

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1002/2023

Muhammad Irshad

Vs

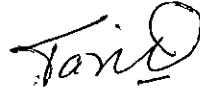
Government of KP & Others

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Reply		1-3
2.	Copies of relevant documents		4-7
3.	Wakalat Nama		8

Respondents No.03

Through



Tariq Kamal

Advocate High Court, Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5622

Dated 26/5/2023

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1002/2023

Muhammad Irshad

Vs

Government of KP & Others

REPLY TO THE APPEAL ON BEHALF OF RESPONDENT NO.03.

Respectfully Sheweth:-

Preliminary Objections:-

- (i) That the appellant has no locus standi.
- (ii) That the instant appeal is not competent in its present form.
- (iii) That under section 10 of Civil Servant Act, 1973, it is the exclusive authority of the department to post or transfer any Civil Servant to any station and the Civil Servant has no choice but to comply with the orders issued by the Authority.
- (iv) That the appellant has challenged the transfer order dated:14.03.2023 irrespective of the fact that on 07.04.2023 the appellant has been transferred to sub-division Thall, and in this back drop the final order in respect of the appellant is 07.04.2023, hence the instant appeal has become infructuous in respect of the order dated:14.03.2023 and still not joined duty at Thall without any lawful justification.
- (v) That in respect of posting transfer order dated:14.03.2023 the posting transfer proposal was submitted before the Election Commission of Pakistan, upon which no objection was placed with the observation that the provincial Government is competent to make posting transfer order in respect of Civil Servant in BPS-17 and below, while in

respect of BPS-18 and above proper approval is to be obtained from the Commission. (Copy annexed).

- (vi) That the appellant is estopped to file the instant appeal on account of his own conduct.
- (vii) That the order dated:14.03.2023 has been acted upon and the respondent No.03 has assumed charge of his office on 15.03.2023 and drawn salary for the period, and still is performing his duty on the same post. (Copies of charge assumption and salary slip is annexed).
- (viii) That the instant appeal is based on malafide and liable to be dismissed with special cost.

FACTUAL OBJECTIONS:-

- (1) Para No.01 needs no reply.
- (2) Para No.02 pertains to record however detail reply has been given in the Para (VI) of preliminary objections.
- (3) Para No.03 is in respect of the appellant however detail reply has been given in Para III of the preliminary objections.
- (4) That Para No.04 is in respect of the appellant however, the detail reply has been given in Para III and VI of the preliminary objection, hence the para is denied.
- (5) Para No.05 is based on self assertions, detail reply is given in Para III and VI of preliminary objections.
- (6) Para No.06 and 07 relates to the appellant, detail reply has been given in Para III, IV and VI of the preliminary objections.
- (7) Para No.08 relates to the appellant hence needs no reply.
- (8) Para No.09 relates to the appellant however detail reply has been given in Para VIII of the preliminary objections.

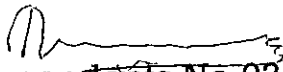
GROUND:-

- (A) That Para A to F are based on misconception of law, detailed reply has been given in Para III, IV, VI and VIII of the preliminary objections.

②

- (G) That Para G does not relate to the answering respondent hence no reply.
- (H) That Para H is discretion of the honourable Tribunal, however, one cannot be allowed to take the other side by surprise.

It is, therefore, humbly submitted that the instant petition being merit less, may please be dismissed with special cost.


Respondents No.03

Through


Tariq Kamal

Advocate High Court, Peshawar

Affidavit:-

I, Riaz Khan (SEO) Male Outside Miryan Gate, Bannu, do hereby solemnly affirm and declare that the contents of this reply are true and correct to the best of my knowledge and belief.


DEPONENT





GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: 7th April, 2023

NOTIFICATION

NO. SO(MC)E&SED/4-16/2023/Posting/Transfer/AC: The following posting/ transfer are hereby ordered with immediate effect, in the best public interest: -

Sr. No	Name	FROM	TO	Remarks
1	Shafiq Ur Rehman MC BS-17	SDEO (Male) Lower Tanawal Abbottabad	SDEO (Male) Baffa Mansehra	V.S No 2
2	Abdul Samad MC BS-17	SDEO (Male) Baffa Mansehra	SDEO (Male) Lower Tanawal Abbottabad	V.S No 1
3	Mst Farhat Rafique MC BS-17	SDEO (Female) Ogi Mansehra	SDEO (Female) Baffa Mansehra	V.S.No 4
4	Rizwana Kausar MC BS-17	SDEO (Female) Baffa Mansehra	SDEO (Female) Ogi Mansehra	V.S.No 3
5	Muhammad Hakim Khan TC BS-16	ASDEO (Female) Pattan Circle Kohistan Lower	Additional Charge of SDEO (Female) Bankal Kohistan Lower	As stop gap arrangement, till the arrival of regular incumbent
6	Mst. Seema Salim MC BS-17	Awaiting Posting	SDEO (Female) Takht Bhai Mardan	V.S.No 7
7	Waheeda Naz MC BS-17	SDEO (Female) Takht Bhai Mardan	SDEO (Female) Rustam Mardan	V.S.No 8
8	Syeda Humera Mehmood MC BS-17	SDEO (Female) Rustam Mardan	Report to Directorate of E&SE Peshawar	
9	Rizwana Shaheen MC BS-17	SDEO (Female) Matta Swat	SDEO (Female) Landi Kotal	AVP
10	Muhammad Tahir TC BS-17	IPE GHSS Bampokha Buner	SDEO (Male) Gadezai Buner	AVP
11	Muhammad Tahir MC-17	SDEO M Larjam Dir Upper	SDEO M Sheringal Dir Upper	V.S.No. 12
12	Ajeb Ullah MC-17	SDEO M Sheringal Dir Upper	SDEO M Larjam Dir Upper	V.S No 11
13	Muhammad Irshad MC-17	SDEO Bankal Kohistan Lower	SDEO (Male) Primary Thall	AVP
14	Masood Khan TC BS-17	ADEO Wana South Waziristan	SDEO (Male) Wana South Waziristan	V.S.No. 15
15	Aurang Zeb TC BS-16	SDEO (Male) Wana South Waziristan	ADEO Wana South Waziristan	V.S.No. 14

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Ends: 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 Concerned.
4. District Education Officer (Male/Female) Concerned.
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.

(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

ATTESTED



OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) BANNU

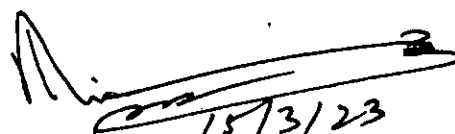
Phone No: 0928-660005 Fax No: 0928-660346

Email Id: bannuedo@yahoo.com



CHARGE ASSUMPTION REPORT

Consequent upon the Notification issued by the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar under No: SO (MC) E&SED.4-16/2022/posting/transfer MC dated: 14/03/2023, I Riaz Khan MC assumed the charge of post of Sub Divisional Education Officer (Male) Bannu today on 15-03-2023 (A.N).


15/3/23
(RIAZ KHAN)

SUB DIVISIONAL EDUCATION OFFICER
(MALE) BANNU

Dated; 15/03/2023 (A.N)

3161-70
Endst: No: _____/Charge Report

Dated: 16 /03/2023.

Copy for information to The :

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director E&S Education Khyber Pakhtunkhwa Peshawar.
3. PS to Minister E&S Education Khyber Pakhtunkhwa Peshawar.
4. PS to Secretary E&S Education Khyber Pakhtunkhwa Peshawar.
5. Section Officer (MC) E&S Education Khyber Pakhtunkhwa Peshawar.
6. District Accounts Officer Bannu.
7. DMO (EMA) Bannu.
8. Deputy DEO (Male) Bannu.
9. Manager NBP Main Branch Railway Raod Bannu.
10. Office record..


15/3/2023

DISTRICT EDUCATION OFFICER
(MALE) BANNU
Officer (Male) Bannu

ATTESTED



OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) BANNU

Phone No: 0928-660005 Fax No: 0928-660346

Email Id: bannuedo@yahoo.com



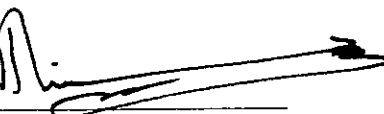
(6)






SPECIMEN SIGNATURE

Specimen Signature in respect of Riaz Khan SDEO (Male) Bannu duly attested by the High ups is submitted for further necessary action please.

Signature

1- 
2- 
3- 


Initial

1- 
2- 
3- 

Endst: No: 3171-79
Copy for information to the:

Dated: 16 /03/2023

1. Director E&S Education Khyber Pakhtunkhwa Peshawar.
2. PS to Minister E&S Education Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary E&S Education Khyber Pakhtunkhwa Peshawar.
4. Section Officer (MC) E&S Education Khyber Pakhtunkhwa Peshawar.
5. District Accounts Officer Bannu.
6. DMO (EMA) Bannu.
7. Deputy DEO (Male) Bannu.
8. Manager NBP Main Branch Railway Raod Bannu.
9. Office record..


1573/023
DISTRICT EDUCATION OFFICER
(MALE) BANNU

ATTESTED
District Education
Officer (Male) Bannu

Dist. Govt. KP-Provincial
District Accounts Office Bannu
Monthly Salary Statement (April-2023)

7



Personal Information of Mr RIAZ KHAN S10 P118 d/w/s of MIRZALI KHAN

Personnel Number: 00178095

CNIC: 1110114737001

NTN:

Date of Birth: 08.03.1972

Entry into Govt. Service: 23.04.1996

Length of Service: 27 Years 00 Months 009 Days

Employment Category: Active Permanent

Designation: SUB DIVISIONAL EDUCATION

80000857-DISTRICT GOVERNMENT KHYBE

DDO Code: BU6014-SUB DIVIEDU OFFICER (MPRY BANNU

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: EDUBU012526

GPF Interest applied

GPF Balance:

1,258,328.00 (provisional)

Vendor Number: 30431995 - RIAZ KHAN

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 17

Pay Stage: 10

Wage type		Amount	Wage type		Amount
0001	Basic Pay	79,270.00	1001	House Rent Allowance 45%	6,650.00
1947	Medical Allow 15% (16-22)	1,846.00	2148	15% Adhoc Relief All-2013	940.00
2199	Adhoc Relief Allow @10%	633.00	2315	Special Allowance 2021	6,074.00
2341	Dispr. Red All 15% 2022KP	7,661.00	2347	Adhoc Rel Al 15% 22(PS17)	7,661.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-3,072.00	3990	Emp.Edu. Fund KPK	-270.00
4004	R. Benefits & Death Comp:	-900.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 28,964.13 Recovered till APR-2023: 22,823.00 Exempted: 0.97- Recoverable: 6,142.10

Gross Pay (Rs.): 110,735.00 Deductions: (Rs.): -10,012.00 Net Pay: (Rs.): 100,723.00

Payee Name: RIAZ KHAN S10 P118

Account Number: 2328-8

Bank Details: NATIONAL BANK OF PAKISTAN, 231451 CHOWK BAZAR CHOWK BAZAR, BANNU

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: BANNU

City: BANNU

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: riazk9185@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(109093/27.04.2023/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/03.05.2023/20:45:54)

