


FORM OF ORDER SHEET

Court of _____

Appeal No. _____ **1367/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/06/2023	<p>The appeal of Mr. Farid Ullah Shah resubmitted today by Mr. Afnan Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Farid Ullah Shah son of Habib Rasool Resident of Haji Fazal Shah Mira Kehel Bannu received today i.e on 19/06/2023 is incomplete on the following score which is returned to her attorney for the appellatant for completion and resubmission within 15 days.

- 1- Memo of appeal be got signed by the appellatant.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Check list is not attached with the appeal.
- 4- Affidavit be got attested by the Oath Commissioner.
- 5- Appeal be page marked according the Index.
- 6- Page Nos. 16 & 18 of the appeal are illegible which may be replaced by legible/better one.
- 7- Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect shall also be shown as respondent.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1807 /S.T,

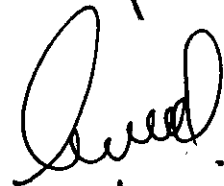
Dt. 19-06- /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Afan Khan Adv.
High Court Bannu.

Re submitted after compliance



19/06/2023

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Tribunal Appeal No. 1367 of 2023

Farid Ullah Shah Son Of Habib Rasool Resident of Haji Fazal Shah Mira

Khel Post Office Sarmast Mira khel Tehsil and District Bannu Having

Cellular #.03379757197.

(APPELLANT)

VS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary Khyber



Pakhtunkhwa Peshawar and others.

(RESPONDENTS)

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Appellant Farid Ullah Shah

Through Counsel  

1


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

Tribunal Appeal No. 1367 of 2023

Farid Ullah Shah Son Of Habib Rasool Resident of Haji Fazal Shah Mira
Khel Post Office Sarmast Mira khel Tehsil and District Bannu Having
Cellular #.03379757197.

(APPELLANT)

VS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Khyber
Pakhtunkhwa Peshawar. 
2. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary &
Secondary Education, Peshawar.
3. Shaleel Nawaz RO presently work at Govt High School, Ismail Khel
Bannu and home address Sani Photostate Opp. Tehsil Office Sarai
Naurang Distt. Lakki Marwat. Mob#: 0333-1313174

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE NORTH WEST
FRONTIER PROVINCE (NWFP) SERVICE TRIBUNALS
ACT, 1974.**

PRAYER:

(1) ON ACCEPTANCE OF INSTANT APPEAL, THIS
HON'BLE TRIBUNAL MAY VERY GRACIOUSLY BE PLEASED.
TO DECLARE THE NOTIFICATION BEARING NO.SO (SM) E &
SED/S.17/2023/PT/SS PESHAWAR DATED 21st FEBRUARY 2023, AS
ILLEGAL, AGAINST THE FACTS, INEFFECTIVE UPON THE

(2) **THE RESPONDENT NO.2 MAY KINDLY BE DIRECTED TO TRANSFER THE APPELLANT TO THE GHSS ISMAIL KHEL BANNU.**

(3) **ANY OTHER RELIEF, THIS HON'BLE TRIBUNAL DEEMS APPROPRIATE IN CIRCUMSTANCES OF THE CASE, MAY KINDLY BE ALSO GRANTED.**

Notice: *Addresses of parties given above are correct and sufficient for the purpose of service*

Respected Sir:-

The Appellant humbly submits as under:-

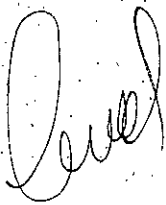
1. That the appellant belongs to a renowned family of District Bannu and is serving as SS (BIO) BPS-18, Personal #00478907 in Elementary & Secondary Education Department Khyber Pakhtunkhwa and is posted as such in Govt. Higher Secondary School Nurar Bannu. (Copy of service card of the appellant is mark A)
2. That the appellant is highly qualified having Master, M.PHIL degrees in the relevant field and currently the Student of PHD completed his course work and thesis only the defense and viva are pending. (Copies of educational records of the appellant are mark B)
3. That the appellant was serving in the Govt Higher Secondary School Ismail Khel Bannu since round about 50 days and it was on 21-02-2023 that the appellant was transferred by respondent No.2 on political ground, illegally and mala fide from Govt. Higher Secondary School Ismail Khel Bannu to Govt. Higher Secondary School Nurar Bannu vide impugned



notification wherein the name of the appellant is available at Serial No. 3. (Copy of the impugned notification and transfer notification of the appellant are annexed as annexure C & C1)

4. That the transfer of the appellant is against law, illegal, discriminatory, on political ground and is based upon malafide and ill-will for the reasons:

- a) That the Appellant has been serving in the department since long without any complaint by any one.
- b) That the transfer order of the appellant is totally on political grounds which is against the law and the spirit of vide Notification dated 22 January, 2023 by the Pakistan Election Commission (Copy of the notification of Election Commission is mark D) wherein it has expressly been inked at Para (d) of the said notification in the manner that *"Not to post or transfer any public officials after the issuance of this notification within and to /from Punjab & Khyber Pakhtunkhwa without prior approval in writing from of the Election Commission as laid down in clause 2(f) of section 230 of the Election Act, 2017"*.
- c) That the appellant tenure of posting on the post of SS BPS -18 in GHSS Ismail Khel Bannu is less than 2 years, while the impugned Notification of the Respondent No.2 disturbed the hierarchy of the



teachers and the students of the concern schools are suffering a lot.

d) That the post of SS (BIO) in GHSS Ismail Khelis of BPS-18, the person who has been transferred on the post of appellant is in BPS-17 hence regarding to the qualification the impugned order has no value in the eyes of law.:

5. That appellant being dissatisfied from the impugned notification forwarded representation appeal bearing Dairy No.236 instituted on 24-02-2023 before the learned respondent No.1 but the said appeal of the appellant is still pending adjudication since from institution and no response up till now has been made by the respondent No.2. (Copy of the representation appeal is mark E)

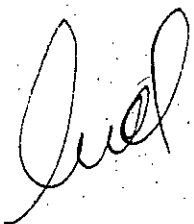
6. That as per law when the department is not heard and disposed of the appeal within three months after the institution of the appeal, the appellant is legally entitled to file an appeal before your honour.

7. That as such the appellant feeling himself aggrieved from the act of the respondent No.1 coupled with illegal, unjust and discriminatory impugned transfer order of the respondent No.2, approaches to this honourable court on the following grounds inter alia;

GROUNDS:-

A. That the impugned transfer order of the appellant is unlawful, illegal, unjust, discriminatory and against the principle of natural justice and is

based upon ill will and mala fide intention of the respondents and is not sustainable in the eyes of law, therefore, the same may kindly be declared as null and void, void ab initio, of no legal effect and be set aside.

-  B. That the impugned Notification of the Respondent No.2 is based on non-reading, misreading, erroneous interpretation of NOC by the Election Commission of Pakistan and failure to exercise the jurisdiction vested in it, hence the same is liable to be canceled. So far as the second notification of the Election Commission of Pakistan issued on 1st February 2023 is concerned, as the same is conditionally. (For kind perusal copy of the second notification is mark-F)
- C. That the impugned notification fails to consider the general doctrine that in case of clash between two documents of record, the earlier shall prevail. Therefore, the order made by the respondent No.2 may kindly be considered incorrect and may kindly should be brought in line with Natural justice system.
- D. That the impugned notification has been issued in hasty and slipshod manner without considering the relaxation of ban on transfer properly and, thus, the general principle of law of "justice hurried is justice buried" was defeated. It is, therefore, safe to conclude that respondent No.2 has exercised its discretion perversely, improperly and with material irregularities, which leaves the order nullity in the eyes of law and liable to be set aside.

- E. That the respondent No.2 has transferred the appellant without assigning any cogent reason have termed the appellant into rolling stone and is not allowing him to settle down and perform his duties to the best of his ability in the said institution/school, therefore, such conduct of the respondent No.2 is against the law, equity and good conscious and is liable to be set aside.
- F. That the appellant has been subjected to injustice and the case of the appellant has not been dealt with under the principle of fair play.
- G. That the appellant has not been provided equal treatment when there is no express exhibition against him under the law and has not been given equal protection of law, which is discriminatory and against the principle enshrined in article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- H. That the Appellant would suffer, and is continuously suffering a lot, if the impugned notification is not set aside, and the relief sought is not awarded to the Appellant.
- I. That the learned counsel for the appellant may kindly be allowed to raise additional grounds at the time of hearing of this appeal.

Therefore, it is most humbly prayed that on acceptance of this appeal the transfer order/notification NO.SO (SM) E & SED/S.17/2023/PT/SS PESHAWAR DATED 21st FEBRUARY 2023 issued by the respondent No.2 may kindly be declared as illegal, void ab initio, null and void, of no legal effect and be set aside and the respondents may kindly be directed to transfer the

appellant to the Govt. Higher Secondary School Ismail Khel Bannu from Govt. Higher Secondary School Nurar Bannu forthwith and any other relief which this honourable court deems appropriate may also be granted to the appellant.

Appellant Farid Ullah Shah

Through Counsel

AFNAN KHAN

Advocate
03331356462



CERTIFICATE:

This is to certify that no such appeal is neither pending nor filed before any other forum.

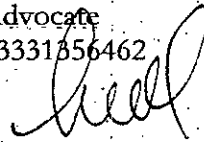
Appellant Farid Ullah Shah

Through Counsel

Farid

AFNAN KHAN

Advocate
03331356462



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

Tribunal Appeal No. _____ of 2023

Farid Ullah Shah Son Of Habib Rasool Resident of Haji Fazal Shah Mira
Khel Post Office Sarmast Mira khel Tehsil and District Bannu Having
Cellular #.03379757197.

(APPELLANT)

VS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary Khyber
Pakhtunkhwa Peshawar and others.

(RESPONDENTS)

AFFIDAVIT:-

I, **Farid Ullah Shah** Son Of Habib Rasool Resident of Haji Fazal Shah
Mira Khel Post Office Sarmast Mira khel Tehsil and District Bannu Having
Cellular #.03379757197 appellant do hereby solemnly affirm and declare on
oath that all the contents of this appeal are true & correct to the best of my
knowledge and belief and nothing has been deliberately concealed from this
Honorable Court.

Identified By

AFNAN KHAN
Advocate
03331756462

NAQIB-ULLAH KHAN
Advocate
Oath Commissioner
Distt: Court Bannu

Deponent

(Signature of Farid Ullah Shah)

GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT BANNU


Govt. Higher Secondary School Nuraf Bannu

Arif Ullah Shah
SS (BIO) / BP6-18
Personal #: 00478907

Card No: 00020

EMPLOYEE SERVICE CARD

Issuing Authority




9

Arif

Elementary & Secondary Education Department

Father Name: Habib Rasool
Blood Group: A+ve
CNIC No.: 11101-5615459-5
Date of Appointment: 20-04-2009
Date of Birth: 18-02-1984
Employee Contact: 0334-8836772
Office Contact: 0928-660005
Issue Date: 01-01-2020
Permanent Address: Haji Fazal Shah Mira Khel P/O Sarmast
Mira Khei Bannu



Service Card valid upto 01-01-2022

University of Science & Technology
Bannu

Student Identify Card

Name: FAHAD

Department: IER

Class/Session: Ph.D. (2019-22)

Proctor Signature

Director Signature



University of Science & Technology Bannu

Father's Name: HAZRAT KAZIM

Address: Haji Darul Shan Bannu

Contact #: 0334-2226772

Date of Birth: 12/03/1986

Blood Group: A+

CNIC #: 111-561459-3

Enrolment No. 48663

Qull

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Registration No.
2006-USTB-3077

University of Science & Technology Bannu



Bannu, Khyber Pakhtunkhwa - Pakistan

Session 2016-2018

Habib Rasool

Farid Ullah Shah

son of

having completed the course of study approved by the University and passed the prescribed examination has been admitted to the Degree of

M. Phil. / M.S.

in the Subject of Education

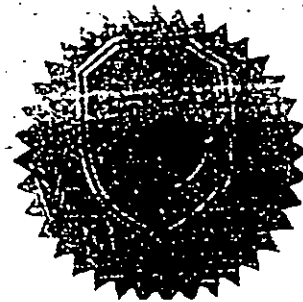
the field of specialization being Education

with Grade/C.G.P.A. 3.54

Result Declared on 05-09-2019

[Signature]
Controller of Examinations

[Signature]
Registrar



[Signature]
PRINCIPAL
GHE - Bannu Khel
Bannu

[Signature]
Vice Chaycellor



UNIVERSITY OF SCIENCE & TECHNOLOGY BANNU

Khyber Pakhtunkhwa PAKISTAN

(12)

[Signature]

S.No:584440



DETAILED MARKS CERTIFICATE

Doctor of Philosophy in Education

Session: 2019-2022

Second Semester Examination Held in February, 2021

Name: Farid Ullah Shah Roll No: 56837

Father's Name: Habib Rasool Reg No: 2006-USTB-3077

Institute Name: Institute of Education & Research, UST Bannu

The Candidate has secured the following Marks.

Code	Subjects	MARKS OBTAINED								
		C.H	Max Marks	Mid Term	Final Term	Internal	Total	Grade Point	Grade	G.P x C.F
EDU-721	Trends and Issues in Education	3	100	23	35	18	76	3.33	B+	9.99
EDU-722	Foundation of Education	3	100	22	41	18	81	3.66	A-	10.98
EDU-728	Research in Education	3	100	23	38	15	76	3.33	B+	9.99
Total			300				233	G.P.A : 3.44		

Note: Required Pass Percentage in each Subject 50. If ("R"), the subject is repeated

Prepared by: *[Signature]*

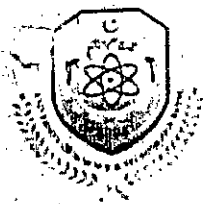
Checked by: *[Signature]*

Controller of Examinations
University of Science & Technology, Bannu

Result Declaration Date	17-03-2021
Issue Date	17-03-2021



Errors & omissions excepted, if any, are subject to subsequent rectification.



UNIVERSITY OF SCIENCE & TECHNOLOGY BANNU

Khyber Pakhtunkhwa PAKISTAN

13

TRANSCRIPT

S.No.0923

Master of Philosophy in Education
Session: 2016-2018

Name: Farid Ullah Shah

Father's Name: Habib Rasool

Registration No. 2006-USTB-3077

Roll No. 48663

Semester	Code	Course	C.H	Marks					GPA	Remarks
				Maximum	Sub Total	LG	GP	QP		
First Semester	EDU-613	Educational Policies, Planning & Management	3	100	70	B	3.00	9.00	3.43	Promo
	EDU-612	Curriculum Development, Trends & Issues	3	100	77	B	3.70	11.10		
	EDU-611	Advance Educational Psychology	3	100	70	B	3.00	9.00		
	EDU-614	Class Room Management & Assessment	3	100	83	A	4.00	12.00		
	Sub Total			12	400	300				
Second Semester	EDU-624	Foundations of Education	3	100	71	B	3.10	9.30	3.65	Promo
	EDU-623	Trends and Issues in Education	3	100	78	B	3.80	11.40		
	EDU-622	Quantitative Research in Education	3	100	77	B	3.70	11.10		
	EDU-621	Qualitative Research in Education	3	100	85	A	4.00	12.00		
	Sub Total			12	400	311				
Research		Research Thesis	6							Defe
Grand Total			30	800	611			84.90		

76.38
3.54

Overall Result % Marks = $611 / 800.00 * 100$
CGPA = $(\text{Total Q.P} / \text{Total C.H})$

L.G	Letter Grade
GP	Grade Point
CH	Credit Hours
GPA	Grade Point Average
CGPA	Cumulative Grade Point Average
Mks.	Marks
Obt.	Obtained
Q.P	Quotient Point

Mks. Obt.(%)	Grade Value	Grade	Remarks
Less than 50	0.0-0.0	F	Fail
50-59.99	1.0-1.0	D	Pass
60-69.99	2.0-2.9	C	Fair
70-79.99	3.0-3.9	B	Good
80 & Above	4.0	A	Very Good

Prepared by: [Signature]

Result Declaration Date:	05-09-2019
Issue Date:	03-01-2020

Checked by: [Signature]

Controller of Examinations

Errors & omissions excepted, if any, are subject to subsequent rectification by the competent authority

Serial No. GU 03298

14



GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



(Session 2004-2006)

PARID ULLAH SHAH. SON of HABIB RASOOL. and

a student of GOVT. POST GRADUATE COLLEGE, BANNU

having passed the prescribed examination in JUNE/JULY, 2006,

is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

MASTER OF SCIENCE

in the FIRST Class

The subject of examination being BOTANY

The Examination was taken as a whole/in parts:

Registered No. 9279-E-2002

Roll No. 6132

RESULT DECL. ON: SEPT; 20, 2006

PRINCIPAL
GHSSS Dera Ismail Khan
Bannu

Countersigned

Vice-Chancellor

Controller of Examinations

15



Quality Enhancement Cell Secretariat University of Science & Technology, Bannu

Main Campus, Bannu Township, Bannu, Pakistan
Phone: 0928 633824; Email: director.qec@ustb.edu.pk

No. USTB/QEC/Plag.Check.Cer/ 3748

Date: 08/11/2022

Certificate of Plagiarism Check: INITIAL

This is to certify that the PhD Education thesis titled "INTERPLAY OF STUDENTS' ACADEMIC EMOTIONS, THEIR LEARNING STRATEGIES AND ACADEMIC ACHIEVEMENT AT HIGHER SECONDARY SCHOOL LEVEL" of Mr. Farid Ullah Shah Registration No 2006-USTB-3077, Session 2019-2022, Institute of Education and Research has been checked by Mr Rafi Ullah Khan, Deputy Director, Quality Enhancement Cell, University of Science and Technology Bannu, for plagiarism through Turnitin software on November 08, 2022. The ID number is 1948003153, with words count 29371. More than 15% of the text is in bibliography.

The total similarity index calculated for the thesis is 16% and individual sources less than 5% (report attached), which is within the maximum limit permissible as per Higher Education Commission (HEC), Islamabad rules. The student has submitted signed "Undertaking about Originality of Thesis" with his department, which is duly endorsed by his supervisor Dr. Gulap Shahzada.

Nek Dara Jan
Director



16
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block-A* Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No 991-9222222 Email: sschoolmale@gmail.com

Dated Peshawa, 27th December, 2022

NOTIFICATION

NO.SO(SM)E&SED/5-17/2022/PT/SS: The posting/transfer of the following Officers are hereby ordered with immediate effect, in the best public interest:-

S #	Name & designation	From	To
1.	Mr. Tariq Aziz Khan SS (Biology) BS-17	GHSS Lalozai Bannu	GHSS Landiwa Lakki Marwat
2.	Mr. Shalil Nawaz SS (Biology) BS-17	GHSS Ismail Khel Bannu	GHSS Lalozai Bannu
3.	Mr. Farid Ullah Shahi SSS (Biology) BS-18	GHSS Norer Bannu	GHSS Ismail Khel Bannu
4.	Mr. Israr Khan SS (Biology) BS-17	GHSS Raniak D.I. Khan	GHSS Norer Bannu Vice S No 3.
5.	Mr. Khushdil Khan SS (Biology) BS-17	GHSS Landiwa Lakki Marwat	GHSS Naseeb Nawaz as V/Principal BS-18 in OPS

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst of even No & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) concerned
4. District Accounts Officer concerned
5. Principal Concerned I
6. Director, EMIS E&SE Department.
7. PS to Minister for E&SE Department
8. PS to Secretary E&SE Department.
9. Officers concerned.
10. Office order file.

SECTION OFFICER (SCHOOLS MALE)

(17)



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

Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 031 9222532 Email: eschoolmate@gmail.com

Peshawar, Dated: 21st February 2023

NOTIFICATION

NO SO(SM)ESSED/5-17/2023/PT/SS: Consequent upon the approval of the Competent Authority and subsequent NOC from the Election Commission of Pakistan, the following posting/transfer are hereby ordered with immediate effect, in the best public interest:-

S #	Name & designation	From	To
1	Mr. Shalil Nawaz SS (Biology) BS-17	GHSS Lalozai Bannu.	GHSS Ismail Khel Bannu
2	Mr. Tariq Aziz Khan SS (Biology) BS-17	GHSS Landiwa Lakki Marwat	GHSS Lalozai Bannu.
3	Mr. Farid Ullah Shah SS (Biology) BS-17	GHSS Ismail Khel Bannu	GHSS Norer Bannu
4	Mr. Israr Khan SS (Biology) BS-17	GHSS Norer Bannu	GHSS Ramak D.I. Khan

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

Endst of even.No & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Accounts Officer concerned.
5. Principal Concerned.
6. Director, EMIS E&SE Department.
7. PS to Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

**(NASEER ABBAS KHALIL)
SECTION OFFICER (SCHOOLS MALE)**

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[Signature]

ELECTION COMMISSION OF PAKISTAN
NOTIFICATION

Islamabad the 22nd January, 2023

F.No.2(1)/2023-Cord.- WHEREAS, the Provincial Assemblies of Punjab and Khyber Pakhtunhwa under Article 112 of the Constitution of the Islamic Republic of Pakistan stand dissolved on 14th and 18th January, 2023 respectively.

AND WHEREAS, the Election Commission of Pakistan is mandated with the constitutional duty to organize and conduct elections in terms of Article 218(3) of the Constitution and to make such arrangements as are necessary to ensure that the elections are conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against;

AND WHEREAS, it has become imperative that the Election Commission shall take all necessary steps under the Constitution and prevalent law for smooth conduct of General Elections to the Provincial Assemblies of Punjab and Khyber Pakhtunhwa.

NOW THEREFORE, in exercise of the powers conferred upon it under Articles 218(3), 220 of the Constitution of the Islamic Republic of Pakistan, Sections 4, 5, 8(c) read with Section 230 of the Elections Act, 2017 and as supported by the Workers' Party case through Akhtar Hussain Advocate, General Secretary and 6 others Versus Federal of Pakistan and 2 others reported in PLD 2012 SC 681, and all the other powers enabling it in that behalf, the Election Commission of Pakistan, to ensure transparent election and to provide a level playing field for all contesting candidates and political parties, hereby directs the Caretaker Governments of Punjab and Khyber Pakhtunhwa:-

- (a) To assist the Election Commission to hold elections in accordance with law as provided under section 230(1)(b) of the Elections Act, 2017.
- (b) To ensure the compliance of all the notifications, directives and the provisions as laid down in Section 230 of the Act *ibid*.
- (c) Not to post or transfer any public official after the issuance of this notification within and to / from Punjab & Khyber Pakhtunhwa without prior approval in writing of the Election Commission as laid down in Clause 2(f) of Section 230 of the Elections Act, 2017.
- (d) Ensure that all kinds of recruitments in any Ministry, Division, Department or Institution under the Provincial Governments and Local Governments of Punjab and Khyber Pakhtunhwa are banned with immediate effect, except recruitments by the Provincial Public Service Commissions and those government organizations where test / interviews have already been conducted before this day.
- (e) Not to announce / execute any kind of Development Schemes in Punjab and Khyber Pakhtunhwa Provinces except those which are ongoing and approved before the issuance of this notification. Moreover, the Provincial Governments and Local Governments of Punjab and Khyber Pakhtunhwa shall not issue tenders of such schemes till culmination of General Elections of both Assemblies.

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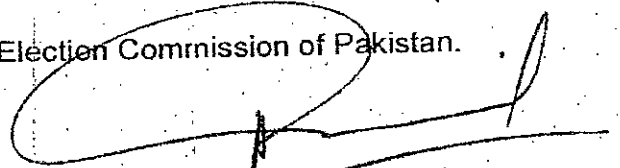
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-2-

- (f) All development funds relating to Local Government institutions of Punjab and Khyber Pakhtunkhwa and Cantonment Boards falling in the jurisdiction of Punjab and Khyber Pakhtunkhwa shall stand frozen with immediate effect till announcement of results of the said General Elections.
- (g) To ensure immediate termination of services of all heads of the institutions appointed on political basis and to send their lists to the Commission forthwith.
- (h) To ensure vacation of the government residential facilities from Ex-Chief Ministers and their advisors, Ex-Provincial Ministers and Ex-Members of the Provincial Assemblies of Punjab and Khyber Pakhtunkhwa, besides ensuring withdrawal of official vehicles from them. Furthermore, the dignitaries shall be provided security / protocol as per their entitlement and any extra deployment of security / protocol be withdrawn from them forthwith.
- (i) The Caretaker Governments shall perform their functions and attend to day-to-day matters which are necessary to run the affairs of the Provinces in accordance with law.
- (j) The Chief Minister or a Minister or any other member of Caretaker Governments shall, within three days from the date of assumption of office, submit to the Commission, a statement of assets and liabilities including assets and liabilities of his spouse and dependent children as on the preceding 30th day of June on Form B.

This issues with the approval of Election Commission of Pakistan.



(Omar Hamid Khan)

Secretary

Election Commission of Pakistan

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(Signature)

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Copy forwarded for information to the:

- (1) Secretary to the President, Aiwan-e-Sadr, Islamabad.
- (2) Secretary to the Prime Minister, Prime Minister's Secretariat, Islamabad.
- (3) Secretary, Ministry of Parliamentary Affairs, Govt. of Pakistan, Islamabad.
- (4) Secretary, Ministry of Interior, Government of Pakistan, Islamabad.
- (5) Secretary, Ministry of Planning, Development and Reforms, Government of Pakistan, Islamabad. (for implementation and Circulation to all relevant Departments)
- (6) Secretary, Senate Secretariat, Islamabad.
- (7) Secretary, National Assembly of Pakistan, Islamabad.
- (8) Secretary, Ministry of Defence, Government of Pakistan, Rawalpindi.
- (9) Secretary, Establishment Division, Government of Pakistan, Islamabad. (for implementation and Circulation to all concerned)
- (10) Principal Secretary to the Governor, Punjab, Lahore.
- (11) Principal Secretary to Chief Minister of Punjab, Lahore.
- (12) Chief Secretary, Government of Punjab, Lahore.
- (13) Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar. } For implementation and Circulation to all subordinate Departments
- (14) Registrar, Supreme Court of Pakistan, Islamabad.
- (15) Registrar, Lahore High Court, Lahore.
- (16) Registrar, Peshawar High Court, Peshawar.
- (17) Provincial Election Commissioner Punjab, Lahore.
- (18) Provincial Election Commissioner Khyber Pakhtunkhwa, Peshawar.
- (19) Inspector General of Police, Punjab, Lahore.
- (20) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

II. Copy also forwarded to the:

- (1) Director General (Law)
- (2) Director General (IT- Policy & Planning)
- (3) Additional Director General (Training)
- (4) Additional Director General (GSI)
- (5) Additional Director General (Elections-II)
- (6) Principal Staff Officer to Hon'ble CEC
- (7) Director to Hon'ble CEC
- (8) Director (Elector Rolls)
- (9) Director (MIS)
- (10) Director (Political Finance)
- (11) Director (MCO)
- (12) Deputy Director (Budget)
- (13) Deputy Director (Election-I & II)
- (14) Deputy Director (Confid.)
- (15) Deputy Director (Political Finance)
- (16) Deputy Director (Training)
- (17) Deputy Director (Web)
- (18) Deputy Director (Law)
- (19) PS to Hon'ble Members - I, II, III & IV.
- (20) Staff Officer to Secretary
- (21) Assistant Director (Monitoring)
- (22) PS to Additional Secretary (Admn)
- (23) JPA to Special Secretary (ECP)

ECP Secretariat, Islamabad.

(Signature)
(Shahid Iqbal)
Additional Director General
(Elections)

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BEFORE THE LEARNED CHIEF SECRETARY KHYBER
PUKHTUNKHWA

D. 236

24.2.23

Farid ullah shah s/o Habib RasoolAPPELLANT
Address: Haji Fazal Shah Mirakhel p/o Sarnast Mira khel Tehsil and District Bannu, Mobile
NO.03379757197

AGAINST

1. THE LEARNED SECRETARY TO GOVT OF KHYBER
PAKHTUNKHWA E&SE DEPARTMENT

2. PUBLIC AT LARGE

.....RESPONDENTS

**DEPARTMENTAL REPRESENTATION/APPEAL AGAINST
TRANSFER ORDER VIDE NOTIFICATION
NO.SO(SM)E&SED/5-17/2023/PT/SS DATED 21 FEBUARY
2023 BY THE RESPONDENT NO.1**

The Appellant respectfully states

1. That the Appellant is a law-abiding citizen of Pakistan who hails from District bannu, serving as a SS (BIO) BPS-18, personal #00478907 in elementary and secondary education department Kip and he also holds Master, MPHIL degrees in the relevant field and currently the Student of PHD completed His course work and thesis only the defense and VIVA are pending. (Copy of CNIC, EMPLOYEE SERVICE CARD, Master and MPhil Degree and course work transcript are annexed)
2. That the Appellant is serving his department since long without any complaint by any one.

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- (Seal) [Signature]
3. That the transfer order of the appellant is totally on political grounds which is against the law and the spirit of Notification dated 22 January, 2023 by the Pakistan Election Commission (copy of the notification of Election Commission is annexed).
 4. That the appellant's tenure of posting on the post of SS BPS-18 in GHSS Ismail Khel Bannu are less than 2 years, while the impugned Notification of the Respondent disturbed the hierarchy of the teachers and the students of the concerned schools are suffering a lot (Copy of transfer order is annexed).
 5. That the post of SS (BIO) in GHSS Ismail Khel is of BPS-18, the person who has been transferred on the post of appellant is in BPS-17 hence regarding to the qualification the impugned order has no value in the eyes of law.
 6. That the Appellant being aggrieved of the Notification/order dated 21-02-2023 is filing this appeal before Learned Chief SECRETARY on the, *inter alia*, following:

GROUNDS

- i. The impugned order/notification of the Respondent No.1 based on non-reading, misreading, erroneous interpretation of NOC by the Election Commission of Pakistan, and failure to exercise the jurisdiction vested in it. The impugned order/notification since against the law and facts is, hence, illegal and nullity in the eyes of law.
- ii. The impugned order fails to consider the general doctrine that in case of clash between two documents of record, the earlier shall prevail. Therefore, the order made by the Respondent No.1 may be considered incorrect and should be brought in line with Natural Justice system.
- iii. The impugned order is issued in haste without considering the relaxation of ban on transfer properly and, thus, the general principle of law of "justice hurried is justice buried" was defeated. It is, therefore, safe to conclude that Respondent No.1 has exercised its discretion perversely, improperly and

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with material irregularities, which leaves the order nullity in the eyes of law and liable to be set aside.

- iv. The Appellant would suffer, and is continuously suffering, irreparable loss if the impugned order is not set aside, and the relief sought is not awarded to the Appellant.
- v. To secure the ends of justice and prevent the abuse of the process of law and education in the examination season the Learned C.S KP, it is necessary to set aside the impugned order.
- vi. Further submissions may be presented at the time of hearing the appeal.

PRAYER

It is, in the circumstances and facts narrated above, therefore, most humbly prayed that

- i. *The instant appeal may be accepted and the notification/order dated 21-02-2023 passed by the respondent No.1 may kindly be set aside;*
- ii. *The Respondent No. 01 may be directed to cancel his impugned order and keep the appellant on the post of SS (BIO)GHSS Ismail khel hannu.*

Any other relief which this Learned Court considers appropriate may also be awarded to the Appellant.

APPELLANT
Farid Ullah shah

THROUGH

AFNAN KHAN
Advocate
03331356462

Handwritten signature of Afnan Khan

24-2-2023

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VERIFICATION/AFFIDAVIT

It is verified on oath this 24th day of February, 2023 that the contents of the instant appeal are and true and correct to the best of my knowledge and belief, and nothing material has been concealed.

Notary Public
Jawad Zamar
Advocate
Dist: Courts Bannu
Attested

Handwritten signature
24.2.23

Deponent

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HEYEL LEGAL

www.heyellegal.com

ADVOCATES AND LEGAL CONSULTANTS

Office No. 08, KM Market, KM Bakery Chowk, Parrachinar
Chambers No. 31, Allama Iqbal Block, F-8 Markaz, Islamabad
Chock Bazaar Bannu city

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(Signature)

ELECTION MATTERS

No. F.10(1)/2023-Elec-II
ELECTION COMMISSION OF PAKISTAN



"Secretariat"
Constitution Avenue, G-5/2,
Islamabad, the 1st February, 2023.

To,

The Secretary Establishment,
Government of Khyber Pakhtunkhwa,
Establishment Department,
Poshwar.

Subject: - RELAXATION OF BAN ON POSTING /TRANSFER OF OFFICERS.

Dear Sir,

I am directed to refer to your letter No. D.O So E-I/E&AD/1-1/2023 dated 26th January, 2023 on the subject cited above and to convey that the Hon'ble Commission has been pleased to accede your request conditionally to the extent of:-

- i. Posting/ Transfer as a consequence of court cases;
- ii. Posting/transfer as a result of promotion enabling the officers to actualize promotion;

However, all transfer/posting in the province should be made with prior approval of the Commission.

Yours sincerely,

(Signature)
12/2/2023

(Syad Nadoom Halder)
Additional Director General (Elections-I)

Before the Public Service Tribunal F.P. عدالت

Appellant ۲۰۲۳ مورخہ

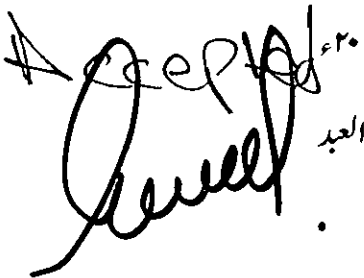
Farid ulah Shah Nam Chief Secy P.O. مقدمہ

Appeal ۱۵۶ جرم

K.P. Service Tribunal لاہور

باعث تحریر آنکہ تھانہ

مقدمہ مندرجہ بالا عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقان مقام جنسوں کیلئے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اہل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ تقریر ثالث و فیصلہ پر حلف دینے جو اب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک، روپیہ اور عرضی اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت ڈگری کرانے اجراء اور وصولی چیک، روپیہ اور عرضی اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرفہ یا اپیل کی برآمدگی اور منسوخی دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے کسی اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا کوئی اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور بالا اختیارات حاصل ہوں گے اور اس کا ساختہ و پرداختہ بھی منظور قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہنر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا پیشی سے باہر تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مقدمہ مذکور کریں۔ نیز اگر بھی وجہ مثلاً بیماری، معذوری، علالت وغیرہ کی وجہ سے عارضی یا مستقبل پیروی مقدمہ نہ کر سکیں تو بھی وکیل صاحب یا اس کے لواحقین کو بقایا فیس (اگر کوئی ہے) ادا کرنے کا اہل پابند ہونگے اور ادا شدہ فیس کی واپسی کا تقاضہ کرنے کا حق نہیں ہوگا۔ مضمون وکالت نامہ سن اور سمجھ کر وکالت نامہ لکھ دیا تاکہ سند رہے۔

 ۲۰
 العبد
 Acceptd


 المرقوم
 العبد
 گواہ شدہ
 Appellants

