

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	15.09.2015	<p data-bbox="597 418 1393 498" style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p data-bbox="732 544 1175 582" style="text-align: center;">Service Appeal No.1282 /2014</p> <p data-bbox="630 630 1419 708" style="text-align: center;">Mst. Rizwana Versus the Government of KPK through Secretary E&amp;SE, Peshawar etc.</p> <p data-bbox="743 756 932 793" style="text-align: center;"><u>JUDGMENT</u></p> <p data-bbox="597 839 1455 1292"> <u>PIR BAKHSH SHAH, MEMBER.-</u> Counsel for the appellant (Mr. Noor Muhammad Khattak, Advocate), Government Pleader (Mr. Ziaullah) with Bashir Ahmad, Headmaster for the respondent department and counsel for private respondent No. 4 (Mr. Abdullah Qazi, Advocate) present. </p> <p data-bbox="597 1368 1455 1821"> 2. Appellant Mst. Rizwana is aggrieved with the impugned order dated 15.07.2014 vide which she was transferred from GGHSS Skhakot to GGHS Prangai District Malakand. Her departmental appeal was also not responded, hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. </p> <p data-bbox="597 1897 1455 2351"> 3. Appellant was performing as Arabic Teacher BPS-15 in GGMS Gulo Shah. She was promoted as Senior Arabic Teacher BPS-16 vide order dated 18.04.2014. Vide order dated 24.6.2014, the appellant was posted at GGHS Skhakot, vice private respondent No. 4 namely Mst. Nazia Begum. According to record, respondent No. 4 was not </p>

happy with this transfer order which ultimately led to passing of the impugned order on 15.7.2014.

4. Arguments heard and record perused.

5. While perusing the record with the assistance of the learned counsel for the parties, it transpired that the impugned order dated 15.7.2014 has been made on the say of the Local MPA, which order therefore, cannot be appreciated. [2007-SCMR-599, 2012 PLC (C.S) 648 and 2013-SCMR-911].

6. In the stated circumstances instead of direct interference in the impugned order, we would like to remit the case to the appellate authority to examine the matter in the light of the government posting/transfer policy and judgments of the august apex court of the country and to decide transfer issue of the parties strictly in accordance on merit without being influenced by any political intervention. In case the appellate authority failed to resolve the matter within a period of one month after receipt of this order, then this appeal be deemed to have been accepted and the impugned order set aside. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

15.9.2015.

(ABDUL LATIF)  
MEMBER

(PIR BAKHSH SHAH)  
MEMBER

22.06.2015

Junior to counsel for the appellant, Mr. Muhammad Jan, GP for the official respondents and junior to counsel for private respondent No. 4 present. Due to general strike of the bar, counsel for the parties are not available. To come up for arguments on 5.8.2015. Till then status quo is extended.

  
Member

05.08.2015

Counsel for the appellant, M/S Khurshid Khan, SO, Javed Ahmed, Supdt., Bashir Ahmed, Headmaster alongwith Mr. Muhammad Jan, GP for official respondents and clerk of counsel for private respondent No. 4 present. Since the court time is over therefore, case is adjourned to 01-09-2015. Till then status-quo is extended.

  
Member

  
Member

01.09.2015

Appellant with counsel, Mr. Ziaullah, GP with Bashir Ahmad, Headmaster for the official respondents and counsel for private respondent No.4 present. The learned counsel for the private respondent No. 5 submitted that he has noted date of hearing to be 15.09.2015, therefore, he could not prepare arguments for to-day. Last opportunity is given to both the parties for arguments on 15-09-2015. Till then status quo is extended. Office is directed to enter this case on the top of cause list on the date fixed.

  
MEMBER

  
MEMBER

21.04.2015

Counsel for the appellant, Mr. Bashir Ahmad, Head Master alongwith Asstt: AG for official respondents and counsel for private respondent No.4 present. Written reply on behalf of private respondent No.4 submitted. To come up for written reply/comments of the remaining respondents on 07.05.2015 before S.B.

  
Member

07.05.2015

Counsel for the appellant, Mr. Bashir Ahmad, Head Master alongwith Asstt; AG for official respondents and counsel for private respondent No.4 present. Written reply on behalf of official respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing on 02.06.2015 before D.B. Till then status-quo be maintained.

  
Member

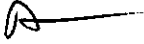
02.06.2015

Counsel for the appellant, Mr. Bashir Ahmad, Head Master alongwith Addl: AG for official respondents and husband of private respondent No4 present. Rejoinder submitted which is placed on file and copy handed over to the respondents. Since the case pertains to posting/transfer, therefore fixed for short date. To come up for arguments on 22.06.2015. Till then status-quo be maintained.

  
Member

7.  
02.03.2015

Counsel for the appellant, Asst: AG for official respondents and counsel private respondent No.4 present. Representatives of the respondents need time to submit written reply/comments. To come up for written reply/comments on 31.03.2015 Before S.B. Till the next date status-quo will be maintained.

  
Member

8.  
31.03.2015

Clerk of counsel for the appellant and Mr. Bashir Ahmad, Head Master with Asstt: AG for the respondents present. Written reply/comments on behalf of the respondents have not been received. Representative of the respondents need time to submit written reply/comments. Last opportunity granted to the respondents. To come up for written reply/comments on 21.04.2015. Till then status-quo be maintained.


  
Member

Appel No. 1282/2014  
Mst. Rizwana

22.01.2015


Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 15.07.2014, vide which the appellant was transferred from GGHSS Sakhakot, District Malakand to GGHS Prangai. Against the above referred impugned order appellant filed departmental appeal on 16.07.2014 which was not responded within the statutory period of 90 days; hence the instant appeal on 23.10.2014. He further stated that the impugned transfer is pre-mature and politically motivated. Counsel for the appellant has also filed an application alongwith the appeal for suspending the operation of order dated 15.07.2014. Notice of application should also be issued to the respondents for reply/arguments.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal as well as reply/arguments on application on 17.02.2015 before the learned Bench-III. Till then status-quo be maintained.

  
Member

17.02.2015

Counsel for the appellant and Asst. AG for the respondents present. Mr. Abdullah Qazi, Advocate filed Wakalat Nama on behalf of private respondent No. 4. To come up for written reply/comments on main appeal as well as reply/arguments on application on 02.03.2015 before learned Bench-III. Till then status-quo be maintained.

  
Member

Appellant deposited process fee & security.



6.

3.  
Reader Note:

04.12.2014

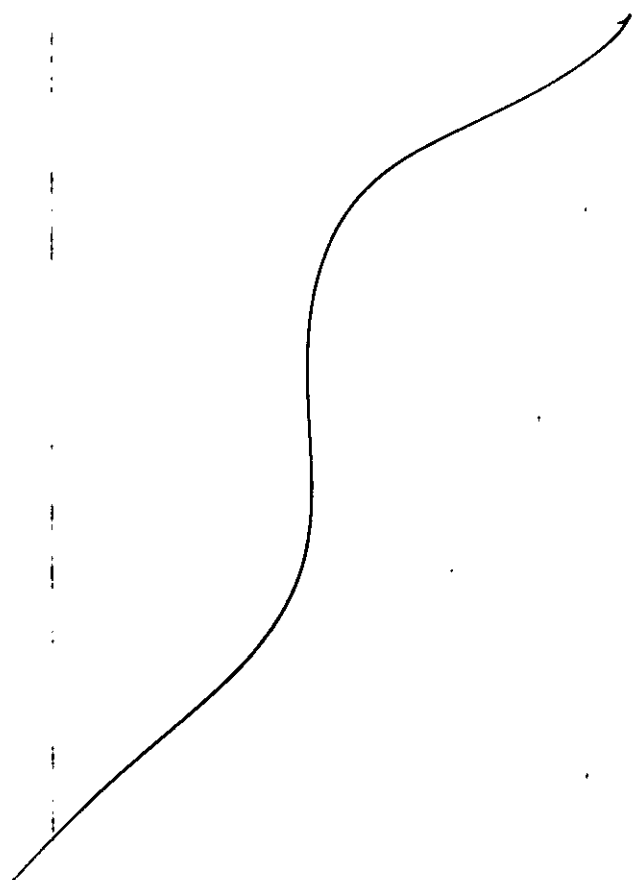
Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 15.01.2015 for the same.

*[Signature]*  
Reader

4.  
15.01.2015

Clerk of counsel for the appellant present, and requested for adjournment due to General Strike of the Bar. To come up for further preliminary hearing on 22.01.2015.



*[Signature]*  
Member



Form- A  
FORM OF ORDER SHEET

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

Case No. 1282/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/10/2014	<p>The appeal Mst. Rizwana resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	6-11-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>4-12-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>




The appeal of Mst. Rizwana Senior Arabic Teacher received today i.e. on 23.10.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexures-A, B and H of the appeal are illegible which may be replaced by legible/better one.

No. 1527 /S.T,

Dt. 24/10 /2014.


  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Peshawar.

Note:

Sir,

All objections have been removed  
hence resubmitted today dated 28/10/2014.

  
28/10/2014

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

APPEAL NO. 1282 /2014

Rizwana

VS

Education Department

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5.	Posting order	<b>C</b>	8.
6.	Charge report	<b>D</b>	9.
7.	Letter	<b>E</b>	10.
8.	Impugned order	<b>F</b>	11.
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10.	Comments	<b>H</b>	13.
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**APPELLANT**

THROUGH:

  
**NOOR MOAHAMMAD KHATTAK**  
**ADVOCATE**

**BEFPRE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Appeal No. 1282 /2014

1321  
23-10-2014

Mst: Rizwana, Senior Arabic Teacher (BPS-16),  
GGHSS Sakhakot under transfer to GGHS Prangai, District Malakand.

.....Appellant

**VERSUS**

- 1- The Govt: of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Malakand.
- 4- Mst. Nazia Begum Arabic Teacher, GGHS Prangai under transfer to GGHSS Sakhakot, District Malakand.

.....Respondents

**APPEAL UNDER SECTION-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974**  
**AGAINST THE PRE-MATURE AND POLITICALLY**  
**MOTIVATED TRANSFER ORDER DATED 15-07-2014**  
**AND AGAINST NOT TAKING ACTION ON THE**  
**DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN**  
**THE STATUTORY PERIOD**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 15-07-2014 may very kindly be set aside and the respondents may be directed not to transfer the appellant from Government Girls Higher Secondary School Sakhakot, District Malakand till completion of her normal tenure of three years. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

That the appellant was appointed as Arabic Teacher in the respondent Department. That right from appointment till date the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of her superiors.

cc-submitted to  
and filed,

28/10/14

- 2- That vide order dated 18-04-2014 the appellant was promoted from the post of Arabic Teacher (BPS-15) to the post of Senior Arabic Teacher (BPS-16) on regular basis and her services were placed at the disposal of respondent No.3 for further posting. Copies of promotion orders and promotion policy are attached as annexure ..... **A & B.**
- 3- That subsequently vide order dated 24-06-2014 the appellant was posted at Government Girls Higher Secondary School Sakhakot, District Malakand and in response the appellant took over the charge of the said post on the same day i.e. vide dated 24-06-2014. Copies of the posting order and charge report are attached as annexure ..... **C & D.**
- 4- That the local MPA namely Mr. Muhammad Ali Shah PK-98 Malakand directed the respondent No.3 to cancel the transfer order of the appellant in favor of respondent No.4. That the respondent No.3 in compliance of the said illegal and unlawful direction issued the impugned order dated 15-07-2014 due to which the appellant was transferred to Government Girls High School Prangai, District Malakand. Copies of the MPA letter and impugned order are attached as annexure ..... **E & F.**
- 5- That the appellant feeling aggrieved from the impugned order dated 15-07-2014 filed Departmental appeal but no heed was paid to her Departmental appeal by the appellate authority i.e respondent No.2. Copies of the Departmental appeal and comments are attached as annexure ..... **G & H.**
- 6- Hence the present appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned order dated 15.07.2014 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department 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 order dated 15.07.2014 is against the Clause I, II and IV of the transfer/posting policy 2009 of the Government of Khyber Pakhtunkhwa. Copy of the policy is attached as annexure ..... **I.**

- D- That the appellant has been transferred by the respondent No.3 pre-maturely, therefore the impugned order dated 15.07.2014 is not tenable in the eye of law and prevailing rules.
- E- That the impugned order dated 15.07.2014 has not been issued by the respondents in the public interest nor exigencies of service.
- F- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 15.07.2014.
- 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**



**Mst: RIZWANA**

**THROUGH:**   
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

APPEAL NO \_\_\_\_\_/2014

Rizwana

VS

Education Department

**APPLICATION FOR SUSPENSION OF OPERATION**  
**OF IMPUGNED ORDER DATED 15-7-2014 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 order dated 15-7-2014 is 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 order dated 15-7-2014 may very kindly be suspended till disposal of this appeal.

APPELLANT



RIZWANA

THROUGH:



NOOR MOHAMMAD KHATTAK  
ADVOCATE

**Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

**Notification**

Consequent upon the recommendation of the Departmental Selection Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO(B&A)1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No. SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following female ATs B-15 are hereby promoted to the post of Senior AT BPS-16 (Rs-10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary/High Schools by the District Education Officers concerned against the newly upgraded Senior AT BPS-16 posts:-

Total No. of AT (F) Posts duly verified by the DAO	63
1/3 share of Senior AT Posts	21
Share of promotion 100%	21
Already promoted	02
Posts available for promotion	19
Proposed for promotion	01

S. No.	S.L.No.	Name of Teacher	Place of Posting	Date of birth	Remarks
1.	56	Rizwana	GGMS Golo Shah	1/2/1982	Services placed at the disposal of DEO (F) Malakand for further posting

**Terms and Conditions:-**

- 1- They would be on probation for the period of one year extendable for another one year.
- 2- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3- Their services can be terminated at any time in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 4- Charge report should be submitted to all concerned.
- 5- Their inter-se-seniority on lower post will remain intact.
- 6- No TA/DA is allowed for joining his duty.
- 7- They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed.

**ATTESTED**


(Mohammad Rafiq Khattak)  
Director E&SE Department

A-5

AT (F) Malakand II



# Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,  
9210437, 9210957, 9210468  
Fax 091-9210936, 0800-33857  
E-mail rafiq\_kk851@yahoo.com

## Notification

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No SO(B&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No. SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following Female ATs B-15 are hereby promoted to the post of Senior AT BPS-16 (Rs. 10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against the newly upgraded Senior AT BPS-16 posts:-

Total No. of AT (F) Posts duly verified by the DAO	03
1/3 share of Senior ATs Posts	21
Share of promotion 100%	21
Already promoted	02
Posts available for promotion	19
Proposed for promotion	01

S.No.	S.L.No.	Name of Teacher	Place of Posting	Date of Birth	Remarks
1	56	Rizwana	GGMS-Golor Shali	1/2/1982	Services placed at the disposal of DEO (F) Malakand for further posting.

### Terms and conditions:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed.

(Muhammad Rafiq Khattak)

Director  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar.

Endst: No. 819-25 / File No. 1 / Promotion Senior AT B-16: Dated Peshawar the 18/01/2014

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (F) Malakand.
3. District Accounts Officer Malakand.
4. Official Concerned.
5. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
7. M/File

**ATTESTED**

Dy: Director Estab (Female)



**Office of the District Education Officer (Male)****Office Order**

Consequent upon the recommendation of the Departmental Selection Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. \_\_\_\_\_ the following Primary School Teacher PST-B-12 are hereby promoted to the post of Senior Primary School Teachers SPST B-14 (8000-610-26300) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further posted in the schools noted against each:-

S.No.	Name	Present School	Place of posting	Remarks

**Terms and Conditions:-**

- 1- They would be on probation for the period of one year extendable for another one year.
- 2- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3- Their services can be terminated at any time in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 4- Charge report should be submitted to all concerned.
- 5- Their inter-se-seniority on lower post will remain intact.
- 6- No TA/DA is allowed for joining his duty.
- 7- They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he is wrongly promoted he will be reversed.

**District Education Officer (Male)****ATTESTED**


Office of the District Education Officer (Male)



PH No.

②  
B-6

Office Order

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. \_\_\_\_\_ the following Primary School Teacher PST-B-12 are hereby promoted to the post of Senior Primary School Teachers SPST-B-14 (8000-610-26300) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further posted in the schools noted against each:-

S.#	Name	Present School	Place of posting	Remarks

Terms and conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Sr. seniority on lower post will remain intact.
6. No DA is allowed for joining his duty.
7. They will give an undertaking to this effect to be recorded in their service book.

(XXXXXXXXXXXXX)  
District Education Officer  
(Male) \_\_\_\_\_

Endst: No. /: Dated Peshawar the 02/02/2013.

- Copy forwarded for information and necessary action to the:-
1. District Account Officer \_\_\_\_\_
  2. Sub Divisional Education Officer \_\_\_\_\_
  3. PA to the Director E&SE, Khyber Pakhtunkhwa, Peshawar.
  4. Official Concerned.
  5. M/File

District Education Officer  
(Male) \_\_\_\_\_

**ATTESTED**

84.



**Khyber Pakhtunkhwa Peshawar**

PH No. 091-9201389, 9210938,  
9210437, 9210957, 9210468  
Fax 091-9210936 0800-33857  
No. 2412-2528 // Promotion/Estt  
Dated Peshawar the 27/01/2013.

7

To: All the District Education Officers,  
(Male & Female), in Khyber Pakhtunkhwa.

Subject: Guidelines for Posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSIT B-15, Qari B-12 to B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.

Memo: I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSIT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and on Promotion of PST B-12 to the post of Senior PST B-14 and PSIT B-15, may be posted as under:-

**Up gradation of Posts in Primary Schools (Female) After Rationalization @ 1-40 ratio**

Sl.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization									
				PST B-12	CT B-15	PSIT B-15	PSST B-14	PST B-12	Qari	CT	AT		
		GGPIS A (JICA)	300	0	0	0	0	0	0	0	0	0	0
		GGPIS B (JICA)	300	0	0	0	0	0	0	0	0	0	0
3	25143	GGPIS C	1173	0	0	1	0	1	0	0	0	0	0
4	30056	GGPS D	1150	0	0	1	1	1	0	0	0	0	0
5	25224	GGPS E	1110	0	0	1	1	2	0	0	0	0	0
6	25244	GGPS F	1160	0	0	1	1	3	0	0	0	0	0
7	25277	GGPS G	1198	0	0	1	2	3	0	0	0	0	0
8	25221	GGPS H	1240	0	0	1	2	4	0	0	0	0	0
9	32912	GGPS I	1285	0	0	1	2	5	0	0	0	0	0
10	25097	GGPS J	1320	0	0	1	2	6	0	0	0	0	0
11	25138	GGPS K	1360	0	0	1	3	6	0	0	0	0	0
12	32666	GGPS L	1400	0	0	1	3	7	0	0	0	0	0
13	25273	GGPS M	1440	0	0	1	3	7	0	0	0	0	0
Total			13250	0	0	10	23	50	3	3	0	0	0

**Up gradation of Posts in Primary Schools (Male) After Rationalization @ 1-40 ratio**

Sl.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSIT B-15	PSST B-14	PST B-12	Chou
1	30956	GPS A	1150	1	0	1	1
2	25224	GPS B	1110	1	1	2	1
3	25244	GPS C	1160	1	1	3	1
4	25277	GPS D	1198	1	1	3	1

**ATTESTED**

[Signature]

6	32912	GPS E	210	1	2	3	1
7	25097	GPS F	205	1	2	4	1
8	25138	GPS G	320	1	2	5	1
9	32606	GPS H	360	1	3	6	1
10	32606	GPS I	400	1	3	7	1
10	25278	GPS J, K	440	1	3	7	1
Total			2563	10	17	38	10

Note:-

- Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15.
- There will be no post of PSHT B-15 & SPST B-14 in MPS.
- No of posts of PSHT B-15, SPST B-14 & PST B-12 will not exceed the already communicated sanctioned posts.

### Posting on Promotion

- On Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted in the same UCs Subject to the provisions of sanctioned post.
- Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.
- In their promotion order, it should be mentioned that their Inter-se-Seniority on lower post will remain intact.
- If anyone forego promotion, Entry to this effect may be made if his/her Service book.
- Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

I am further directed to further clarify that:

- On promotion Qari B-12 to the post of Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools.
- 1/3 Qari B-12 posts will be upgraded to Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16 in High and Higher Secondary Schools only in Elementary and Secondary Education Department at District Level.
- No post of CT B-15, PET B-15, AT B-15, DM B-15, TT-15, will be upgraded to B-16 in Middle Schools.
- Senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16, Senior TT B-16 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.

Dy: Director (Estab)

Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar.

Encls: No. 1/11/14/4-SS/KC/1151 Dated Peshawar the 18/01/2013.

- Copy forwarded for information and necessary action to the:-
- PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
- PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
- M/File

Dy: Director (Estab)  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

C-8

(B)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (F) MALAKAND AT BATKHELA,**

**CE ORDER:**

In pursuance of the Notification issued by the Director, E&SE, Khyber Pakhtun Khwa, Peshawar in his office Endst:No.1819-25/F No.1/Promotion(F)Senior AT B-16 dated 18-04-2011, the following (i) AT BPS-15 promoted to the post of Female Senior AT BPS-No.16 are hereby further adjusted against vacant posts, up-graded to BPS-16 and re-designated as Senior TT's shown at S.No.9 of the Govt: of Khyber Pakhtun Khwa, Elementary and Secondary Education Department Notification No.SO(B&A)/1-18/E&SE/2012 dated 11-07-2012 bearing Finance Department Endst: No.SO(F)FD/10-22(F)2010, dated 16-07-2012.

Seniority No.	Name	Father's name	Name of Present School	School where posted as Senior TT BPS 16	Remarks
56	Rizwana	Mohammad Shah	GGMS Gulo Shah	GGHSS Sakhakot	Vise Nazia AT

- i. Charge reports should be submitted to all concerned.
- ii. Other terms and conditions as laid down in the notification of 18-04-2014 shall remain intact.

(MST;RABBIA BIBI)  
DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.

No. 2609-14 /Promotion (F) Senior AT, B-16, Dated: 24/6 /2014

Copy forwarded to the:-

- 1. Director (E&SE) Department Khyber Pakhtunkhwa, Peshawar.
- 2. District Accounts Officer Malakand.
- 3-5. Principal GGHSS Sakhakot and Headmistress Govt: Girls Middle school Guloshahi.
- 6-8. Teachers concerned

**ATTESTED**

DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.

D-9

24/6/14 (F.N)

**CERTIFICATE OF TRANSFER OF CHARGE**

1. Certified that we have on the fore/afternoon of this day respectively made over and receive charge of this office of the AT. P. H. S. Sakhalat (F.N)  
AT. P. H. S. Sakhalat (F.N) dt 24-6-2014
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:—

Station AT. P. H. S. Sakhalat

Signature of relieved Government servant [Signature]

Designation AT

Dated 24-6-2014 (F.N)

Signature of relieving Government servant [Signature]

Designation [Signature]

**ATTESTED**


*No need*

*[Signature]*

OFFICE OF THE PRINCIPAL, STATE GOVERNMENT, MOBILE, ALABAMA.

Exhibit No. 2019-20 / Character Report dated August 24, 1961, 1961.  
Copy forwarded Confidentially to:

- 1. The District Attorney (P) at Mobile, Alabama.
- 2. The Agency Account Officer at Mobile.

  
PRINCIPAL  
GOVERNMENT  
MOBILE, ALABAMA

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E-106

Syed Muhammad Ali Shah

M.P.A  
P.K 98 Malakand-1  
Parliamentary Leader P.P.P  
Ph: +92 932 320 225  
Cell: +92 334 5923 705

Ref # \_\_\_\_\_

Date \_\_\_\_\_

Respected D.O Sahiba  
Education female Malakand

AA

Please kindly cancel the  
former order of <sup>AT</sup> Nazia Begum  
from ~~Malakand~~ Sahkhat. I shall  
be grateful.

Muhammad Aslam  
ATD

**ATTESTED**

M.A.



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F-11  
①  
②

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)MALAKAND.

CORRIGENDUM/

In compliance with the direction of the Director of Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar recorded on the Original appeal of Mst:Nazia AT GGHS Sakhkot, the place of posting in r/o Rizwana, AT shown in column NO.05 of this office order issued under Endst: NO.2609-14 dated 24-6-2014 may be read Govt:Girls High School Prangai instead of GGHS Sakhkot vice Yasmeen AT is adjusted at GGMS Guloshah in the interest of public service with immediate effect.

- NOTE:-
1. NO TA/DA is Allowed.
  2. Charge Report should be submitted to all concerned.

(MST:RABIA BIBI)  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA

Endst: NO. 2873-82 /Promotion (F)S:AT /Dated Batkhela the 15/07 /2014.

Copy of the is Forwarded to :-

1. The Director of E & S: E Khyber Pakhtun Khwa Peshawar for information please.
2. The District Accounts Officer, Malakand.
3. The Principal GGHS Sakhkot and Head Mistress GGHS Prangai.
4. The Head Head Mistress GGMS Guloshah.
5. The Budget & Accounts Officer local office.
6. The Teachers concerned.

DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA

Furidoori/Trun/Adoc:

**ATTESTED**

AT Teacher (جی ایچ ایچ) کے لئے  
CO.HSS Government M.A

14/7/2014

جی ایچ ایچ

اپنے

**ATTESTED**

میں نے اس کے لئے اس کے لئے اس کے لئے  
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AT Teacher (جی ایچ ایچ) کے لئے  
AT Teacher (جی ایچ ایچ) کے لئے  
AT Teacher (جی ایچ ایچ) کے لئے

15/7/2014

KPK کے لئے اس کے لئے اس کے لئے  
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5-12

(5)

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA**

NO. 3135/F.NO.1/Promotion of AT Dated Batkhela the 15.8.2014

TO

The Director E&SE Department  
Khyber Pakhtunkhwa Peshawar

Subject: **APPEAL**

Memo:-

Kindly refer to your letter Memo No.5019/F.NO.20(F)/Complaint/Appeal dated 07.08.2014 received in this office on 08.08.2014 on the subject cited above.

It is stated for your kind information that Mst: Rizwana AT was promoted by your good self vide NO.1819-25/File No. 1/19 Senior AT BPS-16 dated 18.04.2014 and further placed at the disposal of the undersigned of Education Department they will be posted in the GGHSS/GGHS by the DEO concerned so the undersigned promoted the post of Govt: Girls Higher Secondary School Sakhakot from BPS-15 to 16 and posted the promoted against the Senior AT post at GGHSS Sakhakot office Endst: No. 2609-14 dated 24.06.2014 vice Mst: Nazia AT.

Mst: Nazia AT was approached to your good self and as well as MPA concerned. Your good self recommended her application and issue a clear order i.e. "PLEASE LOOK IN TO THE MATTER AND THE s. at MAY BE ACCOMODATED IN SOME OTHER SCHOOL" so this office adjusted the S.AT at GGHS Prangar District Malakand.

Submitted for necessary action please.

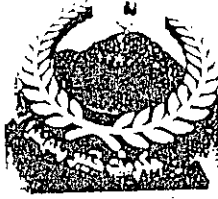
**DISTRICT EDUCATION OFFICER  
(FEMALE) MALAKAND AT BATKHELA**

**ATTESTED**



4

H-13



OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.

Telephone No. 0932-410283  
E-mail: emismalakand@yahoo.com

No. 3135 /F.NO.1/Promotion of AT

Dated Batkhela the: 15/08/2014.

TO

The Director, E & S  
Khyber Pakhtunkhwa Education

Subject: APPEAL.


Memo:-


Kindly refer to Memo: NO.5019/F.NO.2G(F)/Complaint/Appeal dated 07-08-2014 received in this office on 08-07-2014 on the subject cited above.

It is stated for your information that Mst:Rizwana AT was promoted by your good-self vide NO.1819-25/File NO.1/11/11 Senior AT BPS-16 dated 18-04-2014 and further placed at the disposal of the undersigned for the purpose that "they will be posted in the GGHSS/GGHS by the DEO concerned" so the undersigned transferred the post of Govt: Girls Higher Secondary School Sakhakot from BPS-15 to 16 and posted the applicant against the Senior AT post at GGHSS Sakhakot vide this office Endst: NO.2609-14 dated 24-06-2014 vice Mst:Nazia AT.

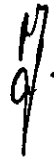
Mst:Nazia AT was approached to your good-self and as well as MPA concerned. Your good-self Recommended here application and issue a Clear order i.e. "PLEASE LOOK IN TO THE MATTER AND THE s.at MAY BE ACCOMMODATED IN SOME OTHER SCHOOL" so this office adjusted the S.AT at GGHS Prangai District Malakand

Submitted for necessary action please.

  
DISTRICT EDUCATION OFFICER  
(FEMALE)MALAKAND AT BATKHELA

  
Faridoon Khan/Training.

**ATTESTED**





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 posing/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.  
2 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.

All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government servants at the station of the residence of their parents.

ATTESTED

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

Posting – Transfer Policy – updated till 10 Jan, 2009

- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

ATTESTED

*[Signature]*

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

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule -IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance:

**ATTESTED**

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.



VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2014

Rizwana

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)  
(DEFENDANT)

I/We Rizwana

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:      /      / 2014

Rizwana

CLIENT

M

ACCEPTED

**NOOR MOHAMMAD KHATTAK**  
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 1282/2014

Mst. Rizwana

VS

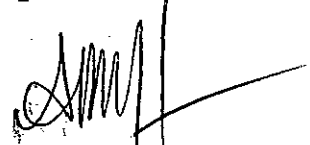
Govt of KP through Secretary  
(E&SE) Department and others

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Reply to Appeal		14
2.	Reply to application		5-6
3.	Copies of departmental appeal & Certificate	A3A1	7-8

Respondent No. 4

Through



**Abdullah Qazi**  
Advocate High Court,  
Peshawar.

Dated: 31/03/2015

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 1282/2014

Mst. Rizwana

VS

Govt of KP through Secretary  
(E&SE) Department and others

**REPLY ON BEHALF OF RESPONDENT NO. 4**

**Respectfully Sheweth:**

**Preliminary Objections:**

1. That the appeal is not maintainable.
2. That the appellant has got no cause of action against the respondents and the appeal has become infructuous as the appellant has taken over charge in G.G.H.S. Prangay and she is performing her duties over there.
3. That the appellant has not come to this Hon'ble Tribunal with clean hands.
4. That under the law a Civil Servant is required/ supposed to perform his/her duties where ever the competent authority posts a Civil Servant and the same way the appellant is also supposed to perform her duties at G.G.H.S, Prangay.
5. That appeal is hopelessly time barred.
6. That the appeal is baseless and based on malafide as no political interference or any other influence has been used/ caused to be used by the respondent No. 4.

**ON FACTS:**

1. That Para No. 1 of the appeal pertains to the service record of the appellant and has not concerned whatsoever with the respondent No. 4.
2. That Para No. 2 also relates to the service record of the appellant and has no concern with respondent No. 4, hence needs no reply.
3. That Para No. 3 of the appeal is wrong, incorrect and baseless as stated, the appellant has never taken charge at G.G.H.S.S, Sakha Kot and is serving/ performing her duties at G.G.H.S, Prangay. (Copy of the service certificate is attached as annexure "A")
4. That Para No. 4 of the appeal is wrong, incorrect and baseless and based on malafide as stated. It is evident from the Para that baseless allegations has been leveled in an indirect way against the appellant. The appellant had filed a departmental appeal against the order dated 15/07/2014 before the respondent No. 2 and respondent No. 2 being a competent authority directed respondent No. 3 and as such the order dated 15/07/2014 was modified and thus no illegality has been committed in the matter. Hence the para is baseless, based on malafide and not tenable. (Copies of departmental appeal is annexed as annexure "A/1").
5. That in response to Para No. 5 it is stated that as the departmental appeal/ representation of the appellant was based on malafide and baseless, therefore, no heed was paid to it, further it is stated

that both the school i.e. G.G.H.S.S, Sakha Kot and G.G.H.S.S, Parangay are situated in the same Union Council and the posting of respondent No. 4 at G.G.H.S.S, Sakha Kot was based on reason and according to policy and regulations regarding the matter.

**GROUNDS:**

- A. That the order dated 15/07/2014 is a legal, valid, just and proper order based on grave personal humanitarian ground, hence tenable and not liable to be set aside.
- B. That nor an illegality, in any manner is being committed neither any violation of law or rules being made. Hence the para is not tenable.
- C. That the order dated 15/07/2014 is not against any provision of Transfer/ Posting Policy of 2009 of the respondent No. 1, rather it is in accordance with the provision of the policy.
- D. That Para No. "D" is not correct. Both the schools are situated in the same Union Council and are within the readies of not more than above two kilometers. The competent authority has issued a valid direction on the appeal of the respondent No. 4 and it is at par with the law, rules and regulations pertaining to the matter.

(4)

- E. That the order dated 15/07/2014 has been issued by the respondents in public interest and according to the policy of the Government.
- F. That the respondents have not acted in any arbitrary manner but keeping in view the circumstances of the case/ cause of respondent No. 4 have acted in a legal way. Hence the impugned order needs not to be interfered.
- G. That the respondent No. 4 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 very graciously be dismissed.

Or any other relief which this Hon'ble Tribunal deemed proper may also be granted in favour of respondent No. 4.

Respondent No. 4

Through

Dated: 31/03/2015

  
**Abdullah Qazi**  
Advocate High Court,  
Peshawar.

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No. 1282/2014

Mst. Rizwana VS Govt of KP through Secretary  
(E&SE) Department and others

**REPLY TO APPLICATION ON BEHALF OF**  
**RESPONDENT NO. 4.**

**Respectfully Sheweth:**

1. That is correct to the extent of pendency of the appeal.
2. That the Para No. 2 of the application is incorrect, wrong and baseless, hence not tenable.
3. That the Para No. 3 of the application is also incorrect, wrong and baseless, the impugned order dated has been issued in accordance with law, rules and regulation and policy.
4. That the grounds of reply to main appeal of the appellant may also be considered as integral part of this reply.

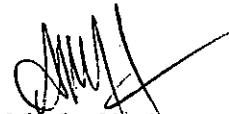
6

It is, therefore, most humbly prayed that on acceptance of this reply, the application of the appellant may please be dismissed.

Respondent No. 4

Through

Dated: 31/03/2015



**Abdullah Qazi**  
Advocate High Court,  
Peshawar.

**AFFIDAVIT:**

I, **Abdullah Qazi** Advocate, Peshawar, as per instructions of my client, do hereby solemnly affirm and declare, that the contents of the **Written Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



**ADVOCATE**

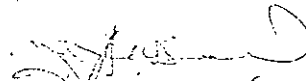


⑦

Annex - A

Salaries Certificate

Certified that Mrs. Rizwana, SAT  
B-16, made over charge of SAT B-16 Post at  
this school and drawn her pay with allowances  
w.e.f. 7/25/14 to date.

  
HEAD MISTRESS  
GOVT. GIRLS HIGH SCHOOL  
PRANGAI MALAKAND

جیو واٹر گورنمنٹ آف انڈینڈری انجینئرنگ اینڈ ٹیکنیشن پیماور  
گورنمنٹ آف انڈینڈری انجینئرنگ اینڈ ٹیکنیشن پیماور

درواسہ پیکر منسوخ تبادله

کے مطابق یہ دروازے ڈارٹس بجائی ہے کہ بند کا عمل ہم چار سال  
میں گورنمنٹ گورنمنٹ آف انڈینڈری انجینئرنگ اینڈ ٹیکنیشن پیماور  
انہی کی طرف سے ہوئی ہے۔ یہ اس کا تبادلہ ہم نے کول  
A-T کا نام دیا ہے اور اس کے ساتھ ساتھ لہ انٹرنیٹ  
میں ہو چکا ہے۔ اور اس کے ساتھ ساتھ لہ انٹرنیٹ  
گنا ہے۔ چونکہ میں دل کے عارف میں میں مسئلہ ہے اس لیے  
میں وہاں آئے ہیں۔ اس کے ساتھ ساتھ لہ انٹرنیٹ  
غیر متعلقہ یونٹوں کو بھی اس کے ساتھ ساتھ لہ انٹرنیٹ  
ہے۔ جنکی سر وی کے عہدہ دار ان ٹیکوں میں سے  
بہت زیادہ ہے۔

انہی کے ساتھ ساتھ لہ انٹرنیٹ  
تبادله کے حکم کو منسوخ کرنے کے احکامات جاری فرمائیں  
شکر و خواہیہ

المؤم - 14/7/14

ال حاضر  
ایکٹایہ صرف

میں  
نازیہ بلکہ  
گورنمنٹ آف انڈینڈری انجینئرنگ  
انڈینڈری انجینئرنگ اینڈ ٹیکنیشن پیماور

DBOFC,  
Malakhera

Please refer to  
the matter and the SAT  
may be accommodated  
in some other High  
School.

14/7/14  
Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Government

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA PESHAWAR

Service Appeal No1282/2014

Mst:Rizwana Senior Arabic Teacher (BPS-16)  
GGHS Sakhakot under transfer to GGHS Prangai District Malakand. (Appellant)

## VERSUS

1. The secretary to Govt of Khyber Pakhtoonkhwa Elementary and secondary Education Peshawar
2. The Director Elementary & Secondary Education, Khyber Pakhtoonkhwa, Peshawar.
3. The District Education Officer (F) Malakand at Batkhela.
4. Mst:Nazia Begum Arabic Teacher, GGHS Prangai under transfer to GGHS Sakhakot, District Malakand.

.....(Respondents)

Para wise comments on behalf of respondents no 1-3

Respectfully Sheweth  
Preliminary Objections.

1. That the Appellant has not come to this august Tribunal with clean hands..
2. That the appellant has got no cause of action..
3. That the appellan is incompetent in its present form..
4. That the appellant is estopped by his own conduct to file the instant appeal.
5. That the instant appeal is infructious and barred by law.
6. That the respondent performs their duties according to law, rules and free of interference of any quarters.
7. That the Appeal is badly time barred as order 15.07.2015 is an appellate order and the appellant filed appeal before this Tribunal on 23.10.2014.


## FACTS.


- 1 Pertains to record hence no comments.
2. Pertain to record hence no comments.
3. The Para is based on malafide and is not tenable .the appellant has never taken over Charge at Govt Girls Higher Secondary School Sakhakot on 24-06-2014.Further Appellant concealed the material facts that subsequently a Corrigendum order vide dated 15.07.2014 issued and the Appellant was adjusted in the same Union Council and the appellant took charge did not object the same and Drawing salary from the School .Certificate of Head Mistress is **annexed (A)**
4. Incorrect, The Respondent No.4 submitted a departmental appeal against the order 24/06/2014 before the Respondent No 2, and Respondent No. 2 being a competent authority directed the Respondent No.3 and as such order dated 15/07/2014 was modified vide Corrigendum dated 15.07.2014 . No illegality has been committed in the impugned order .Hence the Para No4 of the appeal is wrong, incorrect and baseless, and based on malafide and baseless allegations. **(Annexure B+C)**
5. Incorrect. The appellant has not been submitted any application for her adjustment or Restoration of order. Further, it is stated that both the schools **GGHSS Sakhakot** and **GGHS Prangai** are situated in the same Union Council.Further there is no provision of second Representation under the law Hence Appeal of the Appellant is badly time barred.
6. Incorrect The appellant has got no cause of action and his appeal is liable to be dismissed on the following grounds.

**GROUND.**


- A. Incorrect that the order dated 15.07.2014 is issued under the rules policy, facts and according to natural justice.
- B. Incorrect, the appellant was treated in accordance with law, rules and respondents have not violated articles of constitution.
- C. Incorrect, The order dated 15.07.2014 is not against any provision of transfer posting policy 2009 of the Government of Khyber Pakhtunkhwa.
- D. Incorrect, the order-dated 15.07.2014 was issued on the recommendation/direction of the Director of Elementary and Secondary Education Khyber Pakhtunkhwa being a competent authority according to law in the public interest.
- E. Incorrect, The order dated 15.07.2014 has been issued by the Respondents in the Public interest and according to the policy of the Government.
- F. Incorrect, the impugned order dated 15.07.2014 has been issued by the competent authority and are according to law and rules on the subject.
- G. As that the respondents seek permission to advance other grounds and proof at the time of arguments.

It is therefore most humbly prayed that the instant appeal may be dismissed with cost.

  
**SECRETARY,**  
**(E&SE) DEPARTMENT,**  
**GOVT. OF KHYBER PAKHTUNKHWA**  
**AT PESHAWAR.**  
**(RESPONDENT NO.1)**

  
**DIRECTOR,**  
**(E&SE) DEPARTMENT**  
**KHYBER PAKHTUNKHWA PESHAWAR.**  
**(RESPONDENT NO.2)**

5-21/4/2015

  
**DISTRICT EDUCATION OFFICER**  
**(M) MALAKAND AT BATKHELA.**  
**(RESPONDENT NO.3)**

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWAW PESHAWAR**

**Service Appeal No 1282/201**

**Mst:Rizwana Senior Arabic Teacher (BPS-16)**

**GGHSS Sakhakot under Transfer to GHSS Prangai District Malakand**

.....(Appellant)

**VERSUS**

**Govt of Khyber Pakhtoonkhwa & others (Respondents)**

**COUNTER AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that all the contents of the accompanying parawise comments are true and correct to the best of my knowledge and belief and all the coddle formalities were fulfilled.

*C. M.*  
**District Education Officer**  
**(F) Malakand at Batkhela.**  
*[Signature]*

جے ڈی اے کے لیے ایگزیکٹو ایڈمنسٹری اسیسٹنٹ سرکاری ایجوکیشن بیورو

درخواست نامہ درمنوئی تیارہ

ar  
ig  
st  
er  
2.

آپ کا نام ہے  
وہاں پڑھنا شروع کیا ہے کہ مذکورہ سرکاری اسکول  
کوورنٹنگ کمرنگ لڑیاں اسکول کے نفاذ میں کمیٹی A.7  
کے ذریعہ کئی اسکول کے نام دیئے گئے۔ حال ہی میں اسکول  
A.7 کا نام پیش کیا گیا ہے اور جس اسکول کو گورنمنٹ نے  
میں سے منتخب کیا ہے۔ عارضی طور پر یہ اسکول  
کے نام ہیں۔ چونکہ میں اس کے بارے میں مسئلہ پیش کرتا ہوں اس لیے  
آپ کو یہاں آگے پیش کیا جا رہا ہے۔ اس کے  
غیر وہ مسئلہ پیش کیا جا رہا ہے اس لیے اس کے بارے میں  
ہے۔ جس کے سرکاری کے عیار اس کے اسکولوں میں  
پیدا کیے جائیں۔

اس کے بارے میں جاننے والے فرمائیں  
تیارہ کے حکم کو منوئی کرنے کے احکامات جاری فرمائیں  
شکر و خواہش

المؤم 14/7/19

ال صراحتہ  
ایکٹایٹ برصغیر

نیوز ایجنسی  
A.7 گورنمنٹ اسکول  
تازہ حکم  
سرکاری اسکول نفاذ  
کے تحت عدالت

~~Dept  
Malaliamat~~  
Please refer to  
the matter and the SAT  
may be accomplished  
in some other High  
School

Director  
Elementary & Secondary Education  
Ayaz Panchsheela Registrar

Announce (B)

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND.

CORRIGENDUM/

In compliance with the direction of the Director of Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar recorded on the Original appeal of Mst:Nazia AT GGHSS Sakhakot, the place of posting in r/o Rizwana, AT shown in column NO.05 of this office order issued under Endst: NO.2609-14 dated 24-6-2014, may be read Govt:Girls High School Prangai instead of GGHSS Sakhakot vice Yasmeeen AT is adjusted at GGMS Guloshah in the interest of public service with immediate effect.

NOTE:-

1. NO TA/DA is Allowed
2. Charge Report should be submitted to all concerned.

(MST:RABBIA BIBI)  
DISTRICT EDUCATION OFFICER  
(FEMALE) MALAKAND AT BATKHELA.

Endst: NO. 2877-82 /Promotion (F)S.AT /Dated Batkhela the 15/07 /2014.

Copy of the is Forwarded to :-


1. The Director of E & S E Khyber Pakhtun Khwa Peshawar for information please.
2. The District Accounts Officer Malakand.
3. The Principal GGHSS Sakhakot and Head Mistress GGHS Prangai.
4. The Head Head Mistress GGMS Guloshah.
5. The Budget & Accounts Officer local office.
6. The Teachers concerned.

DISTRICT EDUCATION OFFICER  
(FEMALE) MALAKAND AT BATKHELA.

Faridoun/Tran/duct:

Salaries Certificate

Certified that Mrs. Rizwana, SAT B-16, made over charge of SAT B-16 Post at this school and drawn her pay with allowances w.e.f. 21/2014 to date.

  
HEAD MISTRESS  
GOVT. GIRLS HIGH SCHOOL  
PRANGAI MALAKAND



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

**APPEAL NO. 1282/2014**

**RIZWANA**

**VS**

**EDUCATION DEPARTMENT**

**REJOINDER ON BEHALF OF APPELLANT IN**  
**RESPONSE TO THE REPLY SUBMITTED BY THE**  
**RESPONDENTS**

**R/ SHEWETH:**

**PRELIMINARY OBJECTIONS:**

**(1 TO 7):**

All the preliminary objections raised by the respondents are incorrect, false, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondent hence need no comments.
- 3- Incorrect and not replied accordingly. That appellant was transferred to GGHSS Sakhakot District Malakand vide order dated 24-06-2014. That in response to the said order the appellant took over the charge of her post at GGHSS Sakhakot on the very next day and started performing her duty quite efficiently and up to the entire satisfaction of her superiors.
- 4- Incorrect and not replied accordingly. That on the illegal and unlawful direction of local MPA namely Mr. Muhammad Ali Shah PK-98 the respondent No.3 cancelled the transfer order of the appellant in favor of respondent No.4 by prematurely transferring the appellant from GGHSS Sakhakot to GGHS Prangai, District Malakand vide impugned order dated 15-07-2014.
- 5- Incorrect and not replied accordingly. That the appellant feeling aggrieved from the impugned order dated 15-07-2014 filed Departmental appeal but no reply was received from the appellate authority i.e. respondent No.2 within the statutory period.

6- Incorrect and not replied accordingly hence denied.

**GROUND:**  
**( A TO G )**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That the impugned order dated 15-07-2014 is against the law, facts, norms of natural justice and material on records hence not tenable and liable to be set aside. That the impugned order dated 15-07-2014 is against the clause I, II and IX of the transfer/posting policy of the Government of Khyber Pakhtunkhwa. That the impugned order dated 15-07-2014 has not been issued in public interest nor exigencies of service. Moreover the impugned order is also been issued in violation of the principle of locus poenitentiae.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may please be accepted as prayed for.

**APPELLANT**



**RIZWANA**

**THROUGH:**



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