


6<sup>th</sup> July, 2023

1. Appellant alongwith his counsel present.

2. Learned counsel for the appellant argued that the appellant was transferred from GMS Wachi Khwar, Kawga to GHS Janak Banda vide order dated 09.01.2023 against which he filed departmental appeal on 03.02.2023; that during the pendency of the departmental appeal, the respondents issued corrigendum order dated 07.03.2023, whereby the appellant was transferred to GHS Malka instead of GHS Janak Banda. The appellant then preferred departmental appeal against the said order on 13.03.2023. In the meanwhile the respondents have passed order dated 17.02.2023, whereby monthly salary of the appellant was stopped. The appellant filed another application to the Director Education, Khyber Pakhtunkhwa Peshawar on 17.04.2023 for cancellation of orders dated, 09.01.2023, 07.03.2023 and 17.02.2023 which was accepted by the Director Education, Khyber Pakhtunkhwa Peshawar 27.04.2023 but the District Education Officer, Buner has not passed any proper order. This appeal is thus admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 05.09..2023 before S.B at camp court Swat.

SCANNED  
KPST  
Peshawar

  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

24<sup>th</sup> May, 2023

1. Nemo for petitioner.
2. Notice be issued to the petitioner and his counsel for arguments on office objection on 21.06.2023 before S.B.

On 16/06/2023

counsel was informed  
telephonically for the  
date fixed (21/06/23)

Mohammad

\*Kaleem Ullah\*

(Kalim Arshad Khan)  
Chairman

21<sup>st</sup> June, 2023

01. Counsel for the appellant present.
02. Miss Farecha Paul, learned Member (Executive) is on leave, therefore, case to come up for the same as before, on 06.07.2023 before the S.B. Parcha Peshi given to learned counsel for the appellant.

Reader


\*Fazole Subhan. P.S.\*

The appeal of Mr. Zia-ur-Rehman son Habib ur Rahman r/o village Kandkora Tansi Mandnar District Buner PET GMS Wuch Khwar Kawga District Buner received today i.e. on 08.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal is not signed by the counsel.
- 2- Check list is not attached with the appeal.
- 3- Copy of proper order of acceptance of departmental mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Appeal is not marked with annexures marks.

No. 1359 /S.T.

Dt. 8/5 /2023.

*appeal*  
  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Rahim Khan Adv.  
High Court Buner.

Re Submitted with the Remarks that Para-wise reply to the objections 1 to 4 above, ~~which are~~ as under, please.

1. The Memo of Appeal is Signed.

2. In my opinion as per practice in vogue, Before the same was not the due requirement of the procedure. How ever check list desired is attached.

3. It is not understood that How is a proper order. But when the Respondent no. 1 purely on personal grudge and mala fide, made and named death the Appellant, he unavoidable filed an application + Submitted the same in person before the appellate authority who on personal hearing of the appellant when satisfied about the genuineness of the problem of the appellant, <sup>being</sup> unduly & illegally created by the Respondent no. 1. on the spot, the Registrar marked that application by endorsing to the Respondent, which is annexed as "F" & placed on P-26.

4. The needful done as desired.

The Registrar  
General Tribunal  
K.P. Peshawar  
JK 89.

*Rahim Khan*  
Adv. High Court  
# 05-RO23

Sir,

The objection of this office and  
reply of counsel for the appellant is  
sub-itted for appropriate order please.

WORTHY Sir - an.

Shri. Dr. Subramanian  
9/5/23

No. 1391/ST  
9/5/23

Re Submitted with the  
Request that Separate Representation  
against all the orders impugned  
were impugned in  
Attached Reply on Separate  
Paper please. & Yes  
9/5/23

Re-submitted with the request that  
the appellant being aggrieved  
of 1st Transfer order Eud:  
No. 107-11 dated 9/01/2023, (on p-19)  
Against which Departmental  
Appeal, filed by the Appellant  
on 03/2/2023 is on p-20.  
An other order being, pre-mature  
again was issued vide Eud: NO.  
1130-34 dated: 07/03/2023, on  
p-22 was really modification  
of the previous transfer order dt  
09/01/2023, so both being the one  
& same, was, however, again  
assailed vide another Depart-  
mental Appeal on dated 13<sup>3</sup>/<sub>023</sub>  
was made which is on p-23.  
while an other order <sup>letter</sup> NO. 824 dt  
17/2/023, whereby Monthly Salary  
was stopped (on p-30) impugned  
actually against, which proper Rep.  
was made vide on 17/4/2023, on p-26,  
which the appellants authority / Director  
Edm: K.P while accepting Departmental  
Appeal, already residing in his office,  
was directed to be withdrawn even  
Eud: 1130-34 dt 07/03/2023 (on p-22)  
But the regarding the direction the letter  
impugned No. 824 dt 17/2/023 (noticed on 10<sup>3</sup>/<sub>023</sub>)  
& was appealed against, on 13/3/023 (on p-27)  
was not attended to, hence this so appeal  
re-submitted please.

The Hon: Chairman  
K.P. Service Tribunal.

Rahim Khan  
Adv: 18/5/023

Respected Sir,


The objection No. 3 of this office still stands.

The reply of the counsel for appellant has been submitted for an appropriate order, please

Hon'ble Chairman

6/0

le  
for

  
m/  
18/05/2023

18/05/23


**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1448 /2023.

1. ZIA UR RAHAMN Versus D.E.O (Male) Buner & others

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APPELLANT  
THROUGH COUNSEL  
  
RAHIM KHAN  
Adv High Court  
Cell = 03439049185

Office; at Distt; Courts Daggar Buner.  
Dated 06/04/2023.

①

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1448 /2023

ZIA UR RAHAMN S/O Habibur Rahman R/O Village Kankowai Tehsil Mandnar District Buner /P.E.T Govt; Middle School Wuch Khwar Kawga E & S Education Deptt; District Buner.

"APPELLANT"

VERSUS

1. D.E.O (Male) E & S Education Deptt; District Buner.
2. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
3. District Accounts Officer Buner.

"Respondets"

4. Director Education E & S KP Peshawar..

"Proforma Respondent "

SERVICE APPEAL UNDER SECTION NO.4 OF THE SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER IMPUGNED NO.824 DATED 17/2/2023, ADDRESSED TO THE DISTT; ACCOUNTS OFFICER BUNER , WITH COPIES THERE OF ENDORSED TO THE APPELLANT AND OTHERS, WHEREBY, BY MISS USING OF POWER AND OFFICIAL STATUS, RESPONDENT NO.1 WITH COLLUSION OF RESPONDENT NO.2, HAS WRONGLY STOPPED THE MONTHLY PAY. OF THE APPELLANT FROM 01/02/2023,DISPITE THE FACT, THE APPELLANT HAS REGULARLY BEEN PERFORMING HIS DUTY AT G.M. SCHOOL WACH KHWAR KOGA, WHILE AGAINST THE LAW AND RULES, ON MALA FIDE INTENTION AND ON PERSONAL GRUDGE BY COLLUSION OF THE RESPONDENT NO.3 ALSO, JUST TO TORTURETHE APPELLANT , UNWARRANTEDLY TO SUFFER THE APPELLANT AND HIS DEPENDENTS TO CAUSE UNWARRANTED FINANCIAL HARDSHIP FOR THEM, FOR COMPELLING THE APPELLANT TO OBEY THE ILLEGAL COMMAND OF THE RESPONDENTS NO. 1, WHO BY PASSING ILLEGAL ORDER END; NO.107-11DATED 09/01/2023 & THEN BY A NOMINAL CORRIGENDUM THERE IN, ISSUED ANOTHER ORDER END; NO. 1130-34 DT 07/03/2023, WITH COLLUSION OF RESPONDENT NO.2, ON MALA FIDE INTENTION AND ILL WELL, JUST TO SATISFY THEIR PERSONAL GRUDGE , BY VIRTUE OF WHICH THE RESPONDENTS NO.1 & 2, PLANED PRE MATURE TRANSFER, EVEN DURING BANE AND AGAINST THE SPOUSE POLICY, WITHOUT COUNTERPART OF THE APPELLANT, WHICH WAS NOT LAW FULL , BEING MALA FIDE AND ILLEGAL AND WAS THEREFORE NOT EXISTED UNDER THE LAW , AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT BEING MERITORIOUS ONE WAS ACCEPTED BY THE HON; PROFORMA RESPONDENT NO. 4, AND DESPITE CLEAR DIRECTIONS OF THE PROFORMA RESPONDENT NO.4, THE RESPONDENT NO.1 & 2, BY DISOBEYING THAT DIRECTIONS, HAVE ILLEGALLY BEEN RESISTING, EVEN BY USING OF PHYSICAL FORCE TO RESTRAIN THE APPELLANT FROM PERFORMING HIS OFFICIAL DUTY AND PUT HIM IN LIFE THREAT.

Respectfully Sheweth

PRAY IN APPEAL

BY ALLOWING THE INSTANT APPEAL OF THE APPELLANT, THE RESPONDENT NO.1 & 2, BE DIRECTED TO WITHDRAW HIS ALL ILLEGAL ORDERS EVEN NO.824 DATED 17/02/2023 JUST TO ENFORCE AND IMPLEMENT END; NO. 1130-34 DATED 07/03/2023 AND END; 107-11 DATED, 09/01/2023, WHICH ARE NO MORE IN FIELD AND SUBSEQUENT NO. 1565 DATED, 01/04/2023, OR EVEN NOT TO STRESS OR DISTURB THE APPELLANT OR RESTRAIN THE APPELLANT FROM PERFORMING OF HIS OFFICIAL DUTY IN GOVT; MIDDLE SCHOOL WUCH KHWAR KAWGA BUNER, WHILE THE RESPONDENT NO.3 MAY BE DIRECTED TO RELEASE AND



PAY AS ARREARS FROM 1/2/023 SO STOPPED VIDE LETTER DATED 17/02/2023 ABOVE, AND CONTINUOUSLY TO PAY ONWARD, THE MONTHLY SALARY TO THE APPELLANT AS A ROUTINE AND NOT OBEY THE ILLEGAL ORDERS OF THE RESPONDENT NO.1.

FURTHER RELIEF TO WHICH THE APPELLANT IS OTHERWISE ENTITLED UNDER THE LAW THOUGH NOT SPECIFICALLY PRAYED FOR IN THE INSTANT APPEAL.

#### FACTS

1. That the appellant has been serving in the Education Deptt; since 22<sup>nd</sup> September 2012 up till now, and during his entire service, he remained obedient, punctual/dutiful and efficient. Therefore, the best performance of the appellant has always been commended by his immediate bosses and also he has been paid best teacher award by the Department/Govt; Copy of commendation certificate issued by the Head Master Govt High School Katkala, (where the appellant performed his duty since 21<sup>st</sup> March 2015 to 05<sup>th</sup> July 2021, just before taking charge in GMS wachkhwar kawga, under administrative control of the respondent No.2) is annexed as annexure "A" for ready reference and perusal.
2. That the appellant while took charge on 08<sup>th</sup> July 2021 in the present School GMS Wuch Khwar Kawga, has started his duty with great keen and zeal, just to keep satisfy the respondents No.2 and 1, because the station /GMS Wuch Khwar Kawga, was/ is a nearest station, being a home station of the appellant, while GHS Katkala, was falling, within a long distance of 90 KM, both side journey.
3. That from the 1<sup>st</sup> day (on 08<sup>th</sup> July 2021), in the said School(GMS Wuch Khwar Kawga), the respondent No.2, who was/is a habitual extra earner in the said school, from different sectors and the respondent No.1, was on his back , might be a shareholder in, too, did not accept the appellant as a subordinate and mala fide deleted and excluded the drill period and entrusted the sports activities like athletics to a Drawing Master, namely Mohammad Israr, especially belonging to the duty/seat of the appellant and also hating the appellant and was started negative efforts against the appellant, just to create grounds unwarrantedly for spoiling the career of him, at any cost . Copy of Time Table and also a copy of order Book dated 20/11/2022 are annexed as annexure "B" as a proof of.
4. That additionally the respondent No.2 also, was hesitating that the appellant just not know about the illegal means and record of that illegal earning and collection of money making by him, in official status and capacity in the said Govt; institution being Head of the same. So for the very purpose, he wants to keep aside the appellant from , and therefore, In the long run, the respondent NO.2, on mala fide intention and ill will, started sending of secret letters to the respondent No.1, just to provide illegal base for the transfer of the appellant without any intimation to the appellant, unwarrantedly, false and then the appellant was wrongly transferred premature, on so called administrative ground, vide order End; No. 107-11 dt,09/01/2023, despite during ban, imposed, by Govt; of K. P Education Deptt; through SECRETARY Education and in violation of spouse policy, against which, the appellant has filed a departmental appeal on 03/02/2023, copy of ban imposing notification, is annexed as "C".

5. That despite waiting for comments of the appellate authority or to decide by either way the departmental appeal of the appellant dated, 03/02/2023, filed against the 1<sup>st</sup> transfer order dated, 09/01/2023, the appellant did not comply with the order impugned being was illegal and was not binding on the appellant to obey and was performing his duty as a routine in his existing School (GMS wachkhwar) that on 07/03/2023 about 2 months later, the respondent NO.1, again, just either by caking out the appellant and clear the way of respondent No.1 or to keep the appellant in the endless series of so caused, mental torture and agonizing situation for compelling him to obey the illegal order and command of him and of respondents No.2, and leave the School without any legal or lawful resistance and efforts against, issued another order in a shape of so called nomenclatured, as Corrigendum, End; No. 1130-34 dt 07/3/2023, wrongly, with collusion of the respondent No.2, whereby the appellant was again transferred premature from GHS Janak Banda Tehsil Khadokhail/totalai, to GHS Malka Tehsil Amazai and also additionally threatening the appellant for severe consequences. Against which the appellant timely has also filed another departmental appeals on dated, 13/03/2023. So copies of both the departmental appeal 03/02/2023 & dt,13/3/2023 Copies of both the illegal orders dated, 09/01/2023 & dated,07/03/2023 both are annexed as "D: for ready reference.
6. That despite the appellant is performing his duties in the existing School as a routine and the respondent No.2 under the directions of the respondent No.1 beaten by stick in a class room in front of students and some teachers who came to the class room on listening the noise, however monthly pay of the appellant has wrongly in violation of his fundamental rights, been stopped without waiting for lapsing of the statutory period 90 days and with wrongly serving a show cause Notice to the appellant for noncompliance of that illegal order dated 07/03/2023, even, after accepting of departmental appeal dated 13/03./2023, on dt,27/04/2023, by the appellate authority /proforma respondent No.4, when actually there was no order in field or now exists. Copies of 1<sup>st</sup>, transfer order dated,09/1/2023 and departmental appeal dt.03/02/023 and copy of 2<sup>nd</sup> transfer order dated 07/03/2023 and departmental appeal dated 13/03/2023 and acceptance of d/appeal /remarks and direction dated 27/4/2023 of proforma respondent No.4, are annexed as annexure "D", "E" and "F".
7. That additionally the appellant as a natural reaction, had already served with, a legal Notice to the Govt; of KP through Secretary Education KP, with copies to all respondents (1,2 & 4) regarding the illegal and mala fide orders and baseless leveling charges against the appellant for taking notice of, the corruption and malpractice and irregularities as noticed, of the respondent NO.2, who support respondent No.1, and endorse the same also, whom were doing homework for compelling the appellant, either, to comply with the illegal order issued by him or to sustain sever consequences for that. While as a matter of fact as the Govt; did not approve the action of the respondents NO.1 & 2, impugned as per communication in a shape of accepting of departmental appeal of the appellant. The appellant reserve right to take initiatives both civil and criminal against respondent s NO.1 & 2 by name/ personal. Whom by taking illegal initiatives against the appellant illegally, just on mala fide intention for the personal gaining, against the public interest, by misuse of their statuses and official seats even, by using of physical force to restrain the appellant form official duty, unwarrantedly

caused mental and physical agony and torture and as well as also financial hardship and loss to the appellant. Copy of complaint to DPO Buner and OPD prescription chit dated 13/3/2023 are of annexed as annexure as "G" for ready reference.

8. That since the order impugned dated, NO.824 DATED 17/2/2023 and NO.1566 dated 01/04/2023, all are illegal and even after, the acceptance of the appeal of the appellant by the proforma respondent No.4 dated, 27/04/2023 being competent authority, has no legal value and status but the respondents No.1 to 3 still by misuse of power, wrongly stressing that in disobedience of the authority of proforma respondent No.4, the appellant having no alternative adequate remedy except to file the instant service appeal before this Hon; Service Tribunal on the following grounds amongst other inter alia ,for setting aside all the aforementioned impugned and adverse orders, stop further passing of adverse and negative order against the appellant hence forth and to pay the appellant the arrears of salary of outstanding dues from 01/02/023 onward without any illegal break for future.

**GROUND**

- a. That the order impugned No.824 dated, 17/2/2023 regarding stoppage of monthly salary of the appellant is illegal, not sustainable in the eye of law because the appellant has already been performing his duty at the station Govt; middle School Wuch Khwar Kawga being his existing station and therefore the appellant is entitle for the receiving of his monthly salaries regularly. The salary for the previous period w.e.from 01/02/2023 is due as arrear in favour of the appellant and for future he is entitle for regular monthly pay to be paying the appellant in time. The order impugned is wrong and illegal as base on mala fide.
- b. That the letter No.824 dated, 17/2/2023 impugned, has been issued on 17/2/2023 by the respondent No.1 but the salary of the appellant has been stopped w.e.from the 1<sup>st</sup> February 023, while through show cause letter No.1566 dated 01/4/2023 the appellant has been wrongly shown absent from 07/03/2023, which all are wrong and it self-contradictive to each other as the appellant has been continuously performing his duty at the existing station GMS Wuch Khwar Kawga and never he committed any absentia .copy of letter dated 17/2/023 , impugned is annexed as "H".
- c. That both the orders End; No.107-11 dated 09/01/2023 and subsequent order No.1130-34 dated, 07/03/2023 both 1<sup>st</sup> and corrigendum order impugned were pre mature, based on Mala fide intention, were during ban imposed by hon; Secretary Education K.P and also were against the transfer policy and regulatory Act KP 2011 , while 1<sup>st</sup> order dated 09/01/2023, was made to G.H.School Janak banda Tehsil Totalai and was the other was transfer to another far flung station G.H.School Malka in the Tehsil Amazai as being harden hilly remote area on the top of the mountain. So the case being falls in a repeated transfer in short span of time were not desirable under the law and policy exist and therefore were not sustainable in the eyes of law. Which was rightly marked with direction to the respondent No. 1 to withdraw, while accepting departmental appeal of the appellant, filed against, by proforma respondent No.4, on dated, 27/4/2023. And therefore no orders impugned are in field now actually. So restraining of the appellant to perform his duty in GMS wachkhwar koga is constituting an offence under PPC and is unlawful and illegal in part of respondents No.1 & 2 and also of respondent No.3 by non-paying salary of the

appellant. but still the respondent No.1, by committing disobedience of his boss, resisting illegally those orders despite the same are not exist in field. Which is an illegal act on part of the respondent No.1, against whom Departmental proceeding under E & D rule 2011 ought and must be initiated.

- d. That the impugned transfer orders which wrongly was termed tactfully to be as on administrative grounds, but no legal proceeding (even a single explanation was called for of the appellant), required under E & D rule 2011, was initiated before passing of both the transfer orders impugned, while transfer is not included in either in the minor or major penalty list too of ibid rule. Hence both the transfer order including stoppage of salary of the appellant and physical force used for restraining the appellant from official /govt; duty, by respondent No.1 &2 are clear offence under PPC. As no legal cover or justification is available in favour of both respondents, already applied for to the police responsible for registration of case against both the respondents N.1 & 2.
- e. That as a matter of fact though transfer is not punishment being not included either in the list of major or minor penalties, of Khyber Pakhtunkhwa Civil/ Govt; Servants E & D rules 1973 & 2011 , however then the orders impugned is /are without serving any charge of allegation or any show cause notice on the appellant , without conducting of any enquiry or awarding any opportunity of personal hearing etc as pre requisite and provided under the ibid rule, while in case of normal transfer also the order is /are falling in violation of the Transfer policy, being Pre mature , against the spouse policy and even of, " The Khyber Pakhtunkhwa (APPOINTMENT, DEPUTATION, POSTING and TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS and DOCTORS ) Regulatory Act 2011 " (KP ACT NO.XII OF 2011.
- f. That the resistance impugned of the respondent No.1, 2 & No. 3 after acceptance of departmental appeal of the appellant is illegal and tantamount to disobedience of the legal command of the proforma respondent No.4, being provincial head of the education Department. Which is undesirable in part of respondent No.1 and he be punished for after initiating of proceedings against.
- g. That this Hon; Tribunal has Jurisdiction to entertain the instant service appeal of the appellant having power to set aside the orders impugned, being illegal and on acceptance of appeal against and to direct the authorities to release and pay the monthly salaries to the appellant. As per judgment delivered by the Hon; PHC Mingora Bench swat.
- h. That further grounds will be advance at the time of arguments with due permission of this Hon; service Tribunal.

Therefore it is most humbly prayed that by allowing the instant service appeal , the relief sought by the appellant, in a prayer of this appeal, may be granted in favour of the appellant, by setting aside of the letter impugned No.824 dated 17/2/023, both the impugned orders dated 09/01/023 and 07/03/023, with the directions to the respondents No1 , 2 & 3 to release and pay the monthly salaries of the appellant, just from 1/2/2023, onward without any break and not to disturb or restrain the appellant from performing

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his duty as a routine in Govt; Middle School Wachkhar koga like past ie before the issuing of 1<sup>st</sup> order dated 09/01/2023. Further relief to which the appellant is otherwise entitle though not specifically prayed for in the instant service appeal, may also graciously be granted to the appellant.

APPELLANT

THROUGH COUNSEL



RAHIM KHAN

Adv High Court

Cell = 03439049185

Office; at Dist; Courts Daggar Buner

Dated. 04/05/2023

CERTIFICATE

It is to certify that the entire contents of this Service Appeal are true and correct and that no such like service appeal or claim has been filed or made elsewhere in any forum or is pending before any court.



APPELLANT

(7)

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

ZIA UR RAHAMN

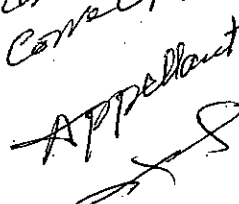
VERSUS: D.E.O Buner & others .

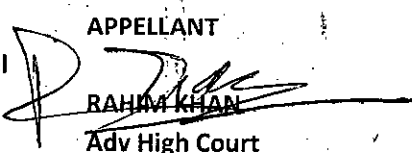
APPLICATION FOR AD INTERIM RELIEF IN A SHAPE OF SUSPENDING THE LETTER IMPUGNED NO.824 DATED 17/02/2023, ISSUED BY THE RESPONDENT NO.1 ADDRESSED TO RESPONDE No.3 WITH COPIES TO THE APPELLANT AND OTHERS WHEREBY MONTHLY PAY OF APPELLANT HAS BEEN STOPPED FROM 1/2/2023.

Respectfully sheweth;

1. That the respondent No. 1, On secret complaint of the respondent No.2 , with out intimation to the appellant , has issued and passed an order vide End; No. 107-11 dated 9/1/023 and subsequently vide corrigendum end; No.1130-34 dt.07/03/2023, vide earlier transferred showing to be on administrative grounds to the GHS Janak Banda Tehsil Totalai while by the later transferred to GHS Malaka Tehsil Amazi without show cause notice or conducting any inquiry or personal hearing . copies of both the orders Impugned have already been annexed with service appeal.
2. That the appellant has assailed both the 1<sup>st</sup> and 2<sup>nd</sup> transfer orders mentioned above in contents No.1 above on the plea and grounds that the same transfer is Pre mature also with a short span of time , during ban , terming to be transfer on administrative ground , without counterpart and spouse policy and in total disregard of the KP Civil Servant E & D rules 2011 and also against the mode and manner shown in the KP ( APPOINTMENT , POSTING, DEPUTATION AND TRANSFER OF LECTURES, DOCTORE , INSTRUCTURES AND TEACHERS ) REGULATORY ACT 2011. Hence the same were Mala fide , illegal and was not binding on the appellant..
3. That the appeal of the appellant was therefore accepted by the appellate authority /Director Education KP with direction to the respondent NO.1 to withdraw the transfer order of the Copies of both the departmental appeals are annexed with service appeal appellant.
4. That the order impugned is illegal and having no legal base while totally based on mala fide intention and ill well.
5. That the impugned order is on administrative ground and no disciplinary proceeding has been initiated against the appellant as no show cause notice or charge sheet before passing the same order impugned as pre requisite under the E & D Rule 2011
6. That entire contents of the Service appeal on the subject may be considered contents of this application:
7. That further factual and legal points would be advanced at the time of arguments.

Therefore it is most humbly prayed that on acceptance of this application the relief sought may be granted in favour of the appellant.

*Certificates:*  
It is to certify that the entire contents of this application are true & correct.  
Appellant  


Through Counsel  
  
RAHM KHAN  
Adv High Court  
APPELLANT  
Office; at Distt; Courts Daggar Distt; Buner  
Dated, 04/05/2023

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

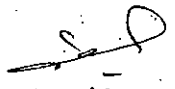
**ZIA UR RAHAMN**

**VERSUS**

**D.E.O male Buner and others**

**AFFIDAVITE**

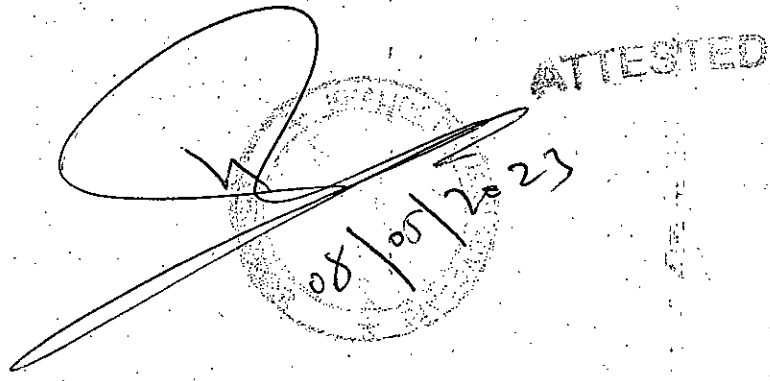
I, Ziaur Rahman PET Govt; Middle School Wachkhar Kawga Buner /S/o Habibur Rahman do hereby affirm and declare on oath that the entire contents of the instant Service Appeal are true and correct and that no such like service appeal is pending or has been filed before this Hon;Service Tribunal or is pending before this Hon; Tribunal or has been decided by this hon; Tribunal.



Appellant/deponent.

CNIC NO.151012047226-9

Dated, 04/05/023



9

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

ZIA UR RAHAMN

VERSUS

D.E.O male Buner and others

**ADDRESSES OF PARTIES**

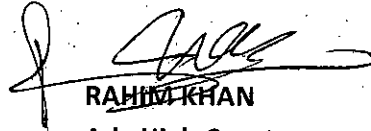
1. ZIA UR RAHAMN S/O Habibur Rahman R/O Village Kankowai Tehsil Mandnar District Buner /P.E.T Govt; Middle School Wuch Khwar Kawga E & S Education Deptt; District Buner. "APPELLANT"
2. D.E.O (Male) E & S Education Deptt; District Buner.
3. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
4. District Accounts Officer Buner.
5. Director Education E & S KP Peshawar.

"Respondets"

"Proforma Respondent "

APPELLANT

THROUGH COUNSEL



RAHIM KHAN

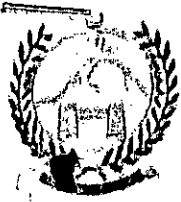
Adv High Court

Cell = 03439049185

Office; at Distt; Courts Daggar Buner

Dated: 04/05/2023





*Amexus*  
*"A"*

**NOTIFICATION:**

Consequent upon the submission of online applications by teachers in E-Transfer system and verifications of scoring indicators and recommendations of the District Verification Committee of E-transfer system in the light of E-transfer policy issued by Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Notification: No (SO) SM E&SED/7-1/2020/PT/2020 dated 10-06-2021.

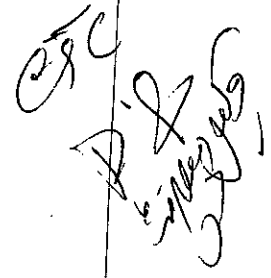
The Competent Authority is pleased to transfer the following teachers against the vacant posts in the schools mentioned against their names in their own pay and scale in the best interest of public service with immediate effect.

| S.N<br>o | Name              | Designation | From                 | Transfer To                |
|----------|-------------------|-------------|----------------------|----------------------------|
| 1        | ATZAL KHAN        | A.T.        | GHS BUDAL            | GHS ELAI                   |
| 2        | ABDUR RAB         | A.T.        | GMS DARGALAI         | GMS GUJJAR ABAD            |
| 3        | FAZLI BLAHI       | A.T.        | GHS GANSHAL          | GMS WAKILABAD              |
| 4        | ALIM SAID         | A.T.        | GMS MAIRAGAI         | GMS AWANAI                 |
| 5        | GUL WALI KHAN     | C.T         | GMS KARORAI          | GMS GUJJAR ABAD            |
| 6        | NOORUL QADIR      | CT (IT)     | GHSS ASHARAY         | GHS SURA                   |
| 7        | ZIA UR REHMAN     | P.E.T.      | GHS KAT KALA         | GMS WUCH KHWAR KAWGA       |
| 8        | HAKHEEM ZEB       | PSHT        | GPS SAWAWAI          | GPS ASHARAY                |
| 9        | SAID ALI SHAH     | PSHT        | GPS SABAR BANDA      | GPS DANDAI                 |
| 10       | INAYAT GUL        | PSHT        | GPS KALA KHELA BUNER | GPS DERAI CHEENA           |
| 11       | ZAIN MUHAMMAD     | PSHT        | GPS KUZA JAMRA       | GPS BINA MIRA              |
| 12       | HAKHEEM ZADA      | PSHT        | GPS BARJO KANAY      | GPS NAWAY KALAY KRAPA      |
| 13       | MUNTAZIR KHAN     | PSHT        | GPS CHARA MAR        | GPS RAHIM ABAD ELAI        |
| 14       | TAJ MUHAMMAD KHAN | PSHT        | GPS ALAGRAM          | GPS KOT PANDER             |
| 15       | AMIR GHANI        | PSHT        | GPS BADER            | GPS KANKOAI                |
| 16       | ANWAR HUSSAIN     | PSHT        | GPS SHAR GHASHAY     | GPS HISAR TANGAY           |
| 17       | SARZAMIN KHAN     | PST         | GPS MARVEZ ABAD      | GPS BIAM DARA              |
| 18       | NAZIR ALAM        | PST         | GPS ALAMI BANDA      | GPS CHOOOLA                |
| 19       | RAHMAN ULLAH      | PST         | GPS KULYAR JABO      | GPS SHANGRA                |
| 20       | HABIB HASAN       | PST         | GPS KATKALA          | GPS JOWAR NO 2             |
| 21       | MUHAMMAD KAMRAN   | PST         | GPS GIRARAI          | GPS BAMPOKHA               |
| 22       | GUL RAHMAN        | PST         | GPS AMBELA           | GPS AMBELA BALA            |
| 23       | GHANI AKBAR       | PST         | GPS GARAI SAPARI     | GPS KOREA                  |
| 24       | SHAHABULLAH       | PST         | GPS AMBELA DARA      | GPS KAWGA NO 1             |
| 25       | HABIB UR RAHMAN   | PST         | GPS BAZAR KOT        | GPS GISHAR SORAY CHAGHARZI |
| 26       | SARDAR AHMAD      | PST         | GPS AMBELA           | GPS AGARAI                 |

*Handwritten signature and notes*

*Handwritten signature and notes*

|    |                   |                     |                                  |                           |
|----|-------------------|---------------------|----------------------------------|---------------------------|
| 27 | MUHAMMAD FAHIM    | PST                 | GPS LALOO                        | GPS WAHID HIWAP<br>PAWOLA |
| 28 | ASAD IQBAL        | PST                 | GPS KUTAY CHANHA                 | GPS FAUQAR AHAD<br>PAWOLA |
| 29 | MUHAMMAD RIAZ     | PST                 | GPS KRAPA HAR BUDAIR             | GPS KALAH                 |
| 30 | ARIF              | PST                 | GPS NOURAM                       | GPS GHURGHURHITO          |
| 31 | BARKAT DAD        | PST                 | GPS CHAR                         | GPS ANCHARA               |
| 32 | MUHAMMAD IRSHAD   | PST                 | GPS MUNAI                        | GPS TORWARSAK NO 1        |
| 33 | AHMAD ZAMEEN      | PST                 | GPS AMBELA                       | GPS PAWOLA NO 2           |
| 34 | IRFAN ULLAH       | PST                 | GPS CHAR                         | GPS HOWAR NO 2            |
| 35 | BAHADAR SHER KHAN | PST                 | GPS LALOO                        | GPS ANHARAI               |
| 36 | UMAR RAHMAN       | PST                 | GPS PIRAHAI                      | GPS KALA KHILA HUNDEP     |
| 37 | HABIB UR RAHMAN   | PST                 | GPS PIRAHAI                      | GPS KALA KHILA HUNDEP     |
| 38 | SAEED ULLAH       | Qari/Qaria          | GHIS NANSER                      | GHIS JANG DARA            |
| 39 | BASHIR AHMAD      | Qari/Qaria          | GHIS MIRZAKAI                    | GHIS GHURGHURHITO         |
| 40 | SAID WAHID        | Qari/Qaria          | GHIS KINJAR GALAI                | GHIS BUDAL                |
| 41 | FAIZ UR RAHMAN    | Senior C.T.         | GHIS CHIGENA                     | GHIS KRAPA                |
| 42 | GHANI SAID        | Senior C.T.         | GHIS GHURGHURHITO                | GHIS MURHHARA             |
| 43 | MUHAMMAD ALI KHAN | Senior C.T.         | GHIS TOTALAI                     | GHIS NAWAWAI              |
| 44 | FAZAL MUHAMMAD    | Senior C.T.         | GHIS BACRA                       | GHIS HISAR                |
| 45 | ASLAM KHAN        | Senior C.T.         | GHIS BATARA                      | GHIS TANGORA              |
| 46 | MUHAMMAD HASSAN   | Senior C.T.         | GHIS GADEZAI                     | GHIS HISAR                |
| 47 | SHAMS UR RAHIM    | Senior C.T.         | GHIS AMNAWAR                     | GHIS GAGRA                |
| 48 | SAID ARIF SHAH    | Senior C.T.         | GHIS DIWANA BABA                 | GHIS GAGRA                |
| 49 | MUHTAJ MUHAMMAD   | Senior C.T.         | GHIS NAWAY KALAY                 | GHIS ANGHAPUR             |
| 50 | ABDUL WADOOD      | Senior PST          | GPS KHAIL                        | GPS AMNAWAR NO 2          |
| 51 | MUHAMMAD ALAM     | Senior PST          | GPS ANGHAPUR NO 1                | GPS TORWARSAK NO 2        |
| 52 | WAHEED GUL        | Senior PST          | GPS AJLAM JAN<br>MOHAMMAD KANDAW | GPS RAHIM AHAD<br>TOTALAI |
| 53 | ZAMAN GUL         | Senior PST          | GPS MANGAL THANA                 | GPS GHURGHURHITO          |
| 54 | MANSUR KHAN       | Senior PST          | GPS DIWANA BABA NO 1             | GPS BANR SHALBANDAI       |
| 55 | SAID MOHAMMAD     | Senior PST          | GPS ASHEZO NAWAY<br>KALAY        | GPS MULA YOUNAK           |
| 56 | HAMEED UR RAHMAN  | Senior PST          | GPS JANG DARA<br>TORWARSAK       | GPS MULA YOUNAK           |
| 57 | SYED ULLAH        | Senior. D.M.        | GHIS BAZAR KOT                   | GHIS SHALBANDAI           |
| 58 | ABDUL QAHR        | Senior. T.T.        | GHIS KHANANO DHERAI              | GHIS CHANAL               |
| 59 | IKRAM ULLAH       | Senior. T.T.        | GHIS DAGAI                       | GHIS GHURGHURHITO         |
| 60 | AZIZ UR RAHMAN    | SST (Bio-Chemistry) | GHIS GHAZI KOT                   | GHIS MURHHARA             |
| 61 | MUHAMMAD JAVID    | SST (General)       | GMS THEGARAY                     | GMS BARKANAI              |
| 62 | AMEER AZAM        | SST (General)       | GHIS GHAZI KHANAI                | GHIS DIWANA BABA          |
| 63 | KISHWAR KHAN      | SST (General)       | GMS HISAR BABA                   | GHIS BACH                 |
| 64 | JAMIL UR RAHMAN   | SST (General)       | GHIS PANDIR                      | GMS KHANSA BABA           |
| 65 | KHER UL AZIM      | SST (General)       | GHIS SAWAWAI                     | GHIS MIRZAKAI             |
| 66 | ABDUS SAMAD       | SST (Maths-Physics) | GHIS CHINGLAI                    | GHIS HISAR                |
| 67 | RAZIMAND SAID     | SST (Maths-Physics) | GHIS GUL BANDAI                  | GHIS TANGORA              |
| 68 | SABIR KHAN        | SST (Maths-Physics) | GHIS GOKAND                      | GHIS JANG DARA            |



|    |                 |      |              |                 |
|----|-----------------|------|--------------|-----------------|
| 71 | AMJAD ALI       | T.T. | GMS BANDA    | GMS BIAMDARA    |
| 71 | MANZOOR HUSSAIN | T.T. | GMS THEGARAY | GHS JANAK BANDA |
| 72 | KALEEM ULLAH    | T.T. | GHS GIRARAI  | GMS MULA YUSAF  |

**NOTE:**

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER

Endst: No. 2938-45 Dated 05-07-2021  
Copy forwarded for information and necessary action to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Accounts Officer Buner.
4. District Monitoring Authority (EMA) Buner.
5. Principals / Head Masters Concerned.
6. SDEOs concerned.
7. Teachers concerned.
8. ADEO Establishment Primary & Secondary local office.

*Handwritten signature and initials*

*Handwritten signature*  
DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER  
5/7/21

Time Table Class 6<sup>th</sup> Government Middle School Wach Khwar Kawga Mandanr Buner (session 2022-23)

| Period    | 1     | 2    | 3     | 4     | 5            |       | 6        | 7            | 8            |       |
|-----------|-------|------|-------|-------|--------------|-------|----------|--------------|--------------|-------|
| Monday    | انگلش | اردو | سائنس | ریاضی | تعلیم جسمانی | تفریح | اسلامیات | تعلیم القرآن | انگلش        |       |
| Tuesday   | "     | "    | "     | "     | "            |       | کمپیوٹر  | اسلامیات     | تعلیم القرآن |       |
| Wednesday | "     | "    | "     | "     | "            |       | "        | "            | جی کے        |       |
| Thursday  | "     | "    | "     | "     | "            |       | "        | "            | تعلیم القرآن |       |
| Friday    | "     | "    | "     | "     | جی کے        |       |          |              |              |       |
| Saturday  | "     | "    | جی کے | "     | اسلامیات     |       |          |              |              | انگلش |

Handwritten signature and initials in Urdu.

Handwritten signature and initials in Urdu.

Headmaster

GMS Wach Khwar Kawga  
Buner

Time Table Class 7<sup>th</sup> Government Middle School Wach Khwar Kawga Mandar Buner (session 2022-23)

| Period    | 1     | 2            | 3     | 4     | 5            | 6     | 7     | 8            |
|-----------|-------|--------------|-------|-------|--------------|-------|-------|--------------|
| Monday    | ریاضی | تعلیم القرآن | انگلش | اُرتو | اسلامیات     | تشریح | تعلیم | جی کے        |
| Tuesday   | "     | "            | "     | "     | "            | انگلش | تعلیم | تشریح        |
| Wednesday | "     | کمپیوٹر      | "     | "     | "            | تعلیم | جی کے | "            |
| Thursday  | "     | "            | "     | "     | تعلیم القرآن | تشریح | تعلیم | انگلش        |
| Friday    | "     | "            | "     | "     | اسلامیات     |       |       |              |
| Saturday  | "     | "            | "     | "     | سائنس        | تعلیم | جی کے | تعلیم القرآن |

تقریباً

6.10.22

Headmaster  
GMS Wach Khwar Kawga  
Buner

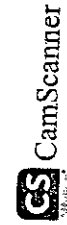
Time Table Class 8<sup>th</sup> Government Middle School Wach Khwar Kawga Mandanr Buner (session 2022-23)

| Period    | 1     | 2     | 3        | 4     | 5            | تفریح | 6            | 7            | 8            |
|-----------|-------|-------|----------|-------|--------------|-------|--------------|--------------|--------------|
| Monday    | انگلش | اُردو | اسلامیات | ریاضی | کمپیوٹر      |       | سائنس        | تعلیم القرآن | جی کے        |
| Tuesday   | "     | "     | "        | "     | "            |       | "            | "            | تعلیم جسمانی |
| Wednesday | "     | "     | "        | "     | "            |       | "            | "            | انگلش        |
| Thursday  | "     | "     | "        | "     | "            |       | "            | "            | تعلیم جسمانی |
| Friday    | "     | "     | جی کے    | "     | تعلیم جسمانی |       |              |              |              |
| Saturday  | "     | "     | "        | "     | سائنس        |       |              |              |              |
|           |       |       |          |       |              |       | تعلیم القرآن | تعلیم جسمانی | انگلش        |

Handwritten signature and text in Urdu, likely a teacher's or administrator's mark.

Handwritten signature and date: 6-10-22  
 Headmaster  
 GMS Wach Khwar Kawga  
 Buner

Mr. Zia ur Rehman (PET)



| Period    | 1 | 2 | 3          | 4 | 5          | Break | 6          | 7          | 8          |
|-----------|---|---|------------|---|------------|-------|------------|------------|------------|
| Monday    |   |   | Isl<br>8th |   | HPE<br>6th |       |            | HPE<br>7th |            |
| Tuesday   |   |   | //         |   | "          |       |            |            | HPE<br>8th |
| Wednesday |   |   | N          |   | "          |       | HPE<br>7th |            |            |
| Thursday  |   |   | //         |   | "          |       |            | HPE<br>7th | HPE<br>8th |
| Friday    |   |   |            |   | HPE<br>8th |       |            |            |            |
| Saturday  |   |   |            |   |            |       | HPE<br>7th | HPE<br>8th |            |

*Handwritten notes:*  
 CTE  
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 2/2

# آرڈر بک

نمبر شمار

مجموعہ محمد اسد صاحب

9  
20-11-022

سور (محمد صادق) S.S.A اور محمد اسرار (M.M) کے حوالے پر

کیا کہ (محمد اسرار) صاحبان کے لئے سوار (S) کو

حار ہے ہیں

لہذا آج غیرت 20-11-022

آج سے اس وقت کے ایوارڈ ہوئے

باج سے انبیوں سے ملنے کے لئے 2 اپریل 2022

20-11-022  
20/11/2022

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*P-18*  
*Amney Jwde "e-1"*  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
Block 'A' Opposite MPA's Hostel, Civil Surgeon's Peshawar

*K-100*

Peshawar, Dated 27<sup>th</sup> December 2022

**OFFICE ORDER**

**No. SO/SM&SED/5-17/2022/P1/G**

It is directed that, in view of the fact that the Government of Khyber Pakhtunkhwa is planning to upgrade its existing schools and colleges and to establish new schools and colleges, it is directed that all the existing schools and colleges should be inspected and the results of the inspection should be reported to the Government of Khyber Pakhtunkhwa. However, the inspection should be completed by the concerned authorities. The Government of Khyber Pakhtunkhwa is pleased to approve the results of the inspection and to issue the necessary orders for the inspection of the existing schools and colleges and to establish new schools and colleges. The Government of Khyber Pakhtunkhwa is pleased to approve the results of the inspection and to issue the necessary orders for the inspection of the existing schools and colleges and to establish new schools and colleges. The Government of Khyber Pakhtunkhwa is pleased to approve the results of the inspection and to issue the necessary orders for the inspection of the existing schools and colleges and to establish new schools and colleges.

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

Encl: as given No. & Date

- Copy forwarded to the
1. PSO to Chief Secretary, Khyber Pakhtunkhwa
  2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
  3. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad
  4. The Director, Directorate of Professional Development, Peshawar
  5. Director, EMIS, E&SE Department for uploading at official website
  6. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
  7. All District Education Officers (Male/Female) Khyber Pakhtunkhwa
  8. All Section Officers, E&SE Department Khyber Pakhtunkhwa
  9. PS to Minister for E&SE Department
  10. PS to Secretary E&SE Department
  11. PS to Special Secretary E&SE Department
  12. PS to Additional Secretary (E&SE) E&SE Department
  13. Office order file

*OTC*  
*[Handwritten signature]*

*[Handwritten signature]*  
*27/12/22*  
**INASEER ABBAS KHALIL**  
**SECTION OFFICER (SCHOOLS MALE)**

*Battered Copy of V-18 Ameyan E-17*

GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Block A Opposite MPA's Hostel Civil Secretariat Peshawar

Phone No.091-9223533

Peshawar Dated 27 December 2022.

OFFICE ORDER

No. SO SMIE&SED/5-17/2022/PT/G; The competent authority is pleased to impose complete ban on all kinds of posting & transfers in Elementary & Secondary Education Department till further orders with immediate effect.

2 However posting/transfers on administrative grounds, new recruitments court cases repatriation of deputation's promotion cases Officers/officials waiting for posting, security issues, medical cases and summaries/notes already processed for approval of the Competent Authority will be exempted from the ban.

3 This Notification is issued in the best public interest.

*Sd/-*  
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Endst of even No. & Date.

Copy forwarded to the.

1. PSO to Chief Secretary Khyber Pakhtunkhwa.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The Director Curriculum and Teacher Education Khyber Pakhtunkhwa, Abbottabad.
4. The Director Directorate of Professional Development Peshawar.
5. Director, EMIS ESSE Department for uploading at official website.
6. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
7. All District Education Officers (Male/Female), Khyber Pakhtunkhwa.
8. All Section Officers E&SE Department Khyber Pakhtunkhwa.
9. PS to Minister for E&SE Department.
10. PS to Secretary E&SE Department.
11. PS to Special Secretary E&SE Department.
12. PA to Additional Secretary (Estab) E&SE Department.
13. Office order file.

*Sd/-*  
(NASSER ABBAS KHALIL)  
SECTION OFFICER (SCHOOLS MALE)

Annex "D" P-19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com

TRANSFER ORDER.

Consequent upon the report submitted by the Head Master CMS Wach Khwar Kawga, Buner Dated 21-12-2022 and the subsequent report dated 06-01-2023 against Zia Ur Rahman PET of the concerned school, the Competent Authority is pleased to transfer Mr. Zia Ur Rahman PET bearing CNIC No. 15101-2047226-9 GMS Wach Khwar, Kawga to GHS Janak Banda on disciplinary grounds on account of absenteeism, inefficiency, misconduct, creating embarrassing situation for the department in the interest of public service with immediate effect.

Note:-

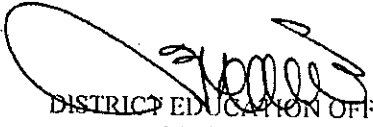
1. No TADA is allowed.
2. Charge report should be submitted to all concerned.

(IFFIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
MALE BUNER

Endst:No. 107-11 /SST-SPET- File2022 Dated: 9 / 1 /2023

Copy is forwarded for information to the:-

- 1 Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2 District Monitoring Officer EMA at Buner.
- 3 District Accounts Officer Buner at Daggar.
- 4 Principal /Head Master concerned.
- 5 Official concerned.

  
DISTRICT EDUCATION OFFICER  
MALE BUNER

9/1/23

Scanned with CamScanner

بھٹور جناب ڈائریکٹر ایجوکیشن صاحب ٹیچر پینشنر اور  
عنوان: اہل برائے مٹوئی تھولہ

جناب عالی!

مؤدبانہ گزارش ہے کہ میں محکمہ ایجوکیشن میں ایک معلم کی حیثیت سے کام کر رہا ہوں۔ میں بطور پرائمری سکول لیمبر 2012-09-22 سے  
2015-03-20 تک اور بطور فریکل ایجوکیشن لیمبر 2015-03-21 تا حال اپنی اپنی سرانجام دے رہا ہوں۔  
میرا تبادلہ گورنمنٹ ہائی سکول کالنگ سے گورنمنٹ ڈل سکول وچ ٹوڑو گا کو 05-07-2021 مل گیا تھا۔ گورنمنٹ ڈل سکول وچ ٹوڑو  
آنے سے پہلے میں نے تقریباً 9 سال دوسرے سکولوں میں گزارے مگر مجھ سے کسی ویلڈ ماسٹر صاحب یا انڈیا صاحبان کو کوئی شکایت نہیں تھا۔ تاہم  
گزشتہ سکول کے سربراہ کا تعریفی سند ہے جو کہ درخواست کے ساتھ الف ہے۔  
لیکن گورنمنٹ ڈل سکول وچ ٹوڑو گا میں ایک سال میں ویلڈ ماسٹر صاحب کو مجھ سے مسئلہ پیدا ہو گیا اور ویلڈ ماسٹر صاحب نے میرے خلاف درخواستیں  
کے چھٹیوں کے شروع ہونے سے پہلے ہاتھ تہ تیغ کر دیں اور 06-01-2023 کو انڈیا کے ایجوکیشن آفس کو درخواستیں دیں اور  
ڈی۔ ای۔ او صاحب نے بلا کوئی انکوائری اور مجھے سے بغیر میرا تبادلہ گورنمنٹ ڈل سکول وچ ٹوڑو گا سے گورنمنٹ ہائی سکول ہاتھ تہ تیغ  
کو 09-01-2023 کو عمل میں لائی گئی ہے۔

جناب عالی!

جب مجھے پتہ چلا کہ میرا تبادلہ کو عمل میں لایا گیا ہے تو میں نے ڈی۔ ای۔ او صاحب کے آفس میں صاف اور واضح مؤقف کے ساتھ وضاحتی بیان  
مورخہ 13-01-2023 کو جمع کرائی جبکہ اسی درخواست میں میں نے ویلڈ ماسٹر صاحب کے تمام الزامات کا تفصیلی اور واضح جواب بھی لکھا اور یہ بات  
کیا کہ یہ سارے الزامات ہیں اور جھوٹ پر مبنی ہے۔ جو مورخہ 13-01-2023 پر جمع کی گئی درخواست لکھی گئی ہے لیکن بد قسمتی سے جناب ای۔  
ای۔ او صاحب نے اس پر کوئی رد عمل دینے اور مجھے سے بغیر ویلڈ ماسٹر صاحب جی۔ ایم۔ ایس وچ ٹوڑو کے مؤقف کی تائید کی اور میرا تبادلہ کما گیا۔

جناب عالی!

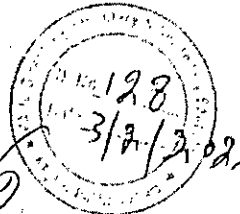
مورخہ 19-01-2023 کو میں نے ایک اور درخواست دی جس میں میں نے ویلڈ ماسٹر صاحب جی ایم ایس وچ ٹوڑو کے بیان اور درخواستوں کو جھوٹ  
پر مبنی ثابت کرنے کیلئے سکول سٹاف سے دستخط شدہ بیان جمع کی جس میں وضاحت کے ساتھ ہر ایک بات کو لکھی گئی ہے۔  
اس درخواست کو دینے کے بعد ڈی ای او صاحب نے مورخہ 27-01-2023 کو ایک انکوائری کمیٹی قائم کی لیکن کمیٹی کے رپورٹ کے آنے سے پہلے  
مجھے غیر ضروری پتہ خوش مورخہ 30-01-2023 کو بھی جاری کیا جو کہ میرے ساتھ زیادتی اور ناانسانی پر مبنی ہے۔

Add: (PC)

2/2

2/2

2/2



جناب عالی!

جی ایچ ایس جانک بانڈہ ضلع بوئیر کے آخری حدود اور ضلع صوابی کے شروعاتی حدود پر آباد ہے۔ وہاں پر ہمارا دشمنی ہے (جو کہ میں نے اپنے پہلی والی جمع کرائی گئی درخواست میں اس کا تفصیلی ذکر کیا ہے) اور اس کے ایف آئی آر کی نقل میں نے ڈی ای او صاحب کے دفتر میں بھی جمع کرائی ہے اور اس ایل کے ساتھ بھی منسلک ہے۔ لہذا میرے ساتھ اس معاملے میں انصاف کیا جائے تو ممنون رہوں گا۔

جی ایچ ایس جانک بانڈہ ضلع بوئیر کے آخری حدود اور ضلع صوابی کے شروعاتی حدود پر آباد ہے جو کہ تقریباً ہمارے گاؤں سے 90 کلومیٹر پر واقع ہے۔ میں نے اپنے درخواست میں سپاؤس پالیسی اس لئے ذکر کیا تھا کیونکہ میری بیوی بھی معطلہ عربی ہے اور میرے ہی گاؤں میں جی ایچ ایس بڈیر میں اپنی ڈیوٹی سرانجام دے رہی ہے۔ اس لئے یہ ٹرانسفر جو کہ غلط کی گئی ہے میں سپاؤس پالیسی کا بھی کوئی لحاظ نہیں رکھا گیا ہے۔

جناب عالی!

میرا تبادلہ چونکہ ہیڈ ماسٹر صاحب کے خواہش اور دلی لگن پر جی ایچ ایس جانک بانڈہ کو عمل میں لائی گئی ہے کیونکہ انہوں نے اپنے درخواست میں ڈی ای او صاحب بوئیر کو ہدایات کی ہے کہ آپ صاحبان ضیاء الرحمن کا تبادلہ جی ایچ ایس وچ خورڈ کو گائے علاقہ خدوخیل میں کرانے کے احکامات صادر فرمائیں کیونکہ ہیڈ ماسٹر صاحب موصوف کو یہ معلوم تھا کہ وہاں پر ان کی پرانی دشمنی ہے۔

جناب عالی!

اللہ تعالیٰ قرآن مجید کے سورت الحجرات میں آیت نمبر 9 میں فرماتا ہے۔

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِن بَغْت إِخْدَهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِن فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ⑨

ترجمہ: "اور اگر دو فریق مسلمانوں میں سے آپس میں لڑیں تو ان میں صلح کر دو پھر اگر ان میں سے ایک گروہ دوسرے گروہ سے زیادتی کرے تو زیادتی کرنے والے سے لڑو یہاں تک کہ وہ اللہ کی حکم کی طرف پلٹ آئیں پھر اگر وہ پلٹ آئے تو ان کے درمیان عدل کے ساتھ صلح کر دو اور انصاف کرو کہ بے شک اللہ انصاف کرنے والوں کو پسند کرتا ہے۔"

لہذا استدعا کرتا ہوں کہ آپ صاحبان مہربانی فرما کر میرے اس اپیل کو مد نظر رکھتے ہوئے میرے خلاف اٹھائی گئی اقدام اور تبادلے کو منسوخ کر کے میرے ساتھ انصاف کرنے کے احکامات صادر فرمائیں تو عمر بھر دعاگوں رہوں گا اور اللہ تعالیٰ آپ صاحبان کو اس حسن اقدام پر اجر عظیم دے۔

نقط

العارض

آپ کا تابعہ رضیاء الرحمن پی۔ ای۔ ٹی وچ خورڈ کو ضلع بوئیر

مورخہ: 03-02-2023

Ames, "E" P-22



GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DISTRICT BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com



**CORRIGENDUM.**

In partial modification of this office transfer order on disciplinary grounds issued vide Endst: No. 107-11 Dated: 09-01-2023, the school name in R/O Mr. Zia Ur Rahman PET may be read as GHS Malka instead of GHS Janak Banda in the interest of public service.

**Note:**

1. No TA/DA is allowed.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER  
MALE BUNER

Endst No: 1130-34 /P.File- Zia Ur Rahman-PET Dated: 07/03/2023.

Copy of the above is forwarded for information to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshwar.
2. District Monitoring Officer EMA, Buner.
3. District Accounts Officer Buner at Daggar.
4. Principal/Head Master Concerned.
5. Official concerned.

*Handwritten signature/initials*

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DISTRICT EDUCATION OFFICER  
MALE BUNER  
7/3/23

To

The Director Education  
E & S Education K.P Peshawar.

Through

Proper Channel

Subject; DEPARTMENTAL APPEAL AGAINST THE ORDER IMPUGNED End; NO.1130-34 dated 07/03/2023, BY VIRTUE OF WHICH THE APPELLANT HAS WRONGLY AND AGAINST THE LAW, RULES AND POLICY EXIST, BEING PREMATURE, DURING BANE, EVEN IMPOSED BY THE HON; SECRETARY GOVT; OF K.P EDUCATION DEPTT; WITHOUT APPROVAL OF THE COMPETANT AUTHORITY, HAS BEEN TRANSFERRED BY BASING SO CALLED GROUND OF ADMINISTRATIVE, WITH OUT ANY INTIMATION, SHOW CAUSE NOTICE OR CONDUCTION OF ENQUIRY ON MALA FIDE INTENTION AND ILL WELL.

=====

Respectfully Sheweth as under.

1. That the appellant has been serving in the Education Deptt; since 22/09/2012 and during the entire past service the appellant remained punctual and obedient to all of his bosses and therefore have given no chance of complaint to none of his bosses.
2. That the appellant had transferred to the station of GMS Wach khwar kawga Buner, on 05/07/2021 and the station GHS Katkala where the appellant had performed about seven years' service just before the same station which falls within a distance of 90 KM both side from the resident of the appellant, the performance over all had commended by the Head Master of GHS Katkala. Copy of that commendation Certificate are annexed as ready reference for perusal.
3. That as a matter of fact as the station, GMS wach Khwar is concerned, the same falls within a few KM from the residence of the appellant and is within the same union council kawga to which the appellant is belonging therefore the appellant was more keen to perform his duty with more devotion than his previous station GHS Katkala but unfortunately here the Head Master concerned who was in habit of corruption just not only to perform only his duty for justifying his receiving of his salary but also he was keen to earn more and more extra money in addition to his pay. Copy of pay slip is annexed for ready reference and perusal.
4. That the concerned Head Master, while from the 1<sup>st</sup> day in the same School when found and noticed that the appellant was honest and depending on his monthly salary and was devoted with his seat and duty, he was hesitating to keep continue his routine of extra earning therefore he always ignored the appellant even he started to take the duty of PET from another teacher namely Mohammad Israr.DM and for no reasonable ground he

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 (6/11/2023)  
 2

followed his Mala Fide intention to take out the appellant from the said School and for no reason he started to charge the appellant baselessly. Hence with the collusion of the headmaster concerned and the DEO (M) Buner as a result of Mala Fide plan the appellant was transferred vide order End; No.107-11 dated 09/01/2023 and subsequently and other order end; No. 1130-34 dated ,7/3/2023.

5. That the appellant has challenged the previous order dated 09/01/2023 vide Departmental appeal on dated 03/02/2023 but purposely just to increase the unwarranted and illegal harassment and mental agony of the appellant, the 2<sup>nd</sup> order dated 07/03/2023, which the appellant having no alternative adequate remedy except unavoidably to file the instant Departmental appeal on the following grounds among other inter alia.

### GROUNDS

- a. That the transfer order dated 07/03/2023 is totally illegal and based on mala fide intention and ill well, hence is not tenable on this score but is liable to be set aside in favour of the appellant.
- b. That the order impugned dated 07/03/2023 whereby the appellant has wrongly been transferred from GMS wach khwar kawga to GHS Majka is against the law and rules and also Transfer Policy exist being **PRE-MATURE** hence is not sustainable in the law but is liable to be set aside in favour of the appellant.
- c. That the appellant has wrongly been charged for no fault of him but only to base the transfer order dated 07/3/2023, impugned and also as a sequence of the former order dated,09/01/2023, on mala fide both are arbitrary and of no legal weight because no charge sheet and show cause notice has been issued to the appellant and also no impartial enquiry has been conducted or ever the appellant has been heard in person as provided in the E & D rule. Hence the order impugned and also the previous order both are liable to be set aside in favour of the appellant.
- d. That the order impugned and the previous order both are issued during the **ban imposed by the Govt; of K.P Education Deptt; Hon; Secretary Education vide Notification No.SO(SM) E& SED/5-17-20/2022/ PT/ G PESHAWAR dated 27<sup>th</sup> Dec; 2022**, without approval of the competent authority. Hence is not tenable under the law but is liable to be set aside in favour of the appellant.
- e. That no counterpart in the said orders impugned has been transferred or proposed on the same post to the School /GMS wach Khawar kawga concerned where on, someone, who accepts and follows the extra earning scheme, launched by the Headmaster concerned with collusion of the DEO (M) Buner, for financial benefit of both concerned,




will be posted after compromise with each other. Which also testifies to the mala fide of the concerned authorities. Hence the orders concerned impugned both are not falls in public interest but is on the personal interest of the authorities concerned, which the appellant has right to challenge before a competent forum for declaring as null and void and just for illegal gaining which refused the appellant.

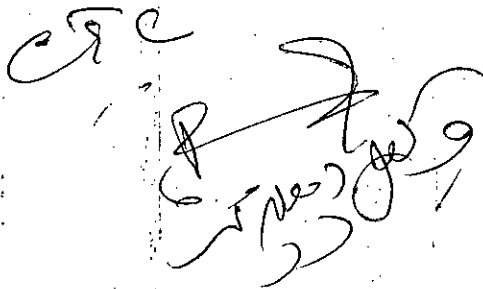
- f. That the appellant has also been condemned unheard and both the orders, impugned are purely basing gross illegality and arbitrary and just illegal gaining, hence are liable to be set aside in favour of the appellant.
- g. Those further grounds, actually backing both the orders, impugned, will be advanced at the time of arguments/personal hearing before the authority if offered.

Therefore, it is humbly prayed that on acceptance of the instant departmental appeal both the orders impugned of dated 07/3/2023 and former dated, 09/01/2023 may be set aside in favour of the appellant. Further relief which also is available in favour of the appellant though not prayed for in the instant appeal may also graciously be granted to the appellant.

**Enclosed:** copy of previous departmental appeal dated 03/02/023 which may considered part and parcel of this appeal + Copies of both orders impugned, pay stoppage order, and pay role copies.

  
 APPELLANT/ZHAUR RAHMAN  
 PET GOVT MIDDLE SCHOOL  
 WACH KWAR KAWGA

Dated 13/3/2023.



بخدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ  
پشاور

سائیل :- ضیاء الرحمٰن پی.ای.ٹی. گورنمنٹ مڈل سکول وچ خوز کوگا ضلع بونیر۔

عنوان :- درخواست بمراد منسوخ تبادله آرڈر نمبر 107-11 بمورخہ 09-01-2023، آرڈر نمبر

34-1130

بمورخہ 07-03-2023 اور آرڈر نمبر 824 بمورخہ 17-02-2023 از جانب ڈسٹرکٹ ایجوکیشن

فیسر صاحب ضلع بونیر

Director BSS &  
Pl. cancell the  
order of your end.

جناب عالی، جناب عالی

درخواست بوجویات و عنوان بالا درجہ ذیل ہے۔

1. یہ کہ موجودہ سکول یعنی جی.ایم.ایس۔ وچ خوز کوگا میں 1- سال

ہو گیا ہے، موجودہ سکول کو 08-07-2021 میرا ٹرانسفر ہو گیا ہے

میں نے جو کہ رول اور قانون کے حساب سے ڈیمانڈ

2. یہ کہ میری بیوی بھی 11-01-2019 سے لیکر تا حال محکمہ تعلیم میں بطور معلمہ اپنی

ڈیوٹی سر انجام دے رہی ہے، میرا تبادلہ اس سے دو طرفہ تقریباً 80 کلومیٹر دور کر دیا گیا ہے

یعنی سٹاؤنس پالیسی کے لحاظ سے بہن درست نہیں ہے۔

3. یہ کہ سائیل نے آپ صاحبان کے خدمت میں حکمانہ توسط سے اپیل 13-03-2023 جمع

کرائی تھی جس کی وجہ سے میں سروس اپیل بھی نہیں کر سکتا اور نہ ہی کسی اور فورم یہ

جا سکتا ہوں، لیکن اسکے باوجود سائیل کی قیادت میں درخواست بند کی گئی ہے جس کی وجہ سے

گزر بسر مشکل ہو گیا ہے۔

4. یہ کہ ایک رول ایکسٹنشن کے وجہ سے میرے ایک رول اور ایک بائو میں ایک رول اضافہ کیا

گیا ہے اور مذکورہ سکول کیلئے پبلک ٹرانسپورٹ کی سہولت بھی نہیں ہے جس کی

وجہ سے میں مذکورہ سکول میں بامر جسمانی مجبوری کے ڈیوٹی کرنے کے قابل نہیں ہوں۔

لہذا استدعا ہے کہ سائیل کے ساتھ انصاف اور رحم دلی کا معاملہ کرتے ہوئے بعنوان مذکورہ

بالا احکامات کے منسوخ از تاریخ اجراء فرما کر دائرہ سبب فرمائیں جائے اور ساتھ ساتھ

تجوڑا ریلیز کرنے کے احکامات صادر فرمائیں، تو سائیل تا حیات دعا گو رہیگا۔

عریضہ آپکا تابع فرمان۔

سائیل ضیاء الرحمٰن پی.ای.ٹی. گورنمنٹ مڈل سکول وچ خوز کوگا ضلع بونیر

مورخہ 17-04-2023

DEO (M) BUN  
Appeal accepted  
and pl. with draw  
order No. 1130-34  
dated 07/3/2023  
please

Director  
Elementary & Secondary Education  
Peshawar

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جناح حضرت صاحب دینی - اوجھا ہنرمیں پورے

سائل استحضار: ضیاء الرحمن 2023  
کی اور بھی وجوہ ذکر کیے گا کہیں ہندسہ  
ہنرمیں پورے

بنام

1۔ محمد صادق علی صاحب کو ہندسہ 2023 کا  
کھیل ہندسہ ہنرمیں پورے کے لئے پورا کیا گیا

2۔ افتخار الرحمن 2023 کے لئے ہندسہ ہنرمیں پورے کے لئے  
صدا کی ہنرمیں پورے کے لئے

درخواستہ آرڈر کی رقم 1000 روپے

کلکٹران میں غرضی کہ مسائل استحضار 2023

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

2023 کے لئے ہندسہ ہنرمیں پورے کے لئے

میں کہ آئندہ درجہ دارانہ شروع کی آئندہ سیکرٹری  
 نے کلاسوں میں داخل ہو کر کام کی واقعہ طور پر آئندہ  
 کر کے دیکھ کر اور اس کے ساتھ ساتھ طلباء یا انھوں نے عبدالعزیز  
 آف ایڈمیشن کے تحت درجہ دارانہ اور ایف ڈی ایف کے لئے  
 عبدالعزیز کے تحت درجہ دارانہ اور ایف ڈی ایف کے لئے  
 میں اس وقت کے لئے درجہ دارانہ اور ایف ڈی ایف کے لئے  
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ذیل کی درخواستیں سفارشات یا حیدر آباد  
 1۔ کہ ملز صاحبان نے صاحبان کو کارکنان کے لئے  
 2۔ کہ ملز صاحبان نے ملز صاحبان کے لئے  
 کا شیواجی ملاقاتیوں کے لئے  
 قبل از وقت اور بلا مشورہ اس کے لئے  
 KP Teachers Regulation Act 2011  
 اور اس کے لئے اس کے لئے  
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# OUT-PATIENTS DEPARTMENT

NAME 217. Mr. Rahman

YEARLY NO 1424 DATE 13-4-23

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE DISTRICT EDUCATION OFFICER  
MALE BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com

NO. 824 /Estab:Secy Dated: 17/02 /2023

To

The District Accounts Officer  
District Buner, at Buner.

Subject: - PAY STOPPAGE IN R/O Mr. Zia Ur Rahman PET GHS Janak Banda, Buner

Memo;

- Reference is made to the subject cited above that the below mentioned has been transferred from GMS Wach Khwar, Kawga to GHS Janak Banda vide No. 107-11 dated 09-01-2023, Since the concerned official is absent from his duty till now and is irregular, irresponsible and inefficient towards his duty.

| S# | Name & Designation | Absence report      | Personal No. | Place of Posting | Remarks |
|----|--------------------|---------------------|--------------|------------------|---------|
| 1  | Zia Ur Rahman PET  | 09-01-2023 till now | 00702297     | GHS Janak Banda  |         |

Hence, you are requested to stop the pay of the said official so as to save Govt. Exchequer from undue loss.

*[Signature]*  
DISTRICT EDUCATION OFFICER  
MALE BUNER.  
Dated: 17/02 /2023

Endst: No. \_\_\_\_\_ /PersonalFile-2023  
Copy for information to the.

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer EMA, Buner
3. Head Master GHS Janak Banda, Buner.
4. Official concerned.
5. Master file.

*[Handwritten initials/signature]*

*-sd-*  
DISTRICT EDUCATION OFFICER  
MALE BUNER.

NAK\*\*

لہذا التاجنا۔ چیرمین ہاؤس سروسز پرائیویٹ لمیٹڈ  
نیشنل سٹور

مورخہ 31/5/2023 (3 مئی) 2023ء منجانب ایسٹرنڈ ایجنٹس انڈیا لٹڈ  
مقدمہ خیانت از دین نام ٹی کی ای (اومیل کو فیکٹوری و پتہ) دعویٰ  
سروسز پرائیویٹ لمیٹڈ کے خلاف ایسٹرنڈ ایجنٹس انڈیا لٹڈ کی  
جزم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکھ کر  
کارروائی متعلقہ آن مقام لہنا سٹور کے لئے رحیم خان اور گولڈ کسٹ کے نام کی صورت  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دیے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمد اور  
منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور  
اس کا ساختہ پداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں میں جو خرچہ و ہر 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 حد سے باہر ہے تو وکیل صاحب پابند نہ ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 03 ماہ ستمبر 2023ء

العبد گواہ نشہ العبد

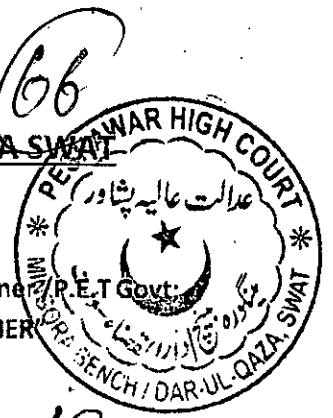
بمقام کپ سروسز پرائیویٹ لمیٹڈ لہنا سٹور  
لے لہنا سٹور کے لئے منظور ہے۔

Attested & accepted

Robin Kumar  
31/5/2023

ایسٹرنڈ ایجنٹس انڈیا لٹڈ  
PRT G.M.S. WAREHOUSE KANWAR  
Mandla Distt. Punjab.

## BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DARUL QAZA SWAT

Writ Petition No. 359m /2023ZIA UR RAHAMN S/O Habibur Rahman R/O Village Kankowai Tehsil Mandnar District Buner  
Middle School Wuch Khwar Kawga E & S Education Deptt; District Buner. "PETITIONER"

VERSUS

1. D.E.O (Male) E & S Education Deptt; District Buner.
2. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
3. Director Education E & S KP Peshawar.
4. Secretary E & S Education Deptt; Peshawar Civil Secretariat.
5. District Accounts Officer Buner.

FILED

11 APR 2023

"Respondets"

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAM 1973, AGAINST THE IMPUGNED ORDER, END; NO.824 DATED 17/2/2023, ADDRESSED TO THE DISTT; ACCOUNTS OFFICER BUNER , WITH COPIES THEROF ENDORSED TO THE PETITIONER AND OTHERS, WHEREBY WRONGLY INVIOATION OF FUNDAMENTAL RIGHTS OF THE PETITIONER ,PROTECTED UNDER ARTICLE 25 OF THE CONSTITUTION AND AGAINST THE LAW AND RULES, MONTHLY SLALRIES OF THE PETITIONER HAS BEEN STOPPED, JUST FOR COMPELLING THE PETITONER, TO OBEY THE ILLEGAL AND PRE MATURE AND ALSO DURING BANE AND AGAINST SPOUSE POLICY, TRANSFER ORDER (End; No.107-11 dated 09/01/2023, without any counterpart ) OF THE PETITIONER, WHICH IS NOT BINDING ON THE PETIONER, BEING MALA FIDE AND ILLEGAL AND NOT EXISTED (Against which Departmental Appeal of the Petitioner is pending on the grace of the Respondents even No.3), FOR DIRECTION TO THE RESPONDENTS TO PAY AND RELEASE THE MONTHLY SLALRY OF THE PETITONER AND ALSO TO WITHDRAW SOCALLED TRANSFER ORDER END NO.107-11 DT 09/01/2023 & SUBSEQUENT ORDER END; 1130-34 DT 07/03/2023.

Respectfully Sheweth

PRAY IN WRIT PETITION

BY ALLOWING THE INSTANT WRIT PETITION

1) THE RESPONDETS MAY BE DIRECTED TO RELASE AND PAY THE MONTHLY SALARY OF THE PETITIONER FROM 1<sup>ST</sup> FEBRUARY 2023 and to pay onward regularly without illegal break &

2) TO WITHDRAW THE TRNSFER ORDERS dated 09/01/2023 & dated 07/03/023 ALSO BEING ILLEGAL, HENCE NOT EXISTED.

FACTS

1. That the petitioner has been serving in the Education Deptt; since 22<sup>nd</sup> September 2012 up till now, and during his entire service, he remained obedient, punctual/dutiful, and efficient. Therefore, the best performance of the petitioner has always been commended by his immediate bosses and also, he has been paid best teacher award by the Department/Govt; copy of commendation certificate issued by the Head Master Govt High School Katkala, (where the petitioner performed his duty since 21<sup>st</sup> March 2015 to 05<sup>th</sup> July 2021) is annexed as annexure "A" for ready reference and perusal.
2. That the petitioner while took charge on 08<sup>th</sup> July 2021 in the present School GMS wach khwar kawga , has started his duty with great keen and zeal, just to keep satisfy the respondents No.2 and 1, because the station /GMS Wach Khwar, is a nearest station, being a home station of the petitioner, while GHS Katkala, was falling , within a long distance of 90 KM, both side journey , but from the 1<sup>st</sup> day, in the said School, the respondent No.2, who was/is a habitual extra earner in the school, from different sectors and the respondent

ATTENDED

Examiner  
Peshawar High Court Bench  
Mingora Dar-ul-Qaza, Swat.



No.1 was on his back, might be a shareholder in, too, did not accept the petitioner as a subordinate and mala fide deleted and excluded the drill period and entrusted the sports activities like athletics to a Drawing Master, namely Mohammad Israr, especially belonging to the duty/seat of the petitioner and also hating the petitioner and was started, just to create grounds unwarrantedly for spoiling the career of the petitioner at any cost. Copy of Timetable and also a copy of order Book dated 20/11/2022 are annexed as annexure "B" as a proof of.

3. That additionally the respondent No.2 also, was hesitating, just not know the illegal means and record of that illegal earning and collection of money in the capacity of official status and in Govt; institution and for the very purpose, he wants to keep aside the petitioner from, and therefore In the long run, the respondent NO.2, on mala fide intention and ill will, started sending of secret letters to the respondent No.1, just to provide illegal base for the transfer of the petitioner without any intimation to the petitioner, unwarrantedly and false and then the petitioner was wrongly transferred without Counterpart, pre mature, on so-called administrative ground, vide order End; No. 107-11 dt,09/01/2023, despite during ban, imposed, by respondent NO.4 and in violation of spouse policy, against which, the petitioner has filed a departmental appeal on 03/02/2023, copies whereof also is annexed as "C", "C-1", "C-2" & "C-3".
4. That despite waiting for comments or deciding the departmental appeal of the petitioner dated, 03/02/2023, against the transfer order dated,09/01/2023 by the appellate authority, the respondent NO.1, again, just to keep the petitioner in the endless series of mental torture and agonizing situation for compelling him to obey the illegal order and command of the respondents No.2 & 1, by leaving the School without any legal or lawful resistance and efforts against, another order in a shape of so-called nomenclatured as Corrigendum End; No. 1130-34 dt 07/3/2023 was issued by the respondent No. 1 with collusion of the the respondent No.2 whereby the petitioner was again transferred pre mature from GHS Janak Banda to GHS Malka and also additionally threatening the petitioner for severe consequences . however monthly salary of the petitioner has wrongly in violation of his fundamental rights, has been stopped without waiting for lapsing of the statutory period 90 days. However another departmental appeal against the 2<sup>nd</sup> transfer order was also filed on 13/3/023, to the respondent No.3 against the same order. Copies of both are annexed as annexure "D" & "D1".
5. That unavoidably the petitioner as a natural reaction, has approached with a legal Notice to the respondent No.4 to take notice of the corruption of the respondent NO.2, supporting by respondent No.1 with endorsement to the respondents 1,2 & 3, whom have intended to compel the petitioner either, to comply with the illegal order or sustain sever consequences for that. copy annexed as annexure as "E".
6. That the respondent No.1, not only made illegal transfer of the petitioner but as a routine, he is in inhabit of making such like transfer of his subordinate teachers and then conditionally withdraw those orders, if teacher under transfer is ready to pay illegal gratification, while as well as the role of the respondent No.2, is concerned, recently a complaint on citizen portal has been made against and also a written complaint by the students of the said school to the Respoñdent No.1 and then to the respondent NO.4 which are self-explanatory. So, the negative role of respondents even NO.1 in Distt; Buner, has thus been increasing litigations against the Govt;/Deptt; and consequently, destroyed and disturbed severely the Education environment, in the District, which also is against the public interest. Copies of all these materials and copy some orders got are annexed as annexure "F" for ready reference and perusal.

**ATTENDED**

Examiner  
Peshawar High Court Bench  
Mingora Dar-ul-Qaza, Swat.

7. That the petitioner has filed departmental appeal against the 1<sup>st</sup> transfer order dated 09/01/2023 (impugned), on dated 03/02/2023 and of the 2<sup>nd</sup> transfer order dated 07/03/2023 (impugned), on dt, 13/03/2023, which are still pending on the grace of the appellate authority /respondent No.3, but meanwhile, as the monthly salary of the petitioner has been stopped vide order impugned end; No.824 dt 17/2/2023 impugned, in violation of fundamental rights of the petitioner and his dependents too, just to compel the petitioner to obey the illegal order and command of the respondent No.1, being his goal, to which the petitioner is not bound to obey, as per plethora verdict of the August Supreme Court of Pakistan, PLD 1995 Supreme Court 530 and in order to stop the series of more illegal transfer orders or other illegal orders for spoiling the service career of the petitioner, the petitioner having no alternative adequate remedy, except to file the instant Writ Petition, on the following grounds among other inter alia.

#### GROUNDS

- a. That the both orders even of dated 07/03/2023 (so called corrigendum) and also 1<sup>st</sup> order dated 09/01/2023, impugned are pre mature, also during bane, imposed by the Hon; Secretary Education K.P Peshawar /respondent No.4 and against the spouse policy and actually basing on Mala fide intention and ill well. Copies all of Transfer Order From GHS Katkala to GMS wach khwar dated 05/07/2021, posting order of spouse of the petitioner, in GGMS Khanano Dehrai Mandanr Buner dated, 12/12/2022, orders impugned both of dated 09/01/2023 & dated, 07/03/2023 and ban Notification dated 27/12/2022, are annexed herewith for ready reference and perusal.
- b. That the impugned transfer orders which wrongly termed as to be on administrative grounds though transfer is not punishment being not included either in the list of major or minor penalties, of Khyber Pakhtonkwa Civil/ Govt; Servants E & D rules 1973 & 2011, however then the orders impugned is /are without serving any charge of allegation or any show cause notice on the petitioner, without conducting of any enquiry or awarding any opportunity of personal hearing etc as pre requisite and provided under the ibid rule, while in case of normal transfer also the order is /are falling in violation of the Transfer policy, being Pre mature, against the spouse policy and even of, "The Khyber Pakhtunkhwa (APPOINTMENT, DEPUTATION, POSTING and TRANSFER OF TEACHERS, LECTURERS, INSTRUCTORS and DOCTORS) Regulatory Act 2011" (KP ACT NO.XII OF 2011).
- c. That the orders impugned both have been issued all of sudden, without fulfillment any legal procedural steps or any notice to the petitioner, which also tantamount to condemnation unheard on pure MALA FIDE intention and ill well merely basing false ground fraudulently to justify wrongly. Hence is not sustainable in the eyes of law but is liable to be set aside.
- d. That both the orders impugned being illegal are not binding on the petitioner to obey or comply with, as per plethora verdict of the August Supreme Court of Pakistan, PLD 1995 S C 530, hence similarly, also the letter No. 824 dated 17/02/2023 impugned of the respondent NO.1, addressed to the Respondent NO.5, for stoppage of monthly salary of the petitioner in violation of Fundamental Rights of the petitioner and his dependents, protected by the Constitution, just to compel the petitioner to obey the illegal orders and commands, of the authority are also illegal having nullity in the eyes of law, needs to be set aside in favour of the petitioner, from the date of its issue.
- e. That this August High Court has Jurisdiction, having ample power to set aside the orders impugned, being illegal and unlawful and to direct the authorities to release and pay the monthly salaries to the petitioner.

FILED TO  
13 FEB 2023

ATTACHED  
Examiner  
Peshawar High Court Bench  
Mingora Dar-ul-Qaza, Swat.

f. That further grounds will be advance at the time of arguments with due permission of this August High Court.

Therefore, it is most humbly prayed that by allowing the instant writ petition, relief sought by the petitioner, may be granted in favour of the petitioner, by setting aside of the letter impugned No.824 dated 17/2/023, with the directions to the respondents to release the monthly salaries of the petitioner and to pay the petitioner from the date of its stoppage and to withdraw both the impugned orders dated 09/01/023 and 07/03/023. Further relief to which the petitioner is otherwise entitle though not specifically prayed for in the instant Writ Petition, may also graciously be granted to the petitioner.

PETITIONER

THROUGH COUNSEL

*[Handwritten Signature]*

RAHIM KHAN  
Adv High Court  
Cell = 03439049185

Office; at Distt; Courts Daggar Buner  
Dated 06/04/2023.

INTERIM RELIEF

BY Granting the Interim Relief in Favour of the Petitioner, the respondents may be directed to stop further adverse initiatives against the petitioner till the disposal of the instant writ petition and also to suspend the operation of the letter No.824, impugned even dated, 17/2/2023.

PETITIONER

THROUGH COUNSEL

*[Handwritten Signature]*  
RAHIM KHAN  
Adv High Court

CERTIFICATE

It is to certify that the entire contents of this writ petition are true and correct and that no such like petition or claim has been filed or made elsewhere in any forum or decided by any court.

FILED TODAY

11 APR 2023

*[Handwritten Signature]*  
PETITIONER

ATTESTED

Examinar  
Peshawar High Court Bench  
Mingora Dar-ul-Qaza, Swat.

- LIST OF Books - Private
1. Constitution of P.R. of Ferozshah 1973
  2. E + D. Rules K.P. 2011.
  3. K.P. (Appointment of Teachers etc.) of Regulations etc. 2011
  4. Spoken Policies + (Policies etc) 2011  
- OLD-1995 S.C. 530

**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DARUL QAZA SWAT**

Writ Petition No. 359-M /2023

**ZIA UR RAHAMN**                      **Versus**      **D.E.O (Male) Buner & others**

**Affidavit**

I, Ziaur Rahman S/O Habibur Rahman PET GMS Wach Khwar Kawga Distt; Buner / Petitioner, do hereby affirm and declare on oath that the entire contents of this writ petition are correct and true to the best of my knowledge and belief and that I have neither filed any suit or case before any court of law or before this Hon; High Court or else where or has ever been decided by any Court of law or by this Hon; High Court.

*[Signature]*  
Deponent

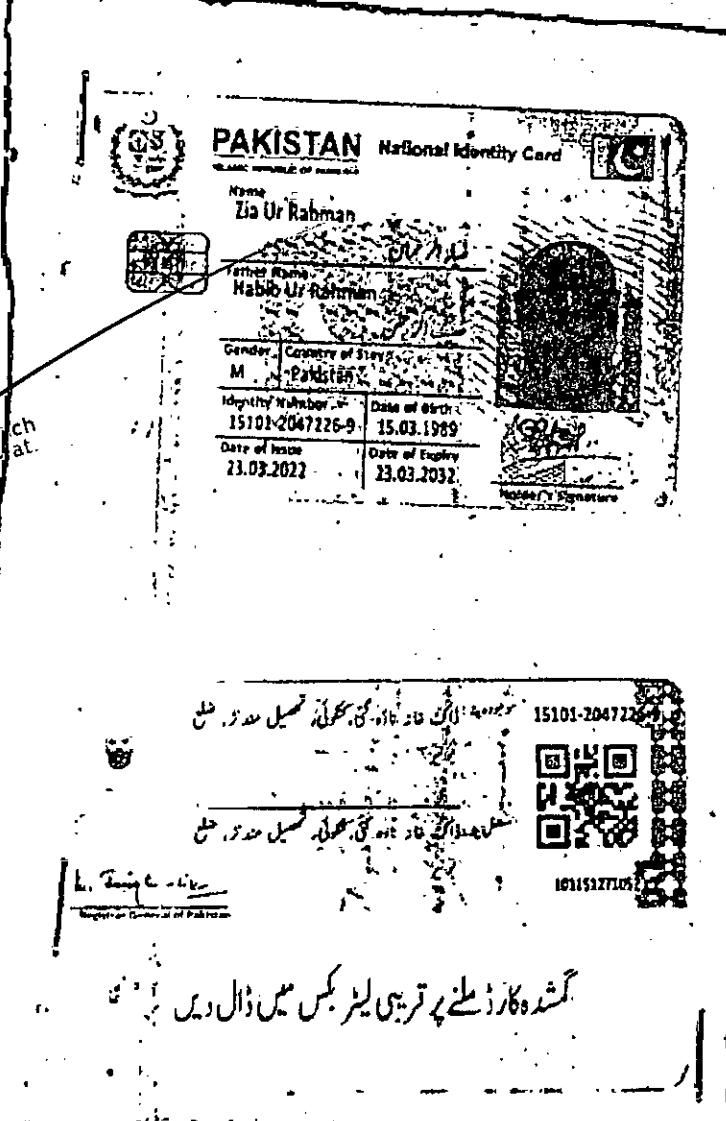
PETITIONER/ Ziaur Rahman

CNIC No-15101-2047226-9  
cell #0344-9224473

No. 106  
Certified that the above is a true copy of the original as shown to me by the deponent.  
I, *[Signature]*  
Identified by self

FILED TODAY  
*[Signature]*  
17.09.2023

**ATTACHED**  
Examiner  
Peshawar High Court Bench  
Mingora Dar-ul-Qaza; Swat.



**PAKISTAN** National Identity Card  
Name: Zia Ur Rahman  
Father Name: Habibur Rahman  
Gender: M      Country of Stay: Pakistan  
Identity Number: 15101-2047226-9      Date of Birth: 15.03.1989  
Date of Issue: 23.09.2022      Date of Expiry: 23.03.2032

گمشدہ کارڈ ملنے پر قریبی ایئر بس میں ڈال دیں

**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DARUL QAZA SWAT**

Writ Petition No. 359-M /2023

1. ZIA UR RAHAMN Versus D.E.O (Male) Buner & others

**ADDRESSES OF PARTIES.**

1. ZIA UR RAHAMN S/O Habibur Rahman R/O Village Kankowai Tehsil Mandnar District Buner /P.E.T Govt; Middle School Wuch Khwar Kawga E & S Education Deptt; District Buner. "PETITIONER"

- 2. D.E.O (Male) E & S Education Deptt; District Buner.
- 3. Headmaster Govt; Middle School Wuch Khwar Kawga Buner.
- 4. Director Education E & S KP Peshawar.
- 5. Secretary E & S Education Deptt; Peshawar Civil Secretariat.
- 6. District Accounts Officer Buner.

"Respondets"

PETITIONER

THROUGH COUNSEL

*[Signature]*  
RAHIM KHAN  
Adv High Court

**ATTENDED**

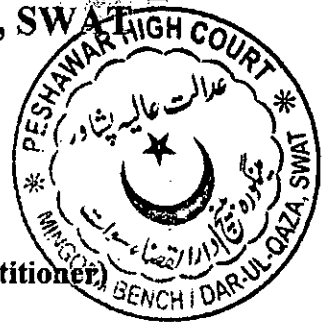
Examiner  
Peshawar High Court Bench  
Mingora Dar-ul-Qaza, Swat.

FILED TODAY  
*[Signature]*  
11 APR 2023  
SHERIFF  
PESHAWAR

**JUDGMENT SHEET**

**IN THE PESHAWAR HIGH COURT  
MINGORA BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)**

W.P. No.359-M/2023  
With interim relief.



Zia-ur-Rahman ..... (Petitioner)

vs.

D.E.O (Male) & 04 others ..... (Respondents)

**Present:** Mr. Rahim Khan, Advocate, for  
the petitioner.

Nemo for the respondents,  
(case being in motion).

*Date of hearing:* 03.05.2023

**JUDGMENT**

**SHAHID KHAN, J.-** Through the instant petition,  
under Article 199 of the Constitution of Islamic  
Republic of Pakistan 1973, the petitioner, Zia-ur-  
Rahman, has sought the following prayer:

“Therefore, it is most humbly  
prayed that by allowing the instant  
writ petition, relief sought by the  
petitioner, may be granted in favour  
of the petitioner, by setting aside the  
letter impugned No.824 dated  
17.02.2023, with the directions to  
the respondents to release the  
monthly salaries of the petitioner  
and to pay the petitioner from the  
date of its stoppage and to withdraw  
both the impugned orders dated  
09.01.2023 and 07.03.2023. Further  
relief to which the petitioner is  
otherwise entitle though not  
specifically prayed for in the instant  
writ petition, may also graciously be  
granted to the petitioner.”

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2. At the very outset, learned counsel for the petitioner was confronted with the proposition that the petitioner is a civil servant and has sought the cancellation of his transfer order through the subject writ petition, however, he could not convince the Court satisfactorily. It is hard fact that the relief sought by the petitioner pertains to the terms & conditions of his service. Law on the subject speaks loud & clear under Article 212 (2), Constitution of Islamic Republic of Pakistan, 1973, the relief so sought has its origin in the terms & conditions of service. On this score alone, the Court is *functus officio* and hard to assume its jurisdiction under Article 199 of the Constitution, to redress the grievance of the petitioner and to allow a writ of mandamus in his favour.

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3. There is no denial to the legal proposition that the petitioner being an employee of the Education Department and does qualify to be a Civil Servant. The subject proposition has fairly been conceded by the learned counsel for the petitioner at the bar coupled with the fact that the same is floating on the surface of the record in view of the documents so made part & parcel of the file/record and the appointment order of the petitioner speaks

load & clear in this regard that he is a civil servant within the meaning of Section 2, Khyber Pakhtunkhwa Civil Servants Act, 1973 (Act of 1973). It is relevant to be noted that under Article 240, Constitution of Islamic Republic of Pakistan, the terms & conditions of service of all the federal employees shall be regulated by an Act enacted by the Parliament, while the terms & conditions of services of all the employees of provincial government shall be regulated by an Act passed by the concerned Provincial Assembly. As per the aforesaid mandate of Constitution of Islamic Republic of Pakistan, the Provincial Government of Khyber Pakhtunkhwa has enacted an Act i.e. "*the Khyber Pakhtunkhwa Civil Servants Act, 1973*", where Chapter-II stipulates the terms & conditions of service of a civil servant, the said Chapter comprises from sections No. 3 to 22, whereof, section 10 deals with the "*transfer*" of a civil servant/government employee.

4. So, in view of the above constitutional and legal provisions, it is established on surface of the record that the petitioner is a civil servant and his grievance agitated in the present petition



coupled with the arguments addressed at the bar pertain to one of terms & conditions of his service.

5. Now, the next question shall be the selection of forum, competent enough to redress the grievance of a civil servant with respect to his/her terms & conditions of service, as in the case in hand. There shall be no way out but reference to sub-Article (2) of Article 212, Constitution of Islamic Republic of Pakistan to address the grievance of an aggrieved person/civil servant. It is reproduced for ready reference:

212. Administrative Courts and Tribunals.

(1) .....

(2) Notwithstanding anything hereinbefore contained where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal; other than an appeal pending before the Supreme Court, shall abate on such establishment:

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*Provided that the provisions of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless, at the request of that Assembly made in the form of a resolution, Majlis-e-Shoora (Parliament) by law extends the provisions to such a Court or Tribunal."*

6. The above reproduced sub-Article specifically indicates that all the administrative Courts and Tribunals shall assume the jurisdiction in respect of the matters relating to the terms & conditions of the person(s) (who are or have been) in service of Pakistan or of Provincial Government and the said sub-Article specifically bars any other forum/Court to interfere with, in the matters relating to the terms & conditions of a civil servant. In the case of "Peer Muhammad v/s Government of Baluchistan through Chief Secretary & others" reported as 2007 SCMR 54, the Apex Court has held:

"the question of posting/transfer relates to terms and conditions of a Government servant and Service Tribunal would have exclusive jurisdiction to dilate upon and decide such matters and Constitutional jurisdiction cannot be invoked to get such controversies resolved. We have also adverted to the question of mala fides which

according to the learned Advocate could have been dilated upon in Constitutional jurisdiction which is not correct because the provisions as contained in Article 212 of The Constitution of Islamic Republic of Pakistan ousts jurisdiction of all other Courts and orders of the departmental authority even though without jurisdiction or mala fide can be challenged only before the Service Tribunal and jurisdiction of all Courts including High Court is specifically ousted. The plea of mala fide does not confer upon High Court jurisdiction to act in the matter in view of the Constitutional ouster as contained in Article 212 of the Constitution of Islamic Republic of Pakistan and learned Service Tribunal has full jurisdiction to interfere in such-like matters."

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Similarly, in the case of "Kh. Abdul

Wahid v. Chairman, WAPDA" reported as 1986

SCMR 1534 the Apex Court has held:

"if the petitioners are able to show that the action against them was indeed actuated by *mala fides*, the Tribunal would not be debarred from taking note of this."

7. It is pertinent to highlight that under section 22 of the Act of 1973, the petitioner is required to approach the appropriate forum for appropriate remedy through a representation/departmental appeal to the next higher authority

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who has passed the impugned order, in the case in hand, it shall be the Director Elementary & Secondary Education, Government of Khyber Pakhtunkhwa, Peshawar, (respondent No. 3 herein) as the impugned order was passed by District Education Officer and then after the decision of the departmental authority or waiting for statutory period of 90 days, the petitioner could approach the Khyber Pakhtunkhwa Services Tribunal for the redressal of his grievance by filing a service appeal.

8. In view of what has been discussed above, the instant petition is neither maintainable nor entertainable before this Court, therefore, it is dismissed, in limine. However, the petitioner may approach the appropriate forum for an appropriate remedy, if, so desired or directed.

**Date of announcement.**

Dt: 03.05.2023

**Date of writing judgment**

Dt: 04.05.2023

  
JUDGE

No. 66  
Name of Applicant Ramzan Khan  
Date of Presentation of Applicant 8/5/23  
Date of Completion of Copies 2  
No of Copies 13  
Urgent Fee 52  
Fee Charged 52  
Delivery of Copies 8/5/23

  
JUDGE

Office  
04/05/2023

Bakht Sher Ali Khan/Stand

(D.B) Hon'ble Mr. Justice Muhammad Naem Anwar  
Hon'ble Mr. Justice Shahid Khan