

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 1140/2016

Date of Institution... 14.11.2016

Date of decision... 24.08.2017

Muhammad Kalim, SPST, Government Primary School Sherwan, Dbistrict,
Abbottabad. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar
and 2 others. (Respondents)

MR. MUHAMMAD ARSHAD KHAN TANOLI,
Advocate ...

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN, ...

CHAIRMAN

MR. MUHAMMAD HAMID MUGHAL, ...

MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the
learned counsel for the parties heard and record perused.

FACTS

2. The appellant while serving as SPST (BPS-4) in Government Primary
School sherwan, District Abbottabad, was transferred to Government Primary
School, Puhar on 04.08.2016 against which the appellant filed a departmental
appeal on 10.08.2016 which was not responded to, hence the present appeal on
14.11.2016. Since the departmental appeal of the appellant was not responded
to, hence he approached the Worthy Peshawar High Court through a Writ
Petition No. 772-A/2016 for obtaining an interim relief which was granted to
him and then the appellant withdrew that Writ Petition on 08.11.2016 before
filing the present appeal

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was transferred on the basis of malafide of the department. That according to rationalization policy of the department there were more than 100 students in the school in March, 2017 and according to that policy, the appellant should not have been transferred from Sherwan. The learned counsel for the appellant further argued that according to the rationalization policy the junior SPST namely Muhammad Javed should have been transferred and not the appellant. He further argued that the department has not fully implemented the rationalization policy because according to that policy there should have been only two teachers but still there are four teachers.

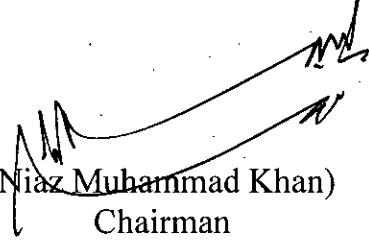
4. On the other hand the learned Deputy District Attorney argued that at the time when the appellant was transferred, the population was 95 students and it is still 95. That according to rationalization policy, if the number of population of students is less than 100 then only one SPST and one PST are to be retained and the rest are to be transferred out. That at the time of transfer, the appellant was SPST and Muhammad Javed was PST.

CONCLUSION

5. The data provided to-day by the department and duly attested by the authority cannot be refuted. According to which the present population of students is 95 and at the relevant time which was also 95. In accordance with the rationalization policy, the appellant was rightly posted out, however it has been admitted by the representative of the department that the department should have transferred other PSTs and would have left only one PST alongwith one SPST.

6. As a sequel to the above discussion, no case was made out by the appellant, which is dismissed. So far as the retention of the teachers in the schools is concerned, the objection of the learned counsel for the appellant of non compliance of rationalization policy in toto is correct and the respondents are directed to implement the rationalization policy in letter and spirit by leaving only two teachers in the school as per the said policy within one week from the receipt of this judgment and should submit compliance report to the Registrar of this Tribunal within 10 days. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Hamid Mughal)
Member


(Niaz Muhammad Khan)
Chairman
Camp Court, Abbottabad

ANNOUNCED
24.08.2017

25.05.2017

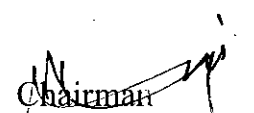
Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, to come up for the same on 23.08.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly


Registrar

23.08.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Sohail Ahmad Zaib, Assistant for the respondents present. Arguments partly heard. To come up for further arguments on 24.08.2017 before this D.B


Member



Chairman
Camp court, A/Abad

24.08.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Zubair Ali, ADO for the respondents present. Arguments heard and record perused.

As per detailed judgment of today, this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp court, A/Abad

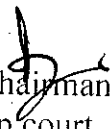
ANNOUNCED
24.08.2017

Muhammad Kalim vs Govt

1140/2016

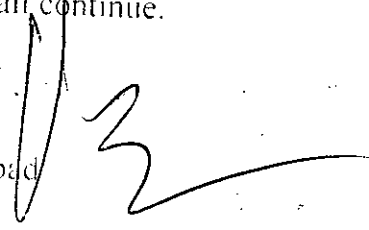
19.1.2017

Counsel for the appellant and Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/comments on 17.02.2017 before S.B at camp court, Abbottabad. The restraint order shall continue.


Chairman
Camp court, A/Abad

17.02.2017

Clerk of counsel for the appellant and Mr. Saquib Shahzad, Assistant alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 17.04.2017 at camp court, Abbottabad. The restraint order shall continue.


Member
Camp court, A/Abad

17.04.2017

Counsel for the appellant and Mr. Sohal Ahmad Zaib, ADO alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Due to incomplete Bench arguments could not be heard. To come up for final hearing before the D.B on 16.05.2017 at camp court, Abbottabad. The restraint order shall continue.


Chairman
Camp court, A/Abad

Appeal No. 1140/2016
Muhammad Kalim vs Govt

22.12.2016

Learned counsel for the appellant argued that the appellant was serving as PST at GPS Sherwan district Abbottabad when promoted as SPST and transferred to GPS Pohar Abbottabad vide impugned order dated 4.8.2016 despite the fact that the appellant was the most senior Teacher of the school and, as per policy, entitled to serve at his native school. Aggrieved of the said order appellant preferred departmental appeal on 10.08.2016 as well as Writ Petition No. 772-A/2016 before Peshawar High Court, Abbottabad Bench wherein the impugned order was suspended vide order dated 17.08.2016. That due to lapse of statutory period prescribed for service appeal before this Tribunal the Writ Petition was disposed off vide order dated 08.11.2016. That service appeal was preferred after lapse of statutory period on 14.11.2016.

That the impugned order dated 04.08.2016 is against the promotion policy as the appellant was deprived to serve at the said school despite senior most PST.

Points raised need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents. To come up for written reply/comments on 19.01.2017 before S.B at camp court, Abbottabad. Till then the impugned order is suspended to the extent of transfer of the appellant.

Appellant Deposited
Security & Process Fee

91085-81-78
27-12-2016






Chairman
Camp court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1140/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/11/2016	<p>The appeal of Mr. Muhammad Kalim received today by post through Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	17-11-2016	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-12-2016</u></p> <p> CHAIRMAN</p>



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

Service Appeal No. 1140 /2016

Muhammad Kalim, SPST, Govt. Primary School Sherwan, District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

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S.#	Description	Page #	Annexures
1.	Service appeal alongwith affidavit	1 to 9	
2.	Suspension application	10 to 11	
3.	Copy of staff statement of GPS Sherwan, District Abbottabad duly signed by Head Teacher showing the appellant at Serial No.2 in the school	12	"A"
4.	Copy of impugned order dated 04/08/2016	13	"B"
5.	Copy of departmental appeal	14	"C"
6.	Copies of writ petition, order dated 17/08/2016 and order dated 08/11/2016	15-25	"D", "E" & "F"
7.	Copy of Rationalization Policy dated 01/04/2014	26	"G"
8.	Wakalatnama	27	



...APPELLANT

Dated: 9/11 /2016

Through


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

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

Service Appeal No. 1140 /2016

Muhammad Kalim, SPST, Govt. Primary School Sherwan, District
Abbottabad.

...APPELLANT

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 1176

Dated 14-11-2016

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer, Elementary & Secondary Education (Male), Abbottabad.

....RESPONDENTS

Filed to-day

Registrar

14/11/16

**SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT IS SERVING IN GPS SHERWAN
AS SPST AND AS PER RATIONALIZATION**

POLICY DATED 01/04/2014, 2 POSTS OF PST
TEACHERS OUT OF 5 POSTS WERE
DECLARED SURPLUS AS PER
RATIONALIZATION POLICY, SENIOR
TEACHERS ARE TO RETAINED IN THE
SAME SCHOOL AND JUNIOR MOST IS TO BE
TRANSFERRED TO THE NEARBY SCHOOLS.
THE APPELLANT IS SENIOR IN SERVICE
HAS BEEN TRANSFERED FROM GPS
SHERWAN TO GPS POHAR WHEREAS
JUNIORS TO THE APPELLANTS HAVE BEEN
RETAINED BY RESPONDENT NO.3 WHICH
IS AGAINST THE RATIONALIZATION
POLICY AS WELL AS RULES APPLICABLE
TO SURPLUS EMPLOYEES VIDE IMPUGNED
TRANSFER ORDER ENDST NO. 6091-94
DATED 04/08/2016 WHICH IS PERVERSE,
DISCRIMINATORY, AGAINST THE LAW
AND RATIONALIZATION POLICY IN
VOGUE. HENCE THE IMPUGNED TRANSFER
ORDER OF THE APPELLANT IS LIABLE TO
BE SET ASIDE.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, IMPUGNED TRANSFER ORDER DATED 04/08/2016 MAY GRACIOUSLY BE DECLARED ILLEGAL AND VOID AND RESPONDENTS MAY BE DIRECTED TO RETAIN THE APPELLANT IN HIS ORIGINAL SCHOOL I.E GPS SHERWAN BEING SENIOR SPST. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS APPROPRIATE IN THE CIRCUMSTANCES MAY ALSO BE ALLOWED TO THE APPELLANT.

Respectfully Sheweth:-

Brief facts leading to the instant appeal are arrayed as under;-

1. That the appellant is serving as SPST in GPS Sherwan w.e.f 20/05/2013 and the appellant is senior to other PSTs. Therefore, as per Rationalization Policy junior most teachers are to be transferred as and when some posts are declared surplus in the

schools. Copy of staff statement of GPS Sherwan District Abbottabad duly signed by Head Teacher, showing the appellant at Serial No. 2 in the school is attached as Annexure "A".

2. That respondent No.3 without following Rationalization Policy wherein junior most teachers are to be transferred but the appellant being senior most has been transferred from GPS Sherwan to GPS Pohar vide impugned transfer order dated 04/08/2016. Copy of impugned order dated 04/08/2016 is attached as Annexure "B".

3. That the appellant feeling aggrieved filed departmental appeal to the respondent No.2 dated 10/08/2016 for cancellation of his transfer order but the departmental appeal/representation is yet to be decided. Copy of departmental appeal is attached as Annexure "C".

4. That prior to this, appellant filed writ petition No.772-A/2016 before Peshawar

High Court, Abbottabad Bench, the Honourable High Court bench suspended impugned transfer order vide order dated 17/08/2016 and finally dismissed the same vide order dated 08/11/2016. Copies of writ petition, order dated 17/08/2016 and order dated 08/11/2016 are attached as Annexure "D", "E" & "F".

Hence, feeling aggrieved, the instant appeal is filed, inter-alia, on the following grounds:-

GROUND:-

- a. That transfer order of the appellant dated 04/08/2016 is against the law, merit policy as well as rationalization policy issued by respondent No.2 dated 01/04/2014 wherein under the rationalization policy junior most teachers of the school are to be transferred whereas the appellant being senior most teacher has been transferred vide order dated

04/08/2016 is liable to be cancelled.
Copy of Rationalization Policy dated
01/04/2014 is attached as Annexure
"G".

- b. That the appellant has been transferred for making room for some teachers having political back which is clear from fact that a surplus employee at serial No. 15 of the impugned order has been transferred from GPS Pohar and the appellant has in place of surplus employee namely, Muhammad Siraj at GPS Pohar. It is illogical that one surplus is transferred from GPS Pohar and the appellant being surplus is transferred at GPS Pohar which reveals that respondent No.3 wants to accommodate some blue eyed chaps and transfer order of the appellant may be declared against the law.
- c. That the appellant is permanent resident of Union Council Sherwan.

where the appellant has been transfer
is miles away far flung hilly area of
Union Council Pind Kargu.
Therefore, PST teachers cannot be
transferred from his Union Council
and arrangements are to be made to
accommodate PSTs from other
schools to the schools of their own
Union Councils.

- d. That the respondents department has led the appellant to the place which is utterly unknown to the principle of jurisprudence, natural justice and Rationalization Policy.
- e. That there is no other prompt and efficacious remedy available to the appellant except the constitutional writ jurisdiction of this Honourable Tribunal.
- f. That the others grounds would be urged at the time of arguments.


It is, therefore, humbly prayed that on acceptance of the instant appeal, impugned transfer order dated 04/08/2016 may graciously be declared illegal and void and respondents may be directed to retain the appellant in his original school i.e GPS Sherwan being SPST. Any other relief which this Honourable Court deems appropriate in the circumstances may also be allowed to the appellant.



...APPELLANT

Dated: 9/11 /2016

Through



(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



...APPELLANT

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

Service Appeal No. _____/2016

Muhammad Kalim, SPST, Govt. Primary School Sherwan, District
Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary
Education, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Kalim, SPST, Govt. Primary School Sherwan, District
Abbottabad, do hereby solemnly affirm and declare that the contents of
foregoing appeal are true and correct to the best of my knowledge and belief
and nothing has been concealed therein from this Honourable Tribunal.



DEPONENT

10/10/2016

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

Service Appeal No. _____/2016

Muhammad Kalim, SPST, Govt. Primary School Sherwan, District
Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary
Education, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF IMPUGNED
TRANSFER ORDER DATED 04/08/2016 AND
MAINTENANCE OF STATUS QUO TILL FINAL
DISPOSAL OF TITLED APPEAL.

Respectfully Sheweth;-

1. That the titled appeal is being filed before this Honourable Tribunal and contents of the instant petition may be treated as integral part of the main appeal.

2. That appellant has brought a good prima facie case and balance of convenience lies in favour of the appellant. Moreover, there is every likelihood of success of the appellant.

3. That if the impugned transfer order dated 04/08/2016 is not suspended, the appellant would be subjected to irreparable loss.

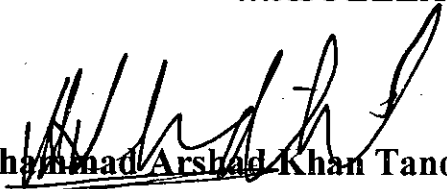
It is, therefore, humbly prayed that on acceptance of the instant application, impugned transfer order dated 04/08/2016 may graciously be suspended and status quo may kindly be ordered to be maintained till final disposal of the titled appeal.



...APPELLANT

Dated: 9/11 /2016

Through



(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

AFFIDAVIT:-

I, Muhammad Kalim, SPST, Govt. Primary School Sherwan, District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



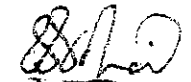
DEPONENT


Annex A P-12

Staff Statement G.P.S Sherwan Circle Sherwan Distt Abbottabad.

Sl No	Teachers name	Father name	D.O.B	Academic & Professional Qualification	Date of 1st Appointment	Arrival in Present School	CNIC #	Personal #	Designation & Grade
1	Sohail Sultan	Sultan Mohammad Khan	01-06-1965	F.A P.T.C	29-09-1988	02-03-2013	13101-797-929-7	9411	P.S.H.T 15
2	M Kaleem	Mohammad Rafiq	15-04-1968	F.A P.T.C	26-11-1989	20-05-2013	13101-7936697-1	9551	S.P.S.T 14
3	M Shamriz Khan	M Akram	02-02-1986	S.S.C P.T.C	08-09-1986	03-08-2013	13101-0984182-1	9437	P.S.T 12
4	M Taveed	M Rafiq	04-04-1965	F.A P.T.C	26-04-1988	19-09-2015	13101-0845264-5	10129	P.S.T 12
5	Gul Noshad	M Ashraf	15-04-1981	B.A P.T.C	22-12-2010	19-09-2015	13101-0944704-3	586877	P.S.T 12
6	M Saleem	Hayat Khan	09-06-1956	Primary	12-10-1987	12-10-1987	13101-0917535-5	9413	C IV

Approved by
P.S.H.T
G.P.S Sherwan.


 Head Teacher
 Govt. Primary School
 Sherwan (A-1)


 Attested
 Advocate Arshad Khan Tahir
 Advocate High Court
 Office No. 33 Adjacent to
 Distt Bar Abbottabad

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

TRANSFER ORDER

In compliance with directions by the Govt. of Khyber Pakhtun Khwa (ONE TEACHER ON 40 STUDENTS FORMULA) the following Primary schools teachers are hereby transferred against vacant post on their own Pay & BPS as recorded against their names in the interest of public service with immediate effect.

Sr	Name of Teacher	Post	From	Circle	To	Circle	Remarks
1	Shoukat Hussain	PST	GPS Kollian	Birote	GPS Nakar Mojwal	Birote	Vacant post
2	Majeed ur Rehman	PST	GPS Darwaza	Birote	GPS Lengol	Birote	Vacant post
3	Abdul Rashid	PST	GMPS Pagar Khan Kalan	Birote	GPS Saranda GPS Dana Khan Kalan	Birote	Vacant post
4	M. Rizwan	PST	GMPS Morkanji	Birote	GPS Dana Khan Kalan	Birote	Vacant post
5	M. Hashed	PST	GMPS Singalkot	Birote	GPS Bagh No.1	Birote	Vacant post
6	M. Janil	PST	GPS Angada	Boi	GPS Nara	Hajia Gali	Vacant post
7	Muhammad Naseem	PST	GPS Poon	Hajia Gali	GPS Chanak Maira	Sherwan	Vacant post
8	Azhar Mehsud	PST	GPS Bhuraj	Sherwan	GPS Ladhala	Sherwan	Vacant post
9	Muhammad Younas	PST	GMPS Chahaitar	Sherwan	GPS Bandi Phullan	Sherwan	Vacant post
10	Ghulam Jillani	PST	GPS Missar	Sherwan	GPS Bamochi	Sherwan	Vacant post
11	Gul Nushad	PST	GPS Sherwan	Sherwan	GPS Phullan wali	Havelian	Vacant post
12	Jameel Ahmad	SPST	GPS Larri Sayedan	Havelian	GPS Zaro Gali	Sherwan	Vacant Post
13	Zia ur Rehman	SPST	GPS Gul Bandi	Sherwan	GPS Hall Sayedan	Sherwan	Vacant Post
14	Dil Shad Ahmad	SPST	GPS Nalka Gali	Sherwan	GPS Missar	Sherwan	Vacant post
15	Muhammad Siraj	SPST	GPS Pohar	Sherwan	GPS Bhuraj	Sherwan	Vacant post
16	Muhammad Atil	SPST	GPS Kunhar Bandi	Sherwan	GPS Mujahid Abad	Dhamtour	Vacant post
17	Muhammad Khalid	PST	GPS Seergha	Dhamtour	GPS Pohar	Sherwan	Vacant post
18	Muhammad Saleem	SPST	GPS Sherwan	Sherwan			

Note:-

1. Charge reports should be sent to all concerned.
2. No TA/DA is allowed.
3. Charge should not be handed over to NTS appointee.
4. Charge should not be handed over to PSTs transferred to wrong U/C, except those who are already working in other U/Cs.

sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Dated 4-8/2016

Endst: No 6091-94 / N.No.14/Vol-V

Copy forwarded for information to:-
1. Sub Divisional Education Officer (Male) Abbottabad.
2. ASDEOs Circle Concerned.
3. AP EMIS Branch Local Office.
4. PSITs of concerned schools.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Attested

Muhammad Arshad Khan Tanol
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad.

خدمت صاحب ناظم تعلیمات EYSE لہار

عنوان درخواست برائے مستوی آورد
صاحب عالی

جوڈیہ گذارش ہے کہ سائل درج ذیل میں سے ہے

(1) یہ سائل حیثیت SPST گورنمنٹ پرائمری سکول ٹیروان میں اپنی خدمات سرانجام دے رہا ہے۔

(2) یہ مذکورہ سکول میں طلباء کی تعداد 129 ہے اور کل پیکر 5 ہیں جنکی تفصیلات یوں ہے -
PST = 3, SPST = 1, PSHT = 1

یہ کہ مورخہ 4/8/2016 کو ڈسٹرکٹ ایجوکیشن آفیسر ایبٹ آباد نے

Rationalization کے تحت سائل کو جو سکول بند میں واحد SPST ہے کو اور ایک PSHT کو تبدیل کر دیا گیا ہے جو سراسر ناانصافی ہے۔ بالیسی کے حوالہ سکول مذکورہ میں کل 3 پیکر ہیں تھے جو PSHT، SPST اور PST پر مشتمل ہوتے۔

یہ کہ سائل کو مذکورہ بالیسی کے تحت PS جو کہ میں تعینات کیا گیا ہے مگر وہاں سے اسی آرڈر میں ایک پیکر کو تبدیل کر کے اس کی جگہ سائل کو تعینات کیا ہے جو سراسر ناانصافی ہے۔

یہ کہ PS جو کہ میں دو پیکر تعینات تھے ایک شخص کو نواز نے کی خاطر اسے تبدیل کر کے تھے بہت دور دکان سکول میں تعینات کر دیا ہے۔

یہ کہ صاحب سے استدعا ہے کہ سائل کے ساتھ انصاف کرتے ہوئے سائل کی سفر کی مستوی کے احکامات جاری کیے جائیں تاکہ سائل اپنے فرائض منصبی احسن طریقے سے انجام دے سکے۔

المرقوم 10-8-2016

الصارف

محرر حکام SPST PS ٹیروان تحصیل ضلع ایبٹ آباد

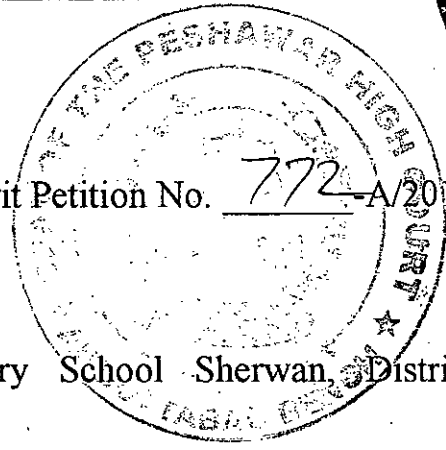
Attested

Signature
Justice (S) Muhammad Khan Tahir
Sindh High Court
Plot No. 33 Adjacent to
Plot No. 1 Bar Abbottabad

Annex-D

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

P-15



Writ Petition No. 772-A/2016

Muhammad Kalim, SPST, Govt. Primary School Sherwan, District Abbottabad.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Director Education Officer, Elementary & Secondary Education (Male), Abbottabad.

....RESPONDENTS

Certified to be True Copy
 Ex-108
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 A of Ordms
 09/11/16

no: 3675
 15/08/16

FILED TODAY

Additional Registrar
 Peshawar High Court
 Abbottabad Bench

21/08/16

WRIT PETITION UNDER ARTICLE 199 OF
 THE CONSTITUTION OF ISLAMIC REPUBLIC
 OF PAKISTAN, 1973, FOR DECLARATION TO
 THE EFFECT THAT THE PETITIONER IS
 SERVING IN GPS SHERWAN AS SPST AND

P-16

AS PER RATIONALIZATION POLICY DATED 01/04/2014, 2 POSTS OF PST TEACHERS OUT OF 5 POSTS WERE DECLARED SURPLUS AS PER RATIONALIZATION POLICY, SENIOR TEACHERS ARE TO RETAINED IN THE SAME SCHOOL AND JUNIOR MOST IS TO BE TRANSFERRED TO THE NEARBY SCHOOLS. THE PETITIONER IS SENIOR IN SERVICE HAS BEEN TRANSFERED FROM GPS SHERWAN TO GPS POHAR WHEREAS JUNIORS TO THE PETITIONERS HAVE BEEN RETAINED BY RESPONDENT NO.3 WHICH IS AGAINST THE RATIONALIZATION POLICY AS WELL AS RULES APPLICABLE TO SURPLUS EMPLOYEES VIDE IMPUGNED TRANSFER ORDER ENDST NO. 6091-94 DATED 04/08/2016 WHICH IS PERVERSE, DISCRIMINATORY, AGAINST THE LAW AND RATIONALIZATION POLICY IN VOGUE. HENCE THE IMPUGNED TRANSFER ORDER OF THE PETITIONER IS LIABLE TO BE SET ASIDE.

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 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 of the Ordinance
 09/11/16

FILED TODAY

Additional Registrar
 Peshawar High Court
 Abbottabad Bench

27.5/10/16

PRAYER: ON ACCEPTANCE OF THE INSTANT WRIT PETITION, IMPUGNED TRANSFER ORDER DATED 04/08/2016 MAY GRACIOUSLY BE DECLARED ILLEGAL AND VOID AND RESPONDENTS MAY BE DIRECTED TO RETAIN THE PETITIONER IN HIS ORIGINAL SCHOOL I.E GPS SHERWAN BEING SENIOR SPST. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEMS APPROPRIATE IN THE CIRCUMSTANCES MAY ALSO BE ALLOWED TO THE PETITIONER.

Respectfully Sheweth:-

Brief facts leading to the instant writ petition are arrayed as under;-

1. That the petitioner is serving as SPST in GPS Sherwan w.e.f 20/05/2013 and the petitioner is senior to other PSTs. Therefore, as per Rationalization Policy junior most teachers are to be transferred as and when some posts are declared surplus in the

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 Abbottabad Bench
 20/05/2016

P-18

schools. Copy of staff statement of GPS Sherwan District Abbottabad duly signed by Head Teacher, showing the petitioner at Serial No. 2 in the school is attached as Annexure "A".

2. That respondent No.3 without following Rationalization Policy wherein junior most teachers are to be transferred but the petitioner being senior most has been transferred from GPS Sherwan to GPS Pohar vide impugned transfer order dated 04/08/2016. Copy of impugned order dated 04/08/2016 is attached as Annexure "B".
3. That the petitioner feeling aggrieved filed departmental appeal to the respondent No.2 dated 10/08/2016 for cancellation of his transfer order but the departmental appeal/representation is yet to be decided. Copy of departmental appeal is attached as Annexure "C".

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 Abbottabad Bench
 Authorized Under Sec 75 of the Ordinance
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 Abbottabad Bench

21/10/16

Hence, feeling aggrieved, the instant writ petition is filed, inter-alia, on the following grounds:-

GROUND:-

a. That transfer order of the petitioner dated 04/08/2016 is against the law, merit policy as well as rationalization policy issued by respondent No.2 dated 01/04/2014 wherein under the rationalization policy junior most teachers of the school are to be transferred whereas the petitioner being senior most teacher has been transferred vide order dated 04/08/2016 is liable to be cancelled. Copy of Rationalization Policy dated 01/04/2014 is attached as Annexure "D".

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Abbottabad Bench
Authorized Under Sec 79 of the Ordms
09/11/16

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Peshawar High Court
Abbottabad Bench
21/09/16

b. That the petitioner has been transferred for making room for some teachers having political back which is clear from fact that a surplus

employee at serial No. 15 of the impugned order has been transferred from GPS Pohar and the petitioner has in place of surplus employee namely, Muhammad Siraj at GPS Pohar. It is illogical that one surplus is transferred from GPS Pohar and the petitioner being surplus is transferred at GPS Pohar which reveals that respondent No.3 wants to accommodate some blue eyed chaps and transfer order of the petitioner may be declared against the law.

- c. That the petitioner is permanent resident of Union Council Sherwan where the petitioner has been transfer is miles away far flung hilly area of Union Council Pind Kargu. Therefore, PST teachers cannot be transferred from his Union Council and arrangements are to be made to accommodate PSTs from other schools to the schools of their own Union Councils.

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 Abbottabad Bench
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 Abbottabad Bench

27/5/16

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- d. That the respondents department has led the petitioner to the place which is utterly unknown to the principle of jurisprudence, natural justice and Rationalization Policy.
- e. That there is no other prompt and efficacious remedy available to the petitioner except the constitutional writ jurisdiction of this Honourable court.
- f. That necessary notices as per law has been served upon the respondents through register A/D. Copies of notices and receipts are annexed as Annexure "E".
- g. That court fee stamp worth Rs. 500/- is attached.

It is, therefore, humbly prayed that on acceptance of the instant writ petition, impugned transfer order dated 04/08/2016 may graciously be

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 Under Section 104 of Ordms
 09/11/16

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 Peshawar High Court
 Abbottabad Bench

27/15/16

declared illegal and void and respondents may be directed to retain the petitioner in his original school i.e GPS Sherwan being SPST. Any other relief which this Honourable Court deems appropriate in the circumstances may also be allowed to the petitioner:

INTERIM RELIEF:

That the petitioner has brought a good prima facie case and balance of convenience also lies in his favour. It is prayed that on acceptance of interim relief, impugned transfer order may be suspended till the decision on his departmental appeal and status quo may graciously be ordered to be maintained till final disposal of the main writ petition.

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Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 Acts Ordms
09/11/16

FILED TO

Abdullah Khan
Peshawar High Court
Abbottabad Bench

Dated: 11/08/2016

Through

[Signature]
...PETITIONER

[Signature]
(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

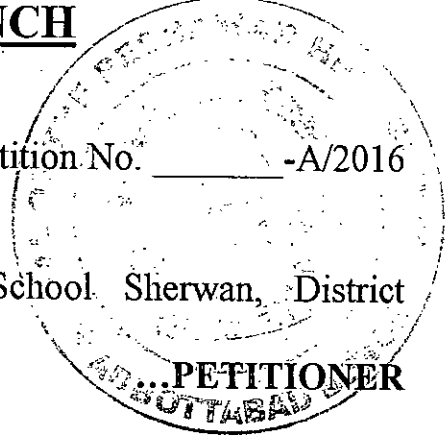
VERIFICATION:-

Verified on oath that the contents of forgoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

[Signature]
...PETITIONER

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. _____ -A/2016



Muhammad Kalim, SPST, Govt. Primary School Sherwan, District Abbottabad.

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

WRIT PETITION

AFFIDAVIT

I, Muhammad Kalim, SPST, Govt. Primary School Sherwan, District Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Certified to be True Copy
Examined by
Peshawar High Court
Abbottabad Bench
Created Under Section 275 of Ordinance

13101-7984689-1

DEPONENT

Identified by;

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

4632/179
179
M. Kalim SPST Govt. Primary School Sherwan District
Ald

FILED TODAY

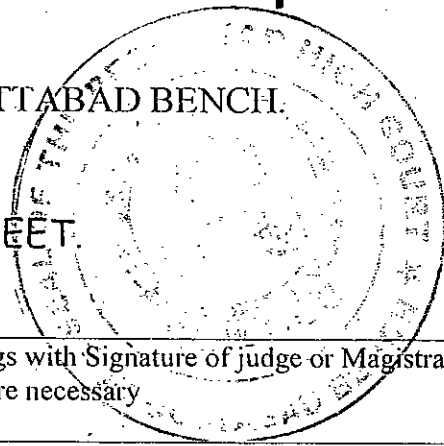
Additional Registrar
Peshawar High Court
Abbottabad Bench

15/09/16

Annex-E P 24

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.
FORM "A"

FORM OF ORDER SHEET



Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	17.08.2016.	<p><u>W.P.No.772-A/2016.</u></p> <p><u>Present:-</u> Mr.M.Arshad Khan Tanoli, Advocate for the petitioner.</p> <p>===== Let this petition be placed before first available Division Bench.</p> <p><u>Interim Relief.</u></p> <p>Notice to the respondents.</p> <p>Meanwhile, the impugned transfer order stands suspended.</p> <p><i>Self Judge</i> <i>Self Judge</i></p>

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Peshawar High Court
Abbottabad Bench
Authorized Under Sec:75 Acts Ordme

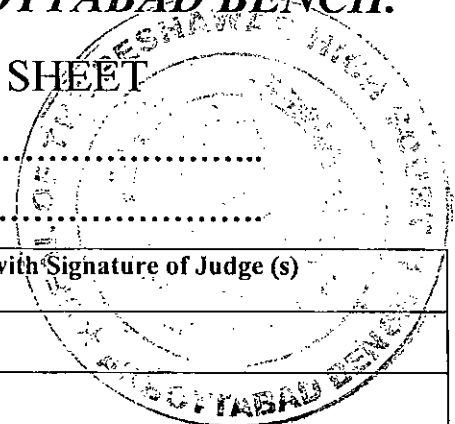
09/11/16

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Court of.....

Case No.....of.....



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
08.11.2016	<p><u>W.P.No. 772-A/2016.</u></p> <p>Present: Mr. Muhammad Arshad Khan Tanoli, Advocate, for the petitioner.</p> <p>Mr. Muhammad Naeem Abbasi, AAG, for the respondents.</p> <p style="text-align: center;">***</p> <p><u>QAISAR RASHID KHAN, J.-</u> Feeling aggrieved from the order dated 04.08.2016 of respondent No.3 whereby the petitioner was transferred from GPS Sherwan to GPS Pohar, the instant petition has been filed.</p> <p>2. The petitioner had already preferred a departmental appeal against his transfer order on 10.8.2016 and per chance, today happens to be the 90th day of filing of his departmental appeal and, as such, he can now safely approach the Khyber Pakhtunkhwa Services Tribunal for the redressal of his grievance.</p> <p>3. Needless to remind the learned counsel for the petitioner that this court otherwise cannot entertain petitions, which relate to the terms and conditions of service of a government employee in view of the embargo placed under Article 212. (2) of the Constitution of Islamic Republic of Pakistan, 1973.</p> <p>4. Accordingly, this petition stands dismissed, being not maintainable.</p>

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 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 Arts Ord 1973
 09/11/16

Self Judge
 Self Judge



Anney-9 P-26

Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9201389, 9210938,
 9210437, 9210957, 9210468
 Fax 091-9210936 0800-33857
 No 104-59/Rationalization/Estab
 Dated Peshawar the 01/04/2014.

Annex E
 (11)

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

Subject:- **Guidelines for Posting of Teachers as a result of rationalization.**
 Memo:

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

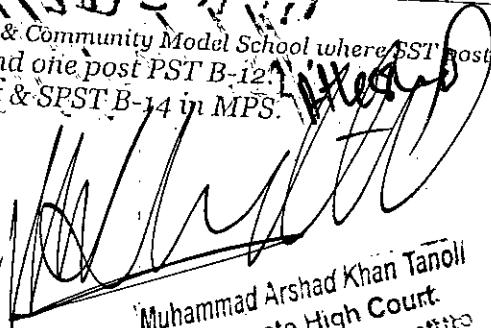
Distribution of Posts in Primary Schools

Rationalization of Posts @ 1-40 ratio in Primary Schools (Female)									
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization					Total
				SSSTB-16	CT B-15	PSHTB-15	SPSTB-14	PSTB-12	
1	25288	GGPMS A (JICA)	1-100	1	2	0	1	1	5
2	25048	GGPMS B (JICA)	101-140	1	2	0	1	2	6
3	25143	GGCMS C	141-180	1	0	0	2	2	7
4	30056	GGPS D	181-220	0	0	1	0	1	2
5	25224	GGPS E	101-140	0	0	1	1	1	3
6	25244	GGPS F	141-180	0	0	1	1	2	4
7	25277	GGPS G	181-220	0	0	1	1	3	5
8	25221	GGPS H	221-260	0	0	1	2	3	6
9	32912	GGPS I	261-300	0	0	1	2	4	7
10	25097	GGPS J	301-340	0	0	1	2	5	8
11	25138	GGPS K	341-380	0	0	1	2	6	9
12	32606	GGPS L	381-420	0	0	1	3	6	10
13	25278	GGPS M	421-460	0	0	1	3	7	11

Rationalization of Posts @ 1-40 ratio in Primary Schools (Male)							
S.No	School Code	Name of Primary School	Total Enr. lment	Sanctioned Posts after Rationalization			Total
				PSHT B-15	SPST B-14	PST B-12	
1	30056	GPS A	181-220	1	0	1	2
2	25224	GPS B	101-140	1	1	1	3
3	25244	GPS C	141-180	1	1	2	4
4	25277	GPS D	181-220	1	1	3	5
5	25221	GPS E	221-260	1	2	3	6
6	32912	GPS F	261-300	1	2	4	7
7	25097	GPS G	301-340	1	2	5	8
8	25138	GPS H	341-380	1	2	6	9
9	32606	GPS I	381-420	1	3	6	10
10	25278	GPS J	421-460	1	3	7	11

Note:-

- Each Primary School (except JICA & Community Model School where PST post is sanctioned) will have one post of PSHT B-15 and one post PST B-12.
- There will be no post of PSHT B-15 & SPST B-14 in MPS.


 Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No. 33 Adjacent to
 Distt Bar Association

Rationalization of CT Posts @ 1 CT per 1.5 Section in Middle/High/Higher Secondary Schools (Male)						
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization		
				Class	No of Sections	CT
1	30056	GPS A	60	6 th	1	Minimum 2 CT per school afterward 1 per 1.5 section
			40	7 th	2	
			120	8 th	3	
2	25277	GPS B	60	6 th	1	Minimum 2 CT preschool afterward 1 per 1.5 section
			40	7 th	2	
			120	8 th	2	
			60	9 th	1	Minimum 4 SST per school (one Bio Chem) + one Math, Phy) and 2 SST Gen) afterward 2 SST per Section
			40	10 th	2	

Posting of Teachers on rationalization.

I am further directed to further clarify that:

- On rationalization surplus teachers in Primary Schools, PST B-12, Senior PST B-14, may be posted in the nearest school if possible then in the same UCs and then in the same circle and then in the same Sub Division and then in the same District Subject to the provisions of need,
- Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the same school of their present posting and junior most may be transferred to other needy schools.
- No teacher of CT B-16, PET B-16, AT B-16, DM B-16, TT-16, will be posted in Middle Schools.
- Senior most Senior CT and SST (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.
- Disable teacher may be retained in the schools of their present posting, another teacher may be shifted instead of disable.
- Widow teacher may not be transferred to another school on rationalization, another teacher may be shifted instead of widow.
- Two schools of same level working in one building may be merged with each other.

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

Endst: No. 6160-62 / File No. 1/A-88/KC/S.list : Dated Peshawar the 01/04/2014.

Copy forwarded for information and necessary action to the:-

- PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
- PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
- M/File

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

Attested
Muhammad Arshad Khan
Advocate High Court
Office No 33 Adjacent
Distt Bar Abbottabad

کورٹ فیس قیمتی

وکالت نامہ

Service Tribunal KPK Peshawar بعد الدلت

Muhammad Kalim بنام Govt of KPK etc عنوان

Appellant منجانب

Service Appeal نوعیت مقدمہ

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی وجواب دہی کل کاروائی متعلقہ آں مقام

Muhammad Arshad Khan Esq.
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور و قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراء استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

9/11/2016 المرقوم

Abbotabad بمقام

Accepted

Muhammad Arshad Khan Esq.
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No. 1140/2016

Muhammad KalimAppellant

VERSUS

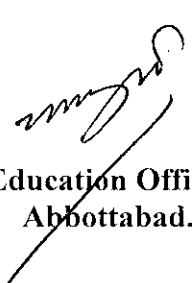
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Join Parawise Comments on behalf of Respondents

INDEX

Sr.#	Description	Page No's	Annexure
1	Comments alongwith Affidavit	01 to 03	
2	Copy of rationalization policy	04	"A"
3.	Copy of Report of ASDEO circle	05	"B"
4.	Copy of Statement regarding enrollment	06	"C"

Dated: /02/2017


District Education Officer (M)
Abbottabad.

(RESPONDENT No.3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No. 1140/2016

Muhammad KalimAppellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Join Parawise Comments on behalf of Respondents

RESPECTFULLY SHEWETH:-

Comments on behalf of respondents are submitted as under:-

Preliminary Objections:-

1. That the appellant has no cause of action to file the instant service appeal.
2. That the instant service appeal is hopelessly time barred.
3. That the instant appeal is not maintainable in its present form.
4. That the appellant has no locus standi to file instant appeal.
5. That the appellant has filed the present appeal just to pressurize the respondents.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appellant is estopped to sue due to his own conduct.
8. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
9. That the instant appeal is against the rules and policy of the Government.
10. That the appellant has suppressed the material facts from this Honorable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
11. As per section 10 of civil servant Act, transfer is part & parcel of service.
12. That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of arguments.

Factual Objections:-

1. That the Para No. 1 of the instant service appeal is relates to record.
2. That the Para No. 2 of the service appeal as composed is incorrect hence, denied as no Junior SPST was retained at GPS Sherwan Abbottabad. Furthermore, appellant was transferred from GPS Sherwan to GPS Pohar vide transfer order dated 04-08-2016 in result of rationalization policy.

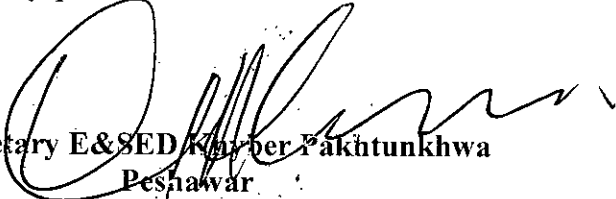
According to the rationalization policy where the enrollment is 100 there will be two posts i.e. one is PSHT (BPS-15) and second is PST (BPS-12). As per report of ASDEO circle Sherwan Abbottabad dated 22-08-2016 the correct enrollment of the said school was 95 instead of 129. (Copy of rationalization policy, report of ASDEO circle and statement regarding enrollment are annexed as annexure "A", "B" & "C" respectively)

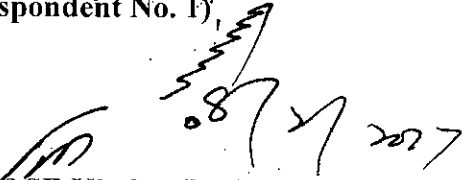
3. That the Para No. 3 of the service appeal is related to record.
4. That the Para No. 4 of the service appeal is correct.

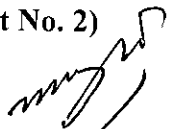
Grounds:-

- a. That the ground a, as composed is incorrect hence, denied as appellant was transferred in result of rationalization policy furthermore, as per staff statement which is annexed with the appeal as annexure "A" there is no other SPST (BPS-14) at GPS Sherwan Abbottabad.
- b. That the ground b, as composed is incorrect hence, denied.
- c. In reply to ground c, it is submitted that the post of SPST (BPS-14) has been created in result of promotion and the post of SPST (BPS-14) is not based on union council and the post of appellant is SPST (BPS-14). Furthermore, appellant alongwith one Mr. Gul Noshad junior most PST (BPS-12) were transferred from GPS Sherwan in result of rationalization policy.
- d. That the ground d, as composed is incorrect hence, denied.
- e. In reply to ground e, it is submitted that appellant cannot invoke the constructional writ jurisdiction being the civil servant.
- f. No comments.

Under the circumstances it is humbly requested that in the light of above referred facts appeal in hand may please be dismissed.


Secretary E&SED Khyber Pakhtunkhwa
Peshawar
(Respondent No. 1)


Director E&SE Khyber Pakhtunkhwa
Peshawar
(Respondent No. 2)


District Education Officer (M)
Abbottabad
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No. 1140/2016

Muhammad KalimAppellant


VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

Join Parawise Comments on behalf of Respondents

AFFIDAVIT

I, Mr. Qazi Tajjamal Hussain, District Education Officer (M) Abbottabad, do hereby affirm and declare on oath that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9201389, 9210938,
9210437, 9210957; 9210468
Fax 091-9210936 0800-33857
No6/04-57/Rationalization/Estab
Dated Peshawar the 01/04/2014.

4

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

Subject:- Guidelines for Posting of Teachers as a result of rationalization.

Memo:-

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

Distribution of Posts in Primary Schools

Rationalization of Posts @ 1-40 ratio in Primary Schools (Female)

S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization					Total
				SST B-16	CT B-15	PSHT B-15	SPST B-14	PST B-12	
1	25238	GGPMS A (JICA)	1-100	1	2	0	1	1	5
2	25048	GGPMS B (JICA)	101-140	1	2	0	1	2	6
3	25143	GGCMS C	141-180	1	0	0	2	2	7
4	30056	GGPS D	1-100	0	0	1	0	1	2
5	25224	GGPS E	101-140	0	0	1	1	1	3
6	25244	GGPS F	141-180	0	0	1	1	2	4
7	25277	GGPS G	181-220	0	0	1	1	3	5
8	25221	GGPS H	221-260	0	0	1	2	3	6
9	32912	GGPS I	261-300	0	0	1	2	4	7
10	25097	GGPS J	301-340	0	0	1	2	5	8
11	25138	GGPS K	341-380	0	0	1	2	6	9
12	32606	GGPS L	381-420	0	0	1	3	6	10
13	25278	GGPS M	421-460	0	0	1	3	7	11

Rationalization of Posts @ 1-40 ratio in Primary Schools (Male)

S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			Total M
				PSHT B-15	SPST B-14	PST B-12	
1	30056	GPS A	1-100	1	0	1	2
2	25224	GPS B	101-140	1	1	1	3
3	25244	GPS C	141-180	1	1	2	4
4	25277	GPS D	181-220	1	1	3	5
5	25221	GPS E	221-260	1	2	3	6
6	32912	GPS F	261-300	1	2	4	7
7	25097	GPS G	301-340	1	2	5	8
8	25138	GPS H	341-380	1	2	6	9
9	32606	GPS I	381-420	1	3	6	10
10	25278	GPS J	421-460	1	3	7	11

Note:-

- Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15 and one post PST B-12.
- There will be no post of PSHT B-15 & SPST B-14 in MPS.

SDE (M)
in Khyber Pakhtunkhwa
2/9
2/9

1873
7-4-14
P. Alam
9/2
1/11/14

04
03
18/04
3/4/14
ASAD
Recd
9-12
07
ADD
14/4/2014

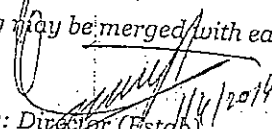
4A

Rationalization of CT Posts @ 1 CT per 1.5 Section in Middle/High/Higher Secondary Schools (Male)						
S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization		
				Class	No of Sections	CT
1	30056	GPS A	1-60	6 th	1	Minimum 2 CT per school afterward 1 per 1.5 section
			1-80	7 th	2	
			1-120	8 th	3	
2	25277	GPS B	1-60	6 th	1	Minimum 2 CT preschool afterward 1 per 1.5 section
			1-80	7 th	2	
			1-120	8 th	2	Minimum 4 SST per school (one Bio Chem) + one Math, Phy) and 2 SST Gen.) afterward 2 SST per Section
			1-60	9 th	1	
1-80	10 th	2				

Posting of Teachers on rationalization.

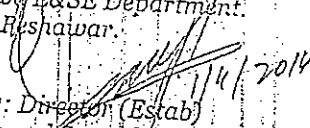
I am further directed to further clarify that

1. On rationalization surplus teachers in Primary Schools, PST B-12, Senior PST B-14, may be posted in the nearest school if possible then in the same UCs and then in the same circle and then in the same Sub Division and then in the same District Subject to the provisions of need.
2. Senior most PSHT B-15, SPS B-14 & PS B-12 (According to the Seniority list) may be retained in the same school of their present posting and junior most may be transferred to other needy schools.
3. No teacher of CT B-16, PET E-16, AT B-16, DM B-16, TT-16, will be posted in Middle Schools.
4. Senior most Senior CT and S T (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.
5. Disable teacher may be retained in the schools of their present posting, another teacher may be shifted instead of disable.
6. Widow teacher may not be transferred to another school on rationalization, another teacher may be shifted instead of widow teacher.
7. Two schools of same level working in one building may be merged with each other.


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

Endst: No. 6160-67 / File No. 1/A-88/KC/S.li. : Dated Peshawar the 01/04/2014.

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


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

5

To
The SDEO (M)
Distt Abbottabad.

Subject: Report regarding School
Sulta
GPS Sherwan
who submitted Fake enrollment
for rationalization.

R/sir.

It is submitted that during the rationalization
Process the said school head teacher
submitted Fake enrollment i.e. 129
Now the new head teacher submitted
enrollment Performa.

As per report of the head teacher
the said school enrollment is 95
instead of 129.

According to new performa/enrollment
one teacher also going to be surplus.
Report is submitted for further action.
Please.

Attested
27/8/16

22/8/16

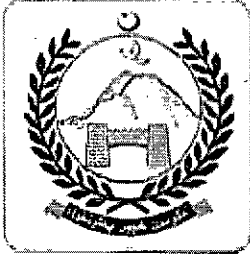
گوشوارہ طلبہ بابت ماہ اگست 2016 گورنمنٹ پرائمری سکول شیروان -

S/No	نام جماعت	تعداد طلبہ
1	اول ادلی	12
2	اول اصلی	09
3	دوم	18
4	سوم	19
5	چہارم	15
6	پنجم	22

95 = کل تعداد

Attested
27/8/16

Head Teacher
Govt. Primary School
Sherwan (Aid) - 15/8/2016



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 1993 /ST Dated: 30 /18 /2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To,

The District Education Officer E&S (Male),
Government of Khyber Pakhtunkhwa,
Abbottabad.

Subject: - **JUDGMENT IN APPEAL NO. 1140/2016, MUHAMMAD KALIM.**

I am directed to forward herewith a certified copy of judgment dated 24/08/2017 passed by this tribunal on the above subject for strict compliance.

Encl: as above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR