


FORM OF ORDER SHEET

Court of _____

Appeal No. _____ **1548/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/07/2023	<p>The appeal of Mr. Aurang Zeb Khan presented today by Mr. Inam Ullah Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1548 /2023

Aurangzeb Khan

.....APPELLANT

VERSUS

Govt. of K.P.K and others

.....RESPONDENTS

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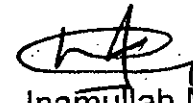
Dated: ___/07/2023

Humble Appellant


Aurangzeb Khan

Through Counsel


Muhammad Mohsin Ali
Advocate Supreme Court,
District Courts, D.I.Khan.


Inamullah Marwat
Advocate High Court
District Courts, D.I.Khan.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1548/2023

Aurangzeb Khan son of Asad Khan resident of Khawasha Khel Killy, Tehsil Wana, District South Waziristan.

.....APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Education, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary Education Department KPK, Peshawar.
4. District Education Officer (Male), District South Waziristan.
5. Masood Khan, SDEO (Male) Wana, District South Waziristan.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC DATED 07.04.2023 TO THE EXTENT OF POSTING / TRANSFER OF PRESENT APPELLANT AND MR. MASOOD KHAN (Respondent No. 5).

(2)

PRAYER:

on acceptance of this appeal this august tribunal may please be cancelled the impugned **notification no. SO(MC)E&SED/4-16/2022/posting/transfer/ MC dated 07.04.2023 to the extent of posting / transfer of present appellant and Mr. Masood Khan;**

OR

GRANT any other relief considered just and appropriate under the given circumstances of the case.

Respectfully sheweth;

1. That the appellant is the employee of Elementary & Secondary Education Department as TC (BPS-17), and was posted on 4th November, 2022 as SDEO (Male) Wana, South Waziristan.
2. That the appellant worked with sheer zeal and dedication and contributing his share in serving the nation and performed his duties without any complaint from superiors.
3. That vide impugned Notification dated 07.04.2023, the appellant has been posted as ADEO Wana, South Waziristan while Mr. Masood Khan has been posted as SDEO (Male); Wana, South Waziristan.
4. Thereafter, the present appellant filed the Departmental appeal before the Director Education, KPK, Peshawar on 17.04.2023

③

through proper channel; but till date the same has not been decided. Hence, the appellant is filling the instant appeal on the following grounds: (Copies of appointment order, Transfer order dated 04.11.2022, Impugned office order dated 07.04.2023 and Departmental appeal are enclosed as Mark-A to D respectively).

GROUND:

- A. That the act of the official respondents while they issued the impugned Notification dated 07.04.2023 is totally against the law and natural justice.
- B. That there is no complaint against the appellant while he performing his duty as SDEO (Male) Wana, South Waziristan. Hence, the impugned transfer order is untenable.
- C. That the appellant was posted as SDEO (Male), Wana, South Waziristan on 4th November, 2022 and just after five months, the appellant has been transferred from the said post without any reason, hence the impugned Notification to that extent is the violation of posting / transfer policy as the appellant has been transferred without completion of normal tenure. Thus, the impugned Notification to that extent is liable to be cancelled.

(4)

D. That Mr. Masood Khan is junior to appellant but while issuing the impugned Notification to the extent of appellant & Mr. Masood Khan; the seniority of the appellant has been ignored. Thus, the impugned notification to that extent is liable to be cancelled on this score alone.

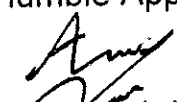
E. That the appeal is being filed within the statutory period prescribed under section 4 of The KPK Service Tribunals Act, 1974.

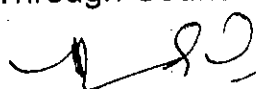
F. Any other legal ground that may be raised at the time of hearing of this appeal.

It is, therefore, prayed that on acceptance of this appeal this court may be pleased to pass orders as prayed for in the heading of this appeal.

Dated: __/07/2023

Humble Appellant


Aurangzeb Khan
Through Counsel


Muhammad Mohsin Ali
Advocate Supreme Court,
District Courts, D.I.Khan.

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2023

Aurangzeb Khan

..... APPELLANT

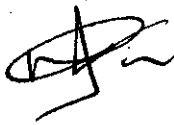
VERSUS

Govt. of K.P.K and others

..... RESPONDENTS

AFFIDAVIT


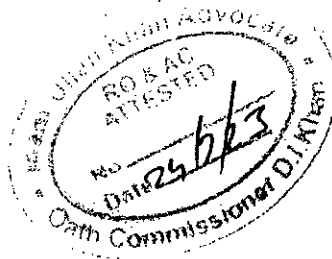
I, the appellant, do hereby solemnly affirm and declare on oath that all the para-wise contents of the appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.



Identified by Counsel



Deponent



(6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

CM in Appeal No. _____/2023

Aurangzeb Khan

..... APPELLANT

VERSUS

Govt. of K.P.K and others

..... RESPONDENTS

**APPLICATION FOR GRANT OF INTERIM RELIEF TO SUSPEND
THE IMPUGNED NOTIFICATION DATED 07.04.2023 TILL THE
DISPOSAL OF APPEAL.**

Respectfully Sheweth:

1. That the above titled appeal is filling today before this Honourable Tribunal.
2. That the petitioner has got a very good prima facie case on merits, on factual controversy as well as on law and balance of convenience is also in favour of petitioner.
3. That the impugned Notification is against the law & facts and if the interim relief is not granted then the petitioner will suffer irreparable loss.

It is, therefore, humbly prayed that on the acceptance of instant application by granting the interim relief may kindly be suspended the impugned Notification dated 07.04.2023 till the disposal of Appeal.

Your Humble Petitioner


Aurangzeb Khan
Through Counsel

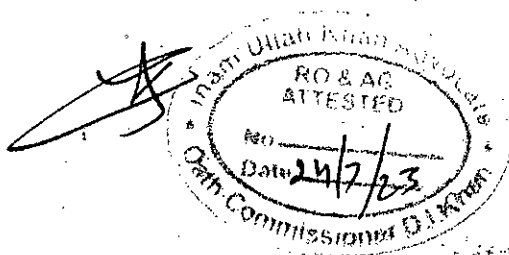

Muhammad Mohsin Ali
Advocate Supreme Court

Dated: ___/___/2023

AFFIDAVIT

I, the petitioner, do hereby solemnly affirm and declare on Oath that all the para-wise contents of the application are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Court.


Deponent



(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Appeal No. _____/2023

Aurangzeb Khan

.....APPELLANT

VERSUS

Govt. of K.P.K and others

.....RESPONDENTS

ADDRESSES OF THE PARTIES

Aurangzeb Khan son of Asad Khan resident of Khawasha Khel Killy, Tehsil Wana, District South Waziristan.

.....APPELLANT

-
1. Govt. of Khyber Pakhtunkhwa through Secretary Education, Khyber Pakhtunkhwa, Peshawar.
 2. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
 3. Director, Elementary & Secondary Education Department KPK, Peshawar.
 4. District Education Officer (Male), District South Waziristan.
 5. Masood Khan, SDEO (Male) Wana, District South Waziristan..

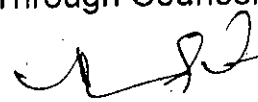
.....RESPONDENTS

Dated: __/07/2023

Humble Appellant


Aurangzeb Khan

Through Counsel


Muhammad Mohsin Ali
Advocate Supreme Court,
District Courts, D.I.Khan.

A
8

... of the following CT/BN/DA/BA (male/female) ...
 ... are hereby appointed in BPS-9 (605-97-2060)
 ... liable to them under the rules, against each
 ... each of the names in the interest of public
 ... taking over charge on 1.9.1999 OR afterwards.

No.	Name/Father's name.	Qualif.	Domicile.	Place of posting/Remarks
05	M. Saqib Zeb s/o M. Saqib	M.Sc./CT	S.W.A.	CHS, Said Khan Kot SWA against vacant CT post.
06	M. Saqib Shah s/o M. Saqib	BA/CT	-do-	CHS, Gogara Haibat Khai SWA against vacant CT post.
07	Muhammad Iqbal s/o Syrat Khan.	MA/CT	-do-	CHS, Ghilghal SWA against vacante CT post.
08	Shahid Khan s/o H. Gul Mallan P.T.O.	MA/CT	-do-	CHS, Amzarai SWA against vacant CT post.
09	Mohd. Faza Gul s/o Khair Gul.	M.Sc./CT	-do-	CHS, Spin SWA against vacant CT post.
10	Adar Khan s/o Shafar Khan P.T.O.	MA/CT	-do-	CHS, Ghilghal SWA against vacant CT post.
11	Sai Gul Maloo s/o Sanghar.	BA/CT	-do-	CHS, Said Khan Kot against vacant CT post.

TERMS AND CONDITION.

1. Charge reports should be submitted in duplicate to all concerned.
2. NO/TA and DA is allowed on 1st Appointment.
3. All the candidates should produce their health and age Certificate from M/S Agency Surgeon concerned within 7 days after their taking over charge.
4. These appointments are made purely on temporary basis and are liable to termination at any time without any notice Or assigning any reason. In case they want to resign their service they will have to give one month proper notice OR forfeit one month pay in lieu their of in favour of Govt.
5. Their original Certificates academic/Prof:NIC, Domicile, etc; should be checked before their taking over charge. After their taking over charge too their monthly Salaries should not be drawn till the verification of their Testimonials from the quarter concerned, which will be risk and responsibility of the DDO.
6. They should not be handed over charge if they are below 18 years OR above 33 years of age.
7. If they fail to take over charge within 15 days after the issue of this order then their ~~xxxx~~ appointment order will be considered as cancelled and this office may be informed accordingly, so that another candidate standing on merit be appointed.

Next page-2 (PTO)

**OFFICE OF THE REGIONAL DIRECTOR OF
EDUCATION, FATA D.I.KHAN REGION
D.I.KHAN**

APPOINTMENT ORDER:-

Consequent upon the selection of the candidates made by the selection committee, the following **CT/SV/DM/DET (male / female)**.

Candidates of **S.W.Agency** are hereby appointed in **BPS-9 (1605-97-3060)** plus usual allowances as admissible to them under the rules, against the vacancies noted against each of their names in the interest of public service wof: their taking over the charge i.e: **01.09.1999** or afterward.

S.No	Merit Order	Name / Fathers Name .	Qualificati on	Domicile	Place of Posting / Remarks
1.	01/ Gnen	Aurangzeb S/o Asad Khan	MSC/ C.T	S.W.A	GHS, Said Khan Kot S.W.A against vacant C.T post
2.	01/ B.S	Zahir Shah S/o Nazar Jan	B.A / C.T	--do--	G.M.S Canera Haibat Khel S.W.A against Vacant C.T post.
3.	02/ -do-	Muhmmad Jamil S/o Surat Khan	M.A / C.T	--do--	G.H.S Spinkai S.W.A against vacant C.T post
4.	03/-do-	Shahid Khan S/o H. Gul	M.A / C.T	--do--	G.M.S A,mzaral S.W.Against vacant C.T post
5.	02/open	Mohd. QazaGul S/o Khair Gul	M.S.C / C.T	--do--	G.H.S, Spin S.W.A Against vacant C.T Post
6.	04/S.W	Adam Khan S/o Ghaffar Khan PTC	B.A / C.T	--do--	G.H.S, sarwakai S.W.A Against vacant C.T Post
7	05/--do--	Saif ul Malook S/o Sanobar	B.A / C.T	--do--	G.H.S, Said Khan Kot S.W.A Against vacant C.T Post

TERMS AND CONDITIONS

1. Charge reports should be submitted in duplicate to all concerned.
2. NO / TA & DA is allowed on 1st appointment.
3. All the candidates should produce their health and age certificate from M/S Agency surgeon concerned within 7 days after their taking over charge.
4. These appointments are made purely on temporary basis and are liable to termination at any time without any notice or assigning any reason. in case they want to resign their service they will have to give 1 month prior notice or forfeit 1 month pay in lieu thereof in favor of government.
5. Their original certificates academic / prof, NIC, Domicile etc should be checked before their taking over charge. After their taking over charge too their monthly salaries should not be drawn till the verification of their testimonials from their quarter concerned, which will be risk and responsibility of the DDO.
6. They should not be handed over charge if they are below 18 years or above 33 years of age.
7. If they fail to take over charge within 15 days after the issue of this order then their appointment order will be considered as cancelled and this office maybe informed accordingly, so that another candidate standing on merit be appointed.

(4)

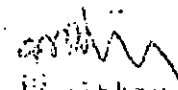

- 1. The candidate knowledge in Islamic Education and Pakistan studies must be judged before handing over charge.
- 2. Probation period of the appointment will be 2 years as laid down Govt/Department.
- 3. The candidate/candidates appointed against any vacancy erroneously conveyed by AOR as vacant which is occupied by incumbents who is on leave of any kind suspended may not be handed over charge and his office be immediately informed through special messenger. In such cases the appointments of last candidate/candidates will be treated as cancelled.
- 4. The untrained candidates will get fixed pay of the scale of this grade. Salary scale of E. Service men should be got verification concerned.
- 5. In case of E.T's untrained their TA/DMC should be got verified for HPR subject from the Board concerned.
- 6. The candidate/candidates who have rendered Govt. Afghan Refugee Service and entitled for relaxation equal to their services period upto the maximum of ten years.

(MOHAMMAD ROSHAN KHAN)
 Regional Director of Education,
 FATA Dikhan

Encls. No. D/O 4-18, Dated Dikhan the 10/7 /1999.

Copy of the above is forwarded for information and necessary action to:-

- 1. The Director of Education, FATA, NWFP, Peshawar.
- 2. The Agency Education Officers, S.M. Agency.
- 3. The Principal/Headmaster/Headmistress concerned.
- 4. Candidate concerned.


 Regional Director of Education
 FATA Dikhan.


M. B. S. / M





ANNEX: B
Page = 10

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

Dated Peshawar 4th November, 2022

NOTIFICATION

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

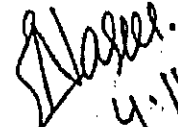
Sr. No	Name and designation	From	To
1.	Mr. Aurangzeb (TC BS-16)	Waiting for posting	SDEO Wanna, south Waziristan. (Vice Sr. No- 2)
2.	Iran Gul (MC BS-17)	SDEO Wanna, South Waziristan.	SDEO Jandola Tank against the vacant post.

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

Endst: of even No.& date:

Copy forwarded for information to the: -

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


4.11.22
(NASEER ABBAS KHALIL)
SECTION OFFICER (Management Cadre)



ANNEX - C
Page = 11



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: 7th April, 2023

NOTIFICATION

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

Sr. No	Name	FROM	TO	Remarks
1	Shahiq Ur Rehman MC BS-17	SDEO (Male) Lower Tanawal Abbottabad	SDEO (Male) Baffa Mansehra	V.S.No.2
2	Abdul Samad MC BS-17	SDEO (Male) Baffa Mansehra	SDEO (Male) Lower Tanawal Abbottabad	V.S.No.1
3	Mst Farhat Rafique MC BS-17	SDEO (Female) Ogi Mansehra	SDEO (Female) Baffa Mansehra	V.S.No.4
4	Rizwana Kausar MC BS-17	SDEO (Female) Baffa Mansehra	SDEO (Female) Ogi Mansehra	V.S.No.3
5	Muhammad Hakim Khan TC BS-16	ASDEO (Female) Pattan Circle Kohistan Lower	Additional Charge of SDEO (Female) Bankad Kohistan Lower	As stop gap arrangement, till the arrival of regular incumbent.
6	Mst. Seema Salim MC BS-17	Awaiting Posting	SDEO (Female) Takht Bhai Mardan	V.S.No.7
7	Waheeda Naz MC BS-17	SDEO (Female) Takht Bhai Mardan	SDEO (Female) Rustam Mardan	V.S.No.8
8	Syada Humera Mehmood MC BS-17	SDEO (Female) Rustam Mardan	Report to Directorate of E&SE Peshawar	
9	Rizwana Shaheen MC BS-17	SDEO (Female) Malla Swal	SDEO (Female) Landi Kotal	AVP
10	Muhammad Tahir TC BS-17	IPE GHSS Bampokha Buner	SDEO (Male) Gadezal Buner	AVP
11	Muhammad Tahir MC-17	SDEO M Larjam Dir Upper	SDEO M Sheringal Dir Upper	V.S.No.12
12	Ajeb Ullah MC-17	SDEO M Sheringal Dir Upper	SDEO M Larjam Dir Upper	V.S.No.11
13	Muhammad Iqbal MC-17	SDEO Bankat Kohistan Lower	SDEO (Male) Primary Thall	AVP
14	Masood Khan TC BS-17	ADEO Wana South Waziristan	SDEO (Male) Wana South Waziristan	V.S.No.15
15	Aurang Zeb TC BS-16	SDEO (Male) Wana South Waziristan	ADEO Wana South Waziristan	V.S.No.14

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endat: of even No. & date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer Concerned.
4. District Education Officer (Male/Female) Concerned.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officer concerned.

(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)

ANNEX:- D
Page = (12)

To

The Worthy Secretary,
Elementary & Secondary Education,
Khyber Pakhtunkhwa,
Peshawar. *through prof. e-mail*

Subject: Departmental Appeal against the impugned Notification No. SO(MC)E&SED/4-16/2022/Posting/Transfer/MC dated 07.04.2023 to the extent of posting / transfer of present appellant and Mr. Masood Khan.

Respected Sir:

1. That the appellant is the employee of Elementary & Secondary Education Department as TC (BPS-17), and was posted on 4th November, 2022 as SDEO (Male) Wana, South Waziristan.
2. That the appellant worked with sheer zeal and dedication and contributing his share in serving the nation and performed his duties without any complaint from superiors.
3. That vide Impugned Notification the appellant has been posted as ADEO Wana, South Waziristan while Mr. Masood Khan has been posted as SDEO (Male), Wana, South Waziristan.
4. That there is no complaint against the appellant while he performing his duty as SDEO (Male) Wana, South Waziristan.
5. That the appellant was posted as SDEO (Male), Wana, South Waziristan on 4th November, 2022 and just after six months, the



(13)

appellant has been transferred from the said post without any reason, hence the impugned Notification to that extent is violation of posting / transfer policy as the appellant has been transferred without completion of normal tenure.

6. That Mr. Masood Khan is junior to appellant but while issuing the impugned Notification to the extent of appellant & Mr. Masood Khan the seniority of the appellant has been ignored. Thus, the impugned notification to that extent is also liable to be cancelled.

IT IS THEREFORE, HUMBL Y PRAYED THAT MAY KINDLY BE CANCELLED THE IMPUGNED NOTIFICATION NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC DATED 07.04.2023 TO THE EXTENT OF POSTING / TRANSFER OF PRESENT APPELLANT AND MR. MASOOD KHAN.

Dated: 13/04/2023

Your's Sincerely,

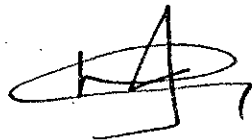


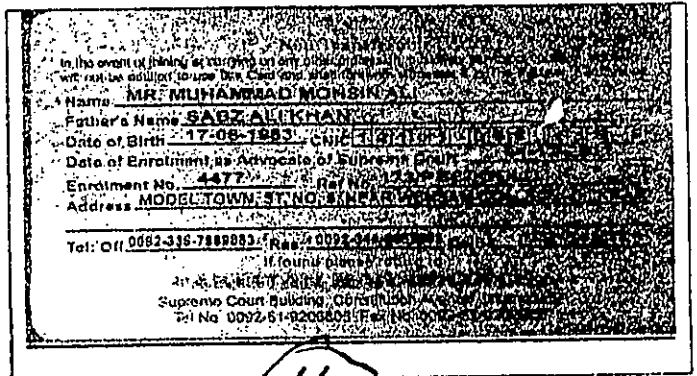
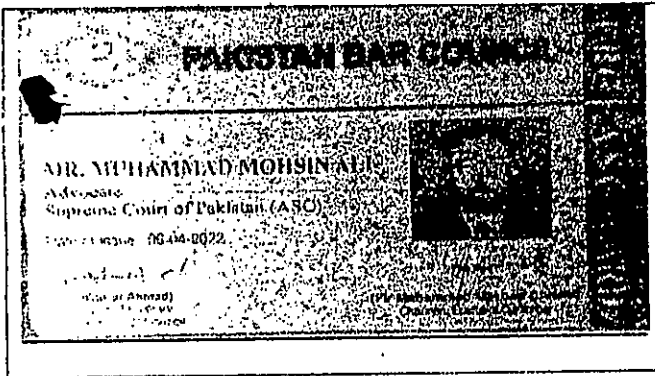
**Aurangzeb Khan S/o
Asad Khan**

**R/o Khawasha Khel
Killy, Tehsil Wana,
District South
Waziristan.**

TC (BPS-17).

Cell No. _____





14

VAKALATNAMA

BEFORE THE COURT OF *KPK Service Tribunal Peshawar.*

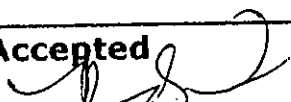
Aurangzeb Khan.....Plaintiff /Appellant /Petitioner/Complainant/ Accused

Govt of KPK and others ^{VS} Defendant/Respondent/ Complainant/ Accused

KNOW ALL to whom these present shall come that I/We..... do hereby appoint **Muhammad Mohsin Ali Advocate Supreme Court** (herein after called the advocate/s) to be my/our Advocate in the above noted case authorize him: *NAMULLAH KHAN ADV HIGH COURT*

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....day of20

Accepted

Muhammad Mohsin Ali
 Advocate Supreme Court

Aurangzeb Khan
