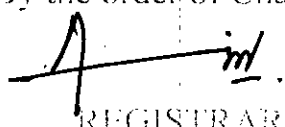


FORM OF ORDER SHEET

Court of _____

Appeal No. 1752/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/08/2023	<p>The appeal of Mr. Umar Hayat Nawaz Khan is presented today by Mr. Babar Hayat Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>30-08-2023</u>.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1752/2023

Umar Hayat Nawaz Khan Appellant

Versus

Govt of KP & others Respondents

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the parties		8
4.	Copy of the posting order	"A"	9-11
5.	Copy of impugned order 14.04.2023	"B"	12
6.	Copy of the Departmental appeal 04.05.2023	"C"	13-14
7.	Copy of the modified impugned notification	"D"	15
8.	Copy of spouse relevant record	"E"	16-20
9.	Wakalatnama		21

Through

Appellant

Dated: 23.08.2023


BABAR HAYAT KHAN
Advocate High Court
0333-972-7007

&


TAZA KHAN ORAKZAI
Advocate High Court

①

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

Service Appeal No. 1752/2023

Umar Hayat Nawaz Khan (wrongly mentioned in the impugned notification as Umer Hayat Khan) S/O Khan Gul Khan Subject Specialist (English) BS-17 R/O Village and PO Ismail Khel, Bannu

..... Appellant

Versus

1. Government of KP through Secretary Elementary and Secondary Education, Civil Secretariate, Peshawar.
2. Faqeer Nawaz SS English BPS-17, Govt High Secondary School Ajmal Barlashti, Daud Shah Bannu.

..... Respondents

**SERVICE APPEAL U/S 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE ACTION/INACTION IN
DEPARTMENTAL APPEAL FILED ON
04.05.2023, WHEREIN THE APPELLANT
HAS CHALLENGED THE NOTIFICATION
BEARING NO. SO(SM)E&SED/5-
17/2023/PT/G: DATED 14.04.2023 TO HIS
EXTENT, WHEREBY THE APPELLANT HAS
BEEN ILLEGALLY TRANSFERRED WITHOUT
OBSERVING THE RULES / REGULATIONS /
POLICY**

(2)

Respectfully Sheweth:

Compendium of facts out of which the present service appeal arises are as under:

1. That after dissolution of the Provincial Assembly of Khyber Pakhtunkhwa on 18.01.2023, the Care Taker Chief Minister was appointed as provided under Article 224 clause (1A) of the constitution of Pakistan through the Order of the Governor dated 21.01.2023. That consequently on the very next day i.e. 22.01.2023, the Election Commission of Pakistan issued notification / Order through which a complete ban was imposed upon Government of Khyber Pakhtunkhwa and Punjab related to all kinds of Posting, Transfer inter alia developmental projects etc.
2. That the appellant has been serving as Subject Specialist (English) BPS-17 in the respondent department. Most recently the appellant was transferred and posted against post of SS (English) at GHS Ajmal Shah Barlashti Daud Shah Bannu on 07.10.2021. ***Copy of the Transfer is attached as Annexure A***

3. That without observing the rules the appellant was transferred by the respondents to GHS Doaba Hangu vide order 14.04.2023 after time lapse of some 1 year and 5 months approximately even though there has been a complete ban on posting / transfer on Government of Khyber Pakhtunkhwa and in utter violation of the article 224 of the constitution. **Copy of the impugned order is attached as Annexure B**
4. That being aggrieved from the impugned notification dated 14.03.2023, the appellant has filed a department appeal with respondent no. 1 on 04.05.2023 which has not been answered. **Copy of Departmental Appeal is attached as Annexure C**
5. That later on the impugned notification was modified to the extent of appellant and he was transferred to GHS Bachkan Ahmad Zai Lakki Marwat against SS Pashto post which is yet another violation. **Copy of the modified notification is attached as Annexure D**
6. That the departmental appeal has not been decided till date while the statutory period of 90 days has already elapsed hence this service appeal inter alia, on the following grounds;

GROUND S:

- A. That as per article 224(1A) of the constitution 1973, where the powers of Care taker Government have

(4)

been discussed that the Care taker Government / Cabinet could not take policy decisions and permanent measures including recruitments, making appointments, transfer and posting of government servants during limited period where it held the office but in the impugned notification the said powers have been exercised which are beyond the mandate provided by the Constitution of Pakistan.

- B. That the impugned transfer/adjustment notification dated 14.04.2023 whereby appellant has been transferred has been made without obtaining the required NOC which is illegal, without lawful authority, coram non iudice, void ab initio and of no legal effect upon the rights of the appellant, therefore liable to be declared as illegal:
- C. That the impugned notification dated 14.04.2023 issued by the respondents by completely disregarding the Constitution of Pakistan, Orders of the Election Commissioner and established dictum of the apex Court.
- D. That the impugned order is sheerly against the cadre/subject post of the appellant whereby despite the fact that he is Subject Specialist in English while he has been transferred against the post of Subject Specialist Pashto, therefore liable to set aside on the strong ground alone.

(5)

- E. That the impugned notification is also in blatant violation of the Transfer policy of the provincial government wherein it has been clearly mentioned that normal tenure of posting shall be three years but the appellant has been transferred twice in the time span of 17/18 months hence this ground alone is suffice to set aside the impugned notification to the extent of appellant.
- F. That the spouse/wife of the appellant namely Mrs. Gul Nazmina is presently working as Assistant Professor BPS-18 at Govt Post Graduate College for Women Bannu thus the case of appellant also falls under the umbrella of wedlock policy as protected by the Constitution of Pakistan 1973 and also followed strictly by the concerned government through notification and prescribed rules hence the husband/appellant may kindly posted back to serve in District Bannu. **Copy of relevant documents are attached as Annexure E**
- G. That the appellant may also take any other ground(s) with the permission of this honorable Court at the time of arguments.

It is, therefore, prayed that on acceptance of this Service Appeal, **the impugned notification bearing No. SO(SM)E&SED/5-17/2023/PT/G: DATED 14.04.2023** and the Corrigendum dated 18th May, 2023 to extent of appellant may very kindly be

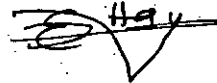
(6)

declared as illegal, unlawful, void ab initio, coram non
judice, ineffective upon the rights of the appellant
and may very kindly be set aside to the extent of the
appellant.

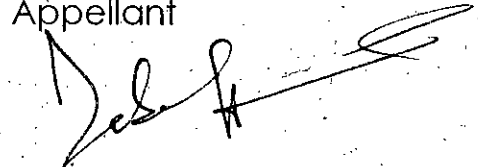
The Respondents may very kindly be directed to
allow the appellant to serve on the previous posting
as Subject Specialist (English) BPS-17 at GHS Ajmal
Shah Barlashti Daud Shah Bannu till the completion of
his normal tenure as per posting transfer policy of
Khyber Pakhtunkhwa and also to observe the
wedlock policy.

Any other relief which this honourable Court
thinks appropriate in favour of the appellant may also
be granted in favour of the appellant.

Through



Appellant



BABAR HAYAT KHAN
Advocate High Court
0333-9727-007

Dated: 23.08.2023

7

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

Service Appeal No. _____/2023
With Interim Relief

Umar Hayat Nawaz Khan Appellant

Versus

Govt of KP & others Respondents

AFFIDAVIT

I, Umar Hayat Nawaz Khan S/O Khan Gul Khan (Subject Specialist(English) BS-17 R/O Village and PO Ismail Khel, Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

Umar Hayat Nawaz Khan

DEPONENT
CNIC #:11101-0835485-3

Identified by:

Babar Hayat Khan
BABAR HAYAT KHAN
Advocate, High Court

Umar Hayat Nawaz Khan
MAHMOOD KHAN
PESHAWAR HIGH COURT
28-8-23

(8)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL

Service Appeal No. _____/2023

With Interim Relief

Umar Hayat Nawaz Khan Appellant

Versus

Govt of KP & others Respondents

ADDRESSES OF THE PARTIES

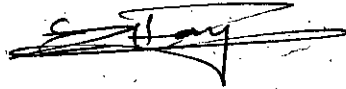
PETITIONERS:

Umar Hayat Nawaz Khan S/O Khan Gul Khan Subject
Specialist (English) BS-17 R/O Village and PO Ismail Khel,
Bannu.

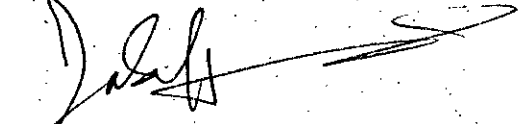
RESPONDENTS:

1. Government of KP through Secretary Elementary and
Secondary Education, Civil Secretariate, Peshawar.
2. Faqeer Nawaz SS English BPS-17, Govt High Secondary
School Ajmal Barlashti, Daud Shah Bannu.

Through



Appellant

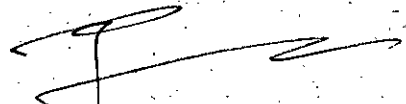


BABAR HAYAT KHAN

Advocate High Court

0333-972-7007

&



TAZA KHAN ORAKZAI

Advocate High Court

Dated: 23.08.2023



ANNEX "A"
9

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533

Dated Peshawar the October, 07 2021

NOTIFICATION

NO.SO(SM)E&SED/7-1/2021/PT/E-Transfer/Wrong Post The Competent Authority is pleased to issue the posting/transfer of the following teachers recommended through E-Transfer System, in the best public interest with immediate effect:-

S#	Name & Designation	Working against the post of	Proposed place of posting against original post.
1.	Mr. GUL MUHAMMAD Headmaster (BS-17)	Principal (BS-18) GHS SHAKI SOUTH WAZIRISTAN	Headmaster (BS-17) GHS TIARZA SOUTH WAZIRISTAN
2.	Mr. GHULAM MURTAZA Headmaster (BS-17)	I.P.E (BS-17) GHSS MASTUJ UPPER CHITRAL	Headmaster (BS-17) GHS BREP UPPER CHITRAL
3.	Mr. ABDUL QAYYUM SHAH Headmaster (BS-17)	GHS AJMAL BARLASHTI DAUD SHAH BANNU	Headmaster (BS-17) GHS NAR JAFFAR KHAN BANNU
4.	Mr. SAMI U REHMAN I.P.E (BS-17)	S.I.P.E (BS-18) GHSS DHAND SAGHRI KOHAT	I.P.E (BS-17) GHSS WANDA LALI D.I.KHAN
5.	Mr. AMIR ULLAH I.P.E (BS- 17)	I.P.E (BS-17) GHSS KHAIR ABAD MARDAN	I.P.E (BS-17) GHS SHADI KHEL KOHAT
6.	Mr. JEHANGIR KHAN I.P.E (BS-17)	Headmaster (BS-17) GHS TIARZA SOUTH WAZIRISTAN	I.P.E (BS-17) GHSS GUL IMAM TANK
7.	Mr. MUSHARRAF KHAN I.P.E (BS-17)	Subject Specialist (IT) BS- 17 GHSS SHAH BAZ KHEL LAKKI	I.P.E (BS-17) GHS AJMAL BARLASHTI DAUD SHAH BANNU
8.	Mr. SHAH ZEB ALAM I.P.E (BS-17)	S.I.P.E (BS-18) GHSS ZIARAT KAKA SAHIB NOWSHERA	I.P.E (BS-17) GHSS KURVI NOWSHERA
9.	Mr. HUKAM SHAH I.P.E (BS-17)	Headmaster (BS-17) GHS QUTUB GARH MARDAN	I.P.E (BS-17) GOVT. SHAHEED ZEESHAN ALI HSS ALO MARDAN
10.	Mr. IRFAN ULLAH Subject Specialist (Biology) BS-17	Subject Specialist (Biology) BS-18 GHSS USTERZAI PAYAN KOHAT	Subject Specialist (Biology) BS-17 GHS SHADI KHEL KOHAT
11.	MUHAMMAD NASIR KHABIR Subject Specialist (Biology) BS-17	Headmaster (BS-17) GHS NAR JAFFAR KHAN BANNU	Subject Specialist (Biology) BS-17 GHSS NODEH PAYAN PESHAWAR
12.	Mr. SUHAIL AHMAD Subject Specialist (Biology) BS-17	Subject Specialist (Pashto) GHSS SLAIMA SIKANDAR KHEL BANNU	Subject Specialist (Biology) BS-17 GHS AJMAL BARLASHTI DAUD SHAH BANNU
13.	MUHAMMAD AYAZ Subject Specialist (Biology) BS-17	Headmaster (BS-17) GHS SADBARKALAY DIR PAYAN	Subject Specialist (Biology) BS-17 GHS MASKINI DIR PAYAN
14.	Mr. NOOR KHAN Subject Specialist (Biology) BS-17	Subject Specialist (Chemistry) GHSS ASHKAR KOT SOUTH WAZIRISTAN	Subject Specialist (Biology) BS-17GHSS KECH D.I.KHAN
15.	Mr. RAHMUL KABIR Subject Specialist (Chemistry) BS-17	Subject Specialist (IT) BS- 17 GHSS K/KHELA SWAT	Subject Specialist (Chemistry) BS-17 GHSS CHAMTALAI SWAT
16.	MUHAMMAD TARIQ JAVED Subject Specialist (Chemistry) BS-17	Headmaster (BS-17) GHS LUNDA SHARIF D.I.KHAN	Subject Specialist (Chemistry) BS-17 GHSS LAR D.I.KHAN



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533

10

17.	Mr. SAIF UR REHMAN Subject Specialist (Chemistry) BS-17	Subject Specialist (Urdu) BS-17 GHSS SHAH SALIM KARAK	Subject Specialist (Chemistry) BS-17 GHS SHADI KHEL KOHAT
18.	MUHAMMAD REHMAN Subject Specialist (Chemistry) BS-17	Subject Specialist (Urdu) BS-17 GHSS DARAKA AZIZ KHAN LAKKI	Subject Specialist (Chemistry) BS-17 GCMHSS NO.2 PESHAWAR CITY
19.	Mr. INAM ULLAH KHAN Subject Specialist (Chemistry) BS-17	Subject Specialist (Chemistry) BS-18 GHSS ISMAIL KHEL BANNU	Subject Specialist (Chemistry) BS-17 GHS AJMAL BARLASHTI DAUD SHAH BANNU
20.	MUHAMMAD KHALID KHAN - Subject Specialist (Chemistry) BS-17	Headmaster (BS-17) GHS CHAMBA GUL HANGU	Subject Specialist (Chemistry) BS-17 GHSS YARIK D.I.KHAN
21.	MUHAMMAD ZUBAIR Subject Specialist (Economics) BS-17	Subject Specialist (Islamiyat) BS-17 GHSS DARGAI MANGA CHARSADDA	Subject Specialist (Economics) BS-17 GOVT. SHAHEED SHAFIQ UR RAHMAN HIGHER SECONDARY SCHOOL GUJARAT MARDAN
22.	Mr. ROOH ULLAH JAN Subject Specialist (Economics) BS-17	Subject Specialist (H/Civics) BS-17 GHSS BUDNI PESHAWAR	Subject Specialist (Economics) BS-17 GHSS GHARI SHERDAD PESHAWAR
23.	Mr. SHAHID ALI KHAN Subject Specialist (Economics) BS-17	Subject Specialist (H/Civics) BS-17 GHSS BARAWAL SWAT	Subject Specialist (Economics) BS-17 GHS D/KHELA SWAT
24.	MUHAMMAD FAROOQ KHAN Subject Specialist (Economics) BS-17	Subject Specialist (IT) BS-17 GHSS DOMEL BANNU	Subject Specialist (Economics) BS-17 GHS AJMAL BARLASHTI DAUD SHAH BANNU
25.	MUHAMMAD AYAZ Subject Specialist (Economics) BS-17	Subject Specialist (Urdu) BS-17 GHSS DOSEHRA CHARSADDA	Subject Specialist (Economics) BS-17 GHSS NO.2 CANTT NOWSHERA
26.	Mr. ANWAR KHAN Subject Specialist (Economics) BS-17	Subject Specialist (Biology) BS-17 GHSS PRANG GHAR MOHMAND	Subject Specialist (Economics) BS-17 GHSS RAHMAT ULLAH KHAN KOROONA CHARSADDA
27.	Mr. AYAZ AHMAD Subject Specialist (Economics) BS-17	Subject Specialist (Biology) BS-17 GHSS NODEH PAYAN PESHAWAR	Subject Specialist (Economics) BS-17 GHS ADAM ZAI NOWSHERA
28.	Mr. YOUSAF KHAN Subject Specialist (English) BS-17	Subject Specialist (H/Civics) BS-17 GHSS ASBANR DIR PAYAN	Subject Specialist (English) BS-17 GOVT. SHAHEED ADNAN ARSHAD HIGHER SECONDARY SCHOOL NO.1 MARDAN
29.	Mr. HAIDAR ALI Subject Specialist (English) BS-17	Headmaster (BS-17) GHS DARA SERAI SHANGLA	Subject Specialist (English) BS-17 GHSS SUNDOVI SHANGLA
30.	Mr. NADEEM KHAN Subject Specialist (English) BS-17	Subject Specialist (Islamiyat) BS-17 GHSS KHANPUR DIR PAYAN	Subject Specialist (English) BS-17 GHSS SHALKANDI DIR PAYAN
31.	Mr. UMER HAYAT NAWAZ Subject Specialist (English) BS-17	Subject Specialist (IT) BS-17 GHSS ISMAIL KHEL BANNU	Subject Specialist (English) BS-17 GHS AJMAL BARLASHTI DAUD SHAH BANNU
32.	Mr. ARSHAD NAWAZ Subject Specialist (English) BS-17	Subject Specialist (IT) BS-17 GHSS HAKIM HAVED BANNU	Subject Specialist (English) BS-17 GHSS ABDUL KHEL LAKKI



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533

11

85.	Mr. HAZIR NAWAZ Subject Specialist (Urdu) BS-17	Subject Specialist (Islamiyat) BS-17 GHSS SHAHIDAN BANDA. KARAK	Subject Specialist (Urdu) BS- 17 GHSS SHAH SALIM KARAK
86.	Mr. SHAD ALI KHAN Subject Specialist (Urdu) BS-17	Subject Specialist (Economics) GHSS ADINA SWABI	Subject Specialist (Urdu) BS- 17 GHSS SHEIKH JANA SWABI
87.	Mr. SYED FARIDULLAH SHAH Subject Specialist (Urdu) BS-17	Subject Specialist (Islamiyat) BS-17 GHSS TARNAB FARM PESHAWAR	Subject Specialist (Urdu) BS- 17 GHSS DAAG PESHAWAR
88.	Mr. NAVEED AHMAD Subject Specialist (Urdu) BS-17	Subject Specialist (Urdu) BS-17 GHSS ZAHIR ABAD PESHAWAR	Subject Specialist (Urdu) BS- 17 GOVT. SHAHEED SHAHOOD ALAM HIGHER SECONDARY SCHOOL NISATTA CHARSAJDA

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

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

(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 921-9221931, Email: sec1001male@gmail.com

"B"
Annex
12

Peshawar, Dated 14.04.2023

NOTIFICATION

NO.SOS/SMIE&SLED/5-17/2023/PT/G: The posting/transfer of the following Officers are hereby ordered with immediate effect, in the best public interest.

No	Name & designation	From	To	Remarks
1	Mr. Ali Gohar SS Pashto (BS-17)	GHSS Chantar Mardan	GHSS Molabat absal Mardan	Against the vacant post of SS Pashto
2	Mr. Wali Ullah IPI (BS-17)	GHSS Joo-1 Abbottabad	GHSS Bodla Abbottabad	Vice Sr No 3 as IPI
3	Muhammad Ilyas IPI (BS-17)	GHSS Bodla Abbottabad	GHSS No 1 Abbottabad	Vice Sr No 2 as IPI
4	Mr. Yaseer Khan SS Math (BS-17)	GHSS Chandlowan D I Khan	GHSS Kot Atal Sharif DI Khan	Against the vacant post of H M
5	Muhammad Zahid Khan SS Chemistry (BS-17)	GHSS Munka Sharif Nowshera	GHSS Shah Baz Khel Lakki Marwat	Against the vacant post of SS:11
6	Mr. Mahi Nawaz Khan SS English (BS-17)	GHSS Banga Khan Khujart Bannu	Narun Khel Bakka Khel Bannu	Vice Sr No.7 SS English
7	Ali Ali Nawaz Khan SS English (BS-17)	Narun Khel Bakka Khel Bannu	GHSS Banga Khan Khujart Bannu	Vice Sr No 6 SS English
8	Muhammad Fahir Khan SS Physics (BS-17)	GHSS Saipora Swat	GHSS Bahadar Khel Karak	Against the vacant post of SS Physics
9	Mr. Khand Khan SS Chemistry (BS-17)	GHSS Bachken Ahmad Zar	GHSS Ajmal Barlashti Dand Shah Bannu	Against the vacant post of SS Statistics
10	Mr. Ahsan Khan SS Statistics (BS-17)	GHSS Barlayan Dand Shah Bannu	GHSS Khero Khel Pakka Lakki Marwat	Against the vacant post of SS Pashto
11	Mr. Umer Hayat Khan SS English (BS-17)	GHSS Ajmal Barlashti Bannu	GHSS Doaba Bannu	Against the vacant post SS English
12	Mr. Faqeer Nawaz SS English (BS-17)	GHSS Nur Bannu	GHSS Ajmal Barlashti Dand Shah Bannu	Vice Sr No 11 SS English
13	Mr. Gul Wahid SS Chemistry (BS-17)	GHSS Miran Kalay (Dir Lower)	GHSS Gardai Bajawar	Against the vacant post of SS Chemistry
14	Mr. Saleem SS H Civics (BS-17)	GHSS Miran Swat	GHSS Rahat Kot Swat	Against the vacant post of H Civics

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Enclst. of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. District Education Officer (M) Concerned.
5. District Accounts Officer (Concerned).
6. PS to Advisor to CM, E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (Estab) E&SE Department.
9. Officer Concerned.
10. Office order file.

(MUHAMMAD ISHAQ)
SECTION OFFICER (SCHOOLS MALE)

PSIC S Khyber Pakhtunkhwa

Diary No. 1828 WLE

Date 04-5-2023

(13)

BEFORE THE LEARNED CHIEF SECRETARY KHYBER PAKHTUNKHWA

ANNEX 'C'

Umar Hayat Nawaz Khan S/O Khan Gul Khan APPELLANT

Address: Village and P/O Ismail Khel Bannu

Mobile No. 03339738427

AGAINST

Law: EASE

4/5

1. THE LEARNED SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA ELEMENTARY SECONDARY EDUCATION DEPARTMENT.
2. PUBLIC AT LARGE.

Deputy Secretary/
PS to Chief Secretary
Khyber Pakhtunkhwa Peshawar

..... RESPONDENTS

DEPARTMENTAL APPEAL/REPRESENTATION AGAINST TRANSFER ORDER ISSUED VIDE NOTIFICATION NO. SO(SM)E&SED/5-17/2023/PT/G, dated :14-04-2023 BY THE RESPONDENT NO.1

The appellant respectfully states

1. That the appellant is a law-abiding citizen of Pakistan who hails from district Bannu, serving as a Subject Specialist (English) BPS-17, personal No. 00432158 in Elementary and Secondary Department KP.
2. That the appellant is serving his department since long without any complaint by any one.
3. That the appellant cannot be transferred out from my native District (Bannu) under wedlock policy because the appellant's wife (Mrs: GUL NAZMINA) has been working as a Assistant professor (Zoology) at GPG college for women Bannu. She will have to face many difficulties and problems in my absence. (Service certificate of appellant's wife and Nikah- nama are hereby attached)

The posting of wife and husband at different places is not only the violation of wedlock policy, but also the violation of article 35 of the constitution [2014 PLC (c.s) 1032]

4. The appellant tenure of posting on the post of SS BPS-17 in GHSS Ajmal Barlashti daud Shah Bannu is less than two years because the appellant had been transferred to the said school on 7th October 2021 through E-Transfer (E-transfer Order copy attached).

So the question arises that why I have been transferred out from my native District. I have been transferred out on basis of malice and without any valid and legal reason

→

14

PRAYERS

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

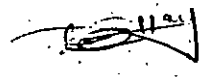
- i. The instant appeal may be accepted and the notification/ order No. SO(SM)E&SED/5-17/2023/PT/G, dated 14-04-2023 passed by the respondent No.1 may kindly be set aside;
- ii. The respondent No.1 may be directed to cancel his impugned order and keep the appellant on the post of SS (English) at GHSS Ajmal Barlashti Daud Shah Bannu.

And other relief which this Learned court considers appropriate may also be awarded to the appellant

Attachments:

- i. Recent transfer order, dated: 14/04/2023
- ii. Previous E-Transfer order, dated: 07/10/201
- iii. Appellant's wife service certificate.
- iv. Nikah-Nama
- v. NIC Copies

Appellant:

 27/04/2023

UMAR HAYAT NAWAZ KHAN
SS ENGLISH BPS-17
GHSS AJMAL BARLASHTI DAUD SHAH
BANNU
03339738427



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat.

Phone No. 991-9223533 Email: sschoolmale@gmail.com

(15)

"D"

Peshawar, Dated: 18th May, 2023

CORRIGENDUM

NO.SO(SM)E&SE/D-5-17/2023/PT/G: In partial modification of this Department notification of even number dated 14.04.2023, the place of posting in respect of Mr. Umar Hayat Nawaz SS (BS-17) may be read as SS Pisho BPS 17 at GHSS BachKan Ahmad Zai, Lakki Marwat, against the vacant post as stop gap arrangement, with immediate effect in the best public interest.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Accounts Officer concerned.
5. Director, EMIS E&SE Department.
6. PS to Advisor to CM for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (Est) E&SE Department.
9. Officer concerned.
10. Office order file.

ABDUL HAQI
SECTION OFFICER (SCHOOLS MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

16

Dated Peshawar the: 19th August, 2020.

Annex
"E"

NOTIFICATION

No. SO(C-III)/HE/Promotion/BS-17 to BS-18/Vol-III/ In continuation of this Department Notification of even number dated 02nd July, 2020, the promoted female Assistant Professors are posted as under:-

S#	NAME & DESIGNATION	PRESENT STATION	PROPOSED STATION	REMARKS
1.	Ms. Aisha Shaheen, Lecturer in English (BPS-17)	GGPGC Abbottabad	Assistant Professor (B-18) GGDC Balakot (Mansehra)	AVP
2.	Ms. Umm-E-Kalsoom, Lecturer in Chemistry (BPS-17)	GGPGC Kohat	Assistant Professor (B-18) GGPGC Kohat	AVP
3.	Ms. Ghazala Khuda Bakhsh, Lecturer in Mathematics (BPS-17)	GGDC Barikot (Swat)	Assistant Professor (B-18) GGDC Barikot (Swat)	AVP
4.	Ms. Samina, Lecturer in Chemistry (BPS-17)	GGDC Kanju (Swat)	Assistant Professor (B-18) GGDC Kanju (Swat)	AVP
5.	Ms. Saima Syed Lecturer in Health & Physical Education (BPS-17)	GGDC No.1 Abbottabad	Assistant Professor (B-18) GGDC No.1 Abbottabad	AVP
6.	Ms. Saima, Lecturer in Health & Physical Education (BPS-17)	GGDC Timergara (Dir Lower)	Assistant Professor (B-18) GGDC Timergara (Dir Lower)	AVP
7.	Ms. Atiha Mehmood, Lecturer in Health & Physical Education (BPS-17)	GGDC Nelor Saidan (Abbottabad)	Assistant Professor (B-18) Nelor Saidan (Abbottabad)	AVP
8.	Ms. Nair Sultana, Lecturer in Health & Physical Education (BPS-17)	GGDC Surrani (Bannu)	Assistant Professor (B-18) GGDC Surrani (Bannu)	AVP
9.	Ms. Aliya Khatoon, Lecturer in Health & Physical Education (BPS-17)	GGDC Kotnajibullah (Haripur)	Assistant Professor (B-18) GGDC Kotnajibullah (Haripur)	AVP
10.	Ms. Sadaf Masud, Lecturer in Health & Physical Education (BPS-17)	GGDC KTS (Haripur)	Assistant Professor (B-18) GGDC KTS (Haripur)	AVP
11.	Ms. Shagufla Mehreen, Lecturer in Health & Physical Education (BPS-17)	GGDC Lakki Marwat	Assistant Professor (B-18) GGDC Sabirabad (Karak)	AVP
12.	Ms. Shakeela Jehan, Lecturer in Health & Physical Education (BPS-17)	GGPGC Mardan	Assistant Professor (B-18) GGPGC Mardan	AVP
13.	Ms. Javairia Gul, Lecturer in Health & Physical Education (BPS-17)	GGDC Katlang (Mardan)	Assistant Professor (B-18) GGDC Shabqaddar (Charsadda)	AVP

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	Ms. Huma Tariq, Lecturer in Health & Physical Education (BPS-17)	GGDC Gulshan Rehman (Peshawar)	Assistant Professor (B-18) GGDC Gulshan Rehman (Peshawar)	AVP
31.	Ms. Mumlikat Khan, Lecturer in Health & Physical Education (BPS-17)	GGDC Batkhela (Malakand)	Assistant Professor (B-18) Matta (Swat)	AVP
32.	Ms. Sadiqa Sadiq, Lecturer in Health & Physical Education (BPS-17)	GGDC Barikot (Swat)	Assistant Professor (B-18) GGDC Barikot (Swat)	AVP
33.	Ms. Gulalay, Lecturer in Health & Physical Education (BPS-17)	GGDC Parhoti (Mardan)	Assistant Professor (B-18) GGDC Parhoti (Mardan)	AVP
34.	Ms. Zaibu Nisa, Lecturer in Health & Physical Education (BPS-17)	GGDC Julagram (Malakand)	Assistant Professor (B-18) GGDC Batkhela (Malakand)	AVP
35.	Ms. Hussan Ara, Lecturer in Health & Physical Education (BPS-17)	GGDC Kanju (Swat)	Assistant Professor (B-18) GGDC Kanju (Swat)	AVP
36.	Ms. Shagufla, Lecturer in Health & Physical Education (BPS-17)	GGPGC Saidu Sharif (Swat)	Assistant Professor (B-18) GGPGC Saidu Sharif (Swat)	AVP
37.	Ms. Mumlikat, Lecturer in Health & Physical Education (BPS-17)	GGDC Daggar (Buner)	Assistant Professor (B-18) GGDC Daggar (Buner)	AVP
38.	Ms. Ammara Ubaid, Lecturer in Computer Science (BPS-17)	GGDC No.2 D.I.Khan	Assistant Professor (B-18) GGDC Darazinda (D.I.Khan)	AVP
39.	Ms. Naureen Kausar, Lecturer in Zoology (BPS-17)	GGPGC Mardan	Assistant Professor (B-18) GGDC Timergara (Dir Lower)	AVP
40.	Ms. Mehak Surfaraz, Lecturer in Statistics (BPS-17)	GFC (W) Peshawar	Assistant Professor (B-18) GFC (W) Peshawar	AVP
41.	Ms. Anjum Waheed, Lecturer in Statistics (BPS-17)	GGDC Maneri (Swabi)	Assistant Professor (B-18) GGDC Topi (Swabi)	AVP
42.	Ms. Sumera Aman, Lecturer in Statistics (BPS-17)	GGDC Chagharmatti (Peshawar)	Assistant Professor (B-18) GGDC Nowshera	AVP
43.	Ms. Saima Khan, Lecturer in Pakistan Studies (BPS-17)	GGDC Kernal Sher Killi (Swabi)	Assistant Professor (B-18) GGDC Kernal Sher Killi (Swabi)	AVP
44.	Ms. Shobana Faiz, Lecturer in Zoology (BPS-17)	GGDC Thana (Malakand)	Assistant Professor (B-18) GGDC Adenzai (Dir Lower)	AVP
45.	Ms. Farhat Begum, Lecturer in Computer Science (BPS-17)	GGDC Katlang (Mardan)	Assistant Professor (B-18) GGDC Parhoti (Mardan)	AVP
46.	Ms. Gul Naz Mina, Lecturer in Zoology (BPS-17)	GGPGC Bannu	Assistant Professor (B-18) GGPGC Bannu	AVP
47.	Ms. Sabina Farooq, Lecturer in Statistics (BPS-17)	GGPGC No.1 Abbottabad	Assistant Professor (B-18) GGPGC No.1 Abbottabad	AVP

(17)

JAM

	Ms. Shehla Gul, Lecturer in HPE	GGDC Jandool (Dir Lower)	GGDC Katlang (Mardan)	AVP
17.	Ms. Bushra Zaheer, Lecturer in Urdu (BPS-17)	GGDC No.2 Hayatabad (Peshawar)	GGDC Dara Adam Khel (In her own pay & scale against B-18)	AVP
18.	Dr. Ulfat Samreen, Lecturer in Botany (BPS-17)	GGDC Darazinda (Dera Ismail Khan)	GGDC Nowshera	AVP
19.	Ms. Nousheen Gul, Assistant Professor of Computer Science (BPS-18)	GHEC Nowshera	GGDC Zaryab (Peshawar)	AVP
20.	Ms. Sabahat Khan, Lecturer Political Se (BPS-17)	GGDC Zaryab Colony (Peshawar)	GGDC Shabqadar (Charsadda)	AVP
21.	Ms. Shazia Muhammad, Assistant Professor of Urdu (BPS-18)	GGDC Barikot (Swat)	GGDC Adenzai (Dir Lower)	AVP
22.	Ms. Nosheen Yousaf, Assistant Professor of Economics (BPS-18)	GGDC Murghuz (Swabi)	GGDC No.2 Tajo Bibi (Charsadda)	AVP
23.	Ms. Faiza Khan, Lecturer in History (BPS-17)	GGDC Nawanshehr (Abbottabad)	GGDC Garhi Kapura (Mardan)	AVP
24.	Ms. Melwish Munir, Lecturer in English (BPS-17)	GFC (W) Peshawar	GGDC Havelian Abbottabad	AVP
25.	Ms. Sumaira Tabraiz, Lecturer in Mathematics (BPS-17)	GGDC Topi (Swabi)	GGDC KTS (Haripur)	AVP
26.	Ms. Rabia Rauf, Lecturer in Chemistry (BPS-17)	GGDC Kalaya (Orakzai)	GGDC Starsam (Orakzai)	AVP
27.	Ms. Maha Mujahid, Lecturer in Home Economics (BPS-17)	GGDC Nowshera	GGDC Adenzai (Dir Lower)	AVP
28.	Ms. Azra Nawaz, Assistant Professor of English (BPS-18)	GGDC Maneri (Swabi)	GGDC Yar Hussain (Swabi)	AVP
29.	Ms. Huma Ali, Lecturer in English (BPS-17)	GGDC Nahaqi (Peshawar)	GGDC Shabqaddar (Charsadda)	AVP

18

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

Endst: No. & Date Even

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Director Higher Education, Khyber Pakhtunkhwa Peshawar.
4. Deputy Director HEMIS Cell Higher Education Department.
5. District Accounts Officers concerned.
6. Principals of the Colleges concerned.
7. Manager, Govt. Printing Press Khyber Pakhtunkhwa, Peshawar.
8. Officers Concerned.

(TEHMINA SHARIF)
Section Officer (Colleges-III)

(19)

OFFICE OF THE PRINCIPAL GOVT POST GRADUATE COLLEGE FOR WOMEN
BANNU

SERVICE CERTIFICATE

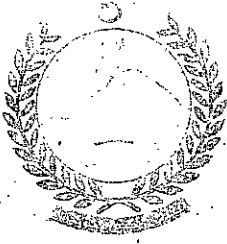
Certified that Mrs: Gul nazmina W/O Um̄ar Hayat Nawāz Khan has been serving in Higher Education Department since 02-03-2012. Presently she is working as an Assistant Professor of zoology (BPS-18) in this college.

Principal

GPGC(W) Bannu

Principal
Govt Post Graduate College
For Women Bannu

15/08/2023



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

کراچ رجسٹریشن سرٹیفکیٹ

20

MARRIAGE REGISTRATION CERTIFICATE

FORM No: P01930584

CRMS No: M111044-13-0024

دولہہ کے کوائف	دولہا کے کوائف
<p>نام: گل نازمینہ شناختی کارڈ نمبر: 1110112957922 والد کا نام: گل شرابت خان شناختی کارڈ نمبر: 1110114319769 عمر: 25 سال 10 ماہ 25 دن ازدواجی حیثیت: غیر شادی شدہ پتہ: گاؤں اسماعیل خیل، تحصیل: بنوں، ضلع: بنوں</p>	<p>نام: عمر حیات نواز خان شناختی کارڈ نمبر: 1110108354853 والد کا نام: خان گل خان شناختی کارڈ نمبر: 1110198754379 عمر: 27 سال 10 ماہ 17 دن ازدواجی حیثیت: غیر شادی شدہ پتہ: گاؤں اسماعیل خیل، تحصیل: بنوں، ضلع: بنوں</p>

Particulars of Bride	Particulars of Groom
<p>NAME : GUL NAZMINA CNIC : 1110112957922 FATHER NAME : GUL SHARABAT KHAN CNIC : 1110114319769 AGE : 25 Y 10 M 25 D MARITAL STATUS: VIRGIN ADDRESS : VILLAGE: ISMAIL KHEL, TEH: BANNU, DIST: BANNU</p>	<p>NAME : UMAR HAYAT NAWAZ KHAN CNIC : 1110108354853 FATHER NAME : KHAN GUL KHAN CNIC : 1110198754379 AGE : 27 Y 10 M 17 D MARITAL STATUS: VIRGIN ADDRESS : VILLAGE: ISMAIL KHEL, TEH: BANNU, DIST: BANNU</p>

Date OF Marriage : 28-2-2013

Marriage Solemnized by Name : HASHMAT ALI SHAH

Marriage Solemnized by CNIC: 1110104864959

Date of Entry : 18-4-2013

Date of Issuance : 18-4-2013

28-2-2013

کراچ کی تاریخ:

کراچ خوال کا نام: حشمت علی شاہ

کراچ خوال کا شناختی کارڈ نمبر: 1110104864959

18-4-2013

تاریخ اندراج:

18-4-2013

تاریخ اجراء:

دستخط:
سیکرٹری یونین کونسل
اسماعیل خیل (44) ضلع: بنوں
شناختی کارڈ نمبر:

(21)

POWER OF ATTORNEY
BEFORE THE KP SERVICE TRIBUNAL

CASE NATURE S.A No. _____ of 2023

Umar Hayat Nawaz Khan

[Plaintiff(s)]
[Appellant(s)]
[Petitioner(s)]
[Complainant(s)]

Versus

Govt of KP

[Defendant(s)]
[Respondent(s)]
[Accused(s)]
[Judgment Debtor]

I/We Umar Hayat Nawaz Khan

the above named APPELLANT

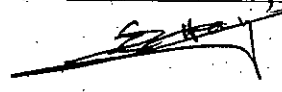
hereby appoint and constitute BABAR HAYAT KHAN LL.M, Advocate as Counsel (for Peshawar) in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To, appear act, and plead for me/us in the above mentioned case in this Court/Tribunal or any other Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:

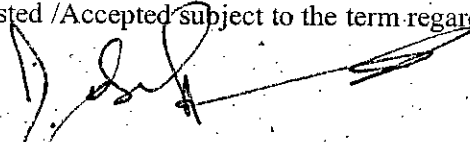
- a. To ratify whatever the said Advocate(s) may do in the proceedings.
- b. Not to hold the Advocate(s), responsible if the said case be proceeded ex-parte or dismissed in default in consequences of their absence from the Court/Tribunal when it is called for hearing.
- c. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case, if the whole or any part of the agreed fees remains unpaid.

In witness whereof I/We have signed this Power of Attorney/Wakalatnama herein under, the contents of which have been read / explained to me and fully understood by me this day of 23rd Aug 2023 at Peshawar.



Signature of the executant/s

Attested /Accepted subject to the term regarding payment of fee.



BABAR HAYAT KHAN
LL.M, Advocate High Court
+92-333-9727007
Chambers: 13-B, Haroon Mansion,
Khyber Bazar, Peshawar