


# FORM OF ORDER SHEET

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

**Appeal No. 1876/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/09/2023	<p>The appeal of Mr. Naseer Ahmad presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 20.09.2023. Parcha Peshi is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

**APPEAL NO. 1876 /2023**

**NASEER AHMAD**

**VS**

**EDUCATION DEPTT:**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1.	Memo of Service Appeal with Affidavit	.....	1-4
2.	Stay Application	.....	5
3.	Copy of the medical certificate	<b>A</b>	6-7
4.	Copy of letter dated 23/08/2023	<b>B</b>	8-10
5.	Copy of the impugned order dated 05/06/2023	<b>C</b>	11-12
6.	Copy of the Departmental appeal	<b>D</b>	13
7.	Copy of the transfer/posting policy	<b>E</b>	14-16
8.	Copy of judgment dated 27/07/2023	<b>F</b>	17-19
9.	Vakalat Nama	.....	20

**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,  
ADVOCATE SUPREME COURT**

-1-

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

APPEAL NO. 1876 /2023

Naseer Ahmad, SST (G),  
GMS Mian Essa Lund Khwar, (BPS-16).....**APPELLANT**

**VERSUS**

- 1- The Secretary (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&S) Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (Male), Mardan
- 4- Mr. Zabihullah, SST (G), GHS No 2 Lund Khwar under transfer GHS Mian Essa Lund Khwar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 05/06/2023 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM GHS MIAN ESSA LUNND KHWAR POSTED AT GHSS KHADI KILLI MARDN ON ADMINISTRATIVE GROUND AND TRANSFERRED/ POSTED PRIVATE RESPONDENT NO 4 AGAINST THE POST OF APPELLANT IN UTTER VIOLATION OF TRANSFER/POSTING POLICY AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned transfer order dated 05/06/2023, may very kindly be set aside and the respondents may kindly be directed not to transfer the appellant from GMS, Mian Essa Lund Khwar. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:  
ON FACTS:

-2-

Brief facts giving rise to the present appeal are as under:-

- 1- That the appellant is a law abiding and peaceful citizen, appointed on disable quota in the respondents department, as SST (G) (BPS-16) and serving the respondent department quiet efficiently and to the entire satisfaction of their high ups. **(Copy of the medical certificate is attached as annexure ..... "A"**
- 2- That a false charges of embezzlement against the appellant has been made, in which a proper inquiry was conducted, wherein the allegations of embezzlement has not been proved against the appellant. **Copy of letter dated 23/08/2023 is attached as annexure..... "B"**
- 3- That it is important to mention here that the appellant has been exonerated from the baseless charges and allegations but astonishingly the respondents issued the impugned transfer order dated 05/06/2023 on administrative ground, whereby the appellant has been transferred from GMS Mian Essa Lund Khwar and posted at GHSS Khadi Killi Mardan, further the respondents transferred/posted private respondent No 4 against the post of appellant. **Copy of the impugned order dated 05/06/2023 is attached as Annexure..... "C".**
- 4- That Appellant feeling aggrieved from the impugned transfer order dated 05/06/2023, preferred Departmental appeal before the appellate authority but the same has been not decided till date. **Copy of the Departmental appeal is attached as Annexure..... "D".**
- 5- That feeling aggrieved and having no other remedy the appellant filed the instant appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned transfer order dated 05/06/2023, is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondents 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 impugned transfer order dated 05/06/2023 has been issued by the respondents in arbitrary and mala fide manner, hence not tenable and liable to be set aside.
- D- That the impugned transfer order dated 05/06/2023, is based on discrimination, favoritism and nepotism, hence not tenable in the eye of law.
- E- That the allegations of embezzlement has not been proved against the appellant, despite the fact, the respondent has issued the impugned transfer order of the appellant on administrative ground, which is against the law and rules.
- F- That the impugned transfer order dated 05/06/2023 is neither been in the best interest of public service nor in exigencies of service, hence not tenable and liable to be set aside.
- G- That the impugned transfer order dated 05/06/2023 is nothing but to harass the appellant and to accommodate their blue eyed persons.
- H- That the impugned transfer order dated 05/06/2023 is violative of Clause-I, IV, IX and XIII of the transfer/posting policy of the Government of Khyber Pakhtunkhwa as the appellant has been transferred prematurely from his current post. **Copy of the transfer/posting policy is attached as annexure.....E.**
- I- That this Honourable Tribunal has decided similar nature of Service Appeal No 1545/2022 titled as "Muhammad Usman...Versus...The Govt: of KP" on 27/07/2023 in favour of appellant. **(Copy of judgment dated 27/07/2023 is attached as annexure....."F")**
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 04.09.2023

  
APPELLANT

THROUGH:

  
NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT  
  
UMER FAROOQ MOHMAND  
&  
  
MAHMOOD JAN  
ADVOCATES HIGH COURT

-4-

**AFFIDAVIT**

I, Naseer Ahmad, do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

  
**DEPONENT**

-5-

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

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

NASEER AHMAD

VS

EDUCATION DEPT:

**APPLICATION FOR SUSPENSION OF OPERATION OF THE**  
**IMPUGNED TRANSFER ORDER DATED 05/06/2023 TILL THE**  
**DISPOSAL OF THE MAIN APPEAL.**

**R/SHEWETH:**

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned transfer order dated 05/06/2023.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned transfer order dated 05/06/2023 had been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned transfer order dated 05/06/2023 may very kindly be suspended till the disposal of the above mentioned service appeal.

Dated 04.09.2023

THROUGH:

APPLICANT

  
NOOR MOHAMMAD KHATTAK  
ASC



ORIGINAL

"A" - 6-

GOVERNMENT OF NWFP  
PROVINCIAL COUNCIL FOR THE REHABILITATION OF DISABLED PERSONS  
\*\*\*\*\*

APPLICATION FOR DISABILITY CERTIFICATES

Name: NASEER AHMAD

Father's Name: Haji Mohammad UMAR

Married/Unmarried: Married

Spouse: \_\_\_\_\_

NIC NO. 16102-2419782-3

Date of Birth: 1-4-1966

Qualification B.A.C.T. P.S.I.

Type of Disability (Physically/Visually/Hearing/Mentally)

Nature of Disability Amputated Lt Hand

Cause of Disability After Birth

Type of job can do: \_\_\_\_\_

Source of Income: \_\_\_\_\_

Applied for: NADRA Card

Phone No. 03465792450 (850265)

Present Address: vill. SHAHDAND: P.O. LUNDKHWAR: Teh. TAKHTABAI MARDAN

Permanent Address: P.O. LUNDKHWAR village: Shahdand Teh: TAKHTABAI DISTRICT MARDAN

Signature of the Applicant

RECOMMENDATION OF THE ASSESSMENT BOARD

Applicant is Declared:

Disabled/Not disabled Disabled

Disability/Impairment Amputated Lt

Fit to work / not fit to work NOT FIT TO WORK

Type of job advised (Optional) \_\_\_\_\_

Referred to MS DMB MARDAN

Recommendations of the Board: \_\_\_\_\_

Recommended for NADRA Card

Chairman  
Medical Assessment Board

Member

Member

Member

Member

*[Signature]*

*[Signature]*

*[Signature]*



CHALLAN NO

-7-

CHALLAN OF CASH PAID IN THE NATIONAL BANK

To be filled in the remitter		To be filled in of the Depts. officer of treasury		
By Whom Tendered	Name Designation & Address of the persons on whose behalf money is paid	Full particulars of the remittance and or authority if any	Amounts	Head of the amounts

DEO (M) Mardan GMS Main Branch Co-28

Auction of old built materials seven lacs only  
Rs - 700000/-

GOVT. RECEIPT  
10/10/2005

Name  
Signature:

Total:

(In Words Rupees):

Treasure.

Accounts

Dated:

Treasury officer

Most immediate

4B<sup>u</sup> -8-



**GOVERNMENT OF KHYBER PAKHTUNKHWA**

ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Phone No.091-9210624 Email: so.inquiries.ense@gmail.com

No.SO(Inq)E&SED/1-1/Mr. Naseer Ahmed, SS  
Dated Peshawar the 23<sup>rd</sup> August, 2021

To

The District Education Officer (Male),  
District Mardan

Subject:

**SUMMARY FOR EDUCATION ADVISOR TO CHIEF MINISTER IN THE  
CASE OF MR. NASEER AHMAD, SST, GHS ANAR BAIG**

I am directed to refer to the subject noted above and to enclose herewith a copy of report of the inquiry conducted by Mr. Janbaz Ahmad, Section Officer (B&A), E&SE Department wherein the following recommendations have been framed, for information & implementation under intimation to this Department:-

"The charges / allegations leveled against the accused Mr. Naseer Ahmad, SS" have not been established proved wrong. The charges of embezzlement against the accused are baseless as auctioning amount was deposited with national exchequer and assets mentioned in complaint have been shifted to newly rented school and windows and debris of auctioned building were handed over to the auctioneer. Mr. Naseer Ahmad who is disable and is also at the verge of retirement, hence, his transfer on the basis of allegations and early inquiry may also be reconsidered"

(3) 2.16  
11/09/21  
16/1

(Bilal Khan)

Section Officer (Inquires)

Endst. Number & date even.

Copy for information to the:-

1. Director, E&SE, Peshawar
2. PA to Additional Secretary (Monitoring), E&SE Department
3. PA to Dy. Secretary (Admn), E&SE Department.

(3) 2.16  
11/09/21  
16/1

Section Officer (Inquires)

سے ۱: اس کے نام اور نام (اور تعلیمی و پیشہ ورانہ قابلیت کیا ہے؟)  
(ج) لغیر احمد خٹک MAM-14

سے ۲: آگے تعلیم میں کب سے ترقیات آئیں اور سکول خذرا  
میں کب سے ترقیات آئیں  
(ج) ۱۹۸۶-۰۹-۱۵ اور سکول خذرا ۲۰۱۸

سے ۳: آئیے سکول کے میٹریکل کی مندرجہ ذیل سے کیا ہے  
تعلیمی طور پر ذریعے سے کیا ہے؟ (اور کتنے رقم میں نہیں ہے؟)  
(ج) جی ہاں P.T.C کے ذریعے مبلغ ۶ لاکھ میں فروخت ہوئی تھی  
میں سے وہ رقم سکولوں سے اکاؤنٹ میں جمع کیے گئے تھے؟  
(ج) وہ رقم 2818-Co میں جمع کیا ہے۔ نیشنل بینک صردان۔

سے ۴: میٹریکل کے وقت جو عدد دیوار جس میں کھڑکیاں تھیں  
تعلیمی سے مستثنیٰ تھے جو کہ کھڑکیوں کے پاس لگے ہیں  
وہ کھڑکیاں اور دیواروں میں کھڑکیوں نے لی ہیں  
(ج) وہ ہم نے ادھر سفال کر رکھی ہیں۔ جو جوڑے ہیں۔

سے ۵: سکول کیسٹ بھی تعلیمی سے مستثنیٰ تھا؟ وہ کیسٹ کیاں ہیں  
(ج) کیسٹ بھی میرے پاس موجود ہے۔  
سے ۶: آگے سکول میں تقریباً ۱۶ میٹریکل کے حالات میں تھے اور تعلیمی سے  
مستثنیٰ تھے۔ وہ میٹریکل کیاں ہیں  
(ج) سکول سٹاک کے مطابق ۱۵ عدد ہیں اور موجود ہیں۔

سے ۷: سکول کے کیاں ہیں؟ اور کیاں کا نمبر کیاں ہیں؟  
(ج) سکول کے ۱۵ کیاں ہیں اور ۱۵ کیاں ہیں۔  
سے ۸: آگے سکول میں کیا کیا نام ہے اور کیا سکول کے  
یا نہیں اس سکول میں کیا ہے؟  
(ج) رحمان اللہ - عبداللہ - مظہر حسن - قتل - یارین دلہ سپرنگل

سے ۹: سکول میں شیعہ تھے۔ وہ کیاں ہیں اور کیاں میرے کیاں ہیں؟  
(ج) ۶ عدد تھے اور ۱۱ عدد 2 c.c. مستری کے پاس ہیں۔

*[Handwritten signature]*

سن بلا: اور کونجی مانت جو آ سے لکھنا ہے یہ ہے  
بچے یہ تمام سامان بولی سے منتی ہے۔ اور یہ پاس  
امانتاً پر ہے ہے۔ اب دوبارہ سکول لے آیا 27/05/2023 کو۔

میں نے  
بچے شہر اور سیر بھی جو لوگ کا تھا۔ وہ کیا ہے  
بچے شہر اور سیر بھی وہی موجود ہیں۔

*[Handwritten notes]*  
25/5/23

*[Handwritten signature]*  
HEAD MASTER  
GMS Mian Feroz  
Lundkhwar (Muz)

*[Handwritten mark]*  
Chairman P.T.C  
GMS Mian Feroz

*[Handwritten mark]*  
Chairman P.T.C  
GMS Mian Feroz

*[Handwritten mark]*

سوال نامہ برائے ہیڈ ماسٹر

سوال نمبر 1 آپ کا پورا نام اور تعلیمی و پیشہ ورانہ قابلیت کیا ہے؟

جواب۔ نصیر احمد خٹک M.A Med

سوال نمبر 2 آپ محکمہ تعلیم میں کب سے تعینات ہیں اور سکول ہذا میں کب سے تعینات ہیں؟

جواب۔ 15/09/1987 اور سکول ہذا 2018ء

سوال نمبر 3 آپ کے سکول کے بلڈنگ کی نیلامی ہوئی تھی؟ کیا یہ نیلامی PTC کے ذریعے ہوئی تھی؟ اور کتنے رقم میں نیلام ہو چکا تھا؟

جواب۔ جی ہاں P.T.C کے ذریعے مبلغ 7 لاکھ روپے میں فروخت ہوئی تھی

سوال نمبر 4 وہ رقم کون سے اکاؤنٹ میں جمع کئے تھے؟

جواب۔ وہ رقم CO-2818 میں جمع کیا ہے، نیشنل بینک مردان

سوال نمبر 5 نیلامی کے وقت دو عدد دیوار جس میں کھڑکیاں بھی تھیں نیلامی سے مستثنیٰ تھے جس کو ٹھیکیدار نے نہیں لئے ہیں وہ کھڑکیاں اور دیواریں کس نے لی ہیں؟

جواب۔ وہ ہم ادھر سنبھال کر رکھی ہیں جو موجود ہے۔

سوال نمبر 6 سکول گیٹ میں بھی نیلامی سے مستثنیٰ تھا؟ وہ گیٹ کہاں ہے؟

جواب۔ گیٹ بھی میرے ساتھ موجود ہے۔

سوال نمبر 7 سکول میں تقریباً 16 پنکھے چالو حالت میں تھے اور نیلامی سے مستثنیٰ تھے، وہ پنکھے کہاں ہیں؟

جواب۔ سکول سٹاک کے مطابق 10 عدد ہیں اور موجود ہیں۔

سوال نمبر 8 سولر سٹم کہاں ہیں؟ اور پانی کا موٹر کہاں ہے؟

جواب۔ سولر سٹم اور پمپ دونوں موجود ہے، 6 پینل + انورٹر

سوال نمبر 9 آپ کے PTC چیئرمین کا کیا نام ہے اور کیا اس کے بچے یا بچہ اس سکول میں پڑھتے ہیں؟

جواب۔ رحمان اللہ، حمید اللہ، عظیم و عزت گل، ہارون ولد سید گل

سوال 10 سکول میں گیلے تھے وہ کہاں ہیں اور CCTV کیمرے کہاں ہیں؟

جواب۔ 7 عدد گیلے اور 4 عدد CCTV، 2 مسزٹی کے پاس ہیں۔

سوال 11 اور کوئی بات جو آپ لکھنا چاہتے ہیں؟

جواب یہ تمام سامان بولی سے مستثنیٰ تھے اور میرے پاس امانت پڑھے تھے اب دوبارہ سکول

لے آیا 27/05/2023 کو

سوال 12 شٹر اور سیڑھی جو لوہے کا تھا وہ کہاں ہیں؟

جواب۔ شٹر اور سیڑھی بھی موجود ہیں۔

دستخط انگریزی

25/05/2023



OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

☎ 0937-933151 , ✉ deomalemardan@gmail.com



OFFICE ORDER.

Transfer of the following Teacher is hereby ordered on their own pay and BPS in the best interest of public service with immediate effect.

S.No	Name & Designation	From	To	Remarks
01	Naseer Ahmad SST (G)	GMS Mian Essa Lund Khwar	GHS Anar Baig	On Administrative ground
02	Zabihullah SST (G)	GHS No. 2 Lund Khwar	GMS Mian Essa Lund Khwar	Being on wrong post
03	Muhammad Ayaz SST (G)	GMS Sheikhan-Garo Shah	GHS Saro Shah	On Administrative ground

Note: -

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

(ZAHID MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Dated 05-06-2023.

Endst: No. 4335

Copy forwarded to the:-

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Mardan.
3. District Monitoring officer Mardan.
4. Principal/Headmaster concerned.
5. EMIS Branch local office.
6. Official concerned.
7. Gen. File.

*(Signature)*  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

**BETTER COPY OF THE PAGE NO. 11**  
**ELEMENTARY & SECONDARY EDUCATION DEPARTMENT, GOVT.**  
**OF KHYBER PAKHTUNKHWA**

**OFFICE OF THE**  
**DISTRICT EDUCATION OFFICER**  
**(MALE) MARDAN**

0937-933151. [deomalemardan@gmail.com](mailto:deomalemardan@gmail.com)

**OFFICE ORDER**

Transfer of the following Teacher is hereby ordered on their own pay and BPS in the best interest of public service with immediate effect.

S.No.	Name & Designation	From	To	Remarks
01	Naseer Ahmad SST (G)	GMS Mian Essa Lund Khawar	GHS Anar Baig	On Administrative ground
02	Zabihullah SST (G)	GHS No.2 Lund Khwar	GMS Mian Essa Lund Khwar	Being on wrong post
03	Muhammad Ayaz SST (G)	GMS Sheikhano Garoh Shah	GHS Saro Shah	On Administrative ground

Note:

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

(ZAHID MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst No. 4333/G

Dated: 05/06/2023

Copy forwarded to the:

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer, Mardan.
3. District Monitoring Officer Mardan.
4. Principal /Headmaster concerned.
5. EMIS Branch Local Office.
6. Official concerned.
7. Gen: File.

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN





OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN



& ☎ 0937-933151 ☒ deomalemardan@gmail.com

CORRIGENDUM/OFFICE ORDER

Please read GHSS Khadi Killi Mardan instead of "GHS Anar Baig Mardan" in the Office Order for transfer issued vide this office Endst: No.4333/G Dated 05-06-2023 in r/o Mr. Naseer Ahmad SST (G) at S.No. 01.

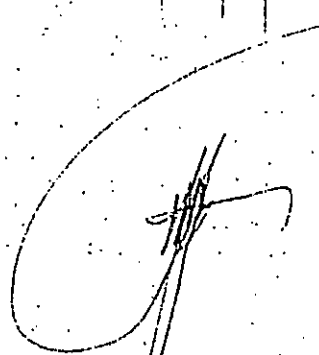
Note: - 1. Other terms and conditions will remain the same.

Endst: No. 4552/en

(ZAHID MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN.  
Dated 13/6/2023

Copy forwarded to the:-

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Mardan.
3. District Monitoring Officer EMA Mardan.
4. Principal/Head Master Concerned.
5. EMIS Branch Local Office.
6. Official Concerned.
7. General File.

  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN.

-13- (D) ڈسٹرکٹ ایجوکیشن آفیسر، مردانہ وردان

درخواست ہر ادب سے سوچی گئی ہے

جناب عالی  
میں نے درخواست ہے کہ بیرونی SMS/Main ESS میں سے آئیڈیٹس  
پر کیا بات ہے کہ اس دوران ایسے معلوم افراد کے لیے  
مخلاف بنیاد الزامات عائد کیے جوتے ہیں یا نہیں

خارجی اسکالرز کو دیا گیا  
اب وہ پورا اسکول کے طالب علموں کے ساتھ  
میں سے خلاف رگٹ الزامات کو بنیاد  
جوٹ پر مبنی قرار دے دیے گئے  
لہذا اب چونکہ یہ انڈیا میں ہو گیا ہے لہذا اسکالرز  
کی حالت ہے کہ وہ اسکول کے طالب علموں کے ساتھ  
SMS/Main ESS میں سے مقرر کیے جائے

14/6/23  
القاریں  
SST  
مقرر ہوا

# ANNEXURE

-14-  
"E"

J-16

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 misused/abused 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 (a) All Officers/officials selected against Zone-IFATA 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

to be true copy

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) 1-4/2008/Vol-VI dated 3-6-2008.

Consequently authorities competent under the NWFP Government Rules of Business, 1985.

Posting/Transfer Policy and other rules for the time

15

- 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.

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18

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-VII/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.

ATTACHED



**KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**FARZEHA PAUL ... MEMBER (Judicial)**

*Service Appeal No.1545/2022*

Date of presentation of Appeal.....27.10.2022  
Date of Hearing.....27.07.2023  
Date of Decision.....27.07.2023

Mr. Muhammad Usman, SS Economics (BPS-17) presently posted as SS Economics, GHSS Daag Peshawar under Transfer to GHSS Dagi Banda Nowshera, Khyber Pakhtunkhwa, Nowshera.....(*Appellant*)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary Education Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) District Peshawar.
4. Mr. Fathe Ullah, under transfer to the post of SS Economics GHSS Daag Peshawar.....(*Respondents*)

Present:

Mr. Muhammad Maaz Madni, Advocate ....For the appellant

Mr. Muhammad Jan, District Attorney .....For official respondents No.1 to 3

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 06.07.2022 WHEREBY APPELLANT HAS UNLAWFULLY BEEN TRANSFERRED TO GHSS DAGI BANDA NOWSHERA IRRESPECTIVE OF THE FACT THAT APPELLANT IS A DISABLE PERSON AND THE PRIVATE RESPONDENT NO.4 HAS BEEN POSTED IN PLACE OF THE APPELLANT AT GHSS DAAG PESHAWAR AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL DATED 18.07.2022 OF THE APPELLANT WITHIN THE STATUTORY PERIOD

**ATTESTED**

**FARZEHA PAUL**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Brief facts of the case as per the averments of the appeal are that appellant was appointed as Subject Specialist (Economics) on 27.05.2019 through Khyber Pakhtunkhwa Public Service

Commission and was posted at GHSS Bakhshali Mardan. Being a disabled person, a corrigendum was issued and he was posted at GHSS Daag Peshawar. He was serving in the said School, when, vide impugned order dated 06.07.2022, he was transferred to the GHSS Dagi Banda, District Nowshera. Feeling aggrieved, he filed departmental appeal, which was not responded to, hence, the instant service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned, respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant and learned District Attorney for the official respondents No.1 to 3.

04. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

05. The appellant was appointed on disabled quota on 27.05.2019. The disability of the appellant is thus proven and his contention in the appeal, that because of his disability, he was unable to move//travel to out-district place of posting, gains support. Besides, Clause-(xiv) of the Posting/Transfer Policy of the Government especially a provision in it that while making posting/transfer, humanitarian aspect should also be considered. The disability or for that matter of unability of the appellant or the contention of the appellant for his inability to move to an out-district place have not been controverted by the official respondents

-19-

Service Appeal No. 1515/2022 titled "Ahhammad Usman versus Government of Khyber Pakhtunkhwa through Secretary Education Khyber Pakhtunkhwa, Peshawar and others", decided on 27<sup>th</sup> July, 2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar

as nothing has been uttered by the respondents in the reply as well as during the course of arguments by the learned District Attorney. Therefore, we would like to dispose of this appeal by directing the respondents to consider the case of the appellant in the light of Para-(xiv)(2) of the Posting/Transfer Policy and keeping in view his nature of disability, he may be posted at a station nearer to his abode preferably and possibly at Peshawar. Costs to follow the event. Cosign.

06. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 27<sup>th</sup> day of July, 2023.

**KALIM ARSHAD KHAN**  
Chairman

**FAREEHA PAUL**  
Member (Executive)

\*Mutazem Shah\*

Certified to be true copy

**KHYBER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 05/8/23  
 Number of Words Page 3  
 Copying Fee \_\_\_\_\_  
 Urgent \_\_\_\_\_  
 Total 20/8/23  
 Name of Copyist \_\_\_\_\_  
 Date of Completion of Copy 05/8/23  
 Date of Delivery of Copy 08/8/23



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

Appeal No 12023

Naseer Ahmad

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Dept II

(RESPONDENT)  
(DEFENDANT)

I/We Appellante.

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**