

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

Service Appeal # 1001/2023

Muhammad Alam Din.....Appellant.

VERSUS

Chief Secretary, Govt: of Khyber Pakhtunkhwa .....Respondents.

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N.D - 1-6-23



Despondent

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

**Service Appeal # 1001/2023**

**Muhammad Alam Din (SDEO), BS-17.....Petitioner**

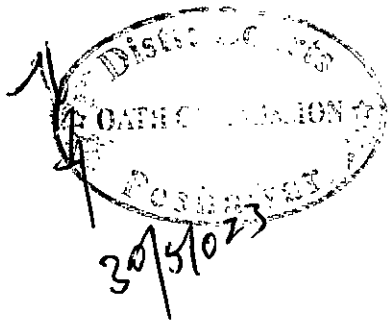
**VERSUS**

**Govt. of Khyber Pakhtunkhwa & others.....Respondents**

**AFFIDAVIT**

I, **Mr. Amjad Ali**, 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.

**ATTESTED**



**DEPONENT**

A handwritten signature in black ink, consisting of several horizontal strokes and a loop at the end.

**Mr. Amjad Ali**  
Section Officer (Lit-II)  
E&SE Department Peshawar

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

**AUTHORITY LETTER**

It is certified that **Mr. Amjad Ali, Section Officer (Litigation-II)** Elementary & Secondary Education Department is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar in **Service Appeal No. 1001/2023 Case Titled Muhammad Alam Din vs Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.**

  
Secretary  
Elementary & Secondary Education,  
Department.

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

**In Service Appeal No. 1001/2023**

**Muhammad Alam Din.....Appellant.**

**VERSUS**

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

**PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01 & 02**

**Respectfully Sheweth,**

**Preliminary Objections:**

1. The appellant has not come to the Honorable Tribunal with clean hands.
3. The appellant is neither an aggrieved person nor has any locus standi to file the present appeal.
4. That the appellant has concealed material facts from this Tribunal.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That the present appeal is against the prevailing law and rules.
7. That the appellant is not entitled for any relief, he has sought from this Honorable Tribunal.
8. That the present appeal is liable to be dismissed being devoid of any merits.
9. That the present appeal is just wastage of precious time of this Honorable Tribunal.
10. That the Election Commission has also issued NOC/Permission in many cases for transfer/posting in the best public interest and same is the case of the appellant, therefore, the present appeal is bad in the eye of law.
11. The Respondents are empowered under Section-10 of the Civil Servant Act, 1973 for placing the services of the appellant anywhere within the Province.

**On FACTS**

1. Pertains to official record of Government of Khyber Pakhtunkhwa, hence no comments.
2. Pertains to official record of Government of Khyber Pakhtunkhwa, however it is pertinent to mention here that the Election Commission has also issued NOC/Permission in many cases for transfer/posting in the best public interest and same is the case of the appellant.
3. Pertains to the record, however, it is pertinent to mention here that like every public servant the appellant is also subject to performance/discharge of his duties throughout the Province, where ever he may be posted and given the task in the best public interest.

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4. Incorrect, the transfer of appellant has been made with the prior approval of the competent authority and for the same NOC has been obtained from Election Commission of Pakistan for relaxation of ban in the best public interest and administration of justice. Furthermore, the appellant is bound to obey the orders of the competent authority. The Respondents are empowered under Section-10 of the Civil Servant Act, 1973 for placing the services of the appellant throughout the Province in the best public interest.
5. Incorrect, misleading and wrong interpretation of the constitution. The transfer and postings orders of the appellant as well as many others have been made by the competent authority with the prior approval/NOC from the Election Commission of Pakistan in the best public interest.
6. Pertains to record, however the appellant is not an aggrieved person in the eye of law.
7. In response of Para-07, it is stated that the transfer order dated 14-03-2023 of the appellant was reviewed at the earliest possible by the competent authority and for the purpose of administration of justice and public interest the appellant was transferred to District Kohat (Lachi) against vacant post. The adjustment and fair distribution of officers among the Province was the aim behind the transfer/posting order dated 27-03-2023.
8. Pertains to record.
9. Incorrect, the appellant is not an aggrieved person and no right of the appellant has been infringed therefore, the departmental appeal was dismissed.

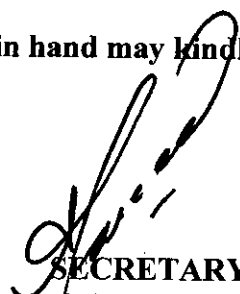
**On Grounds**

- A. Incorrect, the transfer of appellant has been made with the prior approval of the competent authority and for the same an NOC has been obtained from Election Commission of Pakistan for relaxation of ban in the best public interest and administration of justice. Furthermore, the appellant is bound to obey the orders of the competent authority. The Respondents are empowered under Section-10 of the Civil Servant Act, 1973 for placing the services of the appellant throughout the Province for the best of public interest.
- B. Incorrect, the transfer order of the appellant is an accordance with law and in the best public interest.

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- C. Incorrect, misleading and wrong interpretation of the constitution. The transfer and postings orders of the appellant as well as many others have been made by the competent authority with the approval/NOC from the Election Commission of Pakistan in the best public interest.
- D. Incorrect, the rules and the said notification also provides that if a suitable candidate is not available on the post becoming vacant, than any other suitable person may be appointed from the teaching cadre as well for the proper and fair administration of justice.
- E. Incorrect, the transfer of the appellant is an accordance with law and in best public interest, furthermore Section-10 of the Civil Servant Act, 1973 provides that the competent authority may transfer any public servant with in the province & he/she must be bound to serve there in pursuance to the order of the competent authority.
- F. Pertains to record, however it is pertinent to mention here that withdrawal of any notification or issuing fresh notification for the pair and proper adjustment of the officers in order to strengthened the Elementary & Secondary Education Department is the prerogative of the official/respondents and the appellant cannot challenge the same.
- G. Para-G is not permissible, the respondents seeks permission for advancing arguments before this Honorable Tribunal.

**It is therefore, most humbly prayed that the appeal in hand may kindly be dismissed summarily being devoid of any merits with cost.**

  
**SECRETARY**  
**Elementary & Secondary Education,**  
**(Respondent Nos. 01 & 02)**



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

**Service Appeal No# 1001/2023**

**Muhammad Alam Din.....Appellant.**

**VERSUS**

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

**APPLICTION FOR VACTION OF SUSPENSION ORDER DATED 10-05-2023  
AGAINST THE NOTIFICATION DATED 14-03-2023**

**Respectfully Sheweth,**

**Preliminary Objections**

1. That the appellant have filed this service appeal against the Notification dated 14-03-2023.
2. That this Honorable Service Tribunal has suspended the above Notification on 10-05-2023 by way of interim relief.
3. That the applicant/respondent seeks the order dated 10-05-2023 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 10-05-2023 may kindly be set aside in favor of the department respondent.**

**Secretary**

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

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ANNEXURE  
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the March 12, 2021

NOTIFICATION

NO. SCS/SADE & SED/7-12021/Posting/Transfer/MC:- Posting/transfer of the following officers of Elementary & Secondary Education is hereby ordered as mentioned against each, in the best public interest, with immediate effect:

Sr	Name, designation & present place of duty	Posted as	Remarks
1	Mr. Aurangzeb BS-17 (MC) SDEO (M) Bisham, Shangla	Deputy DEO (M) BS-18 Swat in OPS	AVP
2	Rana Jehangir SDEO (Male) Abdullahabad, (MC BS-17).	DDEO (Male) BS-18, Manshera in OPS	AVP
3	Mr. Raees Ur Rehman SDEO (MC BS-17) SDEO (Male) Judha Targhar	DDEO (M) Targhar BS- 18 in OPS.	AVP
4	Mr. Said Muhammad SS HC/Civics (BS-17) GI/SS Sarabi Garhi Orakzai (TC BS-17)	DDEO (M) Miranshah North Waziristan TD BS- 18 in OPS	AVP
5	Mr. Ali Haider SDEO (BS-17) MC SDEO (M) Timergara Dir Lower	DDEO (M) BS-18 Dir Lower in OPS.	AVP
6	Mr. Mehtabob Elahi SDEO (BS- 17) MC SDEO (M) Chitral Lower	DDEO (M) BS-18 Chitral Lower in OPS	AVP
7	Muhammad Zubair, BS-17, (MC) Deputy DEO (M) Charsadda in OPS	Deputy DEO (M) BS-18 Mohmand TD in OPS	AVP
8	Mr. Abdul Hameed BS-16 (MC) ASDEO, C/O DEO (M), Shangla	SDEO (M) BS-17 Bisham, Shangla in OPS	V.S#1
9	Muhammad Zuhid BS-17 (MC) Assistant Director, Directorate of E&SE, KP	SDEO (M) BS-17 Kabul Swat	AVP
10	Mr. Saleh Budshah ASDEO BS-16 (MC) ASDEO (M) Serai Naurang Lakki Marwat.	Assistant Director (BS-17) Directorate of E&SE, KP.	V.S# 9 Promoted to BS-17 MC vide Notification No.SO(PE)2- 6/DPC Meeting/2020 dated: 04.02.2021

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Office Work 2021/Notification in Order 2021/Management Cadre Notifications-2021.docx



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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

11	Muhammad Nour Sultan ADLO (BS-16) SDEO (M) Darakhan D.I Khuzai In OPS	SDEO (M) BS-17 Darakhan D.I Khuzai	Already Occupied Promoted to BS-17 MC vide Notification No.SQ(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
12	Wissal Muhammad ADEO (BS-16) SDEO (M) Tangi Charsadda In OPS	SDEO (M) BS-17 Tangi Charsadda	Already Occupied Promoted to BS-17 MC vide Notification No.SQ(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
13	Muhammad Abuddin ASDEO BS-16 (MC) ASDEO Circle Kotka Muhammad Khan Bannu	SDEO (M) BS-17 Hangu	AVP Promoted to BS-17 MC vide Notification No.SQ(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021
14	Mr. Sikandar Hayat ASDEO BS-16 (MC) ASDEO (M) Tangi Kowai Swabi	DDEO (M) BS-18 Swabi In OPS	AVP Promoted to BS-17 MC vide Notification No.SQ(PE)/2- 6/DPC Meeting/2020 dated: 04.02.2021. He will actualize his promotion against AD (BS-17) (DDU) Directorate of E&SE Peshawar
15	Mr. Nisar Ahmad ADEO BS-16 (MC) ADEO (Estah Primary) O/O DEO (M) Mardan	SDEO (M) BS-17 Rustam Mardan	V.S#31 Promoted to BS-17 MC vide Notification No.SQ(PE)/2- 6/DPC Meeting/2020

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

			dated 04.02.2021
16	Mr. Saif Zameer Shah ASDEO (MC BS-16) ASDEO (Male) Dargal, Malakandi	SDEO (Male) BS-17 Khwaza Khela Swat in OPS	AVP
17	Mr. Akmal Hussain ADEO (MC BS-16) ADEO (Male) P&D Malakandi	SDEO (M) BS-17 Harokai Swat	AVP Promoted to BS-17 MC vide Notification No.SO(PE)/2-6/DPC Meeting/2020 dated: 04.02.2021
18	Mr. Akbar Ghani ASDEO (MC BS-16) ASDEO (Male) Kumbhar Medan, Dir Lower	SDEO (Male) BS-17 Darawal Bandi Dir Upper	AVP Promoted to BS-17 MC vide Notification No.SO(PE)/2-6/DPC Meeting/2020 dated: 04.02.2021
19	Mr. Muhammad Iqbal ADEO (MC BS-16) ADEO (Female) Dir Upper	SDEO (Male) BS-17 Kalkai Dir Upper in OPS	AVP
20	Mr. Muhammad Tahir ADEO (MC BS-16) ADEO (Male) P&D Dir Upper	SDEO (Male) BS-17 Larjan Dir Upper in OPS	AVP
21	Mr. Muhammad Azeem Khan (MC BS-16) As Directorate of E&SE Peshawar	Assistant Director (Sports) BS-17 Directorate of E&SE Peshawar	V.S422 Promoted to BS-17 MC vide Notification No.SO(PE)/2-6/DPC Meeting/2020 dated: 04.02.2021
22	Mr. Abdul Ahad Assistant Director (Sports) BS-17 Directorate of E&SE Peshawar	Services placed at the disposal of Directorate of E&SE Peshawar	
23	Syed. Amyar Shah ASDEO (MC BS-16) ASDEO (Male) Mansehra	SDEO (Male) BS-17 Kalal Palas Kohistan in OPS	AVP

ATTACHED

Office No. 2021/Promotion in Order No.21/Management Cadre Notifications-2021-2021

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

23	Mr. Muhammad Ismail ASDEO (MC) BS-16 ASDLO (Male) Bahawalpur	SDEO (Male) BS-17 Kohistan Upper in OPS	AVP
24	Mr. Sarfaraz Khan ATO (MC) BS-16 ATO (Male) P&T Manshera	SDEO (Male) BS-17 Hassan Zaf Faridkot in OPS	AVP
25	Mr. Goulan Irfan ASDEO (MC) BS-16 ASDLO Circle Koghan Manshera	SDEO (Male) BS-17 Bahawal Manshera in OPS	V.S#27
27	Mr. Shamas ur Rehman SDEO (M) Bahawal Manshera (MC BS- 17)	SDEO (Male) BS-17 Ablanghad	V.S#2
28	Mr. Zahoor Ud Din ASDEO (MC) BS-16 ASDLO Malakand	SDEO (M) BS-17 Mardan Dir Lower in OPS	V.S#30
29	Mr. Shaukatullah SDEO (MC) BS-17 working as ITO (BS-17) GIS Bahawal Chitral	SDEO (M) BS-17 Mardan Chitral Upper	V.S#30
30	Mr. Shahid Hussain SDEO (MC) BS-17 Mardan Chitral Upper	SDEO (M) BS-17 Dera Chitral Lower	V.S#32
31	Mr. Imtiaz SDEO (MC) BS-17 Kustan Mardan	DDEO (M) BS-18 Mardan in OPS	AVP
32	Mr. Shahzad Nadeem SDEO (MC) BS-17 Dera Chitral Lower	SDEO (M) BS-17 Chitral Lower	V.S#6
33	Mr. Adil Muhammad SDEO (MC) BS-17 Jehangra Nowshera	SDEO (M) BS-17 Katlang Mardan	V.S#34
34	Mr. Fazl-E-Rhuda SDEO (MC) BS-17 Katlang Mardan	SDEO (M) BS-17 Jehangra Nowshera	V.S#33
35	Mr. Zahid Ullah (TC BS-18) in the disposal of Directorate of F&SE Peshawar	DDEO (M) BS-18 Orakzai	AVP
36	Mr. Muhammad Islam SDEO (MC) BS-17 Munda Dir Lower	SDEO (M) BS-17 Thangar Dir Lower	V.S#5
37	Mr. Sher Nayab (TC BS-18) CHSS Gardal Bajaur	DDEO (M) BS-18 Bajaur	AVP
38	Syed Tahir Shah (MC BS-18) DDEO Dir Upper	DDEO (M) BS-18 Nowshera	V.S#39

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

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19.	Mr. Akbar Rehman Idris 10111111111111111111	DDP-11111111111111111111 Upper	V.S.018
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SECRETARY

Printed on even No. & Date  
Copy forwarded to the:

1. Accounting General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male), Concerned.
4. District Accounts Officers, Concerned.
5. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
8. PA to Additional Secretary (English) E&SE Department.
9. PA to Deputy Secretary (Admin) E&SE Department.
10. Director, EMIS E&SE Department.
11. Officers concerned.
12. Master file.

*Muqeeb Ur Rehman*  
 (MUIQEEB UR REHMAN)  
 SECTION OFFICER (SCHOOLS MALE)

ATTESTED



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ANNEXURE  
"D"

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**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 01-9223441

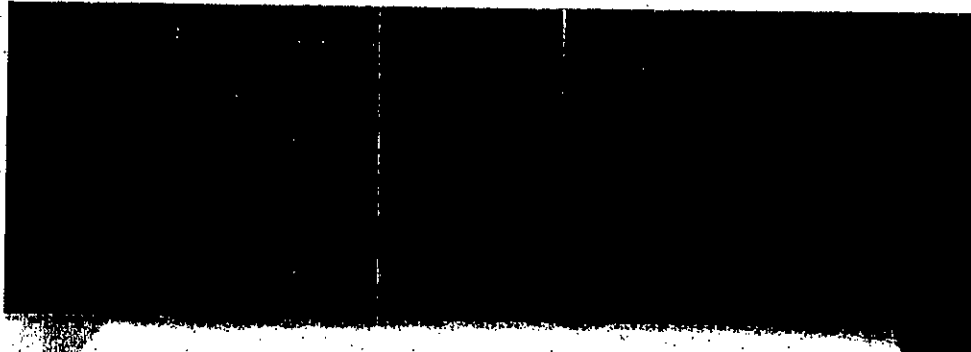
Dated Peshawar the, December 30<sup>th</sup>, 2021

**NOTIFICATION**

**No. SO(MC/ES/SED/4-15/2021)POSTING/TRANSFERS/MC**; Consequent upon their promotion to the post of Sub-Divisional Education Officers (Male BS-17) in Elementary & Education Department, Khyber Pakhtunkhwa as notified vide Notification No. SO(PE)/2-6/DPC Meeting/ASDEOs (M)/2021 dated 28-10-2021, the Competent Authority is pleased to order the following posting / adjustment, in the public interest, with immediate effect:-

S. No	Name & Designation	Place of posting
1	Mr. Sikandar Hayat (MC BS-17)	SDEO Tangi Charsadda against the vacant post
2	Mr. Muhammad Noor Sultan (MC BS-17)	SDEO (M) Bellani Lakki Marwat. Against the vacant post.
3	Mr. Waseel Muhammad (MC BS-17)	SDEO (M) Garhi Kapura Mardan against the vacant post.
4	Mr. Naaz Ahmad (MC BS-17)	SDEO (M) Kalkot Dir Upper against the vacant post.
5	Mr. Muhammad Iqbal (MC BS-17)	SDEO (M) Sheringal Dir Upper
6	Mr. Zaher-ud-Din (MC BS-17)	SDEO (M) Khar TD Bajaur against the vacant post
7	Mr. Habib Ullah (MC BS-17)	SDEO (M) Darban Di Khan against the vacant post
8	Mr. Hafiz Fazle Akber (MC BS-17)	SDEO (M) Roppin Swabi
9	Mr. Mir Samad Khan (MC BS-17)	SDEO (M) Baltistan
10	Mr. Muhammad Ishaq (MC BS-17)	SDEO (M) Sui Division Hassan Khel Peshawar against the vacant post.
11	Mr. Muhammad Noor (MC BS-17)	SDEO (M) Takht-e-Nawal Karak against the vacant post.
12	Syed Amwar Ali Shah (MC BS-17)	Assistant Director, (Esib-I) Directorate E&SE Peshawar
13	Mr. Muhammad Shariq (MC BS-17)	SDEO (M) Lower Kurram against the vacant post
14	Mr. Abdul Qayum Khan (MC BS-17)	SDEO (M) Miran Shah North Waziristan against the vacant post.
15	Mr. Insaat Ullah (MC BS-17)	SDEO (M) Landikotal Khyber against the vacant post
16	Mr. Habib Ullah (MC BS-17)	SDEO (M), Jamrud Khyber against the vacant post
17	Mr. Muhammad Hayat Khan (MC BS-17)	SDEO (M) Burs Khyber against the vacant post.
18	Mr. Sultan Muhammad Khan (MC BS-17)	SDEO (M) Daska Lower against the vacant post
19	Mr. Muhammad Ishaq (MC BS-17)	SDEO (M) Chahbagh Swat against the vacant post.
20	Mr. Fayaz Uddin (MC BS-17)	SDEO (M) Lal Killa Dir Upper against the vacant post.

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block "A" Opposite MPA's Hotel Civil Secretariat Peshawar

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Consequent upon above the following consequential posting transfers are hereby ordered

S No	Name & Designation	From	To
1	Muhammad Alam Din (MC BS-17)	DEED (MC Primary Teacher)	DEED (MC BS-17) (MC) Education Ward - (MC) newly created post
2	Amir Muhammad (MC BS-17)	DEED (MC Teacher) Upper	DEED (MC) (MC) (MC) Education Ward - (MC) newly created post
3	Muhammad Ahsan (MC BS-17)	DEED (MC) (MC) (MC) Education Ward - (MC) newly created post	DEED (MC) (MC) (MC) Education Ward - (MC) newly created post
4	Muhammad Zahir (MC BS-17)	DEED (MC) (MC) (MC) Education Ward - (MC) newly created post	DEED (MC) (MC) (MC) Education Ward - (MC) newly created post
5	Muhammad Iqbal (MC BS-10)	DEED (MC) (MC) (MC) Education Ward - (MC) newly created post	DEED (MC) (MC) (MC) Education Ward - (MC) newly created post

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
EASE DEPARTMENT

Encl: of Even No & Date

Copy forwarded for information to the -

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Director EASE Khyber Pakhtunkhwa Peshawar
3. District Education Officers (Main) concerned
4. District Accounts Officers concerned
5. Director EMIS EASE Department with the request to upload the posting transfer notification on the official website of the department
6. PS to Minister for EASE Department Khyber Pakhtunkhwa
7. PS to Secretary EASE Department Khyber Pakhtunkhwa
8. Officers concerned
9. Master file

ATTESTED

(HAFAZ LIAQAT REHMAN SHAHI)  
SECTION OFFICER (Management Cadre)



(19)  
GOVERNMENT OF KHAYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

**ANNEXURE "E"**

Dated: 14<sup>th</sup> March, 2023

**NOTIFICATION**

NO. SO(MC)ER/SD/4-16/2022/Posting/Transfer/MC: The following posting/transfer are hereby ordered with immediate effect, in the best public interest.

Sr. No	Name of officer	FROM	TO	Remarks
1.	Muhammad Tariq (MC) BS-17	SDEO Sorai Naurang Lakki Marwat	Deputy D.E.O (Male) Bannu in OPS	V.S.No 2
2.	Riaz Khan (MC) BS-17	Deputy D.E.O (Male) Bannu in OPS	SDEO (Male) Bannu	V.S.No 4
3.	Mst. Sonia Nawaz (MC) BS-17	SDEO (Female) Tank	SDEO (Female) D.I.KHAN	V.S.No 14
4.	Muhammad Irshad (MC) BS-17	SDEO (Male) Bannu	SDEO (Male) Bankad Lower Kohistan	AVP
5.	Matiullah Khan (MC) BS-17	SDEO Miranshah District North Waziristan	SDEO (Male) Kakki Bannu	V.S.No 6
6.	Wahced Ullah Shah (MC) BS-17	SDEO (Male) Kakki Bannu	SDEO Sorai Naurang Lakki Marwat	V.S.No 15
7.	Bakhtiar Khan (TC) BS-17	Head Master GHS Bathi Kala Umerzai Bannu	SDEO (Male) Bhiltani Lakki Marwat	V.S.No 10
8.	Mst. Tahirun Nisa BS-17 MC	SDEO (Female) Bannu	Services Placed at the disposal of Directorate	
9.	Mst Zafran Begum BS-16 MC	ADEO (F) Bannu	SEDO (Female) Bannu in OPS	V.S.No 8
10.	Mr. Abdul Hameed SST (Bio/Chem)	Working as SDEO (Male) Bhiltani Lakki Marwat in OPS	Services Placed at the disposal of Directorate	
11.	Mst. Basmin Begum MC BS-17	SDEO (Female) Mandanr Buner	SDEO (Female) Tangi District Charsadda	AVP
12.	Mr. Tahir Ibrar TC (BS-17)	SS (Economics) GHSS Landiwah Lakki Marwat	SDEO (Male) Sub-Division Wazir Bannu	V.S.No. 17
13.	Falima Ali TC BS-17	SST (G) GGHS Malana Upper Kurram	SDEO (Female) Upper Kurram	AVP
14.	Sobia Tabassum MC BS-17	SDEO (Female) DIKIAN	SDEO (Female) Tank	V.S.No 3

**ATTESTED**

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

15. Tariq Khan MC BS-17	SDEO (M) Seral Naurang	Services Placed at the disposal of Directorate	
16. FIDA KHAN TC BS-16	SDEO (Male) Razmak in North Waziristan in OPS	Services placed at the disposal of DEO (M) North Waziristan	
17. Ilam Din MC BS-17	SDEO (M) SD Wazir Bannu	SDEO (Male) Razmak	V.S.No. 16
18. Muhammad Hussain MC BS-17	SDEO (M) Kohat Gumbat Circle	SDEO (Male) FR Kohat	AVP
19. Awal Rehman TC BS-17	SST (Bs-17) GCMHS Chokara Karak	SDEO (M) Kohat Gumbat Circle	V.S.No. 18

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. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male/Female) Concerned.
5. District Accounts Officers Concerned.
6. Additional Director General (Election-1) Election Commission of Pakistan, Islamabad
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Master file.

(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

11/17  
14/3/2023

ATTESTED



To

The Chief Secretary,  
Khyber Pakhtunkhwa, Peshawar.

16  
17/3/23  
TELEPHONE BRANCH  
CHIEF SECRETARY  
Govt. of Khyber Pakhtunkhwa  
Peshawar

30  
ANNEXURE  
"G"

Subject: DEPARTMENTAL REPRESENTATION / APPEAL AGAINST THE IMPUGNED NOTIFICATION DATED 14-03-2023, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED/ ADJUSTED FROM DISTRICT SUB-DEVISION WAZIR BANNU TO NORTH WAZIRSTAN RAZMAK WITHOUT COMPLETING THE NORMAL TENURE.

Respected Sir,

Compendium of facts out of which be present representation / appeal arises as under.

**FACTS:**

1. That the appellant belongs to District Bannu and serving as SDEO BPS-17 in E&SE Department since 04/02/2021.
2. That the appellant was then transferred / adjusted at SDW Bannu as a SDEO from District Hangu vide notification dated 30-12-2021. (Annex-A)
3. That the appellant has been transferred/posted vide S.No.17 of the impugned notification dated 14-03-2023 from Sub Division Wazir Bannu, District Bannu to Sub Division Razmak, District North Waziristan without completing the normal tenure and without assigning any solid reason and ground. (Annex-B)
4. That the impugned transferred / adjustment notification is against law, rules and natural justice on the grounds inter-alia as follow

**GROUND:**

- A. That the impugned transfer/ adjustment notification dated 14-03-2023 whereby appellant has been transferred vide serial No 17 of the impugned notification dated 14-03-2023 is illegal, without lawful authority, without jurisdiction, void ab-initio of no legal effect and ineffective upon the rights of the appellant, therefore liable to be set aside.
- B. That the impugned notification 14-03-2023, is in sheer violation of Apex court reported judgment 2021 PLC (C.S) 519, which has barred the care taker government

ATTACHED

(17)

from posting/ transfer and only can runs the day to day affairs of the Government (Judgment Annx-C \_\_\_\_\_).

(33)

- C. That the impugned notification dated 14-03-2023 where the appellant has been transfer from one place to another place without completing the normal tenure and violating the rules and regulations by respondent department clearly established the mala fide on behalf of the respondent department.
- D. That the impugned notification 14-03-2023 is against law, rules and PHC judgment as the appellant has been replaced by the teaching cadre officer which is in sheer violation PHC Judgement in various Writ Petitions endorsed by Establishment Department vide notification (No SOE1) E&AD/O-BB/2019 dated 8 February 2019 (Judgment and notification Annex-D).
- E. That the impugned Notification dated 14/03/2023 is issued in haste and without approval of Competent Authority on political pressure as it is full of ambiguity and errors.

**PRAYER:**

It is therefore prayed that on acceptance of this representation / appeal the impugned notification dated 14-03-2023 may be declared as illegal, without lawful authority, without jurisdiction vide ab-intio and of no legal effect and the same may be laid to rest and the appellant may be retained at his own pervious station SDEO SUB DIVISION WAZIR BANNU Male Bannu.

Date: \_\_\_\_/\_\_\_\_/2023.

APPELLANT

*Muhammad Alam Din*

MR. MUHAMMAD ALAM DIN  
(Management Cadre)  
SDEO SUB DIVISION WAZIR  
(MALE) BANNU

CNIC: 11101-14-72660-9  
Call # 03345210724

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

34

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

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC/:** The following posting/ transfer are hereby ordered with immediate effect, in the best public interest: -

Sr. No	Name & Designation	Present place of Posting	Proposed Posting	Remarks
1.	Matiullah Khan (MC) BS-17	SDEO (Male) Kakki Bannu	SDEO Baka Khel	V.S.No.5
2.	Waheed Ullah Shah (MC) BS-17	SDEO Serai Naurang Lakki Marwat	SDEO (Male) Kakki Bannu	V.S.No.1
3.	Ilam Din MC BS-17	SDEO (Male) Razmak	SDEO (Male) Lachi Kohat	AVP
4.	Mst. Tahirun Nisa BS-17 MC	Awaiting Posting	SDEO (Female) Bakka Khel Banuu	AVP
5.	Rehman Shah BS-17 MC	SDEO (M) Baka Khel Bannu.	SDEO (M) Sarai Naurang Lakki Marwat	V.S.No. 2

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst: of even No.& date:

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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.
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5. District Accounts Officers Concerned.
6. Additional Director General (Election-1) Election Commission of Pakistan, Islamabad
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Master file.

111/74  
27/3/23

(IMRAN ZAMAN)  
SECTION OFFICER (Management Cadre)



(19)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223588

(48)

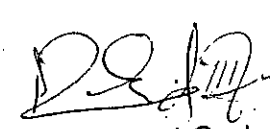
No. SO (MC)E&SED/4-16/2023/dept. Appeal/Alam din.  
Dated: 17<sup>th</sup> April 2023

To

Muhammad Alam Din.  
SDEO (Male) Lachi Kohat.

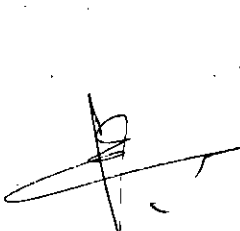
Subject: - **DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 14.03.2023 IN W.P.NO.1103-P/2023 DATED 28.03.2023**

I am directed to refer to subject appeal, and to state that the subject order has been issued under Section-10 of Civil Servants Act 1973, therefore your appeal has been examined and regretted by the Competent Authority.

  
SECTION OFFICER (Management Cadre)

**Copy for information to the: -**

1. Deputy Secretary (Estab) E&SE Department.
2. Section Officer (Lit-II) E&SE Department.
3. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.

  
SECTION OFFICER (Management Cadre)