


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 1732/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/08/2023	<p>The appeal of Mr. Muhib ur Rehman is presented today by Mr. Noor Muhammad Khattak. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>29-08-2023.</b></p> <p style="text-align: right; margin-right: 50px;">By the order of Chairman</p> <div style="text-align: right; margin-right: 50px;">   <b>REGISTRAR</b> </div>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

SERVICE APPEAL No. 1732 /2023

**MUHIB UR REHMAN**

**VS EDUCATION DEPTT:**

**I N D E X**

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**APPELLANT**

Through:

  
**NOOR MOHAMMAD KHATTAK**  
ADVOCATE, SUPREME COURT OF PAKISTAN.

-1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**SERVICE APPEAL NO. 1732 /2023**

Mr. Muhib-ur-Rehman, Management Cadre-BPS (BPS-18),  
District Education Officer (M), North Waziristan.

..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Dilawar Khan, MC (BPS-18), Deputy DEO (M), North Waziristan under transfer to the post of DEO (M), North Waziristan.

..... **RESPONDENTS**

**SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 17.8.2023 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED PRE MATURELY AND DUE TO POLITICAL INTERFERENCE AND AGAINST THE IMPUGNED APPELLATE ORDER 25.8.2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGERTED ON NO GOOD GROUNDS**

**PRAYER:**

That on acceptance of this appeal the impugned Notification dated 17.8.2023 and impugned appellate order dated 25.8.2023 may kindly be set aside and the appellant may not be transferred from the post of DEO (M), North Waziristan till completion of his normal tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant is the law abiding citizen of Pakistan and is serving the respondent department quite efficiently and up to the entire satisfaction of his superior.
- 2- That vide Notification dated 15.06.2022 the appellant was transferred to the post of District Education Officer District

North Waziristan and assumed the charge of his post in pursuance to the mentioned notification. Copy of the Notification dated 15.06.2022 is attached as annexure ..... **A.**

3- That on the basis of political interference and just after 13 months tenure at North Waziristan the appellant has been transferred from the post of DEO (M), North Waziristan to the post of Deputy DEO (M), Kohistan Upper vide impugned Notification dated 17.8.2023. Copies of the letter and Impugned Notification dated 17.08.2023 are attached as annexure ..... **B & C.**

4- That it is pertinent to mention here that the impugned Notification dated 17.8.2023 issued by the respondents is violative of the transfer posting policy of the provincial government. Copy of the transfer and posting policy is attached as annexure ..... **D.**

5- That feeling aggrieved from the impugned Notification dated 17.08.2023 the appellant preferred departmental appeal but the same has been regretted by the appellate authority i.e. the respondent No.1 vide impugned order dated 25.8.2023 on no good grounds Copy of the Departmental appeal and rejection order are attached as Annexure ..... **E & F.**

6- That appellant feeling aggrieved and having no other efficacious remedy preferred the instant service appeal on the following grounds.

**GROUND:**

A- That the impugned Notification dated 17.8.2023 and appellate order dated 25.8.2023 being contrary to law and rules and in utter violation of the transfer and posting policy of the Government, hence not tenable in the eye of Law and needs interference of this Honorable Court to be set aside.

B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

C- That the treatment meted out to the appellant is highly discriminatory and in clear violation of the order of the Election Commission of Pakistan as mandated under Articles 218 (3), 220 of the Constitution of Islamic Republic of Pakistan read with section 4, 5, 8 (c) and 230 of the Election Act 2017. Copy of the Notification is attached as annexure ..... **G.**

- D- That respondents has violated the transfer/posting policy of the Provincial Government while issuing the impugned Notification dated 17.08.2023 as the same is premature.
- E- That the private respondent No.4 is junior to the appellant and also remain sub ordinate to the appellant but despite of that the respondents posted the private respondent in place of the appellant. Copy of the seniority list is attached as annexure ..... H.
- F- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan 1973.
- G- That the impugned Notification has neither been issued in the public interest nor exigencies of public service, therefore not tenable and liable to be set aside.
- H- That the impugned Notification has been issued by the respondents on the basis of political interference, therefore the impugned Notification is politically motivated, hence not tenable and liable to be set aside.
- I- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

~~APPELLANT~~  
**MUHIB UR REHMAN**

**THROUGH**

~~NOOR MUHAMMAD KHATTAK~~  
**ASC**  
~~UMAR FAROOQ MOHMAND~~  
**ADVOCATE**

**AFFIDAVIT:**

I, Mr. Muhib-ur-Rehman, Management Cadre-BPS (BPS-18), District Education Officer (M), North Waziristan Under transfer to DEO (M), Kohistan Upper.do hereby on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal

~~DEPONENT~~

-4-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

SERVICE APPEAL No. \_\_\_\_\_/2023

MOHIB UR REHMAN VS EDUCATION DEPTT:

**APPLICATION FOR SUSPENSION OF THE OPERATION OF**  
**THE IMPUGNED ORDER DATED 17.8.2023 TILL THE**  
**DISPOSAL OF THE SERVICE APPEAL.**

**R/SHEWETH:**

- 1- That the above-mentioned appeal along with this application has been filed before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above-mentioned service appeal against the transfer order dated 17.08.2023.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the transfer order dated 17.08.2023 had been issued by the respondents in utter disregard of judgment and, law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the order dated 17.08.2023 may very kindly be suspended till the disposal of the instant service appeal.

**APPLICANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
 Block 'A' Opposite MPA's Hostel, Civil Secretariat Peshawar

"A" (17)

Dated Peshawar the June 15<sup>th</sup>, 2022

-5-

**NOTIFICATION**

**NO. SO/NC/E&SE/DA-16/POSTING/TRANSFER/02**: In compliance to the Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 03-09-2021 in Service Appeal No. 1244/2019 *Mohd-ul-Rehman, Principal (BS-18) Govt. High School, Saeed Khan Kot, South Waziristan VS Government of Khyber Pakhtunkhwa & Others*, Mr. Mohd-ul-Rehman Principal (BS-18) is hereby allowed to rejoin Management Cadre (BS-18) Elementary & Secondary Education Department with immediate effect conditionally, subject to the final decision in the CPLA, already filed in the Hon'ble Supreme Court of Pakistan.

2. Consequent upon the above, the following posting / transfers are hereby entered, in the public interest, with immediate effect:-

Sr. No	Name & designation	From	To
1	Mr. Jaseem Khan, Principal (BS-18)	DEO (Male) North Waziristan	Report to Directorate of E&SE Khyber Pakhtunkhwa.
2	Mr. Mohd-ul-Rehman Principal Conditional (BS-18 Management Cadre)	GHS Saeed Khan Kot South Waziristan	DEO (Male) North Waziristan in OPS (Vice Sr. No-1)

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

Encl: of even No. & date:

Copy forwarded for information to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers (Male) South and North Waziristan.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. District Accounts Officer South and North Waziristan.
7. Section Officer (Schools Male) E&SE Department.
8. Section Officer (Litigation-II) E&SE Department.
9. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
10. Officers concerned.
11. Master file.

(NASEER ABBAS KHALIL)  
 SECTION OFFICER (Management Cadre)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
 Block A opposite MPA's hostel civil secretariat Peshawar.

Dated 15-6-2022

NOTIFICATION

NO.SO(MS)E&SEDD/4-16/POSTING/TRANSFER/MC:- In compliance to the judgment of Khyber Pakhtunkhwa service tribunal Peshawar dated 3.9.2021 in service appeal No 1444/2019 mohib ur rehman principal (BS-18) Govt: high school saeed khan kot south Waziristan vs govt: of Khyber Pakhtunkhwa & others mr. muhib ur rehman principal (BS-18) Is hereby allowed to rejoin with Immediate effect conditionally subject to the final decision in the CPLA already filed in the hon'ble supreme court of Pakistan.

2. consequent upon the above the following posting/transfer are hereby ordered in the public interest with immediate effect:-

Sr. no.	Name & designation	From	To
<u>1</u>	Mr, jadoon khan principal (BS-18)	DEO (Male) North Waziristan	Report to directorate of E&SE Khyber pakhtunkhwa
<u>2</u>	Mr mohib ur rehman principal (BS-18) mangment cadre	GHS saeed khan kot south Waziristan	DEO ( male) north Waziristan in OPS-vice sr No-1

Secretary to the govt of Khyber pakhtunkhwa  
 E & SE Department

Endst: of even No & date:







"B"

Mob No:

0300-5930049

Date: 5/7/2023

Ref.No: 14

جناب منسٹر ایجوکیشن اعلیٰ تعلیم

العلوم علیہ السلام - اعلیٰ تعلیم و تربیت سے بہتر نئے

اسلام کے بعد عرض ہے کہ ٹی ٹی وی ایجوکیشن افسر ناروے

وزیرستان منسٹر عبدالرحمن صاحب سے بار بار رابطہ

مشکل سے پیدا کر رہے ہیں اور ایگوائٹ ہو

ہو رہے ہیں۔ اس لیے پوری زور مطالبہ کرتے ہیں کہ انکی

خدمات کو اور صلح کو دے دیں بیان سے فوراً ٹی ٹی وی

کو بحال کرنا ضروری ہے۔ اس کے بارے میں بات

ہوئی تھی لیکن عمل درآمد نہیں ہوا۔

دیا گیا۔  
5/7/2023

مولانا سید نور زمان عثمانی، سالیف ایچ ایم این، اے

حقیقی چیئر مین سب ڈویژن میڈیکل سائنس



"C"  
-7-

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. (091)-9210626

Dated: 17<sup>th</sup> August, 2023

**NOTIFICATION**

**NO.SO(MC)E&SED/4-16/2023/Posting/Transfer//DEO(M)NW:** Consequent upon the approval of the Competent Authority and subsequent NOC from the Election Commission of Pakistan, the following postings/ transfers are hereby ordered with immediate effect, in the best public interest: -

Sr. No.	Name & Designation	From	To	Remarks
1.	Mr. Muhib Ur Rehman MC BS-18	DEO (Male) North Waziristan in OPS	Deputy DEO (Male) Kohistan Upper	AVP
2.	Mr. Dilawar Khan MC BS-18	Deputy DEO (Male) North Waziristan	DEO (Male) North Waziristan in OPS	V.S.No.1

**SECRETARY TO THE 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. Assistant Director (Election-II) ECP Constitution Avenue G 5/2 Islamabad.
5. District Education Officer (Male) North Waziristan.
6. District Accounts Officer North Waziristan.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

111 / 17 / 8. 2023  
SECTION OFFICER (Management Cadre)



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

"D"  
-8-

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- (i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- (iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- <sup>2</sup> While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

A

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- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
 DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

-9-

Outside the Secretariat		
1.	Officers of the all Fieldstn Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

*[Handwritten signature]*

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

.....

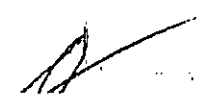
All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

.....

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.



To,

The Honourable Chief Secretary,  
Khyber Pakhtunkhwa, Peshawar.

30/8/23  
"E"  
-11-

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
TANSFERE NOTIFICATION DATED 17.08.2023

Respected Sir,

That appellant is the employee of the E&SE Department and is serving as DEO, North Waziristan quite efficiently and up to the entire satisfaction of his superior including your good self. Previously the appellant was transferred & posted as DEO, North Waziristan vide Notification dated 15.06.2022. That in compliance the appellant assumed the charge of his post in pursuance to the mentioned notification.

Astonishingly vide impugned Notification dated 17.8.2023 the appellant was prematurely transferred from the post of DEO, North Waziristan and posted as Deputy DEO (Male) Kohistan upper. So much so a junior to the appellant was transferred and posted in place/vice of the appellant.

It is pertinent to mention here that the impugned notification is the violation of the transfer posting policy of the provincial government and also not tenable in light of the election commission of Pakistan Notification dated 22.1.2023.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned notification dated 17.08.2023 may very kindly be cancelled and the appellant may not be transferred from the post of DEO, (male) North Waziristan and oblige.

Dated: 21.8.2023

APPELLANT

  
MUHIB UR REHMAN 18/8/23  
DEO (M) NORTH WAZIRISTAN



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

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No. SO (MC)E&SED/4-16/2022/dept. Appeal/Muhib Ur Rehman  
Dated: 25<sup>th</sup> August 2023

To

Muhib Ur Rehman  
Ex-DEO (Male) North Wazirsitan  
Under transfer to DDEO (M) Kohistan Upper

Subject: - DEPARTMENTAL APPEAL AGAINST THE POSTING/TRANSFER  
NOTIFICATION DATED 17.08.2023

I am directed to refer to your appeal dated 21.08.2023 on the subject and to state that the Worthy Secretary has passed the following remarks on your appeal.

*"This department cannot entertain this instant appeal"*

171 / 25.8.2023

(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

Copy for information to the: -

PS to Secretary E&SE Department, Khyber Pakhtunkhwa.

SECTION OFFICER (Management Cadre)

ELECTION COMMISSION OF PAKISTAN  
NOTIFICATION

Islamabad the 22<sup>nd</sup> January, 2023

F.No.2(1)/2023-Cord.- WHEREAS, the Provincial Assemblies of Punjab and Khyber Pakhtunkhwa under Article 112 of the Constitution of the Islamic Republic of Pakistan stand dissolved on 14<sup>th</sup> and 10<sup>th</sup> January, 2023 respectively;

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

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

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

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

Contd...Page-2

Legislation and Information Section

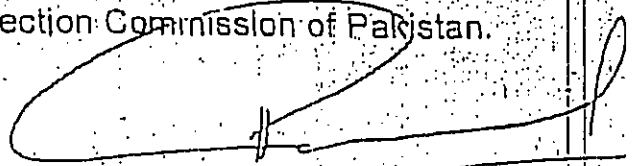
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ATTACHED  
to be the copy



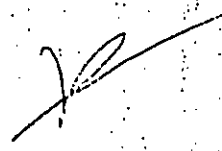
- (f) All development funds relating to Local Government institutions of Punjab and Khyber Pakhtunkhwa and Cantonment Boards falling in the jurisdiction of Punjab and Khyber Pakhtunkhwa shall stand frozen with immediate effect till announcement of results of the said General Elections.
- (g) To ensure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

This issues with the approval of Election Commission of Pakistan.



(Omar Hamid Khan)  
Secretary  
Election Commission of Pakistan

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Copy forwarded for information to the:

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

II. Copy also forwarded to the:

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

ECP Secretariat, Islamabad.

  
(Shahid Iqbal)  
Additional Director (Elections)

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11/16/22

**Tentative Seniority List of Deputy District Education Officers /Deputy Directors Management Cadre BPS-18 Male  
E&SED, Khyber Pakhtunkhwa as it stood on 30/12/2022**

Name of Officers	Date Of Birth	Domicile	Date of 1st Entry in Edu: Deptt:	Present Post date	BPS	Method of Recriut:	Designation/Place of Posting	Remarks
Muhammad Idrees S/O Rustam Khan	06-01-1977	Swabi	16-10-2003	25-05-2016	18	Direct Selectee	DEO (M) Peshawar B-19, working on acting charge base vide Notification No SO(SM)E & SED/3--3/2021/ Promotion B-18 to B-19 (MC) dt 21/04/2021	No.SO(S/M)E&SED/3-2/2013/recruitment of DDEO (BPS-18) (Male) dated 25/05/2016
Zahid Hussain S/O Muzaffar Khan	20-04-1971	Abbottabad	12-04-1999	25-05-2016	18	Direct Selectee	At the disposal of Directorate E & SE, B-19, working on acting charge base vide Notification No SO(SM)E & SED/3--3/2021/ Promotion B-18 to B-19 (MC) dt 21/04/2021	No.SO(S/M)E&SED/3-2/2013/recruitment of DDEO (BPS-18) (Male) dated 25/05/2016
Umar Zaman S/O Muhammad Sulaiman	27-11-1964	Mansehra	04-12-1986	25-05-2016	18	Direct Selectee	DEO (M) Charsadda B-19, working on acting charge base vide Notification No SO(SM)E & SED/3--3/2021/ Promotion B-18 to B-19 (MC) dt 21/04/2021	No.SO(S/M)E&SED/3-2/2013/recruitment of DDEO (BPS-18) (Male) dated 25/05/2016
Muhammad Ashfaq Khan S/O Muhammad Hussain Khan	06-05-1968	Abbottabad	13-12-1990	25-05-2016	18	Direct Selectee	DEO (M) Battagram B-19, working on acting charge base vide Notification No SO(SM)E & SED/3--3/2021/ Promotion B-18 to B-19 (MC) dt 21/04/2021	No.SO(S/M)E&SED/3-2/2013/recruitment of DDEO (BPS-18) (Male) dated 25/05/2016
Ifkharul Ghani S/O Ghaniur Rehman	20-04-1978	Swabi	01-04-1997	25-05-2016	18	Direct Selectee	DEO (M) Buner B-19, working on acting charge base vide Notification No SO(SM)E & SED/3--3/2021/ Promotion B-18 to B-19 (MC) dt 21/04/2021	No.SO(S/M)E&SED/3-2/2013/recruitment of DDEO (BPS-18) (Male) dated 25/05/2016
Zahoor Khan S/O Abdul Qayyum Khan	01-03-1968	Peshawar	01-07-1997	25-05-2016	18	Direct Selectee	DEO (M) Lalki Marwat B-19, working on acting charge base vide Notification No SO(SM)E & SED/3--3/2021/ Promotion B-18 to B-19 (MC) dt 21/04/2021	No.SO(S/M)E&SED/3-2/2013/recruitment of DDEO (BPS-18) (Male) dated 25/05/2016
Muhammad Tanveer s/o Faqeer Muhammad	01-01-1968	Abbottabad	26-12-1987	21-05-2019	18	By Promotion	DEO (M) Abbottabad in OPS	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Mehdi-ud-din s/o Syed Fazal Mabood Jan	03-03-1972	Dir Lower	01-03-1993	21-05-2019	18	By Promotion	DEO (M) Dir Lower in OPS	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Atiq-ur-Rehman s/o Amir Jan	03-03-1972	Karak	25-05-1997	21-05-2019	18	By Promotion	DDEO (M) Karak	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Mahmood Ghazanavi s/o Amir Mahmood-Shah	10-02-1971	Chitral	15-01-1998	21-05-2019	18	By Promotion	DDEO (M) Upper Chitral	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Mukhtar Ahmad Khan s/o Anwar Khan	24-05-1964	Abbottabad	10-04-1994	21-05-2019	18	By Promotion	DDEO (M) Haripur	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Abdur Rehman s/o Abdul Kafi	11-08-1972	Nowshera	10-04-1999	21-05-2019	18	By Promotion	DDEO (M) Dir Upper	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Hidayatullah s/o Akbar Khan	02-03-1967	Malakand	12-03-1991	21-05-2019	18	By Promotion	DDEO (M) Malakand	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019

-17-

Name of Officers	Date Of Birth	Domicile	Date of 1st; Entry in Edu; Leptt;	Present Post date	BPS	Method of Recruitment	Designation/Place of Posting	Remarks
Iqbal Khan s/o Darwesh Khan	25-03-1973	Charsadda	15-12-1994	21-05-2019	18	By Promotion	DDEO (M) Khyber	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Isham Ahmad Aurangzeb s/o Ahmad Hussain	10-01-1970	Mansehra	04-03-1993	21-05-2019	18	By Promotion	DDEO (M) Shangla	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Ishfaq Ahmad s/o Gulzar Ahmad	20-12-1970	Peshawar	27-02-1998	21-05-2019	18	By Promotion	Deputy Director Directorate of E&SE	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 21/05/2019
Iqbal Samad Jan s/o Sultan Ahmad	28-04-1974	Peshawar	06-04-1999	22-09-2019	18	By Promotion	Deputy Director (Lit) Directorate of E&SE	No.SO(SM)E&SED/3-1/2019/Promotion BS-17 to BS-18 (MC) Dated 22/09/2019
Iqbal Malik s/o Muhammad Anwar	11-02-1973	Khy. Agency	05-10-1995	12-08-2021	18	By Promotion	DEO (Male) Bannu in OPS	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal Wahid s/o Fazle Raziq	20-07-1974	Charsadda	01-04-1996	12-08-2021	18	By Promotion	Dy. Director Directorate E & SE	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal Jehan s/o Muhammad Asan	15-09-1974	Nowshera	18-04-1994	12-08-2021	18	By Promotion	DEO (Male) Nowshera in OPS	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal Tahir Shah s/o Abdul Jalil	03-04-1978	Nowshera	01-11-2005	12-08-2021	18	By Promotion	DDEO (Male) Nowshera	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal Ahmad s/o Lal Yamin	02-05-1971	Karak	03-01-2014	12-08-2021	18	By Promotion	DY.DEO Hangu	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal Khan s/o Pasham Gul	10-05-1977	Peshawar	28-04-1999	12-08-2021	18	By Promotion	DDEO (Male) Charsadda	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal Ali s/o Gawar Khan	20-04-1975	Mohd Agy	01-01-2005	12-08-2021	18	By Promotion	DDEO(M) Mohmand.	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal Ali s/o Gauhar Ali	20-02-1976	Charsadda	03-01-2014	12-08-2021	18	By Promotion	DEO (Male) Swabi in OPS.	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal Muhammad Ilyas Khan s/o Iqbal Janan	04-04-1977	Karak	03-01-2014	12-08-2021	18	By Promotion	DY.DEO (male) Lakki Marwat.	No.SO(S/M)/E&SED/3-1/2021 Promotion of (BS-18 MC) dt 12/08/2021
Iqbal-ur-Rahman S/o Muhammad Luqman	01-03-1972	NWA	01-02-1992	15-06-2022	18	By Promotion	DEO (M) NWA in OPS	Conditionally included in the Seniority List till the final decision of CPLA by the August Supreme Court of Pakistan/ Posted as DEO (M) North Waziristan Vide Notification No. SO(MC)E&SED/4-16/POSTING/TRANSFER/MC dated 15.06.2022

03/01/23  
Deputy Director (Estab)  
Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar

-18-

**VAKALATNAMA**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

APPEAL No        /20      

Muhib W Rehman

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education

(RESPONDENT)  
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated.        /        /202      

  
**CLIENT**

**ACCEPTED**

  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

  
**WALEED ADNAN**

  
**KAMRAN KHAN**

  
**UMAR FAROOQ MOHMAND**

  
**MUHAMMAD AYUB**

  
**MAHMOOD JAN  
ADVOCATES**

&

**OFFICE:**

Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)