

S.No.	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	19/9/2017	<p style="text-align: center;">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</p> <p style="text-align: center;">Appeal No. 479/2016 Date of Institution....2/5/2016 Date of Decision.....19/9/2017</p> <p style="text-align: center;">Noor-ul-Amin Versus Additional Chief Secretary FATA, FATA Secretariat, KPK, Peshawar and others. <u>JUDGMENT</u></p> <p style="text-align: center;"><u>GUL ZEB KHAN, MEMBER:-</u> Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for official respondents and counsel for private respondent present.</p> <p>2. Noor-Ul-Amin, Junior Clerk, hereinafter referred to as the appellant, has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 22/1/2016 vide which he was transferred from Agency Education Office, North Waziristan Agency to GHS Spulga, North Waziristan Agency and where against departmental appeal dated 25/1/2016 was not responded constraining him to prefer the instant appeal on 2/5/2016.</p> <p>3. Learned counsel for the appellant argued that the appellant was posted as Junior Clerk at Agency Education Office, North Waziristan Agency vide order dated 13/2/2014 on the strength of the Khyber Pakhtunkhwa Service Tribunal Judgment in appeal No. 1573/2011 dated 10/1/2014 but again transferred him</p>

from the said office to GHS Spulga NW Agency in sheer disregard to the posting/transfer policy at S.No. iiv and as contained in the Government of Khyber Pakhtunkhwa Establishment Department notification dated 24/6/2013 as well as in violation of the basic rights as contained in Article 4 & 25 of the Constitution, as the said transfer order has been issued on administrative grounds and not in the public interest or the exigencies of service. Learned counsel for the appellant further contended that the impugned order is void ab-initio on the ground that transfer can not be awarded as punishment, as the same is not covered under the list of penalties mentioned in the Khyber Pakhtunkhwa E&D Rules 2011. He further contended that the impugned order dated 22/1/2016 issued by the respondent No. 3 is against the law, facts, norms of natural justice and materials on the record and hence not tenable in the eyes of law and therefore liable to be set aside.

4. On the other side, the learned Deputy District Attorney argued before the court that the appellant has been transferred by the competent authority due to his negligence in the performance of official duties, as it is the basic duty and legal obligation of the respondents department to make it sure that the office work is made public friendly for all the visitors and guard it against

any tendency towards mal-practices and delaying tactics. Moreover, the appellant has already completed his normal tenure on the said station on the strength of the stay order. In this regard the learned Deputy District Attorney pressed into section-10 of Khyber Pakhtunkhwa Civil Servant Act-1973 where under a civil servant is required to serve anywhere in the province. He further argued that the instant appeal is badly time barred and without any substance, hence may be dismissed with costs.

5. We have heard arguments of learned counsel for the parties and perused the record.

6. Admittedly the appellant has completed his normal tenure at Agency Education Office, North Waziristan Agency. Furthermore, the impugned order was issued by the competent authority in the public interest with due regard to Section-10 of Khyber Pakhtunkhwa Civil Servant Act-1973, therefore under these circumstances, no case for the indulgence of this Tribunal is made out. Hence the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

19.09.2017


(Muhammad Hamid Mughal)
MEMBER


(Gul Zeb Khan)
MEMBER

19/9/2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for official respondents and counsel for private respondent present. Arguments heard and record perused.

Vide our detailed judgment of today placed on file, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

19.09.2017



(Muhammad Hamid Mughal)
MEMBER



(Gul Zeb Khan)
MEMBER

24.08.2017


Clerk to counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjourned. Adjourned. To come up for arguments on 07.09.2017 before D.B. Status-quo be maintained.

(Gul Zeb Khan)
Member

(Ahmad Hassan)
Member


07/09/2017

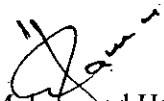
Due to general strike of the bar and bench is incomplete, the case is adjourned for arguments on 19/09/2017 before DB.


MUHAMMAD HAMID MUGHAL
MEMBER

17. 24.07.2017

Agent to counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Agent to counsel for the appellant seeks adjournment. Adjourned. To come up for argument on 04.08.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

18. 04.08.2017

Junior to counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondent present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.08.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

18.08.2017

Junior to counsel for the appellant, Mr. Muhammad Jan, DDA for the official respondents and counsel for private respondent No. 4 present. Senior counsel for the appellant is not in attendance due to ailment of his mother. Seeks adjournment. Last opportunity granted. To come up for final hearing before the D.B on 24.08.2017. Status quo be maintained.

Member


Chairman

04.04.2017

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 27.04.2017 before D.B.


Chairman

27.04.2017


Counsel for the appellant, Mr. Daud Jan, Superintendent alongwith Additional AG for official respondents No. 1 to 3 and counsel for private respondent No. 4 present. Learned Additional AG seeks adjournment as he is sick. Adjourned for final hearing to 19.06.2017 before D.B. The restraint order shall continue.


Member


Chairman

19.06.2017

Agent to counsel for appellant Mr. Usman Ghani, District Attorney alongwith Mr. Syed Daud Jan, Supdt for the respondents present. Arguments could not be heard due to learned member executive is on leave. To come up for argument on 24.07.2017 before D.B. Status-quo be maintained.


(Muhammad Amin Khan Kundi)
Member

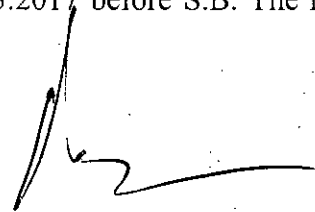
12.12.2016

Since 12th December, 2016 has been declared as a public holiday an account of 12th Rabi-ul-awal. Case is adjourned to 27.01.2017 before D.B. The restrain order shall continue.

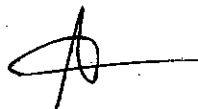

Reader

27.01.2017

Counsel for the appellant and Mr. Daud Jan, Supdt. alongwith Mr. Muhammad Jan, GP for official respondents present. Wakalat Nama alongwith ~~Setting~~ setting-aside ex-parte proceedings initiated against private respondent No. 4 submitted which is hereby accepted. Counsel for private respondent No. 4 is directed to submit written reply positively on the next date. To come up for written reply on 02.03.2017 before S.B. The restrain order shall continue.



(MUHAMMAD AAMIR NAZIR)
MEMBER



(AHMAD HASSAN)
MEMBER


02.03.2017

Counsel for the appellant and Assistant AG for official respondents and private respondent No. 4 in person present. Written reply already submitted by official respondents. Private respondent No. 4 submitted written reply. The appeal is assigned to D.B for rejoinder and final hearing on 04.04.2017. The restrain order shall continue.


Chairman

31.08.2016

Agent to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on main appeal as well as reply to application on 10.10.2016 before S.B. Meanwhile status-quo be maintained.


Member

10.10.2016

Agent to counsel for the appellant and Mr. Murtaza Khan, Stenographer alongwith Assistant AG for respondents present. Written reply submitted by respondent No. 2. Learned Assistant AG relies on the same on behalf of respondent No. 1 and 3. None present for private respondent No. 4 proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing on 10.11.2016. The restrain order shall continue.


Chairman

10.11.2016

Clerk to counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Rejoinder submitted. To come up for arguments on 12.12.2016. The restrain order shall continue.


(MUHAMMAD AAMIR NAZIR)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

479/16

27.07.2016

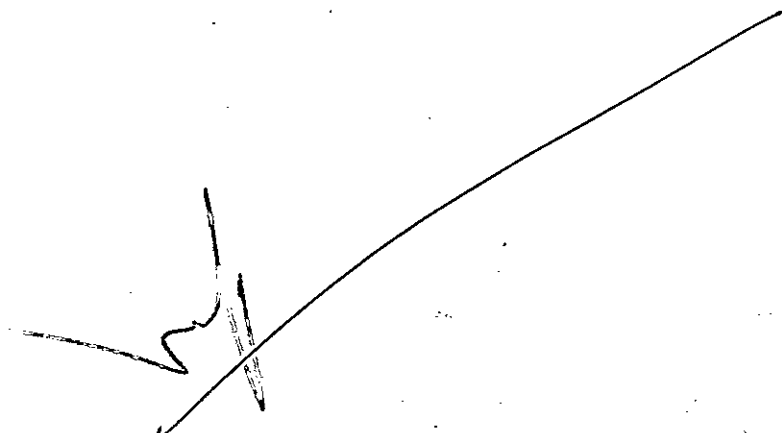
Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Junior Clerk at Agency Education Office North Waziristan Agency and due to alleged negligence and frequent complaints against him transferred from the said office to GHS Spulga NW Agency vide impugned order dated 22.1.2016 where-against departmental appeal of the appellant dated 25.1.2016 was not responded and hence the instant service appeal on 02.05.2016.

That the impugned order was not made in the interest of public service and punished due to alleged negligence and complaints in undue manners and without affording any opportunity to him. That the appellant has not yet relinquished the charge.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 31.08.2016 before S.B. Notice of stay application shall also be issued to the respondents for the date fixed. Status quo be maintained.


Chairman

Appellant Deposited
Security & Process Fee



16.06.2016

Counsel for the appellant present. Seeks adjourned.
Adjourned for preliminary hearing to 12.07.2016 before
S.B.


Chairman

12.07.2016



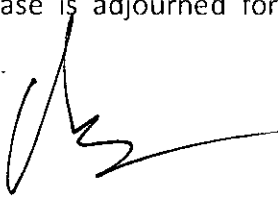

Agent of counsel for the appellant present and requested for
adjournment. Adjourned for preliminary hearing to 27.07.2016
before S.B.


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 479/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06.05.2016	<p>The appeal of Mr. Noor-ul-Amin resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>19-5-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	19.05.2016	<p>Clerk of counsel for the appellant present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for preliminary hearing to 26 2016 before S.B.</p> <p style="text-align: right;"> Member</p>
	02.06.2016	<p>None present for the appellant. Adjourned for preliminary hearing to 16.06.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Noor-ul-Amin Junior Clerk office of the Agency Education Officer NWA received to-day i.e. on 02.05.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-E of the appeal is missing.
- 2- Wakalat nama is not attached with the appeal which may be placed on file.
- 3- Annexure-C of the appeal is illegible which may be replaced by legible/better one.

No. 700 /S.T,

Dt. 3 /5 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv, Pesh.

Note:

Six,

*All objections have been removed,
hence re-Submitted today dated 6/5/2016.*

6/5/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 479 /2016

Noor-Ul-Amin

VS

A.C.S FATA

INDEX

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 479 /2016

S.W.F. Province
Service Tribunal
Diary No. 441
Dated 02-05-2016

Mr. Noor Ul Amin, Junior Clerk (BPS-12),
O/O the Agency Education Officer, North Waziristan Agency,
Under transfer to GHS Spulga, NWA **Appellant**

VERSUS

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
 - 2- The Director of Education FATA, FATA Secretariat, Warsak Road, Peshawar.
 - 3- The Agency Education Officer, North Waziristan Agency.
 - 4- Mr. Shah Mohammad, junior Clerk, GHS Spulga under transfer to O/O the AEO North Waziristan Agency.
- **Respondents**

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 22.1.2016 WHEREBY THE APPELLANT WAS TRANSFERRED FROM THE OFFICE OF AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY TO GHS SPULGA IN VIOLATION OF TRANSFER/ POSTING POLICY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER: That on acceptance of this appeal the impugned order may be set aside and the respondents may be directed that not transfer the appellant from the office of Agency Education Officer North Waziristan Agency. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of appellant.

R.SHEWETH:
ON FACTS:

- 1- That appellant is serving the respondent Department as Junior Clerk (BPS-12) for quite considerable time. That appellant right from appointment till date has served the respondent department quite efficiently and up to the entire satisfaction of his superiors.

- 2- That lastly the appellant was posted as Junior Clerk (BPS-12) in the office of Agency Education officer, North Waziristan Agency on the direction of this august Tribunal vide order

Filed to-
Registrar
2/5/16

re-submitted to-
Registrar
9/02/16

dated 13.2.2014. That in compliance the appellant took over the charge of the said post and started performing his duty quite efficiently and up to the entire satisfaction of his superiors. Copy of the transfer order is attached as annexure **A.**

3- That one Mr. Shanabaz Khan Senior Clerk who is blue eyed chap person to the respondents has been given all the responsibilities of heavy heads such as Deeni madaris, communal schools, transfer of teachers, nomination and appointment of class-iv and release of salaries. That appellant feeling aggrieved has filed a written complaint before the respondent No.2 but the respondent No.2 instead of taking notice of such an illegalities on the part of respondent No.3 transferred the appellant from the office of Agency education Officer North Waziristan Agency in violation of transfer/ posting policy vide impugned order dated 22.1.2016. Copies of the record and impugned transfer order are attached as annexure **B and C.**

4- That appellant feeling aggrieved filed Departmental appeal but no reply has been received so far. Hence the instant appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure **D.**

GROUND:

A- That the impugned order dated 22.1.2016 issued by the respondent No.3 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the impugned order dated 22.1.2016 is against the clause I and IV of the transfer/ Posting policy of the Government of Khyber Pakhtunkhwa. (Copy of Transfer/Posting policy is attached as annexure **E.**

D- That the impugned order dated 22.1.2016 has not been issued in the public interest nor in exigencies of service.

E- That the transfer of the appellant is void ab initio on the ground that transfer can not be awarded as

punishment as the same has not been mentioned in any of the penalty list of E&D amended Rules 2011.

- F- That the respondents acted in arbitrary and malafide manner while issuing the impugned order dated 22.1.2016.
- G- That the impugned order has been issued by the respondents on malafide basis just to side on the appellant from his legal stance.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

DATED: 28.4.2016

APPELLANT



NOOR UL AMIN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO _____/2016

NOOR UL AMIN

VS

A.C.S FATA

APPLICATION FOR SUSPESION OF OPERATION
OF IMPUGNED ORDER DATED 22.1.2016 TILL
THE DISPOSAL OF THIS APPEAL

R/SHEWETH:

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

It is therefore humbly prayed that on acceptance of this application the order dated 22.1.2016 may very kindly be suspended till disposal of this appeal.

APPELLANT



NOOR UL AMIN

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE



A-5

OFFICE OF THE AGENCY EDUCATION OFFICER
 NORTH WAZIRISTAN AGENCY MIRANSHAH
 NO: _____ / J/Clerk / AEO / NWA
 DATED: _____ / _____ / 2014.

OFFICE ORDER

In pursuance of Director of Education FATA, FATA Secretariat, Warsak Road Peshawar letter No. 1388 dated 11.2.2014 regarding implementation of Khyber-PakhtoonKhwa Service Tribunal Court decision appeal No 1573/2011 dated 10.1.2014, the following Junior Clerks are hereby transferred/adjusted on their own pay and BPS to the school mentioned against each with immediate effect.

S.No	Name & Designation	From	To	Remarks
1.	Noorul Amin J/C	GHS Saddiqi kot	AEO Office Miranshah	Vice No. 2
2.	Asif Nawaz J/C	AEO Office Miranshah	GHS Spinwam NWA	Against Vacant Post

Note:

1. No TADA is allowed.
2. Charge report should be submitted to all concerned.

(Mir Azam Khan Marwat)
 Agency Education Officer
 North Waziristan Miranshah

Endost: No. 426-73 / AEO / NWA / 12/2014.

Copy to the:

1. Director of Education FATA Khyber Pakhtoonkhwa Peshawar w/r to his No. cited above.
2. Registrar Honourable Service Tribunal Khyber Pakhtoonkhwa Peshawar.
3. Agency Accounts Office NWA Miranshah.
4. Head Master GHS Saddiqi kot NWA.
5. Head Master GHS Spinwam NWA.
6. Accountant Local for Record.

Attested
 12/12/2014

Agency Education Officer
 North Waziristan Miranshah.

آؤن آؤو 13 2
 آؤو آؤو آؤو 2014
 آؤو آؤو آؤو 2014

13

22/11/2016
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To,

The Director of education
(FATA) KPK Peshawar.

Subject: WORKS ASSIGNMENTS.

B-6

Respected Sir,

Most respectfully it is stated for your kind information that I have been transferred to AEO Office Miranshah on 13/7/2014, (18 months ago), but no work has been assigned to me as yet.

R/sir,

Through your telephonic message in Order No. 66 dated 28/7/2015, the account such heavy heads of 414, 415 and 441 have been given to Mr. Shanabaz Khan Senior Clerk, while 1- Deeni Madaris, 2- Communal Schools, 3- Transfers of Teachers, 4- Nomination and appointment of C-IVs, 5- Verification of documents and much more works of this office have been already dealing the same S/Clerk, for about one year until now. Being the gang of six clerks, the said clerk is ALL IN ALL and ALL IN ONE personality of this office now a days.

R/Sir,

For about 4000 heavy strength of teachers, and about Rs. 110000000/- disbursing of the drawl, the clerk takes help from Non-responsible, Non-relevant, Third and fully Private persons such like his sons, nephews and other relatives, which is contrary to the rules and a danger for the privacy and secrecy of this office.

R/Sir,

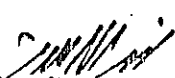
To avoid the keen problems and grievances of IDPs teachers of North Waziristan Agency that occurs in their salaries and other official works. it is requested your kind honor to issue orders for the work assignment in equal share to us please.

Copy for information:

- 1-Chief Minister KPK Peshawar.
- 2-Addl: Chief Secretary KPK Peshawar.
- 3-Chairman NAB, PDA Complex, Block 111, Phase-V Hayat Abad Peshawar.

Yours Obediently

Date: 13/08/2015


Noorudamini s/o Haji Shera Jan
J/Clerk AEO Office Miranshah.
CNIC NO. 21505-8811543-9
Mob: No. 03361975352

Attested
[Signature]

14
12

TRANSFER OF WORKS.

7

The following Ministerial staffs transfers of works are hereby ordered with immediate effect, detail are as under:

Akhter Niaz Khan Asstt:

- 1- All kind of Appointment, transfer cases, Pur & Distribution of Scholar Ships

Fida Ullah S. Clerk

- 1- All kind of Primary pay bills/Distribution of Primary pay bills & Leave Salary.

Shafiq Ullah S. Clerk

- 1- All kind of Secondary Pay bill/Distribution, PAsstt & Leave Salary cases.

Noor Ul-Azhar Khayat P. Clerk

- 1- All kind of SETs works, Distribution of salary 411-Administration Works, Deeni Madaris salaries, Communal school salaries and all kind GP Fund cases, B-Fund and Group Insurance.

Abdul Qader S. Clerk

- 1- All kind of pension cases and all head of contingencies.

Bait Ullah Khan (KPO)

- 1- All kind of EMIS works primary, Middle, High, Higher Secondary & Elementary colleges.
- 2- Preparation of Students teachers enrollments.
- 3- Email online works/information to Political Agent, Pak Army, DE (FATA) Peshawar, and Secretary Education FATA Secretariat Peshawar.

NOTE:

All kind of Distributed works will check/process through Superintendent of this office

AGENCY EDUCATION OFFICER,
NORTH WAZIRISTAN AGENCY

No: 536-45 /transfer of Works/AEO/NWAZIRISTAN Dated Banna the 19 /10/2015

Copy to the

- 1- Director Education FATA Khyber Pakhtunkhwa Peshawar.
- 2- Political Agent North Waziristan Agency at Muzaffargarh.
- 3- Agency Accounts Officer North Waziristan Agency at Banna.
- 4- Superintendent Local office.

AGENCY EDUCATION OFFICER,
NORTH WAZIRISTAN AGENCY

Attested
19/10

17

7

No. 66-----Date AEO Office Miranshah 28-----/7/2015

From

The Agency Education Officer
North Waziristan Miranshah.

To

The Director of Education
(FATA) K.P.K. Peshawar.

SUBJECT: - HANDING OVER ACCOUNT HEADS TO
MR: SHANABAZ KHAN S/C.

Memo:

In line with telephonic message from your Office on 28.7.2015 at 9.20.am. I am Directed to Hand Over the following Heads of Accounts to Mr: Shanabaz Khan Senior Clerk of This Office.

1. 096101 (44100) Inspection Administration (AEO NWA)
2. 092101 (414 Secondary Education.
3. 091102 (41500) Primary Education.

PROJECT HEADS.

1. 091120 Others, Deenni Madrassa ADP NO; 10/130402
2. 091120 Others Communal Schools.

Agency Education Officer
North Waziristan Miranshah

(11)

Assesed
Q

(15)

9

20/1/2016

1/2016

134	Sabiha	PTC	FCS Zamir Shah	107166
135	Imtiaz Begum	PTC	-do-	107166
136	Ahmadullah	CH	-do-	55566
137	Mehnaz Begum	PTC	GCS Rahim kot	107166
138	Kalsom	PTC	-do-	107166
139	Baitullah	CH	-do-	55566
140	Shubnum Tabsum	PTC	FCS Jahangir Kot	107166
142	Gula Noor	CH	-do-	55566
143	Razia	PTC	FCS Naeem kot	107166
144	Nair Sultana	PTC	-do-	107166
145	Naqibullah	CH	-do-	55566
146	Rozina Begum	PTC	FCS Suleman Kot	107166
147	Mukhtar Zada	PTC	-do-	107166
148	Amin Khan	CH	-do-	55566

G:Total:

Rs:13010670/-

PST 96X 6X17861=

Total class iv 49x6x9261 =

Sanction Budget Rs:26021000/-

Expdt: this bill Rs:13010670/-

Balance Rs:13010330/-

Agency Education officer
North Waziristan Agency.

Agency Education officer
North Waziristan Agency.

Attested

9 2

Communal
Bill

In Account of Bill put up by
Shanbaz Khan clerk, while
the work is of Moral Army

It may be prepared at the following format.

<u>SNO.</u>	<u>Name</u>	<u>PF/Amount</u>	<u>exce.</u>	<u>Rate of Pay</u>	<u>Total</u>
-------------	-------------	------------------	--------------	--------------------	--------------

- (2) B/Books in R/o All concerned officials may be provided.
- (3) Previous Pass-d Bill may also be attached with the claim.
- (4) Affidavit Certificate signed by the PPO may be attached.
- (5) Detail of all the ~~and~~ ¹ bills are ~~in~~ ^{of} manual project.

(19)

For Accounts Officer
M. W. Manshah
15/1/2016

Budget 26,021 (M)
9/1/2016
Sub 19/2
videm 3671-79
15/1/2016

**DIRECTORATE OF EDUCATION
FATA SECRETARIAT**

TRANSFER/ADJUSTMENT ORDER:

The following Junior clerks of Agency Education Office/school are hereby transferred in their own pay and scale with immediate effect due to negligence their assigned duties and frequent complaints in respect of S.No.2.

S#	Name of Official with Designation/Station	Adjusted at	Remarks
1.	Shah Muhammad Junior Clerk GHS Spulga North Waziristan Agency.	Agency Education Officer NWA	V. S No.2.
2.	Noor Ul Amin, Junior Clerk, Agency Education Office NWA	GHS Spulga North Wazirsitan Agency	V.S No. 1


- Note: 1. Charge report should be submitted to all concerned.
2. TA/DA etc is not allowed.

Director Education FATA

Endst: No. 998-1002

Dated 22/1/2016

Copy to all concerned.

Attested


C-10

DIRECTORATE OF EDUCATION
FATA SECRETARIAT

TRANSFER / ADJUSTMENT ORDER

The following Junior Clerks of Agency Education Office / School are hereby transferred in their own pay and scale with immediate effect due to incompetence in their assigned duties and frequent complaints in respect of S.No.2

S#	Name of Official with Designation/Station	Adjusted at	Remarks
1.	Shah Muhammad Junior Clerk GHS Spulga North Waziristan Agency.	Agency Education Office North Waziristan Agency.	V. S No. 2.
2.	Noor Ul Amin Junior Clerk, Agency Education Office North Waziristan Agency	GHS Spulga North Waziristan Agency.	V. S No. 1.

Note - 1. Charge report should be submitted to all concerned.
2. TAV DA etc. is not allowed.

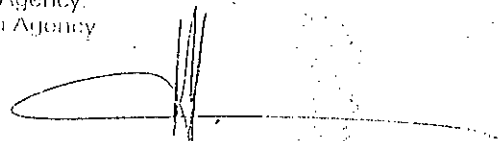
Director Education FATA


Order No. 998-1002


Dated 22-1-2016


Copy to the:-

1. Agency Education Office North Waziristan Agency.
2. Agency Accounts Office North Waziristan Agency.
3. Head Master GHS Spulga North Waziristan Agency.
4. PA to Director Education FATA.
5. Officials concerned.


Deputy Director (FATA)

Attended



21/9/16







دعوت نامہ ایجنسی ایچ اے کے تحت جاری ہے ،
عنوان : ایس اے کے منسوی ڈرائنگ آرڈر

(11)

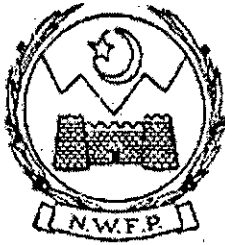
ضابطہ لا ... حوالہ دیا گیا ہے کہ آپ کو 13² 2014 کو ڈرائنگ سوا گیا ہے ،
2016 کو 22¹ کو کیا گیا ہے - 2016 باقاعدہ سوسائٹیز
اور اس وقت ایس ایس اے آفیس میں 13² 2014 کو ڈرائنگ سوا گیا ہے ،
اب چونکہ صرف ایک سال الامہ اور آدن بعد سیکرٹریٹس
ہوئی ہے اور ایسی Tenure پر آئیں گے لہذا آپ
سہ ماہی و عمارت سیکرٹریٹس ڈرائنگ آرڈر کے لئے
دعاگو رہیں گے

صفحہ 1
25-1-2016

آرٹیکل 17
کو آفس کے
کام کے لئے

Attested
[Signature]

(11)



**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) ¹{ }
- 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.
- 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.

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

ATTEST
[Signature]

- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement
¹DCOs 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 column2 thereof:

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

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
 - Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

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

ATTESTED

[Handwritten signature]

- xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.
- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
 - ii) Serious and grave personal (humanitarian) grounds.

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

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

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

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

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

.....

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

{*Authority: Latter 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.

ATTESTED

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2016

(APPELLANT)

(PLAINTIFF)

(PETITIONER)

Noor-ul-Amin

VERSUS

(RESPONDENT)

(DEFENDANT)

A. C. S. FATA

I/We Noor-ul-Amin

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2016



CLIENT



ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

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

Phone: 091-2211391

Mobile No 0345-0383141

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 479/2016

Noor-UI-Amin.....Appellant.

VERSUS

1. The Additional Chief Secretary FATA, FATA Secretariat Peshawar.
2. The Director Education FATA, FATA Secretariat, Peshawar.
3. The Agency Education Officer North Waziristan Agency
4. Mr. Shah Mohammad, Junior Clerk, GHS Spulga NWA..... Respondents.

Para-wise comments on behalf of respondent No: 2 & 3.

Respectfully Sheweth:

Preliminary Objection

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appellant has concealed material facts from this Honorable Tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That this Honorable Tribunal has no jurisdiction to entertain the Appeal.
7. That the instant appeal is not maintainable and devoid of merits.

On Facts:

1. Pertains to record.
2. Pertains to record.
3. Incorrect. The appellant has been transferred by the Competent Authority on administrative grounds as the appellant was found negligent on his assigned duty and frequent complaints against the appellant was received. Therefore, it was the legal obligation of the respondents department to safe-guard the public functionaries from all those, who had tendency towards mal-practices. In this regard section-10 of Khyber Pakhtunkhwa Civil Servant Act-1973 is very clear ' that every civil servant shall be liable to serve anywhere inside or outside the province therefore the appellant has no right to perform his duty according to his wishes. The appellant has already been relieved from his duty on 08.02.2016 by the Agency Education Officer, N.W. Agency.
4. No comments. However, reply on the grounds are as under .

Grounds:

- A. Incorrect. The impugned order 22/1/2016 had been issued in public interest by competent authority and valid in the eye of law.
- B. Incorrect. The respondents have treated the appellant as per law and rules and have not violated any provision of constitution.
- C. Incorrect. The impugned order dated 22/01/2016 is valid and issued in public interest according to transfer/posting policy.

- D. Incorrect. The transfer order of the appellant has been issued by the competent authority in the public interest.
- E. Incorrect. As elucidated in para-3 above.
- F. Incorrect. As mentioned in para-C.
- G. Incorrect. The impugned order has been issued by the competent authority in public interest.
- H. The respondent departments also seek permission to advance other grounds and proofs at the time of hearing.

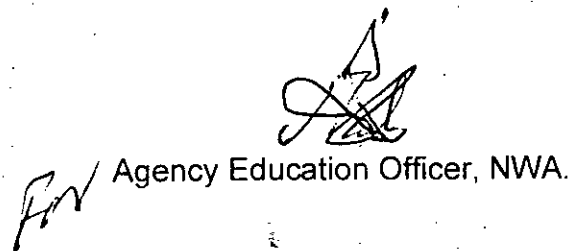
In light of the above facts it is humbly requested to please dismiss the appeal having no legal grounds with cost.

Respondent No. 2.



Director Education FATA

Respondent No. 3.

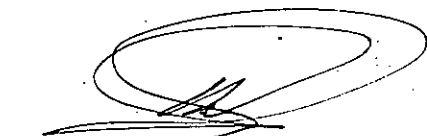


Agency Education Officer, NWA.

AFFIDAVIT

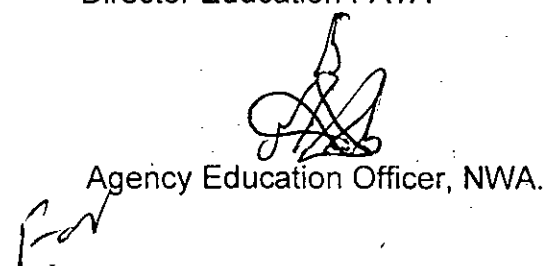
We the above respondents do hereby declare and affirm that the above comments are true and correct to the best of our Knowledge and belief that nothing has been concealed from this Honorable Tribunal.

Respondent No. 2.



Director Education FATA

Respondent No. 3.



Agency Education Officer, NWA.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.479/2016

NOOR-UL-AMIN

VS

A.C.S. FATA

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

R/SHEWETH:

(1 TO 4):

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

ON FACTS:

- 1- Admitted correct by the respondents hence need no comments.
- 2- Admitted correct by the respondents hence need no comments.
- 3- Incorrect and not replied accordingly. That no such complaint whatsoever has been lodged against the appellant rather the respondents have no reason to justify the impugned order. That appellant has been transferred by the Agency Education Officer North Waziristan Agency—due to personal grudges i.e. appellant preferred a complaint to the Director of Education FATA against the concerned Agency Education Officer to take notice of illegalities of the respondent No.3. But the Director of Education FATA instead of taking action against the Agency Education officer transferred the appellant from the office of the Agency Education Officer North Waziristan Agency.
- 4- Incorrect and not replied accordingly hence denied.

GROUND:

(A to H):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That appellant has been transferred from the office of the Agency Education Officer NWA on administrative ground and in violation of the transfer/posting Policy. That the respondent No.3 is involve in illegal activities. That appellant feeling aggrieved from that filed complaint against the blue eyed chap person of the respondents namely Shanabaz Khan but instead of taking action against the respondent No.3, the Director of Education FATA transferred the appellant.

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

APPELLANT



NOOR-UL-AMIN

THROUGH:



**NOOR MOHAMMAD KHATTAK
DVOCATE**