

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

Service Appeal No.1001/2023

**Muhammad Alam Din**

**Vs**

**Government of KP & Others**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5621

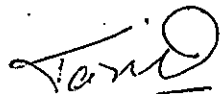
Dated 26/5/2023

**I N D E X**

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

Respondents No. 1001/2023

Through



**Tariq Kamal**

**Advocate High Court, Peshawar**

①

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

Service Appeal No.1001/2023

**Muhammad Alam Din**

**Vs**

**Government of KP & Others**

**REPLY TO THE APPEAL ON BEHALF OF RESPONDENTS NO. 23**

**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 27.03.2023 the appellant has been transferred to sub-division Lachi, and in this back drop the final order in respect of the appellant is 27.03.2023, hence the instant appeal has become infructuous in respect of the order dated:14.03.2023 and still not joined duty at Tehsil Lachi without any lawful jurisdiction. *Justification*
- (v) That according to posting transfer rules in respect of management and teaching cadre officials of education department, it is provided that in case of exigency a qualified and competent official of teaching cadre can be posted against the cadre of management.

- (vi) 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).
- (vii) That the appellant is estopped to file the instant appeal on account of his own conduct.
- (viii) 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).
- (ix) 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.

**GROUNDS:-**

- (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.
- (G) That Para G 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. ~~1000~~ 3

Through

  
**Tariq Kamal**

**Advocate High Court, Peshawar**

**Affidavit:-**

I, Tahir Ibrar (SDEO) Male, Sub Division Wazir 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**



4

CHARGE ASSUMPTION

Consequent upon the notification issued by Govt. of KP Elementary and Secondary Education Peshawar Notification No. SO(S/M) EGSED 4-16/2023 posting/Transfer / MC/ dated 14/03/2023. I Thair Ibrar Khan IC assumed the charge of post of Sub Division Officer Male Bannu today on 15/03/2023.

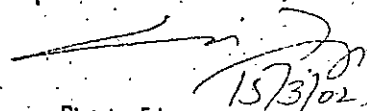
  
Tahir Ibrar Khan 15-03-23

Sub Divisional Education Officer  
Sub Division Wazir Bannu

Enst. No. 3051-57 / Charge Report SDEO Dated 15/03 /2023

Copy forwarded for information to the:

1. Director EGSE KP Peshawar.
2. Assistant Commissioner Bannu.
3. DMO Bannu.
4. District Accounts Officer Bannu.
5. Accountant Local office.
6. Master File.

  
15/3/2023  
District Education Officer  
(M) Bannu  
15/3/2023

**ATTESTED**

④

## CERTIFICATE OF TRANSFER OF CHARGE

01). Certified that we have on the Afternoon of this day (14-03-2023) respectively made over and receive charge of this office of the SS Post GHSS Landiwah Lakki Marwat. Notification No. S0(MC)E&SED/4-16/2022 /Posting/Transfer/MC/: , dated 14-03-2023.

02). Particulars of cash and important secret and confidential documents handed over are noted on the reverse:-

Signature of relieved  
Government servant Tahir Ibrar

Designation SS (Eco)

Station. GHSS Landiwah

Dated 14-03-2023 (A.N)

Signature of relieving  
Government servant Vacant

Designation. SS (Eco)

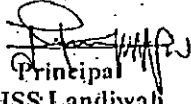
### OFFICE OF THE PRINCIPAL GHSS LANDIWAH LAKKI

Encl: No. 4-24-40

Dated 14-03-2023 (A.N)

Submitted to the:

01. Director E&SE KPK Peshawar.
02. PS to Secretary E&SE KPK Peshawar.
03. District Education Officer (M) Lakki Marwat.
04. District Accounts Officer Lakki Marwat.
05. Office record.
06. S.D. E.O Sub Division Wazir Baannu.
07. District Education Officer Bannu.
08. District Account Officer Bannu.

  
Principal  
GHSS Landiwah  
Lakki Marwat.  
Principal  
H.S.S Landiwah  
Lakki Marwat

OFFICE OF THE DISTRICT ACCOUNT OFFICER LAKKI MARWAT

LAST PAY CERTIFICATE

AR-24-B  
P-245

NO/DAO/ /GAD/ IP 245/AR/ 211 B Dated

P.No 50149516 Leaving 01-04-2023 G.P.#IV/

(1). Last Pay Certificate of Mr./Miss: Tehir Ibrar

Designation Subject Specialist in BPS. 17 Office of the GHSS

Landiawan, Lakki Marwat / Preceding/Transfer to

DAO Bannu /

(2). He / She has been paid up to 31-03-2023 at the following rates.

S.No	Pay & Allowance	Accounts	Deduction	Amounts
1	Basic Pay	62170	GP Fund	4270
2	Personal Pay	-	Benevolent Fund	1500
3	House Rent Allowance	6650	R. Benefits & Death C	900
4	Conveyance Allowance	5000	Emp. Edu. Fund KPK	270
5	Medical Allowance	1846	Income Tax	837
6	Dress Allowance	-	Motor car - 2000 principle	3334
7	Washing Allowance	-	Account	-
8	Integrated Allowance	-	Total deductions = 11111	-
9	Science Teaching Allowance	-		
10	Charge Allowance	-		
11	Adhoc Relief Allowance -2013	620		
12	Adhoc Relief Allowance -2015	426		
13	Adhoc Relief Allowance -2016	-		
14	Adhoc Relief Allowance -2017	-	pay stopped	
15	Adhoc Relief Allowance -2018	-	W/O 01/04/2023	
16	Adhoc Relief Allowance -2019	-		
17	Adhoc Relief Allowance -2021	-		
18	Special Allowance 2021	-		
19	Teaching Allowance 2021	6074		
20	DRR-2022 (15%)	5936		
21	AR-2022 (15%)	5936		
	TOTAL = RS	94687	NET PAY	

(3). He / She has made over charge of the office of the GHSS Landiawan

Lakki Marwat on 14/03/2023

(4). He / She availed regular leave for the days w.e.f - at this station.

(5). He / She authorized to draw pay and Allowances w.e.f -

(6). Recovered TTA advance in three equal installment of Total Rs: - /- (TG Rs: - /-)

TTA = - /- on account of transferred from - to -

(7). Prior to - he/she was under the audit jurisdiction of -

Note: - Over payment of pay w.e.f 15/03/2023 to 31/03/2023 may be recovered

at your end plz.

District Account Officer  
Lakki Marwat  
24/04/2023

7

Pay Slip

S#:19553

Banru

P Sec:001 Month:April 2023  
BU6570 -SUB DIVL EDU OFFICE MALE W.  
SUB DIVL EDU OFFICE MALE

Pers #: 50149516 Buckle:  
Name: tahir ibrar  
SUB DIVISIONAL EDUCATION  
CNIC No.1110147816269  
GPF Interest Free  
17 Active Temporary

NTN:  
GPF #:  
Old #:

BU6570

PAYS AND ALLOWANCES:		
0001-Basic Pay		62,170.00
1001-House Rent Allowance 45%		6,650.00
1210-Convey Allowance 2005		5,000.00
1974-Medical Allowance 2011		1,846.00
2148-15% Adhoc Relief All-2013		620.00
2199-Adhoc Relief Allow 810%		426.00
2315-Special Allowance 2021		6,074.00
2341-Dispr. Red All 15% 2022KP		5,936.00
2347-Adhoc Rel Al 15% 22(PS17)		5,936.00
Gross Pay and Allowances		94,658.00
DEDUCTIONS:		
IT Payable	2,214.02 Deducted 8,325.00	TAX: (3609) 1,108.00
GPF Balance	234,850.00	Subrc: 4,270.00
6502-MCAR Loan Principal Insta	Bal: 46,636.00	3,334.00
3501-Benevolent Fund		1,500.00
3990-Emp.Edu. Fund KPK		270.00
4004-R. Benefits & Death Comp;		900.00
Total Deductions		11,382.00
		83,276.00

D.O.B  
03.09.1976  
11 Years 01 Months 026 Days

LFP Quota:  
UNITED BANK LIMITED SARAI NAURANG  
1001174-1

**ATTESTED**  
*[Signature]*