


FORM OF ORDER SHEET

Court of _____

Case No. - 365/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/02/2023	<p>The appeal of Mr. Muhammad Shecraz presented today by Mr. Munfat Ali Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 365/2023 of 2023

Muhammad Sheraz VERSUS Education Department

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Appellant

Through



Munfat Ali Yousafzai
Advocate, High Court,
Peshawar
Cell No. 03449213367

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 365/2023 /2023

Muhammad Sheraz CT, GHSS Gajai (Gadoon) District Swabi.

..... Appellant

VERSUS

1. Secretary to Government of KPK Elementary and Secondary Education Department Peshawar.
2. Director Elementary and Secondary Education Peshawar.
3. District Education Officer Male District Swabi.
4. Rab Nawaz ^{C.T.} GHSS Kalo Khan District Swabi.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE PARTIAL IMPUGNED ORDER NO. 7008/15 DATED 18/08/2022 WHEREBY THE APPELLANT WAS POSTED AT GOVERNMENT HIGH SCHOOL GAJAI (GADOON) DISTRICT SWABI AGAINST MERIT TO FAR PLONG AREA AND AGAINST THE APPELLATE ORDER NO. 1213 DATED 26/01/2023 THROUGH WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED ON NO GOOD GROUNDS.

PRAYER:

On acceptance of the instant Service Appeal the partial impugned appointment order dated 18/08/2022 may kindly be set aside to the extent of

posting the appellant to nearest station in place of Rab Nawaz city GHSS Kalo Khan OR to other vacant posts of GHS Shahdad Killi OR GHS Dagai, OR GHSS Kalo Khan.

Respectfully Sheweth:

FACTS

- 1) That the appellant has been initially appointed as CT Teacher on 18/08/2022 and posted at GHS Gajai (Gadoon) Swabi by the respondent Department. (Copy of appointment order partial impugned order is attached asAnnexure A).
- 2) That according to the same partial impugned appointment order the appellant was placed on serial No. 12 and posted in GHS Gajai (Gadoon) and performing his duty regularly.
- 3) That against the merit and the established ^{Precedent} ~~precedent~~ of the Department the appellant was posted in the area which is very distance from his home town and the teacher who are on serious No. 13, 21, 31, and 35 were posted to nearest schools against the merit and established precedent of the Department.
- 4) That the appellant preferred the Departmental Appeal to DEO Male Swabi dated 06/01/2023 to adjust the appellant in nearest schools acceding to merit. (Copy of the Departmental Appeal is attached as Annexure-B).

- 5) That the District Education Officer rejected my Departmental Appeal vide order No. 1213 dated 26/01/2022 on no good grounds. (Copy of the appellate order is attached as Annexure-C).
- 6) That the appellant feeling aggrieved from the partial impugned order dated 18.08.2022 and appellate order 26/01/2023 have no other remedy but filed the instant appeal on the following grounds amongst others.

GROUND

- A). That the partial impugned appointment order dated 18/08/2022, and appellate order dated 26.01.2023 is against the merit and established precedent of the Department.
- B). That the appellant has not been treated by the respondent Department and accordance with law and rules on the subject noted above and as such respondent violated Article-4 and 25 Constitution the Islamic Republic of Pakistan 1973.
- C). That the respondent acted in arbitrary and malafide manner while issuing the partial impugned appointment order dated 18/08/2022 and appellate order dated 26.01.2023.
- D). That the respondent Department violated the transfer/posting policy of the Department.

E). That the appellant seek permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that on acceptance of the instant Service Appeal may kindly be accepted as prayer for.

Appellant


Muhammad Sheraz

Through



**Munfat Ali Yousafzai
Advocate, High Court,
Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ /2023

Muhammad Sheraz CT, VERSUS Education Department

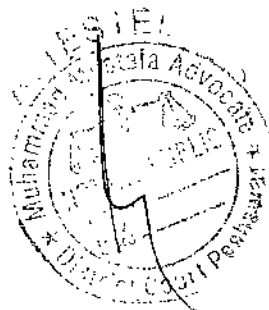
AFFIDAVIT

I, Munfat Ali Yousafzai on the instructions and on behalf of my client do hereby solemnly affirm and declare on oath that the content of the Service Appeal, application are true and correct to the best of my knowledge and belief and nothing has been kept secret and concealed from this Hon'ble Tribunal.



Munfat Ali

Advocate High Court Peshawar



APPOINTMENT OF CT (MALE)

A-6

Consequent upon recommendations of the Departmental Selection Committee in its meeting held on 15-08-2022, appointment of the following candidates is hereby ordered as Certified Teachers (C.T) purely on merit against the vacant posts on ad-hoc, school based one year contract in BPS-15 (23920-1980-83320) fixed plus usual allowance as admissible to them under the Rules and existing policy of the Provincial Government on the terms and conditions given below with effect from the date of taking over charge in the interest of public service.

Sr	Roll No	Name	Father Name	CNIC No	DOB	Acad: Marks	EYEA Marks	Total Score	Adjusted at
1	23864	Mehrab Ud Din	Ikram Uth Din	1620189371615	05-01-1999	67.927	86	153.927	GHS Ayub Khan Killi Swabi
2	23862	Samir Rehman	Zahir ur Rehman	1620205420469	15-03-1995	68.753	84	152.753	GHS Bakker Maner Swabi
3	23852	Muhammaad Abbas	Muhammaad Zahir	1620303812851	17-04-1997	64.325	83	147.325	GHS Topi
4	24775	Naveed Ali	IKRAM ULLAH	1620130006845	31-12-1995	72.744	74	146.744	GHS Jaisal Swabi
5	29449	Mansoor Khan	qadeer khan	1620283652579	01-05-1994	67.122	76	143.122	GCMHSS Marghuz Swabi
6	29054	Muhammad Junaid	Roham dad	1620289647143	01-04-1992	62.762	80	142.762	GSEASHS Shewa Swabi
7	24557	Jehan Ali	Muhammad Umar	1620144582823	24-04-1993	67.521	75	142.521	GHS Gar Munara Swabi
8	29727	Hanifa Ali	Mukhtiar Ali	1620272177811	13-01-1999	66.273	76	142.273	GHS Shahmansoor
9	22697	Ahsan Muhammad	MUHAMMAD KHAN	1620242162525	04-03-1997	69.194	73	142.194	GHS Batakara Swabi
10	25080	Faizoor Farhan	Farman Ullah Khan	1620114316557	11-03-1996	57.135	85	142.135	GHS Ayub Khan Killi Swabi
11	29765	Masoom Iqbal	Muhammad Iqbal	1620269763077	18-03-1997	58.937	83	141.937	GHS Shahmansoor
12	25079	Muhammad Sheraz	Abdul Qayum	1620111807625	11-02-1996	62.375	79	141.375	GHS Gajar (G) Swabi
13	28557	Rub Nawaz	Sardar Ali	1620403494519	03-04-1995	59.229	82	141.229	GHS Kalki Khan Swabi
14	22004	Razaullah	Waqar Rahman	1620266221645	04-02-1996	63.164	78	141.164	GHS Bam Kher Swabi
15	23319	Zameer Ahmad	Arbab Khan	1620223025371	03-03-1988	59.879	81	140.879	GHS Penine Hamlet Swabi
16	29222	Syed Suhail Baosrah	Syed Gul Badshah	1620292472879	16-02-1994	64.780	76	140.780	GHS Malak Abad (G) Swabi
17	28248	Haris Ali	Mazhar Ali	1620403965729	10-03-1999	64.738	76	140.738	GCMHSS Marghuz Swabi
18	23731	Khanim Ab	Fareed Ullah	1620193620299	04-04-1995	66.405	74	140.405	GHS Chontra Swabi
19	24168	Muhammad Kamran	Muhammad Azam	1620170158327	17-02-1996	57.367	83	140.367	GHS Gar Akamel Swabi
20	24814	Muhammad Tufail	Jalya Khan	1620126912293	30-03-1995	61.308	79	140.308	GHS Zarebi Swabi
21	29085	Saudani Hussain	Fazal Hussain	1620293981851	01-04-1991	71.212	69	140.212	GHS Shahmansoor
22	23296	Aziz Gohar	Gohar Rahman	1620215307085	20-01-1996	61.064	79	140.064	GHS Batakara Swabi
23	24290	Muhammad Ahmad Sher	Awal Sher	1620163449263	23-03-1999	67.936	77	139.936	GHS Aludher Swabi
24	28268	Shakab Ahmad	Khatyat Ullah	1620403913401	12-04-1998	60.821	73	139.821	GHS Kulagar (G) Swabi
25	29135	Muhammad Haroza	Muhammad Rafiq	1620296387035	19-02-1998	67.656	72	139.656	GHS Topi Swabi
26	28797	Umar	Misal Khan	1620303809039	21-04-1994	55.614	84	139.614	GHS Kubgara (G) Swabi
27	24766	Muhammad Ali	Noor Rahman	1620130759977	16-04-1993	58.567	81	139.567	GHS Bam Kher Swabi

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23001	Nasir Ali	Zahir U Rehman	1620303804351	1997	71.485	67	138.485	GHS Kotha Swabi
23004	Inzamam Hussain	Hussain Zada	16204038829913	28-04- 1998	71.312	67	138.312	GCMHSS Kuder Swabi
23010	Saleem Anwar	Anwar Shahid	1620280141967	03-04- 1999	57.127	81	138.127	GHS Matak Abad (G) Swabi
24072	AMJID ALI	Ahmad Khan	1620176052883	15-02- 1991	63.058	75	138.098	GHS Dodher Swabi
24894	Waqar Ahmad	Abdul Khalid	1620121642945	02-02- 1998	64.873	73	137.873	GMS Dewal (G) Swabi
24904	Nasir Ali	Nisar Muhammad	1620215060701	15-02- 1996	62.811	75	137.811	G5BASHS Shewa Swabi
23004	Ali Ahmad	Risal Muhammad	1620225567821	15-04- 1999	65.792	72	137.792	GMS Marghoz Swabi
23051	Ziyad Ahmad	Wasal Khan	1620266735167	01-05- 1997	62.783	75	137.783	GMS Dewal Gnah (G) Swabi
23161	Zain ul Abideen	Sikandar Khan	1620221353847	01-03- 1998	64.608	73	137.608	GMS Sarkol Bala (G) Swabi
24395	Zakir Badshah	Muhammad Zahir Shah	1620155571007	05-03- 1994	63.561	74	137.561	GHS Qadra (G) Swabi
22600	Muhammad Qaim	Ahmad Ali Khan	1620403473057	10-03- 1994	66.434	71	137.434	GHS Takail (G) Swabi

TERMS AND CONDITIONS:-

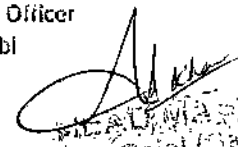

- 1) No TA/DA is allowed.
- 2) Charge reports should be submitted to all concerned.
- 3) Appointment is purely on temporary & contract basis initially for one year with immediate effect.
- 4) They should not be handed over charge if they exceed 35 years or below 19 years of age. Age relaxation case may be submitted to competent authority.
- 5) If any meritorious candidate is deprived of appointment by this order, and the competent authority accepts his appeal, the appointment order of the low merit candidate will be with-drawn, and the adjustment order will be reviewed according to the merit.
- 6) Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities through DEO Office, anyone found producing bogus certificate will be reported to the law enforcing agencies for further action.
- 7) Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one month pay/allowances shall be forfeited to the Government.
- 8) Pay will not be drawn until and unless a certificate provided by the concern section of DEO Office to the effect that their certificates are verified & found correct & genuine.
- 9) They should join their post within 30 days of the issuance of this notification. In case of failure to join the post within 30 days, their appointment will expire automatically and no subsequent appeal shall be entertained.
- 10) Health and Age certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 11) Their services shall be terminated at any time, in case their performance found unsatisfactory during the contract period, or will be extended for another year if found unsatisfactory.
- 12) The appointment is made on school based. They will have to serve at the place of posting, and their services are not transferable to any other station.
- 13) Before handing over charge, once again their documents may be checked by the Headmasters/Principal (Concerned) and if they do not acquired the relevant qualifications as per rules, they may not be handed over the charge of the post, and the case will be reported to the DEO Office for with-drawl of order.
- 14) The appointees shall take nine (09) months mandatory training at RITE Or PITE.

(IRFAN ALI)
District Education Officer
(Male) Swabi

Enlist: No 7008-15 / Dated Swabi the 18/8 2022

Copy forwarded for information and necessary action to the:-

- 1) Director E&SE Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Commissioner Swabi.
- 3) District Accounts Officer Swabi.
- 4) Principal/Head Master concern school.
- 5) ADEO (Estab: Sec)/B&AO Local Office.
- 6) Officials Concerned.
- 7) M/File.


 District Education Officer
 (Male) Swabi

 18.8.22

To,

The District Education Officer (M)
Swabi.

Through: Proper Channel

Subject: Request for transfer from GHS Gajai (Gadoon) to nearest station against vacant post.

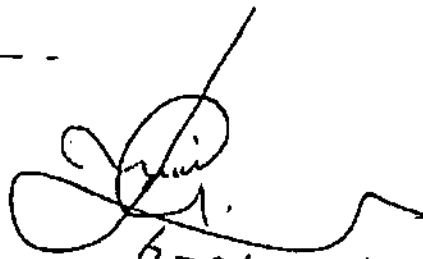
Sir,

1. With due respect it is submitted that my initial appointment as CT has taken place vide DEO (M) Swabi Order No. 7008-15, Dated: 18-08-2022, in consequence of which I have joined my duties in GHS Gajai (Gadoon) on 18-08-2022 and performing my duties regularly.
2. It is pertinent to submit that my name falls at serial no. 12 in merit list. According to which I should have been posted in my native Union Council Yur Hussain or else nearest station. Contrary to which my present place of posting is round about 60 KM away from my home which has kept me in mental torcher besides more expensive traveling. It would be not out of place to brought to your kind notice that the following teachers although they very not eligible to their present place of posting with reference to their numbers in merit list.

S.No	Name	Merit list No.	Station
I	Mr. Kabirullah s/o Sardar Ah	13	GHSS Kalu Khan
II	Mr. Izzatullah Hussain s/o Hussain Zada	31	GCMHSS Kaddi
III	Mr. Nasir Ali s/o Nisar Muhammad	35	GSBASHS Shewa
IV	Mr. Saddam Hussain s/o Fazal Hussain	21	GMS Shalmansour


3. It is worth mentioning that the CT post is lying vacant in GHS Shabdad Killi, GHS Dagai, GHSS Kalu Khan.
4. Keeping in view the above situation it is absolutely clear that my present place of posting in so remote area is contrary to ETEA policy as well as natural justice, it is therefore humbly requested that my posting order my kindly be reviewed favorably and transfer me to the nearest station as deem fit I shall be very thankful to you for this act of benevolence.

Dated: _____



6-01-2023
HEADMASTER
GHS GAJAI (GADOON)
SWABI

Yours Obediently


Muhammad Sheraz
s/o Abdul Qayum
CT Teacher

GHS Gajai (Gadoon) Swabi



Better Copy

C-9

DISTRICT EDUCATION OFFICE
(MALE) SWAT

(Office Phone & Fax No. 0938280239, emis swabi@yahoo.com)

No. _____ DATED _____ /2023

To

The Head Master
GHS Gujai (Gadoon) Swabi

Subject: APPLICATION FOR ADJUSTMENT

Memo

Reference with an application of Muhammad Sheraz CT of you school received to this office diary No. 124/ dated 11.01.2023 on the subject cited above.

It is to inform you that no one has any vested right of adjustment against a specific post or station. Adjustment of the newly appointed teachers has been made against the advertised posts accordingly.

Therefore, inform the concerned teachers in this regard.,.

DY DISTRICT OFFICER

(MALE) SWABI

**DISTRICT EDUCATION OFFICE
(MALE) SWABI**

Office Phone: S.T.D. No 0938280331, 0938280332 (www.dyo.gov.pk)



No. 17 / 17 DATED 16-1-2023

Chief Officer
District Education Office (Male) Swabi

APPLICATION FOR ADJUSTMENT.

Reference with an application of Muhammad Sheraz CT of your District Education Office under diary No. 124/Dated: 11.01.2023 on the subject cited.

It is to inform you that no one has any vested right of adjustment against the advertised posts. Adjustment of the newly appointed teachers has been made against the advertised posts accordingly.

Therefore, inform the concerned teachers in this regard.

25-1-23
Dy. DISTRICT EDUCATION OFFICER
(MALE) SWABI

Attest

بعدالت

سرور مہر بیخوش پشاور K.P.K

2 منجانب
بنام

محمد شہزاد

مورخہ

مقدمہ

دعویٰ

جرم

ایچ کی کس ڈی بی اے

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

کیلئے صنفیت عملی کو منظور کیا گیا ہے

آن مقام پشاور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20

ماہ

محمد شہزاد
المقوم

واہ العباد

BC-14-4634

Cell# 03449213367