


FORM OF ORDER SHEET

Court of _____

Appeal No. 2047/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/10/2023	<p>The appeal of Mr. Masood Khan resubmitted today by Mr. Abdur Rauf Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>13/10/2023</u> Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Masood Khan SEDO (Male) Wana South Waziristan received today i.e on 09.10.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- The law under which appeal is filed is wrong.
- 3- Annexures of the appeal are unattested.
- 4- The authority to whom the departmental appeal was made has not been arrayed/made a party.

No. 3362 /S T,

DE. 9/10 /2023.



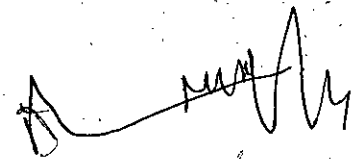
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdur Rauf Adv. Peshawar.

R/six

Re submitted After removed

All objections:



12/09/2023

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. ___ Of 2023

MASOOD KHAN SDEO, (MALE) (BPS-17) WANA, DISTRICT SOUTH
WAZIRISTAN Appellant

Versus

Govt of KPK through Chief secretary & others..... Respondents

APPLICATION FOR FIXATION THE INSTANT
SERVICE APPEAL IN PRINCIPAL SEAT AT
PESHAWAR.

Respectfully Sheweth,

1. That the instant service appeal filed today before the Hon'ble tribunal Khyber Pakhtunkhwa Peshawar.
2. That the counsel for the appellant as well as the respondents belongs to Peshawar so the appellant as well as his counsel requests to fixed the instant appeal at principal seat at Peshawar for preliminary hearing.

It is, therefore, most humbly prayed that on acceptance of this Application, the instant appeal may kindly be fixed on principal seat at Peshawar.

Dated: 09/10/2023



Appellant

Through

Abdur Rauf Khan
Advocate Peshawar



**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA**

Service Appeal No. 2007 of 2023


Mr. Masood Khan Appellant

Versus

Chief Secretary and others Respondents

INDEX

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Appellant
Masood Khan SDEO (Male)
BPS-17, Wana, District South
Waziristan.

Through


Abdur Rauf Khan
Advocate Peshawar.

Dated 10.10.2023.

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA**

Service Appeal No. 2017 of 2023

Mr. Masood Khan, SDEO (Male) (BPS-17)

Wana, District South Waziristan.

..... Appellant

Versus

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Imran Zaman, Section Officer (Management Cadre), Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
4. Mr. Aurangzeb Khan S/o Asad Khan, ADEO (Male) Tehsil Wana, District South Waziristan.

..... Respondents

(I) Service Appeal under Section 4 of the KP Service Tribunal Act, 1974 with other relevant provisions against the impugned Notification No. SO(MC)E&SED/4-16/2022 / Posting / Transfer/ MC dated 20.09.2023 passed by Respondent No. 3 at the directions of Secretary to

**Government of Khyber Pakhtunkhwa
Elementary & Secondary Education
Department whereby the Appellant
Masood Khan has been transferred from
the post of SEDO (M) and Aurangzeb Khan
ADEO (M) Wana South Waziristan has been
posted therein.**

**(II) Appeal against the order dated 04.10.2023
whereby the departmental appeal of
appellant against the impugned order
dated 20.09.2023 has been filed.**

Prayer:

On acceptance of this Service Appeal, the impugned Order dated 20.09.2023 passed by the respondent No. 3 may kindly be set aside and the appellant be allowed to perform his duties as SDEO (Male) Wana District South Waziristan in continuation of order dated 07.04.2023.

Respectfully Sheweth:

The appellant submits as under:

1. That the appellant is permanent resident of District South Waziristan and he is serving in

BPS-17 in Education Department of Khyber Pakhtunkhwa.

2. That the appellant was posted vide order dated 07.04.2023 as SDEO (Male) Wana South Waziristan and the respondent No. 3 namely Aurangzeb (BPS-16) was posted as ADEO (Male) Wana District South Waziristan. **(Copy of Order dated 07.04.2023 is hereby attached as "A")**.
3. That on assuming charges against the post of SDEO (Male) South Waziristan and without completion of his tenure, the order dated 07.04.2023 has been cancelled via the impugned order dated 20.09.2023 as issued by respondent No. 2 which order is based on malafide intention of the respondents based on political consideration, against the norms of justice and fair play. **(Copy of Order dated 20.09.2023 is hereby annexed as annexure "B")**.
4. That the impugned order dated 20.09.2023 is in clear violation of transfer and posting policy of the provincial government with regard to government employees and the said order is also in utter disobedience and disregard of the judgment passed by the August Supreme Court

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of Pakistan in Aneeta Turab case reported as '2013 PLD SC 195'.

5. That as the appellant has been transferred from the post of SDEO (Male) without completing his tenure of 03 years on the said post therefore, he feeling aggrieved himself from the said post filed departmental appeal before the Chief Secretary which Appeal has been filed/regretted vide the impugned order dated 04.10.2023 as issued by respondent No. 4, hence the appellant has no option but to seek the indulgence of this Hon'ble Court, inter-alia, on the following grounds: **(Copy of the said appeal and filing / regrettal of departmental appeal dated 04.10.2023 are hereby annexed as "C" & "D").**

GROUND

A. That the impugned order shows that nowhere, the Appellant has been afforded to complete his tenure of 03 years at the present station which is inalienable right of the appellant as per judgment of the Hon'ble Supreme Court of Pakistan passed in Aneeta Turab case 'PLD 2015 (SC) 195'

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- B. That the impugned order is non-reason based. The present impugned order is one not only being non-reason based but is tainted with malice and is based upon political consideration.
- C. That the very malice against the transfer of the appellant vide the impugned order is, that the Appellant is serving in BPS-17 while the respondent No. 4 serving in BPS-16, has been posted on his behalf by neglecting his seniority which act of the respondents is also against the natural justice and spirit of discipline.
- D. That as the place of posting of the Appellant and respondent NO. 4 situates in the same premises therefore, no hardship case makes out in favour of the respondent No. 4.
- E. That as the instant appeal is filed against the orders of the department/appellate authority dated 20.09.2023 and 04.10.2023, hence this Hon'ble Court has got jurisdiction to entertain this appeal.
- F. That other grounds not specifically raised here would be raised with the permission of this Hon'ble Tribunal at the time of arguments.

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It is, therefore, most humbly prayed that On acceptance of this Service Appeal, the impugned Order dated 20th September, 2023 passed by respondent NO. 4 may kindly be set aside and the appellant be allowed to perform his duties in pursuance / continuation of Order dated 07.04.2023.

Any other remedy/relief which is just appropriate, may also be awarded in favour of the appellant, please.



Appellant

Through



Abdul Rauf Khan
Advocate Peshawar.

Dated 06.10.2023

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BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. _____ of 2023

Mr. Masood Khan Appellant

Versus

Secretary Elementary and others Respondents

APPLICATION FOR SUSPENSION OF
IMPUGNED ORDER DATED 20.09.2023

Respectfully Sheweth:

1. That the appeal titled above is being filed before this Hon'ble Court.
2. That the appellant /petitioner has a good prima facie case and arguable case and is sanguine about his success.
3. That the balance of convenience also lies in favour of the appellant/petitioner.
4. That if the impugned order dated 20.09.2023 is not suspended, the appellant would suffer from

irreparable loss and great inconvenience would be caused to him.

5. That the ground taken in the main appeal, may please be considered as an integral part of the instant application.

PRAYERS:

It is, therefore, most humbly submitted that on acceptance of instant Application, the impugned Order dated 20.09.2023 as passed by respondent No. 3 may kindly be suspended, till the final disposal of the main appeal.

[Handwritten Signature]

Appellant

Through

[Handwritten Signature]

Abdul Rauf Khan
Advocate Peshawar.

Dated 06.10.2023

AFFIDAVIT

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

[Handwritten Signature]
Deponent



[Handwritten Signature]
6-10-23

8/A

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA**

Service Appeal No. _____ of 2023

Mr. Masood Khan Appellant

Versus

Secretary Elementary and others Respondents

ADDRESSES OF PARTIES

APPELLANT

Mr. Masood Khan, SDEO (Male) (BPS-17)
Wana, District South Waziristan.

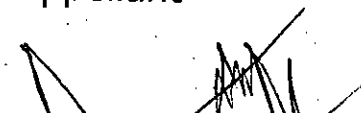
RESPONDENTS

1. Secretary Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Imran Zaman, Section Officer (Management Cadre), Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
3. Mr. Aurangzeb Khan S/o Asad Khan, ADEO (Male) Tehsil Wana, District South Waziristan.



Appellant

Through


Abdul Rauf Khan
Advocate Peshawar.

Dated 06.10.2023

A

Q

ANNEX- C
Page = 11

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: 7th April, 2023

NOTIFICATION

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

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

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Encls: of even No. & date:

Copy forwarded for information to the: -

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

(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)

attested

B

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

Dated: 20th September, 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC/: This Department's Notification of even number dated 07-04-2023 to the extent of Mr. Masood Khan and Mr. Aurangzeb appearing at Sr. No-14, and Sr.No-15 is hereby withdrawn with immediate effect, in the best public interest.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

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

111/10
20.9.2023

(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

Affected

u 11
Ex-203

11
25/9/23

Before the Chief Secretary Govt of Khyber
Pakhtunkhwa Peshawar

1. Massod Khan SDEO (Male) District South Waziristan Wana.
(Appellant)

Versus

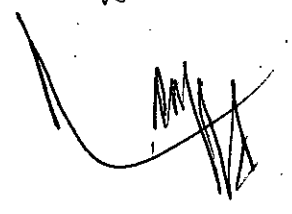
1. Secretary Elementary & Secondary Education Govt of Khyber Pakhtunkhwa
2. Aurang Zeb ADEO (Male) South Waziristan Wana.
3. Imran Zaman, Section Officer (Management Cadre) Elementary Secondary Education Department Peshawar.

Subject: DEPARTMENTAL APPEAL / REPRESENTATION
AGAINST THE NOTIFICATION NO.SO (MC) E & SED/4-
16/2022/POSTING/TRANSFER/MC/DATED: 20TH,
SEPTEMBER, 2023, PASSED BY SECRETARY TO
GOVT OF KHYBER PAKHTUNKHWA ELEMENTARY
AND SECONDARY EDUCATION DEPARTMENT
WHEREBY THE APPELLANT MASOOD KHAN HAS
BEEN TRANSFERRED FROM THE POST OF SDEO (MALE)
DISTRICT SOUTH WAZIRISTAN WANA AND MR.
AURANG ZEB ADEO WANA SOUTH WAZIRISTAN HAS
BEEN POSTED THEREIN.

affected

Respected Sir,

Appellant very humbly submits as under:-



1. That the appellant is permanent resident of district South Waziristan and is serving in BPS-17 in Education Department.
2. That the appellant was posted vide order dated 07-04-2023, as SDEO (Male) Wana South Waziristan and one Aurang zeb BPS-16 was posted as ADEO (Male) South Waziristan Wana. (Copy of the Order is attached).
3. That on assuming charge against the post of SDEO (Male) South Waziristan and without completion of his tenure, the order dated 07-04-2023, has been cancelled, vide the impugned order dated, 20th September which order is based on malafide intention of the respondents, based on political consideration against the norms of justice

SSE
2048
26/9/23

4. That the impugned order dated 20th September, 2023 is in clear violation of transfer and posting policy of the Govt with regard to Govt. employees and the said order is also in clear violation of the judgment of the Hon'ble Supreme Court reported in Aneeta Truab case reported in 2013 PLD SC Page 195.

In view of the above, it is requested that on acceptance of this departmental Appeal, the impugned order dated: 20th September, 2023 be set aside and the appellant be allowed to perform his duties as SDEO (Male) District South Waziristan Wana.

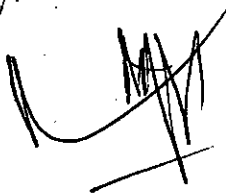
Dated: 25-09-2023.

Petitioner / appellant

Masood Khan

SDEO (Male)

District South Waziristan Wana

Attested


D

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

No. SO(MC)E&SED/4-1/2023/
Dated: 04th October 2023

To




Mr. Masood Khan
Ex SDEO (Male)
District South Waziristan Wana.

Subject: -

DEPARTMENTAL APPEAL/ REPRESENTATION AGAINST THE
NOTIFICATION NO. SO(MC)E&SED/4-16/2023 /POSTING / TRANSFER/
DATED 20.09.2023 PASSED BY SECRETARY TO GOVT E&SED
WHEREBY THE APPELLANT MASOOD KHAN HAS BEEN
TRANSFERRED FROM THE POST OF SDEO (M) AND AURANG ZEB
ADEO (M) WANA SOUTH WAZIRISTAN HAS BEEN POSTED THEREIN.

I am directed to refer to the subject noted above and to state that your departmental appeal has examined and filed by the competent authority.

111/2023
SECTION OFFICER
(Management Cadre)

50	8000	پشاور بار ایسوسی ایشن، خیبر پختونخوا	
Abdus Rauf Khan		PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر: DC 22 24727			
رابطہ نمبر: 03125321784			

بعدالت جناب: حیدر حسین سرور سٹریٹوئل خیبر پختونخواہ لٹاور

Appellant: مخاب:	Service Appeal: دعویٰ:
مسعود خان SDEO (M) سیول جج	دعویٰ نمبر:
مسعود خان سیول جج	موردہ:
سیول جج	جرم:
سیول جج	تھانہ:

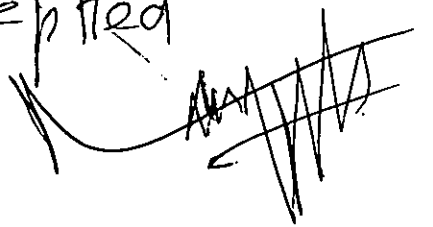
باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام Peshawar کے لیے محمد رؤف خان ایڈووکیٹ مسعود خان کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کالک اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر واداشتہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ کے سبب سے ہوگا قانونی تازگی پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب باہر نہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقام لٹاور

مقام لٹاور کے لیے منظور ہے۔

Accepted



Masood Khan

CNIC No. 11201-8782-0003

Mobile No. 0300 9069818