


28th Nov. 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Granted. To come up for arguments on 30.01.2023 before the D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman


30th Jan, 2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of the brief. Last opportunity is granted to argue the case on the next date falling which the case will be decided on the available record without arguments. To come up for arguments on 13.04.2023 before D.B.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

29.06.2022

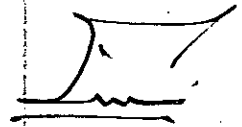
Mr. Izaz Khan, junior of learned counsel for the appellant present. Mr. Muhammad Ishaq, Focal Person alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present.

Comments on behalf of respondents No. 2 & 3 submitted, which are placed on file.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for rejoinder, if any, as well as arguments on 15.09.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

15.09.2022

Junior to counsel for the appellant present.

Muhammad Adeel, learned Additional Advocate General alongwith Muhammad Nisar, Focal Person for respondents present.

Former requested for adjournment as learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 28.11.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

25.11.2021

Learned counsel for the appellant present.

Appellant Deposited
Security & Process Fee

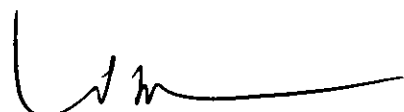
Learned counsel for the appellant submitted an application for extension of time to submit security and process fee. Application is allowed and the appellant is directed to deposit the same within three days, thereafter notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 18.01.2022 before S.B.

(MIAN MUHAMMAD)
MEMBER (E)

18.01.2022

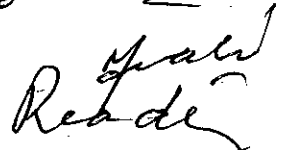
Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Nisar Focal Person for official respondents 1 to 3 present. None present on behalf of private respondent No.4, hence proceeded ex-parte.

Reply/comments on behalf of official respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 08.03.2022.


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

8-3-22

Due to retirement of the Hon.ble chairman
the case is adjourned to 29-6-22

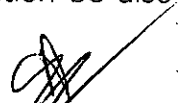
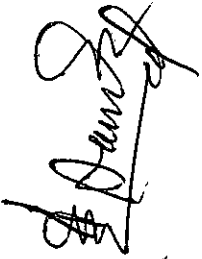

Atiq-Ur-Rehman Wazir
Member (E)

27.10.2021

Counsel for the appellant present. Preliminary arguments have been heard. Memorandum of appeal and the copies of record annexed there with has been perused.

Vide notification dated 04.03.2021, the appellant was transferred and posted as Physical Supervisor at North Waziristan vice Rasool Marjan, Physical Supervisor of the said office whose services were placed at the disposal of Director E&SE, Khyber Pakhtunkhwa for further posting. The notification dated 04.03.2021 to the extent of transfer of Mr. Rasool Marjan, was withdrawn/cancelled vide order dated 24.03.2021 after taking over charge of the post in his place by the appellant as purported in the appeal. The appellant filed departmental appeal on 25.03.2021 after date of issuing of the impugned order however instead of approaching this Tribunal within statutory period of limitation, the appellant filed writ petition before the Peshawar High Court, Bannu Bench which having remain pending for a certain period when heard in limine was dismissed with the observation as to lack of jurisdiction vide order dated 08.09.2021. Thereafter the appellant has been approach this Tribunal on 24.09.2021 through present service appeal. The transfer of the appellant one Rasool Marjan was made vice-versa but in view of the cancelation/withdrawal of the transfer of latter, the former seems to have been kept in victim when there is no specific order of the transfer on record. This appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.11.2021 before the D.B.

The appeal is also accompanied by an application seeking the suspension of the impugned order dated 24.03.2021 till final decision of the appeal. Notice of said application be also given to the respondents for the date fixed.

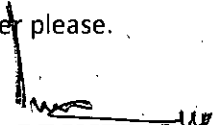

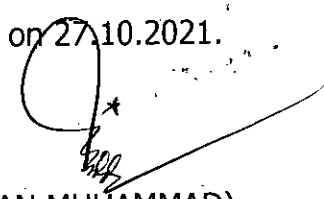


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7474 /2021

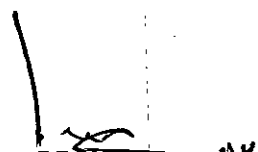
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/09/2021	<p>The appeal of Mr. Raees Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.10.2021	<p>Clerk of learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that the learned counsel for the appellant is busy before the Peshawar High Court, Peshawar in some other cases. Adjourned. To come up for preliminary hearing before the S.B on 27.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Raees Khan son of Mir Sahib Khan SPET received today i.e. on 24.09.2021 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 1901 /S.T,

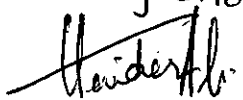
Dt. 24/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Noor Muhammad Khattak Adv. Pesh.

R/ Sheweth:

The Annexure-A of the appeal has been replaced with a legible/better one and the objection have been cleared.


Adv. HAIDER ALI
29/09/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 7474/2021

RAEES KHAN

V/S

**GOVT. OF KP
& OTHERS**

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE
Khattak Law Associates,
Flat No. 4, 2nd Floor, Juma Khan Plaza,
Warsak Road, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr. Raees Khan s/o Mir Sahib Khan, SPET (BPS-16),
O/o District Education Officer, District North Waziristan
r/o Nawaz Khan House, Pishtakhara Bala Bara Road, P.O Islamia College,
Tehsil & District, Peshawar.

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District North Waziristan
- 4- Mr. Rasool Mar Jan, Assistant Physical Supervisor, District Education Office, District North Waziristan.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 24-03-2021 WHEREBY TRANSFER ORDER DATED 04-03-2021 TO THE EXTENT OF THE PRIVATE RESPONDENT NO. 4 HAS ILLEGALLY BEEN WITHDRAWN AND THE APPELLANT HAS BEEN DISTURB IN UTTER VIOLATION OF TRANSFER/POSTING POLICY AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD.

PRAYER:

That on acceptance of this appeal the impugned order dated 24.03.2021 may very kindly be set aside and the respondents may kindly be directed not transfer the appellant from the post of Physical Supervisor at DEO North Waziristan (BPS-16) 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:

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

- 1- That appellant is the employee of the respondents department and is serving as Senior Physical Education Teacher (BPS-16) quite efficiently and up to the entire satisfaction of his high ups.
- 2- That during service the respondents issued notification dated 04.03.2021 whereby the appellant has been transferred from GHS

Gul Jan Kot North Waziristan to the post of Physical Supervisor (BPS-16) at District Education Officer North Waziristan. Copy of the notification is annexed as annexure**A.**

3- That in response to above transfer notification, the appellant was relieved of his duty vide order dated 05.03.2021 from the concerned school and as such the appellant submitted his arrival report to District Education Officer on 08.03.2021 and since then started performing his duty quite efficiently with zeal and zest. Copies of the relieving order dated 05.03.2021 and arrival report dated 08.03.2021 are attached as annexure **B & C.**

4- That while performing his duty at the office of the District Education Officer astonishingly the transfer order dated 04-03-2021 was withdrawal/cancelled to the extent of the private respondent No. 4 vide order dated 24-03-2021 due to which the appellant has been disturb as the appellant has not been transferred any further and he is still performing his duties at the transferred post w-e-f submitting his arrival report. Copy of the impugned/withdrawal order dated 24.03.2021 is attached as annexure**D.**

5- That appellant feeling aggrieved from the impugned order dated 24-03-2021 preferred departmental appeal before the respondents on 25-03-2021. Copy of the departmental appeal is attached as annexure **E.**

6- That by not deciding the departmental appeal within the stipulated time period as mentioned in the clause-ix of the transfer and posting policy of the provincial government the appellant preferred a writ petition No. 352-B/2021 and the same was decided on 08-09-2021 by directing the appellant to approach the proper forum. Copy of the order sheet dated 08-09-2021 is attached as annexure**F.**

7- That appellant having no other efficacious remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

A- That the impugned order dated 24-03-2021 issued by the respondents 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 appellant has not been treated in accordance with law and rules by the respondent department 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 impugned order dated 24-03-2021 is also violative of Clause-1, Clause-IV and Clause-XI of transfer/posting policy of Provincial Government. Copy of the transfer/posting policy is attached as annexure**G.**


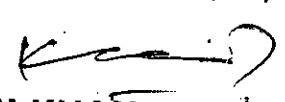


- D- That the impugned order dated 24-03-2021 has been issued by the respondents in arbitrary and mala fide manner, therefore, the same is not tenable in the eye of law and liable to be struck down.
- E- That the impugned order dated 24-03-2021 by cancelling the transfer order dated 04-03-2021 is based on discrimination, favoritism and nepotism hence not tenable and liable to be set aside.
- F- That, the impugned order dated 24-03-2021 is not passed in the public interest which is clear violation of judgments passed by this Honourable Court and also the apex Supreme Court of Pakistan hence impugned order dated 24-03-2021 is a void ab initio in its nature.
- G- That, the impugned order dated 24-03-2021 is nothing but just to harass the appellant and to accommodate his blue eyed person.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

RAEES KHAN

Through:


NOOR MOHAMMAD KHATTAK,

KAMRAN KHAN

SAID KHAN

UMAR FAROOQ
 Advocates, Peshawar

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

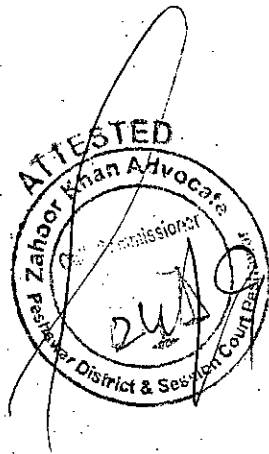
RAEES KHAN

VS

EDUCATION DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



Raees Khan
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

Raees Khan
CERTIFICATION

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL No. _____/2021

RAEES KHAN VS EDUCATION DEPT.

APPLICATION FOR SUSPENSION OF THE OPERATION OF
THE IMPUGNED NOTIFICATION DATED 24-03-2021 TILL
THE DISPOSAL OF 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 has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned withdrawal/ cancelation notification dated 24-03-2021 whereby the private respondent No. 5 has been posted against the post held/ occupied by the appellant/ applicant.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned withdrawal/ cancelation notification dated 24-03-2021 had 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 withdrawal/ cancelation notification dated 24-03-2021 may very kindly be suspended till the disposal of the above mentioned service appeal.

Dated: 24.09.2021

APPLICANT


RAEES KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

Better Copy

ANNEXURE * A * PAGE NO; # 06

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

NOTIFICATION

In pursuance the Government of Khyber Pakhtunkhwa Elementary & Secondary Education letter No.SOG(E&SED)/1-53/2021 dated 08-02-2021 the following posting/transfer in their own pay and BPS in the interest at public service with immediate effect:-

S#	Name & Designation	Place of present posting	Where posted as	Remarks
01.	Mr.Fida Khan SST/ADEO working since 15/05/2016	District Education Officer North Waziristan	GMS Pepali Shewa North Waziristan	AVP
02.	Mr.Noor Ullah Jan ASDEO	District Education Officer North Waziristan	ADEO(M)North Waziristan	Vice S.No.1
03.	Mr.Naseem Khan SST/ADEO working since 1/05/2016.	District Education Officer North Waziristan	SST at GHS Panat Razmak North Waziristan	Vice S.No.4
04.	Mr.Hafiz Azmat Ullah SST	GHS Panai Razmak North Waziristan	ADEO at DEO North Waziristan	Vice S.No.3
05.	Muhammad Roshan ADEO working since 10-08-2018.	DEO North Waziristan	SST GHSS Edak	Vice S.No.5
06.	Mr.Ihsan Ullah SST	GHS Dab Koi Noth Waziristan	ADEO at DEO North Waziristan	Vice S.No.5
07.	Mr.Anwar Maqsood ADEO working since 9-08-2018	DEO Office North Waziristan	SST a GHS Dab Koi North Waziristan	Vice S.No.8
08.	Bahadar Munir SST	GHS Miran Shah North Waziristan	ADEO at DEO North Waziristan	Vice S.No.
09.	Mr.Rasool Marjan Physical Supervisor working since 1995.	District Education Officer Office North Waziristan	Services may be placed a the disposal of Director Elementary & Secondary Education Khyber Pakhtunkhwa for further posting	Vice S.No.10
10.	Mr.Raes Khan SPET	GHS Gul Shah Jan Koi North Waziristan	Physical Supervisor at DEO North Waziristan	Vice S.No.
11.	Mr.Abdul Wadood SST	GHS Miran Shah North Waziristan	Asdeo AT deo North Waziristan	Against newly created post
12.	Mst.Minhas Afridi SST	GGHSS Samand Kili Sub Division Hasan Khel	ASDEO (F)at DEO Sub Division Hasan Khel	-do-
13.	Mst.Hajira Bibi SST	GGMS Pir Qayum Kurram	ASDEO(F) at DEO Kurram	-do-

ANNEXURE A

6



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION

In pursuance of the Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department letter no. S/G/ES/SE/11-1-03/2021 dated 03-02-2021 the following postings/transfers are hereby ordered in their own pay and BPS in the interest of public service with immediate effect.

S#	Name & Designation	Place of present posting	Education North	Where posted as	Remarks
1	Mr Fida Khan SST/ADEO working since 15/05/2016	District Office Waziristan North	Education North	GMS Pepali Shewa North Waziristan	AVEP
2	Mr Noor Ullah Jan ASDEO	District Office Waziristan North	Education North	ADEO (M) North Waziristan	Vice S.No.1
3	Mr Naseem Khan SST/ADEO working since 01/05/2016	District Office Waziristan North	Education North	SST at GHS Panal Razmak North Waziristan	Vice S.No.4
4	Mr Haliz Azmat Ullah SST	GHS Panal North Waziristan	Razmak North Waziristan	ADEO at D.E.O. North Waziristan	Vice S.No.3
5	Muhammad Rashid ADEO working since 10-08-2018	D.E.O. Waziristan North	North	SST GHSS Eidak	Vice S.No.5
6	Mr Ihsan Ullah SST	GHS Dab Kol North Waziristan	North	ADEO at D.E.O. North Waziristan	Vice S.No.5
7	Mr Anwar Masood ADEO working since 25-08-2018	D.E.O. Office Waziristan North	North	SST at GHS Dab Kol North Waziristan	Vice S.No.5
8	Mr Bahadar Munn SST	GHS Miran Shah North Waziristan	Shah North Waziristan	ADEO at D.E.O. North Waziristan	Vice S.No.7
9	Mr Rasool Mar Jan Physical Super, Visor working since 1995	District Office Waziristan North	Education North	Services may be placed at the disposal of Director Elementary & Secondary Education Khyber Pakhtunkhwa for further posting	Vice S.No.10
10	Mr Raees Khan SPET	GHS Gul Shah Kot North Waziristan	Shah Kot North Waziristan	Physical Supervisor at D.E.O. North Waziristan	Vice S.No.5
11	Mr Abdul Wadeed SST	GHS Miran Shah North Waziristan	Shah North Waziristan	ASDEO at D.E.O. North Waziristan	Against newly created post -do-
12	Mst. Minhas Afridi SST	GGHSS Samand Khan Killi Sub Division Hassan Khel	Samand Khan Killi Sub Division Hassan Khel	ASDEO(F) at D.E.O. Sub Division Hassan Khel	-do-
13	Mst Hajira Bibi SST	GGMS Pir Qayum Kurram	Pir Qayum Kurram	ASDEO(F) at D.E.O Kurram	-do-

TERMS AND CONDITIONS

- Charge reports should be sent to all concerned.
- No TA/DA etc. are allowed.
- The order of the above named SSTs against the posts of ADEOs/ASDEOs will be affective subject to the condition that they will give an under taking on judicial stamp paper to the D.E.Os concerned to the effect that they will neither claim the seniority of ASDEO Posts nor absorption in management cadre.
- The terms and conditions mentioned in their appointment/promotion order as SST (Teaching cadre) will intact.

DIRECTOR
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar

DATE

TERMS AND CONDITIONS

1. Charge report should be sent to all concerned.
2. No TA/DA etc are allowed.
3. The order of the above named SSTs against the posts of ADEOs/ASDEOs will be affective subject to the condition that they will give an under taking on judicial stamp paper to the D.E.Os concerned to the effect that they will neither claim the seniority of ASDEO posts nor absorption in management cadre.
4. The terms and conditions mentioned in their appointment/promotion owner is SST(Teaching cadre) will intact.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No A 12/ADEO(M&P) Dated Pesh the 4/8/2021.

Copy forwarded to the the:-

1. Additional Director(Estab) Merged District Local Directorate
2. District Education Officer concerned.
3. District Accounts Officer concerned.
4. Principal/Headmaster & Headmistress concerned.
5. SSTs concerned.
6. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

DEPUTY DIRECTOR(ESTAB)
MERGED Districts

7

- 1. Copy forwarded to the Additional Director, (M&F), Dated: Peshawar, the 20/01/2021.
- 2. District Education Officer, Merged Districts Local Director.
- 3. District Accounts Officer concerned.
- 4. Principal/Headmaster & Headmistress concerned.
- 5. SSTs concerned.
- 6. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.

DEPUTY DIRECTOR (ESTAB)
MERGED DISTRICTS

REGISTERED

OFFICE OF THE PRINCIPAL GHS GUL SHAH JAN KOT (N.W.T.D.)
No. 115 / GHS Gul Shah Jan Dated: 05/03/2021.
RELIEVING CHIT

Certified that Mr: Raees Khan Sr:PET BPS-16 Govt, High School Gul Shah Jan Kot Anghar Kalla Miran Shah North Waziristan Tribal District is hereby relieved from his duty to day on 05/03/2021 After Noon due to his transfer to District Education Office Miran Shah (NWTD) , Vide Director of Education Elementary & Secondary Transfer Order No. 2971-76, dated :04/03/2021.

You are directed to report to the District Education Officer Miran Shah North Waziristan Tribal District for further duty.



PRINCIPAL,
GHS GUL SHAH JAN KOT (NWTD)

RECEIVED

To

The District Education Officer,
Miran Shah (NWTD).

Subject: ARRIVAL REPORT.

In compliance with the Director, E & SE Khyber Pakhtunkhwa, Order No. 2971-76 /A-12/ADEO (M&F) Dated Pesh:- the 04/03/2021.

I submit my arrival report for duty to day on the fore noon of this day i.e. 06/03/2021.

Kindly accept my arrival report.

Dated:-08/03/2021.

Your's Obediently,



Mr: Raees Khan (Physical Super-Visor)
BPS-16.

accept arrival
Raees Khan
DD EO (NWTD)
District Education Officer (M&F)
Miran Shah

ATTACHED

ANNEXURE

D

10



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
PH No. 091-9210389, 9210938,
091-9210437, 9210957, 9210468
Fax 091-9210936

Notification

Consequent upon approval of the competent authority, the Notification issued vide this Directorate under Endorsement No.2971-76 dated 04/03/2021 at S.No.9, in respect of Mr.Rasool Marjan Physical Supervisor North Waziristan is hereby with draw/cancelled in the interest of public service with immediate effect.

Compliance report should be sent to all concerned.

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3867-72 /A-12

Dated Peshawar: the 24/03 2021

Copy forwarded to the:-

- 1 District Education Officers North Waziristan.
- 2 District Accounts Officer North Waziristan.
- 3 Principal/Head Master concerned.
- 4 Teacher concerned.
- 5 PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 6 P/Files.

Deputy Director (Estab)
Merged Districts

ATTESTED

ANNEXURE "E"

11

To,

The Secretary (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED WITHDRAWAL/CANCELLATION ORDER DATED 24.03.2021 BY THE RESPONDENTS WHEREBY THE TRANSFER/POSTING OF THE APPELLANT TO THE POST OF PHYSICAL SUPERVISOR (BPS-16) HAS BEEN CANCELLED PREMATURELY AND UNLAWFULLY.

Respected Sir,

With due submission it is stated that the appellant is employee of your good-self department and currently appellant is serving as Physical Supervisor (BPS-16) at office of District Education Officer Miranshah, District North Waziristan and since appointment the appellant is performing his duties quiet efficiently and up to the entire satisfaction of his superiors.

That during service the respondents issued notification vide dated 04.03.2021 whereby the appellant has been transferred from GHS Gul Shah Jan Kot North Waziristan to the post of Physical Supervisor (BPS-16) At District Education Officer North Waziristan. That subsequently after transfer posting, the appellant was relieved of his duty vide dated 05.03.2021 from the concerned school and as such the appellant submitted his arrival report to DEO vide dated 08.03.2021 and embarked on performing his duties quiet efficiently and devotedly.

That in the meanwhile astonishingly, the respondents withdrew/cancelled the aforesaid transfer/posting order of the appellant vide order dated 24.03.2021 unjustifiably without assigning any reason best known to the respondents. That the withdrawal/cancellation order by the respondents is against the principle of peonitentiae wherein once order is issued cannot be withdrawn or cancelled. That withdrawal of the transfer/posting order vide date 24.03.2021 of the appellant is against the law and rules and norms of natural justice.

It is therefore, most humbly prayed that on acceptance of this departmental appeal the impugned withdrawal/cancellation order dated 24.03.2021 may very kindly be set aside and the appellant be retained at the post of Physical Supervisor (BPS-16) at District Education officer Miranshah, District North Waziristan. Any other remedy which your good-self deems fit that may also be awarded in favor of the appellant.

Date: 25.03.2021

APPELLANT


RAEES KHAN,

Physical Supervisor (BPS-16),
Office of District Education officer,
Miranshah, District North Waziristan

ATTACHED

DERA ISMAIL KHAN BENCH

ANNEXURE F

FORM OF ORDER SHEET

12

Date of order or proceeding	Order or other proceedings with signatures of Judge (s)
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(1)	(2)
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08.09.2021	<p><u>W.P No.352 -D of 2021</u> <u>Present:</u> Umar Farooq advocate on behalf of Noor Muhammad Khattak advocate for petitioner</p> <p>*****</p> <p><u>SAHIBZADA ASADULLAH, J.---</u> Through the instant writ petition, the petitioner Raees Khan seeks indulgence of this court, by invoking its jurisdiction under Article 194 of the Constitution of Islamic Republic of Pakistan, 1973, by praying that:</p> <p><i>"It is, therefore, most humbly prayed that on acceptance of this writ petition the impugned order dated 24.03.2021 issued by the respondent No.2 may kindly be declared as illegal, unlawful, unconstitutional and ineffective upon the rights of the petitioner. That the respondents may be directed that not to transfer the petitioner from the post of Physical Supervisor (BPS-16) till completion of his normal tenure. Any other remedy which this august Court may also be awarded in favour of the petitioner."</i></p>
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BARRISTER

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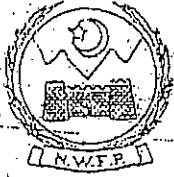
13

Physical Supervisor (BPS-16) under the respondents department and vide order dated 04.03.2021 was transferred to Govt. High School Gul Shah Jan, K-12 North Waziristan where he assumed charge on 08.03.2021 but was after 20 days his transfer order was withdrawn vide order dated 24.03.2021 which is impugned here but we lurk no doubt in mind that the petitioner is a Civil Servant and he cannot ask for redressal of his grievances from this court by invoking its constitutional jurisdiction under Article 199 of the constitution, rather the forum available to the petitioner is before the Service Tribunal of the province and we are afraid that this court is lacking the jurisdiction. Keeping in view the embargo placed on its powers under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, however, the petitioner is at liberty to approach the competent forum for redressal of his grievances. With these observations, this writ petition stands terminated in limine.

Announced.
08.09.2021
 Azam P.S.

CERTIFIED TO BE TRUE COPY

Examiner
 Fatahwal High Court Eanno Bench
 Organised Under Article 87 of
 The Qanun-e-Shahadat Ordinance 1984



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

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) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- vi) 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 at least 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 the 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)1-4/2008, dated 21-09-2004

ATTACHED

15

- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option or 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.

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

ATTESTED

6

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.

ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2021

Raes Khan (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt. (RESPONDENT)
(DEFENDANT)

I/We Raes Khan

Do hereby appoint and constitute **NOOR MUHAMMAD 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. ____/____/2021

Raes Khan
CLIENTS

ACCEPTED
NOOR MUHAMMAD KHATTAK
KAMRAN KHAN
UMER FAROOQ MOHMAND
SAID KHAN
& Haider Ali
HAIDER ALI
ADVOCATES

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

Appeal No. 7474 /2021

1. **Raees Khan S/O Mir Sahib Khan**, SPET (BPS-16), O/O District Education Officer, District North Waziristan.

-----**Appellant**


VERSUS

1. The Govt. of Khyber Pakhtunkhwa, Through Secretary (E&SE) Department Khyber Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director Education (E&SE) Department, Khyber Pakhtunkhwa; Peshawar
3. District Education officer , District North Waziristan, Miranshah
4. Mr.Rasool Marjan, Assistant Physical Supervisor, District Education office, District North Waziristan.

-----**Respondents**

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S.NO	DISCRIPTION OF DOCUMENTS	ANNEXTURE	PAGES
1	Comments		1-3
2	Affidavit		4
3	Authority letter		5
4	Copy of the Notification dated 04/03/2021	A	6-7
5	Copy of the withdrawal/cancelation order dated 24/03/2021	B	8
6	Copy of <u>No SO(PE)/E&SED/9-2/Up gradation of Physical supervisors/2021-22 dated 24-02-2022</u>	C	9-10

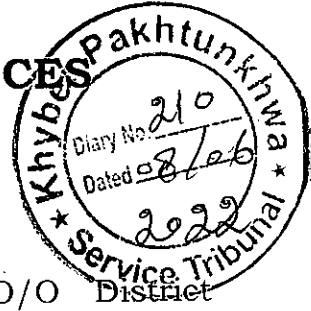


Assistant District Education Officer

North Waziristan Tribal District

①

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



Appeal No. 7474 /2021

1. **Raes Khan S/O Mir Sahib Khan**, SPET (BPS-16), O/O District Education Officer, District North Waziristan.

-----**Appellant**

VERSUS

1. The Govt: of Khyber Pakhtunkhwa, Through Secretary (E&SE) Department Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director Education (E&SE) Department, Khyber Pakhtunkhwa; Peshawar
3. District Education officer , District North Waziristan, Miranshah
4. Mr.Rasool Marjan, Assistant Physical Supervisor, District Education office, District North Waziristan.

-----**Respondents.**

Comments on behalf of respondent No.2 & 3

Respectfully Sheweth:

Preliminary Objection:

- That the appellant has got no cause of action, locus standi to file the instant appeal.
- That the appellant has not come to this honorable Tribunal with clean hands.
- That the appellant has concealed material facts from this Honorable Tribunal.
- That the appeal is not maintainable in the present form.
- That the appellant has stopped by his own conduct to bring the present appeal.
- That the appeal is badly time barred as there is no appeal on record on part of the appellant in the respondent department.
- That the instant petition is false, frivolous and vexatious and is liable to be dismissed with special compensatory costs.

PARA WISE REPLY ON FACTS:

- 1) That Para-1 pertains to record, hence no further comments.
- 2) That Para-2 of the appeal is correct to the extent of issuing notification dated 04/03/2021, whereby the Appellant was transferred from GHS Gul Jan North Waziristan to the office of respondent No.3 as Physical Supervisor (BPS-16).

(Copy of the Notification is Annexure A)

- 3) That Para-3 pertains to record, hence no further comments.

- 4) That the notification dated 04/03/2021 was issued incorrectly to the extent of petitioner and respondent no 4 which was later on withdrawn vide order dated 24/03/2021 **(Copy of the Withdrawal /Cancellation order is Annexure B** Moreover, Respondent No 4 has been up graded to BPS-17 and Up gradation notification No SO(PE)/E&SED/9-2/Up gradation of Physical supervisors/2021-22 dated 24-02-2022 declare the post of Physical supervisor in E&SE Department as dying cadre and subsequently shall be abolished upon the up gradation of incumbents.**(Copy of the notification is attached)**
- 5) That Para-5 is incorrect. There is no appeal on record on part of the appellant in the Respondent Department.
- 6) That Para-6 Pertains to record, hence no comments.
- 7) keeping in view the above facts, the instant petition may kindly be dismissed on the following grounds

REPLY ON GROUNDS

- A. Para no A** of the grounds is incorrect, hence denied. The appellant is exerting illegal pressure on the respondent department through instant appeal and the respondent department has acted according to the rules/policy. Infact the notification dated 04/03/2021 was issued incorrectly to the extent of petitioner and respondent no 4 which was later on withdrawn vide order dated 24/03/2021
- B. Para no B** of the grounds is incorrect, hence denied, The Respondent department did not violate Article 4&25 of the constitution of the Islamic republic of Pakistan 1973 and has been acted according to the rules and policy.
- C. Para no C** of the grounds is incorrect, hence denied. the Respondent Department is bound to abide by the law /Rules and Policy.
- D. Para no D** of the grounds is incorrect, hence denied. The Appellant presented the order of the competent authority in exaggerated manner, neither the answering respondents have any mala fide with the present Appellant nor they have violated any rules/policy, infact the order of 04/03/2021 was issued incorrectly to the extent of petitioner and respondent no 4 which was later on withdrawn vide order dated 24/03/2021.
- E. Para no E** of the grounds is incorrect, hence denied. The detail reply has been given in the above paras.
- F. Para no F** of the grounds is incorrect, hence denied. Detail Reply has already been submitted above under Para-4 & 5 above on facts.
- G. Para no G** of the grounds is incorrect, hence denied.
- H.** Respondents are also seeking permission of the Honorable Tribunal to produce additional grounds and proofs at the time of Hearing.

3

Prayer:

In the light of the above stated facts, it is requested to dismiss the case of the appellant.

**Director Education (E & SE)
Khyber Pakhtunkhwa Peshawar
(Respondent No. 2)**

**Jadoon Khan Wazir
District Education officer (M)
North Waziristan Tribal District
(Respondent No. 3)**

(4)

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

Appeal No. 7474 /2021

1. **Raees Khan S/O Mir Sahib Khan**, SPET (BPS-16), O/O District Education Officer, District North Waziristan.

-----**Appellant**

VERSUS

1. The Govt: of Khyber Pakhtunkhwa, Through Secretary (E&SE) Department Khyber Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director Education (E&SE) Department, Khyber Pakhtunkhwa; Peshawar
3. District Education officer , District North Waziristan, Miranshah
4. Mr.Rasool Marjan, Assistant Physical Supervisor, District Education office, District North Waziristan.

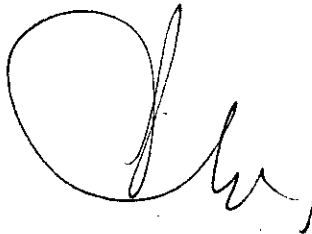
-----**Respondents**

AFFIDAVIT

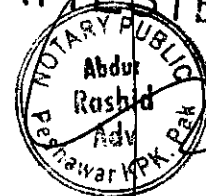
I, Muhammad Nisar Focal Person Litigation, DEO North Waziristan do solemnly affirm and declare that the Comments of Respondent No ~~3&4~~ in the Appeal NO ~~7474/2021~~ is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


Muhammad Nisar

Assistant District Education Officer
North Waziristan Tribal District



ATTESTED



08 JUN 2022

5

AUTHORITY LETTER

This office has the honor to state that Mr. Muhammad Nisar has been serving in the District Edu: Office as Focal Person Litigation. He has been given the authority to attend all kinds of court case. So he may be considered as representative of the District Edu: officer, N.W.T.D



DISTRICT EDUCATION OFFICER
NORTH WAZIRISTAN Tribal District



(A)

(B)

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

NOTIFICATION

In pursuance the Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department letter no. SOG/E&SED/ 1-63/2021 dated 03-02-2021, the following postings/transfers hereby ordered in their own pay and BPS in the interest of public service with immediate effect.

S#	Name & Designation	Place of present posting	Where posted as	Remarks
1.	Mr.Fida Khan SST/ADEO working since 15/05/2016	District Education Office North Waziristan	GMS Pepali Shewa North Waziristan	AVP
2.	Mr.Noor Ullah Jan ASDEO	District Education Office North Waziristan	ADEO (M) North Waziristan	Vice.S.No.1
3.	Mr.Nasir Khan SST/ADEO working since 01/05/2016	District Education Office North Waziristan	SST at GHS Pariat Razmak North Waziristan	Vice.S.No.4
4.	Mr.Hafiz Azmat Ullah SST	GHS Pariat Razmak North Waziristan	ADEO at D.E.O. North Waziristan	Vice S.No.3
5.	Muhammad Roshan ADEO working since 10-08-2018	D.E.O. North Waziristan	SST GHSS Eidak	Vice S.No.6
6.	Mr Ihsan Ullah SST	GHS Dab Kot North Waziristan.	ADEO at D.E.O. North Waziristan	Vice S.No.5
7.	Mr.Anwar Maqsood ADEO working since 09-08-2018	D.E.O Office North Waziristan	SST at GHS Dab Kot North Waziristan	Vice S.No.8
8.	Mr.Bahadar Munir SST	GHS Miran Shah North Waziristan	ADEO at D.E.O North Waziristan	Vice S.No.7
9.	Mr.Rasool Mar Jan Physical Super Visor working since 1995.	District Education Officer Office North Waziristan	Services may be placed at the disposal of Director Elementary & Secondary Education Khyber Pakhtunkhwa for further posting.	Vice S.No.10
10.	Mr.Raees Khan SPET	GHS Gul Shah Jan Kot North Waziristan	Physical Supervisor at D.E.O North Waziristan	Vice.S.No.9
11.	Mr.Abdul Wadeed SST	GHS Miran Shah North Waziristan	ASDEO at D.E.O North Waziristan	Against newly created post
12.	Mst.Minhas Afridi SST	GGHS Samand Khan Tili Sub Division Hassan Khel	ASDEO(F) at D.E.O Sub Division Hassan Khel	-do-
13.	Mst.Hajira Bibi SST	GGMS Pir Qayum Kurram	ASDEO(F) at D.E.O Kurram	-do-

TERMS AND CONDITIONS

1. Charge reports should be sent to all concerned.
2. No TA/DA etc. are allowed.
3. The order of the above named SSTs against the posts of ADEOs/ASDEOs will be affective subject to the condition that they will give an under taking on judicial stamp paper to the D.E.Os concerned to the effect that they will neither claim the seniority of ASDEO Posts nor absorption in management cadre.
4. The terms and conditions mentioned in their appointment/promotion order as



Endst: No. _____ /A-12/ADEO (M&F) Dated Pesh: the 11/3/21 2021

Copy forwarded to the:-

- 1 Additional Director (Estab) Merged Districts Local Directorate.
- 2 District Education Officer concerned.
- 3 District Accounts Officer concerned.
- 4 Principal/Headmaster & Headmistress concerned.
- 5 SSTs concerned.
- 6 PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

**DEPUTY DIRECTOR (ESTAB)
MERGED DISTRICTS**

to
to
to
to
to
to

8

B

~~W~~

ANNEXURE



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
PH No. 091-9210389, 9210938,
091-9210437, 9210957, 9210468
Fax 091-9210936

Notification

Consequent upon approval of the competent authority, the Notification issued vide this Directorate under Endorsement No.2971-76 dated 04/03/2021 at S.No. in respect of Mr.Rasool Marjan Physical Supervisor North Waziristan is hereby with draw/cancelled in the interest of public service with immediate effect.

Compliance report should be sent to all concerned.

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 3867-72 /A-10

Dated Peshawar: the 24/03 2021

Copy forwarded to the:-

1. District Education Officers North Waziristan.
2. District Accounts Officer North Waziristan.
3. Principals and Master concerned.
4. Teacher concerned.
5. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
5. P/Files.

Deputy Director (Estab)
Merged Districts



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar



Annexure (C)

Dated Peshawar the 24.02.2022

NOTIFICATION.

No. SO(PE)/E&SED/9-2/Up-gradation of Physical Supervisors/2021-22: - In pursuance of the Judgment of Hon, able Peshawar High Court, Peshawar dated: 16.06.2020 in writ petitions No.2135-P/2020 and COC No.443-P/2021 in W.P 2135-P/2020 dated 10.06.2021, the Upgradation Committee of Finance Department in its meeting held on 23.12.2021 has made the following recommendations: -

- i. *The posts of Physical Supervisors in E&SE Department, Merged Districts, Khyber Pakhtunkhwa may be declared as dying cadre and subsequently shall be abolished upon the upgradation of incumbents.*
- ii. *The following 03 incumbents may be placed at par with other employees of the IPE Cadre of Elementary & Secondary Education Department under the amended Service Rules of DPE dated 26.04.2018 with immediate effect.*
- iii. *Mr. Muhammad Ameen, Physical Supervisor (BS-15) due to not fulfilling the criteria for IPE cadre may be absorbed as Senior Physical Education Teacher (SPET) (BS-16) for further career progression.*

Consequent upon the above, the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has been pleased to change the nomenclature and pay scales in respect of the following 03 Physical Supervisors E&SE department, conditionally, till the outcome of the CPLA filed in August Supreme Court of Pakistan, as per detail mentioned against their names: -

S#	Name	Current Post	Updated Post
1	Mr. Naeem Khan	Physical Supervisor (BS-16)	IPE (BS-17)
2	Mr. Behramand Khan	Physical Supervisor (BS-16)	IPE (BS-17)
3	Mr. Rasool Marjan	Physical Supervisor (BS-16)	IPE (BS-17)

Moreover, the posts of Physical Supervisors in the E&SE Department stand abolished.

**SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Endst. No.SO (FR) FD/10-22/2021/E&SED dated 23.12.2021.

Copy of the above is forwarded to the Accountant General, Khyber Pakhtunkhwa and all the concerned District Accounts Officers for necessary action.

14/3

**SECTION OFFICER (FR)
FINANCE DEPARTMENT**



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

23/12/2021
368

Endst. Of even Number & Date.

Copy of the above is forwarded to: -

1. The Secretary to Government of Khyber Pakhtunkhwa Finance Department with reference to letter. No.SO (FR) FD/10-22/2021/E&SED dated 23.12.2021.
2. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
3. The Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Director EMIS E&SE Department Khyber Pakhtunkhwa:
5. The Director E&SE Khyber Pakhtunkhwa
6. District Education Officers (Male), NMDs in Khyber Pakhtunkhwa.
7. The Section officer (FR) Government of Khyber Pakhtunkhwa Finance Department.
8. The Section Officer (Budget & Account) E&SE Department.
9. PS to Governor, Khyber Pakhtunkhwa, Peshawar.
10. PS to Secretary E&SE Department.
11. PS to Special Secretary E&SE Department.
12. PA to Additional Secretary (Establishment) E&SE Department.
13. PA to Additional Secretary (G) E&SE Department.
14. Officers concerned.


SECTION OFFICER (PE)