

1

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**CAMP COURT D.I.KHAN**

**SERVICE APPEAL NO. 1327/2015**

Date of institution ... 27.11.2015

Date of judgment ... 27.12.2017

Sher Ahmad Khan (Associate Professor GDC Ghazni Khel Lakki Marwat).  
S/o Haji Muhammad. R/o Choharr Khel, Post Officer Shahbaz Khel, Tehsil  
& District Lakki Marwat, KPK.

... (Appellant)

**VERSUS**

1. Secretary Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Director Higher Education, KPK, Peshawar.
3. Principal G.D.C Ghazni Khel Lakki Marwat.
4. Principal G.D.C Paharpur, Dera Ismail Khan.
5. Principal Government Post Graduate College Lakki Marwat.

... (Respondents)

APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT,  
AGAINST THE NOTIFICATION NO. SO.1974(C-1)HE/2-5-  
15/SURPLUS STAFF DATED 24<sup>TH</sup> JULY, 2015 OF RESPONDENT  
NO. 1 IN WHICH HE TRANSFERRED THE APPELLANT AND  
AGAINST RESPONDENT NO. 1 WHO DID NOT ENTERTAIN THE  
DEPARTMENTAL APPEAL OF THE APPELLANT DATED  
30.07.2015.

Mr. Sadam Hussain Zakori, Advocate.  
Mr. Farhaj Sikandar, District Attorney

.. For appellant.  
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI  
MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)  
.. MEMBER (JUDICIAL)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER:** - Counsel for the appellant  
present. Mr. Farhaj Sikandar, District Attorney for the respondents also present.  
Arguments heard and record perused.

2. Brief facts of the present service appeal are that the appellant was serving in Education Department as Associate Professor and during service he was transferred from Government Degree College Ghazne Khel District Lakki Marwat to Government Degree College Paharpurdi District D.I.Khan vide order dated 14.07.2015. The appellant also filed departmental appeal on 30.07.2015 but the same was not responded hence, the present service appeal on 27.11.2015.

3. Learned counsel for the appellant contended that the appellant is permanent resident of District Lakki Marwat. It was further contended that the wife of the appellant is also civil servant and serving in District Lakki Marwat. It was further contended that the appellant was transferred to Government Degree College Ghazni Khel District Lakki Marwat by the competent authority vide order dated 29.05.2013 and the appellant submitted his arrival report on 01.06.2013. It was further contended that the appellant was transferred from Government Degree College Ghazni Khel District Lakki Marwat to Government Degree College Paharpurdi District D.I.Khan vide order dated 24.07.2015. It was further contended that vide order dated 24.07.2015 the competent authority has transferred 47 Associate Professors of college cadre including the appellant but later on the competent authority cancelled the transfer order of 35 Associate Professors vide order dated 07.10.2015 on the basis of political influences. It was further contended that the appellant is going to retire<sup>n</sup> in April 2018 therefore, being resident of District Lakki Marwat the impugned transfer order of the appellant from District Lakki Marwat to District D.I.Khan is illegal and liable to be set-aside. It was further contended that neither the competent authority has considered the spouse policy nor the policy according to which the last two years of the government servant should be posted at home station therefore, it was contended that the impugned order is illegal and liable to be set-aside.

4. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant has completed his normal tenure and the competent authority has rightly passed the impugned order therefore, prayed for dismissal of appeal.

*M. Amin*

27.12.2017

5. Perusal of the record reveals that the appellant is serving in Education Department as Associate Professor. The record further reveals that the appellant was transferred from Government Degree College Ghazni Khel District Lakki Marwat to Government Degree College, Paharpurdi District D.I.Khan including 46 other Associate Professors vide order dated 24.07.2015. The record further reveals that the competent authority has again cancelled the transfer order of 35 Associate Professors out of the aforesaid 47 Associate Professors through corrigendum dated 07.10.2015 for the reason best known to him. The record further reveals that the appellant is Associate Professor and according to his NIC available on record the date of birth of the appellant is 16.04.1985 meaning thereby that the appellant will be retired in the month of April of this year hence at this stage the appellant should be posted at the station of his choice. The record further reveals that the wife of the appellant is also serving in Education Department as PST teacher therefore, the impugned transfer order to the extent of the appellant is also against the spouse policy. As such we accept the present service appeal of the appellant and set-aside the impugned transfer dated 24.07.2015 to the extent of the appellant. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

27.12.2017

*H. Mughal*

(MUHAMMAD HAMID MUGHAL)  
MEMBER  
CAMP COURT D.I.KHAN.

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
CAMP COURT D.I.KHAN

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... (Respondents)

2

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.. For appellant.

Mr. Farhaj Sikandar, District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER:** - Counsel for the appellant  
present. Mr. Farhaj Sikandar, District Attorney for the respondents also present.

Arguments heard and record perused.

*M. Amin*  
27-12-2017

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*M. Amin*  
27.12.2017

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ANNOUNCED  
27.12.2017

*H. Amin*

(MUHAMMAD HAMID MUGHAL)  
MEMBER  
CAMP COURT D.I.KHAN

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
CAMP COURT D.I.KHAN

27.12.2017

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, As such we accept the present service appeal of the appellant and set-aside the impugned transfer dated 24.07.2015 to the extent of the appellant. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

27.12.2017

*Mughal*

(MUHAMMAD HAMID MUGHAL)

MEMBER

CAMP COURT D.I.KHAN

*Muhammad Amin*

(MUHAMMAD AMIN KHAN KUNDI)

MEMBER

CAMP COURT D.I.KHAN

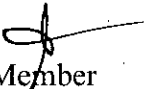
23.10.2017


Bench incomplete. Adjourned. To come up on 25.10.2017 before D.B at camp Court D.I.Khan.

Reader

25.10.2017

Clerk to counsel for the appellant and Mr. Farhaj Sikandar, District Attorney for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.11.2017 before D.B.


  
Member  
(Executive)

  
Member  
(Judicial)  
Camp Court D.I.Khan

28.11.2017

Junior counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for official respondent also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 27.12.2017 before D.B at Camp Court D.I.Khan.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan





**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR**

3

Phone # 091-9210242, 9211025/Fax # 9211803  
Dated Peshawar the 04/05 / 2017

**DRAWING & DISBURSING OFFICER.**

Mr. Sher Ahmad Khan, Associate Professor of Political Science, Govt; Degree College, Ghazni Khel (Lakki Marwat) is hereby declared as Incharge Principal/DDO to look after the affairs of the said College till the arrival of regular Principal.

All kinds of bills duly signed/ countersigned by him, may be honoured, if otherwise in order.

Endst: No. 12380-93

**DIRECTOR HIGHER EDUCATION**

Copy of the above is forwarded to the:-

1. Principal Govt; Degree College, Ghazni Khel (Lakki Marwat) with reference to his letter No. 2033 dated 03.05.2017.
2. Assistant Director (Accounts), local Directorate.
3. District Accounts Officer, Lakki Marwat.
4. Officer concerned.


*A. Bashir*  
4/5/17

**DY: DIRECTOR (ESTABLISHMENT)**



27.12.2016

Counsel for appellant present and Mr. Farhaj Sikandar, Government Pleader for the respondents present. Learned counsel for appellant submitted rejoinder copy whereof handed over to learned GP. To come up for arguments on 23.01.2017 before D.B at Camp Court D.I.Khan.

  
ASHFAQUE TAJ  
MEMBER  
Camp Court D.I.Khan

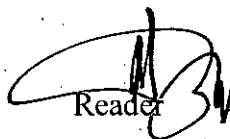
23.01.2017

Clerk counsel for appellant and Mr. Saeed Abid Hussain Shah, Assistant Professor Law alongwith Mr. Farhaj Sikandar, Government Pleader for respondents present. Due to non-availability of D.B the appeal is adjourned to 28.03.2017 for same as before.

  
Reader

28.03.2017

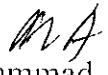
Since tour is hereby cancelled, therefore, the case is adjourned for the same on 25.07.2017.

  
Reader

25.07.2017

Counsel for the appellant present. Syed Abid Hussain, Assistant alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.10.2017 before D.B at Camp Court D.I.Khan.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

25.07.2016

Tour programme of D.I. Khan scheduled for 25.07.2016 and 26.7.2016 is hereby cancelled, therefore the case is adjourned to 30.8.16 for written reply/arguments. Status-quo is extended till the date fixed. Parties be informed accordingly.

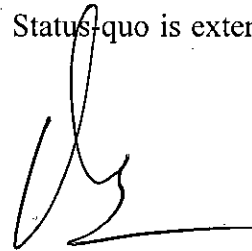


Member

~~Camp court D.I. Khan~~

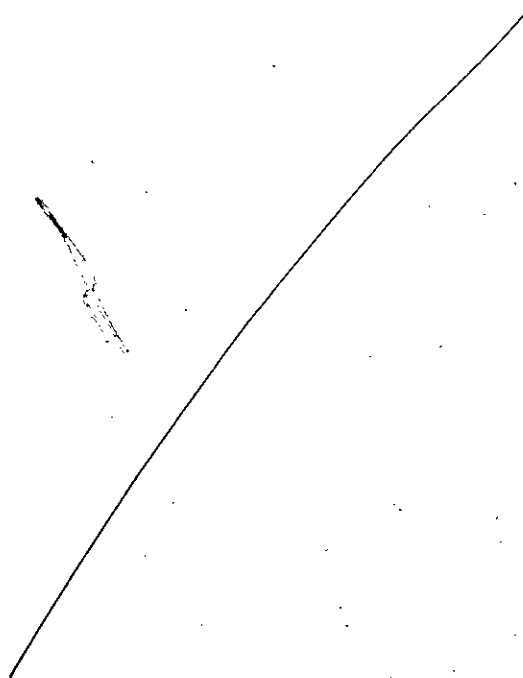
30.08.2016

Appellant in person and M/S Syed Abid Hussain, Asst: Professor (Law) for respondents No. 1 and 2 and Naeem Gul, AD(Lit) alongwith Mr. Farhaj Sikandar, GP for respondents present. Written reply on behalf of respondents No. 1 and 2 submitted. No one is present on behalf of respondents No. 3,4 and 5, hence placed ex-parte. To come up for rejoinder and arguments on 27.12.2016 at camp court D.I.Khan. Status-quo is extended till the date fixed.



Member

Camp court D.I. Khan



26.04.2016

Appellant with counsel and Mr. Farhaj Sikandar, GP for respondents. Learned GP is directed to submit written reply/comments by way of another last chance. To come up for written reply/comments on 24.05.2016 at camp court D.I. Khan. Till then status-quo is extended.

26.04.2016

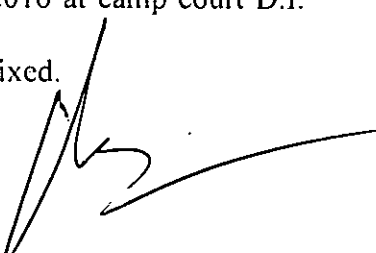
26.04.2016

Appellant with counsel and Syed Abid Hussain Shah, Assistant Professor alongwith Mr. Farhaj Sikandar, GP for respondents present. Written reply on main appeal as well as on stay application of respondent No.1 and 2 submitted, copy of which is placed on file. To come up for written reply of the remaining respondents on 24.05.2016. Till then status-quo be maintained.

  
Member  
Camp Court D.I. Khan


24.05.2016

Counsel for the appellant and Mr. Farkhaj Sikandar, GP for respondents present. Fresh notice be issued to the respondents No.3,4 and 5 for submission of written reply/comments. To come up for written reply/comments on 26.07.2016 at camp court D.I. Khan. Status-quo is extended till the date fixed.

  
Member  
Camp Court D.I. Khan

26.01.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP for the respondents present and requested for time to contact the respondents. To come up for written reply of the respondents on 23.2.16 at camp court, D.I.Khan.


  
MEMBER  
Camp Court, D.I Khan

23.2.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP present. Fresh notices be issued to the respondents positively. To come up for written by way of last chance on 29.3.16 at Camp Court D.I.Khan. Till then status quo is extended.

29.3.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP with Syed Abid Hussain, Asstt. Professor for the respondents present. Reply not submitted. Requested for adjournment. Last opportunity is granted. To come up for written reply by way of last chance on 26.4.16 at camp court, D.I.Khan. Status quo is extended till the date fixed.

  
MEMBER  
Camp court, D.I.Khan

01.12.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Associate Professor (BPS-19) at GDC Ghazni Khel Lakki Marwat and vide impugned order dated 24.7.2015 transferred to GDC Paharpur, D.I.Khan where against he preferred departmental appeal on 30.7.2015 which was not responded and hence the instant service appeal on 27.11.2015.

That the appellant has put in 28 years service and that his wife is serving as PST at Lakki Marwat and hence entitled to retain the said position at Lakki under the spouse policy. That the impugned order is premature as the appellant was posted at the said college on 1.6.2013 and transferred without observing the tenure. That numerous posting/transfers 36 in number were cancelled out of 47 vide corrigendum dated 7.10.2015. That the appellant has not yet relinquished the charge.

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 29.12.2015 before S.B at Camp Court D.I.Khan as the matter pertains to the territorial limits of D.I.Khan Division. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

Chairman

29.12.2015

Since tour to D.I.Khan for the month of December, 2015 has been cancelled, therefore, case is adjourned to 26.1.2016 for the same.



  
Reader  
Camp Court D.I.Khan

Appellant Deposited  
Security & Process Fee

Form- A  
FORM OF ORDER SHEET

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

Case No. 1327/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.11.2015	<p>The appeal of Mr. Sher Ahmad Khan presented today by <del>_____</del> S. Shahid Sherazi Advocate may be entered-in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-11-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>01-12-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

36  
1327/2015  
27-11-15



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

C.M No. \_\_\_\_\_/2015

In Appeal No. 1327/2015

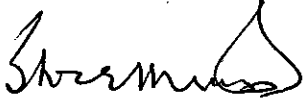
Sher Ahmad Khan  
.....(Appellant)

**VERSUS**

Secretary Higher Education etc  
.....(Respondents)


**INDEX**

<b>S.NO</b>	<b>PARTICULARS</b>	<b>ANNEXURE</b>	<b>PAGE NO.</b>
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2	Application for suspension of order. & Affidavit.		5-6
3	Copy of <del>CNIC</del>	"A"	7
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5	Copies of posting order and school certificate.	"C & D"	9-10
6	Copy of impugned order dated 24/07/15.	"E"	11-13
7	Copy of corrigendum dated 07 October, 2015.	"F"	14-15
8	Teaching Staff List.	"G"	16
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10	Copy of departmental appeal dated 30/07/15.	"J"	19
11	Wakalatnama		

  
Your Humble Appellant

**Sher Ahmad Khan**  
Through counsel

Dated: 02/11/2015

  
**S. SHAHID SHERAZI**  
Advocate High Court  
Dera Ismail Khan.  
0333-9962514

①

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

Appeal No. 1327/2015

**A.W.F. Province  
Service Tribunal  
Diary No. 1382  
Dated 27-11-2015**

**Sher Ahmad Khan** (Associate Professor GDC Ghazni  
Khel Lakki Marwat) S/o Haji Muhammad R/o Choharr  
Khel, Post Office Shahbaz Khel, Tehsil & District Lakki  
Marwat, KPK.

.....(Appellant)

**VERSUS**

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2. Director Higher Education, KPK, Peshawar.
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.....(Respondents)

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JULY, 2015 OF RESPONDENT NO. 1 IN  
WHICH HE TRANSFERRED THE  
APPELLANT AND AGAINST  
RESPONDENT NO. 1 WHO DID NOT  
ENTERTAIN THE DEPARTMENTAL  
APPEAL OF APPELLANT DATED  
30/07/2015.**

Filed to-day

Registrar

→ 1/11/15

**NOTE:-**

The addresses given above are sufficient for  
the purpose of service of the parties.

**Respectfully Submitted:-**

- 1- That the appellant has been inducted on  
19/11/1987 as Lecturer. ~~is a Lecturer~~

*Sher Ahmad Khan*

~~is a Lecturer~~

- ②  
and his wife
- 2- That the appellant<sup>1</sup> is permanent resident of District Lakki Marwat and aged about 58 years. Copy of CNIC is enclosed as Annexures "A & B".
- 3- That the wife of appellant is also performing her duties as Government servant in District Lakki Marwat whereas the youngest son of appellant is the student of 7<sup>th</sup> class who is also studying in Iqra Public School Dara Pezu District Lakki Marwat. Copies of posting ~~and~~<sup>certificate</sup> and school certificate are enclosed as Annexure "C & D" respectively.
- 4- That respondent No. 1 issued the impugned order dated 24/07/2015 without considering the facts. Copy of impugned order is enclosed as Annexure "E".
- 5- That the competent authority issued corrigendum in respect of officials who has political for the cancellation of their transfers. Copy of corrigendum dated 07<sup>th</sup> October, 2015 is enclosed as Annexure "F".
- 6- That teaching staff list of G.D.C Lakki Marwat is enclosed as Annexure "G".
- 7- That the appellant has took over the charge under the supervision of respondent No. 3 on dated 01/06/2013. Copies of arrival report and transfer of charge are enclosed as Annexure "H & I" respectively.
- 8- That the appellant being aggrieved, preferred the departmental appeal on dated 30/07/2015 but the same has not been entertained. Copy of departmental appeal dated 30/07/2015 is enclosed as Annexure "J".
- 9- That the appellant now constrained to file this service appeal for the following amongst other grounds:-

S  
Matain

GROUNDS:-

- a) That the impugned order has no legal footing to stand upon because the respondents used the formula of Pick and choose just to accommodate their nears and dears and the officials performing their duties at G.D.C Lakki Marwat have not been transferred who have more tenure than the appellant at the same station.
- b) That the respondents did not consider the departmental appeal / request in which it was clearly mentioned that the appellant never ever remained posted at his home station throughout his service career, whereas a young lecturer of same department (Political Science) is posted at G.D.C Lakki Marwat before the posting of appellant.
- c) That it is well established principle / policy of provincial Government that a person should be appointed at the station under spouse policy.
- d) That it is pertinent to mention here that the appellant has only 02 years political motivation from his pension and according to policy the last 02 years of the Government servant should be posted at home station.
- e) That the appellant also have minor children and the youngest son is studying in 7<sup>th</sup> class who will also be severely affected from the impugned order.
- f) That it is just, fair as well as in the interest of justice to cancel the impugned order.

S  
M. Akia

*It is, therefore, humbly requested that in view of the above submissions, that by accepting this service appeal the transfer of appellant from G.D.C Lakki Marwat to G.D.C Paharpur may please be*

4

cancelled and consequently the appellant may graciously be allowed to perform his duties at G.D.C Ghazni Khel in the interest of justice.

*Sher Ahmad Khan*  
Your Humble Appellant

Dated: 02/11/2015

*Sher Ahmad Khan*  
Through counsel,

*Sher Ahmad Khan*  
**S. SHAHID SHERAZI**  
Advocate High Court  
Dera Ismail Khan.

**AFFIDAVIT**

I, **S. Shahid Sherazi** Advocate High Court, Dera Ismail Kha, Counsel for the appellant, do hereby solemnly affirm declared on oath that as per information given by my client, the contents of the above **Appeal** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable court.



**DEPONENT**

*Sher Ahmad Khan*

5

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

C.M No. \_\_\_\_\_/2015

In Appeal No. \_\_\_\_\_/2015

Sher Ahmad Khan  
.....(Appellant)

**VERSUS**

Secretary Higher Education etc  
.....(Respondents)

**APPLICATION FOR SUSPENSATION OF  
ORDER OF TRANSFER TO THE  
EXTENT OF APPELLANT.**

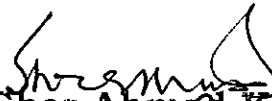
**Respectfully Submitted:-**

Petitioner submits as under:-

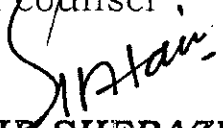
- 1-** That the accompanying the service appeal is yet to be fixed for adjudication.
- 2-** That the operation of impugned order will cause irreparable loss to the appellant.
- 3-** That the balance of convenience is also in the favour of appellant.
- 4-** That the accompanying appeal may also be considered as part and parcel of this application.

***It is, therefore, humbly prayed that by accepting this application the impugned order of transfer to the extent of appellant may please be suspended till the final disposal of this Service Appeal.***

Your Humble Appellant

  
Sher Ahmad Khan  
Through counsel

Dated: 02/11/2015

  
**S. SHAHID SHERAZI**  
Advocate High Court  
Dera Ismail Khan.

6

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

C.M No. \_\_\_\_\_/2015

In Appeal No. \_\_\_\_\_/2015

Sher Ahmad Khan  
.....(Appellant)

**VERSUS**

Secretary Higher Education etc  
.....(Respondents)

**AFFIDAVIT**

I, **S. Shahid Sherazi** Advocate High Court, Dera Ismail Kha, Counsel for the appellant, do hereby solemnly affirm declared on oath that as per information given by my client, the contents of the above **Application** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable court.

*S. Shahid Sherazi*

**DEPONENT**

*Shahid Sherazi*




7

ANX-A

*Attested*

حکومت پاکستان  
 وفاقی کابینہ آرڈر  
 11201-0345297-4  
 وفاقی کابینہ آرڈر  
 11201-0345297-4



*Sher Ahmad Khan*

Sher Ahmad Khan  
 Associate 1/02/1968  
 G.D.C Tank.

*Sher Ahmad Khan*

**ATTESTED**

13.2 1969  
 60

---

029





شناختی نمبر: 4-11201-0345297-1 نامدان نمبر: V087X0

پورہ پتہ: چیمبر ٹریڈنگ، ڈاکخانہ شہزاد خیل، تحصیل و ضلع لکی مروت



سنگل پتہ: چیمبر ٹریڈنگ، ڈاکخانہ شہزاد خیل، تحصیل و ضلع لکی مروت

تاریخ: 26/09/2021

تاریخ: 26/09/2011

گمشدہ کارڈ ہے پر قریبی پتے پر کسی میں ڈال دیں

15869369337



GIZETTA

⑤ **ANX-B**  
 حکومت پاکستان  
 قومی شناختی کارڈ  
 11201-1342155-5  
 نام: *محمد*  
 جنس: *مرد*  
 دائرہ کار: *لاہور*  
 شناختی نمبر: *کوئی نہیں*  
 تاریخ پیدائش: *16/04/1958*  
 علی ارشد حلیم  
 دفتر دستور اہل

*For appeal*

*Ali*

**ATTESTED**

58  
 60  
 ---  
 18




15833050086

11201-4342135-5

V087X0

31/07/2018

28/08/2009



Service <sup>9</sup> certificate ANX-C

Certified that Mst: Zaib un Nisa D/O  
Ghulam Abbas has been working in  
Education department since 05-02-1987.  
Now she is working as PST at G.G.P.S Wazir Killa  
Tehsil & District Lakki Marwat.

Dated 02-11-2015.

Countersigned

*[Signature]*  
Distt: Education Officer  
(Female) Lakki Marwat

*[Signature]*  
S.D.E.O (F)  
Pry: Lakki Marwat

*[Signature]*  
ATTESTED

Ann 2

2000-01-02 (P) 2000-01-02

Certified that the following is a true and correct copy of the original as shown to me on 02-07-1987.


in witness whereof I have hereunto set my hand and the seal of the said office at Washington, D.C. this 7th day of February, 1987.

Director, Department of Justice

Now she is working at 242 1st St. N.W. Washington, D.C.

Table of contents of the report.

Date 02-11-2012

  
02-11-2012

(Seal of the Department of Justice)

ATTESTED

(10)

ANX-D

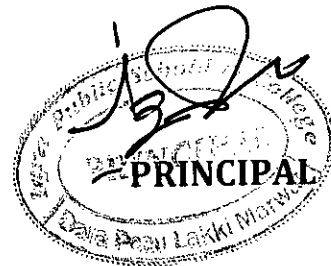
# ***IQRA PUBLIC SCHOOL & COLLEGE DARRA PEZU***

## **TO WHOM IT MAY CONCERN**

It is certified that Mr. Fahad Ahmad S/O Sher Ahmad

is the regular student of Class Seven.

Dated: 30-10-2015



*Sher Ahmad*

**ATTESTED**

(11)

ANX-"E"



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT

Dated Peshawar, 24<sup>th</sup> July, 2015.**NOTIFICATION**

No.SO(C-I)HE/2-5/15/Surplus Staff/ The Competent Authority is pleased to order the transfer of the following Male Associate Professors of college cadre mentioned against each with immediate effect in the best public interest.

MALE							
S.#	Name	Subject	Grade	From	District	To	District
1.	Iftikhar ud Din	Botany	19	GPGC Nowshera	Nowshera	GPGC Charsadda	Charsadda
2.	Muhammad Ayub	Economics	19	GDC Tank	Tank	GDC Paharpurdi	DI Khan
3.	Ismail Wali	English	19	GC Boni Chitral	Chitral	GDC Dir	Dir upper
4.	Abdul Nasir	English	19	GDC Takht Nasrati	Karak	GDC Amma Khel	Tank
5.	Fazle Rabi	English	19	GDC Chakesar	Swat	GDC Puran shangla	Swat
6.	Said Johar	Geography	19	GDC Bakhshali	Mardan	GPGC Nowshera	Nowshera
7.	Abdul Ali	Geography	19	GDC No.2 Mardan	Mardan	GPGC Bannu	Bannu
8.	Muhammad Ayub Khan	History	19	GDC Thall Hangu	Hangu	GDC Sabir abad karak	karak
9.	Anwar Ali	History	19	GC Peshawar	Peshawar	GDC Toru Mardan	Mardan
10.	Mir Shah Jehan	History Cum Civics	19	GDC Banda Daud Shah	Karak	GDC Lachi Kohat	Koat
11.	Shahid Hussain Abbasi	Law	19	GPGC Abbottabad No.1	Abbottabad	GDC Zaida Swabi	Swabi
12.	Muhtaram	Law	19	GPGC Daggar	Buner	GDC Yar Hussain Swabi	Swabi
13.	Farooq Said	Maths	19	GDC Ahmad Abad Karak	Karak	GPGC Karak	Karak
14.	Muhammad Nadeem	Pashto	19	GDC Sabirabad Karak	Karak	GDC Zaroobi	Swabi
15.	Abdul Kareem	Pashto	19	GPGC Dargai	Malakand	GKKKDC Akhork Khattak	Nowshera
16.	Mir Aslam	Political Science	19	GDC Landi Jalandar	Bannu	GDC No.2 DI Khan	D.I. Khan
17.	Sher Ahmad	Political Science	19	GDC Ghazni Khel	Lakki Marwat	GDC Paharpurdi	D.I. Khan

*Attest*  
**ATTESTED**

18.	Bismillah Jan	Statistics	19	GDC Ghazni Khel	Lakki Marwat	GPGC Lakki Marwat	Lakki Marwat
19.	Muhammad Yousaf	Statistics	19	GPGC Dargai	Malakand	GAKLLAPA College Matta	Swat
20.	Zubair Anwar	Statistics	19	GSSC Peshawar	Peshawar	GDC Balakot Mansehra	Mansehra
21.	Sajjad Ahmad	Statistics	19	GPGC Swabi	Swabi	GDC Darbanad Mansehra	Mansehra
22.	Shafi ur Rehman	Urdu	19	GC Boni Chitral	Chitral	GPGC Timergara	Dir
23.	Inayat Ullah Shakir	Urdu	19	GDC No.2 DI Khan	DI KHAN	GDC No. 3 Dera Twon ship	DI Khan
24.	Asif Shah	Zoology	19	GDC Hangu	Hangu	GDC No.2 DI khan	DI Khan
25.	Afzal Aman	Law	19	GDC Chitral	Chitral	GDC Daggar	Buner
26.	Zahurud Din	Pol. Science	19	GDC Chitral	Chitral	GDC Aggra	Malakand
27.	Muhammad Iqbal	Zoology	19	GDC Daggar	Buner	GDC Tank	Tank
28.	Sami-Ul-Haq	Mathematics	19	GDC Daggar	Buner	GDC Lahor Swabi	Swabi
29.	M. Jehan	Economics	19	GDC Daggar	Buner	GPGC Swabi	Swabi
30.	Jamil Ahmad	Pol. Science	19	GDC Daggar	Buner	GDC Zaroobi Swabi	Swabi
31.	S. Farkhanda Shah	Economics	19	GPGC Swabi	Swabi	GDC Daggar	Buner
32.	Taj wali Khan	Botany	19	GPGC Swabi	Swabi	GC Peshawar	Peshawar
33.	Sami Ur Rehman	Maths	19	GDC Lahor Swabi	Swabi	GDC Daggar	Buner
34.	Imtiaz Ali	Urdu	19	GPGC Abbottabad	Abbottabad	GDC Gandaf Swabi	Swabi
35.	S. Liaqat Ali Shah	Physics	19	GPGC Abbottabad	Abbottabad	GC Peshawar	Peshawar
36.	Mumtaz haider	Economics	19	GPGC Abbottabad	Abbottabad	GDC Natia Gali	Abbottabad
37.	Shaid Hussain Abassi	Law	19	GPGC Abbottabad	Abbottabad	GDC Mamesh Khel	Bannu
38.	Mumtaz Ali Shah	English	19	GPGJC Saidu Shareef Swat	Swat	GPGC Matta Swat	Swat
39.	Javed Iqbal	Urdu	19	GPGJC saidu Shareef Swat	Swat	GDC Madyan Swat	Swat
40.	Shoukat Ali	English	19	GPGC Matta Swat	Swat	GPGJC Saidu Sharif Swat	Swat

*M. Ham*

**ATTESTED**



41.	Muhammad Amin	English	19	GPGC Matta Swat	Swat	GPGC Timer Gara	Dir-Lower
42.	Gohar Ali	Physics	19	GPGC Matta Swat	Swat	GDC Madyan Swat	Swat
43.	Saifullah Khan	Urdu	19	Government College Peshawar	Peshawar	GDC Bakshali	Peshawar
44.	Gulab Shah	Pol. Science	19	Government College Peshawar	Peshawar	GDC Hayatabad	Peshawar
45.	Syed Badsha	Chemistry	19	GDC Badaber Peshawar	Peshawar	GDC Yar Hussain Swabi	Swabi
46.	Zahid Ali	Economics	19	GDC Pabbi Nowshera	Nowshera	GDC Gandaf Swabi	Swabi
47.	Mohammad Yousaf	Statistics	19	GDC Dargai	Malakand	GDC Kakki Bannu	Bannu

SECRETARY-TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Endst: No. & Date Even**

Copy forwarded to the:-

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

Section Officer (Colleges-I)

*S. Hussain*  
**ATTESTED**



14

ANX-F

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar, 07<sup>th</sup> October, 2015.

**CORRIGENDUM**

**No.SO(C-I)HE/2-5/15/Surplus Staff/** In partial modification of this Department notification of even number dated 24th July, 2015 the transfer / posting in respect of the following Associate Professors (Male) is hereby cancelled.

**MALE ASSOCIATE PROFESSORS (BPS-19)**

S.#	Name/Designation	From	TO
1.	Mr. Anwar Ali Associate Prof: of History	GC, Peshawar	GDC, Toru (Mardan)
2.	Mr. Mohammad Ayub Associate Prof: of Economics	GDC, Tank	GDC, Paharpur (D.I.Khan)
3.	Mr. Ismail Wali Associate Prof: of English	GDC, Booni (Chitral)	GDC, Dir (Upper)
4.	Mr. Iftikharud Din Associate Prof: of Botany	GPGC, Nowshera	GPGC, Charsadda
5.	Syed Badshah Associate Prof: of Chemistry	GDC, Badhber	GDC, Yar Hussain (Swabi)
6.	Mr. Abid Hussain Associate Prof: of Statistics.	GDC, Khan Kohi (Nowshera)	GDC, Daggarr (Buner)
7.	Mr. Abdul Nasir Associate Prof: of English	GDC, Takht-e-Nasrati (Karak)	GDC, Ama Khel (Tank)
8.	Mr. Mohammad Iqbal Associate Prof: of Zoology	GDC, Daggarr (Buner)	GDC, Tank
9.	Mr. Mohammad Asif Shah Associate Prof: of Zoology	GDC, Hangu	GDC, No. 2 D.I.Khan
10.	Mr. Abdul Ali Associate Prof: of Geography.	GDC, No. 2 Mardan	GPGC, Bannu
11.	Syed Liaqat Shah Associate Prof: of Physics	GPGC, No. 1 Abbottabad	GC, Peshawar
12.	Mr. Saifullah Khan Associate Prof: of Urdu	GC, Peshawar	GDC, Bakshali (Mardan)
13.	Mr. Zubair Anwar Associate Professor of Statistics	GSSC, Peshawar	GDC, Balakot (Mansehra)
14.	Mr. Fazli Rabbi Associate Prof: of English	GDC, Chakessar	GDC, Puran
15.	Mr. Muhtaram Associate Prof: of Law	GDC, Daggarr (Buner)	GDC, Yar Hussain (Swabi)
16.	Mr. Farooq Said Associate Prof: of Mathematics	GDC, Ahmad Abad (Karak)	GPGC, Karak
17.	Mr. Mohammad Yousaf Associate Prof: of Statistics	GPGC, Dargai (Malakand)	GDC, Kakki (Bannu)
18.	Mr. Afzal Aman Associate Prof: of Law	GDC, Chitral	GDC, Daggarr (Buner)
19.	Mr. Zahoourud Din Associate Prof: of Pol: Science	GDC, Chitral	GDC, Agra (Malakand)
20.	Mr. Sami ulHaq Associate Prof: of Maths	GDC, Daggarr (Buner)	GDC, Lahor (Swabi)

**ATTESTED**

21.	Mr. Mohammad Jehan Associate Prof: of Economics	GDC, Daggar (Buner)	GPGC, Swabi
22.	Mr. Jamil Ahmad Associate Prof: of Pol: Science	GDC, Daggar (Buner)	GDC, Zaroobi (Swabi)
23.	S. Farkhanda Shah Associate Prof: of Economics	GPGC, Swabi	GDC, Daggar (Buner)
24.	Mr. Taj Wali Associate Prof: of Botany	GPGC, Swabi	GC, Peshawar
25.	Mr. Sami ur Rehman Associate Prof: of Maths	GDC, Lahor (Swabi)	GDC, Daggar (Buner)
26.	Mr. Imtiaz Ali Associate Prof: of Urdu	GPGC, No. 1 Abbottabad	GDC, Gandaf (Swabi)
27.	Mr. Mumtaz Ali Shah Associate Prof: of English	GPGJC, S/Sharif (Swat)	GPGC, Matta (Swat)
28.	Mr. Javed Iqbal Associate Prof: of Urdu	GPGJC, S/Sharif (Swat)	GDC, Madyan (Swat)
29.	Mr. Shoukat Ali Associate Prof: of English	GPGC, Matta (Swat)	GPGJC, S/Sharif (Swat)
30.	Mr. Mohammad Amin Associate Prof: of English	GPGC, Matta (Swat)	GPGC, Timergara Dir (Lower)
31.	Mr. Gulab Shah Associate Prof: of Pol: Science	GC, Peshawar	GDC, Hayatabad
32.	Mr. Zahid Ali Associate Prof: of Economics	GDC, Pabbi (Nowshera)	GDC, Gandaf (Swabi)
33.	Mr. Mir Aslam Khan Associate Prof: of Pol: Science	GDC, Landi Jalander (Bannu)	GDC, No. 2 D.I.Khan
34.	Mr. Shahid Hussain Abbasi Associate Prof: of Law	GPGC, No1 Abbottabad	GDC, Zaida (Swabi) and GDC, Mamash Khel (Bannu)
35.	Mr. Sajjad Ahmad Associate Prof: of Statistics	GPGC, Swabi	GDC, Darband (Mansehra)

2. Consequently, readjustment of the following Associate Professor (Male) is also hereby notified.

**MALE ASSOCIATE PROFESSOR (BPS-19)**


S.#	Name/Designation	From	To	Remarks
1.	Mr. Mohammad Nadeem Associate Prof: of Pashto	GDC, Sabirabad (Karak)	GDC, Thall Hangu	Against Vacant Post

SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Endst: No. & Date Even**

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principals of the colleges concerned.
4. District Accounts Officers concerned.
5. Deputy Director HEMIS Cell, Higher Education Department, Tasneem Plaza 3rd Floor, 2nd Flat, Saddar Peshawar.
6. Officers concerned.

  
Section Officer (Colleges-I)

S. No.	Name of Teacher	Designation/Subjects	Grade	Date of Birth	D/O 1st Apptt:	D/O Taking Over Charge in the present Grade	D/O Taking Over Charge in present College	Remarks
1	Ghulam Jan	Principal/ prof. of Arabic/Islamyat	20	10/05/1957	14/01/1984	14/05/2013	1/12/2014	
2	Shah Naraz	Associate Prof. of Islamiat	19	08-04-1956	18-10-1981	10-01-2012	10-01-2012	
3	Sher Ahmad Khan	Associate Prof. of Pol. Science	19	16-04-1958	19-11-1987	10-01-2012	01-06-2013	
4	Aman Ullah Khan	Associate Prof. of History cum Civics	19	15-01-1961	01-08-2007	30-5-2015	19-5-2011	
5	Bismillah Jan	Associate Prof. of statistics	19	28-02-1965	21-06-1990	05-08-2014	05-08-2014	
6	Akram Khan	Associate Prof. of Mathematics	19	12-04-1964	07-12-1988	09-08-2014	09-08-2014	
7	Shadab Gul	Assistant prof. of Physics	18	10/04/1978	05/01/2008	13/12/2014	07/01/2008	
8	Irfan Ullah	Assistant prof. of Pak-study	18	15/03/1982	29/09/2007	13/12/2014	11/01/2009	
9	Sardar e Alam	Assistant Prof. of Political Sc	18	01-04-1979	11/10/2007	13/12/2014	13/12/2014	
10	Ishaq Khan	Assistant Prof. of Pol. Science	18	01-04-1965	27-03-1998	19-05-2011	01-02-2012	
11	Badiuz Zaman	Assistant Prof. of English	18	11-11-1968	14-11-1998	18-05-2011	18-05-2011	
12	Shabir Hassan Shah	Assistant Prof. of Urdu	18	31-10-1976	26-02-2003	28-05-2013	26-02-2003	
13	Hazrat Ali	Assistant Prof. of Islamiat	18	01-06-1968	01-11-1986	30-05-2013	01-04-2009	
14	Barkat Ali	Lecturer in Mathematics	17	02-01-1983	22-11-2007	22-11-2007	22-11-2007	
15	Syed Fakhr-e-Alam	Lecturer in Statistics	17	15-04-1981	17-11-2006	25-11-2006	13-07-2010	
16	Muhammad Ismail	Lecturer in Economics	17	12-02-1983	07-01-2012	07-01-2012	23-04-2014	
17	Yousaf Khan	Lecturer in Pashto	17	20-09-1974	01-10-2007	01-10-2007	01-10-2007	
18	Kifayat Ullah	Lecturer in English	17	15-12-1981	20-09-2006	27-09-2006	01-10-2011	
19	Ahmad Raza	Lecturer in Pol. Science	17	01-02-1981	22-09-2004	24-09-2004	16-03-2013	
20	Waqas Bilal	Lecturer in Zoology	17	02-03-1984	04-08-2009	06-08-2009	12-12-2012	
21	Riaz Ahmad	Lecturer in Chemistry	17	31-03-1986	28-01-2013	28-01-2013	06-01-2014	
22	Akhtar Hussain	Lecturer in H.P.E	17	17-04-1978	24-11-2006	03-04-2011	18-02-2012	
23	Hidayat ullah	Librarian	17	15-03-1981	18-01-2007	19-01-2007	12-07-2013	
24	Muhammad. Pervez Khan	Teaching Assistant in computer science	17	11-08-1985	26-01-2015	27-01-2015	27-01-2015	

ATTESTED

Principal: \_\_\_\_\_

Sign: & Stamp of the College: \_\_\_\_\_

PRINCIPAL  
G.D.C. Ghazni Khet

17

ANX-H

To,

The Principal,  
Govt: Degree College  
Ghazni Khel (Lakki Marwat)

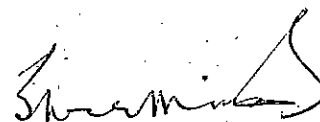
Subject:

ARRIVAL REPORT.

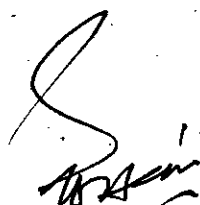
R/Sir,

In compliance with the order of Govt: of Khyber Pakhtunkhwa Higher Education, Archives & Libraries Deptt: Peshawar vide his Notification No. SO(Colleges-II) HED/15-1/2013 Dated 29/05/2013 I hereby submit my arrival report for duty as Associate Professor of Pol: Sc: Govt: Degree College, Ghazni Khel (Lakki Marwat) today on 01/06/2013 (FN)

Dated 01/06/2013



(SHER AHMAD KHAN)  
Associate Professor of Pol: Sc:



**ATTESTED**

SERTIFICATE OF TRANSFER OF CHARGE

1. Certified that we have on the fore/ernoon 01-06-2013 (FN) of this day respectively made over and received charge of the office of the ASSO: Prof: at Govt: Degree College Ghazni Khel (Lakki Marwat) vide Notification No. SO (Colleges)-II) HED/15-01-2013 Dated 29-05-2013 at S.No.13.
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:-

Signature of relieved Vacant post  
Govt: servant

Station Govt: Degree College Ghazni Khel

Dated 01-06-2013

Signature of relieving Sher Ahmad Khan  
Govt: Servant      ASSO: Prof:  
Govt: Degree College Ghazni Khel (Lakki).

OFFICE OF THE PRINCIPAL GOVT: DEGREE COLLEGE GHAZNI KHEL (LAKKI)

No. 492-94 Dated 01/06/2013

Copy to the:-

1. Director of Higher Education K.P.K Peshawar for information please.
2. District accounts officer Lakki Marwat.
3. P/file.

Principal,  
Govt: Degree College  
Ghazni Khel (Lakki Marwat)

Principal  
G.D.C. Ghazni Khel

**ATTESTED**

The Director Higher Education,  
Khyber Pakhtunkhwa, Peshawar.

**Subject: CANCELLATION OF TRANSFER**

R/Sir,

With due respect it is stated that I have been working as Associate Professor of political science at Govt: Degree College Ghazni Khel (Lakki Marwat) since 1<sup>st</sup> June, 2013.

I have been transferred to G.D.C. Paharpur<sup>2</sup> (D.I.Khan),

*Submit*

vide letter No SO (C-I) HE 2-5/2015/ surplus staff/ Dated: 24<sup>th</sup> July, 2015: I ~~am~~ that my transfer is absolutely unjustified and an act of injustice on the following grounds:

(1) I have performed my duties as Lecturer/Assistant Professor/Associate Professor at the following colleges of Fata and Khyber Pakhtunkhwa.

- i. G.D.C. Sadda (Kurram Agency) from November, 1987 to May, 1988.
- ii. G.D.C. Parachinar (Kurram Agency) from May, 1988 to December, 1990.
- iii. G.D.C. Darra Adam Khel (F.R. Kohat) from December, 1990 to August, 2008.
- iv. G.D.C. Tank from August, 2008 to May, 2013.

As evident from the given data, I have been allowed to enjoy home station for only two years throughout my service.

(3) A Lecturer in political science has longer tenure than mine at G.D.C. Ghazni Khel (Lakki Marwat). But instead of the said Lecturer I have been transferred as per rationalization policy:

(4) Three posts of Associate Professor are lying vacant at G.D.C. Ghazni Khel (Lakki Marwat).

It is therefore, requested that keeping in view the above mentioned facts my transfer may be cancelled and the injustice redressed.

Dated: 30/07/2015

Yours obediently,  
Sher Ahmad Khan,  
Associate Professor of political science,  
G.D.C. Ghazni Khel, (Lakki Marwat)

Endst-No \_\_\_\_\_ dated \_\_\_\_\_

**PRINCIPAL**  
G.D.C. Ghazni Khel

Strongly recommended and forwarded to the DHE KPK Peshawar with the remarks that the application is based on facts

*Ahmad*  
**ATTESTED**

WAKALATNAMA  
(Power of Attorney)

Before the KP Service Tribunal Peshawar.

Sheer Ahmad Khan

(Petitioner)  
(Plaintiff)  
(Applicant)  
(Appellant)  
(Complainant)  
(Decree Holder)

VERSUS

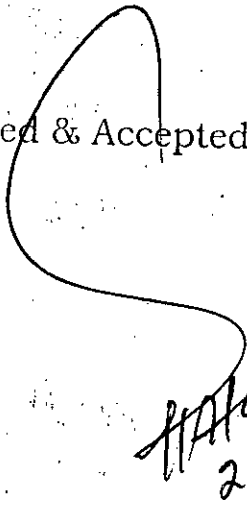
Secretary Higher Education etc

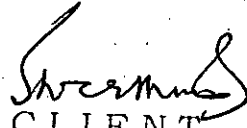
(Respondent)  
(Defendant)  
(Accused)  
(Judgment Debtor)

I/ We, the undersigned

\_\_\_\_\_ in the above noted Service Appeal, do hereby appoint and constitute **S. Shahid Sherazi, Muhammad Wasim Awan** Advocates D.I.Khan to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted.

  
S. Shahid Sherazi  
2, Nov. 2015

  
CLIENT

Sheer Ahmad Khan  
3/0 Haji Muhammad  
3/0 Chubak Khor  
Lakki Mawat

**S. Shahid Sherazi**  
&  
**Muhammad Wasim Awan**  
Advocates High Court,  
Mastan Zaidi Hall,  
Distt: Bar, D.I.Khan.  
Cell : 0333-9962514  
sishcrazi\_09@yahoo.com



**KHYBER PAKHTUNKHWA  
BAR COUNCIL**

**ADVOCATE HIGH COURT**



**SYED SHAHID  
IRFAN SHERAZI**  
Adv. ID: BC-11-2497



Secretary's  
Signature

A handwritten signature in black ink, appearing to be 'P. P. P.' or similar, located below the 'Secretary's Signature' text.

Before the KP Service Tribunal Peshawar  
Shir Ahmad Khan vs Higher Education

Application for early fixation  
at Peshawar.

Respectfully Sheweth

1. That the titled service appeal no. 1327 is yet to be fixed.
2. That because of urgent matter and stay application, the same may be fixed at Peshawar at earliest.
3. That it is just, fair as well as in the interest of justice the same may be fixed.

It is therefore prayed that  
by accepting this application  
the titled appeal no. 1327 may please  
be fixed at Peshawar at earliest  
as convenient.

Dated: 27/11/2015

Through,

Applicant  
S. Shahid Shorazi  
Advocate, High Court

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

**Service Appeal 1327/2015**

Mr. Sher Ahmad Khan..... Appellant

VERSUS

Govt of Khyber Pakhtunkhwa & others..... Respondents.

Subject: - **REPLY TO STAY APPLICATION**

**PRELIMINARY OBJECTIONS:-**

Respectfully Sheweth:-

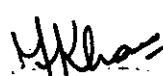
1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has not come to the Hon'able Tribunal with clean hands.
3. That the Hon'able Tribunal lacks jurisdiction to entertain the instant appeal.
4. Transfer/posting is part and parcel of service. Under section-10 of Civil Servant Act, the servant is liable to be transferred anywhere in public interest.


**REPLY ON FACTS:-**

1. No comments.
2. Incorrect. The transfer order is strictly made according to transfer/posting policy therefore it will not cause any irreparable loss to the applicant. All the three ingredients are in favour of respondents.
3. The balance of convenience does not lie in favour of applicant.
4. No comments. However the reply to the appeal may kindly be considered part and parcel of this application.

**PRAYERS:-**

It is therefore, humbly prayed that the application is not maintainable as it is based on misconception hence the application may graciously be dismissed.

  
Secretary, Higher Education,  
Khyber Pakhtunkhwa .Respondent No.1

  
Director, Higher Education,  
Khyber Pakhtunkhwa .Respondent No.2

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

**Service Appeal 1327/2015**

Mr. Sher Ahmad Khan..... Appellant

VERSUS

Govt of Khyber Pakhtunkhwa & others..... Respondents.

**PRELIMINARY OBJECTIONS:-**

Respectfully Sheweth:-

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has not come to the Hon'able Tribunal with clean hands.
3. That the Hon'able Tribunal lacks jurisdiction to entertain the instant appeal.
4. Transfer/posting is part and parcel of service. Under section-10 of Civil Servant Act, the servant is liable to be transferred anywhere in public interest.
5. That appellant has been estopped by his own conduct to file the appeal.
6. That the Appeal is bad for misjoinder and non joinder of necessary parties.

**REPLY ON FACTS:-**

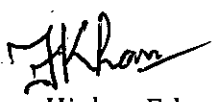
1. Pertains to record.
2. Subject to proof.
3. Pertains to record.
4. Incorrect. It is the prerogative of the competent authority to transfer the civil servant anywhere, and it is not a vested right of the civil servant to be transferred as he please. Moreover, he has already completed his normal tenure.
5. Correct to the extent that corrigendum was issued in respect of cancellation of transfer order of some officials, but it is pertinent to mention here that keeping in view the grievances of officials, the Competent Authority cancelled the transfer orders of some officials in the best public interest. There is no political interference.
6. Needs no comments.
7. Correct.
8. Correct. But it is pertinent to mention here that it is the prerogative of the competent authority to transfer civil servant anywhere as it is not a vested right of civil servant to transfer as he please. So the competent authority rejected the departmental appeal of the appellant.
9. No comments.


**ON GROUNDS:-**

- a. Incorrect. The appellant has been transferred according to section-10 of civil servant act, in the best interest of public. Transfer /posting is part and parcel of the service.
- b. Correct. The departmental appeal was rejected because it is the prerogative of the competent authority to transfer the civil servant anywhere in the best public interest.
- c. Incorrect and misconceived. As the impugned order is in accordance with section 10 of Civil servant act.
- d. Correct to the extent that appellant has only two years service left but it is pertinent to mention here that it is the prerogative of Government to transfer any civil servant anywhere in the interest of public service.
- e. Needs no comments.
- f. Incorrect as per para A.

**PRAVERS:-**

It is therefore, humbly prayed that the appeal is not maintainable as it is based on misconception hence the appeal may graciously be dismissed

  
Secretary, Higher Education,  
Khyber Pakhtunkhwa .Respondent No.1

  
Director, Higher Education,  
Khyber Pakhtunkhwa .Respondent No.2