

6

27.05.2015

Agent of counsel for the appellant, Daud Jan, Supdt. alongwith Addl: A.G for official respondents No. 1 to 3 and private respondents No. 4 in person present. Requested for adjournment. To come up for written reply/comments on 30.6.2015 before S.B. Status-quo be maintained.

  
Chairman

7

30.06.2015

Counsel for the appellant, Mr. Daud Jan, Supdt. alongwith Addl: A.G for official respondents No. 1 to 3 and private respondent No. 4 in person present. Learned counsel for the appellant requested for withdrawal of appeal as the grievances of the appellant have been redressed. Dismissed as withdrawn. File be consigned to the record.

ANNOUNCED  
30.6.2015

  
Chairman

30

06.15

3 3.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was posted as Assistant Agency Education Officer Development vide order dated 21.12.2013 but transferred vide impugned order dated 26.6.2014 to GGMS Hassan Shah Kot, NWA on political interference as endorsed by Agency Education Officer vide certificate placed on record (Annexure-D page -8). That the impugned order was communicated to the appellant on 20.11.2014 and departmental appeal was preferred on 2.12.2014 which remained un-responded and hence the instant service appeal on 24.3.2015.

That the impugned order based on political intervention is violative of clause-1, 2 and 4 of transfer/posting policy of the Provincial Government.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 17.4.2015 before S.B. Notice of stay application be also issued for the date fixed. Till the next date the impugned order is suspended.

Appellant Deposited  
Security & Process Fee



  
Chairman

4 17.04.2015




Counsel for the appellant present. None present for respondents. Fresh notices be issued to respondents for 27.5.2015. Till then status-quo be maintained.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 249/2015


| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 27.03.2015                | <p>The appeal of Mr. Akhtar Nawaz Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><br/>REGISTRAR</p>    |
| 2     | 31-3-15                   | <p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>03-4-2015</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p>  |

The appeal of Mr. Akhtar Nawaz Khan Assistant Agency Education Officer NWA received to-day i.e. on 24.03.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of order dated 1.1.2014 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.

No. 383 /S.T,

Dt. 25/3 /2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,  
All objections have been removed,  
hence re-submitted today dated 27/3/2015.  
That the order dated 1-1-2014 did not hand  
over to the appellant, therefore, it is requested  
that the appeal may be put up before the bench.  
27/3/2015

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

APPEAL NO. 249 /2015

**AKHTAR NAWAZ**

**VS**

**A.C.S FATA & OTHERS**

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| 2.           | Stay application         | .....           | 4.          |
| 3.           | Appointment order        | <b>A</b>        | 5.          |
| 4.           | Order dated 21.12.2013   | <b>B</b>        | 6.          |
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**APPELLANT**

THROUGH:

  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**

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

APPEAL NO. 249 /2015

N.W.F. Province  
Service Tribunal  
Diary No. 248  
Date 24-3-15

Mr. Akhtar Nawaz Khan, Assistant Agency Education Officer (Dev),  
O/O the Agency Education Officer North Waziristan Agency.

..... APPELLANT

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat Warsak Road Khyber Pakhtunkhwa, Peshawar.
- 2- The Director of Education FATA, FATA Secretariat Warsak Road Khyber Pakhtunkhwa, Peshawar.
- 3- The Agency Education Officer, North Waziristan Agency Miran Shah at Bannu.
- 4- Mr. Said Muhammad, SET science (BPS-16), GHS Shamazan Kot, North Waziristan Agency Miranshah at Bannu.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDERS DATED 1.1.2014 AND 26.6.2014 COMMUNICATED TO THE APPELLANT ON 20.11.2014 WHEREBY THE APPELLANT WAS TRANSFERRED FROM THE POST OF ASSISTANT AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY PRE MATURELY AND DUE TO POLITICAL INETERFERENCE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WIHTIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:** That on acceptance of this appeal the impugned transfer orders dated 1.1.2014 and 26.6.2014 communicated to the appellant on 20.11.2014 may very kindly be set aside and the respondents may very kindly be directed that not to transfer the appellant from the post of AAEO (Development) North Waziristan Agency till completion of his normal tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

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

Filed to-day  
*[Signature]*  
27/3/15

re-submitted to-day  
and filed.

*[Signature]*  
27/3/15

1. That appellant was appointed as Senior English Teacher (SET) in the respondent Department vide order dated 13-09-2004. That after appointment the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of appointment order is attached as annexure ..... **A.**
2. That appellant while serving as SET (BPS-16) in the respondent Department, the appellant was transferred and posted as Assistant Agency Education Officer Development vide order dated 21-12-2013. That in response to the order dated 21-12-2013 the appellant submitted his charge report on the very next day i.e. 22-12-2013. Copies of the transferred order and charge report are attached as annexure ..... **B & C.**
3. That appellant while serving as Assistant Agency Education Officer Development astonishingly vide impugned order dated 26-06-2014 communicated to appellant on 20.11.2014 the appellant was transferred to the post of SET (BPS-16) pre maturely and on the basis of political pressure. So much so vide order dated 01-01-2014 the private respondent No.4 who is much more junior (Approx 12 Years) to the appellant was transferred in place of petitioner. Copies of the impugned order and certificate are attached as annexure ..... **D & E.**
4. That it is very pertinent to mention here that the impugned order dated 26-06-2014 was communicated to the appellant on 20.11.2014. That feeling aggrieved the appellant filed Departmental appeal but the same was not responded by the appellate authority. Copy of the Departmental appeal is attached as annexure ..... **F.**
5. That hence the present appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 01-01-2014 and 26-06-2014 are 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 orders dated 01-01-2014 and 26-06-2014 are against the clause I, II, and IV of the transfer/ Posting policy of the Government of Khyber Pakhtunkhwa. (Copy of Transfer/Posting policy is attached as annexure ..... **G.**
- D- That the impugned orders dated 01-01-2014 and 26-06-2014 has not been issued in public interest nor in exigencies of service.
- E- That the respondents violated the selection criteria for the post of AAEO while issuing the impugned orders dated 1.1.2014 and 26.6.2014. Copy of the Notification is attached as annexure ..... **H.**
- F- That the impugned orders dated 01-01-2014 and 26-06-2014 has been issued under the direction of political figures which is not tenable in the eye of law.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

**APPELLANT**

*Akhtar N.*

**AKHTAR NAWAZ KHAN**

**THROUGH:**

*N.M.K.*  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**



**BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO \_\_\_\_\_/2015

**AKHTAR NAWAZ**

**VS**

**A.C.S FATA**

**APPLICATION FOR SUSPENTION OF OPERATION**  
**OF IMPUGNED ORDERS DATED 1.1.2014 AND**  
**26.6.2014 TILL THE DISPOSAL OF THIS APPEAL**

**R/SHEWETH:**

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the transfer of the appellant is against the transfer policy of the Government of Khyber Pakhtunkhwa and the impugned transfer orders dated 1.1.2014 and 26.6.2014 are also not issued in the public interest nor exigencies of public service.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the impugned transfer orders dated 1.1.2014 and 26.6.2014 may very kindly be suspended till disposal of this appeal.

**APPELLANT**

*Akhtar Nawaz*

**AKHTAR NAWAZ**

**THROUGH:**

*Noor Mohammad Khattak*

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

A-5

DIRECTORATE OF EDUCATION FATA, NWFP PESHAWAR.

NOTIFICATION.

Consequent upon the recommendation of the Departmental selection committee the Director School & Literacy NWFP Peshawar has been pleased to appoint the SETs Science male on regular basis in BPS -16 (Rs.3805-2295-12655) plus usual allowances as admissible under the rules & the service. of the following candidates belong into FATA has been placed at the disposal of Director of Education for adjustment vide their file No.151/A-14/SET (MF) appointments /2004/DSL/AD Estab-1 Endst: No-5197-5223 dated 31/8/2004 is hereby transferred to the schools noted against their names.

Regular Science SET Male

| S.No | Name & Designation                                 | Posted at   | Remarks                            |
|------|--|---|------------------------------------|
| 1    | Akhtar Nawaz Lab: Asstt:<br>GHS Razmak N.W Agency. | GHS Tiarza SWA  | Against vacant SET post            |
| 2    | Ihsan Ullah CT<br>GHS No. Sakha Kot No.1 Malakand  | GHS Khawa Stoori Khel Orakzai   | -do-                               |
| 3    | Sardar Hussain SET<br>GHS Lakari Mohmand Agency    | GHS Lakari Mohmand Agency   | already occupied                   |
| 4    | Khalid Khan CT<br>GHS No. 2 Sakh Kot Malakand      | GHS Janata SWA  | against vacant post                |
| 5    | M.Riaz Shahid CT<br>GHS Badraga Malakand           | GHS Zadrana SWA   | -do-                               |
| 6    | Kamil SET<br>GHS Akhruwal FR Kohat                 | GHS Akhruwal FR Kohat   | Already occupied                   |
| 7    | Ahmed Jan CT<br>GHS Loi Sam Bajour                 | GHS Palosai Orakzai Agency  | against vacant post                |
| 8    | Noor Ullah Jan SET<br>GHS Qamar Khel Attari Khyber | GHS Qamar Khel Attari Khyber  | Already occupied                   |
| 9    | M. Hussain CT<br>GHSS Gujer Gari Mardan            | GHS Shinkai SWA   | against vacant post                |
| 10   | Shah Muhammad CT<br>GHS Badraga Malakand           | GHS Kotkai SWA  | -do-                               |
| 11   | Haleem Gul CT<br>GHS Sher Gar Mardan               | GHS Said Khan Kot SWA   | -do-                               |
| 12   | Sajjad Ahmed SET<br>GHS Zarwam FR Bannu            | GHS Zarwam FR Bannu   | -do-                               |
| 13   | Said Akber Shah SET<br>GHS Chagher Matli Peshawar  | GHS Makip Cahrerai  | -do-                               |
| 14   | Shakeel Ahmed Lab:Asstt:<br>GHS Ara Khel FR Kohat  | GHS Gulistan Orakzai  | -do-                               |
| 15   | Farooq Shah CT<br>GHS Spin Dand Khyber             | GHS Kamaer Khel Attari Khyber   | Vice Noorulla Jan posted as I/C HM |
| 16   | Mujahid Hussain CT<br>GHS Malana Kurram            | GHS Sakhi Ahmed Shah Kurram   | against vacant post                |
| 17   | Noor ul Amin CT<br>GHS Zaryab Gul Charsadda        | Services placed at the disposal of Director Schools & Literacy for further adjustment |                                    |
| 18   | Nadir Sher CT<br>GHSS Challani Mohmand Agency      | -do-  |                                    |
| 19   | Irfan Ullah PET<br>GHS Umar Payan Peshawar         | -do-  |                                    |
| 20   | Fayaz Khan DM<br>GHS Ibrahim Khan Killi Mardan     | -do-  |                                    |
| 21   | Qudrat Ullah CT<br>GHS Habb Ullah FR Bannu         | GHS Spin South Waziristan Agency  | against vacant post                |

ATTACHED  
 Accepted  
 Accused

9210/66

9212/94  
148

0313-9118988

Terms & conditions

1. They will be Governed by such rules & regulations as may be prescribed from time to time by the Govt: for the category of the Govt: servants to whom they belong.
2. Their services will be liable to termination on one month's prior notice from either side. In case of resignation with out prior notice, their one month's pay with allowances shall be forfeited to Government.
3. They will take over charge within TWO Weeks and complinnee report to this Directorate.
4. Their inter-se-seniority will be determined in accordance with the merit fixed by the Departmental Selection Committee.
5. They Shall be on probation for a period of two years.
6. The Heads of the institution/DDO must check the service books and acquitance roll of the in-service teachers before handing over of charge to them.
7. The Agency Education officers concerned should ensure that the newly appointed SETs had working on regular basis on their previous posts and not on contract basis before their taking over of charge as SET.
8. They shall required to furnish copies of all their certificates/degrees alongwith the original receipts and photo copies thereof pertaining to the verification fee of the concerned examining body (Board /University) to the Agency Education Officers (SL) concerned. The later shall arrange verification of all certificates/degrees of the appointee of their respective Agencies and will issue a clearance certificate to each appointee for his/her pay. His/Her pay from the concerned institution of each candidate.
9. No TA / DA etc. is allowed.
10. Charge report should be submitted (Duplicate) to all concerned.

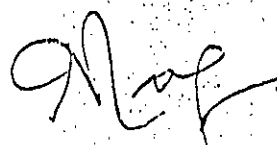
Prof. Dr Abdur Rauf  
Director of Education  
FATA, NWFP Peshawar

Endst. No. 196231-45

Date Peshawar the 13/19/2004

Copy of the above is forwarded for information to the:-

1. Director School & Literacy NWFP Peshawar.
2. All A.E.Os / Head Mistresses concerned.
3. All DAOs/AAOs concerned.
4. Candidate concerned.

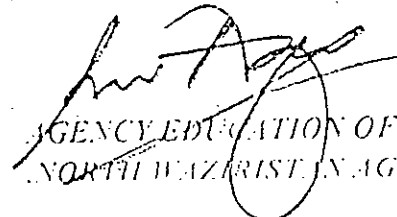
  
Director of Education  
FATA NWFP Peshawar

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH  
WAZIRISTAN AGENCY

B-6

OFFICE ORDER

According to the order of the worthy Director Education FATA vide No. 2202(52) dated 16-12-013 Mr. Akhtar Nawaz is hereby allowed / directed to work as a Assistant Agency Education Officer Development and as well as monitoring of all the schools situated in the North Waziristan Agency Miranshah on the basis of great experience, energetic and having approach to all the

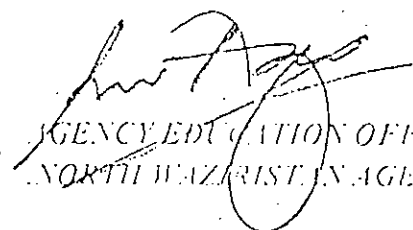
  
AGENCY EDUCATION OFFICER  
NORTH WAZIRISTAN AGENCY

Endstt: No. 138-61 /ORDER/AEO/NWA

dated 21 / 12 / 2013

Copy to:

- 1) Director of Education FATA, with reference to his letter dated \_\_\_\_\_
- 2) Political Agent, NWA Miran Shah
- 3) Agency Accounts Officer NWA Miran Shah
- 4) All AAEO's / Circle Incharge for information and necessary action please
- 5) The candidate concerned

  
AGENCY EDUCATION OFFICER  
NORTH WAZIRISTAN AGENCY

ACCEPTED

Attested  
Akhtar

## OFFICE ORDER

In the light Service tribunal Khyber Pakhtunkhwa Peshawar decision dated 3/4/2015 and Director education FATA implementation order No.4449 dated 15/4/2015 Mr: Akhtar Nawaz is hereby restored with all the previous duties except of Development working in the larger interest of Justice.


Charge report should be submitted to all concerned.

Agency Education Officer  
North Waziristan Agency

Endst: No. 3938-35 /Appeal/AEO/ NWA Dated 17 /04/2015

### Copy to:

1. The Chairman Service Tribunal Khyber Pakhtunkhwa Peshawar for information and dated mentioned above.
2. The Director Education FATA vide his order dated 15/4/2015 .
3. The political Agency Miranshah.
4. The agency accounts Officer N.W.Agency.
5. All AAEOs Circle Concerned for information.
6. Mr: Akhtar Nawaz.

  
Agency Education Officer  
North Waziristan Agency

صالح پورٹ

C-(7)

سید سے اختر نواز خان 821 آج مورخہ 22-12-013 کو ایم ایچ آر کے

احقر از دفتر 138-41 مورخہ 21-12-013 بحیثیت اسسٹنٹ ایچ آر کے دفتر

ڈیوٹی پلینٹ ایچ آر کے اسل نارکوڈز صمان میرا نشاہ سے ایچ آر کے لاچارح کے قوالہ

اور ایچ آر کے اسل طریقے سے سرانجام دیا گیا ہے۔

صالح پورٹ اور اسل عدالت ہے

ایچ آر کے صدر

Asad

اختر نواز خان اسسٹنٹ ایچ آر کے ایچ آر کے (des)

اختر نواز اسسٹنٹ

Keep on record.

Asad 22/12/013

ATTACHED

Attached

Asad

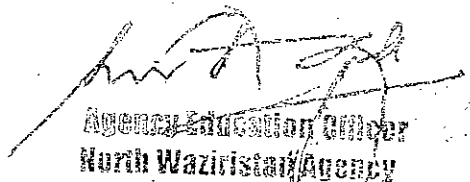
D-8

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTYAN AGENCY.

TO WHOM IT MAY CONCERN;

Certified that Mr.Said Mohammad is hereby posted as Assistant Agency Education Officer (Development) North Waziristan Agency in place of Akhtar Nawaz Khan Assistant Agency Education Officer (Development) Vide order No:151:55 dated:1-1-2014 by pressure i.e. Mohammad Nazir Khan MNA (NA-40) and Welfare Committee of the area.

Attested  
to

  
Agency Education Officer  
North Waziristan Agency

DIRECTORATE OF EDUCATION, FATA SECRETARIAT PESHAWAR  
CANCELLATION OF REDEPLOYMENT

9

The redeployment order in respect of the following AAEO/SSTs (Male/Female) is hereby cancelled with immediate effect in the interest of public service:-

| S/# | Name Designation                                 | Redeployed at           | Endst: No & date of redeployment             |
|-----|--|-------------------------|--|
| 1   | Abdul Khalid I/C<br>HM GHS Manz<br>Ghari Orakzai | AEO Office<br>Orakzai   | AEO Endst: No. 64-66 dated<br>03/01/14       |
| 2   | Din Muhammad<br>GHS Khosha<br>FR Tank            | AEO Office FR<br>Tank   | Dir: Endst: No. 20711-14<br>dated 27/11/2013 |
| 3   | Akhtar Nawaz GMS<br>Hassan Shah Kol,<br>NWA      | AEO Office NVVA         | Dir: Endst: No. 22026-27<br>dated 16/12/2013 |
| 4   | Amjad Ali GHS Sra<br>Mela Orakzai                | AEO office<br>Orakzai   | Dir: Endst: No. 87-89 dated<br>02/01/2014    |
| 5   | Nasim Akbar SST<br>GGMS Bunk F.R<br>Kohat        | AEO Office F.R<br>Kohat | Dir: Endst: No. 5601-04 dated<br>18/04/2014  |
| 6   | Zulikha Bibi AAEO<br>F.R D.I.                    | AAEO F.R Tank           | Dir: 1383-86 dated 11/02/2014                |

DIRECTOR EDUCATION FATA

Endst: No. 84/4-38 / A-1/Gen/Re-deployment Dated 26/6 /2014

Copy of the above is forwarded for information to the:-

- 1 All the Agency Education Officers in FATA with the remarks to ensure that all types of redeployment/detailment in addition to the above is cancelled other wise they will be held responsible for the consequences.
- 2 Principal/Headmasters concerned
- 3 PS to Secretary AI&C FATA Secretariat
- 4 P.A to D.E FATA
- 5 P/Files

Attested

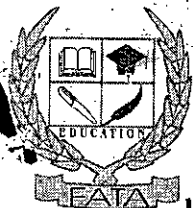
*Asuli*

Attested  
A

Due to military operation in NWA the transfer order already issued vide dated 26/6/14 is hereby communcated to Mr. Achter Nawaz AAEO (dev) in o/p AAEO NWA under transfer to GMS Hassan Shah on 20<sup>th</sup> /014 with the approval of competent authority.

A. Pitter  
20-11-2014





FATA SECRETARIAT  
DIRECTORATE OF EDUCATION

WARSAK ROAD PESHAWAR, PAKISTAN  
PHONE. 091-9210166 FAX 091-9210216

NO. 20323 / DATED 19/11/13

A-1/AAEO NWA VOL-II

*Syed Manzar Jan Sajid*

To

The Agency Education Officer  
N.W. Agency at Miranshah

22-11-2013  
Subject:

TRANSFER/ADJUSTMENT ON AAEO POST

I am directed to ask you to furnish a list of at least 15 senior SETs including Mr. Said Muhammad SST duly recommended by MNA and Muhammad Roshan SST GCET Mir Ali N.W. Agency according to the criteria for selection to fill up the vacant AAEO posts.

*M B. Haq*

(SYED MANZAR JAN SAJID)  
ADDL. DIRECTOR(ESTAB)

*Attested  
A*

TO

E - (11)

The Director of Education (FATA),  
FATA Secretariat Warsak Road Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
ORDERS DATED 01.01.2014 AND 26.06.2014  
WHEREBY ONE MR. SAID MOHAMMAD SET  
SCIENCE WAS TRANSFERRED AS ASISSTANT  
AGENCY EDUCATION OFFICER IN PLACE OF  
APPELLANT AND THE APPELLANT WAS  
TRANSFERRED TO HIS OWN SCHOOL.

RESPECTED SIR:

Most humbly appellant begs to submit as under:

- 1- That appellant was appointed as Senior English Teacher (SET) vide order dated 13.09.2004. That after appointment appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant while serving as SET in the education Department, the appellant was transferred and posted as <sup>agency</sup> assistant education officer development vide order dated 21.12.2013. That in response to the order dated 21.12.2013 the appellant submitted his charge report on the very next day.
- 3- That appellant while serving as AAEO (Dev) astonishingly vide impugned order dated 26.6.2014 the appellant was transferred to the post of SET pre maturely on the basis of political pressure so much so order dated 01.01.2014 one Mr. Said Mohammad SET Science who is much more junior to the appellant and also belong to the cadre of SET Science was transferred in place of appellant.
- 4- That the dates of said order clearly shows the malafide and arbitrary intention of the authorities. Because the appellant was transferred on 26.6.2014 while the said employee i.e. Mr. Said Mohammad was transferred on 01.01.2014.
- 5- That it is very pertinent to mention that the said order dated 01.01.2014 and 26.06.2014 were not communicated to the appellant in time.
- 6- That the said impugned orders are against the existing transfer/posting policy of the provincial Government.

Received Today

8/12/14

ATTESTE

Asad  
Ade

12

7- Moreover the impugned orders were issued under the direction of Political figures which is not tenable in the eye of law.

It is therefore most humbly prayed that on acceptance of this Departmental appeal. The impugned orders dated 01.01.2014 and 26.6.2014 may very kindly be set aside and the appellant may not be disturbed from the post of AAEO (Dev) till completion of his normal tenure.

Dated: 2.12.2014

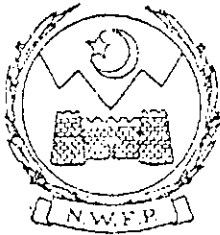
APPELLANT

*Akhtar*

AKHTAR NAWAZ KHAN  
AAEO (Dev) NWA

*Assessed*  
*Akhtar*

F-13



**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) {
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained  
  
<sup>2</sup>While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.


<sup>1</sup> Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.  
<sup>2</sup> Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

Attested  
[Signature]

- 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  
<sup>1</sup>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:<br>a) Within the Same Department<br>b) Within the Secretariat from one Department to another.                           | Secretary of the Department concerned.<br>Chief secretary/Secretary Establishment.   |
| 3.                      | Officials up to the rank of Superintendent:<br>a) Within the same Department<br>b) To and from an Attached Department<br>c) Within the Secretariat from one Department to another | Secretary of the Department concerned.<br>Secretary of the Dept in consultation with Head of Attached Department concerned.<br>Secretary (Establishment) |

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- 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.
  - Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

(15) 

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.

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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}.

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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.

*Attended*



FATA SECRETARIAT  
DIRECTORATE OF EDUCATION

Warsak Road Peshawar

No. 7351-61 /11

A-1/General/AAEO 6/10

0003  
9-16

To

All the Agency Education Officers  
in FATA

Subject: SELECTION CRITERIA FOR THE POST OF AAEO (M/F)

I am directed to convey the following criteria duly approved by the competent authority for transfer against the post of AAEO (M/F) in your respective Agencies for strict compliance while submitting proposal to this Directorate:-

12 years  
Junior

- i) Seniority position of those to be considered for posting as AAEO/MF should be in the top 10 of the SETs seniority list of the concerned Agency/FR
- ii) Should have clean record of service and no departmental proceedings should be pending against any of those included in the panel
- iii) Should have the ability to deal with the public tactfully and have moral courage to carry out proper feasibility
- iv) A panel of at least three SETs in order of seniority should be prepared for a single post for selection of one through interview
- v) Recommendation of concerned Agency Education Officer would also be considered but not binding
- vi) Knowledge of Budget/Accounts, PC-IV and APT rules including procedure in disciplinary cases will be considered as additional qualification
- vii) Maximum tenure of the post will be five years based on good performance otherwise, the incumbent could be posted out any time on administrative grounds/poor performance
- viii) Once an official has completed 05 years tenure, he/she will not be re-posted as AAEO
- ix) Due to acute shortage of science teachers in high schools SET (Science) will not be considered for the post of AAEO

ADDL. DIRECTOR (ESTAB)

ATTACHED

Amir

Ali

CC

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PS to Secy A&C FATA Secretariat  
PA to DE FATA Local Directorate

ADDL. DIRECTOR (ESTAB)

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Akhtar Nawaz

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

A. C. S. FATA & Others

(RESPONDENT)  
(DEFENDANT)

I/We Akhtar Nawaz

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** 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. \_\_\_\_/\_\_\_\_/2015

*Akhtar Nawaz*

CLIENT

*N.M.*

ACCEPTED

NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

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