

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 1279/2022

Mr. Akhtar Nawaz.....Appellant.

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 5619

Dated 26/5/2023

Chief Secretary, Govt: of Khyber PakhtunkhwaRespondents.

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Place :- Peshawar

Hearing date # 29/5/2023


Despondent

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 1279/2022

Mr. Akhtar NawazAppellant.

VERSUS

Chief Secretary to Govt of KPK Peshawar..... Respondents.

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 1 & 2.

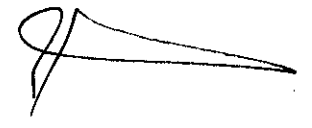
Respectfully Sheweth,

Preliminary Objections:

1. The appellant has not come to this Honorable Tribunal with clean hands.
2. The appellant is not an aggrieved person nor has any locus standi to file the present appeal.
3. That the appellant has concealed material facts from this Tribunal.
4. That the appellant is estopped by his own conduct to file the present appeal.
5. That the present appeal is against the prevailing law and rules.
6. That the appellant is not entitled for any relief, he has sought from this Honorable Tribunal.
7. That the present appeal is liable to be dismissed being devoid of any merits.
8. That the present appeal is barred by law and limitation hence not maintainable.

On FACTS


1. Pertains to record.
2. Pertains to record.
3. Pertains to Official record.
4. Pertains to record.
5. Correct.
6. Correct.
7. Incorrect, after completion of tenure appellant was transferred in the best public interest, so he was transferred in accordance with Section-10 of Civil Servant Act, 1973.
8. Correct, up to the extent of duty report and assuming charge in obedience to order dated 10-06-2021.
9. Incorrect, hence denied. It is necessary to state that the appellant has been adjusted and posted at GHS Ocha Daxa No. 01 South Waziristan on 20-02-2023 on his oral demand.
(copy of order 20-02-2023 is attached)
10. Incorrect, hence denied. Like every Civil Servant the appellant was also duty bound to serve at anywhere throughout the Province, where ever he may be given the task by the competent authority.
11. Incorrect, hence denied, the departmental appeal was dismissed.
12. Para-12 alongwith, grounds of appeal is incorrect and hence denied.



On Grounds:

1. Incorrect, the appellant is treated in accordance with law.
2. Incorrect, the appellant has been transferred in the best of public interest.
3. Incorrect, the competent authority is empowered under Civil Servant Act, 1973 to make necessary postings and transfers within the Province.
4. Incorrect and denied. The appellant is just wasting the precious time of this Honorable Tribunal.
5. Incorrect, the order of the appellant legal and the same has not been challenged before this Honorable Tribunal.
6. Incorrect, hence denied in the present case.
7. Incorrect, hence denied.
8. Para-08 is subject to prove and depends upon the official record.
9. Incorrect, hence denied. The appellant has not challenged his transfer order dated 20-02-2023 before the proper forum nor in the present appeal.

It is therefore, most humbly requested that the appeal in hand may kindly be dismissed with cost.


SECRETARY
Elementary & Secondary Education,
(Respondent No. 1 & 2)

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 1279/2022

Mr. Akhtar Nawaz, SS (BPS-17)Petitioner

VERSUS

Chief Secretary to Govt. of KP Peshawar.....Respondents

AFFIDAVIT

I, **Rehman Gul**, Section Officer (Litigation-II) Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT

Rehman Gul
Section Officer (Lit-II)
E&SE Department Peshawar



(4)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that Mr. Fahim Ullah, Focal Person Elementary & Secondary Education Department is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in Service Appeal No. 1279/2022 case title Akhtar Nawaz vs Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.


Secretary
Elementary & Secondary Education,
Department.

(4) (5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No# 1279/2022

Mr. Akhtar Nawaz.....Appellant.

VERSUS

Secretary, Govt: of Khyber Pakhtunkhwa E&SE Department & Others..... Respondents.

**APPLICTION FOR VACTION OF SUSPENSION ORDER DATED 08-11-2022
AGAINST THE NOTIFICATION DATED 30-05-2022**

Respectfully Sheweth,


Preliminary Objections

1. That the appellant have filed this service appeal against the Notification dated 30-05-2022.
2. That this Honorable Service Tribunal has suspended the above Notification on 08-11-2022 by way of interim relief.
3. That the applicant/respondent seeks the order dated 08-11-2022 of this Honorable Tribunal to be set aside because the necessary functions of the respondent department has been disturbed and hanged which needs consideration along with the following grounds.

Grounds:-

1. That the respondents has acted in accordance with law & rules. The appellant has been lawfully transferred the appellant by exercising powers conferred under Section 10 of the civil Servient Act 1973 in the best public interest.
2. That the appellant is duty bound to serve any where she may be given the task by the competent authority therefore the appellant has got no cause of action against the respondent.
3. That there is no merits in the present appeal and is liable to be dismissed summarily.
4. That the appellant has no prima facie case nor has any locus standi and even no chance of success.
5. That balance of convenience lies in favor of the respondent and if the interim order is not reviewed the respondent/department will suffer irreparable loss.
6. That the applicant have not come to the court with clean hands.
7. That the appellant have concealed material facts from this Honorable Tribunal.

It is therefore, most humbly requested that, the interim relief already granted on 08-11-2022 may kindly be set aside in favor of the department/respondent.


Secretary
Elementary & Secondary Education Department.
(Respondent No. 1 & 2)

A-06. 1278/2022 (6)
Akhtar Nawaz



08.11.2022

Mr. Yasir Saleem, Advocate for the appellant present.

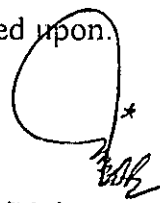
arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 30.05.2022 whereby private respondent No. 4 was posted as Head Master GHS Darpa Khel North Waziristan Tribal District mentioning it "(A.V.P) against vacant post" despite the fact that the appellant was already holding charge and performing his duty against the said post since 09.06.2021 and he has not completed normal tenure against the post. It was further argued that the appellant is still performing his duty as Head Master, GHS Darpa khel North Waziristan Tribal District and private respondent No. 4 has not taken over the charge against the post from the appellant as yet. The appellant submitted departmental appeal through registered mail on 31.05.2022 which was not responded within the statutory period hence the instant service appeal filed on 01.09.2022

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 12.12.2022. Alongwith the service appeal, an application for interim relief/temporary injunction to the effect to suspend the impugned Notification dated 30.05.2022 has been annexed. The operation of the impugned Notification dated 30.05.2022 is suspended only to the extent of private respondent No. 4, if already not acted upon.

SCANNED
KPST
Peshawar

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


(Mian Muhammad)
Member (E)



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

Dated: Peshawar, the May 30, 2022

NOTIFICATION

NO. SO(SA) DE/SS/HS-17/2022: Promotion from SST (HS-16) to SS (HS-17). Consequent upon their promotion from SST (HS-16) to SS (HS-17) as notified vide this Department's Notification No. SO(III) 2-6/100 Meeting/Promotion of SST's (HS-16) to post of SS (HS-17) 2022 dated 24.05.2022. Following posting/transfers of leadmaster (HS-17) are hereby ordered, in the public interest, with immediate effect:-

S.NO.	Name of Officer	Present School	Adjusted at	Remarks
1.	Melayat Ullah Khan	GHS Dabji Loyaigar	JIM (HS-17) GHS Simal Kala, Karak	A.V.P.
2.	Muzafar Khan	GHS DEH BAIKADER PESHAWAR	JIM (HS-17) GHS Sald A Khan, Kili, ISD Peshawar, Ch National Park	A.V.P. On National Park
3.	ARJAT HANID	GHS Dals Nandehra	JIM (HS-17) GHS Haf Dhol, Nandehra	A.V.P.
4.	Ali Haf Huseini	GHS AG CENTRE, NOWSHERA	JIM (HS-17) GHS Zorabad, Mandan	A.V.P.
5.	Mr. Mohammad Rizid	GHS SANGHAR	JIM (HS-17) GHS Mans Khan, Sanghar	A.V.P.
6.	Muhammad Iqbal	GHS KALAG, HARIPUR	JIM (HS-17) GHS Kalag, Haripur	Already occupied
7.	Muhammad Nusrat Ali Siddique	GHS NO. 2, ABBOTABAD	JIM (HS-17) GHS Chugal, ABBOTABAD	A.V.P.
8.	Zakia	GHS BAGAN, ABBOTABAD	JIM (HS-17) GHS Gahri Noor, PAF, ABBOTABAD	A.V.P.
9.	Muhammad Shah	GHS KHAN	JIM (HS-17) GHS Sillinger Gul, Bajaur	A.V.P.
10.	Muhammad Ali	GHS LEGANA, BUNNU	JIM (HS-17) GHS Kora Sifat	A.V.P.
11.	Hameed Ullah	GHS Naifla Gali, ABBOTABAD	JIM (HS-17) GHS Naifla Gali, ABBOTABAD	Already occupied
12.	Arif ur Rehman	GHS SIKANDAR JANUDI	JIM (HS-17) GHS Pota D, Khan	A.V.P.
13.	Masud Ur Rehman	GHS SWA	JIM (HS-17) GHS Kamran SW TO	A.V.P.
14.	Shahid Nawaz	GHS KHU SHAHMOZI, D. KHAN	JIM (HS-17) GHS Sheru Kohra, D. KHAN	A.V.P.
15.	Mr. Abdul Akbar	GHS UJNO, CENTRAL UPPER	JIM (HS-17) GHS Ujno Upper, Central	A.V.P.
16.	Masud Ur Rehman	GHS SEC 2, ABBOTABAD	JIM (HS-17) GHS Ujno Upper, Haripur	A.V.P.
17.	Muzafar Khan	GHS NO. 2, TOR DHEK, SWABI	JIM (HS-17) GHS W. Dier, Swabi	A.V.P.
18.	Muzafar Khan	GHS SIADAD, KILI, SWABI	JIM (HS-17) GHS W. Dier, Swabi	A.V.P.
19.	Jehan Ali	GHS KALUSHAN, SWABI	JIM (HS-17) GHS Kallander, Swabi	A.V.P.
20.	Muhammad Abdul Ishak Khan	GHS South Wadhwan	JIM (HS-17) GHS Gara Dandha, Tank	A.V.P.
21.	Amir Jan	GHS Shagal Swat	JIM (HS-17) GHS Jambit Swat	A.V.P.
22.	Muhammad Afzal	GHS BATAGILAM	JIM (HS-17) GHS Shogul Payon, Datta gram	A.V.P.

20/5/22
R-110

Attest
[Signature]

Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education Deptt.
Section Officer (Liaison-II)

Attest
[Signature]

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23.	Muzafar Khan	GHS TALPANA, CHITRAL	JIM (HS-17) GHS Sialkot, Chitral	A.V.P.
24.	Muzafar Khan	GHS TUSA, CHITRAL	JIM (HS-17) GHS Quaid Gilgit	A.V.P.

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118	Ghulam Murtaza	Abbottabad	Abbottabad	AVP
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338	Wajid Ali Khan	HM (DS-17) GIS Mingtan Mahpora	HM (DS-17) GIS Mingtan Mahpora	AVP
339	Asim Hussain	HM (DS-17) GIS Seraval Islam Kotla	HM (DS-17) GIS Seraval Islam Kotla	AVP
340	Ali Sadi Khan	HM (DS-17) GIS Sialkot Okral	HM (DS-17) GIS Sialkot Okral	AVP
341	Aziz Ullah Dawar	HM (DS-17) GIS Hangu	HM (DS-17) GIS Hangu	AVP
342	Saeed Ullah	HM (DS-17) GIS Kahki Mandan	HM (DS-17) GIS Kahki Mandan	AVP
343	Abdur Rashid	HM (DS-17) GIS Jail Kulsina NWTD	HM (DS-17) GIS Jail Kulsina NWTD	AVP
344	Azizullah	HM (DS-17) GIS Hangu	HM (DS-17) GIS Hangu	AVP
345	Rasool Khan	HM (DS-17) GIS Chiradla	HM (DS-17) GIS Chiradla	AVP
346	Mushtaq Hussain	HM (DS-17) GIS Kuram	HM (DS-17) GIS Kuram	AVP
347	Muhammad Sana	HM (DS-17) GIS Swat	HM (DS-17) GIS Swat	AVP
348	Muhammad Shafiq	HM (DS-17) GIS Santalana Hangu	HM (DS-17) GIS Santalana Hangu	AVP
349	Wahid Ullah	HM (DS-17) GIS Mulkhanda Kp NWTD	HM (DS-17) GIS Mulkhanda Kp NWTD	AVP
350	Kishwarul	HM (DS-17) GIS Huner	HM (DS-17) GIS Huner	AVP
351	Sultan Muhammad Khan	HM (DS-17) GIS Walleh Dera SWTD	HM (DS-17) GIS Walleh Dera SWTD	AVP
352	Mahvaz Ahmad	HM (DS-17) GIS Khanal Charsada	HM (DS-17) GIS Khanal Charsada	AVP
353	Muhammad Jehan Zeb	HM (DS-17) GIS Karak	HM (DS-17) GIS Karak	AVP

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Encls: if even No. & Date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. Director, DED, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers, Males, Concerned.
5. District Accounts Officers, Concerned.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Incharge, EMIS E&SE Department.
8. Officers concerned.
9. Office order file.

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(NAME) ULLAH SHAH
SECTION OFFICER (SCHOOLS MALE)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533 Email: ssschoolmale@gmail.com

Peshawar, Dated: 13th March, 2023

NOTIFICATION

NO.SO(SM)E&SED/5-17/2023/PT/G:

Consequent Upon the approval of Election

Commission of Pakistan vide letter No. F.10(1)2023-Elec-II dated 10-03-2023, and Establishment Department's letter No.SO(E-I)/E&AD/11-25/2023 dated 10-03-2023, the posting/transfer of the following Officers are hereby ordered with immediate effect, in the best public interest:-

S.No	Name	Subject	From	TO	Remarks
1.	Muhammad Ghufuran Ullah	SS Economics (BS-17)	GHSS Drsamand Hangu	GHSS Kotka Muhammad Khan Bannu	AVP
2.	Amin Ullah	SS H/Civics (BS-17)	GHSS Mohib Banda Mardan	GHSS Tarnab Farm Peshawar	AVP
3.	Sardar Muhammad Mujahid	SS Urdu (BS-17)	Working in OPS Bihali Mansehra	SS Urdu BS-17 GHSS Karori Mansehra	AVP
4.	Kaleem Ullah	SS Econmocs BS-17	GHSS Kirri Shamoza D.I.Khan	Head Master BS-17, GHS Gara Hayat D.I.Khan	AVP
5.	Muhammad Kamran Khan	SS Statistics BS-17	GHSS Urmar Payan Peshawar	GHSS Tarnab Farm Peshawar	AVP
6.	Nasir Khan	SS Statistics (BS-17)	Ghss Manki Sharif Nowshera	GHSS Akbar Pura Noshera	AVP
7.	Asmat Ullah	SS Economics (BS-17)	GHSS Sinpora Swat	GCMHSS Wadudia Swat	AVP
8.	Rafi Ullah	SS H/Civics (BS-17)	GHSS Sheikhan Peshawar	GHSS Hayatabad Peshawar	AVP
9.	Musawir Jan	SS Economics (BS-17)	GHSS Baghicha Dheri Mardan	GHSS Chamtar Mardan	AVP
10.	Hafiz Azmat Ullah	SS H/Civics (BS-17)	GHSS Abdul Khel Lakki Marwat	GHSS No.3 Michen khel Lakki Marwat	AVP
11.	Noor ul Islam	SS Chemistry (BS-17)	GHSS Wanda Lali D.I.Khan	GHSS No.3 Michen khel Lakki Marwat	AVP
12.	Noor Ullah Jan	SS Pak-Study (BS-17)	GHSS Dargai Charsadda	GHSS Sufaid Sung Peshawar	AVP
13.	Rehman Shah	SS Maths (BS-17)	GHSS Jehangiri Karak	GHSS Tappi Kanda Karak	AVP
14.	Amjad Iqbal	SS Maths (BS-17)	GHSS Shamoza Swat	GHSS Aboha Swat	AVP

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Elementary & Secondary Education Dept
Govt. of Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

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Phone No. 091-9223533 Email: ssschoolmale@gmail.com

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Peshawar, Dated: 13th March, 2023

117.	Imtiaz Wali	SS English BS-17	GHSS Dagi Banda Nowshera	GHSS Sufaid Sung Peshawar	AVP
118.	Fazal Rahim	SS Islamiyat BS-17	GHSS Pingal Dir Lower	GHSS Mian Barangola Dir Lower	AVP
119.	Naqib Ullah	SS Maths BS-17	GHSS Abdul Khel D.I.Khan	GHSS Yarik D.I.Khan	AVP
120.	Atta Ullah	SS Biology BS-17	GHSS Bahder Karak	GCMHSS Kohat	AVP
121.	Shabir Ahmad	SS English BS-17	Bagh Dushkhela Dir Lower	GHSS Ziarat Talash Dir Lower	AVP
122.	Arif Zaman	SS Biology (BS-17)	GHSS Sheikh Jana Swabi	GHSS Dagai Swabi	AVP
123.	Mustafa Kamal	SS Maths BS-17	GHSS Jandrai Karak	GHSS Sanda Khurram Karak	AVP
124.	Mohibullah	SS English BS-17	GHSS Sanda Khurram Karak	GHSS Painsa Khel Bannu	AVP
125.	Mir Said Khan	Head Master BS-17	GHS Darpa khel NWTD	GHS Muhammad Nawaz Kot South Waziristan	AVP
126.	Shah Diaz Khan	SS Physics BS-17	Principal BS-18 GHSS Khidri Muhammad Khel Bannu	GHSS Bangi Khan, Bannu	AVP
127.	Muhammad Ijaz	SS H/Civics BS-17	GHSS Adezai Peshawar	GHSS Shikhan Peshawar	AVP
128.	Ahmad Ullah	SS Istamiyat BS-17	GHSS Preit	GHSS Bamborait Chitral	AVP
129.	Aman Ullah	SS English BS-17	GHSS Gul Imam Tank	GHSS Shabaz Azmat Khel Bannu	AVP
130.	Muh Irfan	SS Pak Study BS-17	GHSS Surgul	GCHSS Kohat	AVP
131.	Aftab Hassan UI	SS Pak Study BS-17	GHSS Sudan Kohat	GHSS Sanda Kurram Karak	AVP
132.	Muhammad Danish	SS Islamiyat BS-17	GHSS Kori	RPDC DI Khan	AVP
133.	Said Kamal	SS Biology BS-17	GHSS Jhandri Karak	GHSS Warana Karak	AVP
134.	Afraz Khan	SS Economics BS-17	GHSS Satora Abbottabad	RPDC (M) Bannu	AVP
135.	Barkat Ali	SS Biology BS-17	GHSS Dhallah DI Khan	SS GHSS Shahbaz Azmat Khel Bannu	AVP
136.	Muhammad Younus	IPE BS-17	GHSS Utroor Swat	GHSS Lachi Kohat	AVP
137.	Zahid Ullah	SS Chemistry BS-17	GHSS Narshale Mardan	GHSS Khangar Mardan	AVP
138.	Dr. Umar Saeed	SS Physics BS-17	GHSS Sanda Karak	GHSS Nari Panos Karak	AVP

SECRETARY TO GOVT: OF KHYBERPAKHTUNKHWA
E&SE DEPARTMENT

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533 Email: ssschoolmale@gmail.com

Peshawar, Dated: 13th March, 2023

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. District Education Officer (M) Concerned.
5. District Accounts Officer Concerned.
6. Principal Concerned.
7. PS to Adviser to Chief Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PA to Deputy Secretary (Estab) E&SE Department.
10. Officer Concerned.
11. Office order file.

13/03/2023
(TAJ MUHAMMAD)
SECTION OFFICER (SCHOOLS MALE)

SCHOOL MALE

Attended