


FORM OF ORDER SHEET

Court of _____

Appeal No. 2290/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/11/2023	The appeal of Mst. Shaista Begun, received today through her special attorney. It is fixed for preliminary hearing before touring Single Bench at Swat on <u>7/11/2023</u>
		By the order of Chairman  REGISTRAR

BEFORE THE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL

/CAMP COURT AT GULKADA SWAT

Service Appeal No. 2290 of 2023

Mst. Shaista Begum **VERSUS** Govt. of K.P.K & others.

INDEX

S.No	Description	Annexure	Page No
1	Service appeal	.....	1-4
2	Affidavit and Certificate	.....	5-6
3	Memo of address	.....	7
4	Application suspension		8-9
5	Copy of order dated 04/4/2017	A	10-11
6	Copy of transfer order dated 28/01/2022	B	12
7	Copy of order dated 07/7/2023	C	13
8	Copies pr representation and departmental appeal	D	14-16
9	Copy of E-Transfer police dated 11/9/2019	E	17-22
10	Copy of transfer policy 2009	F	23-28
11	Power of attorney	.....	29-30
12	Notice & receipt	.....	31
13	Wakalat Nama	.....	32

APPELLANT

Mst. Shaista Begum

Through Counsel


MUHAMMAD JAVAID KHAN

Advocate, Supreme Court of Pakistan

Office: Near Allah-u-Akbar Masjid, College

Colony Snidu Sharif Swat.

Cell No. 0343-9607492

1

BEFORE THE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL
/CAMP COURT AT GULKADA SWAT

Service Appeal No. 2290 of 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8848

Dated 2/11/2023

Mst. Shaista Begum D/o Qasim Ali R/o Soora Chamla Tehsil Daggar
District Buner.(Appellant)

VERSUS

1. Government of Khybar Pakhtunkhwa through Secretary Elementary and Secondary Education at Civil Secretariat Peshawar.
2. Director Elementary and Secondary Education Khybar Pakhtunkhwa at Peshawar.
3. District Education Officer (Female) District Buner at Daggar.

.....(Respondents)

Appeal U/s 4, of the Khybar Pakhtunkhwa Service Tribunal Act, against the cancellation order No.2159-67 dated 07/07/2023, issued by respondent No.3, whereby the Notification / posting order No.3657-61 dated 28/01/2022 (whereby appellant was posted at G.G.M.S Badair Tehsil Mandanr District Buner) has been cancelled illegally, unlawfully and unconstitutionally.

PRAYER:

On acceptance of this Service Appeal the cancellation / final order No. 2159-67 dated 07/07/2023 issued by the respondent No.3 may be declared illegal, unlawful and unconstitutional and the notification / posting order No.3657-61 dated 28/01/2022 of the appellant at G.G.M.S Badair Tehsil Mandanr District Buner, may kindly be restored. Or in the alternative the appellant be posted on any other vacant post of D.M nearest to the residence of the appellant.

A
m/
02/11/23

2

Respectfully Sheweth:

1. *That the appellant was appointed as Teacher (D.M) at Government Girls High School Charorai Tehsil Mandanr District Buner, vide order No.7498-7506 dated 04/4/2017.(Copy of order is attached as annexure A).*
2. *That after performing her duties for more than four years 10 months and 24 days, at the said station, the petitioner was transfer to G.G.M.S Badher Tehsil Mandanr District Buner, on vacant post vide order No.3657-6 dated 28/01/2023. (Copy of transfer order dated 28/01/2022 is attached as annexure B).*
3. *That the respondent No.3 cancelled the said transfer order dated 28/01/2023 and appointed another fresh appointee D.M namely Mst. Kainat resident on of Gagra Kalpani, Tehsil Gagra Disrict Buner, vide order No.2159-67 dated 07/7/2023 on the petitioner post.(Copy of order dated 07/7/2023 is attached as annexure C).*
4. *That the petitioner then filed representation to respondent No.3 vide application Diary No.276 dated 10/7/2023 and departmental appeal to respondent No.2, for cancellation of order dated 07/7/2023 and restored the order dated 28/01/2022. Contents of the representation as well as departmental appeal may be considered as integral part of this service appeal.(Copies of representation and departmental appeal are attached as annexure D).*
5. *That the respondents No.2 & 3 have not decided the said representation as well as departmental appeal within the statutory period of 90 days, hence the appellant being still aggrieved of the order No. 2159-67 dated 07/7/2023 and knocking at the doors of this Honourable Tribunal, for the redressal of her grievance, inter alia on the following grounds.*

GROUNDS:

- i. That the inaction of the respondents towards the grievance of the petitioner is illegal, unlawful and unconstitutional.
 - ii. That the inaction of respondents is violation of Article 4,8,25, 38 (e) of the constitution of Islamic Republic of Pakistan 1973.
 - iii. That the cancellation order No. 2159-67 dated 07/7/2023 in respect of the appellant is illegal, unlawful and unconstitutional.
 - iv. That the impugned notification office order dated 07/07/2023 as well as inaction of the respondents towards the grievance of the petitioner is also against the E-transfer policy of the Provincial Government Dated 11/9/2019. (Copy of E-transfer policy is attached as annexure E).
 - v. That the impugned notification/ office order as well as inaction of the respondents is violation of the Transfer Policy of the Provincial Govt. of 2009. (Copy of transfer policy 2009 is attached as annexure F).
 - vi. That some other grounds will be argued at the time of arguments with the prior permission of this Honourable Tribunal.
6. That this appeal has been filed against the cancellation order No. 2159-67 dated 07/7/2023 issued by respondent No.3, against which the appellant has filed representation dated 10/7/2023 to respondents No. 3 and departmental appeal to respondent No.2 which have not been decided as yet, hence this Honourable Tribunal has got jurisdiction and this appeal is within time.

4

It is therefore, humbly prayed that on acceptance of this Service Appeal the cancellation / final order No. 2159-67 dated 07/7/2023 issued by the respondent No.3 may be declared illegal, unlawful and unconstitutional and the notification / posting order No.3657-61 dated 28/01/2022 of the appellant at G.G.M.S Badair Tehsil Mandanr District Buner, may be restored.

Or

The alternative the appellant be posted on any other vacant post of D.M nearest to the residence of the appellant.

Any other remedy which has not specifically been prayed for and to which the appellant is entitled may also be granted in favour of appellant.



APPELLANT

Mst. Shaista Begum

Through Counsel



MUHAMMAD JAVAID KHAN

Advocate, Supreme Court of Pakistan

5

BEFORE THE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL
/CAMP COURT AT GULKADA SWAT

Service Appeal No. _____ of 2023

Mst. Shaista Begum

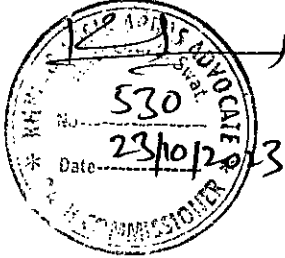
VERSUS

Govt. of K.P.K & others.

AFFIDAVIT

I, Mr. Riaz Ul Haq S/o Shamsul Hadi R/o Soora Tehsil Mandanr District Buner (Special attorney of appellant), do hereby state on oath that the contents of this Service appeal are true and correct to the best of my knowledge and belief.

ATTESTED



DEPONENT

[Signature]
Appellant through special attorney:

Mr. Riaz Ul Haq

6

BEFORE THE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL
/CAMP COURT AT GULKADA SWAT

Service Appeal No. _____ of 2023

Mst. Shaista Begum **VERSUS** Govt. of K.P.K & others.

CERTIFICATE:

It is, certified that no such like Service appeal has earlier been filed before this Honourable court, or any other competent court.

APPELLANT

Mst. Shaista Begum

Through Counsel


MUHAMMAD JAVAID KHAN

Advocate, Supreme Court of Pakistan

7

BEFORE THE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL
/CAMP COURT AT GULKADA SWAT

Service Appeal No. _____ of 2023

Mst. Shaista Begum **VERSUS** Govt. of K.P.K & others.

MEMO OF ADDRESSES

ADDRESS OF THE APPELLANT:

*Appellant through special attorney Mr. Mr. Riaz Ul Haq S/o
Shamsul Hadi R/o Soora Tehsil Mandanr District Buner.*

CNIC No. 15101-9592039-9.

Cell No. 0333-9898178

ADDRESSE OF THE RESPONDENTS:

1. Government of Khybar Pakhtunkhwa through Secretary Elementary and Secondary Education at Civil Secretariat Peshawar.
2. Director Elementary and Secondary Education Khybar Pakhtunkhwa at Peshawar.
3. District Education Officer (Female) District Buner at Dggar.

APPELLANT

Mst. Shaista Begum

Through Counsel


MUHAMMAD JAVAID KHAN

Advocate, Supreme Court of Pakistan

3

BEFORE THE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL
/CAMP COURT AT GULKADA SWAT

Service Appeal No. _____ of 2023

Mst. Shaista Begum **VERSUS** Govt. of K.P.K & others.

Application for the suspension of impugned order
No.2159-67 dated 07/07/2023, till the final disposal of
the instant appeal.

Respectfully Sheweth:

1. That the above captioned appeal has filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the petitioner has well prima facie case and there is very likely hood of success of the above captioned appeal.
3. That the balance of convenience are also in favour of petitioner /appellant.
4. That if the impugned order No.2159-67 dated 07/07/2023 has not suspended then the appellant will suffer irreparable loss.
5. That the facts and grounds of the main appeal may kindly be considered as part and parcel of the instant application.

9

It is therefore, humbly prayed that on acceptance of this application the impugned order No.2159-67 dated 07/07/2023 may kindly be suspended till the final disposal of the instance appeal.

APPELLANT

Mst. Shaista Begum

Through Counsel


MUHAMMAD JAVAID KHAN

Advocate, Supreme Court of Pakistan

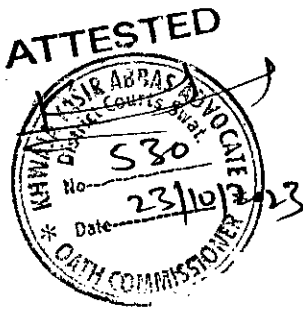
AFFIDAVIT

It is state on oath that the contents of this application are true and correct to the best of my knowledge and belief.


DEPONENT

Appellant through special attorney:

Mr. Riazul Haq





(10)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(F) DISTRICT BUNER
PHONE & FAX NO 0939-510366
EMAIL deofemalebunera@gmail.com

OFFICE ORDER.

Annex (A)

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates is hereby ordered against the post of D.M, in BPS-15 (Rs.13510 -1120-47110) @ Rs. 13510/- fixed plus usual allowances as admissible under the rules on adhoc/ contract basis under the existing policy of the Provincial Government, in Teaching Cadre (**School Based**), on the terms and condition given below, with effect from the date of taking over charge in the best interest of public service.

Attested

S. #	Roll No	Name	CNIC No.	Father's Name	D.O.B	School Name	Remarks
1	8212000040	KALSOOM BIBI	15101-2902319-8	ABDUL HALEEM	01/04/1991	GGMS MANGAL THANA	A.V.P
2	8212000028	NAGEENA	15101-9702579-2	SIRAJ UL HAQ	25/06/1991	GGMS MULA YOUSAF	A.V.P
3	8212000024	FAIZA BIBI	15101-7943628-6	DAWAR KHAN	20/04/1992	GGMS SHANAI NAWAYKALAY	A.V.P
4	8212000046	SHEEMA	15101-2014330-2	MAWASAL KHAN	01/04/1990	GGMS DAGGAR	A.V.P
5	8212000043	NAJMA	15102-0574587-0	BAKAT ZAMAN KHAN	25/05/1992	GGMS BATARA	A.V.P
6	8212000008	SHAISTA BEGUM	15101-6469664-8	QASIM ALI	01/03/1995	GGHS CHARORAI	A.V.P

TERMS & CONDITIONS.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary adhoc /contract basis initially for a period of one year.
4. They should not be handed over charge if their age exceeds 35 years or below 18 years.
5. Appointment is subject to the condition that the certificates, Degree /documents must be verified from the concerned authorities by the office of DEO, if any one found producing bogus/ forge/fake Certificates/Degrees will be reported to the law enforcing agencies for further action.
6. Their services are liable to termination on one month's prior notice from either side. In case of

DM (11)

8. They should join their post within 30 days of the issuance of this notification. In case of failure to join their post within 30 days of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge
10. Before handing over charge, they will sign an agreement with the department, otherwise the order will not be valid.
11. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. Their services will be terminated at any time, in case their performance is found unsatisfactory during their contract period. In case of misconduct, they will be proceeded under the rules framed from time to time.
13. Their appointment is made on (School based), They will have to serve at the place of posting, and their service is (NON-TRANSFERABLE) to any other station/school.
14. Before handing over charge Principals/Head Mistress concerned will check their documents, if they have not acquired the required qualifications, they may not be handed over charge
15. Posting within the selected schools is the wholly solely authority of the appointing authority and no one has the right to claim for a specific school.
16. Medical Certificate should be signed positively by District Education Officer (F) Buner.
17. Errors and omissions will be acceptable within the specified period.
18. The selected candidate will be bound to accept the right of deserving candidates whoever omitted wrongly.

(SADIA ILYAS)
DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER.

Enast: No. 7498-7506 / Dated 4/4 /2017.

Copy forwarded for information and necessary action to the: -

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner at Daggar.
3. District Nazim Buner.
4. District Monitoring officer Buner.
5. District Accounts Officer Buner.
6. Medical Superintendent DHQ Hospital Buner.
7. Principals / Head Mistress Concerned.
8. Officials Concerned.

Attested
Advocate


DISTRICT EDUCATION OFFICER (F)
DISTRICT BUNER



OFFICE OF THE DISTRICT EDUCATION OFFICER
 (GENERAL) DISTRICT BUNER
 PHONE & FAX NO. 0351-310000
 E-MAIL: DEO@punjab.gov.pk



12

NOTIFICATION

Annex
(B)

In pursuance of Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar letter No. SO (SME) & SE 71/2021-PT General dated Peshawar 01/01/2022 and consequent upon the recommendations of District Transfer Committee Thuner the competent authority is pleased to order Mutual General Transfer in respect of the following Teachers to the school noted against each on their own pay & scale in the best interest of public service

S.No	Name of Teacher	Designation	From	To	Remarks
1	Kalsooni Bibi	SST (H.C)	GGHSS Nogram	GGHS Kara Kara na	AVP
2	Hlat	SST (Gen)	GGHS Matwanai	GGMS Rega	subject to the arrival of other Teacher at this level
3	Kalsooni Bibi	CT	GGHSS Shalbanda	GGMS Bajkata	AVP
4	Sumaira Bibi	CT	GGMS Datar	GGMS Elai	AVP
5	Shazida	DM	GGHS Charwan	GGMS Badair	AVP
6	Sarwat	TT	GGHSS Jowar	GGMS Khanano Dherai	AVP
7	Uzma Rani	TT	GGMS Dagar	GGMS Badair	AVP
8	Shama Rahman	CT	GGMS Pak Barr	GGMS Tanawla Dherai	subject to the arrival of other Teacher
9	Akharya Saud	AT	GGMS Pak Barr	GGHSS Batana	do

NOTE:

- 1 NO TA/DA is allowed
- 2 Charge report should submitted to all concerned

(SHAZIA NAWAZ)
 DISTRICT EDUCATION OFFICER (II)
 DISTRICT BUNER

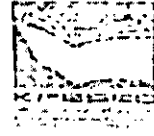
Encl: No. 2657-61 Dated 28/01/2022
 Copy for information to the
 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
 District Monitoring Officer (DMA) Thuner
 District Accounts Officer Thuner
 Principals / Head Mistresses Concerned
 Teachers Concerned

[Signature]
 DISTRICT EDUCATION OFFICER (II)
 DISTRICT BUNER



13

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) DISTRICT BUNIR
PHONE & FAX NO: 0939-510366
E-Mail: deofemalebuner@gmail.com



OFFICE ORDER:-

Whereas: Various posts advertised on 01-12-2021 including DM post for four vacancies in which two posts were filled & two were deferred & according to the vacancies published in advertisement two vacancies at GGMS Balkhunay & GGMS Badair were left for next meritorious candidates.

Whereas: The leftover two next meritorious candidates namely Mst: Faiza Bibi D/O Abdul Ghaway & Mst: Kainat D/O Faiz Rasan approached to Grievances Redressal committee in which meeting was held on 13-06-2023 & appeal of the candidates were accepted & direction issued to DEO (F) Bunir for appointment while on the other hand the candidates approached to Hon: Peshawar High Court Mingora Bench Danul Qaza Swat in writ Petition No: 206-M/2023 for their appointment.

Whereas: Before appointment of these leftover candidates vacancies, already published in advertisement, scrutinized & it was pointed out that one the vacancy of DM at GGMS Badair has been filled due to transfer by then DEO (F) Bunir Vide Notification under Enstt: No: 3657-61 Dated: 28-01-2022 & Mst: Shaista DM have already been transferred from GGHS Charorai to GGMS Badair (S. No: 05) which is against the rules and policy because already meritorious candidates were on waiting list & their cases were under trail before the appellate forum therefore, the transfer order is not justified according to the prevailing rules.

Whereas: To follow the decision & directions of the Grievances Redressal committee dated: 13-06-2023, was mandatory to follow in letter in spirit & the transfer order dated: 28-01-2022 needs to be cancelled for the purpose to adjust one of the left over candidate at GGMS Badair accordingly & Mst: Shaista DM needs to be returned to her original School i.e. GGHS Charorai which is still laying vacant.

In view of the above, the Undersigned Being Competent Authority CANCELLED transfer order under Enstt No: 3657-61 dated: 28-01-2022 in r/o Mst: Shaista DM (S No: 05) cancelled with immediate effect.

(DR. SHAMIM AKHTAR)
DISTRICT EDUCATION OFFICER (F)
BUNIR

No. 2159-67/1

Dated 7/7/2023

Copy Forwarded for information and necessary action to the;

1. Director Elementary & Secondary Education khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Bunir.
3. District Monitoring Officer / EMA, Bunir.
4. District Account Officer Bunir.
5. Budget & Account Officer Local Office.
6. Head Mistress GGHS Charorai with the direction to ensure compliance & submit report accordingly
7. Head Mistress GGMS Badair with the direction to relieve the official concerned & submit report along with relieving chit immediately under intimation to this office.
8. DEMIS Local Office.
9. Teachers Concerned with the direction to ensure compliance of the order otherwise you will be considered absent at GGHS Charorai & you will be treated accordingly under E&D Rules 2011.

Accepted
Associate

DISTRICT EDUCATION OFFICER (F)
BUNIR

No: 276

10-7-2023

کونسل خواتین و بچوں کی تعلیم و ترقی اور کونسل خواتین اور بچوں کی تعلیم و ترقی
Ammed (D)

ضابطہ -
موضوع: گزارشیہ کہ ہندی کی تقریری گائی سکول سرکاری اور 4-4-2017

میں لائی گئی تھی جو کہ 28-7-2022 تک انجام دی
اسی دوران انٹرنل سکول شریا پور میں آسٹریا منظور گئی جس میں

میری تقریری ڈی ایم فوسٹ میں 2022 کو عمل میں لائی گئی تھی
7-7-2023 کو نئی آستان کی ڈی ایم فوسٹ تقریری کی تھی اور اس

ارڈر کے ساتھ میری ارڈر کی مشورتی کارڈز جاری کیا گیا۔
لہذا میری ارڈر کی مشورتی غیر قانونی ہے انصافی پر مبنی ہے۔

اسی وقت ہندی زبان اہل مراٹھ تیار کرنے کے انصافی ایسا ہے جس میں
داخل کرنے کا حال دریافت ہے۔ ہم عام نہیں ہوا۔

لہذا انصافی کے تحت اس میں ترقی نہیں ہے۔
مجھے جس تقریری کی کارڈز ملے۔

مراٹھ تقریری ہندی کی کنہیشن ارڈر اور 2022 کو جاری
کارڈز کی آگے لیا گیا۔ بائرنٹل سکول آگاری میں اس کی 2022

کو تاخیر سے دیا گیا ہے۔

کو ایف ڈی میں داخل ہے۔
نام - والا خانم | موجودہ سکول | مطلوبہ سکول | سکول
تذکرہ - قاسم علی | انٹرنل سکول شریا پور | سرگرمیوں کی کمی | سکول

عقب حیات ڈاکٹر صاحب سبب مختصر نوٹ لکھا
 اللہ سے اس پر عمل کرو

۴ ۴ ۴ ۴ ۴ ۴ ۴ ۴ ۴ ۴

۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری

۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری

۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری

۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری

۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری

۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری

۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری
 ۲۰۱۷ سے ۲۰۱۹ تک کی تقرری

۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰
۲۰۱۷	۲۰۱۸	۲۰۱۹	۲۰۲۰	۲۰۲۱	۲۰۲۲	۲۰۲۳	۲۰۲۴	۲۰۲۵	۲۰۲۶

17

Annexure

(E)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

No.SO(SM)E&SED/7-1/2019/Posting/Transfer/Policy of TC
Dated Peshawar the September 11, 2019

To

1. The Director, Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
2. The Director, Curriculum and Teachers Education
Khyber Pakhtunkhwa Abbottabad.
3. The Director, Provincial Institutes of Teachers Education, Peshawar.
4. The Director, Education Sector Reforms Unit, Elementary & Secondary
Education Department, Khyber Pakhtunkhwa.
5. All District Education Officers (Male & Female) in Khyber Pakhtunkhwa.

**Subject:- E-TRANSFER POLICY OF TEACHING CADRE IN E&SE DEPARTMENT
KHYBER PAKHTUNKHWA**

I am directed to refer to the subject noted above and to state that the Provincial Government has been pleased to implement the subject policy for posting/transfer of Teaching Cadre officers/officials in the Elementary and Secondary Education Khyber Pakhtunkhwa: -

- i. The introduction of e-Transfer for Teaching Cadre policy supersede all previous Posting/Transfer policies in the E&SE Department.
- ii. Transfer on Complaint (Administrative Ground Transfer), Mutual, Inter District Transfer and transfer for Operationalization of Newly Established schools will be exempted from the present policy.
- iii. Transfers shall be made annually in the month of March of the academic year.
- iv. Transfer shall be made only against the vacant post.
- v. The posts filled through NTS on school based recruitment process shall be declared non-transferable.
- vi. The vacant positions will be uploaded by the District Education Officers for all teaching cadres in last week of February.
- vii. The desirous employees shall apply through e-Transfer Application.
- viii. Each Competent Authority shall constitute a Grievance Redressal Cell headed by a BPS-18 or above officer which will resolve the grievances and determine the merit position of the applicants with in a week positively.
- ix. Each Competent Authority shall visit the Dash Board of e-Transfer app, check and verify all the particulars of the applicants till 25th of March.
- x. At the end of March Transfer orders generated by e-Transfer App will be issued.

S. M. J. B.
11/09/2019

Attested

Advocate

18



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

- xi. Minimum tenure of 3 years on the present post at a school in plain area while 1.5 years in hard area is must for eligibility of e-posting/transfer.
- 2 The indicators as per from (A, B, C & D) will be considered for posting/transfer as per detail given below:

Form-A: Posting/Transfer of Teachers up to BPS 16 except SST (Total marks 80)

1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks
3. STR (Total number of Students in the school / Total number of Teachers) – 10 marks (IMU data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level – 5 marks
 - c. STR at the present school is less than desired school – 10 marks
4. Chronic Disease – 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
5. Disability – 10 marks
10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
6. Domicile -10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
7. Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

S. Nazir
11/09/2019

Form-B: Posting/Transfers of SSTs (Total Marks – 100)

1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks

Attested
[Signature]
Advocate

19



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

- a. Normal tenure (within 1.5 years) – 0 marks
- b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
- c. Tenure at hard area (from 3 to 5 years) – 7 marks
- d. Tenure at hard area (more than 5 years) – 10 marks
3. STR (Total Number of Students in Class 9 & 10 / Number of SST) - 10 marks (IMU data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level – 5 marks
 - c. STR at the present school is less than desired school – 10 marks
4. Chronic Disease – 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases).
A certificate in this regard will be required from Standing Medical Board.
5. Disability – 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile -10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
8. Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
9. Annual SSC Result (of the subjects taught by the teacher) working in High/Higher Secondary Schools – 20 Marks
 - a. 90% or above – 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.


OR

For SSTs (General) working in Middle/Primary Schools – 20 Marks
Overall Students Attendance Rate Percentage as per IMU data

- a. 90% or above – 20 marks
- b. 80% to 90% - 15 marks
- c. 70% to 80% - 10 marks
- d. 60% to 70% - 5 marks
- e. Below 60% - 0 marks.

Form-C Posting/Transfers of Subject Specialists (SSS/SS) (Total Marks – 100)

1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks

Attested

Advocate

20



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

- e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks
3. Number of Students in Class-11 & 12 in the relevant subject - 10 marks
 - a. Number of Students at present school is greater than the Desired school - 0 marks
 - b. Number of Students at present and the desired school are equal or at the same level – 5 marks
 - c. Number of Students at the present school is less than desired school – 10 marks
4. Chronic Disease – 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases).
A certificate in this regard will be required from Standing Medical Board.
5. Disability – 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile -10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
8. Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
9. Annual HSSC Result (of the subjects taught by the teacher) – 20 Marks
 - a. 90% or above – 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

S. Ali
11/09/2019

Form-D: Posting/Transfers of Principals/Head Masters of High/Higher Secondary Schools (Total Marks – 120)

1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks

Attested
Page 4 of 6
Advocate

21



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

3. STR (Total number of Students in the school / Total number of Teachers) - 10 marks
(IMU data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level - 5 marks
 - c. STR at the present school is less than desired school - 10 marks
4. Chronic Disease - 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases).
A certificate in this regard will be required from Standing Medical Board.
5. Disability - 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required
will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile -10 marks
10 marks will be awarded to those when the desired school is in his/her district of
domicile
8. Spouse - 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the
desired school is situated and the desired district is the domiciled district of the
applicant.
9. Annual SSC & HSSC Result of the School - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.
10. Overall Students Attendance Rate Percentage as IMU data - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

S. Rafiq
21/09/2011

(SHAHID RAFIQ)

SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department,
Peshawar.
3. Deputy Secretary, (Estab), Establishment Department Government of Khyber
Pakhtunkhwa, Peshawar.
4. All Section Officers, Elementary & Secondary Education Department Khyber
Pakhtunkhwa Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

Page 5 of 6

Attested

Advocate

22



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

6. PS to Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. PA to Additional Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
8. PA to Chief Planning Officer, Elementary & Secondary Education Department Khyber Pakhtunkhwa.
9. PAs to Deputy Secretary Admn/ Legal, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
10. Office Record.

S. A. Rafiq
11/07/2019
SECTION OFFICER (SCHOOLS MALE)

Attested
Advocate

(23)

Annexure

(E)

NO.SOR-II (E&AD) 1-1/85(VOL-II)
Dated Peshawar the 15th February 2003.

Subject: POSTING /TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following posting Transfer Policy.

- i. All the postings /transfers shall be strictly in public interest and shall not be abused misused to victimize the Government servants.
- ii. All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting /transfer authorities for seeking posting /transfers of their choice and against the public interest.
- iii. All contract Government employees, appointed against specific posts, cannot be posted against anyother 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 hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v. Months of March and July are fixed for posting /transfer of the officers /officials excluding the officers in B-19 and above in the Province. Posting /transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting /transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where posting /transfer of Government employees become inevitable in other months due to promotion /retirement /creation of new posts/return from long leave/involvement in

Attested

Associate

24

disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

vi. While making postings transfers from settled areas to FATA and vice versa specific approval of the Governor, NWFP needs to be obtained.

vii. Officers may be posted on executive /administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area /resident is situated.

viii. No postings /transfers of the officers/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 and this will be subject to the public interest.

x. All the posting /transferring authorities may facilitate the postings /transfers of the unmarried female Government Servants at the station of the residence of their parents.

xi. Officers /officials except DCOs and 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 till the retirement.

xii. In terms of Rules-17 (1) and (2) read Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against.

Attested
Associate

25

1

Outside the Secretariat

i. Officers of the all Pakistan Unified Group i.e DMG , PSP including Provincial Police Officers in BPS-18 and above.

ii. Other officers in BPS-17 and above to be posted against schedule posts, or posts normally held by the APUG, PCS (EG) and PCS (SG).

iii. Head of Attached Departments and other Officers in B-19 & above in all Departments.

In the Secretariat:

iv. Secretaries .

v. Other Officers of and above the rank of Section Officers:-

- a. Within the Same Department.
- b. Within the Secretariat from one Department to another.

vi. Officials upto the rank of Superintendent:-

- a. Within the same Department.
- b. To and from an Attached Department.

2

Chief Secretary in consultation with the Establishment Department and the Department concerned with the approval of the Chief Minister.

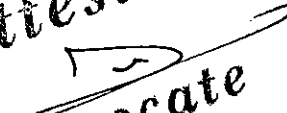
--do--

--do--

Chief Secretary with the approval of Chief Minister.

Secretary of the Department concerned .
Chief Secretary /Secretary Establishment.


Secretary of the Department concerned.
Secretary of the Department in consultation

Attested

Advocate

26

c. Within the Secretariat from on
Department to another.

with Head of Attached Department
concerned. Secretary (Establishment)

Attested

Advocate

xiii. While considering postings /transfers proposals all the concerned authorities shall keep in mind the following:

a. To ensure the posting of proper persons on proper posts,. the annual confidential reports, past and present record of service, performance on post held presently and in tile 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.

ix) Governments servants including District Govt. employees feeling aggrieved due to the orders of ,posting/transfers 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 posting/transfer or posting/transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

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 against each are as under :-

S.No	Officers	Authority
1.	Posting of District Coordination Officer and Executive Distinct Officer in a District.	Provincial Government
2.	Posting of District Police Officer.	Provincial Government.
3.	Other Officer in BPS-17 and above posted in the District.	Provincial Government .

Attested

Advocate


28

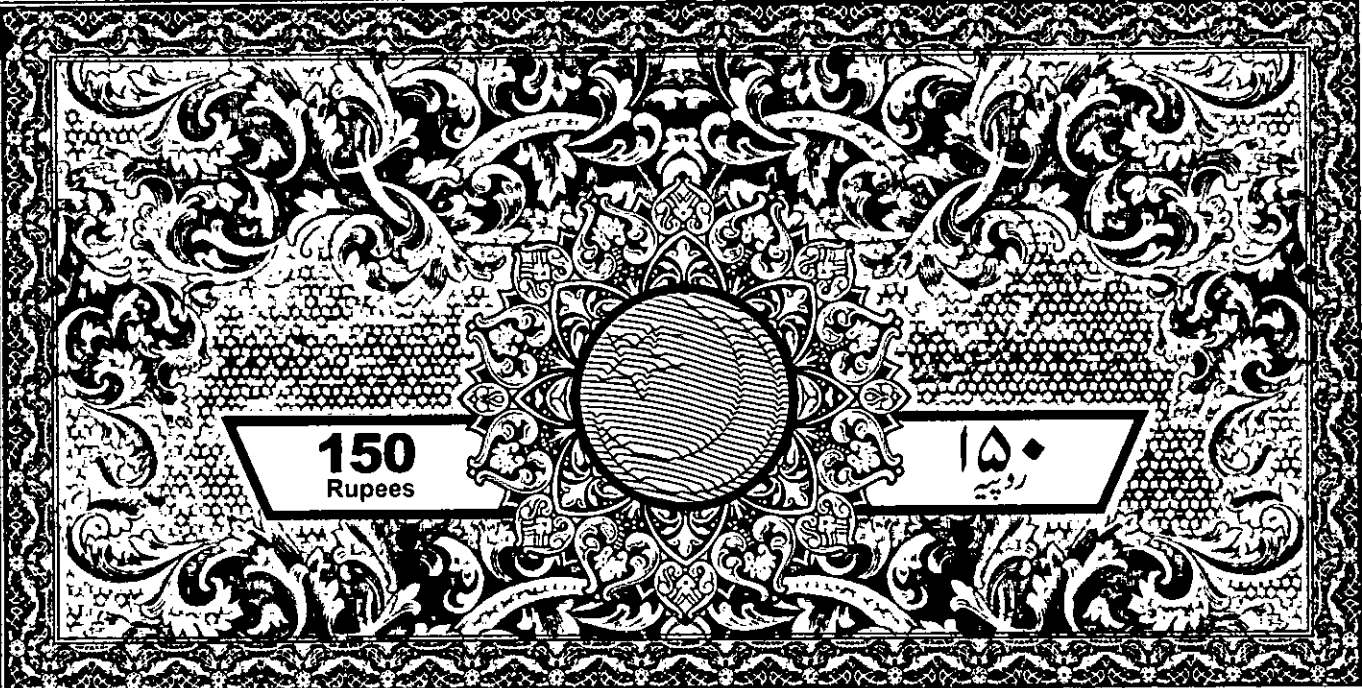
4.	Official in BPS-16 and below.	Executive District Officer in consultation with District Coordination Officer.
----	-------------------------------	--

As per Rule 25(2) of the Rules 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; and
- b. require an officer to hold charge of more than one post for a period exceeding two months.

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

628




150 Rupees

۱۵۰ روپیہ

فتاویٰ رضویہ کے لئے ایک سو پندرہ روپیہ

مکہ مکرمہ میں جوہر انعام الحق سے منسلک ہوئے اور اللہ تعالیٰ سے دعا ہے کہ ان کے لئے جنت الفردوس میں جگہ تیار ہو۔
 اسی لئے ان کے لئے ایک سو پندرہ روپیہ کی رقم جمع کی جا رہی ہے۔
 ان رقموں سے جوہر انعام الحق کے لئے ایک سو پندرہ روپیہ کی رقم جمع کی جا رہی ہے۔
 ان رقموں سے جوہر انعام الحق کے لئے ایک سو پندرہ روپیہ کی رقم جمع کی جا رہی ہے۔
 ان رقموں سے جوہر انعام الحق کے لئے ایک سو پندرہ روپیہ کی رقم جمع کی جا رہی ہے۔
 ان رقموں سے جوہر انعام الحق کے لئے ایک سو پندرہ روپیہ کی رقم جمع کی جا رہی ہے۔
 ان رقموں سے جوہر انعام الحق کے لئے ایک سو پندرہ روپیہ کی رقم جمع کی جا رہی ہے۔
 ان رقموں سے جوہر انعام الحق کے لئے ایک سو پندرہ روپیہ کی رقم جمع کی جا رہی ہے۔
 ان رقموں سے جوہر انعام الحق کے لئے ایک سو پندرہ روپیہ کی رقم جمع کی جا رہی ہے۔

فتاویٰ رضویہ کے لئے ایک سو پندرہ روپیہ
 15101-9392039-9

محمد شفیع الرحمن
 15101-6469664-8

شیخ محمد امجد علی
 15101-8776686-5

محمد امجد علی
 15101-0363957-7

Muhammad Rafiq
 Petition Writer Grade 1st
 District Courts Daggar Buner
 No. 88
 Date 16/10/2023
 No. 1786 Date 16/10/23

3M

16-10-2013

شركة خدمات بريد بونير (مقرها في بونير) شركة مسجلة في بونير
بموجب القانون رقم 10 من 2001
بموجب القانون رقم 10 من 2001



شركة خدمات بريد بونير

[Handwritten signature]

06 OCT 2013

DAO Buner

B352534

30



150

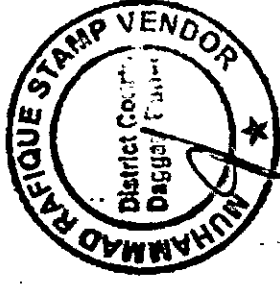
Rupees

۱۵۰

روپیہ

500000

345
16-10-2023



[Signature]

06 OCT 2023

DAO Buner

31

NOTICE To:

1. Government of Khybar Pakhtunkhwa through Secretary Elementary and Secondary Education at Civil Secretariat Peshawar.
2. Director Elementary and Secondary Education Khybar Pakhtunkhwa at Peshawar.
3. District Education Officer (Female) District Buner at Dggar.
(Through Additional Advocate General Govt. of K.P.K at Service Tribunal K.P.K at Peshawar).

Please note that I am counsel for the appellant and going to file Service appeal, before the Honourable Service Tribunal Khybar Pakhtunkhwa at Peshawar / Camp court at Gulkada Swat.



MUHAMMAD JAVAID KHAN
Advocate, Supreme Court of Pakistan

بعدالت جناب سر و سر ریبول جیبر تختوں خواہ بنام پشاور کے کیس کورٹ سوات

کورٹ فیس

مورخہ 23 ماہ - اکتوبر 2023 منجانب ڈپٹی سیکرٹری
مقدمہ سماہ ثالثت بیگم بنام حکومت پشاور
دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب ذہی و کل کاروائی متعلقہ آن مقام پشاور کیس کورٹ سوات محمد جاوید خان ایڈووکیٹ سٹریٹ کورٹ آف پاکستان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زراں پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت، مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سندر ہے

دستبردار علی محمد خاص
رہنما الحق ولد سمس الہادی

المرقوم

23 ماہ 10

Attested
2023

Accepted
2023

گواہ شدہ العبد
پشاور کیس کورٹ سوات
Muhammad Tawaid Khan
Advocate Supreme Court
mob - 0343 9607492