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

Service Appeal # 1054/2
-------------------------

Muhammad Amin	
	Pakhcukh

### **VERSUS**

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

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# BEFORE THE CONFILE SERVICE TRIBUNAL PESSELVES

### Service Appeal # 1054/2023

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### VERSUS

# 11/11/11/14

I, Vir. Anjar Als, Section Officer (Lingation-II) Elementary & Secondary Education, Department do herby solemnly affirm and declare that it, contents of the accompanying part-wise comments, submitted by the respondence, are true and correct to the best of my two dedge and belief and nothing has been concealed from this Honorable Court.



DEFONENT

Mr. Amjed Ali Section Officer (Lit-U) F&SE Department Pesiamar



# 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, Focal person (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. 1054/2023 Case Titled Muhammad Amin vs Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Mr. Amjad Ali

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

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

In Service Appeal No. 1054/2023

Muhammad Amin ......Appellant

#### **VERSUS**

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

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01 TO 03.

Respectfully Sheweth,

### **Preliminary Objections:**

- 1. The appellant has not come to the Tribunal with clean hands.
- 3. The appellant is not 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 barred by law and hence not maintainable.

#### On FACTS

- 1. Pertains to record.
- 2. Pertains to record.
- Incorrect, due to administration exigencies, the competent authority transferred Mr. Muhammad Amin (appellant) from DEO (Male) Dir Lower and directed him to report to Elementary & Secondary Education Department Khyber Pakhtunkhwa in the best public interest.
- 4. Incorrect, the appellant is not an aggrieved person in the eye of law nor his vested right has been infringed by the respondents. Indeed the competent authority has acted in accordance with law u/s 10 of the Civil Servant Act, 1973 and therefore the departmental appeal of the appellant was having no force of law.
- 5. In response of para-05, it is stated that Respondent No. 05 has been assigned the additional charge of DEO (Male) Dir Lower which is the prerogative of the competent authority to assign any charge to the officers amongst the department in the smooth running of affairs of the department and for the administration of justice & public interest, therefore, the appellant is having no remedy or right to challenge same before this Honorable Tribunal.

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6. In response of Para-06, it is stated that whenever any officer is transferred and directed to report to the Directorate of the Elementary & Secondary Education, he must apply through an application for adjustment of his pay but the present appellant did not bother to submit any application to the department in this regard.

7. Para-07 of the appeal along with the grounds are incorrect hence denied.

#### On Grounds:

A. Incorrect, hence denied. The appellant transfer order is in accordance with law and for the administrative exigencies and best public interest.

B. Incorrect, hence denied, the appellant is from Management Cadre/Administrative post and therefore these officers may be transferred from one place to another in the public interest.

The appellant is bound to obey the orders of the competent authority and to serve anywhere wherever, he might be given the task within the province.

C. Incorrect, the explanation has been given in the above para's of the comments, however, the appellant is duty bound to obey the orders of the competent authority for the fair & just administration of justice.

D. Incorrect, the order of transfer of the appellant is in accordance with law & there is nothing illegal and un-natural in the transfer order of the appellant.

E. Incorrect, misleading and false. Furthermore, whenever any officer is posted in Directorate of Elementary & Secondary Education Department, he must have to apply through an application for pay adjustment but the appellant has failed to do so.

F. Incorrect, infact the proposal of the competent authority for retaining appellant as DEO (Male) Dir Lower is the result of application of the appellant which was duly responded by the Respondent but no approval has been granted by the competent authority.

G. Para-G is not permissible in the present circumstances.

It is therefore, most humbly requested that the appeal in hand being meritless may

kindly be dismissed with cost.

SECRETARY Elementary & Secondary Education, (Respondent Nos. 01 to 03)



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

#### Service Appeal No# 1054/2023

Muhammad Amin DEO (BPS 19)......Appellant.

#### **VERSUS**

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

# <u>APPLIACTION FOR VACTION OF SUSPENSION ORDER DATE 11-05-2023 AGAINST THE NOTIFICATION DATED 04-01-2023</u>

Respectfully Sheweth,

#### **Preliminary Objections**

- 4. That the appellant have filed this service appeal against the Notification dated 04-01-2023
- 5. That this Honorable Service Tribunal has suspended the above Notification on 11-05-2023 by way of interim relief.
- 6. That the applicant/respondent seeks the order dated 11-05-2023 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:-**

- 8. 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.
- 9. 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.
- 10. That there is no merits in the present appeal and is liable to be dismissed summarily.
- 11. That the appellant has no prima facie case nor has any locus standi and even no chance of success.
- 12. 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.
- 13. That the applicant have not come to the court with clean hands.
- 14. That the appellant have concealed material facts from this Honorable Tribunal.

It is therefore, most humbly requested that, the interim relief already granted on 11-05-2023 may kindly be set aside in favor of the department/respondent.

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



# GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Dated Peshawar the June 17th, 2022

# NOTIFICATION:

NO.SO(MC)E&SED/4-16/2022/PT/POSTING/TRANSFER/MC: The following posting / transfers of Officers of Elementary & Secondary Education Department are hereby ordered in the best public interest, with immediate effect: -

	S#	Name & designation	From	То
	1.	Muhammad Idress (MC BS-19)	225 ((()	Additional Director, Directorate of E&SE (Vice No-2)
	2.	Mr. Sajjad Akbar (MC BS-19)	Additional Director, Directorate of E&SE	DEO (Male) Peshawar (Vice No-1)
ľ	3.	Mr. Zahid Hussain (MC BS-19)	Awaiting posting	DEO (Male) Torghar (AVP)
	4.	Hafiz Muhammad Nawaz (MC BS-19)	Awaiting posting	DEO (Male) Battagram (Vice No-27)
Ī	5.	Mr. Liaqat Ali (MC BS-18)	Deputy DEO (Male) Mohmand	DEO (Male) Kurram in OPS (Vice No-6)
	6.	Mr. Sultan Muhammad Principal (BS-19)	DEO (Male) Kurram	His services are placed at the disposal of Directorate of E&SE.
-	7.	Mr. Abdul Malik (MC BS-18)	Awaiting posting	DEO (Male) Charsadda in OPS (AVP)
ļ	8,	Mr. Umar Zaman Khan (MC BS-19)	Awaiting posting	DEO (Male) Kolai Palis (AVP)
	0000	Mr. Sheraz Ahmad (MC BS-19)	DEO (Male) Karak	His services are placed at the disposal of Directorate of E&SE.
	Š10.	Muhammad Sheraz (MC BS-19)	DEO (Male) Hangu	DEO (Male) Kohat (AVP)
	M.	Muhammad Shaukat (MC BS-19)	DEO (Male) Abbottabad	DEO (Male) Mohmand (AVP)
/	12.	Mr. Abdur Rehman (MC BS-18)	Deputy DEO (Male) Dir Upper	(AVP) in OPS
	13.	Muhammad Amin	DEO (Male) Kohistan Upper	DEO (Male) Dir Lower
	14	<u> </u>	DEO (Male) Bajaur in OPS	His services are placed at the disposal of the Directorate of E&SE.
	15	Mr. Hidyatullah (MC BS-18)	Deputy DEO (Male) Malakannd	(Vice No-14)
	16	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Deputy DEO (Male) Peshawar	(Vice No-10)
	17		Deputy DEO (Male) Hangu	DEO (Male) Tank in OPS (AVP)
	18	<del></del>	DEO (Male) Mansehra in OPS	OPS (Vice No-11)
	19		DEO (Male) Chitral Lower in OPS	
	20		Deputy DEO (Male) Haripur	DEO (Male) Haripur in OPS (AVP)
	21		DEO (Male) Chitral Upper in OPS	OPS
	22		Deputy DEO (Male) Dir Lower	OPS (Vice No-21)
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# GOVERNMENT OF KHYBER PAKHTUNKHWA 🦨



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone	No.	091-	-9223	588

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23.	Principal (BS-19)	DEO (Male) Khyber	His services are placed at the disposal of the Directorate of E&SE.
24.	(MC BS-19)	DEO (Male) Dir Lower	DEO (Male) Khyber (Vice No-23)
25.	Principal (BS-19)	DEO (Male) Orakzai	His services are placed at the disposal of the Directorate of E&SE.
26.	(MC BS-18)	Deputy DEO (Male) Karak	DEO (Male) Orakzai in OPS (Vice No-25)
27.	Principal (BS-19)	DEO (Male) Battagram	His services are placed at the disposal of the Directorate of E&SE.
28.	(MC BS-18)	Deputy DEO (Male) Shangla	DEO (Male) Karak in OPS (Vice No-9)
29.	Mr. Tahir Shah (MC BS-18)	Deputy DEO (Male) Nowshera	
30.	Mst. Samina Iltaf (MC BS-19)	Awaiting posting	DEO (Female) Battagram (AVP)
31.	Mst. Naghmana Sardar (MC BS-19)	DEO (Female) Mansehra	DEO (Female) Kohistan Lower (AVP)
32.	Mst. Rehana Yasmin (MC BS-18)	Deputy DEO (Female) Kolai Pallas (Kohistan)	DEO (Female) Mansehra in OPS (Vice No-31)
33.	Mst. Asmat Ara (MC BS-19)	DEO (Female) Dir Lower	DEO (Female) Bajaur (AVP)
34.	Mst. Haleema Bibi Principal (BS-19)	DEO (Female) Chitral Lower	Her services are placed at the disposal of Directorate of E&SE.
35.	Mst. Habiba Bibi Principal (BS-19)	DEO (Female) Kohistan Upper	Her services are placed at the disposal of Directorate of E&SE.

### SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA **E&SE DEPARTMENT**

# Endst: of even No.& date:

Copy forwarded for information to the: -

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director, E&SE Khyber Pakhtunkhwa, Peshawar. 2.
- District Education Officers (Male & Female) of the concerned district. 3.
- Director EMIS, E&SE Department with the request to upload the same on 4. the official website of the department.
- District Accounts Officers of the concerned district. 5.
- 6. PS to Minister E&SE Khyber Pakhtunkhwa.
- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa. 7.
- Officers concerned. 8.
- 9. Master file.

(SECTION OFFICER (Management Cadre)

Allshof



### **GOVERNMENT OF KHYBER PAKHTUNKHWA**

Elementary & Secondary Education Department Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar

Dated Peshawar the December 7th, 2022

### NOTIFICATION

No.SO(MC)E&SED/4-16/2022/PT/POSTING/TRANSFER/MC: The following posting/ transfers of Officers of Elementary & Secondary Education Department are hereby ordered in the best public interest, with immediate effect.

1			To
<u>s</u>		Prom DEO (Male) Peshawar	Additional Director Directorate
1.		DEO (Male) Lezigada	of ERSE (Vice No.2)
<u> </u>	(M BS-19)	Additional Director	
2.	Mr. Sajjad Akbar (MC BS-19)	Directorate of E&SE	No.1)
1-	Mr. Zahid Hussain	Awaiting posting	DEO (Male) Torghar (AVP0
3.	(MC BS-19)	Titaliania passing	
4.	Hafiz Muhammad Nawa:	Awaiting posting	DEO (Male) Battgram (Vice
1.	(MC BS-19)		No.27)
5.	Hafiz Muhammad Nawaz	Deputy DEO (Male)	DEO (Male) Kurram in OPS
1	(MC BS-19)	Mohmand	(Vice No.6).
6.	Mr. Sultan Muhammad	DEO (Male) Kurram	His services are placed at the
	Principal (BS-19)		disposal of Directorate of E&SE DEO (Male) Charsadda in OPS
7.	Mr. Liaqat Ali	Awaiting posting	
	(MC BS-18)		(AVP) DEO (Male) Kolai Palis (AVP)
8.	Mr. Umar zaman Khan	Awaiting posting	DEO (LIGIE) KOIGI LOII? (VAL)
<u></u>	(MC BS-19)		His services are placed at the
9.	Mr. Sheraz Ahmad	DEO (Male) Karak	disposal of Directorate of E&SE
	(MC BS-19)		DEO (Male) Kohat (AVP)
10.	Muhammad Sheraz	DEO (Male) Hangu '	DEO (Maie) Kores (MAY)
	(MC 8S-19)	DCD (Harla) Abbattabad	DEO (Male) Mohmand (AVP)
11.	Muhammad Shaukat	DEO (Male) Abbottabad	DEO (Male) Hormana (1997)
<u> </u>	(MC BS-19)	Deputy DEO (Male) Dir	DEO (Male) Kohistan Uper
12.	Mr. Abdur Rehman		(AVP) in OPS
	(MC BS-18)	Upper DEO (Male) Kohistan Upper	
(13)	Muhammad Amin	DEO (Maie) Konstan Obber	DEO (Haic) Di Estis
	(MC BS-19)	DEO (Male) Bajour in OPS	His services are placed at the
14.	Mr. Shaireen Zada	DEO (Maic) pajour in Or 3	disposal of Directorate of E&SE
	Principal (BS-18)	Deputy DEO (Male)	DEO (Male) Bajour in OPS (Vice
15.	Mr. Hidyatullah		No.14)
	(MC BS-18)	Malakand Deputy DEO (Male)	DEO (Male) Hangu in OPS (Vice
16.	Mr. Hayat Khan		No.10)
	(MC BS-18)	Peshawar	DEO (Male) Tank in OPS (AVP)
17.	1	Deputy DEO (Male) Hangu	DEO (Finite) Talik in Or 3 (AVE)
	(MC BS-18)	OFFI CLAREN Alexander and the	DED (Mala) Abbattabad in ODC
18.	, , , , , , , , , , , , , , , , , , , ,	DEO (Male) Nowshera in	DEO (Male) Abbottabad in OPS
	<u> </u>	OPS	(Vice No.11)
19.		DEO (Male) Chitral lower in	DEO (Male) Shangla in GPS
	[	OPS CONTRACTOR	
20.		Deputy DEO (Male)	DEO (Male) Haripur in OPS
		Peshawar	(AVP)
21.	· · · · · · · · · · · · · · · · · · ·	DEO (Male) Chitral Upper in	DEO (Male) Chitral Lower in
		OPS	OPS
22.	1	Deputy DEO (Male) Dir	DEO (Male) Chitral Upper in
	(MC BS-18) L	.ower	OPS (Vice No.21)

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## **GOVERNMENT OF KHYBER PAKHTUNKHWA**

Elementary & Secondary Education Department Block "A" Opposite M PA's Hostel, Civil Secretariat Peshawar

<u> </u>			<u> </u>
23.	Principal (BS-19)	DEO (Male) Khyber	His services are placed at the disposal of Directorate of E&SE
24.	Muhammad Uzair Ali (MC BS-19)	DEO (Male) Dir Lower	DEO (Male) Khyber (Vice No.23)
25.	Mr. Fareedullah Principal (BS-19)	DEO (Male) Orakzai	His services are placed at the disposal of Directorate of E&SE
26.	Mr. Atiq ur Rehman (MC BS-18)	Deputy DEO (Male) Karak	DEO (Male) Orakzai in OPS (Vice No.25)
27.	Mr. Bakht Zada Principal (BS-19)	DEO (Male) Battgram	His services are placed at the disposal of Directorate of E&SE
28.	Mr. Aurangzeb (MC BS- 18)	Deputy DEO (Male) Shangla	No.9)
29.	Mr. Tahir Shah (MC BS-18)	Deputy DEO (Male) Nowshera	DEO (Male) Kohistan Lower (AVP)
30.	Mst. Samina Iltaf (MC BS-19)	DEO (Female) Mansehra	DEO (Female) Battgram (AVP)
31.	Mst. Naghmana Sardar (MC BS-19)	Deputy DEO (Female) Kolai Palias (Kohistan	DEO (Female) Kohistan Lower (AVP)
32.	Mst. Rehana Yasmin (MC BS-19)	Deputy DEO (Female) Kolai Palias (Kohistan)	DEO (Female) Mansehra in OPS (Vice No.31)
33.	MR. Asmat Ara (MC BS-18)	DEO (Female) Dir Lower	DEO (Fernale) Bajour (AVP)
34.	Ms.t Haleema Bibi Principal (BS-19)	DEO (Fernale) · Chitral Lower	Her services are placed at the disposal of Directorate of E&SE
35.		DEO (Female) Kohistan Upper	Her services are placed at the disposal of Directorate of E&SE

# 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. District Education Officer, (Male & Female) of the concerned District
- Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
- 5. District Accounts Officers of the concerned District
- 6. P.S to Minister E&SE Khyber Påkhtunkhwa
- P.S to Secretary, E&SE Department, Khyber Pakhtunkhwa
- 8. Officers concerned.
- 9. Master File.

Sd/Section Officer (Management Cadre)

Section Office Patingation-II)
Elemente Govt: of Khyber Patintup IIwa

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# SUMMÁRY FOR CHIEF MINISTER RETENTION OF MR. MUHAMMAD AMIN AS DEO (MALE) DIR LOWER

It is submitted that on the directions of the Compotent Authority, this apparent issued posting/ transfer Notification dated 04 01.2023, wherein the services of the apparatual Apparent (MC BS-19) DEC (Male) Dir Lower were placed at the disposal of three storate of E&SE Peshawar, (F/A).

2. Mr. Muhammad Amin (MC BS-19) has submitted a departmental appeal (F/B) which is accepted by the Competent Authority and the Ex-Chief Minister Khyber Pakhtonkowa has placed the following remarks on the face of Notification.

# Sect Edu. \*\* Kindly do the needful

it is submitted that said post of District Education On ter (Maie) by Lewer it is in the control of the Control

- The Election Commission of Pakistan has imposed ban on postingl transfer.

  In this regard the case was sent for NOC to the Election Commission of Pakistan, which
  was granted and NOC has been issued. (FIC).
- In view of the above, It is proposed that Mr. Muhammad Amin ma, be retained on the post of DEO (Male) Dir Lower.

  The Honorable Chief Minister, is required to approve the proposal.
- 6. The Honorable Unie: Roman, please, contained in para-5 of the summary, please,

MOTASIM BILLAH SHAHI SECRETARY E&SED

ADVISOR TO CHIEF MINISTER FOR EASE

ATTESTED







# GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION

DEPARTMENT

Dated: 4th January, 2022 3

NOTIFICATION

administrative exigencies. NO.SO(MC)E&SED/4-16/Posting/Transfer/2022: Due to Muhammad transfer pleased to AMC BS 19), DEO (Male) Dir Lower and direct him to report to Elementary & Secondary Education Department, Khyber Pakhtunkhwa, with immediate effect, in the best public interest.

Consequent upon above, Mr. Liaqat Ali (MC BS-18) Deputy DEO (Male) Dir Lower is hereby authorized to hold the additional charge of DEO (Male) Dir Lower, in addition to his own duties, till the arrival of regular officers, in the best public interest.

### 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. District Accounts Officer Dir Lower.
  - 4. District Education Officer (Male) Dir Lower.
  - 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.
- 8. Master file.

(NASEER ABBAS KHALIL) SECTION OFFICER (Management Cadr

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# GOVERNMENT OF KHYBER PAKHTUNKHWA 12 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated: 27th April, 2023

NO.SO(MC)E&SED/4-16/Posting/Transfer/2022: Consequent upon the transfer of Mr. Lingal Ali (MC BS-18) Deputy DEO (Male) Dir Lower to DEO (Male) Mohmand, the Additional Charge of the post of DEO (Male) Dir Lower is hereby assigned to Mr. Mehboob Elahi Deputy DEO (Male) Dir Lower, in addition to his own duties, to avoid any delay in the routine official business, till the arrival of regular officer, in the best public interest.

### SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA E&SE DEPARTMENT

## Endst: of even No.& date:

TIFICATION

Copy forwarded for information to the: -

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
- 3. District Accounts Officer Dir Lower.
- 4. District Education Officer (Male) Dir Lower.
- 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.

8. Master file.

(NASEER ABBAS KHALIL)
SECTION OFFICER (Management Cadre)

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