28th 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 Dismissed as withdrawn.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 28th day of February, 2023.

(Rozina Rehman)
Member J)

(Kalim Arshad Khan) Chairman DB is on Tout case to come up For the Same on Dated. 3-2-22

F. Rend-er

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.

Due to non availibility of DB the case is adjourned to 28-12-2022 for the Same as before

28/12/20

Due to winter vocation to up on 27/2/23

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.

This appeal was admitted for regular hearing on 25.01.2021 followed by grant of ad-interim injuctive relief. Respondents were directed to submit the reply/comments. Then onward till today, the respondents have not submitted the written reply/comments despite availing opportunity through several adjournments. Last opportunity is given to respondents for submission of written reply/comments within 10 days in office, failing which, consequences shall follow. To come up on 17.08.2021 before D.B.

(Rozina Rehman) Member(J) Chairman

17-8-21

Since 17-08-21 has been peclared as Public Holyday on account of Moharsam Harofore case as adjusted to 28-9-21 fix the Same is Before

Rendes

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

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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)

R

counsel referred to promotion/adjustment notification dated 24.08.2020, whereby, the appellant was posted at GPS Sharif Abad 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 Sharif Abad on 25.08.2020. On 09.09.2020, a corrigendum was issued by respondent No. 3, whereby, the posting of appellant at Sharif Abad 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.

Chairman

Socurity & Process Fee -

FORM OF ORDER SHEET

e No.- 16008 /2020

	Case No	/2020
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
	2	
1-	23/12/2020	The appeal presented today by Mr. Noor Muhammad Khatta
	·	Advocate may be entered in the Institution Register and put up to th
	·: ·	Worthy Chairman for proper order please.
. :		
	e e e e e e e e e	REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on $\frac{0.01}{2}$.
		Www.
		CHAIRMAN
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **PESHAWAR**

AP	PEAL	NO.	 /2020

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MUHAMMAD AFZAL

VS

EDUCATION DEPTT:

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5	Charge report	С	8.
6	Impugned order/corrigendum	D	9.
7	Departmental appeal	E	10.
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9	Transfer/posting policy	- H	15- 17.
10	Vakalat nama		18.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1000 / 2020

Khyber Pakhtukuwa Service Tribunal	
Service	
Diagram 10255	

Mr. Muhammad Afzal, SPST (BPS-14),

GPS Sharif Abad, District Malakand under transfer to GPS Gumbat, District

Malakan d......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.

.....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 SHARIF ABAD, DISTIRICT MALAKAND HAS BEEN CANCELLED 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 Sharif Abad, 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.
- 2- That the appellant while performing his duty as SPST (BPS-14) was transferred from GPS Gumbat, District Malakand to GPS Sharif Abad, 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	d as an	nexure					A & F	3.

- 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. Copy of the impugned order/corrigendum is attached as annexure.

 D.
- 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.
- 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.

GROUNDS:

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.
- D- That the impugned order/corrigendum dated 09.09.2020 is against the Clause- I & IV of the transfer/posting Policy of the Provincial
- 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

MUHAMMAD AFZAL

THROUGH:

NOOR MOHAMMAD KHATTAK **ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M NO		_/2020
	"IN	<u>-</u>
Appeal No.		/2020

MUHAMMAD AFZAL

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 Sharif Abad, District Malakand to GPS Gumbat, 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-0

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 Gov: of Khyber pakhtunekhwa, 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.

	stij Senii	Name of PST	with present School	School where adjusted	Remark
-	102	Muhammad Ayaz	GPS Pir Mehmood Shah Banda	GPS Pir Mehmood Shah Banda	
	545	Rahman Said	GPS Karkanı	GPS Wazir Abad	i 1
3	625	Malak Attur Rahman	GPS Sarogai	GPS Shawo Banda	<u> </u>
1	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	
÷	724	Muhammad Raziq	GPS Khatkay	GPS Chinar Koto	
10	725	Altaf Khan	GPS Haryan Kot	GPS Hassan Koroña	
11	727	Wahid Shah	GPS Haryan Kot	GPS Barah	
12	728	Riaz Ul Hag	GPS Upper (Btk)		.
13	730 :	Muhammad Younas	GPS CC Thana	GPS Upper (Btk)	
: 14	730	Muhammad Saddig	GPS No.1 Bararosar	GPS Chapai	
15	732	Imran Khan	GPS Barcharai	GPS Landai Agra	·
16	733	Suliman Khan	GPS Nasim Ullah Kaly	GPS Aspur	
17	734	Inam Ullah	GPS Fazal Abad	GPS Bagh Din Kaly	
l.S	736	Khista Rahman	L	GPS Fazal Abad .	
10	73	Shahab	GPS Badraga	GPS Shawo Kaly	
20	/38	: Abdus Salam	GPS Badraga	GPS Shingrai	
21	739		GPS Bato	GPS No.1 Kot	
 22	740	Zakir Mehmood	GPS Hazrat Manan Korona	GPS Maina •	
23		Rafiq Ahmad	GPS Hiro Shah	GPS Hiro Shah	
23	741	Kachkol Khan	GPS Zormandai	GPS No.2 Batkhela	<u>- : - :</u>
	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 Mugam	GPS Amandara	···
29	747	Muhammad Idrees	GPS Faizghai	GPS Faizghai	

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20	748	!kram Ullah	GPS Dawa Khan Kaly	GPS Dawa Khan Kaly	
41	/49	Rấhim Ullah	GPS Said Abad	GPS No.1 Alladand	•
1.7	750	Zahir Shah	GPS Baghdra	GPS Baghdra	ً لمز
23	751	Magsood 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		Adnan Khan	GPS No.1 G U Khel	GPS Akber Abad	
~ /	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	
49 -	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	Munammad Iquai	GPS Rahmat Said Banda	CPS Malakand	
$A_{\mathcal{G}}^{(i)}$	763	Muhammad Khaliq	GPS No.2 Mekhband	GPS Kando Mekhband	
45	764	Umar Ayaz	GPS Janat Abad	GPS No.1 Batkhela	
47	765	Azam Khan	GPS No.2 Sakhakot	GPS No.2 Batkhela	~
48	- <u> </u> 766	Muhammad Dawood	GPS No 1 Dargai	GPS No 1 Dargai	
49	767	Said Malik	GPS Bar Tangai	GPS Nari Tangai	
5υ	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	,
l. 153	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	7.74	Shokat Ali	GPS No.2 Thana	GPS No.2 Thana	•

56 7.74 Shokat Ali Consequential Transfers.

S.NO	Name of Teacher / Designation	present School	School where adjusted	Remark	
1	Abdul Azız SPST	GPS No.2 Thana	GPS Ziratgai Shah		
	Hayat Khan SPST	GPS No.3 Sabar Shah	GPS No.2,Makhnawala		
j	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	Imitiaz 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	- 	
19	Fazal Wadood SPST	GPS Akhtar Goundai	GPS Shahider Banda	-	
	1 2 3 4 5 6 7	Fazli Subhan SPST A Rahman Ullah SPST Bakhtg Jamal SPST Imtiaz Alam SPST Amir Muhammad SPST Zer Akber SPST	1 Abdul Azız SPST GPS No.2 Thana 2 Hayat Khan SPST GPS No.3 Sabar Shah 3 Fazlı Subhan SPST GPS Shagai Amandara 4 Rahman Ullah SPST GPS Malakand 5 Bakhtg Jamal SPST GPS Palai Sher Khana 6 Initiaz Alam SPST GPS No.2 Batkhela 7 Amir Muhammad SPST GPS No.1 Batkhela 8 Zer Akber SPST GPS Amandara	1 Abdui Aziz SPST GPS No.2 Thana GPS Ziratgai Shah 2 Mayat 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 Initiaz 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	



•		
Khurshid Ali SPST	GPS Akber Abad	GPS Munawar Shah Kaly
Abid Khan SPST	GPS No.1 Khar	GPS Khan Garai
Noor Wali Khan SPST	GPS Jalai Kot	GPS Mehirdai
Asad Khan SPST	GPS Gulshan Abad	GPS Khatako Shah
Muhammad Afzal SPST	GPS Gumbat	GPS Sharif Abad
Ikram Badshah SPST	GPS No.1 Batkhela	GPS Chargo Kaly
Alam Zeb SPST	GPS No.2 Batkhela	GPS Chargo Kaly
	Khurshid Ali SPST Abid Khan SPST Noor Wali Khan SPST Asad Khan SPST Muhammad Afzal SPST Ikram Badshah SPST	Khurshid Ali SPST GPS Akber Abad Abid Khan SPST GPS No.1 Khar Noor Wali Khan SPST GPS Jalal Kot Asad Khan SPST GPS Gulshan Abad Muhammad Afzal SPST GPS Gumbat Ikram Badshah SPST GPS No.1 Batkhela

Terms and conditions:-

- They would be governed by such rules and regulation as may be issued from time to time by the Govt:
- 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
- Charge report should be submitted to all concerned.
- Their inter se- seniority on the lower post will remain intake.
- No TAIDA is allowed for joining their duty.
- 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.
- Necessary entry to this effect shell be made in their service books.
- 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

F.NO Promotion of Pry Teachers

Dated _

Copy forwarded for information and necessary action to the:-

- 1. Director E&SE Khyber Pakhtunekhawa, 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.
- District Accounts Officer Malakand.

DISTRICT EDUCATION OFFICER

RELIEVING CHIT

It is certified that Militarian and Affair spst has transferred from GPS

- (= fire bid to GPS 5 havit abad vide DEO office Batkhela.

End-No. 11250/55 dated on 24.820. therefore he is relived from his duty dated on 25-9,2020 After noon.

Head Teacher

CHARGE REPORT

from GPS English a Batish to GPS Shirt I Street _ vide DEO Office Batkhela dated on 24-08 2040

Fnd. No- 11750/55

I took over my charge at GPS Shavif Abad

Dated on 25-8-2020 ton a noon.

Took over Charge

Dargai Mkd



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

Telephone No.0932-410281 Fax No.0932-410010 Email. emismalemalakand@gmail.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	GP\$ 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	

	-		(Hi	idayat l	Ullah)	
711		į	DISTRICT	EDUCATE	ON OFFICER	
11/2/-19			(M)MALA	KAND AT	T BATKHELA .	
Endst: No. 11167-74	NO Promotion of Pr	y Tèachers	Dated _	09	/09/ 2020	O

Copy forwarded for information and necessary action to the:-

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

DISTRICT EDUCATION OFFICER
(M)MALAKAND AT BATKHELA

9

****To,

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

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

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 Gumbat transferred to GPS Sharif Abad, 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 Gumbat and I have submitted my charge report at GPS Sharif Abad, 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, 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 Sharif Abad, 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

MUHAMMAD AFZAL, SPST (BPS-14), GPS Sharif Abad, District Malakand BEFORE THE PESHAWAR HIGH COURT BENCH DAR-UL-QAZAR HIG SWAT: 937-M_12020 WRIT PETITION NO. Mr. Abdul Aziz, SPST (BPS-14), 5/6 Khan Zada Ghundo Payan, P.O Sakhakot, Sakhakot, Tehsii Dargalyoan District Malakand. CNIC No. 15401-0718590-9 Cell No. Mr. Imtiaz Alam, SPST (BPS-14), 5% Jang & Knon 2. R/o Muhammud pat P/o herostel Telsil Dargai District Milalar Mr. Amir Muhammad, SPST (BPS-14), 5/0 Muhammad Chang 3. Blo Meherday Pla Dargai, District Malakand Mr. Zer Akbar, SPST (BPS-14), Sto Show Afral Know 4. Zar Mandi, PO Heroshah, Tehsil Dargai, District Malakand... Mr. Fazal Wadood, SPST (BPS-14), 5/6 Fogul wanted 5. Sultan Khat, PO Garri Usmani Khel, Tehsil Dargai, District Malakand. Mr. Khurshid Ali, SPST (BPS-14), 5/0 Shaking Khom 6. GPS Munawar Shah Kalay, District Malakand, Mr. Abid Khan, SPST (BPS-14) 1/3 Zamif thon 7. R/o Mohallah Arsikhul Plo Dargai Dintrict Malakard/ Mr. Noor Wali Khan, SPST (BPS-14), 5/6 sad Zama Khan 8. Mohallah Begham Banda, Garri Usmani Khel, Tehsil Dargai, District Malakand. Mr. Asad Khan, SPST (BPS-14), 5/6 Muhommad Naccom Purana Sakha Kot, Tehsil Dargai, District Malakand. Mr. Muhammad Afzal, SPST (BPS-14), S/s Mahammad A Evon R/o padamkhela P/o Dargai District Malakard 10. Mr. Ikram Badshah, SPST (BPS-14), Sto Ajor Home 11. Warter, PO Dargai, District Malakand. Mr. Muhammad Sadiq, PSHT (BPS-15), 5/6 Work Muhammad 12. Klo verter plo Dargai District Malakand Mr. manzoor Ahmad, PSHT (BPS-15), 5/0 madad known 13. Mohallah Hospital Kot, Tehsil Batkhela, District Malakand. Mr. Sharif Khan, PSHT (BPS-15), S/g Masker Whan 14. ARIO Hospital Colony Tehsel Batkhula Dirtrict Malala Mr. Ikram Ud Din, PSHT (BPS-15), 5/0 Jrms Khan 15. RIO Muhalah Orlemebad PIO Agrah VERSUS 1- The Secretary, E&SE Department, Khyber Pakhtunkhwa,

Peshawar.

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

> 15 SEP 2020 Additional Registra Poshawar Hi

<u>ESHAWAR HIGH COURT, MINGORA BENCH (DAR-U</u> FORM OF ORDER SHEET Court of Order or other Proceedings with Signature of Judge and that of parties or o Date of Order or **Proceedings** 22-09-2020 W.P No. 937-M/2020 Mr. Shahzullah Yousafzai, Advocate for the Present: petitioners. WIOAR AHMAD, J.- 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; "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/

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."

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.

Abdul Bahank

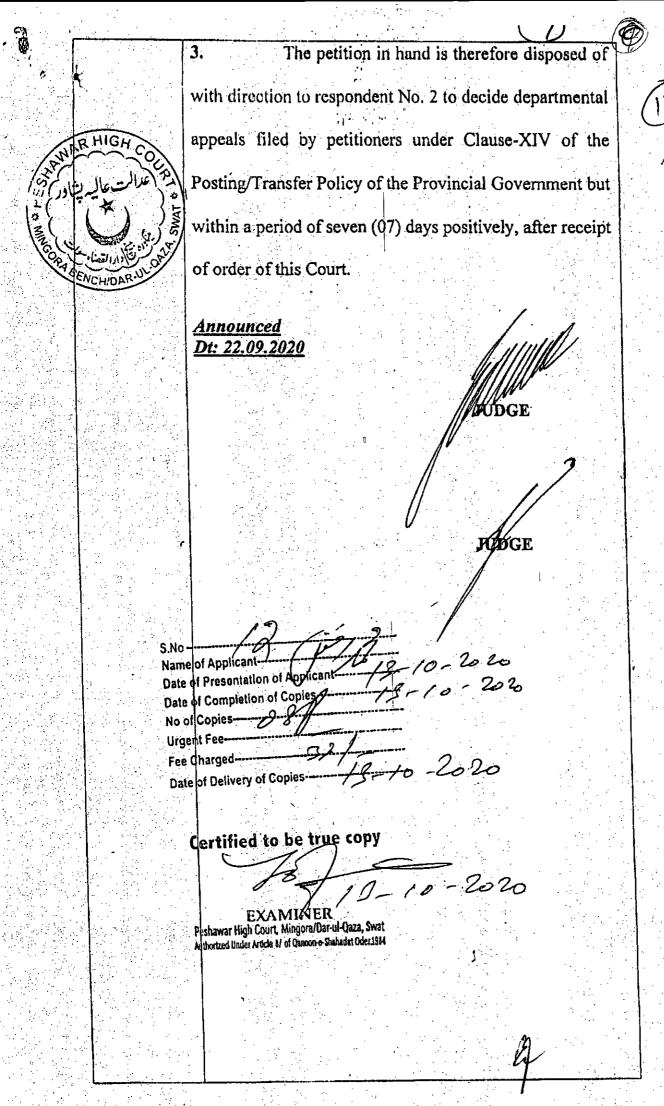
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Examiner

Poshawar Righ Court Bench
Mingora Dar-ul-Qaza, Swat.

9



Ship

(D.D)

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MALAKAND

OFFICE ORDER:

In compliance of the Court Judgment-order WP N0.937-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	GPS Mani	AVP
		Banda	Serai	
⁷ 2.	Muhammad Sadiq,	GPS Gandero	GPS Zahoor	AVP
	PSHT	Shah	Abad	
3.	Ikramud Din, PSHT	GPS Sar	GPS Dheri	AVP
	_	Kadarey	Banda	
4.	Manzoor Ahmad,	GPS Janat	GPS Muna	AVP
•	PSHT	Abad	Shah	
5.	Abdul Aziz, SPST	GPS No.2	GPS Prangal	AVP
		Thana		
6.	Imtiaz Alam, SPST	GPS No.2	GPS	AVP
		Batkhela	Muhammad	
·	·		Patey	

(JEHAN MUHAMMAD)

DISTRICT EDUCATION OFFICER (MALE) MALAKAND

Dated: 25.11.2020

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



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GOVERNMENT OF NWFP ESTABLISHMENT & ADMINISTRATION DEPARTMENT (Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- 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.
 - 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.
 - 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.
 - 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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- 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 column2 thereof:

· ;		
	Outside the Secretariat	10-11
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 with the approval of the Chief Minister.
2.	Other officers in BPS-17and 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.

- While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
 - 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 of the concerned of the concerned
 - b) Tenure on present post shall also be taken into consideration and the posting transfers shall be in the best public interest.

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







- 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.
 - 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:-

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

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.

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: Latter 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.

4

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

	-
·	OF 2020
MUHAMMAD	(APPELLANT) (PLAINTIFF) (PETITIONER)
	<u>VERSUS</u>
Education Dep I/We Muhamma	
Do hereby appoint an	d constitute NOOR MOHAMMAD
compromise, withdraw my/our Counsel/Advocation without any liability for engage/appoint any other I/we authorize the said receive on my/our behalf	Peshawar to appear, plead, act, or refer to arbitration for me/us as ate in the above noted matter, his default and with the authority to er Advocate Counsel on my/our cost. Advocate to deposit, withdraw and alf all sums and amounts payable or count in the above noted matter.
Dated//202	20 ABAL Jied &
	ACCEPTED NOOR MOHAMMAD KHATTAK
	KAMRAN KHAN
	MUHAMMAD MAAZ MADNI &
	AEDACTAR KUAN WAZID

AFRASIAB KHAN WAZIR ADVOCATES

OFFICE:

Flat No.4, 2nd Floor, Juma Khan Plaza, near FATA Secretariat, Warsak Road, Peshawar. Mobile No.0345-9383141

Ryber Pakhturkhung Service Tribund Pahm Appeal 090 1600.8/2020 Gort. Of KPK Attal VS Application for mitherand of the instart affect Kespetfully Shenck, 1- That the titled appeal is bending adjudication before this honorable tribunel and fined for trop, !l. 28/2/2023. 2- That grievmu of the appellant has been sedvissed, therefore such is no need to press pre instant case: Therefore most hurbly of this application, the instant appeal may kindly be withdrawn. Affela & Nour Mahmed Rhath Duted: 29/2/23