

# FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_ 1063/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/05/2023	<p>The appeal of Mr. Muhammad Nauman Khan presented today by Mr. Muhammad Arif Jan Advocate. It is fixed for preliminary hearing before touring Single Bench at A. Abad on _____</p> <p>By the order of Chairman  For REGISTRAR</p>

668

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No 1063 / 2023

Muhammad Noman Senior Clerk BPS-14,.....Appellant

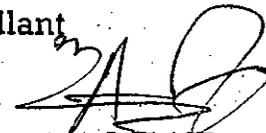
**VERSUS**

Secretary Elementary and Secondary Education, & others  
....Respondents

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Appellant  
Through

  
**Muhammad Arif Jan**  
Advocate High Court

**Chamber:**

212, New Qatar Hotel, Sikandar  
town G.T Road, Peshawar  
Cell: 0333-2212213

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No 1063 / 2023

Muhammad Noman Senior Clerk BPS-14 at GGSS Thakol  
Battagram.

.....Appellant

*VERSUS*

- 1) Secretary Elementary and Secondary Education,  
Khyber Pakhtunkhwa, Education Department,  
Peshawar.
- 2) Director Elementary and Secondary Education,  
Khyber Pakhtunkhwa, G.T road, Peshawar.
- 3) Additional Director (Estab) Directorate of Elementary  
and Secondary Education, Khyber Pakhtunkhwa, G.T  
road, Peshawar.
- 4) District Education Officer (M), Battagram.
- 5) District Education Officer (M), Abbottabad.
- 6) Mr. Zahoor Ahmad Senior Clerk BPS-14 GHS Khanis  
Pur, Abbottabad

.....Respondents

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**APPEAL U/S 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974 AGAINST THE IMPUGNED  
ORDER DATED 09-05-2023 VIDE WHICH  
DEPARTMENTAL APPEAL OF THE  
APPELLANT WAS FILED AND THE  
ORIGINAL POSTING/TRANSFER ORDER  
DATED 31-03-2023 WAS KEPT UPHELD.**

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**Respectfully Sheweth:**

Appellant humbly submits as under:-

- 1) That names and addresses of the parties given in the head note of this service appeal are true and correct for effecting services upon the parties.
- 2) That the appellant was posted as Senior Clerk BPS-14 and was performing his duties with full zeal and zest and to the entire satisfaction of his superiors.
- 3) That on 15-03-2023 the worthy Director (respondent No-2) was retired and vide office letter dated 24-03-2023, respondent No-3 was assigned the additional charge of Director in addition to his own duties to look after the matters of Directorate. **(Copy of letter dated 24-03-2023 is attached as ANNEX-A).**
- 4) That the worthy Advisor to Chief Minister for Elementary and Secondary Education sent two different lists of posting/transfer to respondent No-2 for further necessary action/approval on 27-03-2023. **(Copies of lists of posting/transfer are attached as ANNEX-B & B/1 respectively).**
- 5) That in compliance to the above, respondent No-2 if without any cause with mala fide intention transferred the appellant to the office of SDEO (F) Battagram Alai vide office letter dated 31-03-2023. **(Copy of letter dated 31-03-2023 is attached as ANNEX-C).**
- 6) That the appellant filed representation/appeal against the impugned order dated 31-03-2023 before respondent No-1 which was filed on 09-05-2023. **(Copies of representation/appeal and order dated 09-05-2023 are attached as ANNEX-D & E).**

- 7) That the impugned order dated 31-03-2023 and further rejection of appeal dated 09-05-2023 are based upon political influence, illegal, without jurisdiction, arbitrary, discriminatory, mala fide, void ab-initive against the law and facts on the following grounds.

**GROUND:**

- A. Because, the act, commission and omission of respondents and the office order/ Notification dated 31-03-2023 passed by respondent No-2 **(hereinafter impugned up-to the extent of appellant)** and further the rejection of departmental appeal of the appellant by respondent No-1 is patently illegal, unlawful, without lawful authority, of no legal effect, having no value in the eyes of law, thus liable to be set-aside/ withdrawn and the appellant may kindly be allowed to keep and continue his duties on his previous post and designation with all service benefits without any further delay, reason and justification.
- B. Because, admittedly the care taker government of Khyber Pakhtunkhwa took over the charge just to look after the daily affairs of Provincial Government but knowingly all these facts and banned over the posting/transfer of civil servants, intentionally intercepted and directed respondent No-2 for issuance of impugned order without any good reason and justification or the reason best known to them.
- C. Because, it is strange enough that somewhere there is no availability of post against which the transfer has been made rather against non sanctioned post **(Copy of letter dated is attached as ANNEX-F as reference)**, moreover the transfer of the appellant along with other employees are made illegal and

unlawfully just to punish, harass and humiliate the innocent employees (appellant).

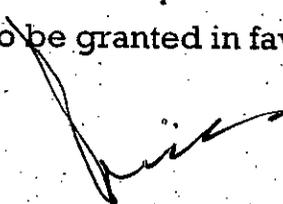
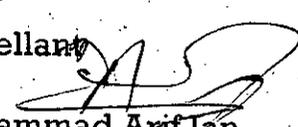
- D. Because, from the bare perusal of the afore referred impugned order dated 31-03-2023, it is very much clear that the same has not been passed in the exigency of the service, but it is very much clear on the instance of some political person, hence the department adopted pick and choose and dealing with the appellant in discriminating way despite the facts that the appellant has not completed the specified period, thus the impugned transfer order has no legal sanctity in the eyes of law and this type of practice is always condemned by this Hon'ble Tribunal as well as apex court of this country.
- E. Because, the transfer order is against the policy relating to the transfer and posting being issued by the government of KP from time to time.
- F. Because, the impugned transferred order is otherwise not sustainable for being based on mala fide and having without application of independent mind and thus liable to be set at naught by this Hon'ble Tribunal.
- G. Because, the appellant is serving the department with his full devotion and to the entire satisfaction of his superiors which is evident from his unblemished service record.
- H. Because, there is no any complaint, enquiry or any other departmental proceeding pending or initiated against the appellant till date but respondents issued the impugned order which is against the law, rules and regulations governing the subject matter thus invites consideration of this Hon'ble Tribunal.

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I. That any other grounds, with the permission of this Hon'ble Tribunal will be raise at the time of arguments.

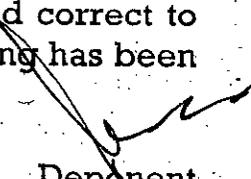
It is, therefore, most humbly prayed, that on acceptance of the instant appeal, the impugned order dated 31-03-2023 passed by respondent No-2 against the appellant may graciously be set aside/withdrawn being against the law rules and regulation governing the subject matter (up-to the extent of appellant) and the appellant may kindly be allowed to keep and continue his official duties with previous post/designation etc with all service benefits.

Any other relief deemed fit in the circumstances of the case may also be granted in favor of appellant.

  
Appellant  
Through   
Muhammad Arif Jan  
Advocate High Court

**AFFIDAVIT**

I, Muhammad Noman Senior Clerk BPS-14 at GGSS Thakol Batttagram do hereby affirm and declare on oath that the contents of instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
Deponent





**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_ / 2023

Muhammad Noman Senior Clerk BPS-14.....Appellant

*VERSUS*

Secretary Elementary and Secondary Education, & others  
.....Respondents

**APPLICATION FOR SUSPENSION OF OPERATION OF**  
**IMPUGNED ORDER/ NOTIFICATION DATED 31-03-2023**  
**TILL FINAL DECISION OF TITLED APPEAL.**

**Respectfully Sheweth:**

- 1) That the above titled appeal is being filed before this Hon'ble Tribunal along with instant application.
- 2) That the grounds of main appeal may kindly also be considered as part and parcel of this application.
- 3) That appellant has a good prima-facie case in his favour and is also sanguine about its success.
- 4) That balance of convenience also lies in favour of appellant.
- 5) That if the relief as prayed for is not granted and the impugned order is acted upon then the very purpose of titled appeal will become infructuous, hence this application.

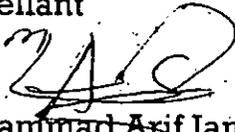


7

It is, therefore, prayed that on acceptance of this application, the relief as prayed for in the heading of this application may graciously be granted.

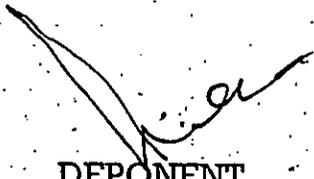
Appellant

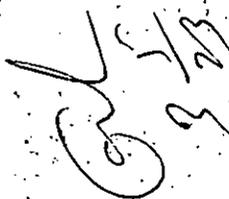
Through

  
Muhammad Arif Jan  
Advocate High Court

**AFFIDAVIT**

I, Muhammad Noman Senior Clerk BPS-14 at GGSS Thakol Batttagram do hereby affirm and declare on oath that the contents of instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

  
DEPONENT



8

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_ / 2023

Muhammad Noman Senior Clerk BPS-14.....Appellant

*VERSUS*

Secretary Elementary and Secondary Education, & others  
....Respondents

**ADDRESSES OF THE PARTIES**

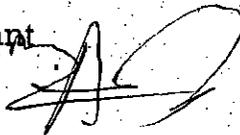
**APPELLANT:**

Muhammad Noman Senior Clerk BPS-14 at GGSS Thakol  
Battagram.

**RESPONDENTS:**

1. Secretary Elementary and Secondary Education,  
Khyber Pakhtunkhwa, Education Department,  
Peshawar.
2. Director Elementary and Secondary Education,  
Khyber Pakhtunkhwa, G.T road, Peshawar.
3. Additional Director (Estab) Directorate of Elementary  
and Secondary Education, Khyber Pakhtunkhwa, G.T  
road, Peshawar.
4. District Education Officer (M), Battagram.
5. District Education Officer (M), Abbottabad.
6. Mr. Zahoor Ahmad Senior Clerk BPS-14 GHS Khanis  
Pur, Abbottabad

Appellant  
Through



**Muhammad Arif Jan**  
Advocate High Court



ANNEX - A

9

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated: 24<sup>th</sup> March, 2023

**NOTIFICATION**

NO.SO(MC)E&SED/4-16/2022/PT/MC/Director E&SE: Keeping in view the retirement of Director, Directorate of E&SE Peshawar on 15.03.2023 and to ensure the disposal of the routine office work, Dr. Iqbal Khan, Additional Director (Estab) Directorate of E&SE Peshawar is assigned the Look-After charge of the office of Directorate of E&SE Peshawar, in addition to his own duties, till further order, in the best public interest.

SECRETARY TO THE 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. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
5. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
6. Officers concerned.
7. Master file.

111 / 24/3/2023

(IMRAN ZAMAN)  
SECTION OFFICER (Management Cadre)

ATTESTED

Annex B

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Name of Officer/Official	Present Place of Posting	Proposed Place	Remarks
Amir Ur Rehman Assistant B-16	DEO (M) Battagram	SDO (M) Battagram	Vice S. No 02
Shahideen Assistant B-16	SDIO (M) Battagram	DEO (M) Battagram	Vice S. No 01
Abdu Razaq Assistant B-16	DEO (M) Battagram	DEO (F) Battagram	Vice S. No 04
Syed Riaz Hussain Shah Assistant B-16	DEO (F) Battagram	DEO (M) Battagram	Vice S. No 03
Mirshad Alam Computer Operator B-16	DEO (F) Battagram	DEO (M) Battagram	A.V.P
Bakht Zada CT B-15	DEO (M) Battagram	GS Batangli Pasho Ailai	A.V.P
Muhammad Faiq SST (G) B-17	DEO (M) Battagram	GS No 02 Battagram	A.V.P of HM
Fida Ur Rehman SST (B/C) B-16	GHS No 02 Battagram	DEO (Male) Battagram	Vice S. No 07
Shaukat SST (G) B-16	GHS Paghora	DEO (M) Battagram	Vice S. No 06
Nasir Ali SPET B-16	GHS Shamlai	DEO (M) Battagram	Vice S. No 11
Ibné-Amin SPET B-16	DEO (M) Battagram	GS Shamlai	Vice S. No 10

Director ESE  
 AP - Transfer  
 27/7/25

Rahmat Salam Khattak  
 Advisor to Chief Minister  
 For Elementary &  
 Secondary Education

ATTESTED

DD - I + DD (F) + A. Khan  
 30/7/25

11 Annex-B/1

S.No	Name of Officer/Official	Present Place of Posting	Proposed Place	Remarks
1	Taj Uddin Senior Clerk B-14	GHSS Parnal Sharif	DEO (F) Battagram	Vice S. No 2
2	Muhammad Sharif Senior Clerk B-14	DEO (F) Battagram	GHSS Parnal Sharif	Vice S. No 3
3	Haq Nawaz Senior Clerk B-14	SDEO (F) Allai	DEO (F) Battagram	Vice S. No 4
4	Abdul Majid B-14	SDEO (F) Battagram	SDEO (F) Battagram	Vice S. No 3
5	Zahoor Ahmad Senior Clerk B-14	GHS Khanis Pur Atf	GCHMSS Battagram	Vice S. No 7
6	Muhammad Noman Senior Clerk B-14	GHSS Thakot	GHS Khanis Pur Atf	Vice S. No 5
7	Hayat Muhammad Khan Senior Clerk B-14	GCHMSS Battagram	GHSS Thakot	Vice S. No 6
8	Atta Ur Rehman Junior Scale Stenographer B-14	DEO (I) Battagram	DEO (M) Kohistan Lower	A.V.P
9	Sharif Ullah J/C B-11	SDEO (F) Battagram	GHS Biland Kot	Vice S. No 11
10	Hasham Khan J/C B-11	SDEO (M) Battagram	SDEO (F) Battagram	Vice S. No 9
11	Shoukat Ali Khan J/C B-11	GHS Biland Kot	SDEO (M) Battagram	Vice S. No 12
12	Niaz Ul Haq J/C B-11	SDEO (M) Battagram	SDEO (F) Battagram	A.V.P

Director B & SR

P. Comiti  
 Rahmat Salam Khan  
 Advisor to Chief Minister  
 For Elementary &  
 Secondary Education

27/3/27

ADDE (Admin)

ADDE (Admin)  
 27/3/27

ATTESTED

X



TO BE SUBSTITUTED WITH SAME NO & DATE  
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.  
Phone: 091-9225344 Email: [edadm@kpk.gov.pk](mailto:edadm@kpk.gov.pk)

Office Order

The Posting/Transfer in respect of the following Ministerial staff are hereby ordered on their own pay and scale in the interest of public service with immediate effect.

S.#.	Name & Designation	From	To	Remarks
1.	Mr. Taj Uddin S/Clerk BS-14	GHSS Palmal Sharif	DEO(F) Battagram	Vice S.No.2
2.	Mr. Muhammad Sharif S/Clerk BS-14	DEO(F) Battagram	GHSS Palmal Sharif	Vice S.No.1
3.	Mr. Haq Nawaz S/Clerk	SDEO(F) Alai	DEO(F) Battagram	Vice S.No.4
4.	Mr. Abdul Majid S/Clerk BS-14	SDEO (F) Battagram	SDEO (F) Battagram Alai	Vice S.No.3
5.	Mr. Zahoor Ahmad S/Clerk BS-14	GHS Khanis Pur Atd	GCHMSS Battagram	Vice S.No.7
6.	Mr. Muhammad Nooman BS-S/Clerk 14	GHSS Thakol	GHS Khanis Pur Atd	Vice S.No.5
7.	Mr. Hayat Muhammad Khan S/Clerk	GCHMSS Battagram	GHSS Thakol	Vice S.No.6
8.	Mr. Sharif Ullah J/Clerk	SDEO(F) Battagram	GHS Biland Kot Battagram	Vice S.No.11
9.	Mr. Hasham Khan J/Clerk	SDEO(F) Battagram	SDEO(F) Battagram	Vice S.No.9
10.	Mr. Shoukat Ali Khan J/Clerk	GHS Biland Kot Battagram	SDEO(M) Battagram	Vice S.No.12
11.	Mr. Niaz Ullah J/C	SDEO(M) Battagram	SDEO(F) Battagram	A.V.P.
12.	Mr. Amir Ur Rehman Assistant B-15	DEO(M) Battagram	SDEO(F) Battagram	Vice S.No.2
13.	Mr. Shahideen Assistant Bs-16	SDEO(M) Battagram	DEO(M) Battagram	Vice S.No.01
14.	Mr. Abdu Razaq Assistant Bs-16	DEO(M) Battagram	DEO(F) Battagram	Vice S.No.04
15.	Mr. Syed Riaz Hussain Shah Assistant Bs-16	DEO(F) Battagram	DEO(M) Battagram	Vice S.No.03
16.	Mr. Mursid Alam Comp. Operator	DEO (F) Battagram	DEO (M) Battagram	A.V.P

Note:

Charge report should be submitted to all concerned.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. /F.No. A-23/MS/posting Transfer/2021/Vol-1 Dated 24/03/2023

Copy forwarded to the: -

1. District Education Officer (Male/Female) Concerned
2. SDEO(M/F) concerned
3. District Accounts Officer Concerned.
4. Principal/HM Concerned.
5. Official concerned.
6. Master File
7. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

**ATTESTED**

**Assistant Director (Admn)**  
Directorate of E&SE KPK, Peshawar







Better Copy

15

Add Dir.

Transfer order wherefrom this Directorate at page No.230 but without fulfilling powers of transfer on 31-03-2023. Moreover the above transfer order issued by this Directorate is not in the knowledge of DD—and ADD (Director) Admin.

Hence, I suggest that instead of two clerks i.e S.No-6, 7 all may be allowed to work on their original post.

Submitted for further order and approval please.

Sd

10-04-2023

Seen/filed.

Sd

Director

Elementary and Secondary Education

Khyber Pakhtunkhwa, Peshawar.

10-04-2023

ATTESTED

X



16

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9223587)

No.SO (Primary-M)/E&SED/2-1/Transfer & Posting/2023  
Dated Peshawar the, April 10<sup>th</sup> 2023

To

The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa

Subject: - APPEAL AGAINST TRANSFER ORDER.

I am directed to refer to the subject noted above and to enclose herewith a copy self-explanatory application along with its enclosures received from Mr Abdul Majid along with 06 others of District Batgram regarding cancellation of illegal transfers for further necessary action and report, please.

Encl.As above.

  
(ARSALAN AHMED)  
SECTION OFFICER (PRIMARY-MALE)

Copy forwarded to the: -

- 1-2. District Education Officer, (Male./Female) Batgram
3. PS to Secretary, E&SE Department Khyber Pakhtunkhwa

ATTESTED

  
SECTION OFFICER (PRIMARY-MALE)



DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION

No. 3333 /F.No.61A-23/MS/Abbottabad Vol-VI

- Dated 9/5 Peshawar the

To

Mr. Hayat Muhammad Khan  
Senior Clerk GCMHS Battagram

Subject: **Request for Transfer Adjustment**

Memo:

I am directed to refer to the subject cited above and to inform you that your appeal alongwith others has been seen and filed by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

**Assistant Director (Admn)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

9/5/2023

Endst; No. \_\_\_\_\_  
Copy forwarded to the: -

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Master File

**Assistant Director (Admn)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

**ATTESTED**

(17) Annex F



**OFFICE OF THE  
SUB DIVISIONAL EDUCATION OFFICER  
(FEMALE) Battagram**

No. 2528

Dated 13/04/2023

To,

The District Education Officer(F)  
Battagram

Subject:

OFFICE ORDER ISSUED UNDER ENDST NO 2455-60 DATED 31.03.2023

Refence to the subject mentioned above, it is stated for you kind information that office order issued under Endst No 2445-60 Dated 31.03.2023 from Directorate E&SE Khyber Pakhtoon Kliwa, the transfer order at S.No 04 against the post of S/Clerk is wrong due to Non availability of post of S/Clerk in the office of SDEO(F) Allai as per sanction post of Budget Book copy attached and the transfer order Mentioned at S.No 12 and 11, their was also no any vacancies of Assistant BPS 16 and J/Clerk of BPS 12 vacant, in the office of SDEO(F) Battagram so that the transfer position of S.No 04, 11, and 12 are incorrect.

Hence report is submitted for information please.

SUB DIVISION EDUCATION OFFICER (F)  
BATTAGRAM

ATTESTED

# WAKALATNAMA

BEFORE THE HONBLE

KP Service Tribunal Per

Muhammad Nauman

Plaintiff(s)  
Petitioner(s)  
Complainant(s)

VERSUS

Secretary

Defendant(s)  
Respondent(s)  
Accused(s)

By this, power-of-attorney I/we the said Appellee in the above case, do hereby constitute and appoint **MUHAMMAD ARIF JAN** Advocate as my attorney for me/us in my/our name and on my/our behalf to appear, plead, give statement, verify, administer oath and do all lawful act and things in connection with the said case on my/our behalf or with the execution of any decree or order passed in the case in my/our favour/ against which I/we shall be entitled or permitted to do myself/ourselves, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my/our success or failure in case, provided that, if the case is heard at anyplace other than the usual place of sitting of the Court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.

Signature of Client

[Signature]

Accepted

[Signature]

**Muhammad Arif Jan**  
Advocate High Court  
Peshawar

Office No.210, Mumtaz Plaza  
G.T Road, Hashtnagri Stop,  
Peshawar City.  
CNIC No.17201-2275748-7  
Bc No.10-6663  
Cell: 0333-2212213