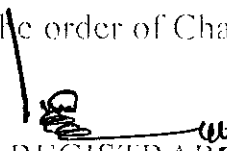


# FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_ 1054/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/05/2023	<p>The appeal of Mr. Muhammad Amin presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on-</p> <p>_____</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

SERVICE APPEAL NO. 1054 /2023

Muhammad Amir

VS GOVT. OF KPK & OTHERS

**APPLICATION FOR FIXATION OF THE ABOVE TITLED APPEAL AT**  
**PRINCIPAL SEAT, PESHAWAR**

Respectfully Sheweth:

1. That the above mentioned appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

**It is therefore prayed that on acceptance of this application the appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.**

Appellant/Applicant

Dated: \_\_\_\_\_

Through

  
**NOOR MOHAMMAD KHATTAK**  
ADVOCATE SUPREME COURT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

**APPEAL No. 1054 /2023**

**MUHAMMAD AMIN**

**VS**

**EDU: DEPARTMENT**

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**APPELLANT**

**THROUGH:**

**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

-1-

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

Service Appeal No. 1054 /2023

Mr. Muhammad Amin S/O Said Nawab, Ex. DEO (M) Dir Lower, Presently at the Disposal of Secretary E&SED, Khyber Pakhtunkhwa, Peshawar.....**APPELLANT**

**VERSUS**

1. Govt: of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Govt: of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
3. Director Elementary & Secondary Education, GT Road, Peshawar.
4. Mr Liaqat Ali DEO (M) Mohmand.
5. Mr. Mehboob Elahi Deputy DEO (M) Dir Lower, holding additional charge of DEO (M) Dir Lower.

.....**Respondents.**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ORDER Dated: 04.01.2023, WHEREBY THE APPELLANT HAS BEEN PRE-MATURELY TRANSFERRED AND DIRECTED TO REPORT TO THE DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, PESHAWAR, AND THE PAY OF THE APPELLANT HAS BEEN STOPPED WITHOUT ANY LAWFUL AND LEGAL JUSTIFICATION.**

**PRAYER IN APPEAL:-**

On the acceptance of this appeal, the impugned order dated: 04.01.2023, and Notification dated 27.04.2023 may kindly be set aside and the appellant may kindly be adjusted at his original station as District Education Officer (Male) Dir Lower with all back benefits and the salary of the appellant may kindly be released.

Any other relief which deems fit by this Honorable Tribunal may also be granted in the best interest of justice.

**Respectfully Sheweth:-**

1. That the appellant was posted as DEO Male Dir Lower vide order dated 17.06.2022. Copy of order dated 17.06.2022 is attached as Annexure .....**A**
2. That the appellant was serving the department quite efficiently up to the entire satisfaction of his superiors.
3. That astonishingly the appellant was pre-maturely transferred from District Dir Lower and directed to report to the Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa vide impugned order dated: 04.01.2023: Copy of order dated 04.01.2023 is attached as Annexure .....**B**
4. That feeling aggrieved, the appellant filed departmental appeal/representation before the competent authority whereby it was proposed that the appellant may be retained as DEO (Male) Dir Lower but the same has not been decided till date. Copy of Departmental Appeal & Summary are attached as Annexure .....**C & D**
5. That during pendency of the ibid departmental appeal, the respondent department issued subsequent impugned notification dated 27.04.2023 whereby respondent No. 5 was assigned the additional charge of DEO (M) Dir Lower. Copy of Notification dated 27.04.2023 is attached as Annexure.....**E**
6. That furthermore the salary of the appellant has been also stopped since the issuance of impugned order.
7. That appellant having no other efficacious remedy but to file the instant appeal on the following grounds amongst the others.

**GROUNDS:-**

- A. That the impugned order dated: 04-01-2023, is biased, illegal, unlawful, malafide and perverse, hence not tenable in the eyes of law.
- B. That the impugned order dated 04-01-2023, is violative of Clause-I, IV and XIII of the transfer/posting policy of the Government of Khyber Pakhtunkhwa as the appellant has been transferred prematurely from his current post. Copy of the transfer/posting policy is attached as annexure .....**F.**

- C. That the premature transfer and no adjustment at any other station among the other members of the cadre is sheer disregard of the APT Rules 1989 and the violation of the Fundamental Rights guaranteed by Article 24 of the Constitution of Islamic Republic of Pakistan.
- D. That the impugned order dated: 04-01-2023 is illegal, against the law, facts and natural justice.
- E. That the stoppage of monthly salary of the appellant by the respondents is illegal, unlawful and violation of the fundamental rights of the appellant and his innocent dependents, under Section 17 of Civil Servants Act 1973.
- F. That it is worth mentioning that despite the proposal of the competent authority to retain the appellant as DEO (M) Dir Lower the posting of the appellant is still awaited.
- G. That any other grounds will be raised at the time of arguments with the prior permission of this honorable tribunal.

Dated: 03.05.2023



**APPELLANT  
(MUHAMMAD AMIN)**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**



**KAMRAN KHAN**



**UMER FAROOQ MOHMAND**



**WALEED ADNAN**

**&**



**MUHAMMAD AYUB  
ADVOCATES HIGH COURT**

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

APPEAL No. \_\_\_\_\_/2023

**MUHAMMAD AMIN**

**VS**

**EDUCATIO DEPT:**

**AFFIDAVIT**

I, Mr. Muhammad Amin S/O Said Nawab, Ex. DEO(M) Dir Lower, Presently at the Disposal of Secretary E&SED, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



**DEPONENT**

-5-

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

C.M NO. \_\_\_\_\_/2023

IN

APPEAL No. \_\_\_\_\_/2023

**MUHAMMAD AMIN**

**VS**

**EDUCATION DEPT:**

**APPLICATION FOR SUSPENSION OF OPERATION OF THE**  
**IMPUGNED ORDER DATED 04.01.2023 & NOTIFICATION**  
**DATED 27.04.2023 AND FOR RELEASING MONTHLY SALARIES**  
**OF THE APPELLANT TILL THE DISPOSAL OF THE MAIN**  
**APPEAL.**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 04-01-2023 whereby the appellant has been transferred prematurely and in utter violation of the policy.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order dated 04-01-2023 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 order dated 04-01-2023 may very kindly be suspended and salaries of the appellant may kindly be released till the disposal of the above mentioned service appeal.

Dated: 03.05.2023

**THROUGH:**



**APPLICANT**

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





-6- "A"

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No: 091-9221588

Dated Peshawar the June 17<sup>th</sup>, 2022

**NOTIFICATION:**

**NO.SO(MC)E&SED/4-16/2022/PT/POSTING/TRANSFER/MC:** The following posting / transfers of Officers of Elementary & Secondary Education Department are hereby ordered in the best public interest, with immediate effect: -

Sr	Name & designation	From	To
1	Muhammad Iqbal (MC BS-19)	DEO (Male) Peshawar	Additional Director, Directorate of E&SE (Vice No-2)
2	Mr. Saad Akbar (MC BS-19)	Additional Director, Directorate of E&SE	DEO (Male) Peshawar (Vice No-1)
3	Mr. Zahid Hussain (MC BS-19)	Awaiting posting	DEO (Male) Torghar (AVP)
4	Hafiz Muhammad Nawaz (MC BS-19)	Awaiting posting	DEO (Male) Ballagram (Vice No-27)
5	Mr. Liaqat Ali (MC BS-18)	Deputy DEO (Male) Mohmand	DEO (Male) Kurram in OPS (Vice No-6)
6	Mr. Sultan Muhammad Principal (BS-19)	DEO (Male) Kurram	His services are placed at the disposal of Directorate of E&SE.
7	Mr. Abdul Malik (MC BS-18)	Awaiting posting	DEO (Male) Charsadda in OPS (AVP)
8	Mr. Umar Zaman Khan (MC BS-19)	Awaiting posting	DEO (Male) Kolai Palis (AVP)
9	Mr. Sheraz Ahmad (MC BS-19)	DEO (Male) Karak	His services are placed at the disposal of Directorate of E&SE.
10	Muhammad Sheraz (MC BS-19)	DEO (Male) Hangu	DEO (Male) Kohat (AVP)
11	Muhammad Shaukat (MC BS-19)	DEO (Male) Abbottabad	DEO (Male) Mohmand (AVP)
12	Mr. Adur Rehman (MC BS-18)	Deputy DEO (Male) Dir Upper	DEO (Male) Kohistan Upper (AVP) in OPS
13	Muhammad Amin (MC BS-19)	DEO (Male) Kohistan Upper	DEO (Male) Dir Lower
14	Mr. Shireen Zada Principal (BS-18)	DEO (Male) Bajaur in OPS	His services are placed at the disposal of the Directorate of E&SE.
15	Mr. Hidayatullah (MC BS-18)	Deputy DEO (Male) Malakand	DEO (Male) Bajaur in OPS (Vice No-14)
16	Mr. Hayat Khan (MC BS-18)	Deputy DEO (Male) Peshawar	DEO (Male) Hangu in OPS (Vice No-10)
17	Mr. Nisar Ahmad (MC BS-18)	Deputy DEO (Male) Hangu	DEO (Male) Tank in OPS (AVP)
18	Muhammad Tanveer (MC BS-18)	DEO (Male) Manshera in OPS	DEO (Male) Abbottabad in OPS (Vice No-11)
19	Mr. Muzaffar Ali (MC BS-18)	DEO (Male) Chitral Lower in OPS	DEO (Male) Shangla in OPS
20	Mr. Mukhtiar Ahmad (MC BS-18)	Deputy DEO (Male) Haripur	DEO (Male) Haripur in OPS (AVP)
21	Mr. Mehmood Ghaznavi (MC BS-18)	DEO (Male) Chitral Upper in OPS	DEO (Male) Chitral Lower in OPS
22	Mr. Miftah-ud-Din (MC BS-18)	Deputy DEO (Male) Dir Lower	DEO (Male) Chitral Upper in OPS (Vice No-21)

**ATTESTED**  
to be true copy  
Advocate

P.T.O

**GOVERNMENT OF KHYBER PAKHTUNKHWA**

Elementary & Secondary Education Department  
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar.

Dated Peshawar the December 7<sup>th</sup>, 2022**NOTIFICATION**

**No.SO(MC)E&SED/4-16/2022/PT/POSTING/TRANSFER/MC:** The following posting/transfers of Officers of Elementary & Secondary Education Department are hereby ordered in the best public interest, with immediate effect.

S#	Name & designation	From	To
1.	Muhammad Idress (M BS-19)	DEO (Male) Peshawar	Additional Director Directorate of E&SE (Vice No.2)
2.	Mr. Sajjad Akbar (MC BS-19)	Additional Director, Directorate of E&SE	DEO (Male) Peshawar (Vice No.1)
3.	Mr. Zahid Hussain (MC BS-19)	Awaiting posting	DEO (Male) Torghar (AVPO)
4.	Hafiz Muhammad Nawaz (MC BS-19)	Awaiting posting	DEO (Male) Battgram (Vice No.27)
5.	Hafiz Muhammad Nawaz (MC BS-19)	Deputy DEO (Male) Mohmand	DEO (Male) Kurram in OPS (Vice No.6).
6.	Mr. Sultan Muhammad Principal (BS-19)	DEO (Male) Kurram	His services are placed at the disposal of Directorate of E&SE
7.	Mr. Liaqat Ali (MC BS-18)	Awaiting posting	DEO (Male) Charsadda in OPS (AVP)
8.	Mr. Umar zaman Khan (MC BS-19)	Awaiting posting	DEO (Male) Kolai Palis (AVP)
9.	Mr. Sheraz Ahmad (MC BS-19)	DEO (Male) Karak	His services are placed at the disposal of Directorate of E&SE
10.	Muhammad Sheraz (MC BS-19)	DEO (Male) Hangu	DEO (Male) Kohat (AVP)
11.	Muhammad Shaukat (MC BS-19)	DEO (Male) Abbottabad	DEO (Male) Mohmand (AVP)
12.	Mr. Abdur Rehman (MC BS-18)	Deputy DEO (Male) Dir Upper	DEO (Male) Kohistan Uper (AVP) in OPS
13.	Muhammad Amin (MC BS-19)	DEO (Male) Kohistan Upper	DEO (Male) Dir Lower
14.	Mr. Shaireen Zada Principal (BS-18)	DEO (Male) Bajour in OPS	His services are placed at the disposal of Directorate of E&SE
15.	Mr. Hidayatullah (MC BS-18)	Deputy DEO (Male) Malakand	DEO (Male) Bajour in OPS (Vice No.14)
16.	Mr. Hayat Khan (MC BS-18)	Deputy DEO (Male) Peshawar	DEO (Male) Hangu in OPS (Vice No.10)
17.	Mr. Nisar Ahmad (MC BS-18)	Deputy DEO (Male) Hangu	DEO (Male) Tank in OPS (AVP)
18.	Muhammad Tanveer (MC BS-18)	DEO (Male) Nowshera in OPS	DEO (Male) Abbottabad in OPS (Vice No.11)
19.	Mr. Muzafar Ali (MC BS-18)	DEO (Male) Chitral lower in OPS	DEO (Male) Shangla in GPS
20.	Mr. Mukhtiar Ahmad (MC BS-18)	Deputy DEO (Male) Peshawar	DEO (Male) Haripur in OPS (AVP)
21.	Mr. Mehmood Ghaznavi (MC BS-18)	DEO (Male) Chitral Upper in OPS	DEO (Male) Chitral Lower in OPS
22.	Mr. Miftah ud Din (MC BS-18)	Deputy DEO (Male) Dir Lower	DEO (Male) Chitral Upper in OPS (Vice No.21)

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to be true copy  
Advocate



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No: 011-9221522

23	Mr. Saïd Hussain Principal (BS-19)	DEO (Male) Khyber	His services are placed at the disposal of the Directorate of E&SE
24	Muhammad Uzair (MC BS-19)	DEO (Male) Dir Lower	DEO (Male) Khyber (Vice No-23)
25	Mr. Fareedullah Principal (BS-19)	DEO (Male) Orakzai	His services are placed at the disposal of the Directorate of E&SE.
26	Mr. Atiq ur Rehman (MC BS-18)	Deputy DEO (Male) Karak	DEO (Male) Orakzai in OPS (Vice No-25)
27	Mr. Bakht Zada Principal (BS-19)	DEO (Male) Battagram	His services are placed at the disposal of the Directorate of E&SE
28	Mr. Aurangzeb (MC BS-18)	Deputy DEO (Male) Shangla	DEO (Male) Karak in OPS (Vice No-9)
29	Mr. Tahir Shah (MC BS-18)	Deputy DEO (Male) Nowshera	DEO (Male) Kohistan Lower (AVP)
30	Mst. Samina Itaf (MC BS-19)	Awaiting posting	DEO (Female) Battagram (AVP)
31	Mst. Naghmana Sardar (MC BS-19)	DEO (Female) Mansehra	DEO (Female) Kohistan Lower (AVP)
32	Mst. Rehana Yasmin (MC BS-18)	Deputy DEO (Female) Kolar Palas (Kohistan)	DEO (Female) Mansehra in OPS (Vice No-31)
33	Mst. Asmat Ara (MC BS-19)	DEO (Female) Dir Lower	DEO (Female) Bajaur (AVP)
34	Mst. Haleema Bibi Principal (BS-19)	DEO (Female) Chitral Lower	Her services are placed at the disposal of Directorate of E&SE.
35	Mst. Habiba Bibi Principal (BS-19)	DEO (Female) Kohistan Upper	Her services are placed at the disposal of Directorate of E&SE.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT**

**Endst: of even No. & date:**

**Copy forwarded for information to the: -**

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male & Female) of the concerned district.
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers of the concerned district.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

SECTION OFFICER (Management Cadre)

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Advocate

**GOVERNMENT OF KHYBER PAKHTUNKHWA**

Elementary & Secondary Education Department  
Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar

23.	Mr. Sajid Hussain Principal (BS-19)	DEO (Male) Khyber	His services are placed at the disposal of Directorate of E&SE
24.	Muhammad Uzair Ali (MC BS-19)	DEO (Male) Dir Lower	DEO (Male) Khyber (Vice No.23)
25.	Mr. Fareedullah Principal (BS-19)	DEO (Male) Orakzai	His services are placed at the disposal of Directorate of E&SE
26.	Mr. Atiq ur Rehman (MC BS-18)	Deputy DEO (Male) Karak	DEO (Male) Orakzai in OPS (Vice No.25)
27.	Mr. Bakht Zada Principal (BS-19)	DEO (Male) Battgram	His services are placed at the disposal of Directorate of E&SE
28.	Mr. Aurangzeb (MC BS-18)	Deputy DEO (Male) Shangla	DEO (Male) Karak in OPS (Vice No.9)
29.	Mr. Tahir Shah (MC BS-18)	Deputy DEO (Male) Nowshera	DEO (Male) Kohistan Lower (AVP)
30.	Mst. Samina Iltaf (MC BS-19)	DEO (Female) Mansehra	DEO (Female) Battgram (AVP)
31.	Mst. Naghmana Sardar (MC BS-19)	Deputy DEO (Female) Kolai Palias (Kohistan)	DEO (Female) Kohistan Lower (AVP)
32.	Mst. Rehana Yasmin (MC BS-19)	Deputy DEO (Female) Kolai Palias (Kohistan)	DEO (Female) Mansehra in OPS (Vice No.31)
33.	MR. Asmat Ara (MC BS-18)	DEO (Female) Dir Lower	DEO (Female) Bajour (AVP)
34.	Mst. Haleema Bibi Principal (BS-19)	DEO (Female) Chitral Lower	Her services are placed at the disposal of Directorate of E&SE
35.	Mst. Habiba Bibi Principal (BS-19)	DEO (Female) Kohistan Upper	Her services are placed at the disposal of Directorate of E&SE

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT**

Endst. Of even No. & date:

Copy forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa Peshawar
3. District Education Officer, (Male & Female) of the concerned District
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers of the concerned District
6. P.S to Minister E&SE Khyber Pakhtunkhwa
7. P.S to Secretary, E&SE Department, Khyber Pakhtunkhwa
8. Officers concerned.
9. Master File.

Sd/-  
Section Officer (Management Cadre)

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Advocate



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated: 4<sup>th</sup> January, 2022

**NOTIFICATION**

NO.SO(MC)E&SED/4-16/Posting/Transfer/2022: Due to administrative exigencies, the Competent Authority is pleased to transfer Mr. Muhammad Amin, (MC BS 19), DEO (Male) Dir Lower and direct him to report to Elementary & Secondary Education Department, Khyber Pakhtunkhwa, with immediate effect, in the best public interest.

2- Consequent upon above, Mr. Liaqat Ali (MC BS-18) Deputy DEO (Male) Dir Lower is hereby authorized to hold the additional charge of DEO (Male) Dir Lower, in addition to his own duties, till the arrival of regular officers, in the best public interest.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer Dir Lower.
4. District Education Officer (Male) Dir Lower.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officer concerned.
8. Master file.

*Naseer*  
04-01-23  
(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadr)

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to be true copy  
Advocate

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Dated 4<sup>th</sup> January, 2022

**NOTIFICATION**

**No.SO(MC)E&SED/4-16/posting/Transfer/2022**. Due to administrative exigencies, the competent authority is pleased to transfer Mr. Muahmmad Amin, (MC BS-19), DEO (Male) Dir Lower and Direct him to report to Elementary & Secondary Education Department, Khyber Pakhtunkhwa, with immediate effect, in the best public interest

2. Consequent upon above, Mr. Liaqat Ali (MC BS-18) Deputy DEO (Male) Dir Lower is hereby authorized to hold the additional charge of DEO (male) Dir Lower, in Additional to his own duties, till the arrival of regular officers, in the best public interest.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT**

Endst. Of even No. & date:

Copy forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director E&SE Khyber Pakhtunkhwa Peshawar
3. District Education Officer Dir Lower.
4. District Education Officer, (Male) Dir Lower
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. P.S to Secretary, E&SE Department, Khyber Pakhtunkhwa
7. Officers concerned.
8. Master File.

Sd/-

Naseer Abbas Khalil  
SECTION OFFICER (MANAGEMENT CADRE)

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to be true copy  
Advocate

"C" 9-

The Chief Secretary,  
Govt. of Khyber Pakhtunkhwa, Peshawar

Through Proper Channel;

Subject: APPEAL AGAINST THE ILLEGAL TRANSFER

Respected Sir,

With due regards it is submitted as under, please.

1. That the appellant was posted as DDO (M) in RPS-19 in Management, since 01-07-2019. He has performed his duty to the best satisfaction of the department wherever he has been posted and currently the appellant was serving at District Dir Lower since 01-07-2022.
2. That the applicant has been transferred from District Dir Lower and placed at the disposal of Elementary & Secondary Education Department vide Notification No. SO(M) / RPS(DA) / 16/Posting/Transfer/2022, Dated: 04-01-2023
3. The transfer order is illegal, void ab initio against rules, against public interest and unwarranted on the following grounds:
  - A. The order was under tenure. The appellant had only completed 6 months of his tenure i.e. from July 2022 to December 2022.
  - B. The appellant was replaced by a junior officer i.e. DDO District Dir Lower who has assigned the additional charge.
  - C. The appellant has not been posted against any station and his services placed at the disposal of department for nothing.
  - D. The appellant has been punished by the Director Elementary & Secondary Education, Khyber Pakhtunkhwa to accomplish his illegal and unethical business of favoritism, appointments and posting of his family members.

i. The Director stressed me to spare one of his blue-eyed Assistant, named Halm, who always remained absent from his duty. He has been present in office for 4/80 working days during 01-07-2022 to 10-09-2022. When the appellant called his explanation, he locked the DDO Office, made disruption in office. When the appellant reported his nefariousness for HR and departmental action, the Director sb got annoyed.

ii. One of his family member, named Fazal Akbar PSI, who reported by SDO for double job and terminated by the appellant, the Director Sb threatened me for serious consequences.

PTO  
 Please examine P...  
 10-1-23  
 11/1/23

RECEIVED  
 SECRETARY  
 GOVT  
 PESHAWAR  
 11/1/23

To

The Chief Secretary,  
Govt. of Khyber Pakhtunkhwa, Peshawar

Through Proper Channel

Subject: APPEAL AGAINST THE ILLEGAL TRANSFER

Respected Sir,

With due regards it is submitted as under, please.

1. That the appellant was posted as DEO (M) in BPS-19 in Management Cadre on 29.5.2019. He has performed his duty to the best satisfaction of the department wherever he has been posted and currently the appellant was serving at Dir tower since 01.07.2022.
2. That the applicant has been transferred from District Dir Lower and placed at the disposal of Elementary & Secondary Education Department vide Notification No.SO(MC) E&SED/4 16/Posting/Transfer 2022, Dated: 04-01-2023
3. The transfer order is illegal, void ab initio against rules, against , justice observation of merit and reviewable on the following grounds
  - a. The order was under tenure. The appellant had only completed 06 months of his tenure Le from July 2022 to December 2022.
  - b. The appellant was replaced by a junior officer i.e. DDEO District Dir Lower, who has assigned the additional charge.
  - c. The appellant has not been posted against any station and his services, placed at the disposal of department for nothing.
  - d. The appellant has been punished by the Director Elementary & Secondary Education, Khyber Pakhtunkhwa to accomplish his illegal and immoral desires of favoritism, appointments and posting of his family members.
    - i. The Director stressed me to spare one of his blue eyed Assistant, named Halim, who always remained absent from his duty. He has been present in office for 4/80 working days during 01-07-2022 to 30-09-2022 When the appellant called his explanation, he locked the DEO Office, made disruption in office. When the appellant reported his nefariousness for FIR and departmental action, the Director sb got annoyed.
    - ii. One of his family member, named Fazal Akbar PST, when reported by SDEO for double job and terminated by the appellant, the Director Sb threatened me for serious consequences.

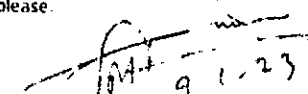
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Advocate



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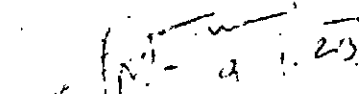
- iii The Director sb advertised some ghost/ unsanctioned PST posts for the appointment of his nears and dears. When the appellant denied their appointment, the Director sb got furious.
- iv The Director stressed the appellant for posting some of his friends, newly promotees against their favorite SST posts, when the appellant denied and intended to post the promotees via Placement Committee on merit, he handed over my discretionary powers to DEO Peshawar.
- v The Director became hostile to the appellant for posting on merit via proper placement committee, fulfilling all the codal formalities during official business and merit policy.
- 4 The appellant has submitted his arrival report to Elementary & Secondary Education Department on 9-01-2023 but still my posting is awaited.
- 5 The pay of the appellant is stopped and I am unable to adjust my domestic expenses.

In the light of the facts mentioned above, your kind honor is hereby requested to set aside the impugned transfer order notified vide Notification No. 50 (MC) E&SED/4-16/Posting/Transfer2022, Dated: 04 01-2023, and post the appellant against his original post of DEO (M) Dir Lwer, please.

  
(MUHAMMAD AMIN)  
District Education Officer  
(Management Cadre)

Copy Submitted for necessary action to:

1. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
3. The PS to Chief Secretary Government of Khyber Pakhtunkhwa (Copy in Advance).

  
(MUHAMMAD AMIN)  
District Education Officer  
(Management Cadre)

Date: 09-01-2023

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Advocate

- iii. The Director sb advertised some ghost/ unsanctioned aPST posts for the appointment of his nears and dears. When the appelland denied their appointment, the Director sb got furious.
  - iv. The Director stressed the appelland for posting some of his friends, newly promotees against their favorite SST posts, when the appelland denied and intended to post the promotees via Placement Committee on merit, he handed over my discretionary powers to DEO Peshawar
  - v. The Director became hostile to the appelland for posting on merit via proper placement committee, fulfilling all the codal formalities during official business and merit policy.
4. The appelland has submitted his arrival report to Elementary & Secondary Education Department on 9-01-2023 but still my posting is awaited.
  5. The pay of the appelland is stopped and i am unable to adjust my domestic expenses.

In the light of the facts mentioned above, your kind honor is hereby requested to set aside the impugned transfer order notified vide Notification No. SO (MC) E&SED/4-16/Posting/Transfer 2022, Dated: 04-01-2023, and post the appelland against his original post of DEO (M) Dir Lower, please.

Sd/-  
Muhammad Amin  
District Education Officer  
(Management Cadre)

Copy Submitted for necessary action to:

1. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
3. The PS to Chief Secretary Government of Khyber Pakhtunkhwa (Copy in Advance).

Sd/-  
Muhammad Amin  
District Education Officer  
(Management Cadre)

Date 09.01.2023

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Advocate

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DEPARTMENT FIB KHYBER PAKHTUNKHWA



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
PESHAWAR

FIB

SUMMARY FOR CHIEF MINISTER  
RETENTION OF MR. MUHAMMAD AMIN AS DEO (MALE) DIR LOWER

1 It is submitted that on the directions of the Competent Authority, this department issued posting/ transfer Notification dated 04/01/2023, wherein the services of Muhammad Amin (MC BS-19) DEO (Male) Dir Lower were placed at the disposal of Directorate of E&SE Peshawar (FIA).

2 Mr. Muhammad Amin (MC BS-19) has submitted a departmental appeal (F/B) which is accepted by the Competent Authority and the Ex-Chief Minister Khyber Pakhtunkhwa has placed the following remarks on the face of Notification

*Sect Edu.  
Kindly do the needful.*

3 It is submitted that said post of District Education Officer (Male) Dir Lower is lying vacant and to run the official business of District Dir Lower this department proposes to retain Mr. Muhammad Amin as DEO (Male) Dir Lower

4 The Election Commission of Pakistan has imposed ban on posting/ transfer in this regard the case was sent for NOC to the Election Commission of Pakistan, which was granted and NOC has been issued. (FIC).

5 In view of the above, It is proposed that Mr. Muhammad Amin may be retained on the post of DEO (Male) Dir Lower.

6 The Honorable Chief Minister, is requested to approve the proposal contained in para-5 of the summary, please.

(MOTASIM BILAL SHAH)  
SECRETARY E&SED

ADVISOR TO CHIEF MINISTER FOR E&SE

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Advocate

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
BLOCK "A" OPPOSITE M-PA'S HOSTEL, CIVIL SECRETARIAT PESHAWAR

**SUMMARY FOR CHIEF MINISTER**

Subject: **RETENTION OF MR. MUHAMMAD AMIN AS DEO (MALE) DIR LOWER**

it is submitted that on the directions of the competent authority, this department issued posting/ transfer Notification dated 04.01.2023, wherein the services of Mr. Muhammad Amin (MC BS-19) DEO (Male) Dir Lower, were placed at the disposal of Directorate of E&SE Peshawar. (F/A).

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Kindly do the needful.

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6. The Honorable Chief Minister, is requested to approve the proposal contained in para-5 of the summary, please

Sd/-  
(MOTASIM BILLAH SHAH)  
SECRETARY E&SED

**ADVISOR TO CHIEF MINISTER FOR E&SE**

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Advocate



KHYBER PAKHTUNKHWA  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated: 27<sup>th</sup> April, 2023

**NOTIFICATION**

NO.SO(MC)E&SED/4-16/Posting/Transfer/2022: Consequent upon the transfer of Mr. Liaqat Ali (MC BS-18) Deputy DEO (Male) Dir Lower to DEO (Male) Mohmand, the Additional Charge of the post of DEO (Male) Dir Lower is hereby assigned to Mr. Mehboob Elahi Deputy DEO (Male) Dir Lower, in addition to his own duties, to avoid any delay in the routine official business, till the arrival of regular officer, in the best public interest.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer Dir Lower.
4. District Education Officer (Male) Dir Lower.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officer concerned.
8. Master file.

*Naseer*  
*27.4.23*  
(NASEER ABBAS KHALIL)  
SECTION OFFICER (Management Cadre)

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ANNEXURE "F"

Posting - Transfer Policy - updated till 10 Jan, 2009



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 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.

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Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008.

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

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

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

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

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

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

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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-
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- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

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

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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 posting/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-VIVE&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.

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16  
**VAKALATNAMA**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Appeal No          /2023

Muhammad Amin

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Dept

(RESPONDENT)  
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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.          /          /2023

  
**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

(BC-10-0853)

(15401-0705985-5)

**KAMRAN KHAN**

**UMAR FAROOQ MOHMAND**

**WALEED ADNAN**

&

**MUHAMMAD AYUB  
ADVOCATES**

**OFFICE:**

Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)

16  
**VAKALATNAMA**

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

Appeal No        /2023

Muhammad Amin

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt

(RESPONDENT)  
(DEFENDANT)


I/We Appellant

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Dated.        /        /202

  
**CLIENT**

**ACCEPTED**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**  
(BC-10-0853)  
(15401-0705985-5)

  
**KAMRAN KHAN**

  
**UMAR FAROOQ MOHMAND**

  
**WALEED ADNAN**

&

  
**MUHAMMAD AYUB**  
**ADVOCATES**

**OFFICE:**

Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
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