

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 1218/2023

Mst. Musarrat Begum SST (G) BPS-16 District BannuAppellant

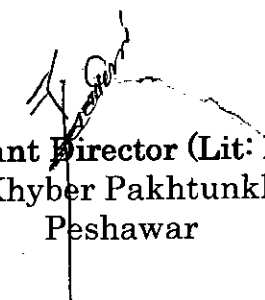
VERSUS

**Government of, Khyber Pakhtunkhwa through Secretary (E&SED) &
others.....Respondents**

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 3.

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**Assistant Director (Lit: II)
E&SE Khyber Pakhtunkhwa,
Peshawar**

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No: 1218/2023

Diary No. 6931

Dated 09/08/23

Mst. Musarrat Begum SST (G) BPS-16 District BannuAppellant

VERSUS

Government of, Khyber Pakhtunkhwa through Secretary (E&SED) &
others.....Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 3.

Respectfully Sheweth,

The Respondents No. 1-3 submit as under:

PRELIMINARY OBJECTIONS.

- 1 ***That*** the Appellant has got no cause of action/locus standi.
- 2 ***That*** the Appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act-1974 read with Article 212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 ***That*** the Appellant has concealed material facts from this Honorable Tribunal.
- 4 ***That*** the Appellant has not come to this Honorable Court with clean hands.
- 5 ***That*** the appeal in hand is based on mala fide intentions for illegal service benefits.
- 6 ***That*** the matter in hand is barred by law in view of the law of limitation Act 1908.
- 7 ***That*** the case is bad for mis-joinder and non-joinder of the necessary parties to the titled appeal.
- 8 ***That*** the appellant is a habitual litigant in filing baseless petition against the Department.
- 9 That the impugned Notifications dated 19-05-2023, whereby the Notification dated 18-05-2023 has been withdrawn under the rules in vogue resulted in the restoration of the notification dated 07-04-2023.
- 10 ***That*** no Departmental Appeal against the above said Notifications has been filed by the appellant to the appellate authority till date against the in action of the Department, hence, got finality under the law.

11 *That* the appellant is estopped by her own conduct to file the instant appeal before this Honorable Tribunal.

12 *That* the appellant has correctly been posted against her original post of SST in BPS-16 by the Department.

ON FACTS.

- 1 *That* Para-1 pertains to the service record of the appellant against the SST (G) in BPS-16 post & was adjusted as ASDEO (F) SDW Bannu on 11-02-2021 on stop gape arrangement till the arrival of an officer of management cadre attached *as Annex-A*.
- 2 *That* Para-2 is incorrect as the order under reference, whereby, Mst. Nayar & Raziya Bibi PSTs were directed to help out in the functionalization of the schools in the SDW Bannu which was not honored by the appellant being an ASDEO circle for no good reason *attached as Annex-B*.
- 3 *That* Para-3 is also incorrect the order attached as Annex B was legal & issued by the competent authority but not honored by the appellant being a circle ASDEO for no legal ground, hence, she was transferred from the ASDEO post by placing her services at the disposal of DEO Concerned vide Notification Dated 07-04-2023 *attached as Annex-C*.
- 4 *That* Para-4 is correct that the appeal of the appellant was referred to the Director E&SE vide letter 12-04-2023 by the Respondent No. 1 for necessary action *attached as Annex-D & E*.
- 5 *That* Para-5 is correct that the Departmental appeal of the appellant was allowed on dated 18-05-2023 attached as *attached as Annex-F*.
- 6 *That* para-6 is correct that vide Notification dated 19-05-2023 *Annex-G*, the Notification dated 18-05-2023 was withdrawn on legal grounds by the competent authority as the appellant is not an officer of MC, whereas, the post of ASDEO circle SDW Bannu is of MC cadre post instead of TC in the Department.
- 7 *That* para-10 is incorrect as the appellant is not an aggrieved person within the meaning of section-2 of KPK service tribunal Act-1974 read with Article-212 of the constitution of 1973, hence, the appeal in hand deserves rejection on the following grounds inter alia: -

ON GROUNDS.

- A. Incorrect & not admitted, the plea of the appellant is illegal on the grounds that Notification dated 19-05-2023 is legal & liable to be maintained.

(5)

**DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR**

"A" -S-

NOTIFICATION

The following SSTs (Female) are hereby transferred against the newly created posts of ASDEOs in Sub Division Wazir Bannu, Darra Adam Khel in their own pay & BPS in the interest of public service with immediate effect with the terms and conditions as mentioned below.

Name & Designation	Place of present posting	Where posted as	Remarks
Mst Musrat Begum SS	GGMS Muhammad Abbas Ali Khan	ASDEO (F) SDW Bannu	Against newly created post
Mst Naseem Akhtar SS	GGMS Noor Ali Killi	ASDEO (F) SD Darra Adam Khel	-do-

TERMS AND CONDITIONS

- Charge reports should be sent to all concerned.
- No TADA etc. are allowed.
- The order of the above named SSTs against the posts of ASDEOs will be affective subject to the condition that they will give an under taking on judicial stamp paper to the D E O SD Bannu/SD Darra Adam Khel to the effect that they will neither claim the seniority of ASDEO Posts nor absorption in management cadre.
- The terms and conditions mentioned in their appointment/promotion order as SST (Teaching cadre) will intact.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst. No. 2079-86 /A-12/ADEO (M&F) Dated Pesh. the 11/02/2021

Copy forwarded to the:-

- Additional Director (Estab) Merged Districts Local Directorate.
- District Education Officer Sub Division Wazir Bannu.
- District Education Officer Sub Division Darra Adam Khel
- District Accounts Officer Bannu.
- District Accounts Officer KDA Kohat
- Principal/Headmaster & Headmistress concerned
- SSTs concerned.
- PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Attested

18/2/2021
**DEPUTY DIRECTOR (ESTAB)
MERGED DISTRICTS**

Legible Copy

Directorate of Elementary &
Secondary Education Khyber
Pakhtunkhwa, Peshawar

NOTIFICATION

The following SSTs (Female) are hereby transferred and posted against the newly created posts of ASDEOs in Sub Division Wazir Bannu/Darra Adam Khel in their own pay and BGPS in the interest of public service with immediate effect with the terms and conditions as mentioned below

S	Name & Designation	Place of present posting	Where posted as	Remarks
✓ 1	Mst. Musarat Begum SST	GGMS Muhammad Abbas ALI Khan	ASDEO (F) SDW Bannu	Against newly created post
2	Mst. Naseem Akhtar SST	GGMS Noor ALI Killi	ASDEO (F) SD Darra Adam Khel	-do-

TERMS AND CONDITIONS

1. Charge reports should be sent to all concerned.
2. No TA/DA etc, are allowed.
3. The order of the above named SSTs against the posts of ASDEOs will be affective subject to the condition that they will give an under taking on juridical stamp paper to the D.E.O/SD Bannu/SD Darra Adam Khel to the effect that they will neither claim the seniority of ASDEO posts nor absorption in management cadre.
4. The terms and conditions mentioned in their appointment/promotion order as SST (Teaching Cadre) will infact.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst. No.2079-86/A-12/ADEO (M&F) dated Pesh: the 11/02/2021

Copy forwarded to the:

1. Additional Director (Estab) Merged Districts Local Directorate.
2. District Education Officer Sub Division Wazir Bannu.
3. District Education Officer Sub Division Darra Adam Khel.
4. District Education Officer Bannu
5. District Education Officer KDA Kohat
6. Principal/headmaster and headmasters concerned.
7. SSTs concerned.
8. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Sd/
DEPUTY DIRECTOR (ESTAB)
MERGED DISTRICTS

'B' - 6 -

(6)



**OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE
BANNU ELEMENTARY & SECONDARY EDUCATION
HWYBEE PAKHTUNKHWA**

Address: Outside Bannu Gate No. 1 GHS No. 3 Bannu City

PH No. 099-200019

E-mail: edu@bannu.gov.pk

OFFICE ORDER (TEMPORARY/NEED BASED)

The undersigned is pleased to place the following teachers on need/hurry enrolment basis for functionalization of the below mentioned closed school in the best public interest with immediate effect.

S.No	Name & Designation	From	To
1	Mrs. Niyaz & PST	GGPS Alah ulah Begara	GGPS Abadi Gul Ahmad Patone Nuhmanul Khel
2	Mrs. Kazim Bibi & PST	GGPS Alor Khan Jam Khel	GGPS Wali Noor Jam Khel

[Signature]
BY DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Event & Date:

Copy for information to the:

1. District Account officer Bannu.
2. District Monitoring Officer Bannu.
3. Headmaster concerned.

Attested
[Signature]

BY DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Legible Copy

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE
BANNU ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA

OFFICER ORDER (TEMPORARY/NEED BASED)

The undersigned is pleased to place the following teachers on need /heavy enrolment basis for functionalization of the below mentioned closed school in the best public interest with immediate effect.

S.N	Name & Designation	From to	
1	Mst Niyar & PST	GGPS Mohallah Begara	GGPS Abadi Gul Ahmad Patona Muhammad khel
2	Mst. Razia Bibi & POST	GGPS Alam Khan Jant Khel	GGPS Wali Noor Jani Khel

Sd/-
DY. DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Even No. & Dated:

Copy for information to the:-

1. District Account Officer, Bannu
2. District Monitoring Officer Bannu
3. Headmistress concerned.

Sd/-
DY. DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION

-7-C

Consequent upon approval by the Competent Authority, the following list of employees are hereby transferred to the best interest of public service with immediate effect.

S.No	Name & Designation	Station	Remarks
1	Mst. Nasrat Bano SST-C	ASDEO (I) Circle Koti Suddat Bannu	ASDEO (I) Circle S.D. Wazir Uthmanzar Bannu
2	Mst. Musamat Begum SST-C		

AP

Notes:-

- 1) Charge report should be submitted to all concerned.
- 2) No L.A.D.A is allowed.
- 3) Her seniority will remain intact in her service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

File No. 328-30 A 1/Pasting Transfer/KPK Vol 1

Dated Peshawar, the _____ 2019

Copy of the above is forward to the:-

1. District Education Officer (F) Bannu.
2. District Accounts Officer Bannu.
3. Official concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa.
5. M/ File

Attested

Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Legible Copy

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION,
KHYBER PAKHTUNKHWA, PESHAWAR

Notification

Consequently upon approval by the competent authority, the following SST candidate are hereby transferred/adjusted in the best interest of public service with immediate effect

S.N	Name & Designation	Station	Remarks
1	Mst Nusrat Bano SST G	ASDEO (F) Circle Koti Saddat Bannu	Vice S.No.02
2	Mst Musnait Begum SST-G	ASDEO (F) Circle SD Wazir Uthmanzai Bannu	Services place at the disposal of DEO (F) Bannu for further adjustment against the vacant post of SST-G at SDW Bannu

Note

- 1) Charge report should be submitted to all concerned.
- 2) No TA/DA is allowed.
- 3) Her seniority will remain intact in her own cadre

DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

Even No.3828-30 /A-1//poisting /Transfer /KPK/ Vol-1

Dated Peshawar the 1-04-/2023

Copy for the above is forwarded to the

1. District Education Officer (F), Bannu
2. District Account Officer, Bannu
3. Official concerned.
4. PA to Director (E&SE) Khyber Pakhtunkhwa
5. M/File

Sd/-
Deputy Director Establishment (f)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

9
3

-8-

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(S/M) E&SED/11-12/2011-12
Dated: 23/01/2012



To

The Director,
Directorate of E&SE Peshawar

CANCELLATION OF POSTING TRANSFER ORDERS
Subject:-

I am directed to enclose herewith an application alongwith enclosure which is self-explanatory for further necessary action at your end, Please.

Encl: As Above:

Encl: Even No. & Date:

Copy of the above is forwarded to the F.S to Secretary E&SE Khyber Pakhtunkhwa Peshawar.

Attested

[Signature]
SECTION OFFICER (Management)

[Signature]
SECTION OFFICER

Legible Copy

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

No.SO (S/M) E&SED/11-1/2023/Mussarat.
Dated 12th April 2023

To,

The Director,
Directorate & E&SE Peshawar

Subject: **CANCELLATION OF POSTING /TRANSFER ORDER**

I am directed to enclose herewith an application alongwith enclosures which is self-explanatory for further necessary action at your end, please

Encl. As above:

Sd/-
(Imran Zaman)
Section Officer (Management Cadre)

Endst: Even No. & Date

Copy of the above is forwarded to the P.S to Secretary E&SE Khyber Pakhtunkhwa,
Peshawar

Sd/-
Section Officer (Management Cadre)

وزارتہ صحت سیکرٹری ایجنسی اینڈ سائنس اور ٹیکنالوجی پاکستان

صاحب عالی

میرزا محمد رفیق صاحب

میرزا محمد رفیق صاحب کو ارسال کیا جائے گا
3928-30-2023
2023-07-09

گزارش لکھی ہے کہ میرا تعلق جامعہ سید علی ہاشمی رازی ہے۔
اور میرا آرڈر (MS-014) کی ہوسٹل پر ہوگئی اس میں دو مہینے بتائے گئے۔
میرزا محمد رفیق صاحب کو ارسال کیا گیا۔ جبکہ میرے پیری ایس ایسٹ پر آجینٹاٹی ہوئی ہے۔ میرے اور میر
کوٹے میں ٹیبلٹ نہیں آیا ہے۔ اور نہ کسی کیمپس کی کیمپس میں ملوث ہوں۔ میں بیہوش
میرزا محمد رفیق صاحب کو ارسال کیا گیا۔ اور نہ میرا کسی سیاسی پارٹی سے تعلق ہے۔ میرا اس کے ساتھ
میرزا محمد رفیق صاحب کو ارسال کیا گیا۔

پیر ایس ایس ایس کے خلاف کسی سیاسی شخص کی ایسا د پیر 00 فی میل ہوں نے میرے
خلاف فیڈ آفس کو لیٹر لکھا ہے۔ اڈسٹ (جنرل میل سے SST میرے جگہ پیر ایس ایس ایس
ہوں وہ بالآخر شخص کی رشتہ دار ہے جس سے کہہ مجھے ہٹایا گیا)

حالانکہ میرے خلاف ٹیبلٹ میرے خلاف نہیں ہے۔ اگر کسی نے لوگس کیا ہے۔
لو اس کو بنیاد نہ بنایا جائے۔ بلکہ اس کے خلاف پیر ایس ایس ایس کو شہر کی پٹری
پیر ایس ایس ایس کو بنیاد نہ بنایا جائے۔ اور اگر میرے خلاف ہوں تو مجھے سزا دینے
پیر ایس ایس ایس کو بنیاد نہ بنایا جائے۔ جہاں آپ کے لوگوں کی قسمی ہوں۔ اس سے کہہ
پیر ایس ایس ایس کو بنیاد نہ بنایا جائے۔

پیر ایس ایس ایس کو بنیاد نہ بنایا جائے۔ اور اگر میرے خلاف ہوں تو مجھے سزا دینے
پیر ایس ایس ایس کو بنیاد نہ بنایا جائے۔ اور اگر میرے خلاف ہوں تو مجھے سزا دینے
پیر ایس ایس ایس کو بنیاد نہ بنایا جائے۔ اور اگر میرے خلاف ہوں تو مجھے سزا دینے

Attested

SST

محمد رفیق صاحب سیکرٹری ایگزیکٹو ایڈمنسٹریشن اور سیکرٹری ایجوکیشن KPK پاکستان

ضلع پشاور

عنوان: سٹریٹگری آرڈر کنسلٹنٹ ماسٹری
3928-30 Postings
Date of 7.4.2023

مختار صاحب کی جانب سے کہہ سیرا تعلق ملحقہ سٹیڈی سٹیٹ لیاؤنٹی سب ڈویژن وزیر سے ہے اور
سیرا آرڈر (F) ADEO کی پوسٹ پر ایجوکیشن آفس سب ڈویژن وزیر میں بتا رہے
207-86/A-12-11-2021 کو پورا تھا۔ جب سے سیرا اس پوسٹ پر تعیناتی
میں ہوئے ہیں۔ سیرا اوپر کوئی بھی کمپلیٹ نہیں آیا ہے۔ اور نہ کسی نوکیشن کے کسب
میں علوت ہوئے۔ میں سب سٹیڈی سٹیڈی سٹیڈی سٹیڈی سٹیڈی سٹیڈی سٹیڈی سٹیڈی سٹیڈی سٹیڈی سٹیڈی
پارٹ سے تعلق ہے۔ سیرا سب کے ساتھ ہمہ مددگارہ رویہ ہوتا ہے۔
سیرا کوئی سیرا کے خلاف کسی سیاسی شخص کی ایما پر DEO کی میں ہوں
سیرا کے خلاف سیرا کو لیکر لگا دیا ہے۔ نوٹ: (جو میں لغت یا تو SST
سیرا کے جگہ پر سٹریٹگری سٹیڈی وہ بااثر شخص کی رشتہ دار ہے۔ جس کے لئے مجھے
پیشا یا گیا۔)

حالانکہ سیرا کے خلاف کمپلیٹ سیرا علم میں نہیں ہے۔ اگر کسی نے پوسٹ کیا ہے
تو اس کو بنیاد نہ بنایا جائے۔ بلکہ سیرا اس کمپلیٹ پر ان لوگوں کی فخر کی جائے
پھر جب کمپلیٹ کا فیصلہ آجائے تو اس فیصلہ سیرا کے خلاف ہو تو مجھے سزا دے۔
پھر مجھے سٹریٹگری لگا جائے۔ جہاں آپ لوگوں کی طرف سے ہے۔ اس سے سیرا
خلاف اپنی سٹریٹگری کارروائی کرنا سیرا کے ساتھ نا انصافی ہے۔

آپ صاحبان پر مبنی سٹریٹگری سٹریٹگری آرڈر کو کنسلٹنٹ لگا جائے۔ اور
دوبارہ حال لگا جائے۔ ایک مرتبہ پھر ماضی انہ اسل ہے۔ کہ سیرا کے درخواست
پر عمل لگا جائے اور مجھے عدالت کے حکم سے آزاد لگا جائے۔

سٹریٹگری سٹریٹگری سٹریٹگری سٹریٹگری سٹریٹگری سٹریٹگری سٹریٹگری سٹریٹگری سٹریٹگری سٹریٹگری

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION

Consequent upon approval of the competent authority, the notification issued vide this office Endst. No.3928-30/A-17/Posting/Transfer KPK//Vol-01 dated 07.04.2023 in respect of Mst. Nusrat Bano SST-G ASDEO (F) Circle KOTi Saddat Bannu and Mst. Musarrat Begum SST-G, ASDEo (F) SD Wazir Uthmanzai Bannu is hereby withdrawn in the best interest of public.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst. No.5630-34A-17/posting/transfer/KPK/Vol-01 dated 18/05/2023

Copy of the above is forwarded to the:-

1. District Education Officer (Female) Bannu
2. District Accounts Officer (Female) Bannu
3. Mst. Nusrat Bano SST-G ASDEO (F) Circle KOTi Saddat Bannu.
4. Mst. Nusarrat Begum SST-G ASDEO (F) SD Wazir Uthmanzai Bannu
5. PA to Director (E&SE) Local Office.
6. Master file.

Sd/:-
Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar



"E" 10

10-

**DIRECTORATE OF ELEMENARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION

Consequent upon approval of the Competent Authority, the notification issued in this office Fndst No. 3928-30/A-17/Posting/Transfer/KPK/Vol-01 Dated: 07-04-2023 in respect of Mst Nusrat Bano SST-G ASDEO (F) Circle Koti Saddat Bannu and Mst Musarrat Begum SST-G ASDEO (F) SD Wazir Uthmanzai Bannu is hereby withdrawn in the best interest of public.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

No. 5630-34 A-17/Posting/Transfer/KPK/Vol-01 Dated 18/04 2023

Copy of the above is forwarded to the:-

- 1. District Education Officer (Female) Bannu.
- 2. District Accounts Officer Bannu.
- 3. Mst Nusrat Bano SST-G ASDEO (F) Circle Koti Saddat Bannu.
- 4. Mst Musarrat Begum SST-G ASDEO (F) SD Wazir Uthmanzai Bannu
- 5. PA to Director (E&SE) Local Office
- 6. Master file

Attested
[Signature]

**Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**

Depuis Director Establishment (S)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

(Handwritten signatures)
1. Mr. S. J. S. S. S.
2. Mr. S. J. S. S. S.
3. Mr. S. J. S. S. S.
4. Mr. S. J. S. S. S.
5. Mr. S. J. S. S. S.
6. Mr. S. J. S. S. S.
7. Mr. S. J. S. S. S.
8. Mr. S. J. S. S. S.
9. Mr. S. J. S. S. S.
10. Mr. S. J. S. S. S.

Copy of the above is forwarded to the

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar
Date: 17/05/2023

The above mentioned subject matter is being referred to the Director, Peshawar for his attention and further necessary steps may be taken as per the instructions of the Director, Government of Khyber Pakhtunkhwa, Peshawar.

DIRECTOR GENERAL OF THE MIDDLE & SECONDARY
EDUCATION, PESHAWAR



(Handwritten marks)

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION

Consequent upon approval of the competent authority, the notification issued vide this office Endst. No.5630-34/A-17/Posting/Transfer/KPK/Vol-01 dated 18.05.2023 in respect of Mst. Nusrat Bano SST-G ASDEO (F) Circle KOti Saddat Bannu and Mst. Musarrat Begum SST-G, ASDEo (F) SD Wazir Uthmanzai Bannu is hereby withdrawn in the best interest of public.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst. No.5730-35/A-17/posting/transfer/KPK/Vol-01

dated 19/05/2023

Copy of the above is forwarded to the:-

1. District Education Officer (Female) Bannu
2. District Accounts Officer (Female) Bannu
3. Mst. Nusrat Bano SST-G ASDEO (F) Circle KOti Saddat Bannu.
4. Mst. Nusarrat Begum SST-G ASDEO (F) SD Wazir Uthmanzai Bannu
5. PA to Director (E&SE) Local Office.
6. Master file.

Sd/-
Deputy Director Establishment (F)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

ANNEXURE 4th

12

Posting - Transfer Policy - updated till 10 Jan, 2009



GOVERNMENT OF NWFP ESTABLISHMENT & ADMINISTRATION DEPARTMENT (Regulation Wing)

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 posting/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) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
- vi) 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 (n) 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.

Attested

ATTESTER

to be true and
advocate

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) 1-4/2638/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.

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-13-

- 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:

Outside the Secretariat		
1.	Officers of the all Pakistan 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.

Attested

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

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to be true copy
Advocate

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.

Attested

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to be true copy

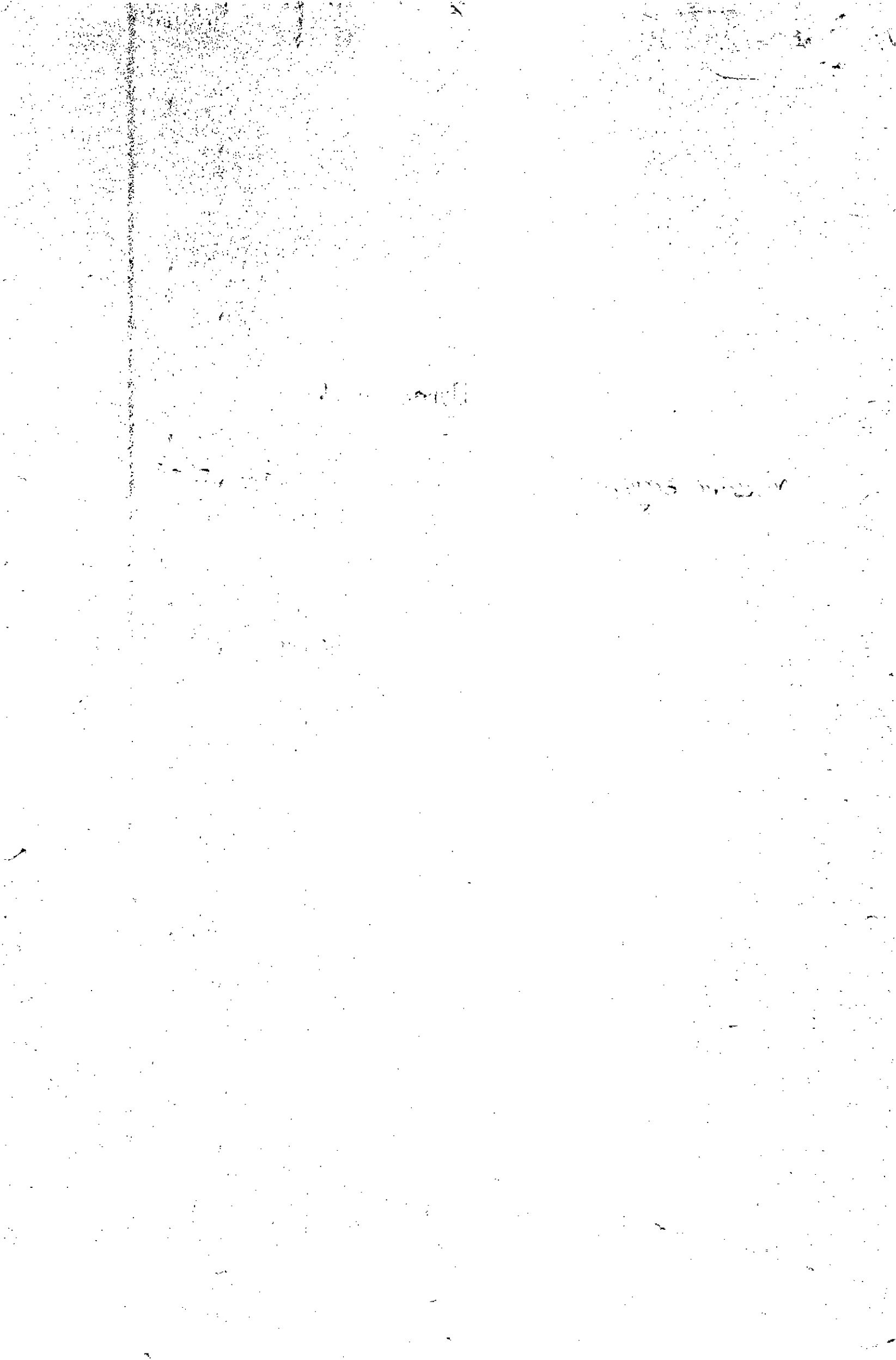
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**DIRECTORATE ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA, PESHAWAR.**

I Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar do hereby authorize Mr. Muhammad Imran Assistant (Litigation) of this Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar to attend the Khyber Pakhtunkhwa Service Tribunal in connection with filing of para wise comments in Service Appeal No. 1218/2023 Titled Mussarat Begum VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.



**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 1218/2023

Mst. Musarrat Begum SST (G) BPS-16 District BannuAppellant

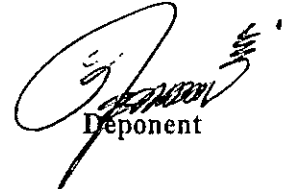
VERSUS

Government of, Khyber Pakhtunkhwa through Secretary (E&SED) &
others.....Respondents

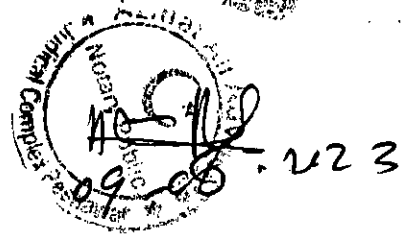
AFFIDAVIT

I, Dr. Hayat Khan Assistant Director (Litigation-II) E&SE Department
Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of
the instant para wise Comments are true & correct to the best of my knowledge & belief.

It is Further stated on oath that in this appeal, the answering respondents have neither
been placed ex-parte nor their defense has been struck off/cost.


Deponent

ATTESTED

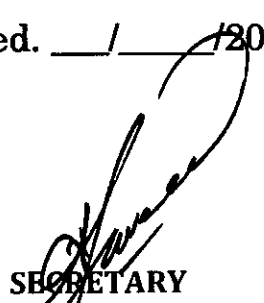

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09-08-2023


- B. Incorrect & not admitted. The act of the Department with regard to the cited Notification is legal & in accordance with the provision of Articles- 4 & 25 of the constitution of 1973.
- C. Incorrect & not admitted. the plea of the appellant is illegal on the grounds that the Notification dated 19-05-2023 is legal & even in accordance with the transfer & posting policy *attached as Annex-H*
- D. Incorrect & not admitted, the plea of the appellant is against the facts of the case, hence, denied in view of the above made submissions by the Department.
- E. Incorrect & not admitted, the plea of the appellant is against the facts and policy of the case as she has been posted against her original post of SST on dated 19-05-2023 & is liable to report for duty under the rules.
- F. Incorrect & not admitted. As replied above.
- G. Incorrect & not admitted the appellant has no valid cause of action to file the titled appeal before this Learned Tribunal. Therefore, the Respondents also seek leave of this Honorable Tribunal to submit additional record grounds and case law on the date fixed

PRAYER:

Therefore, in view of the above made submissions, the appeal in hand may kindly be dismissed in favor of the Department in the interest of justice.

Dated. ___/___/2023.


SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 1)


DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 2 & 3)

AFFIDAVIT

I, Dr. Hayat Khan Assistant Director (Litigation-II) E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief.

ATTESTED




Deponent