


27.04.2015

Counsel for the appellant and Addl: AG for respondents present. Learned counsel for the appellant informed the Court that the appeal of the appellant has become infructuous as the appellant was again transferred after the impugned order which he had complied with. Requested for withdrawal of appeal. Dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
27.4.2015.


Chairman
27.04.15

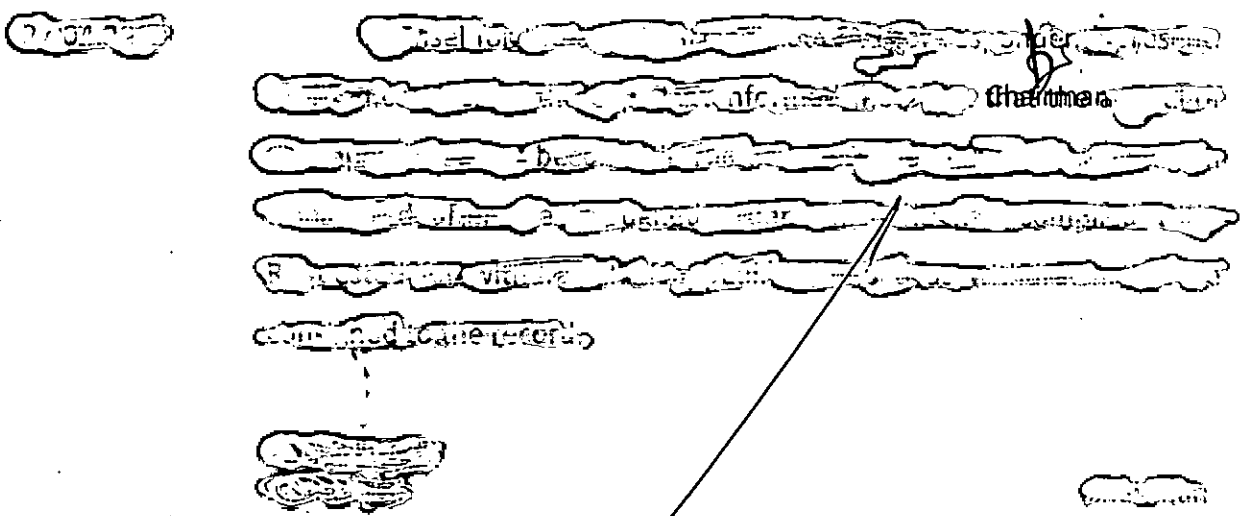
26.03.2015

Counsel for the appellant and Khurshid Khan, SO for respondent No. 1 alongwith Addl: A.G for official respondents present. Representative informed the Court that the grievances of the appellant have been redressed. Learned counsel for the appellant seeks adjournment for seeking instruction from appellant. To come up for further proceedings on 1.4.2015 before S.B.


Chairman

01.04.2015

Counsel for the appellant and Addl: A.G for respondents present. Learned counsel for the appellant informed the Court that he is not in contact with the appellant. Requested for adjournment. Last opportunity granted. To come up for further proceedings on 27.4.2015 before S.B.



76/15

2.2.2015

Counsel for the appellant present and submitted that in violation of the law and rules, the appellant was transferred from one cadre and adjusted in the other, from BPS-17 to BPS-16 to his dis-advantage in violation of Section 10 of the Civil Servants Act, 1973. Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.3.2015. Counsel for the appellant also submitted application for suspending the operation of impugned order dated 26.9.2014 and argued that the appellant has not yet relinquished the charge of the post of SDE0(M) Primary, Mansehra and to avoid further complication, he should retain the post and order of status quo may be passed in his favour. In the circumstances, status quo is directed to be maintained till date fixed subject to all legal objections and notice to the respondents.

Appellant deposited process fee

Security



MEMBER

2.3.2015

Appellant with counsel and Addl. AG with Sher Azam Qureshi, ATO for the respondent No. present and reply filed. Copy handed over to counsel for the appellant. Mr. Khursheed Khan, SO and Mosam Khan, AD for respondents No. 1 to 4 present and requested for further time. None is available on behalf of private respondent No. 6, despite proper notice, hence placed ex-parte. To come up for written reply of respondents No. 1 to 4 on 26.3.2015. Status quo as before till then.



MEMBER

2.2.2015



Counsel for the appellant present and submitted that in violation of the law and rules, the appellant was transferred from one cadre and adjusted in the other, from BPS-17 to BPS-16 to ^{his} dis-advantage, ^{in violation of} ~~as~~ provided in Section 10 of the Civil Servants Act, 1973. Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections. The appeal is admitted for regular hearing, subject to all legal ^{Exceptions} ~~objections~~. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written ^{II} reply/comments on 02.3.2015. Counsel for the appellant also submitted application for suspending the operation of impugned order dated 26.9.2014 and argued that the appellant has not yet relinquished the charge of the post of SDE0(M) Primary, Mansehra and to avoid further complication, ^{and he should retain the post and} ~~he may be retained on the same post.~~ In ^{order of status quo may be passed in his favour.} the circumstances, status quo is directed to be maintained till date fixed subject to all legal objections and notice to the respondents.

MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 76/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30.01.2015	<p>The appeal of Syed Sultan Shah resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to Bench <u>II</u> for preliminary hearing to be put up thereon <u>02-02-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Syed Sultan Shah Superintendant SDEOMale Primary Mansehra received to-day i.e. on 29.01.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 114 /S.T,

Dt. 29/1 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Resubmitted after compliance
M. Asif

~~114~~
~~29/1~~
~~2015~~
76
30-1-2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 76 /2015

Mr. Sayed Sultan Shah.

VS

Education Deptt:

INDEX.

S.NO	DOCUMENTS	ANNEXURE	PAGE.
1-	Memo of appeal.	----	1 – 6
2-	Stay application.	---	7 – 8
3-	Promotion order	A	9 – 10
4-	Transfer order	B	11
5-	Status quo order by civil court.	C	12
6-	Withdrawal of suit.	D	13 – 14
7-	Appeal.	E	15
8-	Comments of DDEO.	F	16
9-	Transfer policy.	G	17 – 23
10-	Circular dt. 27.2.2013	H	24
11-	Vakalat nama	---	25.

APPELLANT

THROUGH:

M. Asif Yousafzai
M.ASIF YOUSAFZAI
ADVOCATE.

Goher Sajjad Khan
GOHER SAJJAD KHAN Adv

Taimur Ali Khan
TAIMUR ALI KHAN Adv

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Appeal No. 76 /2015

Mr. Sayed Sultan Shah, Superintendent,
SDEO(Male) Primary, Mansihra.

K.P.S. Peshawar
No. 76
Date 29-1-2015

APPELLANT

VERSUS

1. Secretary Education E & SE, KPK, Peshawar.
2. The Director Education E & SE, KPK, Peshawar.
3. The DEO, Male Primary, Mansehra.
4. The SDEO, Male Primary, Mansehra.
5. The Distt: Accounts Officer, Mansehra.
6. Muhammad Farooq, Superintendent, SDEO, Male Primary,
Mansihra.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE
KHYBER PAKHTUNKHWA, SERVICE
TRIBUNALS ACT, 1974 AGAINST THE
ORDER DATED 26.03.2014 WHEREBY THE

K.P.S. Peshawar
29/1/15
re-submitted to ~~the~~
and filed.

30/1/15

**APPELLANT HAS BEEN TRANSFERRED
PREMATURELY IN VIOLATION OF
POSTING TRANSFER RULES ON THE
BASIS OF POLITICAL INTERFERENCE
AND AGAINST NOT TAKING ACTION ON
THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN STATUTORY
PERIOD**

PRAYER:

That on acceptance of this appeal the order dated 26.09.2014 may be set side being premature, political motivated, passed in volition of posting and transfer policy. The respondents further please be directed not to transfer the appellant prematurely in violation of law and rules. Any other remedy with this august Tribunal deems appropriate and not specifically prayed for may also be awarded in favour of appellant.

RESPECTFULLY SHEWETH:

- 1) That the appellant joined the education department in the year 1979 and with the passage of time the appellant reached to the /promoted

to the post of Superintendent BSP 17. The appellant has through out good service record.

- 2) That lastly the appellant was posted as Superintendent SDEO male Mansehra on promotion vide order dated 26.05.2014. The appellant has work there with full devotion and honesty , up to the entire satisfaction of his superior. Copy of order is attached as annexure A
- 3) That just after 4 months the appellant was transferred against the post of programmer, which is BPS 16 post, which actually amounts to reversion/ relegation. The order was passed on 26.09.2014. Copy of the order is attached as annexure –B.
- 4) That initially the appellant filed Civil Suit before the Civil Judge Mansehra who was kind enough to pass the order to maintain statuesque and the same was maintained in till 12.01.2015, due to statuesque order the appellant has not relinquished the charge from his post at SDEO (Male) Mansehra and regularly received salaries also. The said civil suit was however withdrawn on completion of statutory period on 12.01.2015. Copy of stay order and withdrawal order is attached as annexure C and D.
- 5) That the appellant in meanwhile had also filed a represent on 08.10.2014, which remained un-responded till the expiry of statutory period. It is also worth to mention here the Director has

called comments of the DEO. Who also favorably endorsed the comments to the director on his appeal vide letter dated 22.12.2014. Copy of appeal and letter is attached as annexure E and F.

6) That now the appellant comes to this august tribunal on the following grounds amongst the other

GROUND

- A. That the order dated 26.09.2014 is premature, against the posting and transfer policy of the government, violation of norms of justice and material on record. Therefore not tenable.
- B. That the order dated 26.09.2014 has been passed due political interference and not based on cogent reasons and is not in public interest.
- C. That the appellant performance at SDEO, Mansehra was good and there were no complaints against appellant, which could be based for his transfer.
- D. That the order dated 26.09.2014 is against the spirit of section 10 of Civil Servant Act 1973 because the appellant has been posted against the post of BPS 16 which is not only disadvantageous but also against the law and rules because the appellant has been working as in BPS 17 and he can only be posted against the post of BPS 17, therefore, there

might be chance that the appellant to suffer from nonpayment of salaries in future if the order remains in field.

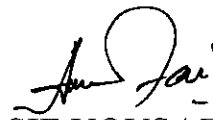
- E. That the impugn order has been passed in total violation of clause 1, 2 & 4 of the posting transfer policy therefore liable to be set side. Copy of policy is attached as annexure G
- F. That even the order dated 26.09.2014 is against the sprit of the circular of the provincial government circulated vide dated 27.02.2013 in which it is clearly mentioned that the tenure must be respected and if it is deviated then reasons must be given which are judicially reviewable. But in the instant case no such reasons has been mentioned which compelled the authority to pass premature order in volition of law and rules . Copy attached as Annexure – H.
- G. That the appellant has not been treated according to law and rules and has been made to suffer due to political intervention to post blue eyed person (Private Respondent) in violation of law and rules.
- H. That the appellant seeks permission to advance other grounds and proof at the time of hearing.

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

APPELLANT


~~Sayed Sultan Shah~~

THROUGH:


(M. ASIF YOUSAFZAI)


Taimur Ali Khan

&


GOHER SAJJAD KHAN

Advocates, Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/2015.

Syed Sultan Shah.

VS

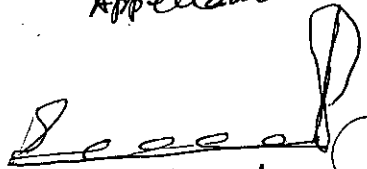
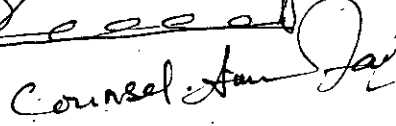
Education Deptt: etc.

**APPLICATION FOR SUSPENDING THE OPERATION OF ORDER
DATED. 26.9.2014 TILL THE DISPOSAL OF MAIN APPEAL.**

R.SHEWETH.

1. That the appellant has filed an appeal along with this application in which no date is fixed so far.
2. That the impugned orders are against the law, rules and norms of justice and Govt: instructions in this behalf.
3. That all the three ingredients are in favour of appellant because the order of transfer has been passed to accommodate a blue eyed person against the management cadre post who actually belongs to a general cadre.
4. That the grounds of main appeal may also be considered as integral part of this application.
5. That the appellant has not yet relinquished the charge of post due to stay granted by the civil judge Mansehra. Therefore , if the impugned order is not suspended then the appellant will suffer a lot because the appellant pay will be stopped due to posting on lower grade.

It is therefore most humbly prayed that the operation of impugned orders may be suspended till the decision of main appeal. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

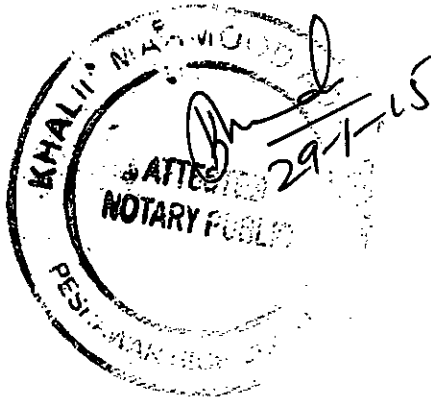
Appellant
Through 
Counsel 

M. Asif
M. ASIF YOUSAFZAI
& *Goher*
GOHER SAJJAD KHAN
TAIMUR ALI KHAN
ADVOCATES.

AFFIDAVIT

It is affirmed that the contents of this application are true and correct.

[Signature]
DEPONENT



BETTER COPY

ANNEXURE-A

OFFICE OF THE ELEMENTARY & SECONDARY EDUCATION, KHYBER PAKHTUNKHWA,
PESHAWAR.

NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee DPC in its meeting held on 30.05.2014, the following Assistant (B-14) and Sr. Scale Stenographer (B-16) working in an under the E&SE Department, Khyber Pakhtunkhwa E&SE Department are hereby promoted / adjusted as Superintendent in BPS-16 on regular basis in the interest of public service with immediate effect:

S.No.	Name/Design	Address	Adjusted at	Remarks
1.			
16.	Sultan Shah, Asstt.	SDEO (M) Mansehra	Supdt. SDEO (M) Mansehra	Against vacant post
17...				
67.	Fazal Dad Asstt.	DCTE Abad	Supdt. DEO (F) Torghar	Against vacant post.

CONSEQUENTIAL TRANSFERS

In consequent to above, the posting/transfer n respect of following officers are hereby ordered on their own pay and BPS in the interest of public service with immediate effect:

S.NO	Name Designation	From	To	Remarks
1..				
4...				

Note: Charge reports should be submitted to al concerned.

Sd/- Director, Elementary & Secondary Education, Khyber
Pakhtunkhwa, Peshawar.

Endst. No.3331-3381/F.No.A-23/MS/Promotion/Supdt/2014/DD (F&A) Dated 26.05.2014.

Copy of the above is forwarded for information and n/action to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director of Education (FATA), Peshawar.
3. Director Curriculum & Teachers Education K.P. Abbottabad,
4. Director, PITE, Peshawar.
5. SO (Primary) E&SE Department.
6. DEOs (M&F) concerned.
7. Principal, RITE (M/F), concerned.
8. SDEO (M&F), concerned.
9. Agency Education Officer concerned.
10. District Accounts Officer, concerned.
11. Officers concerned.
12. Distinct Accounts Officer, concerned.
13. Cashier (Local Office).
14. PA to Director E&SE.
15. PA to Additional Director (E&SE), Local Directorate.

Assistant Director (Admn)
(E&SE) KP. Peshawar.

A

(9)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION-KHYBER PAKHTUNKHWA PESHAWAR.

PROMOTION

Consequent upon the recommendations of the Departmental Promotion Committee (DPC) in its meeting held on 20-05-2014, the following Assistants (B-14) and Sr: Scale IATA DC F&E/PTE are hereby promoted/adjusted as Superintendent in BPS-16 on regular basis in the interest of public service with immediate effect:-

S.No.	Name/Design	Address	Adjusted at	Remarks
1	Shahab ul Din Asstt:	DEO (M) Hangu	Supdt: DEO (M) Hangu	Against vacant post
2	Mohar Momin Asstt:	SDEO (M) Shangla.	Supdt: SDEO (M) Torghar	Against vacant post
3	Baloch Ramand Asstt:	DEO (M) Buner	Supdt: SDEO (F) Buner	Against vacant post
4	Zar Jamil Khan Asstt:	Supdt: DEO (F) Buner	Supdt: DEO (F) Buner	Against vacant post
5	Zeenat Shah Asstt: (working against the post of Supdt.)	SDEO (M) Mardan.	Supdt: SDEO (M) Mardan	Already occupied
6	Khan Zada Asstt:	DEO (M) Dir Lower	Supdt: DEO (M) Dir Lower	Against vacant post
7	Muhammad Shah Asstt:	DEO (M) Dir Lower	Supdt: DEO (M) Buner	Against vacant post
8	Madad Ehsan Asstt:	DEO (M) Dir Lower	Supdt: SDEO (F) Samarbagh	Against vacant post
9	Shah Badshah Asstt:	DEO (F) Dir Lower	Supdt: DEO (M) Timergara	Against vacant post
10	Jan Alam Asstt	DEO (M) Dir Lower	Supdt: SDEO (M) Samarbagh	Against vacant post
11	Khanmullah Asstt	DEO (F) Dir Upper	Supdt: SDEO (F) Dir Upper	Against vacant post
12	Bahadar Khan Asstt	SDEO (M) Wari Dir upper	Supdt: SDEO (M) Wari Dir upper	Against vacant post
13	Alan Zeb Asstt	SDEO (M) Dir upper	Supdt: SDEO (M) Dir upper	Against vacant post
14	Mirza Gul Asstt	DEO (F) Dir Upper.	DEO (M) Dir Upper	Against vacant post
15	Haroon Rashid Asstt	DEO (M) Mansehra	Supdt: DEO (M) Mansehra	Against vacant post
16	S Sultan Shah Asstt	SDEO (M) Mansehra	Supdt: SDEO (M) Mansehra	Against vacant post
17	Abdul Hakeem Asstt	DEO (M) Kohistan	Supdt: DEO (M) Torghar	Against vacant post
18	Amit or Rabnan Asstt	DEO (M) Shangla	Supdt: SDEO (M) Shangla	Against vacant post
19	Muhammad Hassan Asstt	DEO (F) Kohistan	Supdt: DEO (F) Kohistan	Against vacant post
20	Muhammad Jawad Asstt	SDEO (M) Kohistan	Supdt: SDEO (M) Kohistan	Against vacant post
21	Faydallah Asstt	DEO (F) Dir Upper	Supdt: DEO (M) Dir upper	Against vacant post

Director of Elementary & Secondary Education (DESE)

[Handwritten signature]

ATTESTED
[Handwritten signature]

22	Abdul Wali Asstt	DEO (M) Kohistan	Supdt: DEO (M) Kohistan	Against vacant post
23	Abdul Haq Asstt	DEO (M) Kohistan	Supdt: DEO (M) Kohistan	Against vacant post
24	Muhammad Shafiq Asstt	SDEO (F) Battagram	Supdt: DEO (M) Battagram	Against vacant post
25	Muhammad Jamil Asstt	SDEO (M) Battagram	Supdt: SDEO (M) Battagram	Against vacant post
26	Muhammad Zubair Asstt	SDEO (M) Battagram	Supdt: SDEO (F) Battagram	Against vacant post
27	Shamsul Islam Asstt	DEO (M) Swabi	Supdt: DEO (M) Swabi	Against vacant post
28	Muhammad Siddique Asstt. (Working against the post of Supdt)	DEO (M) Nowshera	Supdt: DEO (F) Peshawar	Against vacant post
29	Asghar Ali Shah Asstt	DEO (M) Dir Lower	DEO (M) Swat	Against vacant post
30	Shaista Khan Asstt	DEO (F) Karak	Supdt: DEO (M) Karak	Against vacant post
31	Erdur Rahman Asstt	DEO (M) Karak	Supdt: DEO (M) Karak	Against vacant post
32	Abdul Waheed Asstt	DEO (F) A. Abad	Supdt: SDEO (M) Allai Battagram	Against vacant post
33	Muhammad Noor Asstt	DEO (M) Hangu	Supdt: SDEO (M) Hangu	Against vacant post
34	Muhammad Tariq Asstt	DEO (M) Kohat	Supdt: DEO (M) Kohat	Against vacant post
35	Amil Khan Asstt	DEO (F) Kohat	Supdt: SDEO (M) Kohat	Against vacant post
36	Sadiq ur Rahman Asstt	GGCHS Kohat	Supdt: DEO (F) Kohat	Against vacant post
37	S. Hussain Shah Asstt	DEO (M) Kohat	Supdt: DEO (M) Kohat	Against vacant post
38	Rehmat Khan Asstt	DEO (M) Tank	Supdt: DEO (M) Tank	Against vacant post
39	Muhammad Shoaib Asstt	DEO (M) Battagram	Supdt: DEO (F) Battagram	Against vacant post
40	Fazli Rabi Asstt	SDEO (F) Dir Lower	SDEO (F) Dir Lower	Against vacant post
41	Muhammad Ashraf Asstt	SDEO (M) Haripur	Supdt: DEO (M) Haripur	Against vacant post
42	Fazli Malik Asstt	DEO (M) Haripur	Supdt: DEO (M) Chital	Against vacant post
43	Muhamad Aslam Khan Asstt	SDEO (M) DIKhan	Supdt: DEO (F) DIK	Against vacant post
44	Muhammad Iqbal Asstt	DEO (M) DIKhan	Supdt: SDEO (F) DIK	Against vacant post
45	Bashir Ahmad Asstt	DEO (F) DIKhan	Supdt: SDEO (F) Paroa (DIK)	Against vacant post
46	Muhammad Sarwar Asstt	SDEO (F) A. Abad	Supdt: SDEO (F) Allai (Battagram)	Against vacant post
47	Muhammad Zaman	DEO (F) Tank	Supdt: DEO (F) Tank	Against vacant post

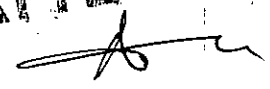
For the Supdt Promotion Under List (DEASL)

48	Jahan Alam Asstt	SDEO (M) Tank	Supdt: SDEO (M) Tank	Against vacant post
49	Gul Moqaddar Eman Asstt	DEO (M) Malakand	Supdt: DEO (M) Malakand	Against vacant post
50	Ahmad Gul Asstt	SDEO (M) Malakand	Supdt: SDEO (M) Malakand	Against vacant post
51	Muhammad Nafees Asstt	DEO (F) Malakand	Supdt: DEO (F) Malakand	Against vacant post
52	Syed Jamal ud din Asstt	DEO (M) Swat	Supdt: SDEO (M) Swat	Against vacant post
53	Muhammad Rasool Khan Asstt	DEO (M) Swat	Supdt: DEO (M) Swat	Against vacant post
54	Muhammad Ayaz S/Grapher (working against Supdt)	DEO (M) A/Abad	Supdt: DEO (M) A/Abad	Against the post already occupied
55	Fara Eman S/Grapher	Directorate E&SE Peshawar	Supdt: DEO (F) Torghar	Against vacant post
56	Muhammad Hyas Asstt	DEO (M) A/Abad	Supdt: DEO (M) Torghar	Against vacant post
57	Gul Hendar Asstt	DE&SE	Supdt: SDEO (F) Nowshera	Against vacant post
58	Bakht Mula Asstt	SDEO (F) Wari	Supdt: SDEO (F) Wari	Against vacant post
59	Nawshad Khan Asstt	DEO (M) Dir Lower	Supdt: DEO (M) Dir Lower	Against vacant post
60	S. Abbas Jam Asstt	DEO (M) Kohat	Supdt: SDEO (F) BD Shah	Against vacant post
61	Muhammad Iqbal Asstt	DEO (M) Kohat	Supdt: SDEO (M) Karak	Against vacant post
62	Abdul Jalil Asstt	DEO (M) Karak	Supdt: SDEO (M) BD Shah	Against vacant post
63	Pir Muhammad Iqbal Asstt	GEC (F) Habibullah FR Bannu	SDEO (M) Lakki Marwat	Against vacant post
64	Younas Javed Asstt	DE&SE K.P	Supdt: DEO (M) Chitral	Against vacant post
65	Shalqat Munir Asstt	DCTE A/Abad	Supdt: SDEO (M) Nowshera	Against vacant post
66	Tariq Mahmood Asstt	DCTE Abad	Supdt: DEO (M) Kohistan	Against vacant post
67	Fazal Dad Asstt	DCTE Abad	Supdt: DEO (F) Torghar	Against vacant post

CONSEQUENTIAL TRANSFERS.

In Consequent to above, the posting/transfer in respect of following officer are hereby ordered on their own pay & BPS in the interest of public service with immediate effect:-

S.No	Name/Designation	From	To	Remarks
1	Muhammad Ayub Supdt	DEO (M) Chitral	Supdt: SDEO (F) Chitral	Against vacant post

ATTESTED



Shamsul Arifeen Supdt:	DEO (F) Peshawar	Supdt: DEO (M) Nowshera	Against vacant post
Muhammad Usaid Assistant (working against Supdt: post)	SDEO (F) D.I Khan	Assistant DEO (M) D.I Khan	Against vacant post
Sher Nawab Assistant (working against the post of Supdt)	SDEO (M) Karak	Assistant DEO (M) Karak.	Against vacant post

Note: 1 Charge reports should be submitted to all concerned.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Order No. 3331-3381/F.No.A-23/MS/Promotion/Supdt./2014/DD (F&A) Dated 26/05/2014

- Copy of the above is forwarded for information and n/action to the:-
1. Accountant General Khyber Pakhtunkhwa Peshawar.
 2. Director of Education (FATA) Peshawar.
 3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
 4. Director PITE Peshawar.
 5. Section Officer-I, CM Secretariat Khyber Pakhtunkhwa.
 6. Section Officer (Primary) E&SE Department Govt of Khyber Pakhtunkhwa.
 7. DEOs (M&F) concerned.
 8. Principal RITE (M/F) concerned.
 9. SDEO (M&F) concerned.
 10. Agency Education Officer concerned.
 11. District Accounts Officer concerned.
 12. Officers concerned.
 13. Cashier (Local Office)
 14. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
 15. PA to Additional Director (Estab) Local Directorate


Assistant Director (Admin)
(E&SE) Khyber Pakhtunkhwa Peshawar

26/5/14

11/11
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26/5/14
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ANNEXURE-B

**DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION, KPK PESHAWAR.**

(11)

OFFICE ORDER

The posting / transfer of the following Ministerial staff is hereby ordered on their own pay and BPS in the interest of public service with effect from the date of their taking over charge:

S. No.	Name / Designation	From	Posted at	Remarks
1.	Muhammad Farooq, Supdt. Working against Assistant Program Post.	DEO (M) Mansehra.	SDEO (M) Mansehra	Vice S.No.2
2.	Sultan Shah Supdt.	SDEO (M) Mansehra	DEO (M) Mansehra against Asstt. Programmer post on stopgap arrangement basis	Vice S.No.1

Note:

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

Sd/- Director,
E&SE, Peshawar.

Endst.NO.7370-79/A-23/MS/Mansehra;
Dated 26.09.2014.

Copy forwarded to the:-

1. District Education Officer (Male) Mansehra.
2. District Accounts Officer, Mansehra.
3. SDEO (M) Mansehra.
4. Officers concerned.
5. Master File
6. PA to Director, E&SE, KP, Peshawar.

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.Office Order.

The posting/transfer of the following Ministerial staff is hereby ordered on their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S.#	Name/Designation	From	Posted at	Remarks
1	Muhammad Farooq Supdt working against Asstt Programmer Post	DEO (M) Mansehra	SDEO (M) Mansehra	Vice S.No.2
2	Sultan Shah Supdt	SDEO (M) Mansehra	DEO (M) Mansehra against Asstt Programmer post on stopgap arrangement basis.	Vice S.No.1

Note:

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

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 7370-79 /A-23/MS/Mansehra Dated Peshawar the 26/9/2014.

Copy forwarded to the:-

1. District Education Officer (Male) Mansehra.
2. District Accounts Officer Mansehra.
3. SDEO (M) Mansehra.
4. Officers concerned.
5. Master File.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admin)

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

ATTESTED

بدرالت جناب عالی کی آفرینگی ہوں بحملاً، ماہ 16/10/2014

سلطان شاہ ولد عبدالصمد بنام سید عزیز ایجوکیشن سکولز انڈیا لڈ ایس فور بی ڈیٹر
چٹو غڈوہ 19C

دعویٰ اسٹاتو کو

- ڈاکٹر عارفی حکم امتناعی بنام 1 سید عزیز ایجوکیشن سکولز انڈیا لڈ ایس فور بی ڈیٹر
چٹو غڈوہ 19C
- 2 ڈاکٹر عزیز ایجوکیشن سکولز انڈیا لڈ ایس فور بی ڈیٹر
چٹو غڈوہ 19C
- 3 ڈاکٹر عزیز ایجوکیشن سکولز انڈیا لڈ ایس فور بی ڈیٹر
چٹو غڈوہ 19C
- 4 سب ڈاکٹر عزیز ایجوکیشن سکولز انڈیا لڈ ایس فور بی ڈیٹر
چٹو غڈوہ 19C
- 5 ڈاکٹر عارفی حکم امتناعی بنام سید عزیز ایجوکیشن سکولز انڈیا لڈ ایس فور بی ڈیٹر
چٹو غڈوہ 19C

ڈاکٹر عارفی حکم امتناعی بنام STATUS QUO

نائب ناظر اندرین مقدمہ سڈون بالادیس وکیل سدی / امد عیالند درخواست ببرد اعلا

حکم امتناعی برفض سید عاصم / امد عیالیم بالادیس اری ہیکہ وہ سدی لڈ ایس فور بی ڈیٹر
سبیل ایس سیرٹیفکٹ 17-BPS کی اٹیخ دیں میں لایق سدی لڈ ایس فور بی ڈیٹر
17 سے 16 میں 16/10/2014 کو سدی لڈ ایس فور بی ڈیٹر کی درخواست ببرد اعلا کی عمل
سبیل حکم بٹوا روم عاصم / امد عیالیم بالادیس لڈ ایس فور بی ڈیٹر
16/10/2014 کو سدی لڈ ایس فور بی ڈیٹر کی درخواست ببرد اعلا کی عمل
کو حاضر عدالت ہڈا ہو کر سیرٹیفکٹ 17-BPS کی درخواست ببرد اعلا کی عمل
STATUS QUO سڈون بالادیس لڈ ایس فور بی ڈیٹر

سول جج عالی، ماہ 16/10/2014



ATTESTED

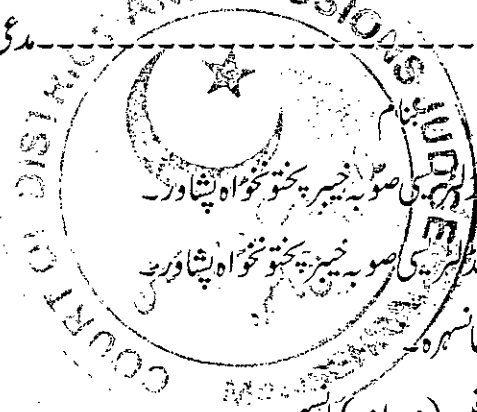
سیٹنگس چیمبر سول جج لاہور

(13)

نمبر 242/2014 صدر 4/13 اسم اعظم لاہور

بعدالت جناب سینئر سول جج صاحب مانسہرہ

سلطان شاہ ولد غلام حسین شاہ ساکن کاغان حال شکیاری بکڑی بالابالا تحصیل و ضلع
مانسہرہ مدعی



- (1) سیکرٹری ایجوکیشن سکولز اینڈ کالجوں صوبہ خیبر پختونخواہ پشاور۔
- (2) ڈائریکٹر ایجوکیشن سکولز اینڈ کالجوں صوبہ خیبر پختونخواہ پشاور۔
- (3) ڈسٹرکٹ ایجوکیشن آفیسر مانسہرہ۔
- (4) سب ڈویژنل ایجوکیشن آفیسر (مردانہ) مانسہرہ۔
- (5) محمد فاروق اسٹنٹ پروگرامر DEO (مردانہ) مانسہرہ۔۔۔۔۔ مدعا علیہم

الف۔ دعویٰ استقراریہ مشعر بدین قرارداد کہ مدعی SDEO (مردانہ) مانسہرہ کے دفتر میں بطور سپرنٹنڈنٹ (BPS-17) تعینات ہے جسے مدعا علیہم بذریعہ آرڈر انڈورسمنٹ نمبر 7370-79، محررہ 26.09.2014، DEO (مردانہ) مانسہرہ پروگرامر کی اسامی پر (BPS-16) میں Degrade کر کے تعینات کرنے کے درپے ہیں۔ مدعا علیہم کا آرڈر متذکرہ غلط، خلاف قانون، خلاف واقعہ یعنی بر بدیتی اور دھوکہ و فراڈ اور وائرس آف لاء کا نتیجہ ہے۔ مدعی مدعا علیہم کے غلط آرڈر کا قطعیاً پابند نہ ہے۔ مذکورہ آرڈر قابل منسوخی ہے۔

D-1
Civil Judge
Manshera
04/10/14

مالیت بغرض کورٹ فیس و اختیار سماعت

-/200 روپے۔

STEU
10/10/14

ب۔ دعویٰ بمراد صدور ڈگری حکم امتناعی دوامی برخلاف مدعا علیہم کہ وہ مدعی کو اپنے فرائض منصبی یعنی سپرنٹنڈنٹ (BPS-17) کی انجام دہی سے روکنے، مدعی کو گریڈ 17 سے گریڈ 16 میں Degrade کرنے، مدعی کی گریڈ 17 کی تنخواہ

بند کرنے اور کسی قسم کی غیر قانونی وغیر اخلاقی اقدام کرنے سے یادگیر کوئی بھی ایسا فعل
جو حقوق مدعی کو متاثر کرتا ہو کرنے سے علی الدوام باز رہیں۔

مالیت بغرض کورٹ فیس و اختیار سماعت

200/- روپے۔

ج۔ دعویٰ حکم تاکید بر خلاف مدعا علیہم کہ وہ آرڈر انڈورسمنٹ

نمبر 79-7370، محررہ 26.09.2014 کو کینسل کر کے مدعی کو اپنی Original

پوسٹ یعنی سپرنٹنڈنٹ، SDEO (مردانہ) کے آفس میں ہی تعینات رکھا

جائے۔

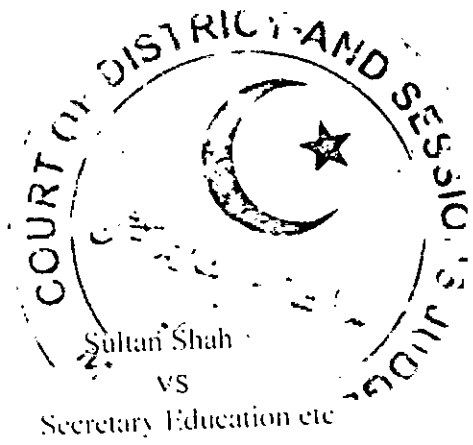
مالیت بغرض کورٹ فیس و اختیار سماعت

200/- روپے۔

جناب عالی! بیان دعویٰ ذیل عرض ہے۔

RECEIVED
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ORDER
12.01.2015

Learned counsel for plaintiff present.

Case file received from the court of learned ADJ-IV, Manshra. As a result of successful resolution of the matter the plaintiff's counsel has made an application (EXPB) for the withdrawal of the suit in hand. To this effect he rendered his statement recorded in the court and exhibited his wakalatnama as ExPA.

Consequently the suit of the plaintiff is dismissed as withdrawn. File be consigned to record room after necessary procedure.

Announced:
12.01.2015

Amir Ali Afridi
Civil Judge (S), Manshra

[Handwritten signature]
15/1/15

[Handwritten notes and signatures in the bottom left corner, including a date '15/1/15']

[Large handwritten signature and scribbles over the judge's name]

بخدمت جناب ڈائریکٹر صاحب ایجوکیشن سکولز اینڈ لٹریسی صوبہ خیبر پختونخواہ پشاور

عنوان: اپیل برائے Cancellation تارلہ اینڈ ڈی گریڈ

جناب عالی!

گزارش بحضور انور ہے کہ محمد فاروق سپرنٹنڈنٹ عرصہ دراز سے S.D.E.O آفس مردانہ مانسہرہ میں تعینات تھا۔ فروری 2013ء میں چیف انسٹر صاحب کی Directives کے تحت تبدیل کر کے SDEO زنانہ میں تعینات کر دیا گیا۔ SDEO زنانہ نے اس کے ذاتی کردار کی وجہ سے اسے پارچ دینے سے انکار کر دیا اور آپ جناب مکہ آرڈر کے تحت اسٹنٹ پروگرامر کی پوسٹ گریڈ 16 میں DEO مردانہ میں تعینات کر دیا گیا۔ سائل 17 BPS میں SDEO مردانہ مانسہرہ میں بحیثیت سپرنٹنڈنٹ اپنے فرائض منصبی احسن طریقے سے انجام دے رہا ہے۔ سائل کو 17 BPS سے Degrade کر کے 16 BPS میں اسٹنٹ پروگرامر کی پوسٹ پر تعینات کر دیا گیا ہے اسی طرح سائل کی تنخواہ بند ہو گئی ہے۔ جس طرح اسٹنٹ پروگرامر محمد فاروق کی تنخواہ گریڈ 16 میں بند ہے۔ سائل کو SDEO آفس میں اس پوسٹ پر صرف چار ماہ ہوئے ہیں۔

جناب عالی! گزارش ہے کہ سائل اپنی اصلی پوسٹ 17 BPS پر بحیثیت سپرنٹنڈنٹ کام کر رہا ہے۔ جبکہ سائل کو گریڈ 17 سے Degrade کر کے گریڈ 16 میں لائے گئے ہیں۔ سائل نے اپنی ناقصانہ صورت حال سے شکایت کی تمام سروس کے بارے میں ہے۔ محمد فاروق کو اس کے ذاتی کردار کی وجہ سے نقصان ہو رہا ہے۔ کیونکہ وہ ہر دو آفس مردانہ از زنانہ ضلع مانسہرہ میں Under report رہا ہے۔ EDO عمر خان کنڈی صاحب والے کیس میں اس کی انکوآری ہوئی اور Guilty پایا گیا۔ جس کی رپورٹ لف ہے۔ DEO زنانہ میڈم شمیم صاحبہ نے اس کے خلاف آپ جناب کو رپورٹ کی اور آپ جناب نے اس کے Suspension orders جاری کیے اور اسے تبدیل کر کے DEO آفس مردانہ میں لگایا گیا۔

عاجباً۔ اس ٹرانسفر آرڈر کی وجہ سے چیف انسٹر صاحب کی Directives کی خلاف ورزی بھی ہو رہی ہے اور سائل کو ترقی سے تنزلی کی جانب لے جایا جا رہا ہے۔

جناب عالی! استدعا ہے کہ سائل کی درخواست پر ہمدردانہ نوڈرنگ کر آؤڈر نمبر End No.7370-79/A-23/MS بحریہ 26.09.2014 کو کینسل فرما کر غریب پروری فرمائیں۔

المرقوم 08.10.2014

ارض

سید سلطان شاہ سپرنٹنڈنٹ (M) SDEO پر انٹری مانسہرہ۔۔۔۔۔ سائل

(Handwritten signature)

ATTESTED

(Handwritten signature)

8/11
8/12
8/11
8/2

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

No. 15418
Dated Mansehra the 22/12/2014

F
16

To


The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.


Subject:- WITH DRAW OF TRANSFER ORDER IN RESPECT OF SYED SULTAN SHAH SUPDT
Memo: Kindly referred your memo No. 1715/A-23/MS/Mansehra-II dated 05/12/2014 on the subject captioned above.

In this regard it is stated that Mr. Syed Sultan Shah was working as superintendent BPS-17, and his transfer as assistant Programmer BPS-16 whose pay cannot be drawn from the post BPS-16 due to his original post /grade is BPS-17.

Mr. Muhammad Farooq may please be adjusted against vacant post of Superintendent where is no such vacant post available in the District Mansehra (Education Department)

Mr. Sultan Shah may please be allowed to continue his job as superintendent BPS-17, in the office of the SDEO (Male) Mansehra as usual. (whereas Mr. Syed Sultan Shah is ready to withdraw the court case)


DY: DISTRICT EDUCATION OFFICER,
(MALE) MANSEHRA

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

²While 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.

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

² Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- (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:	

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

a) Within the same Department	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	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.

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.

ATTESTED

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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.

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.

SPECIMEN NOTIFICATION.

**GOVERNMENT OF NWFP
NAME OF ADMINISTRATIVE
DEPARTMENT**

Dated Peshawar, _____

NOTIFICATION

NO. The Competent Authority is pleased to order the transfer of Mr. _____ Department and to post him as _____ in the interest of public service, with immediate effect.

**CHIEF SECRETARY
GOVERNMENT OF NWFP**

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED

5.

(NAME)
SECTION OFFICER
Administrative Department

{Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008}.

.....
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28th Oct, 2005}.

.....
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

ATTESTED

- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{*Authority: Urdu circular No; SOR-VI/E&AD/1-4/2003, dated 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.*}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{*Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005*}

.....

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{*Authority: - Urdu circular No: SOR-VI.(E&AD)/1-4/06, dated, 29-6-2007*}

.....

1 PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

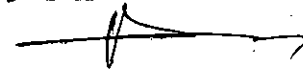
- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and than the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

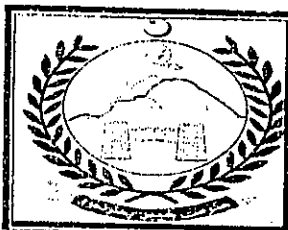
¹ Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dt 9-2-2007

officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
 - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
 - c) Earmarked as a visiting faculty member for specific subject.
-
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
 - vi) The Normal tenure of posting as already provided in the policy would be ensured;
 - vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
 - viii) No participant will decline/represent against his/her posting.

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

NO. SOR.VI (E&AD)1 -4/2005/Vol-II

Dated Peshawar, 27th February, 2013

24
H
AA

Environment Department
Govt. of Khyber P. Pakhtunkhwa
Peshawar
28-2-2013

To
[Handwritten signature]

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

- Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- Tenure, Posting and Transfer:** When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

[Handwritten notes: DS-II, SO, 4/3, majam]

[Handwritten signature: S.M. / S.C.Y.]

[Handwritten signature: Se LC / Se Est]

ATTESTED

[Handwritten signature]

- (iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent.
- (iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully,

najam
(NAJ-MUS-SAHAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar; Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

najam
SECTION OFFICER (REG-VI)

ATTESTED

VAKALAT NAMA

NO. _____/20.

IN THE COURT OF SERVICE TRIBUNAL PESHAWAR

SULTAN SHAH

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

EDUCATION

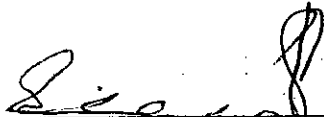
(Respondent)
(Defendant)

I/We SULTAN SHAH

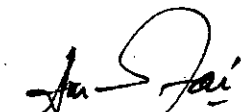
Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

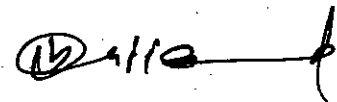
I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 29-1/2015


(CLIENT)

ACCEPTED

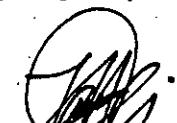

M. ASIF YOUSAFZAI
Advocate


GOMER SAJJAD KHAN Adv

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240


TAIMUR ALI KHAN Adv

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Sayed Sultan Shah.....**Petitioner**

Versus

Secretary Education E&SE, K.P.K. &
Others.....**Respondents**

APPEAL NO. 76/2015

**PARA-WISE COMMENTS ON BEHALF OF
RESPONDENT NO. 5**

Respectfully sheweth!

PRELIMINARY OBJECTION

- 1) That, appellant has got no locus standi.
- 2) That, the appellant has not come to this Honourable Court with clean hands.
- 3) That, this Honourable Court has got no jurisdiction.
- 4) That, appellant has got no cause of action.
- 5) That, the above titled appeal is liable to be dismissed due to non-joinder of

necessary parties and mis-joinder of un-necessary parties.

REPLY ON FACTS

- 1) Para 1 needs no comments. As not related to answering respondent.
- 2) Para 2 needs no comments. As not related to answering respondent.
- 3) Para 3 needs no comments. As not related to answering respondent.
- 4) Para 4 needs no comments. As not related to answering respondent.
- 5) Para 5 needs no comments. As not related to answering respondent.

GROUND: -

- A) Ground "A" needs no comments. As not related to answering respondent
- B) Ground "B" needs no comments. As not related to answering respondent
- C) Ground "C" needs no comments. As not related to answering respondent.
- D) Ground "D" needs no comments. As not related to answering respondent.
- E) Ground "E" needs no comments. As not related to answering respondent.

- F)** Ground "F" needs no comments. As not related to answering respondent.
- G)** Ground "G" needs no comments. As not related to answering respondent.
- H)** Ground "H" needs no comments. As not related to answering respondent.


It is, therefore, most humbly prayed that the above titled appeal may kindly be dismissed with heavy cost.

Dated 24.02.2015

District Accounts Officer
Mansehra (Respondent No. 5)

AFFIDAVIT

I, SHABBIR AZAM QURESHI, ASSISTANT TREASURY OFFICER, DISTRICT ACCOUNTS OFFICE, MANSEHRA DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT THE CONTENTS OF FORE-GOING PARAWISE REPLY/COMMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE COURT.


SHABBIR AZAM QURESHI
(DEPONENT)

AUTHORITY LETTER

**MR. SHABBIR AZAM QURESHI, ASSISTANT
TREASURY OFFICER, DISTRICT ACCOUNTS
OFFICE, MANSEHRA IS HEREBY
AUTHORIZED TO ATTEND K.P.K. SERVICE
TRIBUNAL, PESHAWAR IN CASE TITLED
"SAYED SULTAN SHAH VERSUS
SECRETARY EDUCATION E&SE K.P.K.
PESHAWAR AND OTHER" ON BEHALF OF
RESPONDENT NO. 5 ON EACH DATE OF
HEARING TILL THE FINAL DISPOSAL OF
WRIT PETITION.**


**DISTRICT ACCOUNTS OFFICER
MANSEHRA/RESPONDENT NO. 5**