

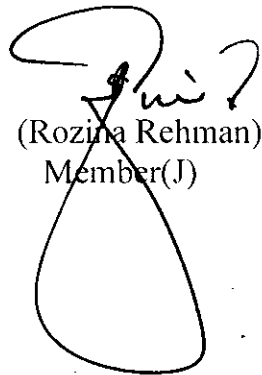
28th Feb, 2023

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

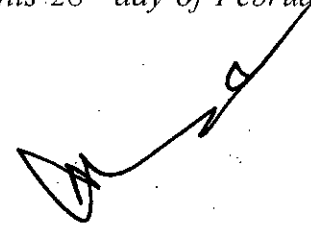
2. Learned counsel for the appellant submitted an application for withdrawal of the instant service appeal on the ground that grievance of the appellant has been redressed. Application is placed on file. Dismissed as withdrawn. Consign

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

SCANNED
KPST
Peshawar



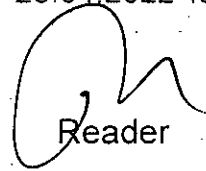
(Rozina Rehman)
Member(J)



(Kalim Arshad Khan)
Chairman

03.02.2022

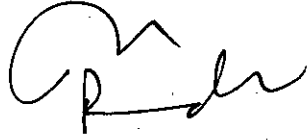
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 28.04.2022 for the same as before.


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


Due to winter vacation to come
up on 27/2/23


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

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.



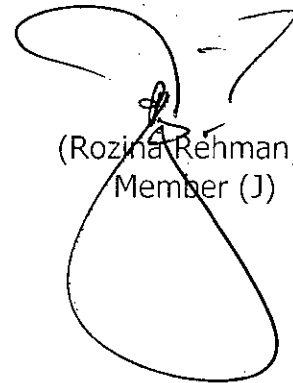
(Rozina Rehman)
Member (J)

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)

16016/2020

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 Jughari Kanori 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 Jughari Kanori 25.08.2020. On 09.09.2020, a corrigendum was issued by respondent No. 3, whereby, the posting of appellant at Jughari Kanori 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

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DTH

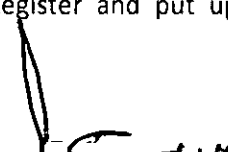

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Chairman

Form-A

FORM OF ORDER SHEET

Court of _____

Case No.- 16016 /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>
2-		<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>

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 Jughari Kanori 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 ~~Jughari Kanori~~ 25.08.2020. On 09.09.2020, a corrigendum was issued by respondent No. 3, whereby, the posting of appellant at Joghari Kanori 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

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2020

ZAFAR ALI

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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5	Impugned order/corrigendum	C	7.
6	Departmental appeal	D	8.
7	Order dated 25.11.2020	E	9.
7	Transfer/posting policy	F	10- 12.
8	Vakalat nama	13.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 16016 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16851

Dated 23/12/2020

Mr. Zafar Ali, PSHT (BPS-15),
GPS Jughari Kanori, District Malakand under transfer to GPS Bazdara Bala,
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.

.....**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 JUGHARI KANORI, 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 Jughari Kanori, 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 PSHT (BPS-15) quite efficiently and upto the entire satisfaction of his superiors.
- 2- That the appellant while performing his duty as PSHT (BPS-15) was transferred from GPS Bazdara Bala, District Malakand to GPS Jughari Kanori, District Malakand vide Notification dated 24.08.2020 where after the appellant was properly relieved from the previous place of

Filed to-day
Registrar

23/12/20

- duty. Copy of the Notification dated 24.08.2020 is attached as annexure.....**A.**
- 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.....**B.**
- 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.....**C.**
- 5- That appellant feeling aggrieved from the impugned order/corrigendum dated 09.09.2020 preferred Departmental appeal but no reply has been received so far from the appellate authority. Copy of the Departmental appeal is attached as annexure.....**D**
- 6- That it is pertinent to mention that other six colleagues of the appellant have been re-posted/re-adjusted vide order dated 25.11.2020 but the appellant has been ignored. Copy of the order is attached as annexure.....**E.**
- 7- That appellant feeling aggrieved and 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.
- 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.....**F.**

- 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



ZAFAR ALI

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2020

IN

Appeal No. _____/2020

ZAFAR ALI

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 Jughari Kanori, District Malakand to GPS Bazdara Bala, 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 BATAKHELA

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

A-5

Notification /

Consequent upon the recommendation of the District Promotion Committee in its meeting held on 07-07-2020, the following SPSTs (BPS -14) are hereby promoted to the post of PSHT: BPS -15 (Rs.16120-1330-56020) 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 Pakhtunkhwa, E&SE Department Notification No. SSO (B&A) 1-18/E&SE/2012 dated 11.07.2012 and subsequent Notification No.SO (FE) 4-5/SSRC/meeting /2012/ teaching Cadre dated 13.12.2012 with immediate effect.

S.NO	Sen.No	Name of SPST with present School		School where adjusted	Remark
1	267	Sadiq Ullah	GPS Matkani	GPS Shakh Hassan Baba	
2	270	Shah Badshah	GPS Shabankhel	GPS Hadi khas	
3	273	Fazal Hadi	GPS Gharib Abad	GPS Shinky	
4	407	Amir Muhammad	GPS Pinjin	GPS Chirat	
5	435	Ihsan Ullah	GPS Hissar Kaly	GPS Trai Seri	
6	457	Roedar Ali	GPS Jai Kot	GPS No 2 Kot	
7	462	Muhammad Riaz	GPS No 2 Batakhele	GPS Khatkay	
8	465	Farman Alim	GPS No 1 Pir, Khele	GPS Baika	
9	466	Karim Ullah	GPS Dessa	GPS Banjo	
10	473	Fazli Subhan	GPS Qulangi	GPS Gandiro Sharif	
11	474	Umar Badshah	GPS Kandy Khattak	GPS Kandy Khattak	
12	475	Akhter Hussain	GPS Shagai Amandara	GPS Zangal Patay	
13	476	Muhammad Ilyas	GPS Fizghai	GPS Fizghai	
14	481	Kiramat Khan	GPS Police Banda	GPS Deheri	
15	482	Azmat Shah	GPS Wazir Abad	GPS Sarogai	
16	484	Muhammad Jehangir	GPS Batakhele No 1	GPS Bazdar Bala	
17	485	Riaz Muhammad	GPS Bazdara Payan	GPS Rashagai	
18	486	Atta Ur Rehman	GPS Prangai	GPS Musa Mina	
19	488	Abdur Rashid	GPS Pir Mehmooc Shah Banda	GPS Ahmad Said Banda	
20	490	Syed Abdul Haq	GPS No 2 Khar	GPS Bama Bogari	
21	491	Muhammad Sharif	GPS No 1 Dargai	GPS Dargai Patak	
22	494	Shakir Ullah	GPS Munawar Shah Kaly	GPS Munawar Shah Kaly	
23	496	Zubair Ahmad	GPS Khan Garhi	GPS Garang Dara	

Consequential Transfers.

S.NO	Name of Teacher / Designation	present School	School where adjusted	Remark
1	Muhammad Sadiq PSHT	GPS Gandero Sharif	GPS Qadar Kaly	
2	Zafar Ali PSHT	GPS Bazdara Bala	GPS Jughari Kanori	

3	Manzoor Ahmad PSHT	GPS Jana: Abad	GPS Muna Shah
4	Sharif Khan PSHT	GPS Dheri Banda	GPS Gumbat Agra
5	Raza Shah PSHT	GPS Dargai (Power House)	GPS Hatam Banda
6	Zakir Hussain PSHT	GPS Munawar Shah Kaly	GPS Zalam Kot
7	Zubair Shah PSHT	GPS Ahmad Said Banda	GPS Dargai (Power House)
8	Salimur Rahman PSHT	GPS Baikz	GPS Sra Shah (Totakan)
9	Muhammad Islam PSHT	GPS Shinky	GPS Paro Khei Agra
10	Khan Zada PSHT	GPS Banjo Malakand	GPS Bogar Cham No,1
11	Inayat Ullah PSHT	GPS Rashagai	GPS Palai No 2
12	Ikram Ud Din PSHT	GPS Sar Khanori	GPS Dheri Banda

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 PSHT BPS No 15 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. 11844-49 F.NO Promotion of Prry Teachers

Dated 29/08/2020

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhawa, 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

B-6

CHARGE REPORT

I Mr./Miss/Mst: Zafar Ali

S/D/W/O: Sher Ali khan

Took over the charge of the PSHT BPS -15 post Government Primary School Jughari Khanori Tehsil Batkehla District Malakand.


To-day 25 / 08 /2020 After noon vide District Education Officer Malakand At Bakhela appointment order Endst: No. 11844-49

Dated 24 / 08 /2020.

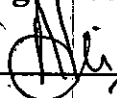
Please accept my charge report for assuming of duty.

Head Teacher

Charge Delivered by


Head Teacher
GPS
Jughrai Khanori

Charge Received by


25/08/2020

ADEO Concerned



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

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

CORRIGENDUM:-

Consequential adjustments from S. No. 01 to 12 as ordered vide this office Endst: No 11844-49/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 SPST with present School	School where now adjusted	Remark
1	273	Fazal Hadi	GPS Gharib Abad	GPS Tarai Serai
2	407	Amir Muhammad	GPS Pinjin	GPS Zalam Kot
3	435	Ihsan Ullah	GPS Hissar Kaly	GPS Sara Shah
4	465	Farman Alim	GPS No 1 Pir Khel	GPS No. 01 Pir khel
5	473	Fazli Subhan	GPS Qulangi	GPS Gumbat Agra
6	475	Akhter Hussain	GPS Shagai Amandara	GPS Chiral
7	482	Azmat Shah	GPS Wazir Abad	GPS Musa Maina
8	484	Muhammad Jehangir	GPS Batkhela No 1	GPS Bogar Cham No. 01
9	485	Riaz Muhammad	GPS Bazdara Payan	GPS Bazdar Payan
10	486	Atta Ur Rehman	GPS Prangai	GPS Dobandai No.01
11	488	Abdur Rashid	GPS Pir Mehmood Shah Banda	GPS Qadar Kaly
12	490	Syed Abdul Haq	GPS No 2 Khar	GPS Hatam Banda
13	494	Shakir Ullah	GPS Munawar Shah Kaly	GPS Toor Kaly

(Hidayat Ullah)

DISTRICT EDUCATION OFFICER
(M)MALAKAND AT BATKHELA

Endst: No 11175-81 /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) Malakand Dargai.
6. Assistant Programmer, DIESIS cell local Office
7. Teachers Concerned

DISTRICT EDUCATION OFFICER
(M)MALAKAND AT BATKHELA

To,

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

D-8


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**

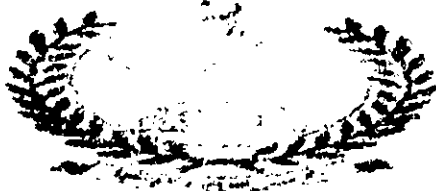
Respected Sir,

With due respect it is stated that I am the employee of your good self Department and is serving as PSHT (BPS-15) quite effeciently and upto the entire satisfaction of my superiors. That while I was performing duty as PSHT at GPS Bazdara Bala transferred to GPS Jughari Kanori, 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 Bazdara Bala and I have submitted my charge report at GPS Jughari Kanori, 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 Jughari Kanori, 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

ZAFAR ALI, PSHT (BPS-15),
GPS Jughari Kanori, District Malakand



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

E-9

OFFICE ORDER /

In compliance of the Court Judgment under NP No 931 M/2020 dated with the
27/05/2020 by the Hon'ble PHC Mingora Bench (Oral Case) 12765 and further instructions
sent to the office of the Director, E&SE KP Peshawar (Appellate Authority) on 05/12/2020
the adjustments of the following primary school teachers are hereby ordered on their own
scale with immediate effect in the interest of public service.

S. No.	Name and Designation	Current Station.	School where Adjusted.	Scale
1	Sharif Khan PSHT	GPS Uheri Banda	GPS Mani Sarai	A/B
2	Muhammad Sadique PSHT	GPS Gardens Shahi	GPS Zahoor Abad	A/B
3	Ikratullah Qazi PSHT	GPS Sar Khandrey	GPS Uheri Banda	A/B
4	Manzoor Ahmad PSHT	GPS Jamal Abad	GPS Misra Shahi	A/B
5	Abdul Aziz SPST	GPS No 2 Thana	GPS Prangal	A/B
5	Murtaza Alam SPST	GPS No 7 Bakhela	GPS Muhammad Pateley	A/B

Note:

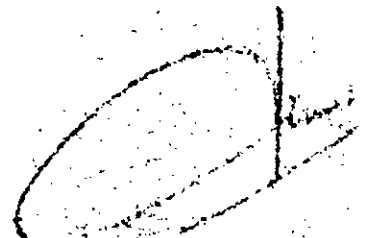
1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

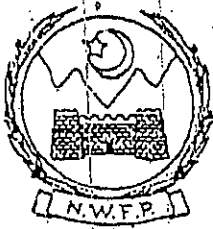
(ULHAN MUHAMMAD)
DISTRICT EDUCATION OFFICER
(MALE) MALAKAND
Dated 25/11/2020

Enst. No. 5501-87 / F.No. Transfers/PSHTs

Copy forwarded for information and necessary action to the:-

1. Registrar, Hon'ble PHC Mingora Bench (Oral Case) Swat w/r to the above judgment.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. CDEO: (Male) Bakhela and Dargal.
4. District Accounts Officer, Malakand.
5. DMO, HMU E&S Education Malakand.
6. Assistant Programmer, DEMIS Cell Local Office.
7. Head Teachers/ Teachers concerned.


DISTRICT EDUCATION OFFICER
(MALE) MALAKAND



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

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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
²While 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

- 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.



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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.

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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).

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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

Zafar Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept.

(RESPONDENT)
(DEFENDANT)

I/We Zafar Ali

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

Ali

CLIENT

Accepted
ACCEPTED

NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

MUHAMMAD MAAZ MADNI

&

AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:

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

Before The Dykes Pakhtunkhwa Service Tribunal
Appeal No. 16016/2020

Zafar Ali 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. 28/2/23.
- 2- That grievance of the appellant has been addressed therefore there is no need to pass the instant case.

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

Appellant
Through Noor Muhammad Iqbal
Advocate

Dated. 28/2/23