.

In view of above the present application for restoration of Service Appeal No. 1127/2019 is allowed and the main service appeal is restored. To come up for arguments on main service appeal on 14.01.2020~~2020~~ before D.B. No order as to costs. File of the instant application be consigned to the record room.


Member


Member

14.01.2020 Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned to 21.01.2020 for arguments before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

Form-A
FORM OF ORDER SHEET

Court of _____

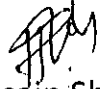
Appeal's Restoration Application No. 442/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.11.2019	<p>The application for restoration of appeal No.1127/2019 submitted by Mr. Waqar Ahmad Baig Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 29/11/19</p> <p>This restoration application is entrusted to D. Bench to be put up there on 23-12-19</p> <p style="text-align: right;">CHAIRMAN</p>
2		

21.01.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council,
learned counsel for the appellant is not available today. Mr.
Kabirullah Khattak, Additional AG for the respondents present.

Adjourned to 12.02.2020 for arguments before D.B.




(Hussain Shah)
Member




(M. Amin Khan Kundi)
Member

27.11.2019

Appellant absent. Learned counsel for the appellant absent. Mr. M. Riaz Khan Paindakhel, learned Assistant Advocate General for official respondents present. Private respondent No. 5 with counsel present. Called for several times but no one appeared on behalf of the appellant, therefore, the instant appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED:
27.11.2019

20.12.2019

Vide order of today i.e. 20.12.2019 passed in restoration application No.442/2019 the present service appeal has been restored. To come up for further proceedings/arguments on 14.01.2020 before D.B.

Member


Member

14.01.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned to 21.01.2020 for arguments before D.B.

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

18.10.2019

Counsel for the appellant, Addl. AG alongwith Mr. Mahmood Ghaznawi, DEO (M) Chitral for the official respondents and counsel for private respondent No. 5 present.

Representative of respondents states that although the written reply has been prepared but is yet to be signed by the respondents. He, therefore, requests for a short adjournment. Learned counsel for respondent No. 5 also makes a similar request and states that the concerned respondent will submit his reply after availing the comments/reply by the official respondents. Learned counsel for the appellant does not object to the proposition.

Adjourned to 06.11.2019 before S.B. Status quo shall be maintained by the parties till next date.


Chairman

06.11.2019

Junior to counsel for the appellant, Addl. AG alongwith Shahid Hussain, SDEO for official respondents No. 1 to 4 and counsel for respondent No. 5 present.

Official respondents as well as private respondent No. 5 have furnished their respective parawise comments. Placed on record. The appeal is assigned to D.B for arguments on 17.11.2019. The appellant may submit rejoinder, within a fortnight, if so-advised. Status quo shall be maintained by the parties till next date.


Chairman

1127/2019

19.09.2019

Appellant in person and Addl. AG on behalf of the official respondents present. Nemo for private respondent No. 4 & 5 is present.

Learned AAG requests for time on behalf of the official respondents for submission of written reply.

Fresh notices to all the respondents be issued for the next date of hearing. Adjourned to 03.10.2019 on which date the requisite reply shall positively be submitted. The restraint order shall continue till next date of hearing.


Chairman

03.10.2019

Appellant alongwith counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ahmed-ud-Din, ADEO on behalf of respondents No. 3 & 4 and private respondent No. 5 in person present.

Learned counsel for private respondent No. 5 has submitted Vakalatnama and requests for time to furnish reply/comments. Representative of official respondents also makes a similar request. Being a transfer matter under issue, the respondents are required to positively submit their respective replies on next date of hearing. Adjourned to 18.10.2019 on which date the application for grant of interim relief shall also be argued. The restraint order passed on 06.09.2019 shall continue till next date.


CHAIRMAN

06.09.2019

Appellant alongwith counsel present.

Contends that upon application by appellant he was transferred to GHSS Booni through office order dated 30.07.2019. The order of transfer was however, modified on 19.08.2019 whereby adjustment of appellant and respondent No. 5 was withdrawn. The withdrawal order itself provided that it was passed on the strength of a letter issued by respondent No. 1 and also his telephonic instructions. The impugned order dated 19.08.2019 was passed in clear violation of the policy of Provincial Government regarding posting/transfer of civil servants. The appellant questioned the office order dated 19.08.2019 but his departmental appeal was regretted on 03.09.2019.

In view of arguments of learned counsel as well as the available record instant appeal is admitted for 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 19.09.2019 before S.B.

In the memorandum of appeal a prayer for grant of interim relief has also been made whereby the suspension of impugned order dated 19.08.2019 has been sought. Notice of prayer for interim relief shall also be given to the respondents for the date fixed. In the meanwhile, its operation shall remain suspended, if not already acted upon.

Appellant Deposited
Security & Process Fee

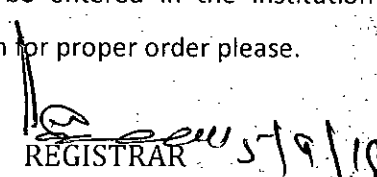

6/9/19


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1127/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/09/2019	<p>The appeal of Mr. Ghulam Anbia presented today by Malik Muhammad Ajmal 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 5/9/19</p>
2-	05/09/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/09/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No 1127 /2019

Ghulam Anbia

.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through its Secretary (E&SE) &
others

.....Respondents

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S.No	Description of Documents	Annexure	Pages
1.	Grounds of Service Appeal with Affidavit		1-7
2.	Addresses of the Parties		8
3.	Copies of an application, recommendation letter, appointment order dated 30.07.2019, charge relieving report and spouse policy	"A", "A/1", "A/2", "A/3" & "A/4"	9-19
4.	Copy of an order dated 19.08.2019	"B"	20
5.	Copies of Memo of Appeal / letter of worthy Director & Reply of the EDO (M) Lower Chitral	"C", "C/1", "C/2" & "C/3"	21-23
6.	Copies of the letters / orders dated 03.09.2019	"D" & "D/1",	24-25
7.	Wakalat Nama		26

Dated: 05/09/2019

Appellant

Through

Malik Muhammad Ajmal Khan

Advocate, Peshawar

Office: 528-A, Pak Medical Center,

Khyber Bazar, Peshawar

Cell # 0333-9466004

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL AT PESHAWAR

Service Appeal No 1127 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1231

Dated 05/9/2019

Ghulam Anbia S/o Abdul Hakim R/o Booni, Tehsil Mastuj,
District Upper Chitral presently serving as SDM BPS 16 at
Govt. High School Booni, Chitral.

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through its Secretary (E&SE) at Civil Secretariat, Peshawar.
2. Director (E&SE) Khyber Pakhtunkhwa at its Directorate, GT Road, Hashtnagri, Peshawar.
3. District Education Officer, District Upper Chitral at Booni.
4. Mr. Ihsan ul Haq, presently working as District Education Officer, District Lower Chitral.
5. Mr. Muhammad Ayub presently serving as SDM at Govt. High School, Barinis District Chitral.

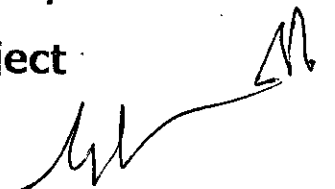
.....Respondents

Filed to-day

Registrar

5/9/2019

Service Appeal U/S 4 of the Service Tribunal Act, 1974 as Amended upto dated read with all those other provisions of law / rules / regulations / policies governing the subject



matter against an impugned portion of order bearing Endst No. 15113-20/EB(M)/T-3/Trf: Posting DMs/SDMs dated 19.08.2019 upto the extent of the appellant followed by departmental appeal to the respondents dated 21.08.2019 which was dismissed on 03.09.2019.

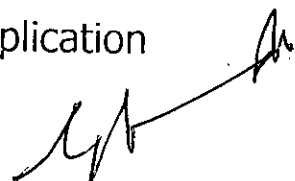
PRAYER IN APPEAL

On acceptance of the instant Appeal, the impugned portion of the order mentioned above upto the extent of the appellant and decision dated 03.09.2019 on departmental appeal may very graciously be set aside and the order bearing Endst No. 14537-44/EB(M)/T-3/Trf. posting DMs/SDMs dated 30.07.2019 may very kindly be restored.

Respectfully Sheweth:

The Appellant very humbly submits as under:

1. That the Appellant was initially appointed as DM at GHS Harchin Mastuj on 01.01.1998 who was transferred to different schools located in hard areas of District Chitral and finally to GHS Booni through an order bearing Endst No. 14537-44/EB(M)/T-3/Trf: posting DMs/SDMs dated 30.07.2019 on an application



addressed to the worthy Minister for Education Khyber Pakhtunkhwa on 22.07.2019 under the Spouse policy because the appellant's wife is also working as a PST at Govt. Girls Primary School Booni. (Copies of an application, recommendation letter, transfer order dated 30.07.2019, charge relieving report and spouse policy are attached as Annexure "A", "A/1", "A/2", "A/3" & "A/4" respectively).

2. That all of a sudden and without disturbing others, the appellant's order of transfer was cancelled on 19th day of August i.e. 19.08.2019 by Mr. Ihsan ul Haq, the District Education Officer Lower Chitral on the telephonic directions of respondent No. 1, i.e. worthy Secretary (E&SE) Khyber Pakhtunkhwa through an order Endst: No. 15113-20/EB(M)/T-3/Trf: posting DMS/SDMs dated 19.08.2019. (Copy of an order dated 19.08.2019 is attached as Annexure "B").
3. That being aggrieved the appellant preferred an appeal before the respondent No. 2 i.e. Director (E&SE) Khyber Pakhtunkhwa on 21.08.2019 which was entrusted to District Education Officer, Lower Chitral i.e. Respondent No. 4 for its decision at his own level vide No. 3072/F-No. 1035/CT/DM(M)G dated 23.08.2019 who opined and answered in detail through No. 15546-47 /EB(M)/T-3/Trf posting SDMs

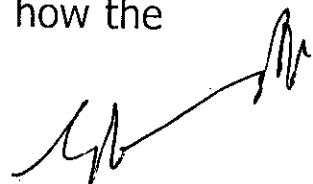


dated 23.08.2019 and shifted his burden to District Education (M) Upper Chitral. (Copies of Memo of Appeal / letter of worthy Director & Reply of the EDO (M) Lower Chitral are attached as Annexure "C", "C/1", "C/2" & "C/3").

4. That the worthy Director (E&SE) sent the matter to the worthy Secretary who dismissed the appellant's appeal on 03.09.2019 because he was personally interested from the very beginning which is reflecting from the record of the case. (Copies of the letters / orders dated 03.09.2019 are attached as Annexure "D" & "D/1", respectively).
5. That being aggrieved and having no other remedy, the appellant wants to approach this Hon'ble Tribunal on the following amongst others:

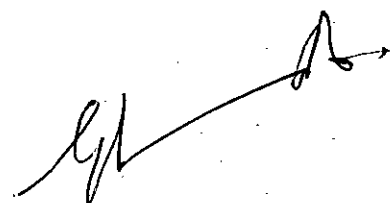
GROUNDS:

- A. That the actions and inactions of the respondents in conflict with the interest of the appellants are highly illegal / unlawful / without lawful authority and legal justification, based upon favoritism / nepotism and the result of pick and choose.
- B. That the charge was taken by the worthy District Education Officer Upper Chitral being an independent District on 01.08.2019 then how the



transfer order of the appellant upto its impugned portion was cancelled by EDO Lower Chitral i.e. respondent No. 4 on 19.08.2019 ?

- C. That the E-Transfer policy was introduced and implemented from 1st of August 2019 then how the appellants order was issued on 19.08.2019 i.e. during complete ban on posting and transfers.
- D. That the appellant's petition was acceded on the basis of spouse policy but the EDO Chitral (L) mentioned it as a mutual transfer and if it was (which was not) a mutual transfer then how it was cancelled on the 19th day of its issuance ?
- E. That the actions and inactions tainted with malafide on the part of respondents are squarely falls within the ambit of illegality, irrationality and procedural impropriety governing the subject matter, hence not tenable in the eyes of law.
- F. That any other ground which has not specifically been taken may also be allowed to be argued at the time of arguments with the kind permission of this Hon'ble Court.

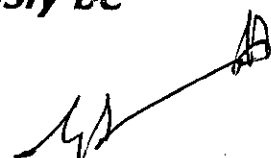


It is therefore, most humbly prayed that On acceptance of the instant Appeal, the impugned portion of the order mentioned above upto the extent of the appeal and decision dated 03.09.2019 on departmental appeal may very graciously be set aside and the order bearing Endst No. 14537-44/EB(M)/T-3/Trf. posting DMs/SDMs dated 30.07.2019 may very kindly be restored.

Any other relief which this Hon'ble Tribunal has not been asked for but fit in the circumstances of the case may also be granted in favour of the appellant against the respondents.

Interim Relief:

That all the three ingredients like strong prima facie case, balance of convenience and irreparable loss are best inclined in favour of the Appellant against the respondents, hence by way of an Interim Relief, an operation of the impugned order bearing Endst. No. 15113-20/EB(M)/T-3/Trf: posting DM/SDM Dated 19.08.2019 may very graciously be



***suspended, till the final decision of the
main case.***

[Signature]

Dated: 05.09.2019

Appellant

Through

[Signature]

Malik Muhammad Ajmal Khan
Advocate, Peshawar.

CERTIFICATE / VERIFICATION:-

*As per information conveyed
to me by my client, it is certify that no such
like Appeal has earlier been filed by the
Appellant in this Honourable Tribunal on the
subject mentioned above.*

[Signature]
Advocate.

AFFIDAVIT

I, Ghulam Anbia S/o Abdul Hakim R/o Booni, Tehsil Mastuj, District Upper Chitral presently serving as SDM BPS 16 at Govt. High School Booni, Chitral, do hereby solemnly affirm and declare on oath that the contents of the Writ petition are true and correct to the best of my knowledge and belief and nothing stated therein is untrue.

[Signature]
DEPONENT

CNIC No: 15202-5306729-3



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

Service Appeal No _____/2019

Ghulam AnbiaAppellant

VERSUS

Govt. of Khyber Pakhtunkhwa through its Secretary (E&SE) &
othersRespondents

ADDRESSES OF PARTIES

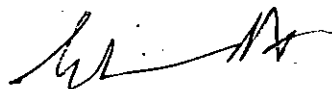
APPELLANT:

Ghulam Anbia S/o Abdul Hakim R/o Booni, Tehsil Mastuj, District Upper Chitral presently serving as SDM BPS 16 at Govt. High School Booni, Chitral.

RESPONDENTS:

1. Govt. of Khyber Pakhtunkhwa through its Secretary (E&SE) at Civil Secretariat, Peshawar.
2. Director (E&SE) Khyber Pakhtunkhwa at its Directorate, GT Road, Hashtnagri, Peshawar.
3. District Education Officer, District Upper Chitral at Booni.
4. Mr. Ihsan ul Haq, presently working as District Education Officer, District Lower Chitral.
5. Mr. Muhammad Ayub presently serving as SDM at Govt. High School, Barinis District Chitral.

Dated: 05/09/2019



Appellant

Through



Malik Muhammad Ajmal Khan

Advocate, Peshawar

حکومت پنجاب وزیر تعلیم صاحب صاحبان کو اطلاع دینے کے لئے

(9)

مکمل، درجہ امتیاز برائے ٹرانسفر

جانب عالی

E/B for a/c according to the 22/07/19

ادب گزارش ہے کہ مذکورہ بحیثیت SDM حکم ایجوکیشن کنٹرول میں تدریس کے دوران سے ڈپٹی ایچ ایم کے رہا ہے۔ اور دوران ملازمت مذکورہ کنٹرول کے دور افتادہ مشینوں میں ڈپٹی ایچ ایم کے رہا ہے، جو کہ مذکورہ متعلقہ گاؤں ٹوٹی سے امرتسر ڈپٹی کے سکول میں امرتسر کے باوجود مذکورہ کو ایک دفعہ بھی قومی اسٹیشن CHTS ڈپٹی سے تعیناتی نہیں ہوئی ہے۔

جانب والا۔ مذکورہ کی wife بھی امرتسر ایجوکیشن کنٹرول میں 44PS ڈپٹی ایچ ایم کے رہا ہے اور مذکورہ کی دور افتادہ اسٹیشن میں تعیناتی کے وقت سے گھریلو مسائل کے علاوہ صرف wife کی ڈپٹی ایچ ایم کی مشکلات سے لگا ہوا ہے۔ والد سے عرض ہے کہ مذکورہ spouse کی کسی آمد لانگ Tennu کی بنا پر مذکورہ کو CHTS پونج سے CHTS ڈپٹی میں ٹرانسفر کے حکم صادر فرمائیں۔

جانب والا۔ CHTS ڈپٹی میں خدایوب SDM کی Tennu میں مقرر ہوئے ہیں۔

عین گزارش ہوئی

(ZIA ULLAH KHAN BANGASH)
Advisor to Chief Minister on
Elementary & Secondary Education
Amritsar, Punjab

ATTESTED

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مقررہ مذکورہ سلام ایچ ایم SDM

2019

2019



DEO M Chikab
Please adjust
applicant in GHTS
Banni under SP
Policy under SP
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Deputy Secretary (Edu.)
Elementary & Secondary Edu. Dept.
Amritsar

Dist. Govt. NWFP-Provincial
District Accounts Office Chitral
Monthly Salary Statement (July-2019)

A/c of Annexure  **10**

Personal Information of Mr GHULAM ANBIA d/w/s of ABDUL HAKIM

Personnel Number: 00322019 CNIC: 1520253067293 NTN:
 Date of Birth: 05.02.1976 Entry into Govt. Service: 01.01.1998 Length of Service: 21 Years 07 Months 001 Days

Employment Category: Active Temporary

Designation: SENIOR DRAWING MASTER 80001291-DISTRICT GOVERNMENT KHYBE

DDO Code: CL6086-HEAD MASTER GHS CHUINJ

Payroll Section: 001

GPF Section: 001

Cash Center: 08

GPF A/C No: EDUCL004716

Interest Applied: Yes

GPF Balance:

542,320.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 16

Pay Stage: 18

Wage type		Amount	Wage type		Amount
0001	Basic Pay	46,270.00	1000	House Rent Allowance	2,727.00
1300	Medical Allowance	1,500.00	1918	UAA-CHITRAL 40%(16 G/NG)	3,000.00
2148	15% Adhoc Relief All-2013	880.00	2199	Adhoc Relief Allow @10%	614.00
2211	Adhoc Relief All 2016 10%	3,380.00	2224	Adhoc Relief All 2017 10%	4,627.00
2247	Adhoc Relief All 2018 10%	4,627.00	2264	Adhoc Relief All 2019 10%	4,627.00
5322	Adj Adhoc Relief All 2018	1,292.00	5801	Adj Basic Pay	12,920.00
5990	Adj Adhoc Relief All 2017	1,292.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-707.00	4004	R. Benefits & Death Comp:	-1,089.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 14,126.35 Recovered till JUL-2019: 707.00 Exempted: 5649.83 Recoverable: 7,769.52

Gross Pay (Rs.): 87,756.00 Deductions: (Rs.): -5,936.00 Net Pay: (Rs.): 81,820.00

Payee Name: GHULAM ANBIA

Account Number: 1555-3 PLS

Bank Details: NATIONAL BANK OF PAKISTAN, 231866 NBP BOONI BOONI, BOONI

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: CHITRAL

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: gulamambia77@gmail.com

ATTESTED


11

(11)
Amexere A/II

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

Phone No. 0943412627.

email address: deomchitral@gmail.com

OFFICE ORDER

Mutual adjustment/adjustment of the following teachers on relaxation of ban by the Advisor to Chief Minister on Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar, is hereby ordered with immediate effect, in their own pay & grade in the Schools noted against them, in the best interest of public service.

S.#	Name & designation	From	To	Remarks
1	Mr. Saeed Mehmoodul Hassan, SDM II-16	GHS Mroi	GHS Madak Lashit	Mutual adjustment V.S.No. 2
2	Mr. Muhammad Samiul Haq, SDM, B-16	GHS Madak Lashit	GHS Mroi	Mutual adjustment V.S.No. 1
3	Mr. Azhar Ul Mulk DM B-15	GHSS Bang	GMS Shali Arkari	A.V.P
4	Mr. Mugheez Ul Haq, DM B-15	GHS Zondrangram	GHS Lonkuh	A.V.P
5	Mr. Ghulam Anbia, SDM B-16	GHS Chuni	GHS Booni	V.S.No. 6
6	Mr. Muhammad Ayub, SDM B-16	GHS Booni	GHS Barenis	V.S.No. 5

Note

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

(Ihsan Ul Haq)
District Education Officer
(Male) Chitral

Encls: No. 14537-44 / EB(M/T-3/T) posting DMs/SDMs.

Dated 30/7/2019

Copy forwarded to the:

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar, for information.
2. Deputy Commissioner, Lower & Upper Chitral, for their kind information.
3. District Accounts Officer, Chitral, for information, please.
4. Principal/Head Master concerned Schools, for information, please.
5. District Monetary Officer, IMU, Chitral, for information, please.
6. Accounts branch Middle section, local office, for information, please.
7. DEMIS Section, local Office, for information, please.
8. Teachers concerned, w/r to their applications, for information.

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District Education Officer
(Male) Chitral

Amour A/B

2nd

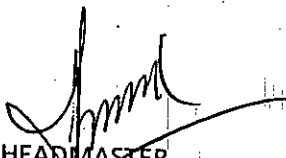
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RELIEVING CERTIFICATE.

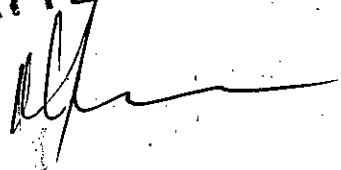
Certified that Mr. Ghulam Anbia SDM BPS 16 GHS Chuinj is hereby relieved from his duty today on 01/08/2019 (A/Noon) due to his transfer to the GHS Booni vide DEO (M) Chitral Endst: No. 14537-44 EB (M)/T-3/Trf: Posting DMs/SDMs. Dated 30/07/2019.

He has enjoyed 07 casual leave during the calendar year 2019.

No 24. B-13 Dated 01/08/2019

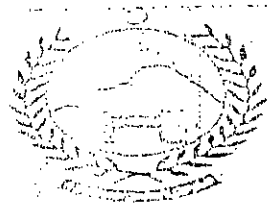

HEADMASTER,
GHS CHUINI UPPER CHITRAL.
Head Master
Govt. High School Chuinj
District Chitral

ATTESTED



Amexure 4

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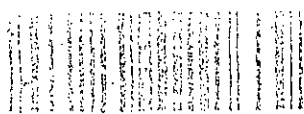


GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)
No. SOR-VVE&AD/1-4/2010/Mol-VIII
Dated Peshawar, the, 07th August, 2012

To

3. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and Political Agents in FATA.



32377

Subject: POSTING OF SERVING HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.

Dear Sir

I am directed to refer to the subject noted above and to state that keeping in view the Socio economic Problems and hardships faced by husbands and wives in Government Service due to posting at different station of duty, the competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-

- i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- ii) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- iii) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

Handwritten notes and signatures on the left side of the page.

Stamp: Home Department, No. 16302, dated 16/8/12

Handwritten signature and date: 16/8/12

ATTESTED

Handwritten signature below ATTESTED

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organization, the Government servant with greater length of service may be preferred.

iv) Request for posting by a spouse facing serious medical problems may be accorded highest priority.

v) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

Kindly acknowledge receipt.

Yours faithfully,

Naaj Mus-Sahar
7/8/12

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

Encl No. & date given.

Copy forwarded to:

1. The Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. ~~Private Secretaries to all Ministers, Peshawar.~~
4. ~~Private Secretaries to all Ministers, Peshawar.~~
5. ~~Private Secretaries to all Ministers, Peshawar.~~
6. ~~Private Secretaries to all Ministers, Peshawar.~~
7. Private Secretaries to all Ministers, Peshawar.
8. P.O to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Incharge Resource Centre, Esst.&Admn: Department.

Naaj Mus-Sahar
7/8/12

SECTION OFFICER (REG: VI)

ATTESTED

[Signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(Regulation Wing)

No. SOR-VI/E&AD/1-4/2010/VOI-VIII

Dated Peshawar the, 07th August 2012

To,

1. The Additional Chief secretary Planning & Development Department, Government of Khyber Pakhtunkhwa Peshawar.
2. The Additional Chief Secretary (FATA) FATA Secretariat, Peshawar
3. The Senior Member Board of Revenue Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber pakhtunkhwa.
6. All Heads of the Attached Department in Khyber Pakhtunkhwa.
7. All the District Coordination Officers in Khyber Pakhtunkhwa and political Agents in FATA.

Subject: **POSTING OF SERVICE HUSBAND/WIFE AT THE SAME STATION OF THE PROVINCIAL GOVERNMENT.**

Dear Sir,

I am directed to refer to the subject noted above and to state that keeping in view the socio Economic problems and hardships faced by Husbands and wives in Government service due to posting at different station of the competent authority has been planned to Prescribe the following guideline to facilitate posting of husband and wife at the same station:

- i. Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving. The request may be accepted subject to availability of a post in the same BPS.
- ii. IF request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- iii. If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an

ATTESTED

Organization, the government servant with greater length of service may be preferred.

- iv) Request for posting by a spouse facing serious medical Problems may be accorded highest priority.
- v) Spouses already posted at one station, including those posted on deputation may formally not be disturbed without composing reasons of public interest. Requests for extensions of deputation period beyond the permissible limit may be considered with compassion of interest of public servant would permit.

Kindly acknowledge receipt.

Yours Faithfully,

NAJ-MUS-SAHAR
Section Officer (Reg:VI)

Endst No. & Date given.

Copy forwarded to:

1. The Secretary to Governor-Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Private Secretaries to an Khyber Pakhtunkhwa.
4. PSO to Chief Secretary Khyber pakthunkhwa Peshawar
5. Private Secretary to Secretary Establishment Department.
6. Private Secretary to Secretary Adminsitration Department.
7. The incharge resource Centre, Estt: & Admn Department.

Section Officer (Reg: VI)

ATTESTED



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posting/transfer of such officers may also be related in their parent departments/cadres as far as possible in accordance with the rules of the post.

II. Postings/Transfers to Pakistan Missions Abroad (Other Than Posts Administered by Ministry of Foreign Affairs)

- (i) Posts in foreign missions abroad should be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry;
- (ii) The controlling Ministry should prepare a panel of suitable officers for the post;
- (iii) The panel of suitable officers should be considered by a Committee of the controlling Ministry including a representative of the Establishment Division;
- (iv) The recommendations of the Committee should be considered by the Special Selection Board, and
- (v) The recommendations of the Special Selection Board should be submitted to the competent authority for approval.

Ministries/Divisions are requested to proceed further in the matter of posting/transfers as above and bring those instructions to the notice of all departments, offices, autonomous/semi-autonomous bodies and corporations under their control for strict compliance.

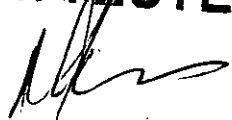
(Authority: - Estt. Division O.M. No. 101074-R.2, dated 22-3-1994)

**Sl. No. 4
Posting of Serving Husband/Wife at the Same Station**

The government has taken note of the socio-economic problems and hardship faced by husbands and wives in government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

ATTESTED



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Posting/transfer at such officer may also be related in their parent departments/cadres as far as possible in accordance with the rules of the post.

- II. Posting/Transfer to Pakistan Mission Abroad (other Than Posts Administered by Ministry of Foreign Affairs).
- i. Posts in foreign mission abroad should be filled on the basis of detailed job description to be prepared by the controlling ministry.
 - ii. The controlling ministry should prepare a panel of suitable officers for the post;
 - iii. The Panel of suitable officers should be considered by a committee of the controlling ministry including a representative of the establishment division;
 - iv. The recommendations of the committee should be considered by the special selection Board, and
 - v. The recommendations of the Special Selection Board Should be submitted to the competent authority for approval.

2. Ministries/Divisions are requested to proceed further in the matter of posting/transfer as above and bring those instruction to the notice of all departments officers, autonomous/semi-Autonomous bodies and corporations under their control for strict compliance.

Posting of service Husband/Wife at the same Station:

The Government has taken note of the socio Economic problems and hardships faced by husbands and wives in Government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- i. Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- ii. If a request involves temporary deputation in another department, it may be processed in consultation with the department concerned and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.

ATTESTED



- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the Civil Servants (Seniority) Rules, 1953.
- (iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may not normally be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

- (i) Posting of husband and wife at the same station should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfers.
- (ii) The prescribed selection authority should be consulted in each case.

3. All government servants whose spouses are in government service may be asked to furnish, at the end of every calendar year, the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Cards and up-to-date monitoring of the situation.

4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries/Divisions for adoption, with such modifications, as may be considered necessary.

[Authority:- Estt. Division O.M.No. 1020/97-R.H, dated 13-5-1998].

ATTESTED

(16)

- iii. When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the civil servants (Seniority) Rules, 1993
 - iv. If there is a tie between two or more government servants for posting at the same station in the same department/organization the government servant with greater length of service may be preferred.
 - v. Request for posting by a spouse facing serious medical problems may be accorded highest Point:
 - vi. Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may not normally be disturbed without compelling reasons of public interest. Request for extension of department period beyond the permission limit may be considered with compassion if interests of Public service would permit.
2. The above guidelines are subject to the following conditions:
- i. Posting of husband and wife at the same station should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of General policy of posting and transfer.
 - ii. The prescribed selection authority should be consulted in each case.
3. All government servants whose spouse are in government service may be asked to furnish at the end of every calendar year, the particulars of their spouses to their controlling ministries/divisions so as to facilitate maintenance of "ICP Charts and up-to-date monitoring of the situation.
4. The above guidelines may be calculated to the autonomous bodies under the charge of Ministries/Divisions for adoption, with such modifications, as may be considered necessary.

ATTESTED


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Sl. No. 147
 Posting of Unmarried Female Government Servants at the Place of
 Residence of Parents/Family

It has been brought to the notice of government that unmarried female government servants face socio-economic and security problems when they are posted at stations other than the place of residence of their parents/family. The government has taken note of this difficulty and it has been decided to prescribe the following guidelines for dealing with requests of unmarried female government servants for posting at the place of residence of their parents/family:-

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.
- (iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
- (v) Request for posting by an unmarried female government servant, facing serious medical problems may be accorded highest priority.
- (vi) Unmarried female government servants already posted at a station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion, if interests of public service would permit.

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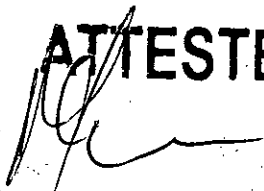

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Sr. No.

Posting of unmarried format government servants at the place of residence of parents/family.

It has been brought to the notice of government that unmarried female government servants face socio-economic and security problems when they are posted at stations other than the place of residence of their parents/family. The government has taken note of this difficulty and it has been decided to prescribe the following guidelines for dealing with request of unmarried female government servants for posting at the place of residence of their parents/family.

- i. Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- ii. If a request involves temporary deputation to the other department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject of availability of a posting the same BPS.
- iii. When a request is made for permanent transfer to absorption in another department/agency, the request maybe processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with rule of the civil servants (Seniority) Rules, 1993.
- iv. If there is lie between two or more government someone of posting at the same station in the same department / unit of an organization, the government servant with greater length of service may be prevalent.
- v. Request for posting by an unmarried female government servant facing serious medical problems may be accorded highest priority.
- vi. Unmarried female government servants already posted at a station including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period the permmistake limit may be considered with compassion, if interests of public service would permit.

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2. The above guidelines are subject to the following conditions:-

- (i) Posting of unmarried female government servants at the station of residence of their parents/family should not be made by allocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfer.
- (ii) The prescribed selection authority should be consulted in each case.

It has also been decided that the above guidelines shall also be followed by autonomous/semi-autonomous bodies/corporations etc. under the control of the Federal Government:

[Authority:- Estt. Division O.M. No. 10/30/97-R-2, dated 17-12-1999].

Sl. No. 5.A

Posting of Married Female Government Servants at the Place of Residence of Their Husbands Who are Not in Government Service

Keeping in view the socio-economic problems and hardships faced by husbands and wives in government service due to posting at different stations of duty, the Establishment Division issued instructions/guidelines vide its OM No. 10/30/97-R-2, dated 13.5.1998 (Sl. No. 4) and 17.12.1999 (Sl.No. 5) to facilitate posting of husbands and wives at the same station and the posting of the unmarried female civil servants at the place of residence of their parents/families. With a view to facilitating those female government servants whose spouses are not in government service or employed in the private sector or unemployed, it has been decided to extend the facility to this class of government servants also to the above to serve at the place of residence of their spouses irrespective of whether such spouses are employed with the government, private sector, or even unemployed.

[Authority:- Estt. Div.'s OM No. 10/30/97-R-2, dated 21-1-2000].

Sl. No. 6

Normal Tenure for an Officer on the Same Job/Post

It has been observed that a number of officers remain at the same desk for considerable period of time. This arrangement is not administratively desirable as the officers holding the same post for a long time tend to develop rigidity in the outlook and ideas and do not view the problems with the same objectivity as they normally should. It is, therefore, essential that officers should not be allowed to remain on the same job for any length of time. Normal tenure for an officer on the same post should be three years and should not exceed five years in any case.

ATTESTED



2. The above guidelines are subject to the following conditions:
- (i) Posting of unmarried female government servants at the station of residence of their parents/family should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of posting and transfer.
 - (ii) The prescribed selection authority should be consulted in each case.

It is has been decided that the above ----- staff shall be followed by autonomous, semi-autonomous bodies/corporations etc. under the control of the Federal Government.

SI No. 5-A

Posting of Married Female Government Servants at the Place of Residence/Posting of Their Husbands Who are Not in Government Employee.

Keeping in view the socio-economic problems and hardships faced by husbands and wives in government service due to posting of different stations of duty, the Establishment Division issued instructions/guidelines vide its OM No. 10/39/97-R dated 13.5.1998 (Sl No. 4) and 17.12.1999 (Sl. No. 5) to facilitate unmarried female civil servants at the place of residence of their parents/families. With a view to facilitating those female governing servants whose spouses are not in gunmen service or employed in the private sector or unemployed, it has been decided to extent the facility to this class of government servants also to the above to serve at the place of residence of their spouses irrespective of whether such spouses are employed with the government, private sector or even unemployed.

(Authority: Estt Div. OM No. 10/30/97-R-2 dated 21.1.2006)

SI. No. 6

Normal Tenure for an Officer on the Same Job/Post.

It has been observed that a number of officers remain at the same desk for considerable period of time. This arrangement is not administratively desirable as the officers holding the same post for a long time tend to develop rigidity in the outlook and ideas and do not view the problems with the same objectivity as they normally should. It is, therefore, essential that officers should not be allowed to remain on the same job for any length of time. Normal tenure for an officer on the same post should be three year and should not exceed five years in any case.

ATTESTED


~~112~~ ~~87~~
(18-A)

Service Certificate

It is to certify that
Mrs. Faizun Nisa PSHI, G.P.S., Banni
(Payee) is serving in Edu. Dept.
since 08/07/1999, and she is
still in service.

[Signature]
SDEO (F)
Banni

Station: Banni

dt: 15/07/2019

ATTESTED
[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

19

Peshawar, dated the 19th September, 2014

NOTIFICATION

No. SO(PE)14-S/Meeting/2013/Transfer/Posting: In continuation of this Department Notification of even No. dated 10-9 2014, posting and transfer at primary level will be done in the following manner:-

2. There shall be a committee at each district, with the following composition:
 - i. DEO concerned as chairperson
 - ii. Representative of Directorate of E&SE not below BS-17
 - iii. Concerned SDEO.
3. The committee will hold meetings in December, March, June and September. First meeting will be held in December 2014.
4. The committee will be able to recommend a maximum of 3 (three) transfers and postings at each quarterly meeting.
5. The committee will base all its deliberations on the need of the students in its jurisdiction, and this will be the primary determining factor.
6. Compassionate grounds do not include medical grounds, for which medical leave or retirement on medical grounds may be sought as provided for under the relevant rules. No transfer from a school will be considered if it violates a teacher student ratio of 1:40. If the ratio at a school is already worse than 1:40, no teacher will be considered for transfer from that school. The only exception will be the commissioning of new schools, for which teachers from the most favorable teacher student ratio in the vicinity may be considered.
7. Teachers returning from leave or deprivation will be considered against a post in only those schools which have the worst teacher student ratio in the district.
8. Any aggrieved party may put in an appeal through proper channels and the concerned DEO will forward this appeal alongwith detail comments and clear cut recommendations to the Director E&SE, who will constitute a committee to consider the appeal and pass a suitable order within the parameters specified above.
9. Violation of these instructions will be punishable under the government servant (Efficiency and Discipline) Rules 2011.

SECRETARY

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar.
2. All Directors, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Additional Secretary, in E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Secretaries in E&SE Department, Khyber Pakhtunkhwa, Peshawar.
5. The Secretary, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
6. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
7. All District Education Officers, Khyber Pakhtunkhwa.
8. All Section Officers in E&SE Department, Khyber Pakhtunkhwa, Peshawar.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa.

ATTESTED

(ZAMIN KHAN MOMAND)
SECTION OFFICER (Primary)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

19

Peshawar, dated the 19th September, 2014

NOTIFICATION

No. SO(PE)74-5/Meeting/2013/Transfer/Posting: In continuation of this Department Notification of even No. dated 10.9.2014, posting and transfer at primary level will be done in the following manner:-

2. There shall be a committee at each district, with the following composition:
 - i. DEO concerned as chairperson
 - ii. Representative of Directorate of E&SE not below BS-17
 - iii. Concerned SDFO
3. The committee will hold meetings in December, March, June and September. First meeting will be held in December 2014.
4. The committee will be able to recommend a maximum of 3 (three) transfers and postings at each quarterly meeting.
5. The committee will base all its deliberations on the need of the students in its jurisdiction and this will be the primary determining factor.
6. Compassionate grounds do not include medical grounds, for which medical leave of retirement on medical grounds may be sought as provided for under the relevant rules. No transfer from a school will be considered if it violates a teacher student ratio of 1:40. If the ratio, at a school is already worse than 1:40, no teacher will be considered for transfer from that school. The only exception will be the commissioning of new schools, for which teachers from the most favorable teacher student ratio in the vicinity may be considered.
7. Teachers returning from leave or deputation will be considered against a post in only those schools which have the worst teacher student ratio in the district.
8. Any aggrieved party may put in an appeal through proper channels and the concerned DEO will forward this appeal alongwith detail comments and clear cut recommendations to the Director E&SE, who will constitute a committee to consider the appeal and pass a suitable order within the parameters specified above.
9. Violation of these instructions will be punishable under the government servant (Efficiency and Discipline) Rule 2011.

SECRETARY

Copy forwarded to:

1. The Registrar, Peshawar High Court, Peshawar.
2. All Directors, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Additional, Secretary in E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Secretaries in E&SE Department, Khyber Pakhtunkhwa, Peshawar.
5. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
6. The Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
7. All District Education Officers, Khyber Pakhtunkhwa.
8. All Section Officers in E&SE Department, Khyber Pakhtunkhwa, Peshawar.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa.

-sd-

(ZAMIN KHAN MNOMAND)
SELECTION OFFICER (Primary)

ATTESTED

VI

B
Amexure

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

(20)

Phone No.0943412627.

email address: deomchitral@gmail.com

OFFICE ORDER

With reference to the honorable Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department letter vide No. SO(SM)E&SED/12-1/2019/Miscellaneous dated Peshawar the August 07, 2019 & telephonic instruction dated 19-08-2019, Office order issued vide this office endst: No. 14537-44/EB(M)T-3/Trf: posting DMs/SDMs dated 30-07-2017 is partially modified and adjustment at S.No.5 & 6 is hereby withdrawn with immediate effect in the best interest of public service.

Note

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

(Ihsan Ul Haq)

District Education Officer
(Male) Lower Chitral

Endst: No. 15113-20 /EB(M)T-3/Trf: posting DMs/SDMs Dated 19/8/2019.

Copy forwarded to the:

- 1 Honorable Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar with reference to his kind office No. & date referred above, for information.
- 2 Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar, for his kind information.
- 3 Deputy Commissioner, Lower & Upper Chitral, for their kind information.
- 4 District Accounts Officer, Chitral, for information, please.
- 5 Principal concerned Schools, for information, please.
- 6 District Monitoring Officer, IMU, Chitral, for information, please.
- 7 DEMIS Section, local Office, for information.
- 8 Teachers concerned, for information with the direction to perform duty in their original posting stations.

District Education Officer
(Male) Lower Chitral

ATTESTED

To

The Director Elementary &
Secondary Education KPK
Peshawar

C
Annexure
21

Subject:

APPEAL/REPRESENTATION AGAINST THE ORDER DATED
19/08/2019 WHEREIN THE APPLICANT WAS TRANSFERRED
FROM GHS BOONI TO GHS CHUIJ CHITRAL

Respected Sir,

The applicant humbly submits:-

1. That the applicant is serving as a senior Drawing master (SDM) in education department since 1998.
2. That the applicant was performed his duty with zeal and devotion.
3. That the applicant during his entire service was never posted in his nearest station.
4. That as per spouse policy transfer from GHS chuinj to GHS Booni vide order dated 30/07/2019 however the D.E.O Chitral Cancelled his own office order in the little span i.e. 19 days and the applicant re-transferred from GHS Booni to GHS Chuinj.
5. That this act of the concerned authority is against the services rules and policy which is tantamount to locus poenitia.

It is therefore humbly prayed that on acceptance of this application the order dated 19/08/2019 may please set aside and keep intact the order dated 30/07/2019.

Dated: 21/08/2019


Applicant

GHULAM ANBIA

S.D.M GHS Booni Chitral

Cell 0334-0996905

ATTESTED




IV

C/1/22

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

No. 3072 /F.No. 1035/CT/DM (M) G.
Dated: 23/8 /2019.

To

The District Education Officer
(Male) Chitral.

Subject: - **DEPARTMENTAL APPEAL**

I am directed to refer to appeal on the subject cited above and to ask you to decide the case/appeal in respect of Ghulam Anbia SDM GHS Booni District Chitral at your own level.

~~23/8/2019~~
Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. _____/

Copy of the above is forwarded to:-

1. Mr. Ghulam Anbia SDM GHS Booni District Chitral.
2. PA to Director E&SE local Office.
3. Master File.

/

Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTESTED

[Handwritten signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

Phone No. 0943412627.

Email address: deomchitral@gmail.com

No. 15545 /EB(M)/T-3/Trf: posting SDMs.

Dated 23/8/2019.

C/2
Armed
23

To,

The Director,
Elementary & Secondary Education
Govt of Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL

Memo:

Kindly refer to your office No. 3072/F.No.1035/CT/DM/ (M) G.dated 23-08-2019 on the above cited subject, it is to inform you that adjustment of Mr. Muhammad Ayub, SDM GHS Booni was ordered at GSYHS Borenis vide this Office endst: No. 14537-44/EB(M)/T-3/Trf: posting SDMs. Dated 30-07-2019 on the basis of the request of his substitute Mr. Ghulam Ambia, SDM GHS Chulnj District Upper Chitral, formal grant of ban relaxation by the honorable advisor to Chief Minister on Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar & wedlock policy (copies attached).

As a result Mr. Muhammad Ayub, SDM GSYHS Borenis approached the honourable Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar who vide his letter No. SO(SM) E&SED/12-1/2019/Miscellaneous dated Peshawar the August 07, 2019 & as well telephonically on 19-08-2019 directed the undersigned to withdraw the said order (copy attached).

In compliance with the instruction, the undersigned withdrawn the order vide endst: No. 15113-20/EB(M)/T-3/Trf: posting/DMS/SDMs dated 19-08-2019. It is also brought to your kind notice that both the teachers are belonging to District Upper Chitral, the District Education Officer (Male) Upper Chitral has taken overcharge of his post, so he may very kindly be asked for further correspondence in this regard.

Encl: As above.

District Education Officer
(Male) Chitral Lower

15546-47

Endst: No. /EB(M)/T-3/Trf: posting SDMs.

Dated 23/8/2019.

Copy forwarded for information to:

1. The District Education Officer, Male Upper Chitral, for information, please.
2. Mr. Ghulam Ambia, SDM GHS Chulnj District Upper Chitral.

District Education Officer
(Male) Chitral Lower

ATTESTED

DDM/PL

Post - 1/2

21/9/18

344
2-9-2019

C/3
Annexure
(23-A)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

Phone No. 0943412627.

Email address: deomchitral@gmail.com

No. 15048

/EB(M)/T-3/Trf: posting SDMs.

Dated 10/8/2019.

To,

The Secretary,
Govt of Khyber Pakhtunkhwa,
Elementary & Secondary Education Deptt:
Peshawar.

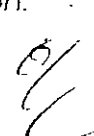
Subject: CANCELLATION OF MUTUAL TRANSFER.

Memo:

With reference to your esteemed office No.SO(SM) E&SED/12-1/2019/Miscellaneous dated Peshawar the August 07, 2019 & telephonic instruction dated 09-08-2019 on the above cited subject, It is submitted for your kind information that adjustment of Mr. Muhammad Ayub, SDM of GSYHS Barenis was ordered vide this Office endst: No. 14537-44/EB(M)/T-3/Trf: posting SDMs. Dated 30-07-2019 on the basis of the request of Mr. Ghulam Ambia, SDM GHS Chuinj District Upper Chitral & formal grant of ban relaxation by the honorable advisor to Chief Minister on Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar & wedlock policy (copies attached).


The appellant has also not been suffered, his Present posting station GSYHS Barenis is near to him as compared to his old station GHS Booni where he has spent long tenure of more than 5 years.

Report is submitted for your kind information.


District Education Officer
(Male Lower Chitral)

Endst: No. 15049 EB(M)/T-3/Trf: posting/SDMs Dated 10/8/2019.

Copy forwarded to the Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar, for his kind information.


District Education Officer
(Male Lower Chitral)

ATTESTED


Annexure B

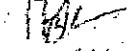
OFFICE OF THE DISTRICT EDUCATION OFFICER (M) UPPER CHITRAL

17

CERTIFICATE OF TRANSFER OF CHARGE

Certified that we have on the afternoon of this day respectively made over and received the charge of the Assistant District Education Officer Sports (M) Upper Chitral (On deputation basis) vide Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar order No. 186-90/F.No.436/vol-06/ADEO (M) Transfer dated Peshawar the 29/07/2019.

Station: DEO (M) Upper Chitral.

Signature of relieving 
Govt servant :/ Mr. Muhammad Nawaz/
Designation: ADEO (Sports)

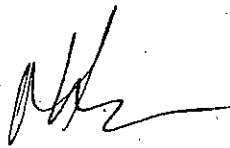
Dated 10/08/2019

**District Education Officer
(M) Upper Chitral**

Endst: No 19-21/EB(M)/C-1/Charge Report (Officers) Dated 10/08/2019
Copy forwarded to the:

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar to his kind office No. & date referred above.
2. Deputy Commissioner, Upper Chitral.
3. District Monitoring Officer, IMU, Lower Chitral.
4. District Accounts Officer, Lower Chitral.
5. Account Branch (Admin) Local Office.
6. Personal File.

**District Education Officer
(M) Upper Chitral**



VAKALATNAMA

IN THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

 APPEAL NO. 1127 OF 2019

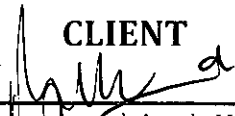
GHULAM ANBIA _____ (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


GOVT. OF KP & OTHERS _____ (RESPONDENT)
(DEFENDANT)

I/We MUHAMMAD AYUB KHAN (*Private Respondant*)
Do hereby appoint and constitute **MUHAMMAD MAAZ
MADNI, 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 cost.
I/we authorize the said Advocate to deposit, withdraw and
receive on my/our behalf all sums and amounts payable or
deposited on my/our account in the above noted matter.

Dated. 23 / 12 / 2019

CLIENT


(Muhammad Ayub Khan)

ACCEPTED


MUHAMMAD MAAZ MADNI
Advocate
(BC-11-1460)
17101-9263898-1

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9090737, 0333-9313113

12
خدا یوب نے کیا کیا ہے سے Relieved سے جو 1

Relieving Certificate 16-8-19 کو

حاضر کی رہا ہے

میں اس کا سرٹیفکیٹ ایک سے

pay slip سے 2019 کو

ای سے فرم کی 2019 کو

عدم ایسارہ میں گولڈسٹ

(نقل) اگست 2019 کی تنخواہ GHS بونی سے لی -

غلط - ستمبر 2019 کو دوسری تنخواہ GHS بونس سے کر دی -

(نقل) = اکتوبر - نومبر - دوسری تنخواہ GHS سے کر دی جو پرائیویٹ میں ہے

(نقل) = دسمبر 2019 کو تیسری تنخواہ GHS جو بونص سے نکالی

غلط = جنوری 2020 کی تنخواہ GHS سے 2 - 3 -

Assistant Account Officer
اکاؤنٹس افسر جنرل کوئٹہ

پرائیمری 30-7-2019 GHS جو بونص سے GHS بونی سے

تو GAS بونس سے تیسری تنخواہ لے جائے

19 اگست 2019 کو جنرل افسر کے لئے DEO اب لگا لگا

تو 19 اگست کو DEO کوئی تنخواہ لے کر گیا



VI

Amexone

(24)

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 4813/F. No.1035/CT/DM/(M)

General.

Dated Peshawar the 3/9/2019.

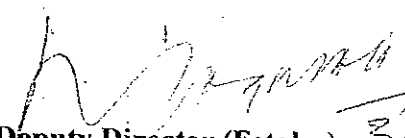
To,

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

Subject: - **DEPARTMENTAL APPEAL IN RESPECT OF MR. GHULAM AMBIA**
SDM GHS CHUIJI DISTRICT UPPER CHITRAL.

Memo:-


I am directed to refer to the subject noted above and to enclose herewith self-explanatory appeal along with DEO (M) Chitral Self-explanatory report for further necessary action please.


Deputy Director (Estab :)
Elementary & Secondary Edu: Khyber
Pakhtunkhwa Peshawar. 3/9/20

Endst: No. _____

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.


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

ATTESTED





VII

D/1
Amexure
25

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)/2-1/General Transfer/Posting/2019
Dated Peshawar the 03.09.2019

To,

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Peshawar.

Subject: - **DEPARTMENTAL APPEAL IN RESPECT OF MR. GHULAM AMBIA
SDM GHS CHUNJ DISTRICT UPPER CHITRAL**

Dear Sir,

I am directed to refer to your letter No. 4813/F.No. 1035/CT/DM/(M) dated 03.09.2019 on the subject noted above in respect of Mr. Ghulam Ambia SDM, GHS Chunj District Upper Chitral and to state as per existing policy of the department we allow transfers only against vacant posts or on mutual basis. Any aberration from the above will open flood gate of transfers which we cannot afford. Hence, the appeal in hand is regretted, please.

Yours faithfully,

Endst: No & date even


SECTION OFFICER (PRIMARY)

Copy forwarded to:-

1. The DEO (Male) District Chitral, for information, please.
2. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
- ✓ 3. Mr. Ghulam Ambia, SDM, GHS Chuiji, District Upper Chitral.


SECTION OFFICER (PRIMARY)

ATTESTED


قیمت
50 روپے

27521



ایڈویکیٹ:

بار کونسل/ ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر جسٹس فیاض محمد خٹک

مخاطب: املاہ شاہ	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ فیصلہ فیصلہ ایڈووکیٹ
آن مقام کے لئے جسٹس فیاض محمد خٹک کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: ہا کلمہ 2019

العواہ شد العواہ شد

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Mustad
to see please

املاہ شاہ
03340996905

WAKALATNAMA

IN The KPK Service Tribunal Peshawar

Ghulam Anbia

(Petitioner)
(Plaintiff)
(Applicant) ✓
(Complainant)
(Decree Holder)

V E R S U S

Govt of KPK and others

(Respondent) ✓
(Defendant)
(Accused)
(Judgment Debtor)

Case Service Appeal No 1127/2019

I/we, Respondent No 5 do hereby appoint and constitute **MUHIBULLAH TARICHVI** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ ~~us~~ as my/ ~~our~~ Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ ~~our~~ matter.

Attested & Accepted

M. Qureshi 3/10/2019

MUHIBULLAH TARICHVI

Advocate, High Court, Peshawar.
Office Chitral Law Chamber
Municipal Building, Naz Cinema
Road, Chowk Yadgar, Peshawar
Mobile: 0345-3434235

CLIENT/S

Muhammad Agub
1520208269549
Respt No - 5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL AT PESHAWAR

Service Appeal No.1127/2019

Ghulam Anbia. **APPELLANT**

VERSUS

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

PARAWISE COMMENTS ON BEHALF OF
RESPONDENT NO.5.

Respectfully Submitted:

Preliminary Objections:

- a. That the appellant has got no cause of action/ locus standi to file the instant appeal.
- b. That the appellant has been treated as per law, rules and policy.
- c. That the appeal is bad in its present form, hence incompetent and liable to be dismissed.
- d. That the appellant concealed the material facts and kept this Honourable Tribunal in dark.

- e. That the appellant has not come to this Honourable Tribunal with clean hands.
- f. That the Chitral divided into two District e.g. District Upper Chitral and District Lower Chitral and the respondent No.5 belonging to District Upper Chitral and the subject school is situated in District Upper Chitral.

FACTS:

1. Para No.1 is incorrect. It is pertaining to record.
2. Para No.2 is correct up to the extent that the same transfer order was withdrawn as per direction issued by the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department No.SO (SM) E&SE/ 12-1/ 2019/Miscellaneous dated Peshawar the August 07, 2019, addressed to District Education Officer (Male) Chitral.
3. Correct up to the extent that appellant submitted appeal to the Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar, which was referred to Secretary Elementary & Secondary

Education Department by the Director of Education E&SE, Peshawar.

4. Incorrect. In response of the same letter the Secretary Elementary & Secondary Education Department regretted the appeal on 03.09.2019, on the ground that as per existing policy of the Department transfer only against vacant post is allowed. Any aberration from the above will open floodgate of transfers, which cannot be afforded. Hence, the appeal was regretted.
5. Para No.5 is legal. The respondents also want to approach this Honourable Tribunal on the following grounds:-

GROUND S:

- A. Incorrect and denied. The respondents have acted as per law, rules and policy and have not violated any kind of rights of the appellant in the instant appeal. Hence this ground is also liable to be rejected.
- B. Incorrect and denied. Although the appellant has taken over the charge, as per direction of the Secretary E&SED, Khyber Pakhtunkhwa, Peshawar

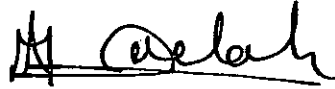
dated August 07, 2019, the District Education Officer (Male) Chitral (Lower) withdrew the said transfer order.

- C. Incorrect and denied. Detail answer has been given in above paras.
- D. Incorrect and denied. The transfer order of the appellant was issued as adjustment. However, the detail answer has been given in the above paras.
- E. Incorrect and denied. However, no legal/ vested right of the appellant has been infringed, nor has any provision of constitution been violated. The respondents have acted as per rules, policy and directions.
- F. That the out of district transfer of the respondent No.5 was without lawful authority and was illegal, so withdrawn by the respondents.
- G. Legal, however, the respondent No.5 also seeks permission to submit additional grounds, case law and additional documents at the time of arguments on the date fixed please.

It is, therefore, prayed that on acceptance of the above submission, the instant appeal may kindly be dismissed in favour of the respondent No.5 with cost please.

Respondent No.5

Through

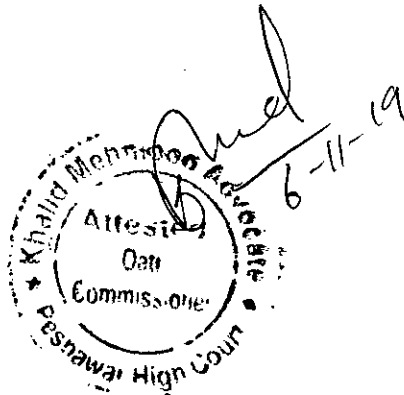


Muhibullah Tarichvi
Advocate, Peshawar

Dated: 06.11.2019

AFFIDAVIT

I, Muhammad Ayub Khan S/o Pehlwan, presently serving as SDM at GHS Booni, District Upper Chitral, do hereby solemnly affirm and declare on oath that the contents of the **Comments** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.




DEPONENT

EMIS CODE 35490 MONTHLY STAFF STATEMENT OF GHS BOONI FOR THE MONTH OF SEPTEMBER 2019 SCHOOL PHONE# 0943 - 470685

S. No	Name and Parentage & NIC No	UC & VC	Personal Number	Mobile Number	Designation & Grade	DOB	Acad/Prof Qualification	D/O Passing Prof:Exam	Date of 1st Apptt:	D/O Prom: To Present Post	D/O Taking over Charge P/School	Name of Pr.School With Total Tanure	Subject Taught
1	Sahib ur Rahman s/o Mir Aziz Khan 15202-0829417-5	Charur, Reshun	328176	0320-1977401	Principial (19)	12/04/1963	MA M.Ed	2001	01/10/1986	24/11/2016	24/11/2016	SDEO (M) Booni 9 Years	Supervision of School and Administration
2	Muhammad Akram s/o Mir Aziz Khan 15202-0827678-3	Charun Booni	315989	0340-4874350	SST (Sc) (17)	14/03/1963	BSc Med	1999	15/10/1987	14/04/2010	23/06/2017	GHS Staru 2 Year 10 Months 23 days	Ch.9th,10th, G.Science 8Th
3	Muhammad Zaman s/o Juma Khan 15202-0826099-3	Charun Booni	376069	0345 0249689	SST(G) (17)	02/02/1980	MA MEd	2005	02/10/2007	02/10/2007	04/03/2015	GHS Kushum 4 Years 7 Months	Eng.10th A,B G.Science 10Th(B)
4	Fayaz Ali s/o Bayaz Khan 15202-1631778-5	Charun Booni 2	382660	0340 9857866	SST(G) (17)	06/09/1984	MA MEd	2016	2/10/2007	2/10/2007	24/3/2016	GHS Kushum 5 year 7 Month 9 Days	Urdu 10Th A, 10Th B Civics 10TH (B) Eng 7th
5	Mohd. Aziz Khan s/o Mohd Nadir Khan 15202-0808869-7	Charun Booni	316000	0346 9623400	SST(G) 16	7/1/1966	BA B.Ed	15/4/93	30/9/1986	30/10/2014	3/9/2015	GHS Sweer 1 Year	Eng 9th A, B Ps 10th A.
6	Sanallah S/O Nasir Ullah 15202-4990167-3	Shagra Werkup	747523	0343 9263502	SST (Scii)	13/04/1990	MSc Med	2016	16/03/2015	01/12/2015	12/11/2018	GHS Zondrangram 3 Years	Math 9th A, 10Th A Physics 9Th, 10Th
7	M Yousaf s/o Mir Akbar Hussain 15202-1236841-9	Mulkhow Nogram	897063	0346 9194308	SST(IT) 16	16/08/1991	MSc B.Ed	2015	17/12/2016	17/12/2016	17/12/2016	GHS Booni	Math 9th(B) 10Th B C.Sc 10Th(A) C.Sc 9Th A
8	Shakoor Mohd s/o Bula Khan 15202-0832824-9	Kosht Bombagh	315910	0345 0990160	Sr.CT (16)	01/02/1970	MA S.CT Bed.	22/10/1991	10/06/1992	21/02/2013	01/09/2007	GHS Charun	Geo 6Th History 6Th Urdu 9Th A,B
9	Islamud Din Khan s/o Mir Ajab 15202-0835754-5	Charun Booni	316033		Sr.CT (16)	06/05/1961	MA B.Ed	12/08/	14/10/1987	06/12/2015	05/08/2011	GMS Rumbor 2 Year	Math 7th, 8th Is(c) 9th A & B
10	Mir Wazir Khan s/o Sulaiman Shah 15202-0821800-7	Charun Booni 2	312170	0346 9895213	Sr.CT (16)	01/09/1964	MA M.Ed	2014	11/03/1993		24/09/2017	GHS Kosht 2 Year 2 Months	P.Studies 9th A, B Urdu 6th G.Sc 7Th
11	S.Mubarak Ali Shah s/o S.Aziz Shah 15202-0822563-1	Laspur Awi	322050	0345 0423128	Sr.CT (16)	7/3/1970	MA B.Ed	2001	24/11/1994	23/7/2015	28/7/2015	GMS Parwak 2 Year 6 Month 12 days	Urdu 8Th, P.Studies 10Th B Islam 7Th, G.Sc 6Th Drawing 7th, 8th,
12	M. Ayub Khan s/o Pahlawan 15202-0826954-9	Charun Reshun	321131	0320 3205588	Sr.DM (16)	15/01/1967	MA B.Ed	1996	14/12/1987	21/02/2013	01/02/2014	GHS Shongush 1 Year	
13	Dinar Shah s/o Purdum Shah 15202-7323093-3	Charun Booni 2	320036	0340 9855935	SR.AT (16)	28/2/1974	MA B.Ed	1/2/2013	8/10/2004	4/5/2016	24/8/2016	GHS Bang 3 Month 13 Days	Islamiat 9th B Ar. 6th, 7th Qirat 8Th
14	Abdul Khaliq s/o Khosh Lihath 15202-0813355-7	Shagram Rayeen	316023	0340 9855662	Sr.CT (16)	15/02/1963	MA B.Ed	29/04/1993	09/10/1999	22/4/2016	22/08/2004	GHS Mastuj 4 year 4 Months	Civics 9th B Elec:6th, Geo/History 7th

Continue of p-II

EMIS CODE 35490 MONTHLY STAFF STATEMENT OF GHS BOONI FOR THE MONTH OF SEPTEMBER 2019 SCHOOL PHONE # 0943 - 470685

S. No	Name and Parentage & NIC No	UC & VC Name	Personal Number	Mobile Number	Designation & Grade	DOB	Acad/Prof Qualification	D/O Passing Prof.Exam	Dste of 1st Apptt:	D/O Promotion To P/ Post	D/O Taking over Charge P/School	Name of Pr.School With Total Tanure	Subject Taught
15	Shakir Aman s/o Ajab Aman 15202-4582055-7	Charun Booni	317607	0331 7813293	CT 15	04/04/1962	BA (CT)	1988	20/11/1981	16/08/2012	01/02/2014	GMS Zhupu 1 Year 6 Months	M. 6th, G.Sc 9th Geo 8th
16	Imtiaz Ali Khan s/o Zar Madad Khan 15202-3101296-5	Khot Khot Bala	754564	0343 9645415	CT (15)	03/12/1989	MSc M.Ed	2011	20/03/2015	20/03/2015	20/03/2015	GHS Booni	English 8th . Bio 9th,10Th (A)
17	Ghulam Haider s/o karimullah 15202-0824165-7	Charun Booni	317604	0303 8777283	CT (15)	01/10/1968	BA (CT)	2008	17/04/1990	23/06/2016	30/06/2017	GHS Muxhgol 1 Year 5 Month	Urdu 7Th Islamiat © 8Th Islamiat 6Th
18	Amir Ali Shah Muhammad Rooz 15202-0359198-9	Charun Reshun	321752	0321 9330166	S.PET(16)	3/11/1975	MA B.Ed J.D.P.E	31-03-2002	01/01/1998		01/03/2019	GMS Riri	Drill 6th to 10th
19	Muhd Sardar Khan S/O Muhd Salar Khan 15202-0822952-5	Kosht	349132	3409859567	TT (15)	29/09/1980	MA M.Ed	2006	09/03/2016	09/03/2016	20/11/2018	GMS Parwak 2 Year 9 Month	Islamiat © 10Th A,B History 8Th English 6Th
20	Tariq Ullah S/O Hafiz Ullah 15202-9817840-9	Kosht Bumbagh	744387	0303 4179998	Qari (12)	25/04/1984	MA B.Ed	2017	16/03/2015	16/03/2015	11/12/2018	GHS Brep 3 Years 9 Months	Qirat. 9th(B) 10TH A,B Qirat 6TH, Isl 10th B Arabi 8Th
21	Irfanuddin s/o Shakir uddin 15201-4853001-5	Charun Reshun	893955	0342 1919640	IT (CT) (12)	16/2/1995	B.com (DIT)	2016	20/7/2016	20/07/2016	20/7/2016	GHS Booni	Copmputer 6th,7th,8th,9Th
22	M Sanaullah s/o Rahmat Hussain 15202-4816525-1	Oweer Riri	834736	0320 9044651	J/C (11)	10/02/1996	FA	-	08/12/2016	08/12/2016	08/12/2016	GHS Booni	Official Works
23	Ali Nigah s/o Shokor Madad 15202-0838673-1	Charun Booni	316067	0333 4643930	Beh (4)	04/07/1972	Matric	-	09/05/1992	09/05/1992	09/05/1992	GHS Booni	Official Works
24	Noor Salam Khan s/o Majan Khan 15202-0827653-3	Charun Owir Charun	316069	0340 9851898	N/Q (4)	1968	Middle	-	13/05/1992	13/05/1992	13/05/1992	GHS Booni	Official Works
25	M.Karim Khan s/o Purdoom Baig 15202-0842107-1	Charun Booni	316074	0346 9410801	W.Att(4)	02/02/1982	Matric	-	28/10/1998	28/10/1998	28/10/1998	GHS Booni	Official Works
26	Nasirud Din s/o Azizud Din 15202-0739571-7	Charun Booni 1	710673	0348 2304377	Sweep (3)	01/02/1989	Matric	-	04/02/2014	04/02/2014	04/02/2014	GHS Booni	Official Works
27	Mehrabud Din s/o Akbar Aziz Khan 15202-0272450-9	Oweer Barum	737842	0345 9115759	Chow (3)	08/02/1992	Matric	-	03/03/2015	03/03/2015	03/03/2015	GHS Booni	Official Works
28	Murad Ali Shah S/O Sakhi Dad Shah 15202-5178899-3	Shagram Shagram	914175	3457756740	Lab Atd (3)	08/09/1982	Matric	-	02/04/2019	02/04/2019	15/04/2019	GHS Booni	Official Works

Continue of P-III

1- SCHOOL BUILDING

Covered Area	82307sq.ft 15 Kanal 11 Marla	Un Covered area	22800 (sq.ft) 4kanal 18 Marla	No. of class	10	Other Rooms	9	No Of Toilet	2	Total All Rooms	23					
2. Basic And Other Facilities				Electricity		Yes		Water		Yes		Boundary Wall		Yes	Play Area	Yes
				IT Lab		1		Science Lab		Yes		Play Ground		Yes	CTV Camera	Yes

3. Classwise Enrollment

Gender/Class	Nursery	Prep	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	Total
Male	0	0	0	0	0	0	0	31	43	29	42	35	0	0	180
Female	0	0	0	0	0	0	0	4	2	5	8	4	0	0	23
Total	0	0	0	0	0	0	0	35	45	34	50	39	0	0	203

4- Detail of Sanction/Working Teaching Posts

Name of Post	Sanction	Working	Vacant	Total
Principal B-19	1	1	0	1
Principal B-18	0	0	0	0
Vice Principal B-17	0	0	0	0
HM B-17	0	0	0	0
SS B-18	0	0	0	0
SS B-17	0	0	0	0
SST (G)	3	3	0	3
SST(Sci-1) (Bio-Ch)	1	1	0	1
SST(Sci-2) (M-Ph)	1	1	0	1
Comp. Lab Inc	1	1	0	1
Sr.CT	5	5	0	5
CT	3	3	0	3
SR.DM	1	1	0	1
DM	0	0	0	0
SR, AT	1	1	0	1
S.PET	1	1	0	1
Sr. TT	0	0	0	0
TT	1	1	0	1
IT Teacher	1	1	0	1
qari	1	1	0	1
Total	21	21	0	21

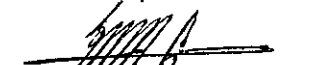
5. Detail of Sanction/Working Non-Teaching Post

S.No	Name of Post	Sanction	Working	Vacant	Total	6.Furniture and / Other Commodities (Write No.5)			
						*	Useable	Repairable	Un repaira
1	S.Clerk	0	0	0	0	Teacher Chair	45	4	..
2	J.Clerk	1	1	0	1	Teacher Table	0	..	..
3	Lab Assistant	0	0	0	0	Office Chair	19	..	..
4	W.Shop Attndt	1	1	0	1	Office Table	13	1	..
5	Naib Qasid	1	1	0	1	S.Bench 2 ST	59	5	5
6	Mail/Caller	0	0	0	0	S.Bench 3 ST	59	30	..
7	Chowikidar	1	1	0	1	Black Board	..	2	..
8	Cook	0	0	0	0	White Board	7	..	..
9	Sweeper	1	1	0	1	Wooden Almirah	10	..	..
10	Behishti	1	1	0	1	Steel Almirah	25	..	6
11	Lab Attendent	1	1	0	1	Teaching Kits	..	..	..
12		0	0	0	0	Office Computer	1	..	..
Total		7	7	0	7	Office Printer	1	..	..
						UPS	1	1	..

Any Other Information

Prepared By **Muht Sanullah J/C**

Signature & Stamp


Principal
Govt High School
Booni

Dist. Govt. NWFP-Provincial
District Accounts Office Chitral
Monthly Salary Statement (September-2019)

(9)



Personal Information of Mr MUHAMMAD AYUB KHAN d/w/s of PAHLWAN

Personnel Number: 00321131 CNIC: 1520208269549 NTN:
Date of Birth: 15.01.1967 Entry into Govt. Service: 01.01.1988 Length of Service: 31 Years 09 Months 001 Days

Employment Category: Vocational Temporary

Designation: DRAWING MASTER

80001287-DISTRICT GOVERNMENT KHYBE

DDO Code: CL6082-HEAD MASTER GHS BOONI

Payroll Section: 001

GPF Section: 001

Cash Center: 21

GPF A/C No: EDUCL002425

Interest Applied: Yes

GPF Balance:

684,369.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 16

Pay Stage: 22

Wage type		Amount	Wage type		Amount
0001	Basic Pay	52,350.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1918	UAA-CHITRAL 40%(16 G/NG)	3,000.00
1947	Medical Allow 15% (16-22)	2,239.00	2148	15% Adhoc Relief All-2013	1,220.00
2199	Adhoc Relief Allow @10%	814.00	2211	Adhoc Relief All 2016 10%	4,148.00
2224	Adhoc Relief All 2017 10%	5,235.00	2247	Adhoc Relief All 2018 10%	5,235.00
2264	Adhoc Relief All 2019 10%	5,235.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-1,116.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	631,000.00	-17,600.00	15,000.00

Deductions - Income Tax

Payable: 22,071.75 Recovered till September-2019: 3,199.00 Exempted: 8828.66 Recoverable: 10,044.09

Gross Pay (Rs.): 87,203.00 Deductions: (Rs.): -23,656.00 Net Pay: (Rs.): 63,547.00

Payee Name: MUHAMMAD AYUB KHAN

Account Number: 1309-0

Bank Details: NATIONAL BANK OF PAKISTAN, 231421 NBP RESHUN RESHUN, RESHUN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: CHITRAL

Domicile: NW - Khyber. Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

Verified by

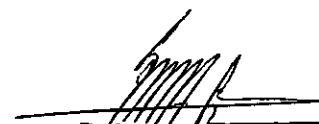
[Signature]
Principal
Govt High School
Booni

(344211/07.10.2019/13:06:11) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

10

DUTY CERTIFICATE

Certified that Mr. Muhammad Ayub Khan S.DM BPS-16 has been performing his duty at Govt: High School Booni District Upper Chitral in the light of order Vide DEO (Male) Chitral Order No. 15113-20/EB(M) T-3 Trf/posting S.DMs Dated 19/08/2019. He is still serving at GHS Booni Upper Chitral


Principal 15/10/2019
Govt High School
Govt: High School Booni

District Upper Chitral



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

18

No.SO(SM) E&SED/12-1/2019/Miscellaneous
Dated Peshawar the August 07, 2019

To

✓ The District Education officer (Male),
Chitral.

Subject:- CANCELLATION OF MUTUAL TRANSFER

I am directed to refer to the subject noted above and to state that the mutual transfer at S.No 6, Mr. Muhammad Ayub, SDM BS-16 in your office order No. 14537-44/EE(M) T-3/Trf. posting DMs/SDMs dated 30-07-2019 is illegal, therefore, you are directed that the order of the concerned official may be withdrawn immediately.

S. Rafiq
20/08/2019

(SHAIK RAFIQ)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. PS to Advisor to Chief Minister Khyber Pakhtunkhwa for E&SED, Peshawar.
2. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
3. Mr. Muhammad Ayub Khan, SDM, GHS Boni, Chitral.

SECTION OFFICER (SCHOOLS MALE)

DUTY CERTIFICATE.

It is certified that Mr. Ghulam Anbia SDM performed his duty at GHS Chuinj WEF 06/03/2019 to 01/08/2019, then he has been transferred to GHS Booni Vide DEO (Male) Chitral order No 14537-44 dated 30/07/2019.

[Handwritten Signature]
HEAD MASTER

GHS CHUINJ DISTRICT UPPER CHITRAL

Head Master
Govt. High School Chuinj
District Chitral

27/9/2019

*Under Transfer order
only 4 months duty GHS Chuinj*

Dist. Govt. NWFP-Provincial
District Accounts Office Chitral Upper
Monthly Salary Statement (October-2019)

13



Personal Information of Mr MUHAMMAD AYUB KHAN d/w/s of PAHLWAN

Personnel Number: 00321131 CNIC: 1520208269549 NTN:
Date of Birth: 15.01.1967 Entry into Govt. Service: 01.01.1988 Length of Service: 31 Years 10 Months 001 Days

Employment Category: Vocational Temporary

Designation: SENIOR DRAWING MASTER 80997889-DISTRICT GOVERNMENT KHYBE

DDO Code: CU6082-Head-Master GHS Booni

Payroll Section: 001 GPF Section: 001 Cash Center: 21

GPF A/C No: EDUCL002425 Interest Applied: Yes **GPF Balance:** 702,709.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 22

Wage type		Amount	Wage type		Amount
0001	Basic Pay	52,350.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1918	UAA-CHITRAL 40%(16 G/NG)	3,000.00
1947	Medical Allow 15% (16-22)	2,239.00	2148	15% Adhoc Relief All-2013	1,220.00
2199	Adhoc Relief Allow @10%	814.00	2211	Adhoc Relief All 2016 10%	4,148.00
2224	Adhoc Relief All 2017 10%	5,235.00	2247	Adhoc Relief All 2018 10%	5,235.00
2264	Adhoc Relief All 2019 10%	5,235.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-1,944.00	3990	Emp.Edu. Fund KPK	-150.00
4004	R. Benefits & Death Comp:	-650.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 22,071.75 Recovered till OCT-2019: 5,143.00 Exempted: 1379.23 Recoverable: 15,549.52

Gross Pay (Rs.): 87,203.00 Deductions: (Rs.): -6,884.00 Net Pay: (Rs.): 65,319.00

Payee Name: MUHAMMAD AYUB KHAN

Account Number: 1309-0

Bank Details: NATIONAL BANK OF PAKISTAN, 231421 NBP RESHUN RESHUN, RESHUN

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: CHITRAL Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: muhmmadayubkhanghs@gmail.com

System generated document in accordance with APPM 4.6.12.9 (SERVICES/27.10.2019/16:28:05/v1.1)

* All amounts are in Pak Rupees

* Errors & omissions excepted

Verified by


Principal
Govt. High School Booni
District: Upper Chitral


04-11-2019

144

Service Certificate.

Certified that Mr. Muhammad Ayub Khan S.DM (BPS 16) has been serving in Elementary & Secondary Education Chitral at Govt High School Booni District Chitral since 01.01.1988.He is still in service.


COUNTER SIGNATURE
District Education Officer
(M) Upper Chitral


Principal 24.09.2019
Govt; High School Booni
Chitral (Upper)
Principal
Govt High School
Booni

BEFORE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEALS NO, 1127

Ghulam Anbia... R/O Booni.....Appellant.

VERSUS.

Government of Pakhtunkhwa & others.....Respondents

I N D E X.

S.No,	Description of documents.	Annexure	Pages
1.	Comments	--	1-3
2	Affidavit	--	4
3	Directions issued by Govt of Khyber Pakhtunkhwa E&SED No.SO (SM)E&SED/12-1/2019 miscellaneous dated Peshawar the August 07,2019	Annexure-A	5
4	Departmental appeal in respect of Ghulam Anbia SDM, which was regretted on dated 3/9/2019.	Annexure-B	6


District Education Officer
(Male) Chitral.

①

Before the Khyber Pakhtun Khawa Service Tribunal at Peshawar.

Service Appeal No, 1127/2019.

Ghulam Anbia S/O Abdul Hakim R/O Booni Tehsil Mastuj District Upper Chitral.

Versus

Govt:of Khyber Pakhtun Khawa Through Secretary (Elementary & Secondary Education) Civil Secretariat, Peshawar & Others.

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1 to 4

Preliminary objections:-

1. That the appellant has got no cause of action/ locus standi to file the instant appeal.
2. That the appellant has been treated as per law, rules and policy.
3. That the appeal is bad in its present Form, hence incompetent and liable to be dismissed.
4. That the appellant concealed the material Facts and kept this Honorable Tribunal in dark.
5. That the appellant has not come to this Honorable Service Tribunal with clean hands.
6. That Chitral Divided into two District e.g. District Chitral Upper and District Chitral, Lower.
7. That the appellant as well as the Respondent No, 5 are the permanent resident of District Upper Chitral. Presently there is a vacant SDM Post is lying at GHSS Barum Owir upper Chitral and also another Post of SDM is going to be vacant in the month of December 2019/January 2020 at GHS Charun Upper Chitral. If the Honorable Service Tribunal allows, the same

dispute may be solved, and respondent No.5 will be adjusted at GHS Barum Owir Chitral Upper which is nearer to his home station.

ON FACTS:-

1. Para 1 is correct.
2. Para 2 is correct up to the extent that the same transfer order was withdrawn as per direction issued by the Government of Khyber Pakhtun Khawa Elementary & Secondary Education Department No, SO (SM) E&SED/12-1/2019/Miscellaneous dated Peshawar the August,07/2019, addressed to District Education Officer Male Chitral. It is important to mention here, that, at that time District Chitral Upper Education Office was not established. **Copy of the direction is attached as annexure "A".**
3. Correct up to the extent that appellant submitted appeal to the Director Elementary & Secondary Education Khyber Pakhtun Khawa Peshawar, which was referred to Secretary Elementary & Secondary Education Department by the Director of Education E&SE Peshawar.
4. Incorrect, in Response of the same letter the secretary Elementary & Secondary Education Department regretted the appeal on 03/09/2019, on the ground that as per existing policy of the department transfer only against vacant post is allowed. Any aberration from the above will open flood gate of transfers which cannot be afforded. Hence, the appeal was regretted. **Copy of the letter Govt: of Khyber Pakhtun Khawa E&SED dated 3/9/2019 is attached as annexure "B".**
5. Para No 5 is legal. The respondent also wants to approach this Honorable Tribunal on the following grounds:-

ON GROUNDS.

- A. Incorrect and denied. The respondents have acted as per law, rules and policy and have not violated any kind of rights of the Appellant in the instant appeal. Hence this ground is also liable to be rejected.
- B. Incorrect and denied. Although the appellant has taken over the charge, as per direction of the Secretary E&SED Khyber Pakhtun Khawa Peshawar dated August, 7/2019, the District Education Officer (Male) Chitral (Lower) with drew the said issued transfer order. **Detail answer has been given at Para No, 2.**
- C. Incorrect and denied. Detail answer has been given above paras.
- D. Incorrect and denied. The transfer order of the appellant was issued as mutual transfer/ adjustment. However the detail answer has been given in the above paras.

- E. Incorrect and denied. However, no legal / vested right of the appellant has been infringed, nor has any provision of the constitution been violated. The respondents have acted as per rule policy and directions.
- F. Legal, however the respondents also seek permission to submit additional grounds, case law and additional documents at the time of arguments on the date fixed please.

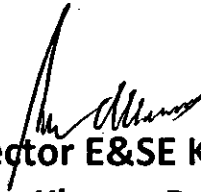
It is therefore, humbly prayed that on acceptance of above submission, the instant appeal may very graciously be dismissed in favor of the respondent department with cost please.

Respondent No.1



**Secretary Education E&SED
Peshawar**

Respondent No.2



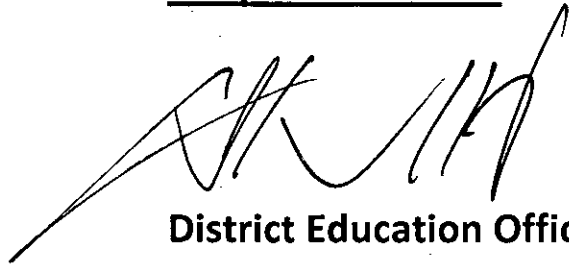
**Director E&SE Khyber
Khuber Pakhtun Khawa Peshawar**

Respondent No.3



**District Education Officer (M)
Chitral Upper at Booni**

Respondent No4



**District Education Officer
(M) Chitral Lower**

4

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service appeal No, 1127/2019

**GHULAM ANBIA SON OF ABDUL HAKEEM RESIDENT OF BOONI TEH:MASTUJ
DISTRICT UPPER CHITRAL.....APPELLANT**

VERSUS.

**Government of Khyber Pakhtunkhwa through Secretary Education &
others..... Respondents**

AFFIDAVIT.

I Mahmood Ghaznavi BPS-18 DEO (Male) Upper Chitral CNIC No, 15201-0586271-3 do hereby solemnly affirm and declare on oath that the contents of accompanying Para wise comments in SA No,1127/2019 on behalf of respondent No1 to 4 are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

DEPONENT

CNIC No, 15201-0586271-3

**District Education Officer
(Male) Lower Chitral**

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

"A"

Annexure (A)

5

No.SO(SM) E&SED/12-1/2019/Miscellaneous
Dated Peshawar the August 07, 2019

To

✓ The District Education officer (Male),
Chitral.

Subject:- CANCELLATION OF MUTUAL TRANSFER

I am directed to refer to the subject noted above and to state that the mutual transfer at S.No 6, Mr. Muhammad Ayub, SDM BS-16 in your office order No. 14537-44/EB(M)T-3/Trf: posting DMs/SDMs dated 30-07-2019 is illegal, therefore, you are directed that the order of the concerned official may be withdrawn immediately.

Shaid Rafiq
20/00/2019

(SHAID RAFIQ)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. PS to Advisor to Chief Minister Khyber Pakhtunkhwa for E&SED, Peshawar.
2. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
3. Mr. Muhammad Ayub Khan, SDM, GHS Boni, Chitral.

EB

For N.A.

SECTION OFFICER (SCHOOLS MALE)

[Signature]
07/08/19

2877
6/8/19
CHITRAL

[Signature]
District Education Officer
(M) Upper Chitral

[Signature]
05/08/19

Principal
G.H.S Bumborate
Chitral

07/08/2019



6
Annexure
B
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)/2-1/General Transfer/Posting/2019
Dated Peshawar the 03.09.2019

To,

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Peshawar.

Subject: - DEPARTMENTAL APPEAL IN RESPECT OF MR. GHULAM AMBIA
SDM GHS CHUNJI DISTRICT UPPER CHITRAL

Dear Sir,

I am directed to refer to your letter No. 4813/F.No. 1035/CT/DM/(M) dated 03.09.2019 on the subject noted above in respect of Mr. Ghulam Ambia SDM, GHS Chunji District Upper Chitral and to state as per existing policy of the department we allow transfers only against vacant posts or on mutual basis. Any aberration from the above will open flood gate of transfers which we cannot afford. Hence, the appeal in hand is regretted, please.

Yours faithfully,

SECTION OFFICER (PRIMARY)

Endst: No & date even

Copy forwarded to:-

1. The DEO (Male) District Chitral, for information, please.
2. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
- ✓ 3. Mr. Ghulam Ambia, SDM, GHS Chuiji, District Upper Chitral.

SECTION OFFICER (PRIMARY)

ATTESTED

Attested
District Education Officer
(M) Upper Chitral

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 983 /ST

Dated 20-03 / 2020


To

The District Education Officer,
Government of Khyber Pakhtunkhwa,
District Upper Chitral at Booni.

Subject: - JUDGMENT IN APPEAL NO. 1127/2019, MR. GHULAM ANBIA.

I am directed to forward herewith a certified copy of Judgement dated 02.03.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR



C.M No. _____ of 2020

IN

Service Appeal No.1122 of 2019

Ghulam Anbia**Petitioner/ Appellant**

VERSUS

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

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S.No	Description of Documents	Annex	Pages
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2.	Affidavit		2
3.	Copies of relevant documents		3-26

Petitioner/ Appellant


Through


Malik Muhammad Ajmal Khan
Advocate, Peshawar

Dated: 19/2/2020

put up to the court with
relevant appeal.

Reader.


19/2/2020.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

C.M No. _____ of 2020

IN

Service Appeal No.1122 of 2019

Ghulam Anbia**Petitioner/ Appellant**

V E R S U S

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

Petition for placing on file certain documents which are necessary for the just decision of the main case.

Respectfully Sheweth:

The petitioner/ appellant very humbly submits as under:

1. That the titled service appeal is pending adjudication before this Hon'ble Tribunal and was fixed for 02.03.2020.
2. That there are certain documents which were not available at the tiem of filing the said appeal.
3. That the petitioner/ appelaltn wants to place the same on file for the just decision of the main case and there is no legal bar to do so rather its in the best interest of justice.

IT IS, THEREFORE, most humbly prayed that on acceptance of the instant petition, the attached documents may very graciously be placed on file for the best interest of law, fairness and justice.

Petitioner/ Appellant

Through


Malik Muhammad Ajmal Khan.
Advocate, Peshawar

Dated: 19/2/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

C.M No. _____ of 2020

IN

Service Appeal No.1122 of 2019

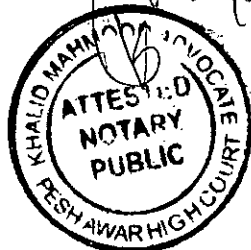
Ghulam Anbia**Petitioner/ Appellant**

VERSUS

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

AFFIDAVIT

I, Ghulam Anbia S/o Abdul Hakeem R/o Tick Gali, Boni, District Upper Chitral, (**petitioner/ appellant**), do hereby solemnly affirm and declare on oath that the contents of accompanying **Petition** are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed from this Hon'ble Court intentionally.



[Handwritten signature]

DEPONENT
CNIC: 15202-5306729-3
Cell: 0334-0996905





Elementary & Secondary Education Department
Government of Khyber Pakhtunkhwa



E-Transfer

DOCUMENT NAME:

USER MANUAL

(eTransfer Web Portal)

Version 1.0

Dated: 6th Aug, 2019

Table of Contents

Dated: 6th Aug, 2019

1 | Page

[Handwritten mark]

4

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ATTESTED

Chapter # 1

1. Introduction

KP Elementary & Secondary Education Department has announced E-Transfer Policy for transfer/posting of Teaching staff the province. The policy has been implemented through an online application available online at <http://etransfer.kpese.gov.pk>

1.1 eTransfer Web Portal:

URL/ Address

Enter the Application URL in the browser using the following Address:

E.g. <http://etransfer.kpese.gov.pk/Login.aspx> (It will be provided by your office's IT staff)

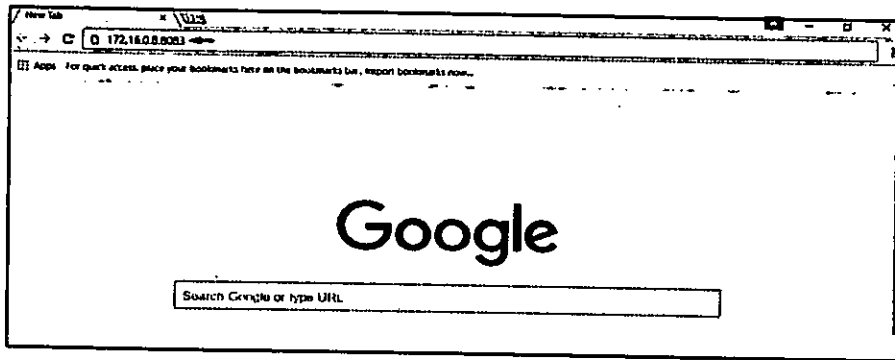


Figure:1. URL

1.2 How to Log In

Web & Android based CMS Management Portal

When you enter the URL, you will get a login window as below

- Enter User Name.
- Enter Password.
- Click on sign in button.

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ATTESTED

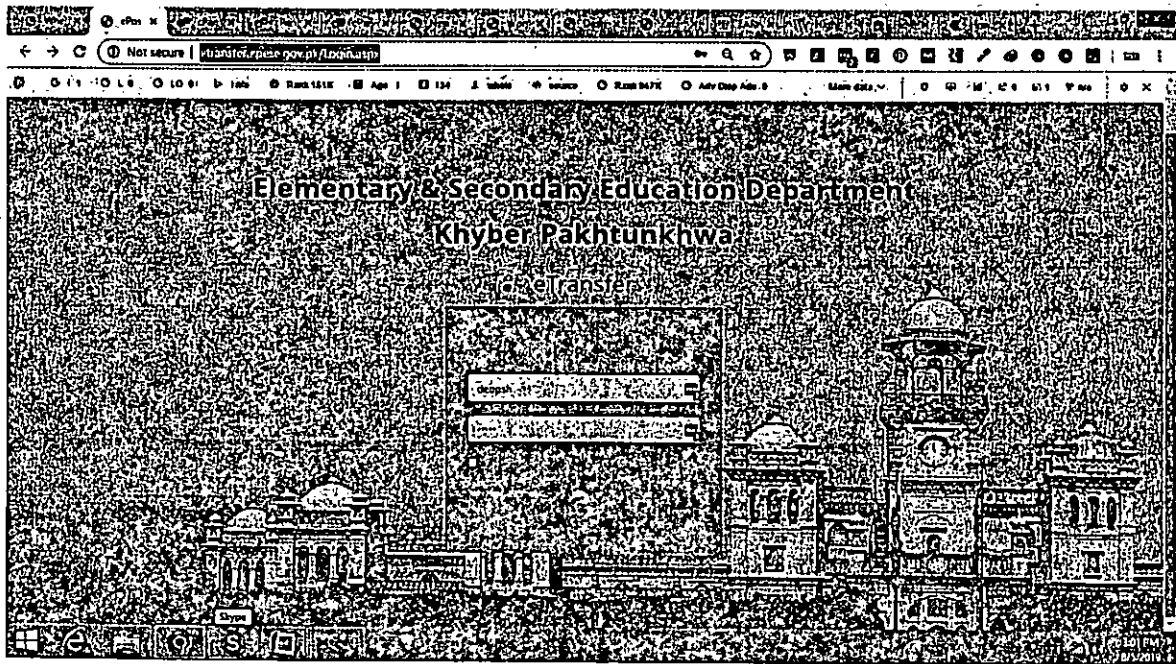


Figure:2 Login

1.3 Management Portal

Once login is done Clicking on the sign in button will take you to the CMS Home page and start using with the Application.

CMS Interface consist of the following options:

Dashboard: An index page showing summary of transfer application received per school.

- 1. Sanction Post:** Shows a list of vacant posts added/announced by the concerned DEO.
 - **Posts:** Shows the list of posts in the list
 - **School:** Shows list of schools.
- 2. Applications:** Shows merit list of the applications received. Merit list can be narrow down to school and post level by filtering through the search form.
- 3. Transfer Order:** Show a list of applications eligible for transfer and a generate button to generate the order in pdf format.

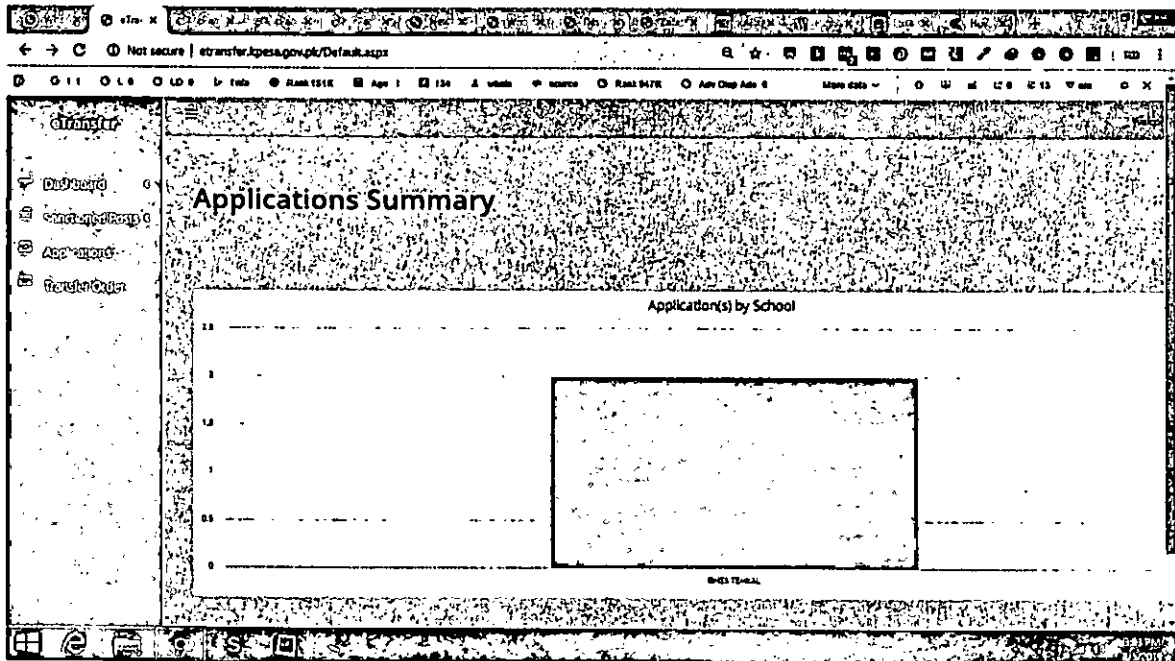


Figure 3 .CMS Management Portal

1.4 Change password:

The system has the ability for admins to change their password.

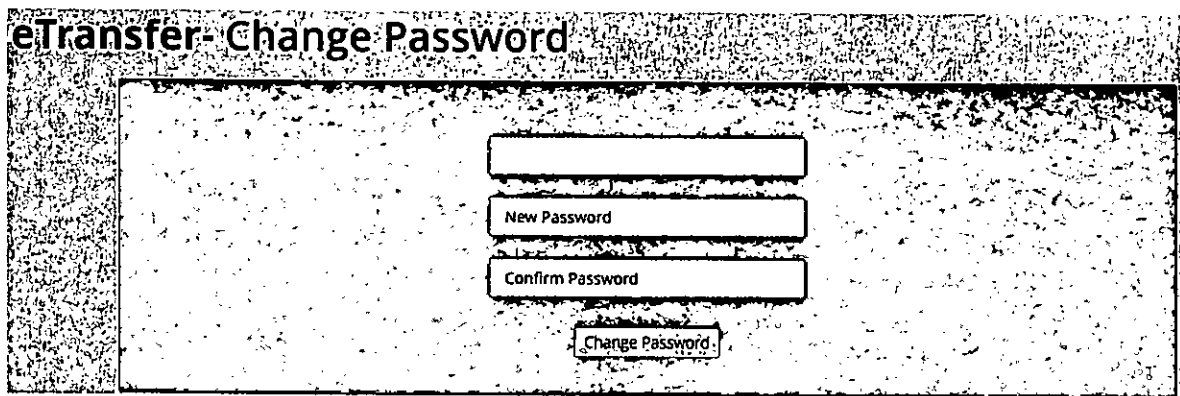


Figure.4. Change password

A handwritten signature in black ink, appearing to be "Hh", is written over the page number.

ATTESTED

Chapter # 2

2.1 Sanctioned Post(s)

This page shows a list of all the vacant posts added/announced by the concerned DEO, a form to filter down results to school / post level and an "Add More" to add new vacant post(s).

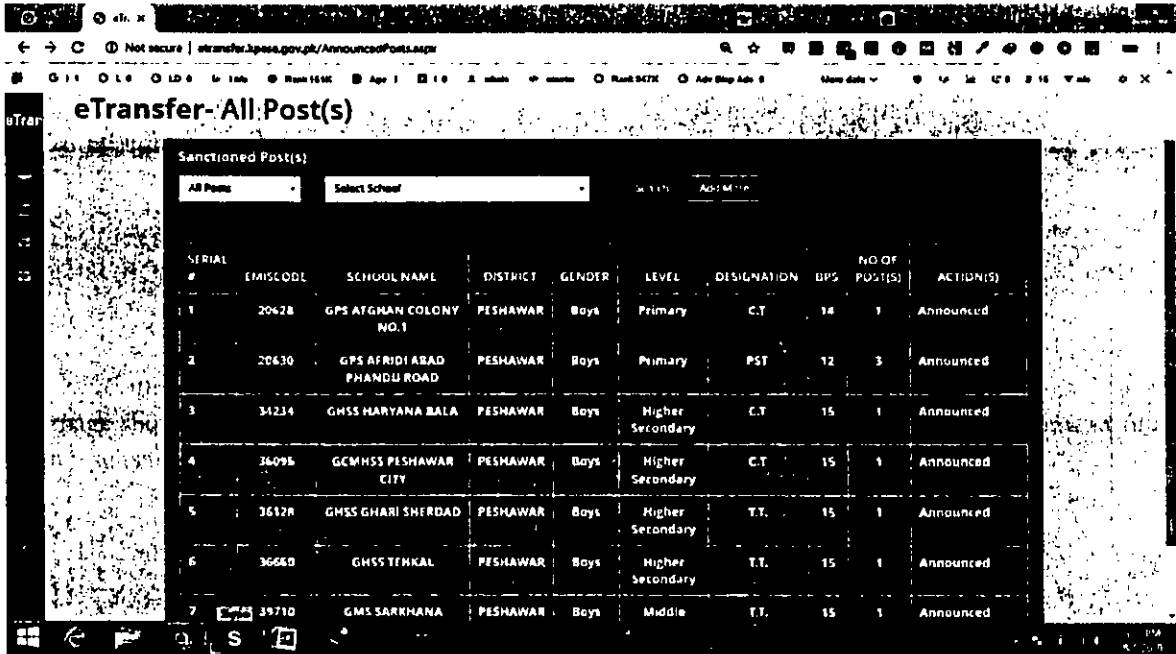


Figure 5. Sanction Role

2.2 Adding Vacant post

The concern DEOs will enter new post from their list of vacant posts.

Here they will select school, post Designation, BPs, and No of post which he/She want to create.

Add New Vacant Post(s)

School Name Designation

Select School A.T.

BPS Number of Post(s)

Select BPS 1

Figure 6. ADD Vacant Post

2.3 Applications

Shows merit list of the applications received. Merit list can be narrow down to school and post level by filtering through the search form.

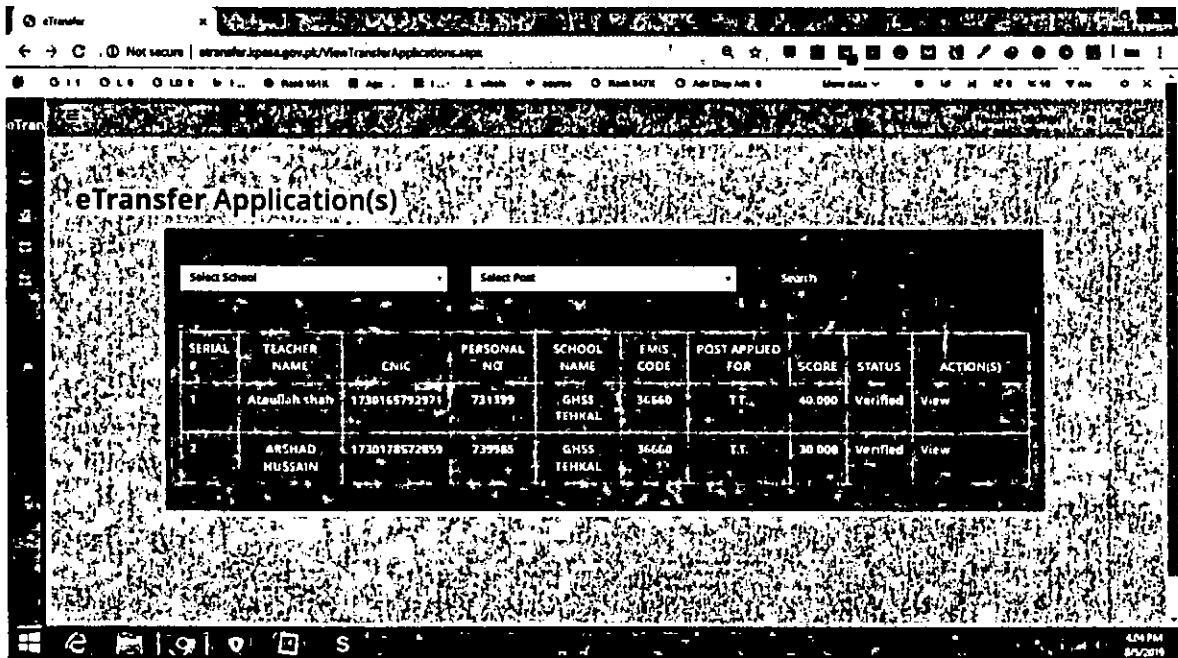


Figure 7 View Application.

The highlighted Status shows

- Status: shows whether the application is verified or not by the concerned DEO, by default this will be "not verified". The DEO can change it to verify after receiving attested copy of the application in hard form.
- Action button DEOs can View the selected teacher application.

ATTESTED

2.4 Search application from the list

In DEO can filter the search by the School and post

- School wise
- Post wise.

We select option will related school application or related post application or both from the list from database.

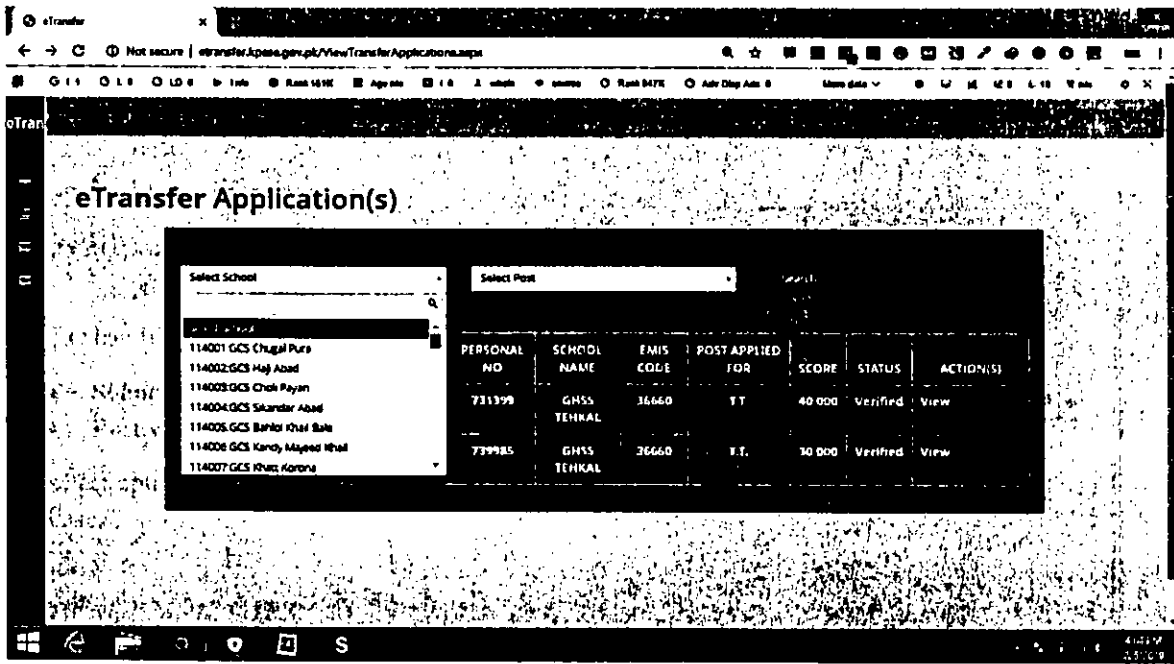


Figure. 8 search Applications

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11

2.5 Generate Transfer order automatically.

Show a list of applications eligible for transfer and a generate button to generate the order in pdf format.

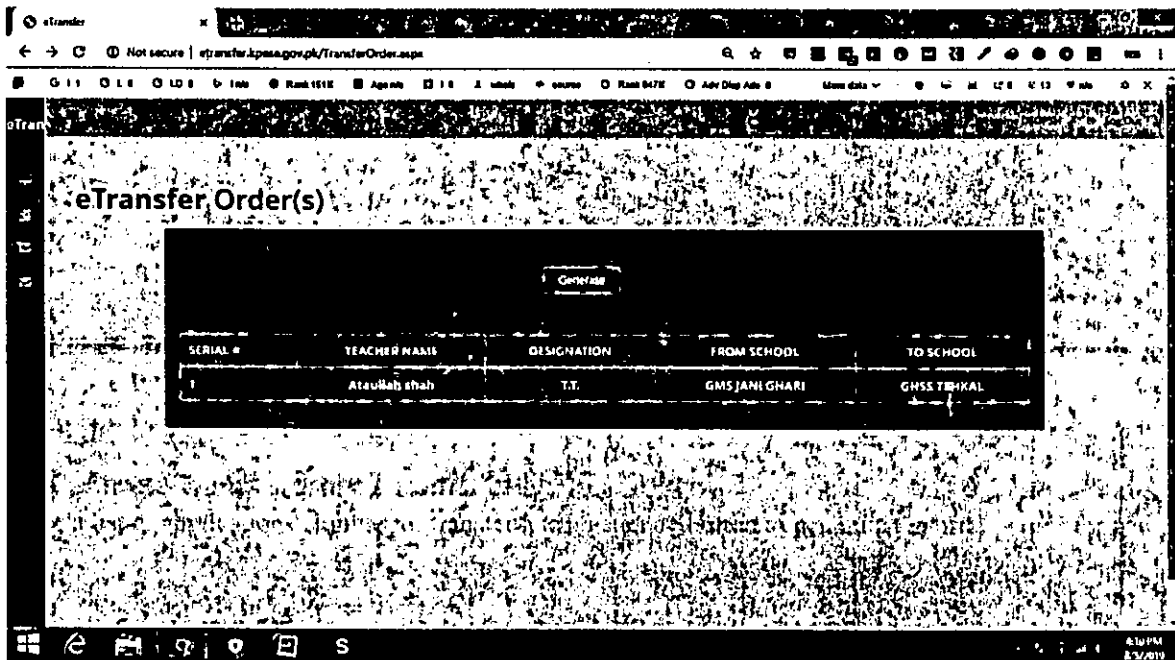


Figure9.device to server

ATTESTED

Chapter # 3

3.1 Applicant/Teacher login

The Applicant/Teacher will use his/her CNIC as a login name and will use his/her entered password for the first time and can change password after login.

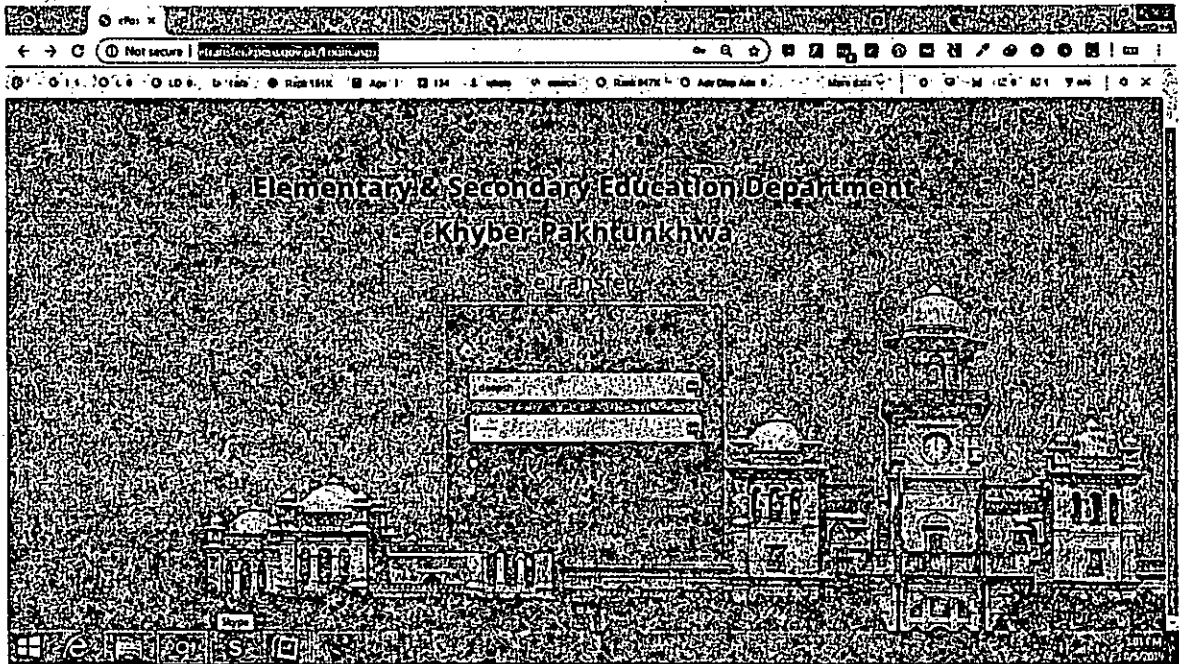


Figure 10. Applicant Login

3.2 Change password:

The Applicant can change the password after his/her first login.

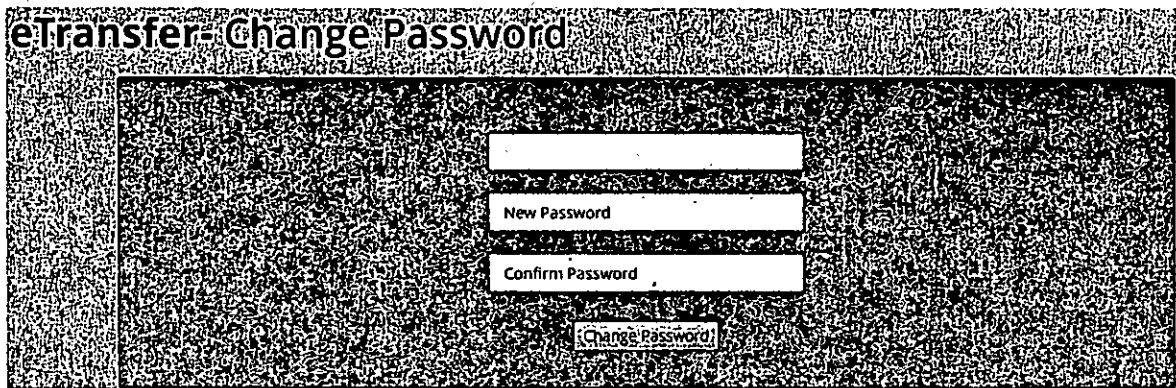


Figure.11. Change password

[Handwritten Signature]
 ATTESTED

13

3.3 Filling Teacher/Application Form

The Applicant/Teacher are required to fill/edit the below form exactly as per actual record. The Mandatory fields are indicted by asterisk (*). Moreover, the Applicants claiming chronic diseases, physical disability or spouse benefit will have to produce documentary evidence to the verifying and authentication authorities.

Transfer Application

Serial #	Post Held	School/Place of Posting	From	To
1	Select			
2	Select			
3	Select			

Priority #	From Centre / School Name	Post Requested for Transfer	Distance b/w Station (KMs)
1	Select School	Select	KMs
2	Select School	Select	KMs

pkh
ATTACHED

Figure. 12. Teacher/Applicant Form

3.4 Submission and printing of application form

After complete filling of the form the applicant/teacher will submit his/her application form and will take print of the submitted form. (Note: after submission and printing of the form no changes in the application form will be allowed.)

The applicant/teacher will sign the printed form and will then verify it from his/her immediate supervisor i.e. head of his/her school or any other where the case may be.

The applicant teacher will submit the verified form in his/her respective DEO office.

Note: *Minimum tenure for eTransfer in Plain Area is 3 years while in Hard Area is 1.5 years.*



ATTESTED

Scoring Indicators - Annexures

4.1 Scoring Criteria for Teachers up to BPS 16 except SSTs (Score – 80)

1. **Distance of present school to the desired school (in KM) – 20 marks**
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
2. **Hard Area - 10 marks**
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks
3. **STR (Total number of Students in the school / Total number of Teachers) - 10 marks (IMU data Source)**
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level – 5 marks
 - c. STR at the present school is less than desired school – 10 marks
4. **Chronic Disease – 10 marks**

10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
3. **Disability – 10 marks**

10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
6. **Domicile -10 marks**

10 marks will be awarded to those when the desired school is in his/her district of domicile
7. **Spouse – 10 marks**

10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

4.2 For Secondary School Teachers (SSTs) (Score – 100)**1. Distance of present school to the desired school (in KM) – 20 marks**

- a. Within 5 KM – 0 marks
- b. Within 10 KM – 5 marks
- c. Within 15 KM – 10 marks
- d. Within 20 KM – 15 marks
- e. Greater than 20 KM – 20 marks

2. Hard Area - 10 marks

- a. Normal tenure (within 1.5 years) – 0 marks
- b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
- c. Tenure at hard area (from 3 to 5 years) – 7 marks
- d. Tenure at hard area (more than 5 years) – 10 marks

3. STR (Total Number of Students in Class 9 & 10 / Number of SST) - 10 marks (IMU data Source)

- a. STR at present school is greater than the Desired school - 0 marks
- b. STR at present and the desired school are equal or at the same level – 5 marks
- c. STR at the present school is less than desired school – 10 marks

4. Chronic Disease – 10 marks

10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.

5. Disability – 10 marks

10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate

6. Domicile -10 marks

10 marks will be awarded to those when the desired school is in his/her district of domicile.

7. Spouse – 10 marks

10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

8. Annual SSC Result (of the subjects taught by the teacher) working in High/Higher Secondary Schools – 20 Marks

- a. 90% or above – 20 marks, b. 80% to 90% - 15 marks, c. 70% to 80% - 10 marks, d. 60% to 70% - 5 marks, e. Below 60% - 0 marks.

OR

For SSTs (General) working in Middle/Primary Schools – 20 Marks**Overall Students Attendance Rate Percentage as per IMU data**

- a. 90% or above – 20 marks, b. 80% to 90% - 15 marks, c. 70% to 80% - 10 marks, d. 60% to 70% - 5 marks, e. Below 60% - 0 marks.


ATTESTED

4.3 For Subject Specialists (SS) (Score – 100)

1. Distance of present school to the desired school (in KM) – 20 marks

- a. Within 5 KM – 0 marks
- b. Within 10 KM – 5 marks
- c. Within 15 KM – 10 marks
- d. Within 20 KM – 15 marks
- e. Greater than 20 KM – 20 marks

2. Hard Area - 10 marks

- a. Normal tenure (within 1.5 years) – 0 marks
- b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
- c. Tenure at hard area (from 3 to 5 years) – 7 marks
- d. Tenure at hard area (more than 5 years) – 10 marks

3. Number of Students in Class-11 & 12 in the relevant subject - 10 marks

- a. Number of Students at present school is greater than the Desired school - 0 marks
- b. Number of Students at present and the desired school are equal or at the same level – 5 marks
- c. Number of Students at the present school is less than desired school – 10 marks

4. Chronic Disease – 10 marks

10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.

5. Disability – 10 marks

10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate

6. Domicile -10 marks

10 marks will be awarded to those when the desired school is in his/her district of domicile

7. Spouse – 10 marks

10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

8. Annual HSSC Result (of the subjects taught by the teacher) – 20 Marks

- a. 90% or above – 20 marks
- b. 80% to 90% - 15 marks
- c. 70% to 80% - 10 marks
- d. 60% to 70% - 5 marks
- Below 60% - 0 marks.



4.4 For Principals / Head Masters of High/Higher Secondary Schools (Score – 120)

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

2. **Hard Area - 10 marks**
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks

3. **STR (Total number of Students in the school / Total number of Teachers) - 10 marks (IMU data Source)**
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level – 5 marks
 - c. STR at the present school is less than desired school – 10 marks

4. **Chronic Disease – 10 marks**
 10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.

5. **Disability – 10 marks**
 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate

6. **Domicile -10 marks**
 10 marks will be awarded to those when the desired school is in his/her district of domicile

7. **Spouse – 10 marks**
 10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

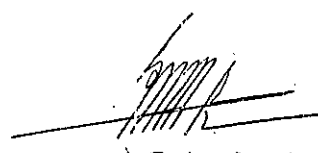
8. **Annual SSC & HSSC Result of the School – 20 Marks**
 - a. 90% or above – 20 marks, b. 80% to 90% - 15 marks, c. 70% to 80% - 10 marks, d. 60% to 70% - 5 marks, e. Below 60% - 0 marks.

9. **Overall Students Attendance Rate Percentage as IMU data – 20 Marks**
 - a. 90% or above – 20 marks, b. 80% to 90% - 15 marks, c. 70% to 80% - 10 marks, d. 60% to 70% - 5 marks, e. Below 60% - 0 marks.

Kll
ATTESTED

Relieving certificate

M^r. Muhammad Ayub STM BPS 16
of Govt. High School Booni is hereby relieved
on 16/08/2019 (Fore noon). He has already
enjoyed 06 (six) days casual leaves.


Principal
Govt High School
Booni


ATTESTED

TEACHER'S ATTENDANCE REGISTER

For the month of

August 20 2019

(20)

No. 17
 Name Janet
 Designation Teacher
 Phone No. 0321-9330166
 M.T.N. No. 15202-0359198-9
 Att. Sig. Dep. Sig.

No. 17
 Name Janet
 Designation Teacher
 Phone No. 0321-9330166
 M.T.N. No. 15202-0359198-9
 Att. Sig. Dep. Sig.

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Day	Att.	Sig.	Dep.	Sig.	Att.	Sig.	Dep.	Sig.	Att.
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ATTESTED

Dist. Govt. NWFP-Provincial
District Accounts Office Chitral
Monthly Salary Statement (August-2019)



21

Personal Information of Mr GHULAM ANBIA d/w/s of ABDUL HAKIM

Personnel Number: 00322019 CNIC: 1520253067293 NTN:
 Date of Birth: 05.02.1976 Entry into Govt. Service: 01.01.1998 Length of Service: 21 Years 08 Months 001 Days

Employment Category: Vocational Temporary

Designation: SENIOR DRAWING MASTER 80001287-DISTRICT GOVERNMENT KHYBE

DDO Code: CL6082-HEAD MASTER GHS BOONI

Payroll Section: 001 GPF Section: 001 Cash Center: 08

GPF A/C No: EDUCL004716 Interest Applied: Yes **GPF Balance: 620,368.00**

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 18

Wage type		Amount	Wage type		Amount
0001	Basic Pay	46,270.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1300	Medical Allowance	1,500.00
1918	UAA-CHITRAL 40%(16 G/NG)	3,000.00	2148	15% Adhoc Relief All-2013	880.00
2199	Adhoc Relief Allow @10%	614.00	2211	Adhoc Relief All 2016 10%	3,380.00
2224	Adhoc Relief All 2017 10%	4,627.00	2247	Adhoc Relief All 2018 10%	4,627.00
2264	Adhoc Relief All 2019 10%	4,627.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-857.00	4004	R. Benefits & Death Comp:	-1,089.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 16,876.35 Recovered till AUG-2019: 1,564.00 Exempted: 6749.75 Recoverable: 8,562.60

Gross Pay (Rs.): 77,252.00 Deductions: (Rs.): -6,086.00 Net Pay: (Rs.): 71,166.00

Payee Name: GHULAM ANBIA

Account Number: 1555-3 PLS

Bank Details: NATIONAL BANK OF PAKISTAN, 231866 NBP BOONI BOONI, BOONI

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: CHITRAL

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: gulamambia77@gmail.com



ATTESTED

System generated document in accordance with APPM 4.6.12.9 (SERVICES/27.08.2019/16.22:14/v1.1)

* All amounts are in Pak Rupees

* Errors & omissions excepted

6/11-



22

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

Dated Peshawar the August 09, 2019

NOTIFICATION

NO.SO(SM) E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC): Consequent upon promotion/actualization of the following Eleven (11) officers of Management Cadre issued vide this Department notifications of even number dated 21.05.2019 & 31.05.2019, the Competent Authority is pleased to order their regular posting/adjustment as mentioned against each, in the interest of public service, with immediate effect:

S#	Name of officer	From	Posted as	Remarks
1.	Muhammad Tanveer	Awaiting Posting	DDEO (Male) Abbottabad	A.V.P
2.	Mr. Miftah Ud Din	-do-	DDEO (Male) Lower Chitral	V.S#25
3.	Mr. Himayat Shah	-do-	Deputy Director at Directorate of E&SE	A.V.P
4.	Mr. Atiq Ur Rehman	-do-	DDEO (Male) Karak	V.S#62
5.	Muhammad Ghaznavi	-do-	DDEO (Male) Upper Chitral with additional charge of DEO (Male) Upper Chitral	A.V.P
6.	Mr. Mukhtiyar Ahmad Khan	-do-	DDEO (Male) Battagram	-do-
7.	Mr. Abdur Rahman	-do-	DDEO (Male) Nowshera	-do-
8.	Mr. Hidayat Ullah	-do-	DDEO (Male) Malakand	-do-
9.	Mr. Hayat Khan	-do-	DDEO (Male) Tank	-do-
10.	Muhammad Aurangzeb	-do-	DDEO (Male) Shangla	-do-
11.	Mushtaq Ahmad	-do-	Deputy Director at Directorate of E&SE	-do-
Consequential Transfer				
12.	Mr. Ali Gauhar, SS Biology (BS-18) (TC)	working as DDEO (Male) Dir Lower	Principal (BS-18) GHSS Beyar Dir Upper	A.V.P
13.	Mr. Abdus Samad, SDEO (BS-17) (MC)	working as Assistant Director at	DDEO (Male) Dir Lower in OPS	V.S#12

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ATTESTED



23

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

71.	Mr. Naseer Ahmad, SDEO (BS-17)	working as DDEO (BS-18) Male Patan Kohistan	SDEO (Male) BS-17 Lora Abbottabad	V.S#67
72.	Mr. Abdul Mastan, HM (BS-17)	working as SDEO (Male) BS-17 Barikot Swat	HM (BS-17) GHS Asharay Swat	A.V.P

2. No TA/DA is allowed.

**SECRETARY to
Govt. of Khyber Pakhtunkhwa
E&SE Department**

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar with the direction to furnish posting/adjustment proposal in respect of officers whose services placed at the disposal of Directorate of E&SE.
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, Khyber Pakhtunkhwa.
7. PA to Additional Secretary (Estab), E&SE Department.
8. PA to Deputy Secretary (Admn), E&SE Department.
9. Director, EMIS E&SE Department.
10. Officers Concerned.
11. Master File.

S. Rafiq
09/08/2019
(SHAHID RAFIQ)
SECTION OFFICER (SCHOOLS MALE)

Alh
ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

Phone No. 0943412627.

Email address: deomchitral@gmail.com

No. 15545 /EB(M)/T-3/Trf: posting SDMs.

Dated 23/8/2019.

70
24

To,

The Director,
Elementary & Secondary Education
Govt of Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL

Memo:

Kindly refer to your office No. 3072/F.No.1035/CT/DM/ (M) G.dated 23-08-2019 on the above cited subject, it is to inform you that adjustment of Mr. Muhammad Ayub, SDM GHS Booni was ordered at GSYHS Barenis vide this Office endst: No. 14537-44/EB(M)/T-3/Trf: posting SDMs. Dated 30-07-2019 on the basis of the request of his substitute Mr. Ghulam Anbia, SDM GHS Chulnj District Upper Chitral, formal grant of ban relaxation by the honorable advisor to Chief Minister on Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar & wedlock policy (copies attached).

As a result Mr. Muhammad Ayub, SDM GSYHS Barenis approached the honourable Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar who vide his letter No. SO(SM) E&SED/12-1/2019/Miscellaneous dated Peshawar the August 07, 2019 & as well telephonically on 19-08-2019 directed the undersigned to withdraw the said order (copy attached).

In compliance with the instruction, the undersigned withdrawn the order vide endst: No. 15113-20/EB(M)/T-3/Trf: posting/DMs/SDMs dated 19-05-2019. It is also brought to your kind notice that both the teachers are belonging to District Upper Chitral, the District Education Officer (Male) Upper Chitral has taken overcharge of his post, so he may very kindly be asked for further correspondence in this regard.

Encl: As above.

District Education Officer
(Male) Chitral Lower

15546-47

Endst: No. 15546-47 /EB(M)/T-3/Trf: posting SDMs.

Dated 23/8/2019.

Copy forwarded for information to:

1. The District Education Officer, Male Upper Chitral, for information, please.
2. Mr. Ghulam Anbia, SDM GHS Chulnj District Upper Chitral.

District Education Officer
(Male) Chitral Lower

DDM/PLI

Part 7/1

21/9/19

RECEIVED

344
2-9-2019

2/9/19

25

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHITRAL

Phone No. 0943412627.

Email address: deomchitral@gmail.com

No. 15048

/EB(M)/T-3/Trf: posting SDMs.

Dated 10/8/2019.

To,

The Secretary,
Govt of Khyber Pakhtunkhwa,
Elementary & Secondary Education Deptt:
Peshawar.

Subject: CANCELLATION OF MUTUAL TRANSFER.

Memo:

With reference to your esteemed office No.SO(SM) E&SED/12-1/2019/Miscellaneous dated Peshawar the August 07, 2019 & telephonic instruction dated 09-08-2019 on the above cited subject, It is submitted for your kind information that adjustment of Mr. Muhammad Ayub, SDM at GSYHS Barenis was ordered vide this Office endst: No. 14537-44/EB(M)/T-3/Trf: posting SDMs. Dated 30-07-2019 on the basis of the request of Mr. Ghulam Ambia, SDM GHS Chuinj District Upper Chitral & formal grant of ban relaxation by the honorable advisor to Chief Minister on Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar & wedlock policy (copies attached).

The appellant has also not been suffered; his Present posting station GSYHS Barenis is near to him as compared to his old station GHS Booni where he has spent long tenure of more than 5 years.

Report is submitted for your kind information.

[Handwritten signature]

[Handwritten signature]
District Education Officer
(Male Lower Chitral)

Endst: No. 15049

EB(M)/T-3/Trf: posting/SDMs

Dated 10/8/2019.

Copy forwarded to the Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar, for his kind information.

[Handwritten signature]
District Education Officer
(Male Lower Chitral)

[Handwritten signature]

[Handwritten signature]
ATTESTED

Service Certificate.

Certified that Mr. Ghulam Anbia (BPS 16) has been serving in Elementary & Secondary Education District Chitral Upper since 01.01.1998. He is still in service. Now he is performing his duty at GHS, Booni.



Principal
Govt. High School, Booni
Principal
Govt High School
Booni

COUNTERSIGNED

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

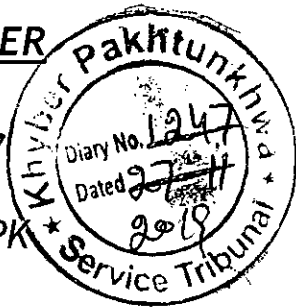
Restoration Application No 442/19

Ghulam Ambia

Versus

Govt. of KPK

Appeal No 1127/19.



APPLICATION FOR RESTORATION OF
APPEAL IN THE ABOVE TITLED CASE.

Respectfully Sheweth:-

1. That the above mentioned appeal has been fixed before the Honourable Bench for today dated: 27-11-2019.
2. That the counsel for the appellant marked his attendance in the call list and he appeared before the court for thrice times, but there was rush of work therefore, the counsel left the court due to engagement in other cases.
3. That the learned bench dismissed the appeal of the appellant in none-prosecution due to non-availability of the appellant and his counsel.
4. That the case of the appellant has been dismissed in non-prosecution due to misconception and the case of the appellant is liable to restored.

It is therefore, requested that on acceptance of this restoration application, the appeal of the appellant may kindly be restored.

Any other relief which this Honourable Bench deems fit and proper may also be awarded to the appellant.

Dated: 27-11-2019

Appellant

Through

WAQAR AHMAD BAIG

WAQAR AHMAD BAIG

Advocate Peshawar

ATTESTED

27-11-2019

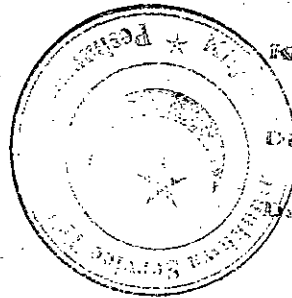
MIAN SIDGHAT ULLAH SHAH
ADVOCATE
Notary Public/Oath Commissioner
Peshawar High Court Peshawar

Affidavit

I Waqar Ahmad do hereby solemnly affirm on oath that the contents of application in case no 442/19 are true to my knowledge & belief.
WAQAR AHMAD BAIG
Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL AT PESHAWAR

Service Appeal No 1127 /2019



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1231

Dated: 05/9/2019

Ghulam Anbia S/o Abdul Hakim R/o Booni, Tehsil Mastuj,
District Upper Chitral presently serving as SDM BPS 16 at
Govt. High School Booni, Chitral.

.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through its Secretary (E&SE) at Civil Secretariat, Peshawar.
2. Director (E&SE) Khyber Pakhtunkhwa at its Directorate, GT Road, Hashtnagri, Peshawar.
3. District Education Officer, District Upper Chitral at Booni.
4. Mr. Ihsan ul Haq, presently working as District Education Officer, District Lower Chitral.
5. Mr. Muhammad Ayub presently serving as SDM at Govt. High School, Barinis District Chitral.


.....Respondents

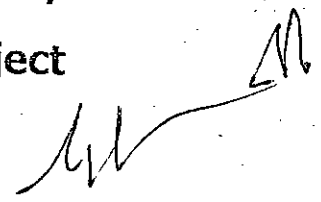
Filed on-day

REGISTRAR
8/9/19

Service Appeal U/S 4 of the Service Tribunal Act, 1974 as Amended upto dated read with all those other provisions of law / rules / regulations / policies governing the subject

ATTESTED


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



3



27.11.2019

Appellant absent. Learned counsel for the appellant absent. Mr. M. Riaz Khan Paindakhel, learned Assistant Advocate General for official respondents present. Private respondent No. 5 with counsel present. Called for several times but no one appeared on behalf of the appellant, therefore, the instant appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

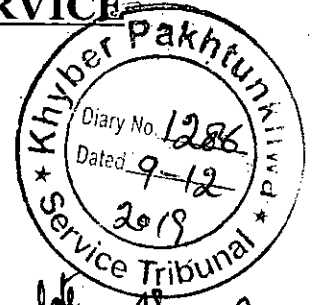
ANNOUNCED:
27.11.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 29-11-19
Number of Pages 4800
Copying Fee 52000
Urgent Yes
Total 56000
Name of Copy [Signature]
Date of Completion 29-11-19
Date of Delivery of Copy 29-11-19

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



CM No. _____/2019

In

CM No. _____/2019

In

Service Appeal No. 1127/2019

*Be accelerated to date
in 3rd week of December 2019
23/12/19*

*put up to the court with
relevant application.*

Gulam Ambia VERSUS Govt. of KPK and others

9/12/19

**APPLICATION FOR EARLY HEARING OF AN
APPLICATION FOR RESTORATION OF THE
TITLED APPEAL.**

Respectfully Sheweth:


1. That the titled case is pending adjudication before this Tribunal and is fixed for 08.01.2020.
2. That the matter pertains to salary of the applicant which has yet to be paid.
3. That, therefore the matter needs early fixation and restoration of the titled case.

It is, therefore, most humbly prayed that on acceptance of the instant application, the titled application

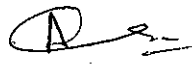
for restoration of Appeal No. 1127/2019 may kindly be fixed for an early date as convenient to this Hon'ble Tribunal.


Applicant

Through


Malik Muhammad Ajmal Khan

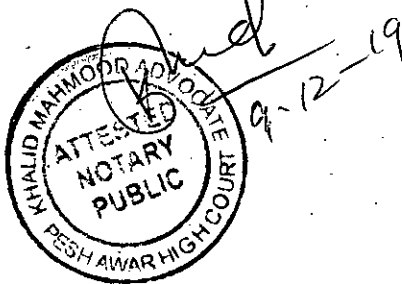
&


Asad Ullah Yousafzai
Advocates Peshawar.

Dated: 09.12.2019

AFFIDAVIT,

I, do hereby solemnly affirm and declare 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, intentionally.




Deponent