

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	09.12.2019	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b><u>Appeal No.313/2017</u></b></p> <p style="text-align: center;">Date of Institution ... 22.02.2019  Date of Decision ... 09.12.2019  -----</p> <p style="text-align: center;">Kifayat Ullah S/O Gul Kha Jan, Junior Clerk, Government Girls High School, Laiq Zaman District North Waziristan -----<b>Appellant</b></p> <p style="text-align: center;"><b><u>Versus</u></b></p> <p style="text-align: center;">Director Elementary &amp; Secondary Education Department, Peshawar, Ex-Director, Newly merged Tribal District Peshawar and others.  -----<b>Respondents</b></p> <p style="text-align: center;"><b>Muhammad Hamid Mughal.....Member(J)</b>  <b>Mr. Hussain Shah .....Member (E)</b></p> <p><b><u>JUDGMENT</u></b></p> <p><b><u>Mr. HUSSAIN SHAH:-</u></b>Learned counsel for the appellant and Mr. Riaz Khan Pindakhel learned Assistant Advocate General for the official Respondents No. 1 to 3 and counsel for private respondent No.4 present.</p> <p>2. According to the Brief facts of the case the appellant was serving the respondent department as Junior Clerk since the year 2014 and was posted in GGHS Laiq Zaman Kot District North Waziristan. In the year 2016 the appellant was transferred and posted as Junior Clerk at the office of DEO in the District North Waziristan however on 10.06.2016 the appellant was adjusted in his own pay and scale against the post of Senior Clerk in GGHS Laiq Zaman Kot District North Waziristan. On 24.08.2018, he was again posted in the office of District Education Officer District North Waziristan and assumed the charge of the post on 30.08.2018. On 29.10.2018 the private respondent No.4 was adjusted at Agency Education Office District North Waziristan to replace one Mr. Falak Naz. However on 01.11.2018 in partial modification of the order dated 29.10.2018 the appellant was again readjusted and transferred from</p>

DEO Office to GGHS Laiq Zaman Kot while respondent No.4 was adjusted in the DEO Office of the District Waziristan. Being aggrieved the appellant filed Writ Petition No.997-B/2018 in the Peshawar High Court, Bannu Bench which was disposed of by the Hon'ble High Court on 26.11.2018 and converted the Petition of the appellant into departmental representation with direction to respondent No.3 for deciding on merit in accordance with the law, within a period of 15 days on the receipt of the file. Subsequently the appellant approached the concerned authorities through applications on 14.12.2018, 11.01.2019, 18.01.2019 & 21.01.2019 with request for compliance as per the direction of the Hon'ble High Court but no response was received till the filling of this service appeal.

3. The learned counsel for the appellant argued that the impugned orders was made in short span of time which is tantamount as against not only to the provision of the Posting Transfer Policy but is also against the spirit of good governance. Further contended that for the sake of adjusting the Private Respondent No.4 and due to political pressure exerted upon the responding authority by Private Respondent No.4 the appellant was posted out from the DEO office without the completion of the prescribed tenure and is in violation of the Provision regarding the tenure of the Posting Transfer Policy of the government hence the impugned order is not only against the policy of the government, law and proper disciplined standard as prescribed in the conduct rules and lacks legal and moral authority. Learned counsel for the appellant relied upon the judgment of august Supreme Court of Pakistan reported as 2018 SCMR 1411. He pleaded that on acceptance of this service appeal the impugned corrigendum/modification order dated 01.11.2018 be set aside and order dated 24.08.2018 to the extent of the appellant at serial no.3 of

FF/101

the said order be restored with all service benefits.

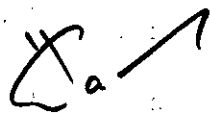
4. The learned counsel for the Private Respondent No.4 contested the facts of the case and stated that the appellant was initially appointed as Class IV in the year 2013 and was illegally promoted to the post of Junior Clerk. Further stated that the promotion of the appellant to the post of Junior Clerk was challenged by one Mr. Wajeeh Ullah vide Writ Petition No. 2004-B/2018 at the Bannu Bench of the Peshawar High Court which is yet pending the decision of the Hon'ble High Court. He further argued that under Section 10 of the Civil Servant Act, 1973 every Civil Servant shall be liable to serve anywhere in the province. Learned counsel for the private respondent No.4 relied upon the judgment of the august Supreme Court of Pakistan reported as PLD 2015 Supreme Court 6. He also relied upon the judgments of the Lahore High Court reported as 2018 PLC (C.S) 664 & 2019 PLC (C.S) 175 Multan Bench. He further stated that the competent authority passed the order of dated 01.11.2018 in the public interest and the private respondent No.4 complied the same order. Hence he pleaded that the instant appeal may be dismissed being devoid of merits.

5. The learned Assistant Advocate General contested the facts, grounds of the appeal and arguments of the learned counsel for the appellant and stated that as regarding the directions of the Hon'be High Court, Bannu Bench the respondent No.3 submitted/processed the case to the Director of Education as the posting transfer order of the Ministerial staff in Education Department does not come in the power of DEO. He further argued that as per Section 10 of the Civil Servant Act, 1973 every Civil Servant is bound to serve anywhere in the province, moreover, he argued that the impugned order was issued in the public interest and proper functioning of the administration of the School in the district

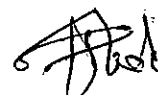
hence the appeal may be dismissed with costs.

6. Arguments heard. File perused.

7. After the detailed scrutiny of the documents record on file arguments and counter arguments of learned counsel for the appellant, learned counsel for private respondent No.4 and learned Assistant Advocate General this Tribunal observes that as per the posting of the appellant he served two (02) year in the school then posted for five (05) months in the office of DEO where after, he was again posted in the school for two (02) years thereafter he was posted again in the office of the DEO, but after about two (02) months posting in the office of DEO he was transfer and posted in the school again. As regarding the Posting Transfer Policy of the Government the provision regarding the tenure is an important factor for the proper and smooth functioning of the government departments. Every Civil Servant if posted in a place is required to be retained at the same place at-least for the time as provided in the said policy if there is no administrative grounds or any complaint of grave nature. In the instant case this Tribunal observes that the provision of the tenure in the policy was violated by the competent authority without any justification or convincing arguments during the proceeding at the court level hence this Tribunal accept the instant service appeal and the impugned order is set aside with direction to the responding authorities to follow/implement the Posting Transfer Policy and its provisions. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)  
Member



(Hussain Shah)  
Member

ANNOUNCED  
09.12.2019

15.11.2019

~~Appellant with counsel present. Mr. Riaz Paindakhel learned Assistant AG for the official respondents and counsel for the private respondent No. 4 present. To come up for order on 09.12.2019 before D.B.~~

15.11.2019

Due to rush of work, further proceedings in the case could not be conducted. Adjourn. To come up for further proceedings/order on 09.12.2019 before D.B.


  
Member

  
Member

09.12.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the official Respondents No. 1 to 3 and counsel for private respondent No.4 present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Hamid Mughal)  
Member

  
(Hussain Shah)  
Member

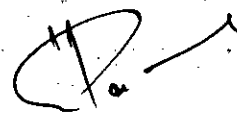
ANNOUNCED  
09.12.2019

16.10.2019

Appellant with counsel present. Private respondent with counsel present. Mr. Usman Ghani learned District Attorney present. present.

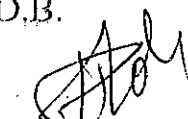
Vide order dated 10.06.2016 the appellant was adjusted at GGHS Laiq Zaman Kot North Waziristan Agency when he was working at AEO office North Waziristan Agency against the post of Assistant. Office order regarding posting of the appellant as Assistant at the office of AEO is not available on file. Adjournment requested. Adjourn. To come up for further proceedings/arguments on 30.10.2019 before D.B. The parties may furnish their respective Service Profiles on the next date of hearing.

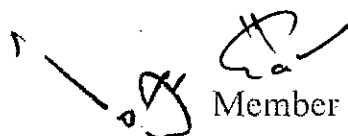
  
Member

  
Member

30.10.2019

Appellant with counsel present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General for official respondents present. Private respondent with counsel present. Arguments heard. To come up for order on 15.11.2019 before D.B.


  
Member

  
Member

30.08.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the official respondents and Junior to counsel for the private respondents present. Junior to counsel for the private respondents seeks adjournment as senior counsel for the private respondent is not in attendance. Adjourned. To come up for arguments on 16.9.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

16.09.2019

Clerk to counsel for the appellant present. Addl: AG alongwith Mr. Fawad Afazal, Senior Clerk for official respondents and private respondents no. 4 present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 30.09.2019 before D.B.

  
Member

  
Member

30.09.2019

Appellant present. Due to general strike of the Khyber Pakhtunkhwa Bar Council, the case is adjourned to 06.10.2019 before D.B.

  
Member

  
Member

29.07.2019

Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Muhammad Ameen S.C for official respondents present. Learned counsel for private respondent No.4 also present. Junior to counsel for the appellant seeks adjournment. Comments on behalf of respondents No.1 & 3 submitted. Copy of the same also given to the junior counsel for the appellant. Adjourned by way of last chance. To come up for arguments on 09.08.2019 before D.B. Remaining respondents may furnish reply on or before the next date.

~~09.08.2019~~

~~Learned counsel for the appellant present and seeks adjournment.  
Member  
Mr. Muhammad Jan learned Deputy District Attorney for official  
respondents present. Learned counsel for private respondent also  
present. Adjourned for arguments on 10.08.2019 before D.B.~~

~~Member~~

~~Member~~

09.08.2019

Learned counsel for the appellant present and seeks adjournment. Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Learned counsel for private respondent also present. Adjourned for 30.08.2019 before D.B for arguments.

  
Member

  
Member



11.06.2019

Junior to counsel for the appellant and Addl: AG for official respondents no. 1 to 3 and counsel for private respondent no. 4 present. Written reply/comments not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply/comments on 09.07.2019 before S.B.

  
(Ahmad Hassan)  
Member

09.07.2019

Appellant with counsel, Addl: AG alongwith Mr. Muhammad Sharif, ADEO for official respondents No. 1 to 3 and counsel for private respondent No. 4 present.

Yet another request for time to submit reply/comments is made on behalf of the respondents. Being a transfer matter the instant case cannot be adjourned any further, however, in view of the fact that the appellant has not been granted interim relief, it shall be in the interest of justice to post the matter for arguments before D.B on 29.07.2019. The respondents may furnish reply on or before the next date of hearing.

Chairman 

17.04.2019

No one present on behalf of appellant. Written reply not submitted. Private respondent No.4 in person present and seeks time to furnish written reply/comments. Daud Jan Superintendent representative of official respondents absent. He be summoned with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 03.05.2019 before S.B.



Member

03.05.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the official respondents and counsel for private respondent No. 4 present.

Learned District Attorney and learned counsel for private respondent No. 4 seek further time. Adjourned to 20.05.2019 for submission of written reply/comments of all the respondents.

  
Chairman

20.05.2019

No one present on behalf of appellant. Learned counsel for private respondent No.4 present. Written reply not submitted. Learned counsel for private respondent No.4 seeks time to furnish written reply. Daud Jan representative of official respondents absent. Respondents No.1 to 3 as well as absent representative be put to notice with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 11.06.2019 before S.B.



Member

01.04.2019

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that he was serving as Junior Clerk at GGHS Liaq Zaman Kot, District North Waziristan, Miranshah since 2014. In 2016 he was posted as Junior Clerk in the office of DEO and served there for two months. Vide order dated 10.06.2016, the appellant was adjusted in his own pay and scale against the post of Senior Clerk at GGHS Liaq Zaman Kot, District North Waziristan. Through another order dated 24.08.2018 issued by respondent no. 1, he was transferred from GGHS Liaq Zaman Kot to DEO office District North Waziristan, Miranshah and assumed the charge on 30.08.2018. That vide order dated 29.10.2018 respondent no.4 was adjusted at AEO office District North Waziristan in place of Falak Naz, Junior Clerk, DEO Office. Later on a corrigendum was issued by respondent no.1 on 01.11.2018, whereby the appellant was transferred from the office of DEO North Waziristan and posted again at GGHS Liaq Zaman Kot, Miranshah, whereas respondent no.4 was adjusted in his place. These orders were issued on the directions of MNA concerned.

Feeling aggrieved, the appellant filed writ petition no. 997-P/2018 in the Peshawar High Court, Bannu Bench and vide order dated 26.11.2018 the same was converted into departmental representation and remitted to the concerned for adjudication on merit within a period of fifteen days. Despite best efforts matter was not decided by the respondents, hence, the present service appeal. The appellant has been made a rolling stone due to frequent postings/transfers in sheer violation of posting/transfer policy of the provincial government. It also amounts to political victimization. A separate application for suspension of impugned order dated 01.11.2018 has also been submitted.

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.04.2019 before S.B. Notice of stay application be also issued to the respondents for the date fixed.

(AHMAD HASSAN)  
MEMBER

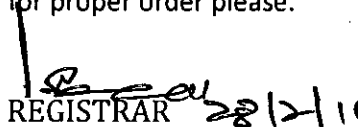


Appellant's Deposited  
Security & Process Fee

Form- A

FORM OF ORDER SHEET

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

Case No. 313/2019

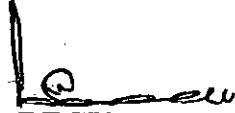
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/2/2019	<p>The appeal of Mr. Kifayatullah resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 28/2/19</p>
2-	11/03/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/03/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
25.03.2019		<p>Junior to counsel for the appellant present and seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 01.04.2019 before S.B</p> <p style="text-align: right;"> Member</p>

This is an appeal filed by Mr. Kifayatullah today on 22.02.2019 against the order dated 01.11.2018 against which he filed Writ Petition before the Hon'ble Peshawar High Court Bannu Bench and the Hon'ble High Court vide its order dated 26.11.2018 treated the Writ Petition as departmental appeal/ representation. The period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 328 /ST,

Dt. 22/2/2019


  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat adv. Pesh.

Sir

Re-submitted

More so, the appeal is now mature.

  
28-02-19.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 313 /2019

Kifayat Ullah

versus

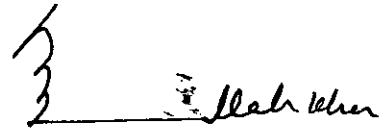
Director & Others

**I N D E X**

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Adjustment order dated 10-06-2016	"A"	5
3.	Transfer order dated 24-08-2018	"B"	6
4.	Charge assumption dated 30-08-2018	"C"	7
5.	Transfer of R. No. 04 dated 29-10-2018	"D"	8
6.	Corrigendum order dated 01-11-2018	"E"	9
7.	W.P and order dated 26-11-2018	"F"	10-17
8.	Compliance applications	"G"	18-21
9	Application for Interim Relief		22-23

Appellant

Through



Saadullah Khan Marwat  
Advocate.

21-A Nasir Mansion,  
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated.21-02-2019

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 313/2019

Kifayat Ullah S/O Gul Kha Jan,  
Junior Clerk, Government Girls  
High School, Laiq Zaman,  
District North Waziristan . . . . .

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 273

Dated 28/8/2019  
Appellant

**VERSUS**

1. Director, Elementary & Secondary  
Education Department, Peshawar,  
Ex-Director, Newly merged Tribal  
District, Peshawar.
2. Secretary, Elementary & Secondary  
Education Department, KP,  
Peshawar.
3. District Education Officer, Miranshah.
4. Gul Ahmad, Junior Clerk,  
District Education Office,  
District Miran Shah. . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974**  
**AGAINST OFFICE ORDER NO. 14056-60 / E-4 / MS /**  
**NWA DATED 01-11-2018 OF R. NO. 01 WHEREBY**  
**APPELLANT WAS POSTED / ADJUSTED AT GGHS**  
**LAIQ ZAMAN KOT DISTRICT NORTH WAZIRISTAN AS**  
**JUNIOR CLERK FROM THE OFFICE OF DEO NORTH**  
**WAZIRISTAN AND R. NO. 04 WAS ADJUSTED AS**  
**JUNIOR CLERK AT THE OFFICE OF DEO NORTH**  
**WAZIRISTAN FROM GGHS LAIQ ZAMAN KOT**  
**DISTRICT NORTH WAZIRISTAN AT THE PLACE OF**  
**APPELLANT BY ISSUING CORRIGENDUM /**  
**MODIFICATION REGARDING OFFICE ORDER NO.**  
**13877-83 / E-4 / NWA DATED 29-10-2018:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Filed to-day  
Review.  
Registrar  
22/8/19

**Respectfully Sheweth;**

1. That appellant is serving the department as Junior clerk since the year, 2014 and was posted as such in GGHS Laiq Zaman Kot, District North Waziristan. In the year 2016, he was transferred and posted as Junior clerk at the office of DEO and served there for about 2 months.
2. That on 10-06-2016, appellant was adjusted in its own pay and scale against the post of Senior Clerk and was posted at GGHS Laiq Zaman Kot, District North Waziristan. (Copy as annex "A")
3. That on 24-08-2018, R. No. 1 issued transferred/adjustment order wherein appellant was transferred from GGHS Laiq Zaman Kot to DEO office, District North Waziristan, Miranshah and assumed the charge of the assignment on 30-08-2018. (Copies as annex "B" & "C")
4. That on 29-10-2018, R. No. 1 now in change Capacity issued further order of transfer and adjustment wherein R. No. 4 was adjusted at AEO office district North Waziristan, now DEO office, Miranshah at the place of Falak Naz, Junior clerk DEO office. (Copy as annex "D")
5. That on 1-11-2018, corrigendum/modification order was issued by R. No.1 where in appellant was transferred from the office of District Education office North Waziristan and posted at GGHS Laiq Zaman Kot, District North Waziristan and R. No. 4 was posted at DEO office District North Waziristan, Miranshah by transferring him from GGHS Laiq Zaman Kot District North Waziristan. (Copy as annex "E")

In fact, this order was issued at the behest and pressure of local MNA, namely Mohsin Dawar not in the interest of Department or public but in the interest of R. No. 4 as he was not interested at GGHS Laiq Zaman but was interested in the office of District Education, North Waziristan.



6. That on 05-11-2018, appellant filed W.P No. 997-B/2018 in the PHC, Bannu Bench which came up for hearing on 26-11-2018 and the honorable Court was pleased to convert the said W.P into Departmental representation and remitted to R. No. 3 for adjudication on merit in accordance with law with in a period of 15 days from the date of receipt of the file. (Copies as annex "F")
7. That on 04-12-2018, 11-01-2019, 18-01-2019 and 21-01-2019, appellant remitted the order of honorable court to the concerned respondents for compliance but the same met dead response till date. (Copy as annex "G")
8. That by now the impugned order is matured and is assailed through the instant appeal before this honorable Tribunal.

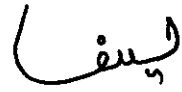
Hence this appeal, inter alia, on the following grounds:

**GROUND S:**

- a. That the impugned order is not only against the law, rules and policy. so is liable to interference.
- b. That the impugned orders were made in short span of time which were highly condummed by the apex court as the same reduces. confidence, efficiency and performance of a servant.
- c. That the impugned order was not made in the interest of journal public or department but in the interest of respondent No. 4. As he was posted at GGHS Laiq Zaman Kot on 29-10-2018 and has not yet completed normal tenure at the said school but was again posted in the interested place in the office of District Education, North Waziristan vide order dated 1-11-2018 after 3 days.
- d. That the local MNA was behind the posting transfer of the incumbents who had, being political figure, no rule in the subject matter. He used to sit in the office of respondent and used to makes phone to them for the purpose.

- e. That appellant had not yet completed normal tenure at the post in the office of District Education, North Waziristan. The impugned order is against the posting and transfer policy.
- f. That the said order is based on malafide, in the interest of respondent No. 4, based on political victimization and favoritism, so is liable to struck down.

It is, therefore, most humbly prayed that on acceptance of appeal, the impugned corrigendum/modification dated 1-11-2018 of respondent No. 1 be set aside and order dated 24-08-2018 to the extent of appellant at serial No. 3 be restored with all service benefits.

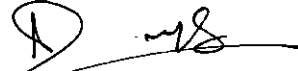


Appellant

Through



Saadullah Khan Marwat



Amjad Khan  
Advocates.

Dated 21-02-2019

**ADJUSTMENT ORDER**

Consequent upon the recommendation of the Departmental Promotion Committee and Director Elementary & Secondary Education Khyber Pakhtunkhwa Notification bearing Endorsement No. 4968-5023/A-23/MS/S/Clerk 2015 School Side Promotion the following officials are hereby adjusted at their own pay & scale against the vacant posts of Senior Clerk upon their promotion from Junior Clerk to Senior Clerk.

Sr	Name of Official with Designation	Station Adjusted at	Remarks
01	Mr. Abdur Rahim, Junior Clerk GHSS Jamrud Khyber Agency	Govt Shaheed Abdul Azam Higher Secondary School Jamrud Khyber Agency	Adjusted against the vacant post of assistant till further order
02	Mr. Imroz Khan, Junior Clerk GHS Ghallana; presently working as Senior Clerk at AEO Office Mohmand Agency at Ghallana	AEO Office Mohmand Agency at Ghallana	Already occupied vide this office order No. dated
03	Mr. Mushtaq Ahmad, Junior Clerk AEO FR Bannu DE&SE adjusted at AEO Office FR Bannu	Elementary College Kotka Habib Ullah FR Bannu	Against the vacant post of Senior Clerk
04	Muhammad Khan, Junior Clerk GHSS Shahoor SWA at Tank	Services placed at the disposal DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
05	Mr. Asghar Khan, Junior Clerk GHS Tank Ismail Khel, FR Kohat	AEO Office FR Kohat	V. S. No. 16
06	Syed Own Akbar, Junior Clerk AEO Office Kunun	GHSS Sama Bahadur FR Peshawar	Against the vacant post of Senior Clerk
07	Mr. Mir Ahmad Khan, Junior Clerk GHSS Kalaya, Orakzai Agency	GGDC Kalaya Orakzai Agency	Against the vacant post of Assistant till further order
08	Mr. Azamuddin, Junior Clerk GCET Mir Ali, NWA	GCET Mir Ali NWA	Against the vacant post of Senior Clerk
09	Mr. Denab Jan, Junior Clerk GHS Dran Shehkhani, Orakzai Agency	Services placed at the disposal DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
10	Mr. Abdul Malik, Junior Clerk GHS Ali Khel, NWA	Services placed at the disposal DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
11	Mr. Islam Bahadar, Junior Clerk GHSS Hormaz, NWA	AEO Office NWA	V. S. No. 22 against the vacant post of Assistant
12	Mr. Murtaza Khan, Junior Clerk GHS Sadique Kot, NWA	Services placed at the disposal DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
13	Mr. Zafarullah, Junior Clerk AEO Office Bajaur Agency	GHSS Ghazi Baba Bajaur Agency	Against the vacant post of Senior Clerk
14	Muhammad Hashim, Junior Clerk GHSS Shahoor, SWA Adjust by DE&SE at AEO Office, SWA	GGDC Darazinda FR D.I Khan	V. S. No. 17
15	Mr. Jehanzib Zeb, Junior Clerk GHS Malangi Bajaur Agency	GGDC Khar Bajaur Agency	Against the vacant post of Senior Clerk till further order

**ADJUSTMENT**

16	Mr. Wali Rahman Senior Clerk AEO Office FR Kohat	GGHSS Samand Khan Killi FR Peshawar	Against the vacant post of Senior Clerk
17	Mr. Allah Nawaz Senior Clerk GGDC Darazinda FR D.I Khan	Services placed at the disposal DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
18	Mr. Ilyas Khan Senior Clerk GHSS Ghazi Baba, Bajaur Agency	GHSS Gardai, Bajaur Agency	Against the vacant post of Assistant V. S. No. 21
19	Mr. Khan Zad Gul, Junior Clerk GGHS Malkana Nawagai, Bajaur Agency	AEO Bajaur Agency	V.S No. 13
20	Muhammad Faiz Assistant AEO Office, Bajaur Agency	GGDC Khar Bajaur Agency	Against vacant post of Assistant
21	Muhammad Ikram GHSS Gardai, Bajaur Agency	AEO Bajaur Agency	V. S. No. 20
22	Kifayat Ullah Junior Clerk presently working at AEO Office NWA against post of Assistant	GHSS, Tank Zaman Kot NWA	Against the vacant post of Junior Clerk

Director Education FATA

Encls: No. 29/16-29/2015 School Side Promotion Dated 10/6/2016  
Copy forwarded to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with reference to his notification No. and dated as quoted above.
2. Accountant General PF (Sub) Office Peshawar.
3. All Agencies Education Officers concerned.
4. All Agencies / FRs Accounts Officers concerned
5. All Principal / Head Master / Head Mistress Colleges / Schools concerned
6. All Officials concerned.
7. PA to Director Education FATA.

Deputy Director (F/A)

*Asst*

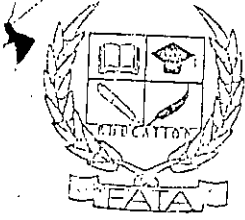
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24-8-18



DIRECTORATE OF EDUCATION  
NEWLY MERGED DISTRICTS KHYBER  
PAKHTUNKHWA PESHAWAR

WARSAK ROAD PESHAWAR, PAKISTAN  
PH: 091-9210165, FAX: 091-9210216

TRANSFER / ADJUSTMENT ORDER

The transfer / adjustment of the following Ministerial Staff are hereby ordered in their own pay & scale to the Office / Institutions mentioned against their names with immediate effect in the best interest of public service.

S/No	Name of Official with Designation/Station	Transfer /Adjusted at	Remarks
01.	Mr. Gul Ahmad Junior Clerk Agency Education Office District North Waziristan	GGHS Laiq Zaman District North Waziristan	Vice S# 3
02.	Mr. Arbab Khan Junior Clerk Agency Education Office District North Waziristan	GHS Aslam Roshnai Bannu with Wazir District	A.V.P.
03.	Mr. Kifayatullah Junior Clerk GGHS Laiq Zaman District North Waziristan	Agency Education Office District North Waziristan	Vice S# 1

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

Director Education Newly  
Merged Districts Khyber  
Pakhtunkhwa

Endst: No. 10162-69 /File E-4- NWA

Dated 24/08 /2018

Copy to the:-

1. Agency Education Officer District North Waziristan with the remarks to submit proposal for other ministerial staff.
2. Agency Accounts Officer District North Waziristan.
3. Agency Education Officer with Wazir Bannu District.
4. District Accounts Officer Bannu.
5. Principal Govt Girls High School Laiq Zaman District North Waziristan.
6. Principal Govt High School Aslam Roshnai Bannu with Wazir District.
7. PA to Director Education NMD Khyber Pakhtunkhwa.
8. Officials concerned.

*Arbab*

*Imad*  
Deputy Director (Education)

*S*  
24/8/18

C

7

30-8-18

Mr. Kifayat Ullah  
P27A

OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH

ASSUMPTION OF CHARGE/CHARGE REPORT

As per order by the Director Education Newly Merged Districts Khyber Pakhtunkhwa order Enclst: No.10162-69/File E-4-NWA dated 24/08/2018, I Mr. Kifayat Ullah assumed the charge of the post of Junior Clerk at the Office of the District Education Office, North Waziristan Tribal District at Miranshah to-day on 28/08/2018.

*(Kifayat Ullah)*

Mr. Kifayat Ullah / Clerk  
Office of the DEO at Miranshah

OFFICE OF THE DISTRICT EDUCATION OFFICER NORTH WAZIRISTAN TRIBAL DISTRICT MIRANSHAH

Enclst: No. 5(10162-69)/DEO/NWTD/MRN Dated, 30 /08/2018

Copy to the:-

1. Director of Education Newly Merged Districts Khyber Pakhtunkhwa Peshawar.
2. Head Mistress GGHS Laiq Zaman Kot North Waziristan Tribal District.
3. Deputy Commissioner North Waziristan Tribal District Miranshah.
4. Head Quarter 7-Divison Camp Area Miranshah.
5. Agency Accounts Officer at Miranshah.
6. All ADEOs in Local Office Concerned.

DISTRICT EDUCATION OFFICER  
NWTD at Miranshah

*(Signature)*

D

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29-10-18



DIRECTORATE OF EDUCATION  
NEWLY MERGED DISTRICTS KHYBER  
PAKHTUNKHWA PESHAWAR

TRANSFER / ADJUSTMENT ORDER

The transfer / adjustment of the following Ministerial Staff are hereby ordered in their own pay & scale to the Office / Institutions mentioned against their names with immediate effect in the best interest of public service.

S/No	Name of Official with Ensignation/Station	Transfer /Adjusted at	Remarks
01	M. Falak Naz Junior Clerk Agency Education Office District North Waziristan	GGHS Laiq Zaman District North Waziristan	Vice S # 2
02	M. Gul Ahmad Junior Clerk GGHS Laiq Zaman District North Waziristan	Agency Education Office District North Waziristan	Vice S # 1

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

Director Education Newly  
Merged Districts Khyber  
Pakhtunkhwa

Endst: No. 13877-83 /File E-4- NWA

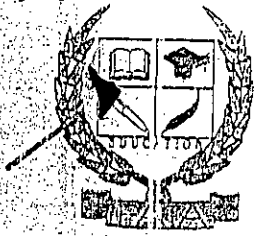
Dated 29/10/2018

Copy to the:-

1. Agency Education Officer District North Waziristan
2. Agency Accounts Officer District North Waziristan.
3. Principal GGHS Laiq Zaman North Waziristan.
4. PA to Director Education NMTD Khyber Pakhtunkhwa.
5. Officials concerned.

*M. G. Khan*  
Deputy Director (F/A)

*29/10/18*



CORRIGENDUM / MODIFICATION

In partial modification of this office bearing endorsement No.13877-83 E-4 / NWA / Ms/File dated 29.10.2018. The following ministerial staff may be read as under and the other terms and conditions will remain the same.

S.No	Name of Official with Designation	Adjusted at	Remarks
01	Mr. Kefayat Ullah Junior Clerk (B-11) District Education Office North Waziristan	GGHS Laiq Zaman Kot District North Waziristan	Vice S # 2
02	Mr. Gul Ahmad Junior Clerk (EPS-11) GGHS Laiq Zaman Kot District North Waziristan	District Education Office North Waziristan	Vice S # 1

Director Education NMTD

Endst No. 14056-60 /E-4/MS/ NWA Dated 1/1/18 /2018

Copy forwarded to the:-

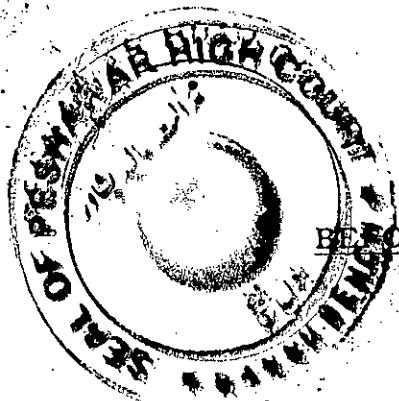
1. Agency Education Officer, District North Waziristan.
2. Principal GGHS Laiq Zaman Kot Tribal District North Waziristan.
3. Agency Accounts Officer, District North Waziristan.
4. PA to Director Education NMTD.
5. Official Concerned.

Deputy Director (F&A)

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5-11-18  
①

BEFORE THE PESHAWAR HIGH COURT BANNU BENCH

Writ Petition No. 397/B 2018

Kifayat Ullah S/O Gul Kha Jan  
R/O Village Mir Ali, Tehsil Mir Ali District North Waziristan  
.....(Petitioner)

**V E R S U S**

- 1- Secretary Education, Khyber Pakhtunkhwa Peshawar
- 2- Director FATA Secretrate, Peshawar Khyber Pakhunkhwa
- 3- Director Education Newly Merged Districts Khyber Pakhunkhwa
- 4- Agency Education Officer District North Waziristan  
.....(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF  
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,  
1973 UP-TO-DATE AMENDMENT**

**P R A Y E R:-**

ON ACCEPTANCE OF THIS WRIT PETITION,  
THIS HON'BLE COURT MAY VERY GRACIOUSLY  
BE PLEASED TO DECLARE CORRIGENDUM/  
NOTIFICATION BEARING ENDST NO.14056-  
60/E-4/MS/NWA DATED 01-11-2018, ISSUED BY  
THE RESPONDENT #3, WHEREBY, SERVICES OF  
THE PETITIONER WERE TRANSFERRED FROM  
DISTRICT EDUCATION OFFICE NORTH  
WAZIRISTAN AND HE WAS POSTED AT GGHS  
LAIQ ZAMAN DISTRICT NORTH WAZIRISTAN, AS  
NULL, VOID-AB-INITIO, BASED POLITICAL

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NOV 2018

**ATTESTED**  
*Handwritten signature*  
EXAMINER  
Peshawar High Court  
Bannu Bench



INFLUENCE AND HAVE NO BINDING EFFECT ON THE PETITIONER.

INTERIM RELIEF:

SINCE THIS WRIT PETITION MIGHT TAKE SOME TIME IN DISPOSAL AND THE RESPONDENTS ARE PRESSURIZING THE PETITIONER TO RELINQUISH CHARGE, THEREFORE, INTERIM RELIEF IN THE SHAPE OF SUSPENSION OF IMPUGNED CORRIGENDUM/ NOTIFICATION BEARING ENDST NO.14056-60/E-4/MS/NWA DATED 01-11-2018, ISSUED BY THE RESPONDENT #3, MAY KINDLY BE GRANTED TILL THE FINAL DISPOSAL OF THIS WRIT PETITION.

NOTE: Address of parties given in the heading of this writ petition, are correct and sufficient for the purpose of service.

Respectfully Sheweth:-

BRIEF FACTS:-

1. Short facts of the case in hand are that the petitioner is a Govt. Servant in capacity of Junior Clerk and was serving at Agency Education Officer District Waziristan Agency.

2. That, the respondent #3 vide Transfer/ Adjustment Order bearing Endst No.10162-

69/File E-4 /MS-NWA dated 24-08-2018

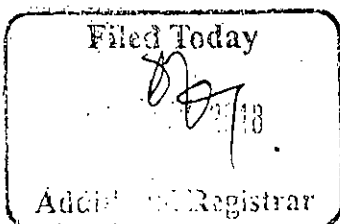
Filed Today  
01-11-2018  
Additional Registrar


ATTESTED  
EXAMINER  
Peshawar High Court  
Banno Bench

transferred services of the petitioner to Agency Education Office District North Waziristan from GGHS Laiq Zaman District North Waziristan. (Copy of Transfer/Adjustment Order bearing Endst No.10162-69/File E-4 /MS/NWA dated 24-08-2018 is annexed "A")

3. That thereafter, respondent No.3 again issued Transfer/Adjustment bearing Endst No.13877-83/File E-4 /MS-NWA dated 29-10-2018 whereby Gul Ahmad Junior Clerk was transferred to Agency Education Office District North Waziristan and Falak Naz Junior Clerk was transfer to GGHS Laiq Zaman District North Waziristan. (Copy of Transfer/Adjustment Order bearing Endst No.13877-83/File E-4/NWA dated 29-10-2018 is annexed "B")

4. That, the petitioner has started discharging his duty with great zeal, zest and honesty, nevertheless on 01-11-2018 the respondent #3 vide impugned Corrigendum/Modification Ends No.14056-60/E-4/MS/NWA dated 01-11-2018, pick and choose was made in the earlier orders and due to political influence again transferred the petitioner to GGHS Laiq Zaman District North Waziristan from District Education Office North Waziristan. (Copy of Transfer/Adjustment Order bearing Endst No.14056-



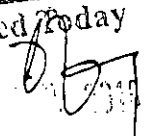
ATTESTED  
  
 ENAGNER  
 Peshawar High Court  
 Peshawar


60/E-4/MS/NWA dated 01-11-2018 is annexed "C").

- 5. The petitioner made oral as well as written requests to the respondents and also wanted to know cause of his transfer within 3 months again to GGHS Education Office North Waziristan but in vain.
- 6. That feeling aggrieved from the act of respondents, the petitioner having no other remedy but to invoke the inherent jurisdiction of this Hon'ble Court, *inter-alia* on the following grounds:-

GROUND S:-

- 1. That, the impugned corrigendum/modification issued by the respondent #3 is against the rules, policy and law promulgated for civil service, transfer and posting; hence, the same is untenable in the eyes of law and is liable to be set at naught.
- 2. That the petitioner was discharging his duty in his parent District with great zeal, zest and honesty and a solitary complaint was neither received to the respondents nor filed against the petitioner. Therefore, immediate transfer of the petitioner within 03 months is against the norms

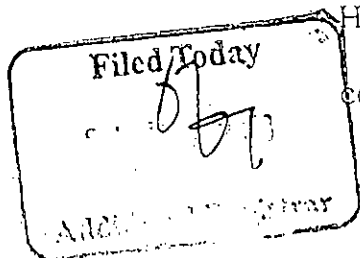
Filed Today  
  
 District Registrar

ATTESTED  
  
 Bench  
 Peshawar High Court

of justice and clear cut violation of the transfer and posting policy.

3. That the transfer orders were made only the political pressure because Gul Ahmad Junior Clerk is relative/person of MNA.
4. That said Gul Ahmad also submit Arrival Report, which was accepted by DEO.
5. That transfer is made with in tenure of two years in the one seat until and unless disciplinary ground exists.
6. That order made by respondent No.3 is totally wrong and baseless having no existence.
7. That within 03 months 03 transfer orders made by respondent No.3 are not free from malafide.
8. That while making the order of petitioner. The petitioner was not informed and nor any kind of opportunity was given about the hearing.
9. That without hearing the petitioner the fundamental right in respect of service has been violated.
10. That the counsel of petitioner may graciously allowed to raised additional grounds at the stage of argument

It is therefore humbly and graciously prayed that on acceptance of instant writ petition, this Hon'ble Court may very graciously be pleased to declare corrigendum/ notification bearing Endst No.14056-60/e-



**ATTESTED**  
 EXAMINER  
 Peshawar High Court

4/MS/NWA dated 01-11-2018, issued by the respondent #3, whereby, services of the petitioner were transferred from District Education Office North Waziristan and he was posted at GGHS Laiq Zaman District North Waziristan, as null, void-ab-initio, based political influence and have no binding effect on the petitioner.

Dated 5/11/2018

List of Book

Constitution of PAK 1973

Petitioner

Through his counsel

Khush Amir Khattak  
Advocate High Court

AFFIDAVIT

Kafiatullah s/o Gul Khajan

I, Kafiatullah s/o Gul Khajan do hereby solemnly affirm and declare on oath that the contents of instant Contempt of Court petition are true and correct and correct to the best of my client's information and belief and that nothing has been concealed from this Honourable Court.

21505-6429866-5

Deponent

Identified by:-

Khush Amir Khattak  
Advocate High Court

Certificate

No other WP has been filed

No. 6899

Certified that the above was certified on solemnly affirmation before me on the 05

day of NOV 18 by Kifayatullah s/o Gul Khajan R/o Mir Ali, NWA who was identified by Khush Amir Khattak who is personally known to me.

Filed Today  
05/11/18

Notary Commission for Peshawar High Court Bannu Bench

ATTESTED

ENGINER  
Peshawar High Court  
Bannu Bench

**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT, BANNU BENCH.**  
**(Judicial Department)**

W.P No.997-B/2018.  
 Kifayat Ullah  
 Vs  
 Govt: of KPK etc.



**JUDGMENT**

Date of hearing \_\_\_\_\_ 26.11.2018.

Petitioner( s )by: *Mr. Khush Amir Khattak Advocate.*

Respondent(s) by: ( In motion).

**MUHAMMAD NASIR MAHFOOZ, J.---** Through this constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks the following relief:-

*"On acceptance of this writ petition, this Hon'ble Couyrt may very graciously be pleased to declare corrigendum/notification bearing Endst No.14056-60/E-4/MS/NWA dated 01.11.2018, issued by the respondent No.3, whereby, services of the petitioner were transferred from District Education Office North Waziristan and he was posted at GGHS Laiq Zaman District North Waziristan, as Null, void-ab-initio, based*

*L. J. M.*

**ATTESTED**  
 JUDGE  
 Peshawar High Court  
 Bannu Bench

*on political influence and have no binding effect on the petitioner"*

2. At the very outset learned counsel for the petitioner submitted that the instant petition be treated as departmental appeal and the same is sent to the concerned respondents for adjudication on merit.

4. In view of the above, we convert this petition into departmental representation and send to respondent No.3 for adjudication on merits in accordance with law within a period of 15 days from the date of receipt of this file. The writ petition is disposed of in the above terms.

**Announced.**  
26.11.2018.

*Sd Justice Muhammad Nasir Mahfooz, J*  
*Sd Justice Shakeel Ahmad, J*

CERTIFIED TO BE TRUE COPY

*13/11/19*  
Examiner

Peshawar High Court Bannu Bench  
Authorised Under Article 87 of  
The Qanun-e-Shahadat Order 1988

*Office*  
*27/11/18*

*Muhammad*  
*[Signature]*

کفریہ ضابطہ DEED کے تحت جاری شدہ معاہدہ

ضابطہ

Application for implementation of Court Judgment dt- 26/11/2018 in R/o Kifayatullah T/E, Now Distt, Miranshah. عنوان د

میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست  
DEED آفس میں درج شدہ معاہدہ کی عملدرستی کے بارے میں درخواست  
کوٹلی ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

30/11/2018 کو تیار کیا گیا  
DEED آفس میں درج شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

قانونی مشورہ حاصل کر کے  
میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست  
میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

حیثیت والا معاہدہ کی عملدرستی کے بارے میں درخواست  
میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست  
میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

4/12/2018

علی گڑھ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

میرانشاہ ضابطہ DEED کے تحت جاری شدہ معاہدہ کی عملدرستی کے بارے میں درخواست

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جہا - DE سے ایلیمنٹری ایڈ سٹڈی ایجوکیشن KPR

جہا - مالی

سوال :- گورنمنٹ کے مورم 26/11/1984 پر عمل کرنا لغات اللہ جو فونڈ مقرر ایجوکیشن کے ساتھ ساتھ ڈیو ایس DE آفیسر لانا

گورنمنٹ کے فونڈ DE آفیسر سے ان کے مورم 24/11/84 کو شرفیفر آرڈر ہوا۔ مورم 29/10/84 کو عملی طور پر ملک تازہ DE آفیسر آفیسر لایا۔ مورم 11/11/84 کو پندرہ کوری جنڈم کیفیت ایڈیو DE آفیسر سے 1984 لائن زمان کوڑ

فلوئس PAE بیرون بیچ میں 1984 کو 26/11/84 کو PAE کیفیت سے ایڈیو DE فائنا کو درجواست دیا لیکن گورنمنٹ کے مورم 22/11/84 کو درجواست دیا۔ 1- DE فائنا ایس ایجوکیشن سے لیا 2

کیسڈا کے لیے درخواست ہے اور گورنمنٹ کے فونڈ کے لیے درخواست ہے اور DE آفیسر کے لیے درخواست ہے اور

حق دیکھیں ایلیمنٹری ایڈیو سٹڈی ایجوکیشن کے لیے درخواست ہے

مورم - 11/2/19

رنگی نگر، لغات اللہ جو فونڈ مقرر ایجوکیشن کے ساتھ ساتھ ڈیو ایس DE آفیسر سے لیا

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کتابت سے DEO، (N.M.D) کی طرف سے  
No. 368 dt 23/11/2019

عنوان: سورت میں ایک زمیندار کی ملکیت کے بارے میں درخواست

میں نے ایک زمیندار کی طرف سے درخواست کی ہے کہ وہ اپنی زمین کی ملکیت کے بارے میں ایک درخواست دے۔  
DEO نے اس کی درخواست کو منظور کیا ہے اور اسے ایک نوٹس جاری کیا ہے۔  
دریافت شدہ N.M.D کی طرف سے درخواست پر اسے ایک نوٹس جاری کیا ہے۔  
میں نے اسے ایک نوٹس جاری کیا ہے اور اسے ایک نوٹس جاری کیا ہے۔

اس کی درخواست پر اسے ایک نوٹس جاری کیا ہے اور اسے ایک نوٹس جاری کیا ہے۔  
اس کی درخواست پر اسے ایک نوٹس جاری کیا ہے اور اسے ایک نوٹس جاری کیا ہے۔  
اس کی درخواست پر اسے ایک نوٹس جاری کیا ہے اور اسے ایک نوٹس جاری کیا ہے۔  
اس کی درخواست پر اسے ایک نوٹس جاری کیا ہے اور اسے ایک نوٹس جاری کیا ہے۔  
اس کی درخواست پر اسے ایک نوٹس جاری کیا ہے اور اسے ایک نوٹس جاری کیا ہے۔

15/11/2019

عین خواجہ

Adul  
Jafar

15/11/2019  
کتابت کے بارے میں  
N.M.D

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تفصیلاً ڈائری نمبر 10000/19/19 کے تحت

صاف جان

Implementation of Court Judgment  
170 Kipayat-ullah Fl. East,  
Deptt. No. Muzammar dated

مذاہب جنم غلوں کفایت اللہ جو کلمہ مکرر پڑھنا اور دعا پڑھنا  
کلمہ شاد دریاں پورے بیوں پلے پلے پڑھنا اور دعا پڑھنا  
کو جان کورڈ کے تحت 26/11/19 اور 26/11/19  
اور 26/11/19 اور 26/11/19 اور 26/11/19  
دوبارہ فورم 368/19 اور 26/11/19 اور 26/11/19  
جواب میں دعا 26/11/19 اور 26/11/19 اور 26/11/19  
کلمہ شاد دریاں پورے بیوں پلے پلے پڑھنا اور دعا پڑھنا  
کو جان کورڈ کے تحت 26/11/19 اور 26/11/19 اور 26/11/19

لکھنؤ میں مقیم رہنے والے ہیں اور ان کے پاس  
مکمل طور پر 26/11/19 اور 26/11/19 اور 26/11/19  
لکھنؤ میں مقیم رہنے والے ہیں اور ان کے پاس  
مکمل طور پر 26/11/19 اور 26/11/19 اور 26/11/19

21/1/2019

محمد امجد علی  
2  
ڈائری نمبر 10000/19/19  
تفصیلاً ڈائری نمبر 10000/19/19 کے تحت  
صاف جان

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99

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

CM. No. \_\_\_\_\_ /2019

Kifayat Ullah

versus

Director & Others

**APPLICATION FOR SUSPENSION OF THE OPERATION  
OF CORRIGENDIUM DATED 01-11-2018 TILL THE  
DECISION OF THE CASE:**

**Respectfully Sheweth:**

1. That applicant filed the subject Appeal before this hon'ble Tribunal today.
2. That no reason in order of transfer is given but the same was made in the interest of R. No: 04 and till date, charge of the post is not yet relinquished.
3. That the impugned order is issued at the behest of local MNA to adjust R. No. 04 at District Education Office, North Waziristan.
4. That prima facie case exists, balance of convenience lies in favor of applicant and is hopeful of the success of the appeal.
5. That facts and grounds of the appeal be treated as integral part of this application for grant of Interim relief.

It is, therefore, requested that order dated 01-11-2018 be suspended till the decision of the case.

Through

  
Applicant

  
(Saadullah Khan Marwat)  
Advocate  
21-A Nasir Mension,  
Shoba Bazar, Peshawar.  
Ph: 0300-5872676

Dated: 21.02.2019

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

CM. No. \_\_\_\_\_ /2019

Kifayat Ullah

versus

Director & Others

**AFFIDAVIT**

I, Kifayat Ullah, Applicant, do hereby solemnly affirm and declare that contents of **Application** are true and correct to the best of my knowledge and belief.



DEPONENT

مورخہ

کفایت اللہ بنام حکم تعلیم و غیرہ

دعویٰ رسیلے

باعث تحریر اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کے لئے سعد اللہ خان مروت ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقریر ثالث و فیصلہ برطرف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی بروکری اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا نمائند قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ختم منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کی سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم

العبد العبد العبد

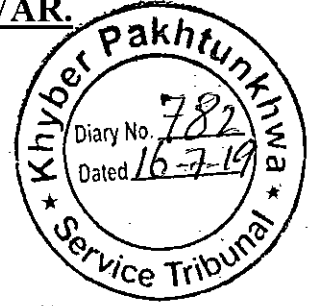
سعد اللہ خان مروت  
ایڈووکیٹ

کفایت اللہ

احمد خاں  
ایڈووکیٹ

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No.313/2019



Kifayat Ullah

VS

Education Deptt:

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

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

1. That the appeal has no cause of action & locus standi.
2. That the appellant has been estopped by his own conduct to file the appeal
3. That the impugned order was passed in public interest and under section 10 of the civil servant act 1973, the appellant is liable to serve anywhere.

**FACTS:**

1. Initially the appellant was appointed as Class-IV in the year 2013 and was illegally promoted to the post of Junior Clerk, which was challenged by Wajih Ullah in Writ petition No. 204-B/2018 in Peshawar High Court at Bannu Bench which is still subjudice to the Court. While the rest of the para is pertain to record.
2. Incorrect. The appellant is struggling hard from the beginning for posting in the DEO District North Waziristan and even he managed to be posted against the post of Assistant on OPS basis vide order dated 10.06.2016, which show that the appellant himself try hard for posting in the office of DEO District North Waziristan.
3. Pertain to record, however, respondent No.4 was also transferred from the office of DEO office to GGHS Liaq Zaman in order dated 24.08.2018 and the respondent No.4 also complied the order dated 24.08.2018. Moreover under Section-10 of the Civil servant Act 1973 the civil servant shall be liable to serve anywhere.
4. Incorrect. The competent authority has passed the order dated 29.10.2018 in public interest and the respondent No.4 complied that order.

*Not on appeal  
J. U. No. 204  
Cert.  
S. U. No. 7  
16/7/19*

*Recd*

5. Incorrect. The competent authority has passed the order dated 01.11.2018 in public interest and under Section-10 of the Civil servant Act 1973, the appellant as well as the respondent No.4 should have complied with the order. Moreover no proof was attached with the appeal to show that order dated 01.11.2018 was passed at the behest and pressure of the Local MNA.
6. Pertain to record.
7. Pertain to record.
8. The appellant has no cause of action to file the instant appeal.

**GROUND:**

- A. Incorrect. The impugned order was passed in accordance with law and rules and liable to be maintained.
- B. Incorrect. Under section-10 of the Civil servant Act 1973, the civil servant is liable to serve anywhere. Moreover respondent No.4 has also transferred in short span of time, but he obeyed the orders and performed his duty when ever his competent authority transferred him.
- C. Incorrect. The impugned order was passed in public interest and under Section-10 of the Civil servant Act 1973, the appellant shall be liable to serve anywhere.
- D. Incorrect. The impugned order was passed in public interest and no proof was annexed with appeal by the appellant to show that local MNA was behind the transfer of the incumbents.
- E. The respondent No.4 has also not completed his normal tenure at the post of in the office of of District Education, North Waziristan as he was transferred from the District Education Officer, North Waziristan to GGHS Laiq Zaman District North Waziristan on 24.08.2018 and then transfer from GGHS Laiq Zaman District North Waziristan to District Education Officer, North Waziristan vide order dated 29.10.2018.
- F. Incorrect. The impugned order was passed in public interest and was not based on malafide, in the interest of the respondents No.4, based on on political victimization and favoritism, so liable to be maintained.



It is, therefore, most humbly prayed that the appeal in hand may be dismissed being devoid of merit.

  
RESPONDENT NO.4

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT.

**AFFIDAVIT**

It is affirmed and declared that the contents of reply of respondent No.4 are true and correct to the best of my knowledge and belief.

  
DEPONENT



16-07-2019

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 313/2019

Kifayat ullah S/O GulKha Jan,

Junior Clerk at Government Girls High School Laiq Zaman kot District North Waziristan.

-----**Appellant**

**VERSUS**

1. Director Elementary And Secondary Education Department, Peshawar, Ex-Director Newly Merged
2. Secretary Elementary and Secondary Education Department KP, Peshawar.
3. District Education Officer North Waziristan Tribal District.
4. Gul Ahmad Junior Clerk District Education Office, North Waziristan Tribal district.

-----**Respondents**

**Comments on behalf of respondent No. 1 and 3**

Respectfully Sheweth,

**Preliminary Objections:**

- That the appellant have got no cause of action, locus standee to file the instant appeal.
- That the appellant has not come to this honorable Tribunal with clean hands.
- That the appellant is stopped by his own conduct to bring the instant appeal.
- That the appellant has concealed material facts from the Honorable service tribunal.
- That the appeal is not maintainable in the present form.

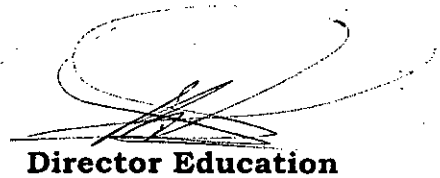
**Facts**

1. Subject to the record.
2. Correct to the extent that the appellant was working as junior clerk in the office of the DEO North Waziristan. On **10/06/2016**, he was transferred from the DEO office and posted at GGHS Laiq Zaman kot vide Deputy Director (F/A) No.8916-22/2015 School Side Promotion Dated **10.06.2016. (copy attached as Annexure-A)**
3. The Respondent No.1 issued transfer order No. 10162-69/File E-4-NWA Dated **24.08 2018** wherein the Respondent No. 4 was transferred from the DEO Office to GGHS Laiq Zaman Kot and the Appellant was transferred from GGHS Laiq Zaman kot to the DEO Office. **(Copy attached as annexure-B)**

4. Correct to the extent that the Respondent No. 1 i.e. the Director of Education Newly Merged Districts issued transfer order No. 13877-83/File E-4.NWA dated **29/10/2018**, wherein the Respondent No. 4 was transferred from GGHS Laiq Zaman kot to DEO Office, while Mr. Falak Naz was transferred from the DEO Office to GGHS Laiq Zaman kot. **(Copy Attached as Annexure-C)**
  
5. The Deputy Director (F/A) issued Corrigendum/Modification vide his office No.14056/E-4/MS/NWA Dated **01.11.2018** in the previous order No. 13877-83/File E-4. NWA, wherein Mr. Falak Naz was kept in the DEO office while Mr. Kifayat ullah was transferred from the DEO Office to GGHS Laiq Zaman kot and Mr. Gul Ahmad, R.No.4, was transferred from GGHS Laiq Zaman kot to the DEO Office however there was no political pressure but the order was issued in public interest **(copy attached as Annexure-D)**
  
6. Correct that the appellant had filled WP.No 997-B/2018 in the Honorable Peshawar High Court Bannu Bench for hearing his prayer. And the Honorable Court issued Departmental Representation and sent it to Respondent No. 3 i.e. DEO North Waziristan Tribal District for consideration of the case on merit. In response to that, the DEO submitted the case to the Director of Education Newly Merged Districts for his consideration as because the **transfer of the ministerial staff does not come under the power of the DEO.**
  
7. Incorrect. As elucidated in para-6 above.
  
8. The case of the appellant is under consideration before the respondents therefore, the appeal may kindly be dismissed on the following grounds.  
**Grounds.**
  - A. Incorrect. The respondents is being bound by law and acting in accordance with law. And while doing so no rules and policy has been violated.
  - B. Incorrect. The transfer of the appellant was made in the best interest of public.
  - C. Incorrect. As elucidated in Para-B above.
  - D. Incorrect. Hence denied. The respondent being bound by law acted accordance with law and the transfer were made in the best interest of public.
  - E. Incorrect. As elucidated in above paras.
  - F. Incorrect. Hence denied. There is no malafide on the part of respondent as they acted in the best interest of the public.

The appeal may kindly be dismissed with cost.

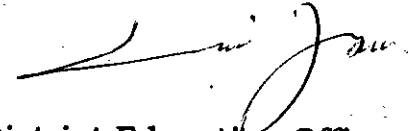
**Respondent No.1**



**Director Education**

**Merged Areas**

**Respondent No. 3**



**District Education Officer**

**North Waziristan**

**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 thereof noting has been concealed from this honorable Tribunal.

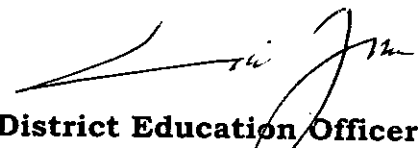
**Respondent No. 1**



**Director Education**

**Merged Areas.**

**Respondent No. 3**



**District Education Officer**

**North Waziristan**

**ADJUSTMENT ORDER**

Consequent upon the recommendation of the Departmental Promotion Committee and Director Elementary & Secondary Education Khyber Pakhtunkhwa Notification bearing Endorsement No. 4060-5023/A-23/MS/S/Clerk 2015 under 20099/2015 the following officials are hereby adjusted at their own pay & scale against the vacant posts of Senior Clerk upon their promotion from Junior Clerk to Senior Clerk:

Sr	Name of Official with Designation	Station Adjusted at	Remarks
01	Mr. Abdur Rahim, Junior Clerk GHSS Jamrud Khyber Agency	Govt Shateed Abdul Azam Higher Secondary School Jamrud Khyber Agency	Adjusted against the vacant post of assistant till further order
02	Mr. Imroz Khan, Junior Clerk GHS Ghallanai presently working as Senior Clerk at AEO Office Mohmand Agency at Ghallanai	AEO Office Mohmand Agency at Ghallanai	Already occupied vide this office order No. dated
03	Mr. Mushtaq Ahmad, Junior Clerk AEO FR Danna E&SE adjusted at AEO Office FR Danna	Elementary College Kotka Habib Ullah FR Danna	Against the vacant post of Senior Clerk
04	Muhammad Khan, Junior Clerk GHSS Shahoor SWA at Tank	Services placed at the disposal of DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
05	Mr. Asghar Khan, Junior Clerk GCEI Tank Ismail Khel, FR Kohat	AEO Office FR Kohat	V. S. No. 16
06	Syed Own Akbar, Junior Clerk AEO Office Kurram	GHSS Dama Badaber FR Peshawar	Against the vacant post of Senior Clerk
07	Mr. Mir Ahmad Khan, Junior Clerk GHSS Kalaya, Orakzai Agency	GGDC Kalaya Orakzai Agency	Against the vacant post of Assistant till further order
08	Mr. Azimuddin, Junior Clerk GCET Mir Ali, NWA	GCET Mir Ali NWA	Against the vacant post of Senior Clerk
09	Mr. Denab Jan, Junior Clerk GHS Dran Shehkhani, Orakzai Agency	Services placed at the disposal of DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
10	Mr. Abdul Malik, Junior Clerk GHS Ali Khel, NWA	Services placed at the disposal of DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
11	Mr. Islam Bahader, Junior Clerk GHSS Hormaz, NWA	AEO Office NWA	V. S. No. 22 against the vacant post of Assistant
12	Mr. Murtaza Khan, Junior Clerk GHS Sadique Kot, NWA	Services placed at the disposal of DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
13	Mr. Zafarullah, Junior Clerk AEO Office Bajaur Agency	GHSS Ghazi Baba Bajaur Agency	Against the vacant post of Senior Clerk
14	Muhammad Hashim, Junior Clerk GHSS Shahoor, SWA Adjust by E&SE at AEO Office, SWA	GGDC Darazinda FR D.I Khan	V. S. No. 17
15	Mr. Jehanzib Zeb, Junior Clerk GHS Malangi Bajaur Agency	GGDC Khar Bajaur Agency	Against the vacant post of Senior Clerk till further order

**ADJUSTMENT**

16	Mr. Wali Rehman Senior Clerk AEO Office FR Kohat	GGHSS Samand Khan Killi FR Peshawar	Against the vacant post of Senior Clerk
17	Mr. Allah Nawaz Senior Clerk GDC Darazinda FR D.I Khan	Services placed at the disposal of DE&SE Khyber Pakhtunkhwa, Peshawar	Presently no need of his services in FATA
18	Mr. Ilyas Khan Senior Clerk GHSS Ghazi Baba, Bajaur Agency	GHSS Gardai, Bajaur Agency	Against the vacant post of Assistant V. S. No. 21
19	Mr. Khan Zad Gul, Junior Clerk GGHS Malkana Mawajai, Bajaur Agency	AEO Bajaur Agency	V. S. No. 13
20	Muhammad Fairq Assistant AEO Office, Bajaur Agency	GGDC Khar Bajaur Agency	Against vacant post of Assistant
21	Muhammad Ikram GHSS Gardai, Bajaur Agency	AEO Bajaur Agency	V. S. No. 20
22	Kifayat Ullah Junior Clerk presently working at AEO Office NWA against post of Assistant	GHSS Tank Zaman Kot NWA	Against the vacant post of Junior Clerk

Director Education FATA

Encls: No. 2916/2015 School Side Promotion Dated 10/6/2016

Copy forwarded to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with reference to his notification No. and dated as quoted above.
2. Accountant General FR (Sub) Office Peshawar.
3. All Agencies Education Officers concerned.
4. All Agencies / FRs Accounts Officers concerned.
5. All Principal / Head Master / Head Mistress Colleges / Schools concerned
6. All Officials concerned.
7. PA to Director Education FATA.

Deputy Director (F/A)



(B)

**DIRECTORATE OF EDUCATION  
NEWLY MERGED DISTRICTS KHYBER  
PAKHTUNKHWA PESHAWAR**

WARSAR ROAD PESHAWAR PAKISTAN  
PH. 091-9210166. FAX 091-9210216

**TRANSFER / ADJUSTMENT ORDER**

The transfer / adjustment of the following Ministerial Staff are hereby ordered in their own pay & scale to the Office / Institutions mentioned against their names with immediate effect in the best interest of public service.

S/No	Name of Official with Designation/Station	Transfer /Adjusted at.	Remarks
01.	Mr. Gul Ahmad Junior Clerk Agency Education Office District North Waziristan	GGHS Laiq Zaman District North Waziristan	Vice S# 3
02.	Mr. Arbab Khan Junior Clerk Agency Education Office District North Waziristan	GHS Aslam Roshnai Bannu with Wazir District	A.V.P.
03	Mr. Kifayatullah Junior Clerk GGHS Laiq Zaman District North Waziristan	Agency Education Office District North Waziristan	Vice S# 1

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


**Director Education Newly  
Merged Districts Khyber  
Pakhtunkhwa**

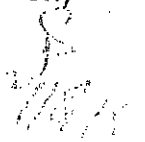
Endst. No. 1016/2018 /File E-4- NWA

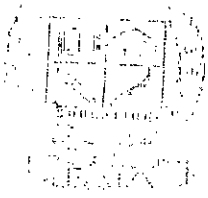
Dated 24 /10 /2018

Copy to the:-

1. Agency Education Officer District North Waziristan with the remarks to submit proposal for other ministerial staff.
2. Agency Accounts Officer District North Waziristan.
3. Agency Education Officer with Wazir Bannu District.
4. District Accounts Officer Bannu.
5. Principal Govt Girls High School Laiq Zaman District North Waziristan.
6. Principal Govt High School Aslam Roshnai Bannu with Wazir District.
7. PA to Director Education NMD Khyber Pakhtunkhwa.
8. Officials concerned.

  
**Deputy Director (Education)**





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Record (C)  
J.S.K.  
1/1/18

**DIRECTORATE OF EDUCATION  
NEWLY MERGED DISTRICTS KHYBER  
PAKHTUNKHWA PESHAWAR**

WARSAK ROAD PESHAWAR, PAKISTAN  
PH: 091-9210166, FAX: 091-9210216

**TRANSFER / ADJUSTMENT ORDER**

The transfer / adjustment of the following Ministerial Staff are hereby ordered in their own pay & scale to the Office / Institutions mentioned against their names with immediate effect in the best interest of public service.

S/No	Name of Official with Designation/Station	Transfer /Adjusted at	Remarks
01.	Mr. Falak Naz Junior Clerk Agency Education Office District North Waziristan	GGHS Laiq Zaman District North Waziristan	Vice S # 2
02.	Mr. Gul Ahmad Junior Clerk GGHS Laiq Zaman District North Waziristan	Agency Education Office District North Waziristan.	Vice S # 1

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

**Director Education Newly  
Merged Districts Khyber  
Pakhtunkhwa**

13877-83

Enclst: No. \_\_\_\_\_ /File E-4- NWA

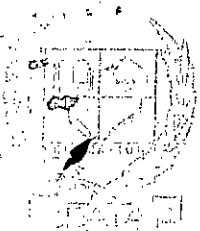
Dated 28/1/18 2018

Copy to the:-

1. Agency Education Officer District North Waziristan.
2. Agency Accounts Officer District North Waziristan.
3. Principal GGHS Laiq Zaman North Waziristan.
4. PA to Director Education NMTD Khyber Pakhtunkhwa.
5. Officials concerned.

Deputy Director (F/A)

28/1/18



Supdt. J.R.  
Mansoor  
J.R.  
V. 9/10/18

**DIRECTORATE OF EDUCATION  
NEWLY MERGED TRIBAL DISTRICTS**  
KHYBER PAKHTUNKHWA, WARSAK ROAD PESHAWAR, PAKISTAN

**CORRIGENDUM / MODIFICATION**

In partial modification of this office bearing endorsement No.13877-83 E-4 / NWA / Ms/File dated 29.10.2018. The following ministerial staff may be read as under and the other terms and conditions will remain the same.

S.No	Name of Official with Designation	Adjusted at	Remarks
01	Mr. Kefayat-Ullah Junior Clerk (B-11) District Education Office North Waziristan	GGHS Laiq Zaman Kot District North Waziristan	Vice S # 2
02	Mr. Gul Ahmad Junior Clerk (BPS-11) GGHS Laiq Zaman Kot District North Waziristan	District Education Office North Waziristan	Vice S # 1

Director Education NMTD

14086-60

Endst No. \_\_\_\_\_ /E-4/MS/ NWA Dated 1/11 /2018

Copy forwarded to the:-

1. Agency Education Officer, District North Waziristan.
2. Principal GGHS Laiq Zaman Kot Tribal District North Waziristan.
3. Agency Accounts Officer, District North Waziristan.
4. PA to Director Education NMTD.
5. Official Concerned.

Deputy Director (F&A)

11/11/18



**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A. No. 313 / 2019

Kifayat Ullah

versus

Director & Others

**REPLICATION:**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS:**

All the 05 preliminary objections of the official respondents and 03 of the R. No. 04 are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action / locus standi, he has not come to the hon'ble Tribunal with clean hands, he is stopped by his own conduct, has concealed material facts and appeal is not maintainable. The impugned order is not in the interest of public service but in the interest of R. No. 04. Section 10 of the Civil Servant Act is misinterpreted.

**ON FACTS:**

1. Official respondents has not commented upon on para No. 01, while R. No. 04 has given reference of Writ Petition which has no nexuses with the case in hand.
2. Admitted correct by the official respondents to the extent of adjustment / posting of appellant at GGHS Laiq Zaman Kot. R. No. 04 has termed the para of appeal as incorrect but no plausible reply has been given to rebut the para of the appeal. This para of reply is without proof.
3. Admitted correct by the official respondents regarding issuance of order dated 24-08-2018, transferring appellant from GGHS Laiq Zaman Kot to DEO office at Miranshah. Transfer of R. No. 04 on 24-08-2018 has no concern with appellant posting him at GGHS Laiq Zaman Kot from the office of DEO, but after two months the said order was cancelled and tried to post himself in the office of DEO.

4. Admitted correct by the official respondents. No change was made in merged districts but to post R. No. 04 in the office of DEO, order dated 29-10-2018 was issued by R. No. 01 transferring R. No. 04 from GGHS Laiq Zaman Kot to office of DEO. No exigency or emergency to show to post R. No. 04 at DEO office at Miranshal but to favor him.

R. No. 04 denied order dated 29-10-2018 by posting R. No. 04 at DEO office. No reason was shown in this order as to why posting of R. No. 04 is necessary in office of DEO.

5. Admitted correct by official respondents wherein in hast manner corrigendum was issued. What was the necessity by issuing such order by the authority, no reason was ever given but to post R. No. 04 in office of DEO in short span of time. The said corrigendum was motivated politically as stated in the para.

R. No. 04 has termed this para of the appeal as incorrect but it is not understood as to why beneficial para to him was termed as incorrect.

6. Admitted correct by the respondents but the authority showed himself as above from law. When the hon'ble High Court gave direction to R. No. 01 to decide the matter within 15 days, then why he did not comply with the order of the hon'ble court. The hon'ble Tribunal shall take notice of the high handedness of R. No. 01.

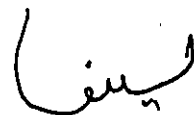
- 7-8. Admitted correct by the respondents as no explanation was given by them. In this para of the reply the official respondents has stated that the case of the appellant is still under consideration for decision but it is not known as to when the same shall be decided by the authority.

#### **GROUND S:**

All the grounds of the appeal are legal and correct, while that of the reply of respondents are illegal and incorrect. The same are relied upon once again.

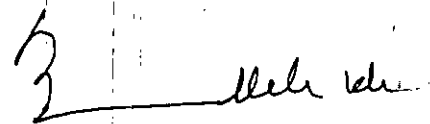
Apart from the same, the impugned order was not in accordance with law and policy. The same were made in short span of time, no exigency was shown nor any reason was given as to why these orders were made. The spirit of section 10 of CSA, 1973 has not complied with, the same were not in public interest but were in the interest of R. No. 04 and if R. No. 04 was not satisfied with the aforesaid orders, then he should have been recourse to law and have to approach this hon'ble Tribunal for its setting aside but by not doing so, it transpires that R. No. 04 is happy with the same, so no agitation was shown by him.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.



Appellant

Through



Saadullah Khan Marwat

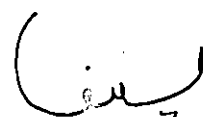
Advocate,

Dated: 08-08-2019

### AFFIDAVIT

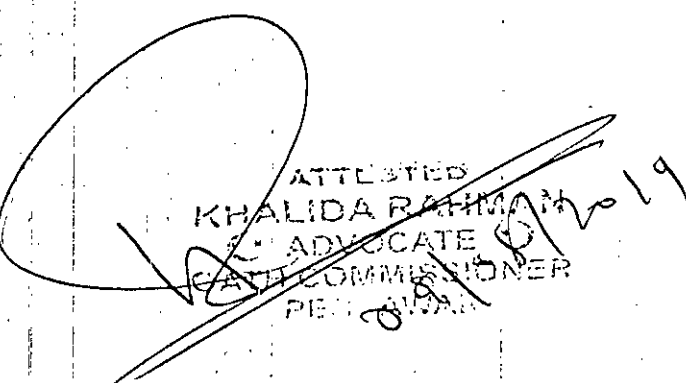
I, Kifayat Ullah, appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.



DEPONENT

ATTESTED  
KHALIDA RAHMAN  
ADVOCATE  
OATH COMMISSIONER  
PESHAWAR



Private Response



DIRECTORATE OF EDUCATION  
FATA SECRETARIAT  
WAZIRISTAN AGENCY  
P.O. BOX 122100, LAIK ZAMAN, NORTH WAZIRISTAN

147

TRANSFER ORDER

Mr. Kifayat Ullah Junior Clerk (BPS-11) GGHS Laiq Zaman North Waziristan Agency is hereby transferred, on his own pay & scale, to Agency Education Office, North Waziristan Agency against the vacant post of Assistant with immediate effect in the best interest of public service.

Note.

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

Director Education FATA

Endst No. 980-84 /E-4/MS/File

Dated 22/11 /2016

Copy to the:-

1. Agency Education Officer, North Waziristan Agency.
2. Principal GGHS Laiq Zaman, North Waziristan Agency.
3. Agency Accounts Officer, North Waziristan Agency.
4. PA to Director Education FATA.
5. Official Concerned.

Deputy Director (F/A)

21/01/2016

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 273 /ST

Dated 28-01- 2020

To


The Director E&SE,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 313/2019, MR. KIFAYAT ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 09.12.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.