

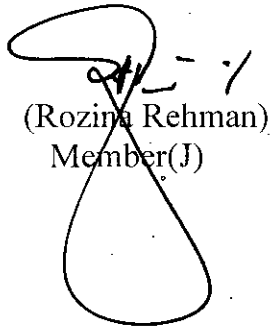
28<sup>th</sup> Feb, 2023

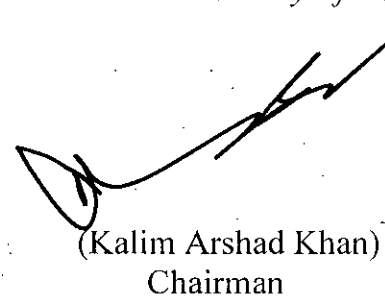
1. Counsel for the appellant present. Mr. Umair Azam, Addl: AG for respondents present.

2. Learned counsel for the appellant submitted an application for withdrawal of the instant service appeal on the ground that grievance of the appellant has been redressed. Application is placed on file. Dismissed as withdrawn. Consign

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 28<sup>th</sup> day of February, 2023.*

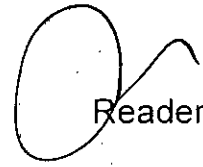
**SCANNED**  
**KPST**  
**Peshawar**

  
(Rozina Rehman)  
Member(J)

  
(Kalim Arshad Khan)  
Chairman

03.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.04.2022 for the same as before.

  
Reader

28/4/2022

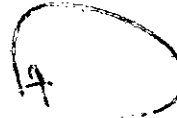
Due to non availability of DB

The case is adjourned to 28-12-2022

for the same as before.

28/12/22

up on 27/2/23 due to winter vacatio to come





~~28.02.2022~~

~~Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.04.2022 for the same as before.~~

~~Reader~~

27.02.2023

Learned counsel for appellant and Mr. Muhammad Jan, learned District Attorney for respondents present.

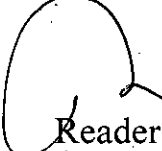
Former requested for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 28.02.2023 before D.B. P.P given to the parties.

(Rozina Rehman)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

21.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 21.06.2021 for the same as before.

  
Reader

21.06.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

File to come up alongwith connected appeal No.16008/2020 titled Muhammad Afzal Vs. Govt., on 17.08.2021 before D.B.

  
(Rozina Rehman)  
Member(J)

  
Chairman

17.08.2021

Since 17.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 28.09.2021 for the same as before.

  
Reader

28.9.21

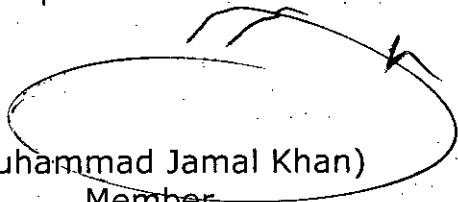
DB is on Tour case to come up?  
For the same on Dated. 3-2-22

  
Reader

24.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Naseem-ul-Haq, Superintendent, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents for filing of written reply/comments on 31.03.2021 before S.B. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.

  
(Muhammad Jamal Khan)  
Member

16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 02.04.2021 before S.B.




**Reader**

02.04.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Written reply/comments on behalf of respondents not submitted despite last chance, therefore, the appeal in hand is posted to D.B for arguments on 21.04.2021. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.

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

22.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Naseem ul Haq Superintendent for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents made a request for time to furnish reply/comments; granted. To come up for written reply/comments on 08.02.2021 before S.B. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.

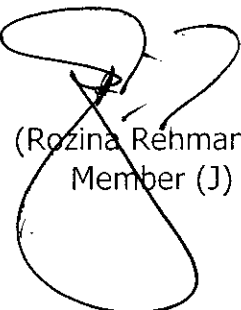
  
(Rozina Rehman)  
Member (J)

08.02.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Naseem ul Haq Superintendent and Naveed Khan Assistant for respondents present.

Written reply on behalf of respondents is still awaited. Representatives of respondents made a request for time to furnish reply/comments. Opportunity is granted. To come up for written reply/comments on 24.02.2021 before S.B. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.

  
(Rozina Rehman)  
Member (J)

05.01.2021

Counsel for the appellant present.

Learned counsel referred to promotion/adjustment notification dated 24.08.2020, whereby, the appellant was posted at GPS Khatako Shah upon his promotion as SPST. His contention is that through the notification the posting of appellant was in his home Union Council and was in accordance with Section 3(4) of Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Instructors and Doctors) Regulatory Act, 2011. The appellant consequently took charge at GPS Khatako Shah on 24.08.2020. On 09.09.2020, a corrigendum was issued by respondent No. 3, whereby, the posting of appellant at Khatako Shah was cancelled. In view of learned counsel the impugned withdrawal was in effect retransfer without regard to the transfer/posting policy of Provincial Government as well as the rules ibid. More particularly, when the appellant had already assumed charge at the place of his posting. It is also the argument of learned counsel that the impugned order was rendered ineffective through departmental decision(s) in respect of at least nine SPSTs. The appellant, on the other hand, was treated with discrimination.

Subject to all just exceptions, instant appeal is admitted to regular hearing. Appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 22.01.2021 before S.B.

Alongwith the appeal, there is an application for suspension of operation of impugned order/corrigendum dated 09.09.2020. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, the operation of impugned corrigendum shall remain suspended to the extent of appellant.

**Appellant Deposited  
Security & Process Fee**



  
Chairman

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 16009 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	23/12/2020	<p>The appeal presented today by Mr. Noor Muhammad Khattak 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</p> <p>2-</p>		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/01/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

SCANNED  
APST  
Peshawar

Appellant Deposited  
Security Process Fee

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

APPEAL NO. \_\_\_\_\_/2020

**ASAD KHAN**

**VS**

**EDUCATION DEPTT:**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
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2	Stay application	.....	4.
3	Notification dated 24.08.2020	<b>A</b>	5- 6.
4	Relieving Chit	<b>B</b>	7.
5	Charge report	<b>C</b>	8.
6	Impugned order/corrigendum	<b>D</b>	9.
7	Departmental appeal	<b>E</b>	10.
7	Judgment	<b>F</b>	11- 13.
8	Order dated 25.11.2020	<b>G</b>	14.
9	Transfer/posting policy	<b>H</b>	15- 17.
10	Vakalat nama	.....	18.

**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**



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

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 16009 /2020

Diary No. 16853

Dated 23/12/2020

Mr. Asad Khan, SPST (BPS-14),  
GPS Khatako Shah, District Malakand under transfer to GPS Gulshan Abad,  
District Malakand.....**APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Malakand at Batkhela.
- 4- Mr. Umar Ayaz, SPST (BPS-14), GPS Janat Abad, District Malakand  
under transfer to GPS Khatako Shah, District Malakand.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
ORDER/CORRIGENDUM DATED 09.09.2020 WHEREBY  
TRANSFER ORDER OF THE APPELLANT AT GPS KHATAKO  
SHAH, DISTRICT MALAKAND HAS BEEN CANCELLED AND  
THE PRIVATE RESPONDENT NO.4 (UMAR AYAZ) HAS BEEN  
POSTED/TRANSFERRED AGAINST THE SAID POST IN  
VIOLATION OF THE TRANSFER/POSTING POLICY AND  
AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL  
APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF  
NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned  
order/corrigendum dated 09.09.2020 may very kindly be set  
aside to the extent of appellant and not transfer the  
appellant from GPS Khatako Shah, District Malakand till  
completion of his normal tenure. Any other remedy which  
this august Tribunal deems fit that may also be awarded in  
favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant is the employee of respondent Department and is  
serving as SPST (BPS-14) quite efficiently and upto the entire  
satisfaction of his superiors.

Filed to-day  
Registrar  
23/12/20

- 2- That the appellant while performing his duty as SPST (BPS-14) was transferred from GPS Gulshan Abad, District Malakand to GPS Khatako Shah, District Malakand vide Notification dated 24.08.2020 where after the appellant was properly relieved from the previous place of duty. Copies of the Notification dated 24.08.2020 and relieving chit are attached as annexure.....**A & B.**
- 3- That in pursuance to the Notification dated 24.08.2020 the appellant submitted his charge report and started performing his duty with all zeal and zest. Copy of the charge report is attached as annexure.....**C.**
- 4- That astonishingly the respondent No.3 issued the order/corrigendum dated 09.09.2020 whereby the transfer order dated 24.08.2020 has been cancelled to the extent of appellant and the private respondent No.4 has been posted/transferred against the post of appellant. Copy of the impugned order/corrigendum is attached as annexure.....**D.**
- 5- That appellant feeling aggrieved from the impugned order/corrigendum dated 09.09.2020 preferred Departmental appeal followed by writ petition No.937-M/2020 filed before the Peshawar High Court Bench, Dar Ul Qaza, Swat which was decided vide judgment dated 22.09.2020 with the directions to the appellate authority to decide the Departmental appeal of appellant within seven days positively. Copies of the Departmental appeal & Judgment are attached as annexure.....**E & F.**
- 6- That after obtaining attested copy of the judgment dated 22.09.2020 the appellant submitted the same before the appellate authority for deciding his Departmental appeal one way or the other but the appellate authority was not willing to decide the Departmental appeal of appellant.
- 7- That it is pertinent to mention that other six colleagues of the appellant who were also litigants in the above mentioned writ petition have been re-adjusted vide order dated 25.11.2020 but no response has been given on the Departmental appeal of the appellant. Copy of the order is attached as annexure.....**G.**
- 8- That appellant waited for ninety days for the decision of his Departmental appeal but no reply has been received so far from the quarter concerned. Hence the appellant having no other remedy but to file the present service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned order/corrigendum dated 09.09.2020 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondents acted in arbitrary and malafide issuing the impugned order/corrigendum dated 09.09.2020 by adjusting the private respondent against the post which recently occupied by the appellant.
- D- That the impugned order/corrigendum dated 09.09.2020 is against the Clause- I & IV of the transfer/posting Policy of the Provincial Government. Copy of the policy is attached as annexure.....**H.**
- E- That the impugned order/corrigendum has neither been issued in the best interest of public service nor in exigencies of service.
- F- That the appellant has been discriminated by the respondent Department by re-adjusting the other colleagues of the appellant against their posts while the appellant has been ignored.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 16.12.2020

**APPELLANT**



**ASAD KHAN**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

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

C.M NO. \_\_\_\_\_/2020

IN

Appeal No. \_\_\_\_\_/2020

**ASAD KHAN**

**VS**

**EDUCATION DEPTT:**

**APPLICATION FOR SUSPENSION OF OPERATION OF  
THE IMPUGNED ORDER/CORRIGENDUM DATED  
09.09.2020 TILL THE DISPOSAL OF THE ABOVE  
MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with this application has been filed by the appellant before this august Service Tribunal in which no date is fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned order/corrigendum dated 09.09.2020 whereby the appellant has been pre-maturely transferred from the GPS Khatako Shah, District Malakand to GPS Gulshan Abad, District Malakand.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order/corrigendum dated 09.09.2020 has been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned order/corrigendum dated 09.09.2020 may very kindly be suspended till the final disposal of the above mentioned appeal.

**APPLICANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(M) MALAKAND AT BATKHELA

Telephone No.0932-410281  
Fax No.0932-410010  
Email. emismalemalakand@gmail.com

Notification /

A - 5

Consequent upon the recommendation of the District Promotion Committee in its meeting held on 07-07-2020, the following PSTs (BPS -12) are hereby promoted to the post of SPSTs BPS -14 (Rs.15180-1170-50280) plus usual allowances as admissible under the rules on the regular basis on terms and conditions given below on the basis of seniority cum fitness in pursuance of the Govt: of Khyber pakhtunehwa, E&SE Department Notification No. SSO (B&A) 1-18/E&SE/2012 dated 11.07.2012 and subsequent Notification No.SO (PE) 4-5/SSRC/meeting /2012/ teaching Cadre dated 13.12.2012 with immediate effect.

S.NO	Sen.No	Name of PST with present School	School where adjusted	Remark
1	495	Muhammad Ayaz	GPS Pir Mehmood Shah Banda	GPS Pir Mehmood Shah Banda
2	545	Rahman Said	GPS Karkani	GPS Wazir Abad
3	625	Malak Attur Rahman	GPS Sarogai	GPS Shawo Banda
4	708	Said Bahader	GPS Khanori	GPS Banda Khanori
5	720	Muhammad Kazim	GPS Karim Abad	GPS Jalal pur
6	721	Ibrar Ud Din	GPS Palali Banda	GPS Jalal Pur
7	722	Shahbaz Khan	GPS Mura Banda	GPS Badara Payan
8	723	Nasihullah	GPS Palai Banda	GPS Palai Banda
9	724	Muhammad Raziq	GPS Khatkay	GPS Chinar Koto
10	725	Altaf Khan	GPS Haryan Kot	GPS Hassan Korona
11	727	Wahid Shah	GPS Haryan Kot	GPS Barah
12	728	Riaz Ul Haq	GPS Upper (Btk)	GPS Upper (Btk)
13	730	Muhammad Younas	GPS CC Thana	GPS Chapai
14	730	Muhammad Saddiq	GPS No.1 Bararosar	GPS Landai Agra
15	732	Imran Khan	GPS Barcharai	GPS Aspur
16	733	Suliman Khan	GPS Nasim Ullah Kaly	GPS Bagh Din Kaly
17	734	Inam Ullah	GPS Fazal Abad	GPS Fazal Abad
18	736	Khista Rahman	GPS Badraga	GPS Shawo Kaly
19	737	Shahab	GPS Badraga	GPS Shingrai
20	738	Abdus Salam	GPS Bato	GPS No.1 Kot
21	739	Zakir Mehmood	GPS Hazrat Manan Korona	GPS Maina
22	740	Rafiq Ahmad	GPS Hiro Shah	GPS Hiro Shah
23	741	Kachkol Khan	GPS Zormandai	GPS No.2 Batkhela
24	742	Hameed Ur Rahman	GPS CC Thana	GPS Palai Khapa
25	743	Haroon Rahid	GMPS Arawalay	GPS Salai Paty
26	744	Muhammad Riaz	GPS Barakat Shah Korona	GPS Alifay Kaly
27	745	Imran Khan	GPS Anar Tangi	GPS Anar Tangi
28	746	Noor ul Islam	GPS Gul Muqam	GPS Amandara
29	747	Muhammad Idrees	GPS Faizghai	GPS Faizghai

*(Signature)*

*(Signature)*

30	748	Ikrām Ullah	GPS Dawa Khan Kaly	GPS Dawa Khan Kaly	
31	749	Rahim Ullah	GPS Said Abad	GPS No.1 Alladand	
32	750	Zahir Shah	GPS Baghdra	GPS Baghdra	
33	751	Maqsood Gul	GPS Faizghai	GPS Faizghai	
34	752	Ubaid Ullah	GPS Rahdad Kaly	GPS Chargo Kaly	
35	753	M. Shehzad Khan	GPS Sakhakot No.1	GPS No.1 Khar	
36	754	Adnan Khan	GPS No.1 G U Khel	GPS Akber Abad	
37	755	Javeed	GPS Gulshan Abad	GPS Ghrib Abad	
38	756	Sajad Ahmad	GPS Kanday Khattak	GPS Kanday Khattak	
39	757	Mushtaq Hussain	GPS Karki Dehri	GPS Jalal Kot	
40	758	Fazal Karim	GPS Sori Ghara	GPS Sori Ghara	
41	759	Sana Ullah	GPS Salgaro	GPS Salgaro	
42	760	Abdul Ali Khan	GPS Gul Zada Kaly	GPS Gulshan Abad	
43	761	Shahzeb	GPS Ahmad Said Banda	GPS Gumbat (Btk)	
44	762	Muhammad Iqbal	GPS Rahmat Said Banda	GPS Malakand	
45	763	Muhammad Khaliq	GPS No.2 Mekhband	GPS Kando Mekhband	
46	764	Umar Ayaz	GPS Janat Abad	GPS No.1 Batkhela	
47	765	Azam Khan	GPS No.2 Sakhakot	GPS No.2 Batkhela	
48	766	Muhammad Dawood	GPS No 1 Dargai	GPS No 1 Dargai	
49	767	Said Malik	GPS Bar Tangai	GPS Nari Tangai	
50	768	Mehbab Gul	GPS Jai Kot	GPS Jai Kot	
51	769	Waris Khan	GPS No.1 Totakan	GPS No.1 Totakan	
52	770	Muhammad Esar	GPS Nashoro Kando	GPS No.2 Batkhela	
53	771	Muhammad Wisal	GPS Karim Abad	GPS Karim Abad	
54	772	Adnan Ahmad	GPS Upper (Btk)	GPS Ghrib Abad	
55	773	Tahir Ud Din	GPS Palai Banda	GPS Bazdara Payan	
56	774	Shokat Ali	GPS No.2 Thana	GPS No.2 Thana	

### Consequential Transfers.

S.NO	Name of Teacher / Designation	present School	School where adjusted	Remark
1	Abdul Aziz SPST	GPS No.2 Thana	GPS Ziratgai Shah	
2	Hayat Khan SPST	GPS No.3 Sabar Shah	GPS No.2 Makhnawala	
3	Fazli Subhan SPST	GPS Shagai Amandara	GPS No.2 Dargai	
4	Rahman Ullah SPST	GPS Malakand	GPS Mustahab Korona	
5	Bakhtg Jamal SPST	GPS Palai Sher Khana	GPS Jarai	
6	Imtiaz Alam SPST	GPS No.2 Batkhela	GPS Koper	
7	Amir Muhammad SPST	GPS No.1 Batkhela	GPS Hijab Kaly	
8	Zer Akber SPST	GPS Amandara	GPS Sadullah Khan Banda	
9	Fazal Wadood SPST	GPS Akhtar Goundai	GPS Shahider Banda	



10	Khurshid Ali SPST	GPS Akber Abad	GPS Munawar Shah Kaly	(6)
11	Abid Khan SPST	GPS No.1 Khar	GPS Khan Garai	
12	Noor Wali Khan SPST	GPS Jalal Kot	GPS Mehirdai	
13	Asad Khan SPST	GPS Gulshan Abad	GPS Khatako Shah	
14	Muhammad Afzal SPST	GPS Gumbat	GPS Sharif Abad	
15	Ikram Badshah SPST	GPS No.1 Batkhela	GPS Chargo Kaly	
16	Alam Zeb SPST	GPS No.2 Batkhela	GPS Chargo Kaly	

**Terms and conditions:-**

1. They would be governed by such rules and regulation as may be issued from time to time by the Govt:
2. Their service can be terminated at any time, in case their performance is found unsatisfactory during probationary period in case of misconduct. They shall be proceeded against under the rules framed from time to time
3. Charge report should be submitted to all concerned.
4. Their inter se- seniority on the lower post will remain intake.
5. No TA DA is allowed for joining their duty.
6. An undertaking to the effect that any over payment if made to them as a result of their incorrect promotion to the post of SPST BPS No 14, the same will be made good by recovery from their pay/pension/ gratuity should be obtained from them in their service books.
7. Necessary entry to this effect shall be made in their service books.
8. If someone refuses to promotion, necessary entry will be made in the service Book, decline for four years.

(Hidayat Ullah)

DISTRICT EDUCATION OFFICER

(M)MALAKAND AT BATKHELA

Endst: No. 1185-55 /F.NO Promotion of Pry Teachers Dated 24 /08/ 2020.

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunehawa, Peshawar .
2. Deputy Commissioner Malakand.
3. D.M.O Malakand.
4. The SDEOs (M) Batkhela/ Dargai.
5. Assistant Programmer, DEMIS cell local Office.
6. Teachers Concerned.
7. District Accounts Officer Malakand.

DISTRICT EDUCATION OFFICER

(M)MALAKAND AT BATKHELA

*[Handwritten signature]*

RELIEVING CHIT


B. 7

20



20

It is certified that Mr. Asad Khan SPST (BPS-14) has been transferred from GPS Gulshan Abad U/C lower Batkhela to GPS Khatako Shah U/C Dargai vide DEO office Batkhela.

End-No: 11850-55 dated on 24-08-2020. Therefore he is relieved from his duty dated on 24-08-2020 after noon.

  
Head Teacher  
**HEAD MASTER**  
G.P. Gulshanabad  
Batkhela Mkd.

24-08-2020



**CHARGE REPORT**

C-8  
25/08/2020

It is certified that Mr. Asad Khan SPST (BPS-14) has been transferred from GPS Gulshan Abad U/C lower Batkhela to GPS Khatako shah U/C Dargai vide DEO office Batkhela dated on 24-08-2020.

End No. 11850-55

I took over my charge at GPS Khatako shah U/C Dargai.  
Dated on 25-08-2020 before noon.

Asad  
25-08-2020  
Took over charge

25/08/2020  
Head Teacher  
G.P.S Khattako Shah  
Dargai (Mkt)  
Hand over charge

Signature

Signature

Signature



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(M) MALAKAND AT BATKHELA

Telephone No. 0932-410281  
Fax No. 0932-410010  
Email: ems@malakand@pta.com

CORRIGENDUM:-

Consequential adjustments from S. No. 01 to 16 as ordered vide this office Endst: No 11850-55/F.NO. Promotion of pry Teachers Dated 24/08/2020 are hereby cancelled ab-initio.

Furthermore partial modifications in the said office order as given below are hereby ordered in the interest of public service with the same terms and conditions with immediate effect:-

S.NO	Sen:No	Name of PST with present School	School where now adjusted	Remark
1	545	Rahman Said	GPS Karkani	GPS Karkani
2	734	Inam Ullah	GPS Fazal Abad	GPS Sadullah Khan Kaly
3	739	Zakir Mehmood	GPS Hazrat Manan Korona	GPS Narai Uba
4	741	Kachkol Khan	GPS Zormandai	GPS Koper
5	746	Noor ul Islam	GPS Gul Muqam	GPS Gul Muqam
6	753	M. Shehzad Khan	GPS Sakhakot No.1	GPS Jarai
7	754	Adnan Khan	GPS No.1 G U Khel	GPS Shahider Banda
8	757	Mushtaq Hussain	GPS Karki Dehri	GPS Munawar Shah Kaly
9	760	Abdul Ali Khan	GPS Gul Zada Kaly	GPS Chargo Kaly
11	761	Shahzeb	GPS Ahmad Said Banda	GPS Ziaratgai Shah
10	762	Muhammad Iqbal	GPS Rahmat Said Banda	GPS Khan Garay
11	763	Muhammad Khaliq	GPS No.2 Mekhband	GPS Mekhband No.02
12	764	Umar Ayaz	GPS Janat Abad	GPS Khatako Shah
13	765	Azam Khan	GPS No.2 Sakhakot	GPS Mehirdi
14	767	Said Malik	GPS Bar Tangai	GPS Bar Nari Tangai
15	770	Muhammad Esar	GPS Nashoro Kando	GPS Hijab Kaly

(Hidayat Ullah)

DISTRICT EDUCATION OFFICER  
(M) MALAKAND AT BATKHELA

Endst: No. 11167-74 /F.NO Promotion of Pry Teachers Dated 09 /09/ 2020.

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner Malakand.
3. District Accounts Officer-Malakand
4. D.M.O Malakand.
5. The SDEOs (M) Batkhela/ Dargai.
6. Assistant Programmer, DEMIS cell local Office.
7. Teachers Concerned.

DISTRICT EDUCATION OFFICER  
(M) MALAKAND AT BATKHELA

To,

The Director, E&SE Department,  
Khyber Pakhtunkhwa, Peshawar

E-10

SUBJECT: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER/CORRIGENDUM DATED 09.09.2020 WHEREBY TRANSFER NOTIFICATION DATED 24.08.2020 HAS BEEN CANCELLED BY THE DISTRICT EDUCATION OFFICER, DISTRICT MALAKAND IN VIOLATION OF LAW AND RULES AND ANOTHER TEACHER NAMEDLY UMAR AYAZ, SPST (BPS-14) HAS BEEN POSTED AGAINST THE POST OF APPLICANT**

Respected Sir,

With due respect it is stated that I am the employee of your good self Department and is serving as SPST (BPS-14) quite effeciently and upto the entire satisfaction of my superiors. That while I was performing duty as SPST at GPS Gulshan Abad transferred to GPS Khatako Shah, District Malakand vide Notification dated 24.08.2020. That after issuance of the above mentioned Notification I was properly relieved from my previous place of duty i.e. GPS Gulshan Abad and I have submitted my charge report at GPS Khatako Shah, District Malakand and started performing duty with all zeal and zest. That it is pertinent to mention that just after the lapse of few days the District Education Officer (M), District Malakand issued order/corrigendum dated 09.09.2020 whereby transfer Notification dated 24.08.2020 has been cancelled and posted another teacher named mentioned above against the post of applicant which is clear violation of the transfer/posting policy. That impugned order/corrigendum dated 09.09.2020 is against the law, rules and as such the same has not been passed in the best interest of public service. I am feeling aggrieved from the impugned order/corrigendum dated 09.09.2020 - preferred this Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned order/corrigendum dated 09.09.2020 my very kindly be set aside and the concerned authority may also please be directed not transfer the applicant from GPS Khatako Shah, District Malakand till completion of his normal tenure. Any other remedy which your good self deems fit that may also be awarded in favor of the applicant.

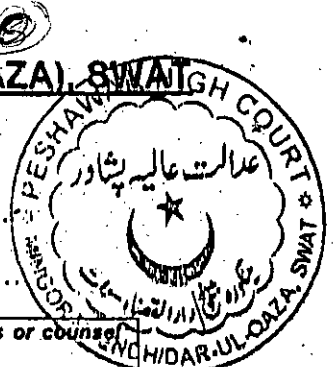
Dated: 12.09.2020

APPLICANT

*Asad Khan*

**ASAD KHAN, SPST (BPS-14),**  
GPS Khatako Shah, District Malakand

**FORM OF ORDER SHEET**



Court of .....  
 Case No. .... of .....

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
<p>1</p> <p>22-09-2020</p>	<p>2</p> <p><u>W.P No. 937-M/2020</u></p> <p><b>Present:</b> <i>Mr. Shahzullah Yousafzai, Advocate for the petitioners.</i></p> <p style="text-align: center;">*****</p> <p><b>WIOAR AHMAD, J.-</b> This order is directed to dispose of the petition filed by petitioners, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer;</p> <p style="padding-left: 40px;">“It is therefore, most humbly prayed that on acceptance of this writ petition the inaction of the respondent No. 2 by not deciding/dispose of the departmental appeals of the petitioners may kindly be declared as illegal, unconstitutional and ineffective upon the rights of petitioners. That the appellate authority i.e. respondent No. 2 may kindly be directed to decide/dispose of the departmental appeals of the petitioners strictly in accordance with law and rules. Any other remedy which this august Court deems fit that may also be awarded in favour of the petitioners.”</p> <p>2. At the very outset, learned counsel for petitioners stated that he would feel satisfied and would not press the petition in hand any further, if respondent No. 2 is directed to decide departmental appeals of petitioners under the relevant rules.</p>

F- (11)

Abdul Raheem

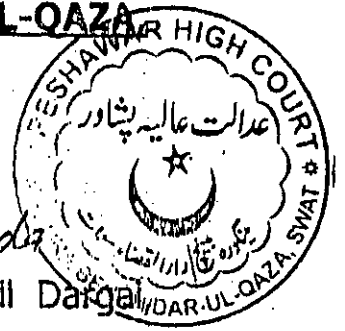
(D.S)

HON'BLE MR. JUSTICE UMMAID JIBRAHIM  
 HON'BLE MR. JUSTICE WIOAR AHMAD

**ATTESTED**

Examiner  
 Peshawar High Court Bench  
 Mingora Dar-ul-Qaza, Swat.

**BEFORE THE PESHAWAR HIGH COURT BENCH DAR-UL-QAZA**  
**SWAT**



WRIT PETITION NO. 937-M/2020

1. Mr. Abdul Aziz, SPST (BPS-14), S/o Khan Zada  
Ghundo Payan, P.O Sakhakot, Sakhakot, Tehsil Dargai  
District Malakand.  
CNIC No. 15401-0718590-9 Cell No.
2. Mr. Imtiaz Alam, SPST (BPS-14), S/o Jamroz Khan (12)  
R/o Muhammad pati P/o Heroshah Tehsil Dargai District Malakand
3. Mr. Amir Muhammad, SPST (BPS-14), S/o Muhammad Ehani  
R/o Mehrday P/o Dargai, District Malakand
4. Mr. Zer Akbar, SPST (BPS-14), S/o Sher Afzal Khan  
Zar Mandi, PO Heroshah, Tehsil Dargai, District Malakand.
5. Mr. Fazal Wadood, SPST (BPS-14), S/o Fazal Wahid  
Sultan Khat, PO Garri Usmani Khel, Tehsil Dargai, District  
Malakand.
6. Mr. Khurshid Ali, SPST (BPS-14), S/o Shahroz Khan  
GPS Munawar Shah Kalay, District Malakand.
7. Mr. Abid Khan, SPST (BPS-14), S/o Zarif Khan  
R/o Mohallah Arsikhel P/o Dargai District Malakand
8. Mr. Noor Wali Khan, SPST (BPS-14), S/o Said Zamin Khan  
Mohallah Begham Banda, Garri Usmani Khel, Tehsil  
Dargai, District Malakand.
9. Mr. Asad Khan, SPST (BPS-14), S/o Muhammad Nazeem  
Purana Sakha Kot, Tehsil Dargai, District Malakand.
10. Mr. Muhammad Afzal, SPST (BPS-14), S/o Muhammad Akbar  
R/o Qadomkhela P/o Dargai District Malakand
11. Mr. Ikram Badshah, SPST (BPS-14), S/o Ajar Khan  
Warter, PO Dargai, District Malakand.
12. Mr. Muhammad Sadiq, PSHT (BPS-15), S/o Wali Muhammad  
R/o verter P/o Dargai District Malakand
13. Mr. manzoor Ahmad, PSHT (BPS-15), S/o Madad Khan  
Mohallah Hospital Kot, Tehsil Batkhela, District Malakand.
14. Mr. Sharif Khan, PSHT (BPS-15), S/o Mashar Khan  
R/o Hospital colony Tehsil Batkhela District Malakand
15. Mr. Ikram Ud Din, PSHT (BPS-15), S/o Jamel Khan  
R/o Mohallah Oslenabad P/o Agrah District Malakand

..... PETITIONERS

**VERSUS**

- 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa,  
Peshawar.
- 2- The Director, E&SE Department, Khyber Pakhtunkhwa,  
Peshawar.

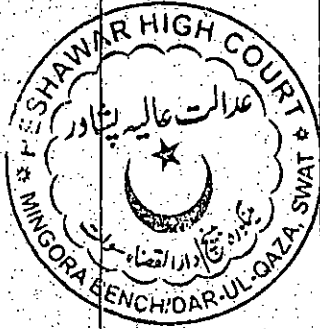
**FILED TODAY**

15 SEP 2020

*[Signature]*  
Additional Registrar

**ATTESTED**  
Examiner  
Peshawar High Court Bench  
Mingora Dar-ul-Qaza, Swat.

*[Signature]*



13

3. The petition in hand is therefore disposed of with direction to respondent No. 2 to decide departmental appeals filed by petitioners under Clause-XIV of the Posting/Transfer Policy of the Provincial Government but within a period of seven (07) days positively, after receipt of order of this Court.

Announced  
Dt: 22.09.2020

*[Handwritten signature]*  
JUDGE

*[Handwritten signature]*  
JUDGE

S.No. 12  
Name of Applicant [Handwritten]  
Date of Presentation of Applicant 19-10-2020  
Date of Completion of Copies 19-10-2020  
No of Copies 28  
Urgent Fee [Handwritten]  
Fee Charged 32/-  
Date of Delivery of Copies 19-10-2020

Certified to be true copy

*[Handwritten signature]*  
19-10-2020

EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat  
Authorized Under Article 67 of Qanoon-e-Shahadat Order, 1984

*[Handwritten signature]*

Better copy of annexure.....G

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) MALAKAND**

**OFFICE ORDER:**

In compliance of the Court Judgment-order WP NO.937-M/2020 announced on 22/09/2020 by the Hon'ble PHC Mingora Bench (Dar-Ul-Qaza) Swat and further minutes of the meeting held in the office of the Director E&SE KP Peshawar (Appellate Authority) on 09/11/2020, re-adjustments of the following primary school teachers are hereby ordered on their own pay and scale with immediate effect in the interest of public service.

S#	Name and Designation	Current Station	School where adjusted	Position
1.	Sharif Khan PSHT	GPS Dheri Banda	GPS Mani Serai	AVP
2.	Muhammad Sadiq, PSHT	GPS Gandero Shah	GPS Zahoor Abad	AVP
3.	Ikramud Din, PSHT	GPS Sar Kadarey	GPS Dheri Banda	AVP
4.	Manzoor Ahmad, PSHT	GPS Janat Abad	GPS Muna Shah	AVP
5.	Abdul Aziz, SPST	GPS No.2 Thana	GPS Prangal	AVP
6.	Imtiaz Alam, SPST	GPS No.2 Batkhela	GPS Muhammad Patey	AVP

**(JEHAN MUHAMMAD)**  
DISTRICT EDUCATION OFFICER  
(MALE) MALAKAND

Dated: 25.11.2020

Endst: No. 13681-87/F-No. Transfers/PSTs

9-4



**OFFICE OF THE  
DISTRICT EDUCATION OFFICER,  
(MALE) MALAKAND**

**OFFICE ORDER /**

In compliance of the Court Judgment under WP No.937-M/2020 announced on 22/09/2020 by the Hon'ble PHC Mingora Bench (Darul Qaza) Swat and further minutes of the meeting held in the office of the Director E&SE KP Peshawar (Appellate Authority) on 09/11/2020, re-adjustments of the following primary school teachers are hereby ordered on their own pay and scale with immediate effect in the interest of public service:

S. No.	Name and Designation	Current Station	School where Adjusted	Position
1	Sharif Khan PSHT	GPS Dheri Banda	GPS Mahi Serai	AVP
2	Muhammad Sadeeq PSHT	GPS Ganderi Sharif	GPS Zahoor Abad	AVP
3	Ikramud Din PSHT	GPS Sar Khanorey	GPS Dheri Banda	AVP
4	Manzoor Ahmad PSHT	GPS Janat Abad	GPS Muna Shah	AVP
5	Abdul Aziz SPST	GPS No.2 Thana	GPS Prangal	AVP
6	Imtiaz Alam SPST	GPS No.2 Batkhela	GPS Muhammad Pattey	AVP

Note:

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


(JEHAN MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) MALAKAND

Dated 25/11/2020

Enst. No. 13581-87 / F.No. Transfers/PSTs

Copy forwarded for information and necessary action to the:-

- Registrar, Hon'ble PHC Mingora Bench (Darul Qaza) Swat w/r to the above Judgment.
- Director, E&SE Khyber Pakhtunkhwa, Peshawar
- SDEOs (Male) Batkhela and Dargal.
- District Accounts Officer, Malakand.
- BMO, IMU E&S Education, Malakand.
- Assistant Programmer, DEMIS Cell-Local Office.
- Head Teachers/Teachers concerned.

  
DISTRICT EDUCATION OFFICER,  
(MALE) MALAKAND

4





GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

H-~~18~~  
15

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained  
  
While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

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- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

*[Handwritten signature]*



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xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

(Authority: Letter No. SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

**VAKALATNAMA**

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

\_\_\_\_\_ OF 2020

ASAD KHAN (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt. (RESPONDENT)  
(DEFENDANT)

I/We Asad Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, 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. \_\_\_\_/\_\_\_\_/2020

Asad

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

MUHAMMAD MAAZ MADNI

&

**AFRASIAB KHAN WAZIR**  
**ADVOCATES**

OFFICE:  
Flat No.4, 2<sup>nd</sup> Floor, Juma Khan  
Plaza, near FATA Secretariat,  
Warsak Road, Peshawar.  
Mobile No.0345-9383141

Before the RP Service Tribunal Peshawar  
Appeal No. 16009/2020

Asad Khan V/s Education

Application for withdrawal of instant appeal

Respectfully Sheweth,

1. That the titled appeal is pending adjudication before this august Tribunal and fixed for today i.e. 28/2/2023.
2. That grievance of the appellant has been redressed therefore there is no need to press the instant case.

It is therefore most humbly prayed that on acceptance of this application, the instant appeal may kindly be withdrawn.

Appellant  
Tough Noor M. Rattak  
Advocate

Dated: 28/2/23