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**BEFORE THE HONORABLE KHYBER
PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 319/2023

Arshad Anwar (ADEO Primary, DEO (F) Office Mardan.

(Appellant)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4993

VERSUS

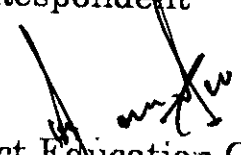
Dated 27/4/2023

Govt. of Khyber Pakhtunkhwa through Secretary (E&SED) Khyber
Pakhtunkhwa & others..... Respondents

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Respondent


District Education Officer
(Female) Mardan

19/4/23

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**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 319/2023

Arshad Anwar (ADEO Primary, DEO (F) Office Mardan.

(Appellant)

VERSUS

Govt; of Khyber Pakhtunkhwa through Secretary (E&SED) Khyber
Pakhtunkhwa & others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1-5.

Respectfully Sheweth,

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standai to file the instant appeal before this Honorable Tribunal.
- 2 That the appellant is not an aggrieved person within the meaning of Article 212 of the constitution of Islamic Republic of Pakistan.
- 3 That the appellant has concealed material facts from this Honorable Tribunal in the titled appeal.
- 4 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 5 That the appeal is time barred by law of limitation Act.
- 6 That the respondent No 5 has issued office order No 37-41 dated 04/01/2023, wherby the appellant has been seeing hereby place at the disposal of Directorate (E&SED)KPK, Peshawar on administrative ground in the best interest of public service, and the Respondent No 3 has been pleased to order the transfer /posting of Respondent No 6 (Muhammad Sulaiman) as ADEO Primary O/O DEO (F) Mardan Vide Notification No 8759-68/G dated 17/01/2023. (Copies of order/Notification are as Annexure A&B)

- 7 That the respondent No 4 has issued Notification No 3210-14/ dated 04/04/2023 and the Competent Authority has been pleased to withdraw the Transfer /Posting Order issued by the office bearing No 8759-68 dated 17-01-2023, and the respondent No 4 has issued Notification No 3041-44/ dated 22/04/2023, the service of the appellant placed at the disposal of DEO(M) Mardan for further adjustment. **(Copies of order/Notification are as Annexure C&D)**
- 8 That the respondent No 5 has issued Notification No 1803-80/ dated 24/03/2023, the service of the appellant placed at the disposal of DEO(M) Mardan for further adjustment ,and Rena Bibi has been adjusted ADEO(Estab) Primary at DEO (Female) Mardan who is most deserve female ADEO for the office of DEO (Female) Mardan, instead of appellant. **(Copy of order/Notification are as Annexure E)**

ON FACTS.

- 1 That Para-1 is Correct, needs no comments.
- 2 That Para-2 is Incorrect & Not admitted. As the appellant is also performing his duty in same Tehsil Takhat Bhai currently where his wife is performing duty now, needs no comments.
- 3 That Para-3 is Incorrect & Not admitted. As in view of the poor duty performance & service record of the appellant, an order dated 04-01-2023 has been issued on Administrative grounds ,and the respondent No 5 has issued Notification No 1803-80/ dated 24/03/2023, the service of the appellant placed at the disposal of DEO(M) Mardan for further adjustment ,and Rena Bibi has been adjusted ADEO(Estab) Primary at DEO (Female) Mardan who is most deserve female ADEO for the office of DEO (Female) Mardan, instead of appellant, hence denied. **(Copy of order/Notification are as Annexure E)**
- 4 That Para-4, is Correct, needs no comments.
- 5 That Para-5 is Incorrect & Not admitted. As in view of the poor duty performance & service record of the appellant, an order dated 04-01-2023 has been passed on Administrative grounds, whereby, the service of the appellant were placed at the disposal of Respondent No.3 and an order dated 04-01-2023 is legal and is not against law and facts, hence denied.
(Copy of order dated 04-01-23 as Annexure-B with Comments)

- 6 That Para-6 pertains to record, however the departmental appeal is Rejected, needs no comments. (Copy of Rejection order is as Annexure-G with the Service appeal at page No16)
- 7 That Para-7 is Incorrect & Not admitted, As the respondent No 4 has issued Notification No 3210-14/ dated 04/04/2023 and the Competent Authority has been pleased to withdraw the Transfer /Posting Order issued by the office bearing No 8759-68 dated 17-01-2023, hence denied. (Copy of Notification is as Annexure C)
- 8 That Para-8 is Incorrect & Not admitted . As the rejection of the Departmental appeal is legal needs no comments.
(Copy of Rejection order is as Annexure-G with the Service appeal at page No16)
- 9 That Para-9 is Incorrect & Not admitted . As the respondent No 4 has issued Notification No 3210-14/ dated 04/04/2023 and the Competent Authority has been pleased to withdraw the Transfer /Posting Order issued by the office bearing No 8759-68 dated 17-01-2023, and the Departmental appeal of the appellant was rejected on dated 08-02-2023, hence the appeal is infructuous. (Copy of Notification is as Annexure C)

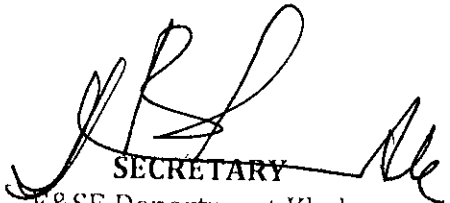
ON GROUNDS.


- A. Incorrect & not admitted. As in view of the poor duty performance & service record of the appellant, an order dated 04-01-2023 has been issued on Administrative grounds ,and the respondent No 5 has issued Notification No 1803-80/ dated 24/03/2023, the service of the appellant placed at the disposal of DEO(M) Mardan for further adjustment ,and Rena Bibi has adjusted ADEO(Estab) Primary at DEO (Female) Mardan who is most deserve female ADEO for the office of DEO (Female) Mardan, instead of appellant.
(Copy of order/Notification are as Annexure E)
- B. Incorrect & not admitted. As the act of the Respondent Department with regard to the cited order are within legal para meter & liable to be maintained.
- C. Incorrect & not admitted. The appellant has been treated as per Law & Rules & prescribed policy.

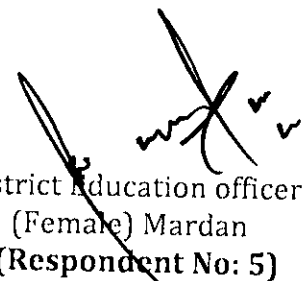
- 5
- D. Incorrect & not admitted. The plea of the appellant is illegal & even against the factual position of the case, hence, liable to be rejected.
- E. Incorrect & not admitted. As replied above paras.
- F. Incorrect & not admitted. The appellant been treated as per law & Rules by the Respondent Department and the transfer orders are not the result of political pressure.
- G. Incorrect & not admitted. As the appellant is also performing his duty in same Tehsil Takhat Bhai currently, where his wife is performing duty now, needs no comments.
- H. Incorrect & not admitted. As replied above.
- I. Incorrect & not admitted. As the respondent No 4 has issued Notification No 3210-14/ dated 04/04/2023 and the Competent Authority has been pleased to withdraw the Transfer /Posting Order issued by the office bearing No 8759-68 dated 17-01-2023, and the Departmental appeal of the appellant was rejected on dated 08-02-2023. **(Copy of Notification is as Annexure C)**
- J. Incorrect & not admitted. Hence, needs no further comments.
- K. Incorrect & not admitted. As the order is valid, needs no further comments.
- L. Incorrect & not admitted. The appellant failed to obey the legal order of the respondent Department.
- M. Incorrect & not admitted. As the respondent No 4 has issued Notification No 3210-14/ dated 04/04/2023 and the Competent Authority has been pleased to withdraw the Transfer /Posting Order issued by the office bearing No 8759-68 dated 17-01-2023, and the Departmental appeal of the appellant was rejected on dated 08-02-2023, hence denied. **(Copy of Notification is as Annexure C)**
- N. Incorrect & not admitted. , needs no further comments.
- O. Incorrect & not admitted. Hence, needs no further comments.
- P. Incorrect & not admitted. As the appellant is performing duty in his own Tehsil and District Mardan and draw his Salary from the District Accounts Mardan.
- Q. Incorrect & not admitted. As replied above Para M.
- R. Incorrect & not admitted. As replied above Para P.
- S. Incorrect & Incorrect & not admitted. As replied above. Hence, needs no further comments.
- T. Incorrect & not admitted. As the respondent No 5 has issued Notification No 1803-80/ dated 24/03/2023, the service of the appellant placed at the disposal of DEO(M) Mardan for further adjustment. **(Copy of order/Notification are as Annexure E)**
- U. Incorrect & not admitted. Each and every case has his own merits and circumstances.

- 6
- V. Incorrect & not admitted. As the appellant is also performing his duty in same Tehsil Takhat Bhai currently where his wife is performing duty now, needs no comments. The stance of the appellant is illegal. Therefore, the Respondent also seeks leave to this Honorable Tribunal to submit additional grounds record & case law at the time of arguments.

Therefore, in view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the appeal in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.


SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1 & 2)


DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3&4)


District Education officer
(Female) Mardan
(Respondent No: 5)

7

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 319/2023

Arshad Anwar (ADEO Primary, DEO (F) Office Mardan.

(Appellant)

VERSUS


Govt; of Khyber Pakhtunkhwa through Secretary (E&SED) Khyber
Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, Mr. Sajid Khan Legal Representative Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Deponent


Sajid Khan
16101-6005318-5




OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

No. 2420

DATED 19/4/2023

AUTHORITY LETTER

I, District Education Officer (Female) Mardan do hereby authorize Mr. Sajid Khan Legal representative of the District Education Officer (Female) Mardan to deal with the issues regarding Litigation, Represent & to attend the Hon, ble Service Tribunal Regarding Litigation.


District Education Officer

(Female) Mardan
19/4/23

Annexure - A - (8) (9)



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
MARDAN

PHONE/FAX NO: 0917-9230150
Email Address: emismardan_deofemale@kpk.gov.com

Annex D
13

OFFICE ORDER

Services of Mr. Arshid Anwar (SST) working as ADEO (Primary) this office are hereby placed on disposal of Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar on administrative ground in the best interest of public service.

(Atiya Sultana)
District Education Officer
(Female) Mardan

Endst: No. 37-41 Dated: 04-01/2023

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Mardan.
3. DMO, EMA Mardan.
4. Principal concerned
5. Official concerned.

Atiya Sultana
04-01-2023
District Education Officer
(Female) Mardan

Attested to be true

Arshid Anwar
District Education Officer
(Female) Mardan

Attested
Atiya Sultana



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9225344

Email: establishmentmale1@gmail.com

NOTIFICATION:

Aux (F)

15

The Competent Authority, (Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar) has been pleased to order the transfer/posting of the following officers on their own pay Scale with immediate effect, in the best interest of public service.

S#	Name & Designation	From	To (posted as)
1	Mr. Fazli Wahid SST (G)	GHIS Afrido Killi District Nowshera	ADEO Primary O/O DEO (M) Mardan
2	Mr. Tahir Shah ADEO (MC)	ADDEO Primary O/O DEO (M) Mardan	ASDEO (M) Circle Rustam Mardan
3-	Muhammd Suliman SST (G)	GHSS Swaryan Mardan	ADEO Primary O/O DEO (F) Mardan

1. Posting/Adjustment of Teaching Cadre Officer shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.
2. The order of the above mentioned Teaching cadre officer will be effective subject to the condition that they will give an undertaking/affidavit on legal paper/stamp paper to DEO (M) Batagram the effect, not to claim seniority of Management cadre.
3. Charge Report should be submitted to all concerned.
4. No TA/ DA is allowed.
5. The terms & conditions mentioned in their appointment order as teaching cadre will remain intact.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. 8759-68 F.NO. M-1/ADEOs (M) Transfer Mardan Dated 17/11/2023

Copy forwarded to the:

1. District Education Officer (M/F) Mardan.
2. DEO (M) Nowshera.
3. District Accounts Officer Mardan & Nowshera
4. Principals concerned.
5. ✓ Officers Concerned.
6. PA to Director E&SE KPK Peshawar.
7. Master Copy.

Attested

Assistant Director (Estab: M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Attested

District Education Officer
(Mardan)



Annexure - C (11)
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9225344

Email: establishmentmale1@gmail.com

NOTIFICATION

The Competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) has been pleased to withdraw the Transfer/Posting Order issued by this office, bearing endorsement No. 8759-68 dated 17-01-2023, in the best interest of public service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 29/0-14 /F. No. M-1/ADEO (M) Transfers Mardan. Dated Peshawar the 04/04 2023.

Copy of the above is to the:-

1. District Education Officer (M) Mardan.
2. District Accounts officer Mardan.
3. SSTs concerned.
4. Principals concerned
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

Attested

[Signature]

District Education Officer
(Female) Mardan

[Signature]
Assistant Director (Estab-M1)
Elementary & Secondary Education
o/c Khyber Pakhtunkhwa Peshawar

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

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

NOTIFICATION

Consequent upon the approval of the Competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) the posting/transfer of the following officers teachers are hereby adjusted in their own pay scales with immediate effect in the interest of public

Sr	Name & Designation	Under Transfer to	To (posted as)	Remarks
1	Mr. Fazl Wahid SST (G)	ADEO Primary (O O DEO(M) Mardan	ASDEO (M) Circle Rusam Mardan	AVP
2	Muhammad Sulman SST	Services placed at the disposal of DEO (M) Mardan for further adjustment		-
3	Mr. Arshid Anwar SST(B C)	Services placed at the disposal of DEO (M) Mardan for further adjustment.		-

TERMS & CONDITIONS

- 1 Posting/Adjustment of Teaching Cadre Officers shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.
- 2 The order of the above named SSTs will be effective subject to the condition that they will give an undertaking/affidavit on legal paper/stump paper to DEO (M) Mardan to the effect, not to claim seniority of Management Cadre.
- 3 Charge Report should be submitted to all concerned.
- 4 No TA/DA is allowed.
- 5 The terms & conditions mentioned in his appointment order as SST Teaching cadre will remain intact.


DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

Encl. No. 2411-44 F.NO.M-1/ADEO(M) Transfer Mardan

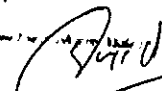
Dated 29/04/2023

Copy forwarded to the:

- 1 District Education Officer (M/F) Mardan.
- 2 District Accounts Officer Mardan.
- 3 Officers teachers Concerned
- 4 Master Copy
- 5 PA to Director Local Office.


Assistant Director (Estab M-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Attested


District Education Officer
(Female) Mardan

Annexure - E - (13)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MARDAN
PHONE/FAX NO. 09379230150
E-MAIL ADDRESS - EMISMARDAN DEOFEMALE@YAHOO.COM

TO: (Name of the institution)
SUBJECT: (Subject of the letter)

(ADD DA MARDAN)
DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

(Name of the institution)
Principal
Mardan

DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

14/3/23

Attested

(Signature)
District Education Officer
(Female) Mardan