

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 532/2019

Date of Institution ... 25.04.2019

Date of Decision ... 09.08.2019

Muhammad Tariq Shah, ADEO (BPS-16), ADEO Establishment DEO (Male),  
Karak. ... (Appellant)

VERSUS

The Secretary (E&SE) Education, Government of Khyber Pakhtunkhwa, Civil  
Secretariat, Peshawar and four others. ... (Respondents)

-----  
MR. TAIMUR ALI KHAN,  
Advocate

--- For appellant.

MR. MUHAMMAD IAN,  
Deputy District Attorney

--- For respondents.

MR. SHAHID QAYUM KHATTAK,  
Advocate

--- For respondent no.5.

MR. AHMAD HASSAN,  
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)  
--- MEMBER(Judicial)

**JUDGMENT**

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the  
parties heard and record perused.

**ARGUMENTS**

02. Learned counsel for the appellant argued that he was appointed as PST in 1999 and promoted to the post of SST on 28.10.2014. That after promotion, he was posted at GHS Turki Khel and contained performing duty satisfactory. That after completion of tenure at the above school, he was posted/transferred against the vacant post of ADO Establishment Primary at DEO(M) Office Karak vide order dated 20.11.2018. After lapse of one month his services were placed at the disposal of DEO(M) Karak for further posting, whereas respondent no.5 was posted at his

place vide order dated 15.01.2019 but was withdrawn on 08.02.2019. He further argued that respondent no.5 exerted political pressure through MNA concerned for cancellation of order dated 08.02.2019 and also produced relevant documentary evidence and in nut shell transfer of the appellant was withdrawn due to political interference which was against the posting/transfer policy notified by the provincial government and instructions dated 27.02.2013 issued as a sequel to famous Anita Turab case.

03. Learned counsel for private respondent no.5 in rebuttal stated that initially the appellant challenged the original transfer order through Civil Suit filed in the court of Senior Civil Judge, Karak but this fact was concealed by him. He failed to file departmental appeal against original order dated 15.01.2019. Moreover, it was the appellant who exerted political pressure for withdrawal of transfer order dated 15.01.2019. Moreover, respondent no.5 was SST (General), whereas the appellant belonged to SST (Science Group) thus was not eligible to hold the post referred to above.

04. Learned Deputy District Attorney argued that the appellant was transferred from GHS Turki Khel to GHS Paloosa Kamari due to poor law and order situation by the competent authority and thereafter adjusted against the post of ADO in BPS-16 in the office of DEO(M) Karak. That he had personal differences with the Headmaster Incharge, which was also a contributing factor in his transfer to the above office. That post of ADO (BPS-17) are earmarked for the officers of Management Cadre, therefore, official belonging to the teaching were not eligible to hold these posts. They can only be adjusted as stopgap arrangement in the exigency of service, thus the appellant cannot claim posting against the said post. He also highlighted Section-10 of Khyber Pakhtunkhwa Civil Servants Act, 1973 and

failure on the part of the appellant who assailed initial order dated 15.01.2019 before the appellate authority.

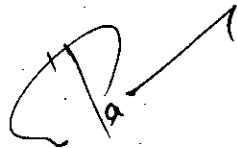
### CONCLUSION

05. The appellant is aggrieved of withdrawal of initial posting/transfer order dated 15.01.2019 through order dated 08.02.2019. It has been proved through the available record that this order was not assailed by the appellant before the competent departmental authority by way of filing departmental appeal. He knocked the door of Senior Civil Judge, Karak by way of filing civil suit. After having succeeded in withdrawal of order dated 15.01.2019, he withdrew the civil suit. This fact was concealed by the appellant from this Tribunal and an ample proof to exhibit his conduct/behavior.

06. Instead of dilating on other aspects of the case, it would be in the interest of justice and fair play to highlight that the appellant and private respondent no.5 belonged to the Teaching Cadre, whereas this post was required to be filled from amongst the officials of Management Cadre. In these circumstances posting of both the officials against the Management Cadre was illegal and not sustainable in the eyes of law. It is regretted that respondent no.2 failed to discharge his duty in accordance with the law and rules. Silence on his part and by not agitating this important aspect of the case tantamount to culpable negligence. It also fell in the ambit of misuse of authority which constitutes misconduct thus he rendered himself liable to disciplinary proceedings under E&D Rules 2011. In order to sensitize the respondents about their duties/responsibilities attention is invited to judgment of Peshawar High Court, Peshawar dated 18.11.2009 passed in writ petition no.2937-P/2009 which was implemented vide notification dated 08.02.2019 issued by the Establishment Department. If the respondents have no regard of judgments of

superior courts and continue flouts their own instructions, then tall claims good governance would be nothing more than a cry in the wilderness.

07. As a sequel to the above, the appeal is accepted and impugned order dated 08.02.2019 and 23.04.2019 are set aside. The respondents are directed to recall transfer orders of the appellant and private respondent no.5 within a period of one month and post suitable officers of the Management Cadre against the said posts. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)  
MEMBER



(AHMAD HASSAN)  
MEMBER

ANNOUNCED  
09.08.2019

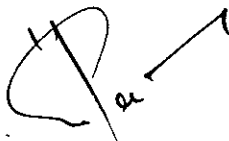
Order


09.08.2019

Appellant in person and Mr. Muhammad, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted and impugned order dated 08.02.2019 and 23.04.2019 are set aside. The respondents are directed to recall transfer orders of the appellant and private respondent no.5 within a period of one month and post suitable officers of the Management Cadre against the said posts. Parties are left to bear their own cost. File be consigned to the record room.


Announced:  
09.08.2019

  
(Muhammad Hamid Mughal)  
Member

  
(Ahmad Hassan)  
Member

29.07.2019 Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for official respondents present. Learned counsel for private respondent No.5 also present. Learned counsel for the appellant submitted rejoinder which placed on file and seeks adjournment. Adjourned by way of last chance. To come up for arguments on 09.08.2019 before D.B.

  
Member

  
Member

Order

09.08.2019 Appellant in person and Mr. Muhammad, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted and impugned order dated 15.01.2019, 08.02.2019 and 23.04.2019 are set aside. The respondents are directed to recall transfer orders of the appellant and private respondent no.5 within a period of one month and pass suitable officers of the Management Cadre. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
09.08.2019

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

21.05.2019

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Sher Islam ADO for official respondents present. Learned counsel for private respondent No.5 present and submitted written reply/comments. Representative of official respondents seeks time to furnish written reply/comments. Adjourn. To come up for written reply/comments on behalf of official respondents on 30.05.2019 before S.B.

30.05.2019

Counsel for the appellant and Addl. AG alongwith  
Muhammad Azeem, AD for the respondents present.

The representative of respondents requests for further time to submit the requisite reply. May do so on next date of hearing. Adjourned to 18.06.2019 for submission of written reply.

Chairman

18.06.2019

Appellant in person, Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hayat Khan, Assistant Director for official respondents and counsel for private respondent no. 5 present. Representative of respondent no. 2 submitted written reply on behalf of respondent no. 2 and he also stated at the bar that respondents no. 1, 3 & 4 also relies on the same. Private respondent no. 5 has already submitted his written reply. Case to come up for rejoinder and arguments on 02.07.2019 before D.B.

MA  
(Muhammad Amin Khan Kundi)  
Member

2-6-2019

The Bench is incomplete therefore  
case is adjourned to 29.7.2019  
Render

532/2019


03.05.2019

Counsel for the appellant present.

Contends that the appellant was transferred and posted against the vacant post of ADEO (Establishment) Primary at DEO(Male) office Karak on 20.11.2018. In less than a period of two months another office order was issued on 15.01.2019 whereby the appellant was adjusted and his services were placed at the disposal of DEM(Male) Karak. The order dated 15.01.2019 was withdrawn on 08.02.2019 while on 19.04.2019 the subsequent order was withdrawn and order dated 15.01.2019 remained intact. The issuance of order dated 19.04.2019 was politically motivated as the respondent No. 5 had submitted application to the Chief Minister for the needful through the concerned MNA. About irregularity/illegality of order dated 15.01.2019 it was argued that the same was passed in utter disregard of the posting/transfer policy of the Provincial Government.

In view of the above, instant appeal is also admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 21.05.2019 before S.B.

Alongwith the appeal an application for suspension of order dated 19.04.2019 has been made. Notice of application be also given to the respondents for the date fixed. Till the date fixed the operation of order dated 19.04.2019, concerning the appellant, shall remain suspended.

  
Appellant Deposited  
Security & Process Fee

  
Chairman



03.05.2019

Counsel for the appellant present.

Contends that the appellant was transferred and posted against the vacant post of ADEO (Establishment) Primary at DEO(Male) office Karak on 20.11.2018. In less than a period of two months another office order was issued on 15.01.2019 whereby the appellant was adjusted and his services were placed at the disposal of DEM(Male) Karak. The order dated 15.01.2019 was withdrawn on 08.02.2019 while on 19.04.2019 the subsequent order <sup>was withdrawn and order dtd 15.1.2019</sup> remained intact. The issuance of order dated 19.04.2019 was politically motivated as the respondent No. 5 had submitted application to the Chief Minister for the needful through the concerned MNA. About irregularity/illegality of order dated 15.01.2019 it was argued that the same was passed in utter disregard of the posting/transfer policy of the Provincial Government.

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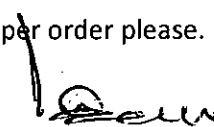

Chairman

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after making correction*

Form- A  
FORM OF ORDER SHEET

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

Case No. 532/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/04/2019	<p>The appeal of Mr. Muhammad Tariq Shah presented today by Mr. Taimur Ali Khan 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 25/4/19</p>
2-	26/04/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 532 /2019

Muhammad Tariq

Vs


Education Dept.

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3.	Copy of Order dt. 28.10.2014	A	07-13
4.	Copy of order dt 20.11.2018	B	14
5.	Copy of order dt 15.01.2019	C	15
6.	Copy of order dt 08.02.2019	D	16
7.	Copy of application	E	17
8.	Copy of letter dt 02.04.2019	F	18
9.	Copy of letter dt 10.04.2019	G	19
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APPELLANT

Through

  
(M. ASIF YOUSAFZAI)  
Advocate Supreme Court

  
(TAIMUR ALI KHAN)  
Advocate High Court

  
(ASAD MAHMOOD)  
Advocate High Court

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 532 /2019

Muhammad Tariq Shah, ADEO (BPS-16)  
ADEO Establishment DEO (Male) Karak.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 663

Dated 25/4/2019

(Appellant)

**VERSUS**

1. The Secretary (E&SE) Education, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Director Establishment (E&SE) Khyber Pakhtunkhwa, Peshawar.
4. The District Education Officer (Male) Karak.
5. Sajjad Aqleem, ASDEO Circle Office Sabir Abad, Karak.

(Respondents)

Filed to-day

Registrar

25/4/19.

-----  
APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 23.04.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE ORDER DATED 19.04.2019 WHEREBY THE APPELLANT'S TRANSFER ORDER DATED 08.02.2019 WAS WITHDRAWN FOR NO GOOD GROUNDS.

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 23.04.2019 AND 19.04.2019 MAY KINDLY BE SET ASIDE BEING PREMATURE, PASSED ON POLITICAL BASIS AND IN VIOLATION OF POSTING TRANSFER POLICY AND THE RESPONDENT MAY FURTHER PLEASE BE DIRECTED TO RESTORE THE ORDER DATED 08.02.2019 AND NOT TO TRANSFER THE APPELLANT BEING PREMATURELY, ON POLITICAL BASIS AND IN VIOLATION OF POSTING TRANSFER POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL

**DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was appointed as PST Teacher in the year 1999 and promoted to the post of SST on 28.10.2014 and posted at GHS Turki Khel and since then as SST performing his duty with great zeal and devotion whatsoever assign to him. **(Copy of order dated 28.10.2014 is attached as Annexure-A)**
2. That after completion of his normal tenure at GHS Turki khel the appellant was transferred and posted against the vacant post of ADO Establishment Primary at DEO (M) Office Karak vide order dated 20.11.2018 and performing his duty as ADO Establishment Primary with great satisfaction of his superior and no complaint has been filed against the appellant regarding performing of his duty. **(Copy of order dated 20.11.2018 is attached as Annexure-B)**
3. That just after 45 days the appellant was transferred and his services was placed at the disposal of DEO (M) Karak for further posting against the vacant post of SST and the respondent No. 5 was posted on the post of appellant vide order dated 15.01.2019 however that order to the extent of the appellant was withdrawn on 08.02.2019. **(Copies of order dated 15.01.2019 & 08.02.2019 are attached as Annexure-C & D)**
4. That the respondent No. 05 approached to his concerned MNA for cancellation of order dated 08.02.2019 and posting on Establishment DEO (M) Karak on which the concerned MNA requested to Chief Minister to transfer the Private Respondent No. 05 on the post of ADO Establishment primary on which the Chief Minister Secretariat wrote a letter respondent No. 1 to transfer respondent No.5 from Sabir Abad Circle to DEO Establishment vide letter dated 02.04.2019, which was further forward to respondent No. 2 for further necessary action vide letter dated 10.04.2019. **(Copies of Application, letter dated 02.04.2019 & letter dated 10.04.2019 are attached as Annexure-E & F & G)**
5. That in the pursuance of Chief Minister's Directive the transfer order dated 08.02.2019 was withdrawn vide order dated 19.04.2019, against which the appellant filed departmental appeal on 21.04.2019 which was rejected on 23.04.2019 without giving any reason. *(Copies of order dated 19-04-2019, departmental appeal and rejection order dated 23-04-2019 are attached as Annexure H, I & J)*

6. That the appellant now comes to this august Service Tribunal for redressal of grievance on the following grounds amongst other.

**GROUND:**

- A) That the order dated 23.04.2019 & 19.04.2019 are against the law facts, violation of posting transfer policy and circular dated 27.12.2017 material on record therefore not tenable and liable to be set aside.
- B) The impugned transfer order dated 19.04.2019 of the appellant is in total violation of posting transfer policy and circular based on the Anita Turab case dated 27.2.2013 in which it is clearly mentioned that tenure must be respected. Thus the impugned transfer order is liable to be set-aside on this score alone. **(Copies of posting transfer policy and circular is attached as Annexure- K&L)**
- C) That the appellant has completed his normal tenure at GHS Turki khel and after that he was posted as ADO Establishment Primary DEO (M) Office Karak which was withdrawn on 19.04.2019 being premature and on political base, therefore the impugned order is liable to be set aside.
- D) That the impugned order dated 19.04.2019 was passed during ban period as the respondent No. 1 has imposed complete ban and all kind of posting & transfer in Elementary Secondary Education Department with immediate effect till further order vide notification 14.02.2019. Which also shows the malafide of the respondent to passed the impugned order dated 19.04.2019 during ban period. **(Copy of notification dated 14.02.2019 is attached as Annexure-M)**
- E) That the private Respondent namely Sajjad Akleem is also belonging to Teaching Cadre just like the appellant but being strongly political influential person he serving in Management Cadre for more than 11 Years.
- F) That in passing of impugned order dated 19.04.2019 no exigencies or public interest was shown by the respondent but just to adjust blue eyed person on the post of the appellant.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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



APPELLANT  
Muhammad Tariq Shah

THROUGH:



(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

&

(ASAD MAHMOOD)  
ADVOCATE PESHAWAR

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2019

Muhammad Tariq Shah

V/S

Education Deptt:

**APPLICATION FOR SUSPENDING THE ORDER DATED 19.04.2019  
TILL THE DISPOSAL OF MAIN SERVICE APPEAL**

**RESPECTFULLY SHEWETH**

1. That the appellant has filed instant service appeal against the order dated 19.04.2019 whereby his transfer order dated 08.02.2019 was prematurely and on political intervention withdrawn in this august Service Tribunal in which no date so far.
2. That the impugned order dated 19.04.2019 is premature, on political bases and violation of Posting/Transfer Policy and circular dated 27.12.2013, therefore liable to be suspend.
3. That the appellant has good prima facie case and all the three ingredients are in his favour.
4. That the main grounds of the appeal may also be considered in the integral part of this application.

It is therefore most humbly prayed that on the bases of above submission the order dated 19.04.2019 main kindly be suspended till the disposal of main appeal. Any other remedy which this august tribunal deems fit and appropriate that may also be awarded in favour of appellant.

  
APPELLANT

THROUGH:

  
(M.ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,

  
(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

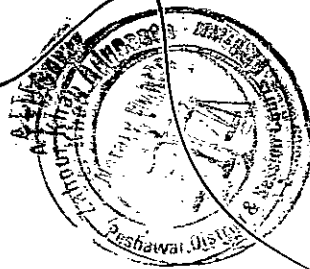


**AFFIDAVIT**

It is solemnly affirmed that the contents of this application is true and correct and nothing has been concealed from this Honourable service Tribunal.

*[Handwritten Signature]*

DEPONENT



(4)

SSTs (M) Karak

District Education Officer (M) Karak

A 7



**Notification**

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24<sup>th</sup> July, 2014 and Notification of Directorate of Elementary and Secondary Education Khyber-Pakhtunkhwa Peshawar Endst No. 3406-10/file No.2/promotion SST B-16 dated 28-10-2014, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSITs/SPSTs/PSTs are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (General) noted against each BPS-16 (Rs. 3000-3000-3-1000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect and further adjusted against the vacant post of SST Bio-Chem, Phy-Math and General noted against each on "School based".

**SST (Bio-Chem)**

**PROMOTION OF SCT/CT TO THE POST OF SST (BIO-Chem) BPS-16**

S.N	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
1	193	Akhtar Zaman	GIS Bangi Kila	5-Oct-64	GIS Zarki Nasrati
2	253	Muhammad Ayaz Khan	GIS Gurgusi	8-Mar-70	GIS Hayat Abad
3	300	Asil Muhammad	GIS Paloski	15-Aug-64	GIS Warana
4	334	Asmat Ullah Khan	GIS Surday	12-Feb-73	GIS Surday

**PROMOTION OF PSIT/SPST/PST TO THE POST OF SST (BIO-Chem) BPS-16**

S.N	S.L.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
5	751	Sahib Zadi Khan	GPS Zeri Gul Banda	10-Apr-72	GIS Deli Mela
6	963	Muhammad Tariq Shah	GPS Gul Shah Khel-1	18-Apr-73	GIS Tarki Khel
7	1123	Azmath ullah	GPS Malagi Banda	2-May-74	GIS Painsa Banda
8	1202	Sharif Ullah	GPS Mehmood Khel	25-Apr-81	GIS Daresh Khel



**ATTESTED**

*(Signature)*

9	1207	Khushtalab Khan	GPS Jarasi Banda	20-Nov-74	GHS Kiri Dhand
10	1211	Muhammad Roshan	GPS Sarat Khel	12-Oct-70	GHS Sabir Abad

**PROMOTION OF SQARI/QARI TO THE POST OF SST (BIO-Chem) BPS-16**

S.N	S.I.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
11	48	Faiz Ullah	GHS Bangi Kila	01/09/1970	GHS Takht e Nasrati

**SST (Phy-Maths)****PROMOTION OF SCT/CT TO THE POST OF SST (Phy-Maths) BPS-16**

S. No.	S.I.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
12	158	Habib Ullah	GHS Saikot	1-Oct-62	GHS Mandawa
13	177	Rahman shah	GMS Nari Khwara	5-Apr-70	GHS Takht e Nasrati
14	202	Arbab Khan	GHSS Warana	1-Mar-68	GHS Dagar Nari
15	215	Sajjad Ahmad	GHSS Bogara	3-Jan-71	GHS Sarki Lawagher
16	218	Ihsan Ullah	GHS Ahmadi Banda	14-Mar-60	GHS Ahmadi Banda
17	219	Ghulam Qadir	GHS Surdag	12-Jan-70	GHS Totaki
18	228	Aziz ur Rehman	GHS Chanda Khurram	8-Aug-69	GHSS Chanda Khurram
19	238/ 328	Javid Iqbal	GHS Paloski	2-Aug-69	GHS Kiri Dhand
20	251	Hassan Mehmood	GHS GMK Khel	10-Apr-66	GHS Teri
21	260	Habib ur Rehman	GHS Tattar Khel	3-Jun-71	GHS Shah Salim
22	261	Amin Ullah Jan	GHS Rehamat Abad	1-Jul-70	GHSS Karak
23	262	Naseer Khan	GHS Rehamat Abad	11-Mar-71	GHS Dresh Khel

**PROMOTION OF PSHT/SPST/PST TO THE POST OF SST (Phy-Maths) BPS-16**

S. N	S.I. No	Name of Official	Present Place of Posting	Date of Birth	Remarks
24	546	Sher Nawaz Khan	GPS Mir Kalam banda	6-Jun-67	GHSS Kando Khel

**ATTESTED**

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SSTs (M) Karak

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25	669	Ghazi Muhammad	GPS Tarkanan	3-Mar-71	GHS Dhand Edal Khel
26	675	Ihsan ullah	GPS Roshani Kamanger	5-Mar-71	GHISS Mitha Khel
27	727	Zia Ullah Khan	GPS Barak Khel	17-Jan-72	GHS Dabb
28	757	Said Mehmood Alam	GPS Chokara	3-Sep-72	GHS Esak Khumarai
29	765	Usmanullah	GPS Jandri	2-Mar-70	GHS-Nari Panos

**PROMOTION OF SDM/DM TO THE POST OF SST (Phy-Maths BPS-16)**

S. N	S.L.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
30	100	Khaliq Mamoor	GMS Makh Banda	1-Aug-70	GHS Billand Killa

**PROMOTION OF STI/TT TO THE POST OF SST (Phy-Maths BPS-16)**

S. N	S.L.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
31	56	Munawar Khan	GHS Gumbati Mina Khel	25-Jul-67	GHS Shaheedan Wazir

**PROMOTION OF SQARI / QARI TO THE POST OF SST (Phy-Maths BPS-16)**

S. N	S.L.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
32	61	Attiq Ullah	GHS Deli Mila	1-May-80	GHS Jatta Ismail Khel

**SST (General)**

**PROMOTION OF SCT/CT TO THE POST OF SST (General) BPS-16**

S. N	S.L.N	Name of Official	Present Place of Posting	Date of Birth	Remarks
33	4	Lal Muhammad	GMS Kanda Sharqi	12-Mar-60	GMS Wally Banda
34	12	Diltaz Khan	GHS Takht e Nasrati	4-May-57	GMS Urashi
35	15	Asmat Ullah Khan	GHISS Jehangiri	1-Jan-64	GHS Shaheedan Wazir
36	16	Mamoor Ali Jan	GHS GMK Khel	1-Jan-62	GHS Ghundi Mir Khan Khel
37	17	Musharaf Jehan	GHS Garang Siraj Khel	16-Jan-63	GHS Tarkha Koi
38	19	Jamil Ur Rehman	GMS Bangi Kila	15-Feb-62	Promotion forgo

ATTESTED

10

39 20 Rehmat Ullah GMS GMK Khel 8-Dec-60 GHS Tarki Khel

**PROMOTION OF PSIT/SPST/PST TO THE POST OF SST (General) BPS-16**

S.No	Sl.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
40	28	Sher Ali Khan	GPS Hassam Banda	2-Jan-57	GHS Teri
41	41	Umar Gul	GPS S.Lawaghar No.1	9-Feb-56	GHS Hayat Abad
42	46	Lal Nawaz	GPS Laki Banda	13-Oct-56	GHS Jatta Ismail Khel
43	92	Mohammad Israil	GPS Tanga Zaney	5-Jun-58	GMS Aman Kot

**PROMOTION OF SDM/LM TO THE POST OF SST (General) BPS-16**

S.No	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
44	12	Zafran Shah	GHS Mami Khel	20-Sep-65	GHS Mami Khel

**PROMOTION OF SAT/AT TO THE POST OF SST (General) BPS-16**

S.No	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
45	1	Shumsher Rehman	GHS Dabb Sangini	21-Jan-59	GMS Ghar Kalla

**PROMOTION OF STI/IT TO THE POST OF SST (General) BPS-16**

S.No	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
46	26	Abdul Latif	GHS TC Karak	10-May-70	GHS Nari Panos

**PROMOTION OF S Qari/Qari TO THE POST OF SST (General) BPS-16**

S.No	S.L.No	Name of Official	Present Place of Posting	Date of Birth	Remarks
47	12	Fayaz Khan	GHS Karak	17-Apr-63	GMS Wargha

**ATTESTED**  
A

Consequential Transfer/Correction of Posts according to the Criteria of the Government.

S.No	Name	Designation	Name of School where Surplus/Wrong Post	Name of School where adjusted	Remarks
1	Hafeez Ullah	SST (Gen)	GHS Ahmad Abad	GHS Daggari Nari	Against Vacant SST (G) Post
2	Khan Afzal	SST (Gen)	GHS Gumbati Mina Khel	GHS Makori	Do
3	Irfan	SST (Gen)	GHS Khojaki Killa	GHS Hayat Abad	Do
4	Niaz Pio	SST (Gen)	GHS Takht e Nasrati	GHS Jatta Ismail Khel	Do
5	Muhammad Nadeem	SST (Gen)	GHS Latamber	GHS Khurram	Do
6	Mumtaz Ali Khan	SST (Gen)	GHS Sabir Abad	GHS Deli Mela	Do
7	Wali Rehman	SST (Gen)	GHS Sabir Abad	GMS Makh Banada	Do
8	Adil Nazeem	SST (Gen)	GHS Surdag	GHS Daresh Khel	Do
9	Maqbool Ahmad	SST (Gen)	GHSS Shah Salim	GMS Kundi	Do
10	Rasool Jan	SST (Gen)	GHS Zarki Nasrati	GHSS Chanda Khurram	Do
11	Sher Ali Khan	SST (Gen) Working in Bio	GHS Kiri Dhand	Will be Adjusted on the post of SST(G)	Do
12	Muhammad Ishfaq	SST (Gen)	GHS Takht e Nasrati	GHS Wargha	Do
13	Sadiq Rehman	SST (Gen) working in Phy	GHS Takht e Nasrati	GHS Ahmedi Banda	Do
14	Qudrat Ullah	SST (Gen)	GHS Khojaki Killa	Will be Adjusted on the post of SST(G)	Do
15	Muhammad Daud	SST (Gen)	GHS Miha Khel	GHS Dhand Edal Khel	Do
16	Falak Naz	SST (Gen) Working BIO	GHS Sarki Lawagher	GMS Nari Edil Khel	Do
17	Shahid Mansoor	SST (Gen) Working in Maths	GHS Sarki Lawagher	GHS Ghunda Shamshaki	Do
18	Muhammad Anwar Khan	SST (G) Working on Phy: Maths	GHSS Kando Khel	GHS Lawagher Chani Khel	Do

**ATTESTED**  
A

SST Physics-Maths

9.	Zahid Ullah	SST(Phy-Math)	GHS Tapi Kanda	GHS Dab Sangani.	Against the vacant post of SST Phy, Maths
10	Rafi Ullah Khan	SST(Phy-Math)	GHS Wargha Banda	GHS Sabir Abad	Do
21	Rifaqat Usman	SST(Phy-Math) on wrong Post	GHS Ganderi Khattak	GHS Mami Khel	Do
22	Jamal Sharif	SST(Phy: Maths) Working on wrong post	GHS Tarkha Koi	GHS Lawagher Chani Khel	Do

SST Bio-Chem

23	Ihsan Ullah	SST Bio-Chem	GHS GMK Khel	GHS Kando Khel	Against the vacant post of SST Bio, Ch
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**Terms and conditions:-**

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be recovered and if he/she is wrongly promoted he/She will be reversed.
8. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
9. Their posting are made as School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
10. Before handing over charge once again their document be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.
11. They will Produced their complete documents to the Office of the Undersigned duly attested and readable for Detail Scrutiny.
12. The Term and Condition from S.No 1-12 should implemented Only on Promotees Teacher from S. No 1 to 47.
13. Consquential Transfer order will be implemented subject to the condition that if a promotee candidates/new appointee arrive for joining.

(Zahid Rashid)  
District Education Officer (M)  
Karak.


ATTESTED

\*


Endst: No. 3778-85 /Promotion SST B-16: Dated Peshawar the 7/11/2014.

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 with referenc to his Office Endst: No cited above for information please.
3. All the Principal /Head Master GISS, GHS, GMS for necessary action. they are further directed to give a Certificate to the effect that their Post of SST(C) and Science are according to the Crateria of the Govt: of Khyber Pakhtunkhwa if any one on wrong post their name may be communicated to this Office with in week positivly otherwise they will be responsible for any consequences.
4. Accountant General Khyber Pakhtunkhwa Peshawar.
5. District Education Officer concerned
6. District Accounts Officer Karak.
7. Official Concerned.
8. M/File.

  
District Education Officer (M)  
Karak.

ADEO (E&S)

ATTESTED  


مستحق  
مستحق



B (14)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR

OFFICE ORDER.

Muhammad Tariq Shah SST-GHS, Tarki Khel Karak is hereby transferred and posted against the vacant post of ADEO (Estab) Primary at DEO (M) Karak in his own pay & UPS in the interest of public service with immediate effect with the following terms and conditions.


TERMS AND CONDITIONS.

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed.
3. The order of the above named SST (teaching cadre) will be effect subject to the conditions that he will give an undertaking/affidavit on legal paper/stamp paper to DEO (Male) Karak to the effect not to claim seniority of Management cadre.
4. His seniority will be intact in teaching cadre as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms & conditions mentioned in his appointment order as SST (teaching cadre) will intact.
6. He will not claim any kind of absorption in Ministerial cadre. Note:-

Endst: No. 1774-6 /F. No.346/Not-1/ADEO (M) Transfers.  
Dated Peshawar the 20/11 2018.

Copy of the above is to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Karak.
3. District Accounts Officer Karak.
4. Principal concerned.
5. Official concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
7. Master File.

  
Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

**REGISTERED**

C (15)

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR.**

**OFFICE ORDER.**

The following posting/transfers are hereby ordered in their own pay and PBS in the interest of public service with immediate effect with following terms & conditions.

Sr	Name & Designation	Where adjusted as	Remarks.
1	Mr. Sajjad Aqleem ASDEO (M) Circle Sabir Abad Karak	ADEO (Estab) Primary DEO (M) Karak	Vice S.No.2
2	Mr. Tariq shah SST/ADEO (Estab) DEO (M) Karak	His services placed at the disposal of DEO (M) Karak	For further posting against vacant post of SST.
3	Mr. Aziz Ur Rehman SST GHS, Dabb Karak	ADEO (P&D) at DEO (F) Karak	Vice S.No.4
4	Mr. Wali Muhammad SST/ADEO (P&D) at DEO (F) Karak	His services placed at the disposal of DEO (M) Karak	For further posting against vacant post of SST.
5	Syed Kiramat Ullah Shah SST (Gen) GMS, Kanda Baji Khel Karak	ASDEO (M) Circle Sabir Abad Karak	Vice S.No.1

**TERMS AND CONTIONS.**

1. Charge report should be sent to all concerned.
2. No TA/DA etc. are allowed.
3. The order of SSTs at S.No.1, 3 & 5 above will be effective subject to the condition that he will give an undertaking/affidavit on legal stamp paper to DEO (M) Karak to the effect not to claim seniority of Management Cadre.
4. Their Seniority will be intact in teaching cadre/ Computer Operator as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms and conditions mentioned in their appointment orders as SST teaching cadre/ Computer Operator will intact.
6. They will not claim any kind of absorption in management cadre.


**DIRECTOR**

Endst: No. 3846-52/No. 436/Vol-07/ADEO (M) Transfers. Dated Peshawar the 15-01 2019 / 19

Copy of the above is forwarded to the:-

1. District Education Officer (M&F) Karak.
2. District Accounts Officer Karak.
3. SDEO (M) Concerned.
4. Principals concerned.
5. Officials concerned.
6. PA to Director (E&SE) Local Directorate.

7. m/file.

  
 Deputy Director (Estab) 15/1/19  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

  
**ATTESTED**  


D 16

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER**  
**PAKHTUNKHWA, PESHAWAR.**

**OFFICE ORDER.**

The transfer order in respect of Mr. Tariq Shah SST/ADEO (Estab) DEO (M) Karak-issued vide this Director under endorsement No. 3846-52 dated 15/01/2019 is hereby withdrawn.

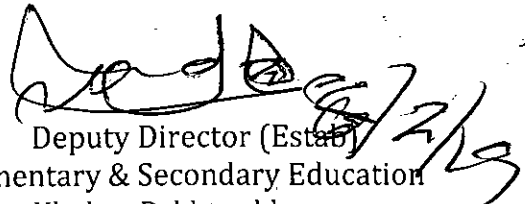
**DIRECTOR**

Endst: No. 2161-63 /F.No.436/Vol-07/ADEO (M) Transfers.

Dated Peshawar the 8-2 2019

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Karak.
3. District Accounts Officer Karak.
4. Principal concerned.
5. Officials concerned.
6. PA to Director Local Directorate.
7. Master File.

  
Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

**ATTESTED**  


The honorable : of Minister  
KHYBER PROVINCE KHELAN,  
PESHAWAR.

E (17)

Subject: Transfer of Section AD Circle to BADO  
Establishment Primary

It is requested that please issue  
directive to the concerned for the  
transfer of Muhammad SUJAD ANEEM to  
ADD Establishment Primary KHELAN.

With professional regards

Sect A. Yours faithfully,

Handwritten signature and name: S. and Palogy.

Muhammad Ahmad Khan  
Secretary

P.V

S/T

3

APPROVED

A

Handwritten signature

26/11/19

For SE, CP - 3-7/ CMD

33

F (18)

CHIEF MINISTER'S SECRETARIAT  
KHYBER PAKHTUNKHWA  
PESHAWAR

SO-11CMS/2013-15/2013  
dated Peshawar 22nd April.

v/c  
13802

To

The Secretary, Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department.

Subject: CHIEF MINISTER'S DIRECTIVE - TRANSFER FROM SABIR ABAD  
CIRCLE TO (ADO) ESTABLISHMENT.

Dear Sir,

I am directed to refer to the subject cited above and to enclose herewith copy of a self-enumeratory application submitted by Shahid Ahmad Khan, Member National Assembly, District Karak, requesting for posting/transfer of Muhammad Sujad Akleem from Sabir Abad Circle to ADC Establishment Primary District Karak, whereupon the Hon'ble Chief Minister Khyber Pakhtunkhwa has been pleased to record the following remarks:

Sect 5481

"Please transfer according to the rules and policy."

2. Necessary action may be taken in the matter in light of Hon'ble Chief Minister remarks, under intimation of this Secretariat, please.

Encls: As above

*Handwritten signatures and initials:*  
AS (B)  
SOP  
SOP

Yours faithfully,

*Handwritten signature*  
Section Officer-I

Encls. No and Date: \_\_\_\_\_  
Copy for information: \_\_\_\_\_

1. Assistant Director, I.T. Chief Minister's Secretariat.
2. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.

27/4/13

APPROVED

Section Officer-I

**CHIEF MINISTER'S SECRETARIAT**  
**KHYBER PAKHTUNKHWA PESHAWAR**

*No. SO-I/CMS/53-15/2019*

*Dated Peshawar 02.04.2019*

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department.

Subject:

**CHIEF MINISTER'S DIRECTIVE—TRANSFER FROMS**  
**SABIR ABAD CIRCLE TO (ADO) ESTABLISHMENT.**

Dear Sir,

I am directed to refer to the subject noted and to enclose herewith a copy of a self-explanatory application. Submitted by Shahid Ahmad Khan, Member National Assembly District Karak requesting for posting/transfer of Muhammad Sajjad Akleem from Sabir Abad Circle to ADO Establishment Primary District Karak, whereupon the Honorable Chief Minister Khyber Pakhtunkhwa has been pleased to record the following remarks:

Sect E&SE:

**“Please Transfer according to the rules and Policy.”**

2. Necessary action may be taken in the matter in light of Honorable Chief Minister remarks, under intimation of this Secretariat, please.

Yours faithfully,

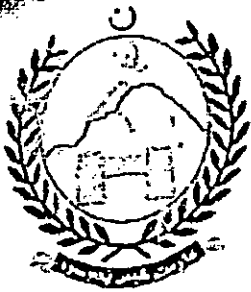
**Section Officer-I**

Endst. No. and Date Even>

1. Assistant Director, I.T Minister Secretariat.
2. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.

**Section Officer-I**

**ATTESTED**  
4



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO(PE)/E&SED/3-2/CM Dir /2019

Dated Peshawar the 10.04.2019

9 (19) ~~19~~ ~~19~~

To,

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

Subject: -

CHIEF MINISTER'S DIRECTIVE - TRANSFER FROM SABIR ABAD  
CIRCLE TO (ADO) ESTABLISHMENT

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Section Officer-I, Chief Minister's Secretariat Peshawar letter No. SO-I/CMS/KPK/3-15/2019/3802 dated 02.04.2019 along-with an application in respect of Muhammad Sujad Akleem Sabir Abad Circle, District Karak, for further necessary action as per rules/policy, please.

Yours faithfully,

Encl: as above.

W.D.  
9/19  
Date 12-5-19

SECTION OFFICER (PRIMARY)

End of even no. & date:

Copy forwarded to:-

1. The Section Officer -I, Chief Minister Secretariat, Khyber Pakhtunkhwa w/r to her letter quoted above.
2. PS to Secretary, Elementary & Secondary Education Department, Peshawar.

ADDSEM)

114

1320  
12/3

SECTION OFFICER (PRIMARY)

30/0  
12/4  
ATTACHED

H 20

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER**  
**PAKHTUNKHWA, PESHAWAR.**

**OFFICE ORDER.**

The transfer order issued vide this Directorate under endorsement 2161-63 dated 08/02/2019 is hereby withdrawn.


2023-28  
**DIRECTOR**

Endst: No. \_\_\_\_\_ /F.No.436/Vol-04/ADEO (M) Transfers.

Dated Peshawar the ~~14/11~~ 2019

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Karak.
3. District Accounts Officer Karak.
4. Principal concerned.
5. Officials concerned.
6. PA to Director Local Directorate.
7. Master File.

  
Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

19/4/19  
**ATTESTED**  




To:

The Director Elementary and Secondary Education  
Islamabad

Subject: - Departmental Appeal against the order  
Deputy Director Establishment EYS Edu-

Cantonment/Endst. NO: 7923-28/15. NO: 436/vol-04/  
ABED(M) Transfers Dated 19/4/2019

Respectfully,  
Shamim

Q. That the appellant wants to draw gratuity

and attention towards the irregular and void order issued  
by Deputy Director (order wise enclosed Flag A) based  
on material irregularities and illegalities.

Q. That the appellant was serving as SST at girls  
Taviki Khel and due to the activities and potentialities the services  
were placed in management cadre as ABED Estab: PPT.

Q. That the appellant served in the subject  
post management cadre for two months during the  
said period the appellant performed only official duties  
and got and good and left no phone numbers to contacts  
my superior with any work and behaviour. But due to the  
political interference and interference of some other teachers  
the said order of my placement was cancelled via

Q. That the appellant feeling aggrieved from  
the said cancellation order requested at the door of worthy  
Director EYS Edu, the vide order no: 2161-63 dated  
8/2/2019 with drawn the name and allowed the  
care post.

(cont)

ATTACHED

22

That one Sajjad Akram 55T who is influential and politically supported person took collection of district members approached the requisite forum and cancelled the very order with in two months and placed my services at the disposal of DEO(M)Karakas for further posting. (order vide Page 5).

(V) - State the appellant has approved order

the same nature order of the ~~concerned~~ concerned Department, again we know at your door with the request that the cancellation of order NO: 2161-63 dated 8.2.2019 is against the law and facts based on material in nature liable to be cancelled with out having any cogent grounds, also against the EPD Rules 2011. The appellant has not complete the normal lenise and has twice and again been disturbed by political pressure and so on. That the order has been cancelled with program during the bar period NO: 50(SF) EPSED/14-16/2019 Bar posting/Transfer/Khyber Pakhtun-Khwa: dated 14.2.2019 (copy vide attached on Page 5) The bar on posting transfer was issued by Secretary EPSE Khyber Pakhtunkhwa, but the order only concerned with due negligence determinable with reference to the subject order devoid of any case to the directives of the acting Secretary. This great cause of action is involved.

on refers to the cited above discussion,

it is humbly requested that the appellant may please be adjusted on the management cadre post (AABO) Estab: primary at DEO (M) Office Karak, the appeal out to competent enough to run the subject post

(conts)

SECRETARY

~~RECEIVED~~

21/4/2019  
Jagdish

call # 0334 8682869

Office Karak.  
EX ADDED (ESTB: Proj. DEO(m)  
M. Lakshman Rao  
yours obediently,

21/4/2019

Thanking you in anticipation

With regards for the public interest

(93)

(P#103)

Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar  
No. 8546/F.No.436/Vol-04/ADEO (M) Transfers.  
Dated Peshawar the 23-4-2019

J (24)

To

The District Education Officer  
(Male) Karak.

Subject: - **DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 19-04-2019.**  
Memo:

I am directed to refer to the subject cited above and to state that the competent authority has been pleased to reject the appeal in respect of Muhammad Tariq Shah SST/ADEO (Estab) under transfer your office against the post of SST being issued by the competent authority.

In this regard, I am further directed to ask you to inform the official concerned accordingly.

Muhammad Tariq Shah  
Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.  
23/4/19

Endst: No. \_\_\_\_\_

Copy of the above is to:-

1. Muhammad Tariq Shah SST/ADEO District Karak.
2. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.

Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

ATTESTED  
A



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained

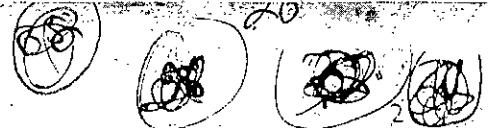
While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTESTED

ATTESTED



- vii) No posting/transfers of the officers/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- (xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales.
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof.

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

<sup>1</sup> Added vide Urdu circular letter No: SOR-VI (P&AD) 11/2005, dated 9-9-2005.

ATTESTED

ATTESTED

ATTESTED

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

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
- b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

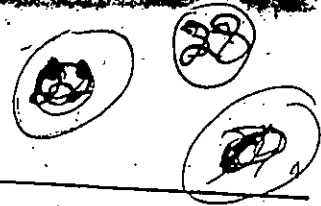
2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule - IV thereof is referred. As per schedule-IV the posting/transferring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

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

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

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

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

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

Authority: Letter No: SOR-VI/E&AD/1-4/2003 (dated 24-6-2003)

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION.

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

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

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

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

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*[Handwritten signature]*



5.

(NAME)  
SECTION OFFICER  
Administrative Department

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

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

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

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

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

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.  
{Authority: Urdu circular No: SOR-VI (E&AD) 105 dated 28<sup>th</sup> Oct, 2005.}

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

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

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

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

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

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

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

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

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

#### PLACEMENT POLICY.

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

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

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

ATTESTED

nwfp.gov.pk

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mushkahnawaf

ATTESTED

led till 10 Jan, 2009

Posting - Transfer Policy - updated till 10 Jan, 2009

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

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

\*\*\*\*\*

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GOVERNMENT OF KHYBER-PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

(REGULATION WING)  
NO. SOR.VI (E&AD) 1-4/2005/Vol-II  
Dated Peshawar, 27<sup>th</sup> February, 2013

Environment Department  
Govt. of Khyber-Pakhtunkhwa  
Secretary  
Date: 28/2/2013

To  
*[Handwritten signature]*

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

Subject:

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

Sir,

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

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

*[Handwritten notes: AS, SE, 4/3]*

*[Handwritten notes: ref, 1-]*

*[Handwritten signatures and initials]*

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*[Handwritten signature]*

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*[Handwritten signature]*

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(S) (S)

(iii) Illegal Orders: Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule-based norms. Instead, in such situations, they must record their opinion and if necessary, dissent.

(iv) OSD: Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

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

Yours faithfully,

*NAJAM*  
(NAJ-MUS-SAHAR)  
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

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

*NAJAM*  
SECTION OFFICER (REG-VI)

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ATTESTED

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M 34

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Fax # 091-9211419

Dated Peshawar the February 14<sup>th</sup>, 2019

NOTIFICATION

MEMOS FILED 4-16 2019 Ban Posting/Transfer/Khyber Pakhtunkhwa: The Competent authorities pleased to impose a complete ban on all kind of posting/ transfers in Elementary & Secondary Education Department Khyber Pakhtunkhwa with immediate effect till further orders, as follows following

- i) Fresh recruitment and subsequent adjustment
- ii) Promotion and subsequent adjustment
- iii) Summaries already submitted to honorable Chief Minister, Khyber Pakhtunkhwa

**SECRETARY**

List of even No. & date:

1. Copy forwarded to the Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar.
3. Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. DSO to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
5. Director DCIL Khyber Pakhtunkhwa, Abbottabad.
6. Director PHE Khyber Pakhtunkhwa
7. Director RHE (Male/ Female) Khyber Pakhtunkhwa.
8. District Education Officers (Male/ Female) Khyber Pakhtunkhwa
9. District Accounts Officers Khyber Pakhtunkhwa.
10. AS to Advisor to Chief Minister Khyber Pakhtunkhwa for E&SE, Peshawar.
11. AS to Secretary, Establishment & Administration Department, Peshawar.
12. AS to Secretary, Finance Department, Peshawar.
13. AS to Secretary E&SE Department
14. AS to Special Secretary E&SE Department.
15. AS to Additional Secretary (I, sub) E&SE Department.
16. Deputy Secretary (Admin) E&SE Department.
17. AS to E&SE Department for uploading at official website at the earliest.
18. Under file

3/14/2019  
**(SHABIR KHAN)**  
SECTION OFFICER (SCHOOLS FEMALE)

A

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF KPK Service Tribunal

Mahammad Tariq Sheh. (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

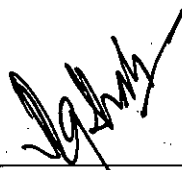
Education Deptt. (Respondent)  
(Defendant)

I/We, Muhammad Tariq Sheh.

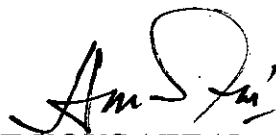
Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any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

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

Dated \_\_\_\_\_/20


  
\_\_\_\_\_  
(CLIENT)

ACCEPTED

  
**M. ASIF YOUSAFZAI**  
Advocate Supreme Court  
Peshawar.  
B.C NO# 10-7327  
CNIC # 17301-5106574-3

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)

  
Taimur Ali Khan  
(Adv)

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 532 /2019

Muhammad Tariq Shah..... Appellant

Versus

Education Department and others..... Respondents

I N D E X

S.No	Description of Documents	Pages
1	Written Reply with Affidavit	1-3
2.	Reply to Application with Affidavit	4-5
3	Copy of Civil Court documents	6-16
4	Copy of Complaints	17-28
5	Other relevant documents	29 - 33
6.	Wakalat Nama	34

Respondent No. 5

Through

Shahid Qayum Khattak  
Advocate, Supreme Court

Dated: 21 /05/2019

OFF: 105-A Town Tower, University Road,  
Jahingir Abad, Peshawar

Cell No. 0333-9195776



①

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 532 /2019

Muhammad Tariq Shah..... Appellant

Versus

Education Department and others..... Respondents

WRITTEN REPLY ON BEHALF OF RESPONDENT NO. 5 TO THE MEMO  
OF APPEAL

---

Respectfully Sheweth;

Preliminary objection

- I) The appellant has no cause of action to file instant appeal.
- II) That appeal is not maintainable in its present form.
- III) That appellant is estopped to filed instant appeal.
- IV) That material facts has been concealed from this Hon'ble Tribunal therefore, the appeal is liable to rejected.
- V) That appeal is liable to be dismissed for mis-joinder and non-joinder of the necessary parties.
- VI) That the appeal is badly time barred.
- VII) That respondents has not challenged the original transfer order therefore, this appeal is not maintainable.
- VIII) That initially the appellant has challenged the original transfer order before the learned Senior Civil Judge, Karak but this aspect of the case has been concealed by the appellant, therefore, the appeal is liable to dismissed. ( Copy attached)
- IX) That no departmental appeal has been filed by appellant against the original transfer order therefore, this appeal is not maintainable.
- X) That the principle of res-judicata is fully applicable on the case, therefore, the same is liable to be dismissed.
- XI) That appeal has not been supported by an affidavit, hence on this score alone the same is liable to dismissed.
- XII) That appellant has not come to this Hon'ble Tribunal with clean hand.

Reply to the facts of Appeal

1. Needs no reply. How ever it is submitted that various complaint were lodged against appellatant.
2. Incorrect hence denied. Initially the appellatant has been transferred from GHS Tarki KheI to GHS Paloosa Kamari due to law and order in the said school between the teachers and in-charge /Headmaster of the School, thereafter, the appellatant was adjusted in the Establishment Section of the office of District Education Officer (M), Karak. Furthermore, Several complaint were lodged against appellatant for misusing his authority on the present post. ( copy attached)
3. Incorrect hence denied. It is submitted that the order was issued in public interest and due to the reason that it was substantively decided that all the available posts of ASDESs to be fill from available SST General & not from SST Science on stop gap arrangement.
4. Incorrect hence denied. The applicant filed complaint to the concerned MNA regarding the misuse of authority by the appellatant as after transfer order dated 15/01/2019 he in the retained his post illegally but no action what so ever has been initiated against him by the department. Furthermore, by asserting political pressure of local MPA the same order has been illegally withdrawn on 08/02/2019. Replying respondent time and again brought the matter in the knowledge of high ups but in vein. It is pertinent to mention here that original transfer order was issued on 15/01/2019 which has not been challenged by the appellatant before the proper forum. Further the copies of several complaint attached with the reply against appellatant clearly shows that appellatant by himself asserted political pressure of the setting MPA and appellatant left with no option but to brought the same in the knowledge of worthy MNA after the issuance of order dated 15/01/2019 for its implementation and cancellation of illegal order passed on 08/02/2019 by asserting political pressure of Local MPA.
5. Incorrect hence denied. detail has already given in the above paras.
6. No proper procedure has been adopted by the appellatant, hence this petition is not maintainable.

Reply to the Grounds

- A) Incorrect hence denied. Both the orders are in accordance to law. Appellant is not competent to hold the said post under the law.
- B) Incorrect hence denied. It was not his tenure posting.
- C) Incorrect hence denied. The Appellant has not challenged the original transfer order therefore, this appeal is not maintainable. Further the Transfer order dated 15/01/2019 or subsequent orders are not political motivated but due to public interest.
- D) Incorrect hence denied. Order of transfer was passed on 15/01/2019.
- E) Incorrect hence denied. Respondent No. 5 is SST General whereas, appellant is SST Science and due to lack of Science teacher it has substantively decided that no SST Science will be posted on such seat.
- F) Incorrect hence denied. Through order dated 19/04/2019 only implementation of earlier order dated 15/01/2019 has been given its legal effect.
- G) Grounds not agitated in petition can not be raised at the time of arguments as parties can not go beyond their pleadings.

It is, therefore, most humbly prayed that by accepting this written reply the case may please be dismissed with cost.

Through

Respondent No. 5

Shahid Qayum Khattak  
Advocate, Supreme Court

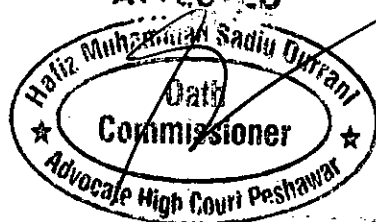
Dated: 21 /05/2019

Affidavit

I, do hereby solemnly affirm and declare on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

21 MAY 2019

ATTESTED



Deponent

*(Signature)*

(4)

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 532 /2019

Muhammad Tariq Shah..... Appellant

Versus

Education Department and others.....Respondents

WRITTEN REPLY TO THE APPLICATION

Respectfully Sheweth;

Preliminary objection

- I) The applicant has no cause of action to file instant application.
- II) That application is not maintainable in its present form.
- III) That applicant is estopped to filed instant application.
- IV) That material facts has been concealed from this Hon'ble Tribunal therefore, the application is liable to rejected.
- V) That no departmental appeal has been filed by appellant against the original transfer order therefore, this application is not maintainable.
- VI) That applicant has not come to the Tribunal with clean hands, therefore, the same is liable to be dismissed with cost.
- VII) That the interim order and the main prayer in appeal are the same, therefore this application is not maintainable.

Reply to grounds

- 1) Incorrect hence denied.
- 2) Incorrect hence, denied. The applicant is not competent to hold the post as per policy and therefore, the order was passed in public interest.
- 3) Incorrect hence denied. Necessary ingredient for grant of stay is missing in the case.
- 4) Needs no reply.

5

It is therefore, most humbly prayed that application in hand may please be dismissed with cost and the interim order issued may kindly be vacated in the best interest of justice as the same has been acted upon.

Respondent No. 5

Through

Shahid Qayum Khattak  
Advocate, Supreme Court

Dated: 21/05/2019

Affidavit

I, do hereby solemnly affirm and declare on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

21 MAY 2019

Deponent



لیاست ضابطہ سے سوال جمع ہونا

۱۔ حمد طارق شاہ ولد کلیم شاہ ماسٹی ٹیچنگ ٹریڈ ٹیسٹ میں (SST) میں امتیازی درجہ حاصل کیا ہے۔  
ADEO

۲۔ مولانا محمد خان ولد گل خان صاحبان نے سندھ پبلسک اسکول ٹیچنگ ٹریڈ ٹیسٹ میں امتیازی درجہ حاصل کیا ہے۔  
SST  
ADEO (M)  
AT DEO (A)

(نہایت)

Handwritten signature or mark

- ۱۔ صاحبان محمد حمزہ KPR ٹیچنگ ٹریڈ ٹیسٹ میں امتیازی درجہ حاصل کیا ہے۔
- ۲۔ ڈاکٹر انسٹیٹیوٹ ٹیچنگ ٹریڈ ٹیسٹ میں امتیازی درجہ حاصل کیا ہے۔
- ۳۔ ڈاکٹر انسٹیٹیوٹ ٹیچنگ ٹریڈ ٹیسٹ میں امتیازی درجہ حاصل کیا ہے۔
- ۴۔ DEO (M) سندھ ایجوکیشن ڈیپارٹمنٹ میں امتیازی درجہ حاصل کیا ہے۔

17-11-19

No. 3846-52 No 436/Vol-07/ADEO M/TRANSFERS dt 15. 01. 2019

Teaching لیڈنگ ٹیچر کے طور پر  
Teaching لیڈنگ ٹیچر کے طور پر  
Administrative لیڈنگ ٹیچر کے طور پر  
سہ ماہی (5 ماہ) ڈیپارٹمنٹ کے طور پر  
E-Tab. کو متعلقہ آفیسر کے طور پر  
ADEO (M) Transfer dt 2018  
ADEO (M) Transfer dt 2018  
ADEO (M) Transfer dt 2018

نوٹ: حمد طارق شاہ ولد کلیم شاہ صاحبان نے امتیازی درجہ حاصل کیا ہے۔

Handwritten signature

17/1/19

صفحہ 2

التی صحتی کے لئے کورونہ میں رہنے کو اختیار کیا ہے  
صحت مند رہنے کے لئے 500 روپیہ  
کورونہ میں رہتا ہے۔

نیا درجہ کی ادائیگی کے لئے 15 کو ادا کیا۔  
2019  
موجودہ کارڈ پر مبنی طور پر مقررہ ہے۔

صحتی کے لئے مقررہ رقموں کا حساب ذیل میں ہے۔

انہی میں سے پہلے رقموں کا حساب 453739 سے 19 کو مقرر کیا گیا ہے  
18  
موجودہ کارڈ کو 945 کے لئے 945 روپیہ مقرر کیا گیا ہے اور اس کا مقررہ 02  
945 کے لئے 945 روپیہ مقرر کیا گیا ہے۔

2- صحتی کے لئے مقررہ رقموں کا حساب ذیل میں ہے۔  
ESTD: کو مقرر کیا گیا ہے۔  
DEOM کے لئے مقرر کیا گیا ہے۔

اور اس کے لئے 02 کو مقرر کیا گیا ہے۔  
صحتی کے لئے مقررہ رقموں کا حساب (54) کے لئے مقرر کیا گیا ہے۔

3- صحتی کے لئے مقررہ رقموں کا حساب ذیل میں ہے۔

وہ کارڈ مقررہ رقموں کے لئے مقرر کیا گیا ہے۔  
اور اس کے لئے 3846-52/No 436/11.07.19 کو مقرر کیا گیا ہے۔

ATTESTED  
KARACHI

موجودہ کارڈ کو مقررہ رقموں کے لئے مقرر کیا گیا ہے۔

صحتی کے لئے مقررہ رقموں کا حساب ذیل میں ہے۔

صحتی کے لئے مقررہ رقموں کا حساب ذیل میں ہے۔

3846-52 کو مقرر کیا گیا ہے۔

صحتی کے لئے مقررہ رقموں کا حساب ذیل میں ہے۔

5: مانتو طوری بپوشید که با دست چپ میانه کمر را بپوشاند و دست راست را بپوشاند

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17/11/11

6: ...

DEIRI 07-12/436/52-3846

15.1.2018

دست راست را ...  
دست چپ را ...

2018

فقط ارقام 17

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ATTESTED  
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IN THE HON'ABLE COURT OF CIVIL JUDGE-I,  
KARAK.

*Muhammad Tariq Shah & another (Plaintiffs)*

VERSUS

*Provincial Govt: of KPK & others -----Defendants)*

DECLARATORY SUIT

Written Comments on behalf of Defendants.

Preliminary Objection.

1. That the plaintiffs has got no cause of action to file the instant suit.
2. That the suit of the plaintiffs is wrong, against law and facts.
3. That the plaintiff is estopped to file suit against the defendants.
4. That the suit of the plaintiffs is liable to be dismissed due to mis-joinder and non-joinder of necessary parties.
5. That the plaintiffs have not come to this honourable court with clean hands .
6. That the suit of the plaintiffs is not maintainable and entertainable in its present form and is liable to be dismissed with cost.
7. That the plaintiffs joined wrong forum against the impugned order.
8. That with great apology this honourable court has no jurisdiction to entertain the above titled case being a matter of service and the suit of the plaintiffs is liable to be returned under order -7 rule-10 CPC.

Respectfully Sheweth:-

Factual Objections

1. Reply of Para No.1 of the plaint is that prior of the impugned office order dated 15-01-2019, the plaintiff No. 1 was transferred from Govt: High School Tarki Khel to Govt: High School Palosa Kamari while Plaintiff No. 2 was transferred from GHS Ta: ki Khel to GHS Jandri due to law in order in the said school

between the teachers and Incharge Headmaster of the school in the best interest of public vide office order No. 453739 dated 19-09-2018. ----- (Photocopy of office order No. 453739 dated 19-09-2018 is enclosed).

*[Handwritten signature]*

The above mentioned transfer order dated 19-09-2018 was challenged by the plaintiff No. 1 & others before this honourable court by filing suit No. 205/1 of 2018 titled "Muhammad Razaq Shah & Others V.S District Education Officer (Male), Karak" wherein the plaintiff No. 1 & others have leveled serious allegations regarding the collection of fund from students against the plaintiff No. 2 Wali Muhammad. (Photocopy of suit titled Muhammad Razaq Shah & Others V.S District Education Officer (Male), Karak" is enclosed)

- 2. Para No. 2 of the instant suit is incorrect and wrong hence denied, however, the plaintiffs were adjusted in the Establishment Section of the office of District Education Officer (Male), Karak.
- 3. Para No. 3 of the instant suit is incorrect and wrong. No mala-fide intentions are involved on the part of official defendants while issuing the impugned office order No. 3846-52 dated 15-01-2019 rather the impugned office order has been issued in the best interest of public services. If the plaintiffs have any objection against the impugned office order, then the plaintiffs were legally bound to file departmental appeal before the appellate authority but the plaintiffs have directly knocked the door of this honourable civil court by filing the instant suit which not comes within the jurisdictions of this honourable court. The plaintiffs were required under the law to adopt proper procedure then approach the proper forum which is Service Tribunal. The plaintiffs have approached wrong forum, therefore the above titled suit is liable to be returned with cost.
- 4. Para No. 4 of the instant case is incorrect and wrong hence denied. The impugned office order reflects that the services of the plaintiffs have been placed at the disposal of District Education Officer (Male), Karak for further postings of their respective posts but the plaintiffs have not waited for further posting and just after one day of the impugned order the plaintiffs filed the instant suit which is not maintainable in the present form that too not comes within the jurisdictions of the civil court.

ATTESTED  
Secretary Copying  
Branch Karak  
*[Signature]* - 19

It is worth mentioning here that the honourable Peshawar High Court circulated a letter No. 966-1020/Admin dated Peshawar the 14-01-2019 to all the District & Sessions Judges under subject titled "instruction" wherein noted that " when the jurisdiction of ordinary courts in the service matter is excluded under the law, the entertainment of cases in such matters and particularly granting of stay orders is unlawful and it should be avoided at all levels of the ordinary courts. -----(Photocopy of letter No. 966-1020/Admin dated Peshawar the 14-01-2019 is enclosed).

*J*

- 5. That Para No. 5 of the plaint is incorrect as the plaintiffs have not filed any departmental appeal against the impugned office order before the appellate authority but the department was entangled by the plaintiffs in litigations just to avoid to run the smooth functions.
- 6. Para No. 6 of the suit is legal one hence need no comments.

Prayer

Keeping in view the above mentioned para-wise reply it is, therefore, most humbly and respectfully prayed that this honourable court may very graciously be pleased to dismiss the suit of the plaintiffs with special cost.

Defendants

*[Signature]*  
District Education Officer  
(Male) Karak & Others

Through

*[Signature]*  
District Attorney  
Karak.

*[Signature]*

(B)

لیدالت صبا سول: ح صبا سول I  
..... نعلی کر

صوبائی حکومت  
دیگر

بنام

طارق شاہ  
دیگر مدعیان

0  
09/02/19

دیگر مدعیان

درواست محمد حنف فرمانے

اسم مدعی علی از دعوی

لہیفہ دست برداری

Rx PA  
9-2-2019

صبا عالی - مدعی علی طارق شاہ کو بیرون عدالت ری لٹف مل کتاب ہے اور  
کلم تبدیلی TRANSFER سے منسوخ ہو گیا ہے۔ کلم منسوفی

کلم تبدیلی TRANSFER سے منسوخ ہو گیا ہے۔ کلم منسوفی  
بدین وجہ دعویٰ فریب جلا ناسی حاقنا  
لہیفہ دست برداری مدعی کی حالت اسم مدعی  
فد فرمایا جائے

کہنا سنڈیا ہے۔ کلم منسوفی  
فرمایا جائے کہ دوبارہ دست برداری  
اور دورانہ پورسٹ پورا کرنے کا موقع  
دیں

9-2-2019

طارق شاہ - مدعی

لیدالت صبا سول

9/2/2019

9-2-19

فورہ 2  
9  
2019

بیان طارق شاہ ولد حکیم شاہ سکھتہ تری خیل - قبیل و قلعہ  
لغیر 11 سالہ

طلنا بیان کیا کہ دعویٰ زہر کی نوری عدالت ہذا میں میں مدعی نے سول  
سائٹل مدعی کا ٹرانسفر منسوخ ہو چکا ہے اور دعویٰ مزید صلہ  
نہیں تھا۔ ری لیف بیرون عدالت قبل حکم ہے۔ دعویٰ سے ویر نام  
لعنف دست برداری فرمایا جاے۔ درخواست Ex Pa سے

طارق شاہ ولد حکیم شاہ  
مدعی  
لینا ذمہ دار ہو گئی

مدعی در دست تسلیم کیا  
CS - JJ KK  
9 2 9  
2019

11

وزارت عدالت  
دہلی

لبالت جناب سول جج صاحب کرک ..... نفع کرک

دہلی ہائی کورٹ  
دعویٰ

شمار

محمد طارق  
و غیرہ - مدعیان

دعویٰ استغراقیہ

جواب درخواست

۰۹/۲/۱۹

جناب عالی.. جواب درخواست ذیل ہے

1. یہ کہ فقرہ غلط ہے۔ حقیقت یہ ہے کہ مدعی علیہم کے افعال بدینتی پر مبنی ہیں۔ اور سیاسی اہم پروسی کا نتیجہ ہے۔ مدعیان کی جگہ لغوی کرنا اور دوسروں کا گمانا کسی پیشہ وارانہ قابلیت کا نتیجہ نہ ہے۔ جن لوگوں کو لگایا گیا ہے۔ مدعیان اور وہ ایک ہی کیڈر سے تعلق رکھتے ہیں
2. یہ کہ قبل معذامی مدعیان نے عدالت فہور میں دعویٰ دائر کیا تھا۔ صبی سے مدعی علیہم انتقام برائے میں۔ طویل عرصہ ۳ ماہ میں دوبارہ تبدیل کرنا انتقامی اور بدینتی ہے
3. ایسے صورت حال میں عدالت دیوانی کو اختیار سماعت حاصل ہے یہ کہ عدالت دیوانی کا اختیار نہ ہونے ثابت مدعی علیہ کوئی قانونی ثبوت پیش نہ کر سکا ہے
4. یہ کہ دیگر اور دوران بحث عرض ہونگے

گنڈا استدعا ہے کہ  
درخواست مدعی علیہم  
فارغ فرمایا جائے

۹. 2. 759

محمد طارق - وغیرہ مدعیان  
بذریعہ گنڈا اذعان ایڈوکیٹ

ATTESTED  
Examined & signed  
Branch Karak

Branch Karak

Handwritten notes in Urdu script, including a date "19/11/19" and a reference number "3846-5".

Handwritten notes in Urdu script, including a signature and the name "M. J. Khan".

Handwritten notes in Urdu script, including a signature and the name "M. J. Khan".

Signature  
19/11/19  
Senior Civil Judge (Judicial Magistrate)  
Karak

order No - 1  
17-1-19

10


Handwritten notes in Urdu script.



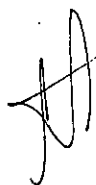
دفعہ 0-4  
08/02/19  
میں نے اپنے جواب میں  
میں نے اپنے جواب میں

Order - 05  
08.02.2019

Plaintiffs alongwith counsel present. Defendants through representative namely Saeed Ullah alongwith Distirct attorney present and submitted written reply and written statement on behalf of the defendants. Early, on 25.01.2019, the defendants had submitted an application for the return of the instant suit. Today, the plaintiffs sought time for the submission of written reply and arguments, which is granted. To come up for submission of written reply and arguments on 09.02.2019. Status quo be maintained till date.

  
**HAROON RASHID**  
Civil Judge-I Karak

Order - 06  
09.02.2019

  
Plaintiff No.1 Mohammad Tariq Shah alongwith the counsel present. Plaintiff No. 2 Wali Mohammad Khan not present. Today, case was fixed for written reply and arguments over an application of the defendants u/s section order 07 rule 10 CPC which was submitted by the counsel of the plaintiffs which is placed on file and sought an opportunity for arguments. Similarly, counsel for the plaintiffs submitted an application for the deletion of name of the plaintiff No.01 namely Muhammad Tariq Shah, to this effect the statement of the Plaintiff No. 01 was recorded on the overleaf on the said application. The application is Ex-PA

ATTESTED  
Examiner  
11-2-19

(16)

which is placed on file. Hence, the name of the plaintiff no. 1 is deleted from the panel of the plaintiffs. Moharrir is directed to do needful. As the plaintiff No. 02 namely Wali Muhammad Khan is not in attendance without any application of adjournment in this respect, therefore, the Status Quo is hereby not extended. To come up for arguments over the application of the return of the instant

suit for 13/02/19.



**HAROON RASHID**  
Civil Judge-I Karak

ATTESTED  
Examiner  
Sardar Isak

COMPLAINT DETAIL

COMPLAINT CODE KP020319-1693572  
 STATUS CLOSED - RELIEF CANNOT BE GRANTED  
 See Details / [View Details](#)

COUNTRY	Pakistan
PROVINCE	Khyber Pakhtunkhwa
DISTRICT	Karak
TEHSIL	Karak

COMPLAINT RELATED TO Education  
 Elementary & Secondary

CATEGORY Transfer / Posting / Promotions

COMPLAINT DETAILS  
 Mr. Tariq Shah (SST-Science) is posted as ADEO



# COMPLAINT DETAIL

## COMPLAINT DETAILS

شکایت کی تفصیل

Mr. Tariq Shah (SST-Science) is posted as ADEO Estab Primary at District Education Office Male Karak, he is basically Science Teacher due to his posting at Office Students are badly suffered, please look into the matter and to resolve this in the best interest of Students for Quality Education.

Secondly he is very Closed to MPA PK-85 in the recent Primary School Teachers Appointment adjustments he facilitated those candidates who have a recommendation letter from the MPA for adjustment to near Location / School. It has been observed in Union Council Palosa Sar at District Karak Mr. Adnan was on the TOP of the merit list in all Schools he applied but he was posted at far flung area i.e. GPS Zebi Cahni Khel instead of posting at GPS Palosa Kimari and GPS Palosa Sar near to his home station. Because of that he have not a recommendation letter from MPA. It is strongly appealed to the authorities to enquire the case and Mr. Tariq Shah SST-SCIENCE may be posted at School instead of Office

## COMPLAINT ADDRESS

شکایت کی جگہ کا پتہ

N/A

## GPS LOCATION

No Address found!

## LATITUDE

0.0



## LONGITUDE

0.0

# COMPLAINT HISTORY

COMPLAINT CODE  
 كراكس  
**KP020319-1693572**  
 Mar 02 2019  
 STATUS  
 Closed - Relief cannot be granted

## Complaint History

2019

MAR 2 2019



FROM System

STATUS

Initiated



TO Directorate of Elementary & Secondary Education

REMARKS

تبصره

Complaint has been assigned to Directorate of Elementary & Secondary Education

MAR 2



FROM

FEEDBACK

## < COMPLAINT HISTORY

Elementary & Secondary Education

MAR 2  
2019



FROM

Directorate of Elementary &  
Secondary Education

STATUS

Forwarded



TO

DO Education (M), Karak

REMARKS

تبصرہ

Look into the matter, please.

MAR 7  
2019



FROM

DO Education (M), Karak

STATUS

Closed - Relief cannot be  
granted

REMARKS

تبصرہ

As for as posting of Tariq shah is concerned this office has no concerned with the posting of ADEO .This comes under the jurisdiction of Directorate Peshawar. The remaining part of the complaint comes in service matter .He is not competent authority to interfere in the procedure.



FEEDBACK

# COMPLAINT DETAIL

**COMPLAINT CODE**  
شکایت کا نمبر  
**KP080419-2164474**  
Apr 08, 2019  
**STATUS**  
**CLOSED - RELIEF GRANTED**  
[See Details / تفصیلات دیکھیں](#)

**COUNTRY** ملک  
Pakistan

**PROVINCE** صوبہ  
Khyber Pakhtunkhwa

<b>DISTRICT</b> ضلع Karak	<b>TEHSIL</b> تحصیل Karak
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**COMPLAINT RELATED TO** شکایت متعلق ہے

**Education** تعلیم

Elementary & Secondary اسکول ابتدائی و میڈیئر

**CATEGORY** زمرہ  
Staff Involvement in Illegal Activities

**COMPLAINT DETAILS** شکایت کی تفصیل  
Reference to the complaint KP020319-1693572



## COMPLAINT DETAIL

### COMPLAINT DETAILS

شکایت کی تفصیل

Reference to the complaint KP020319-1693572 which was closed by the District Education Officer Male Karak with out resolution of the complaint, the said is needed to reopen, action may kindly be initiated in best interest of the Students in Provision of Quality Education. As Mr. Tariq Shah SST-Science is deputed in the Office instead of School with involvement of MPA PK-85 Mian Nisar Gul (MMA) for irregularity in the work assigned to the post of ADEO Estab Primary as I have explained in the above Complaint No...KP020319-1693572, regarding PST Appointments adjustments in Union Council Palosa Sar District Karak. The complaint may be resolved at Directorate Level to posted him in School instead of Office to remove the Involvement of MPA PK-85 from the Office of District Education Offices Both (Male and Female) Karak. He is working in the Office for MPA PK-85 as Focal Person instead of Manager as ADEO Estab Primary Male Karak again it is requested to resolve complaints.

### COMPLAINT ADDRESS

شکایت کی جگہ کا پتہ

N/A

### GPS LOCATION

No Address found!

### LATITUDE

0.0



### LONGITUDE

0.0



# COMPLAINT DETAIL

Complaint No...KP020319-1693572, regarding PST Appointments adjustments in Union Council Palosa Sar District Karak. The complaint may be resolved at Directorate Level to posted him in School instead of Office to remove the Involvement of MPA PK-85 from the Office of District Education Offices Both (Male and Female) Karak. He is working in the Office for MPA PK-85 as Focal Person instead of Manager as ADEO Estab Primary Male Karak again it is requested to resolve complaints.

### COMPLAINT ADDRESS

شکایت کی جگہ کا پتہ

N/A

### GPS LOCATION

No Address found!

### LATITUDE

0.0



### LONGITUDE

0.0

### ATTACHMENTS

9:4481f217a0d067c... 37615998\_21615... c32310c09aa9dc2

24

# COMPLAINT HISTORY

**COMPLAINT CODE**  
شکایت کی نمبر

**KP080419-2164474**

Apr 08 2019

**STATUS**  
Closed - Relief granted

## Complaint History

2019

APR 8  
2019



FROM  
System

STATUS

Initiated



TO  
Directorate of Elementary &  
Secondary Education

REMARKS

تبصرہ

Complaint has been assigned to Directorate of  
Elementary & Secondary Education

APR 8



FROM

FEEDBACK



## COMPLAINT HISTORY

APR 8  
2019



FROM  
Directorate of Elementary &  
Secondary Education

STATUS

Forwarded



TO  
Addl. Director Establishment

REMARKS

تبصره

Look into the matter, please

APR 8  
2019



FROM  
Addl. Director Establishment

STATUS

Commented

REMARKS

تبصره

Referred to DD Estab Male.

APR 9  
2019



FROM  
Addl. Director Establishment

STATUS

Forwarded



TO  
DO Education (M), Karak



FEEDBACK

28

## COMPLAINT HISTORY

2019

Add. Director Establishment

STATUS

Commented

REMARKS

تبصره

Referred to DD Estab Male.

APR 9  
2019



FROM

Add. Director Establishment

STATUS

Forwarded



TO

DO Education (M), Karak

REMARKS

تبصره

Forwarded for comments.

APR 10  
2019



FROM

DO Education (M), Karak

STATUS

Closed - Relief granted

REMARKS

تبصره

DEO is not the competent authority to appoint ADEO .You are requested to raise this issue at proper forum i.e secretary Education. Good Luck



FEEDBACK

# COMPLAINT DETAIL

**COMPLAINT CODE**  
شکایت کا کوڈ  
**KP190419-2317308**  
Apr 19, 2019  
**STATUS**  
CLOSED - RELIEF GRANTED  
[See Details / تفصیلات دیکھیں](#)

**COUNTRY** ملک  
Pakistan

**PROVINCE** صوبہ  
Khyber Pakhtunkhwa

**DISTRICT** ضلع | **TEHSIL** تحصیل  
Karak | Karak

**COMPLAINT RELATED TO** شکایت متعلق ہے

**Education** تعلیم

Elementary & Secondary | ایلمنٹری اینڈ سینکنڈری سکولز

**CATEGORY** زمرہ  
Staff Involvement in Illegal Activities

**COMPLAINT DETAILS** شکایت کی تفصیل

Reference to my complaint No. KP020319-1693572

# COMPLAINT HISTORY

Directorate of Elementary & Secondary Education

## REMARKS

تبصرہ

Complaint has been assigned to Directorate of Elementary & Secondary Education

APR 19 2019



FROM Directorate of Elementary & Secondary Education

### STATUS

Forwarded



TO DO Education (M), Karak

## REMARKS

تبصرہ

Look into the matter and resolve the complaint on solid basis/justification

APR 23 2019



FROM DO Education (M), Karak

### STATUS

Closed - Relief granted

## REMARKS

تبصرہ

~~ADEO Tariq Shah has been replaced by M Sajjad~~  
~~Qim Thank you~~





(29)

**DIRECTORATE OF ELEMENATRAY & SECONDARY EDUCATION**  
**DEPARTMENT KHYBER PAKHTUNKHWA**

**PH: 091-9225344/Fax: 091-9225345 Email: [directoresekpp@gmail.com](mailto:directoresekpp@gmail.com)**

NO. 5555

Dated: - 21/01/2019

**Near: Government Shaheed Hussain Sharif Higher Secondary School No-1 City Peshawar.**

To

All the concerned

**Sub: MINUTES OF THE DPS (DISTRICT PERFORMANCE SCORECARD) & DISTRICT INCENTIVE PROGRAMME (DIP) MEETING HELD ON 17<sup>TH</sup> JANUARY, 2019 IN THE COMMITTEE ROOM OF DIRECTORATE OF E&SE PESHAWAR**

A meeting regarding DPS (district performance scorecard) held on 17th January, 2019 in the committee room of directorate of E&SE Peshawar under the chairmanship of Secretary E&SED.

The following participants attended the meeting:

S.#	Designation & Department	S.#	Designation & Department
1	Dr. Ajmal Secretary E&SED KP	8	Mr. Abdul Bssit. AS (Dev:) ESED
2	Mr. Ghulam Saeed Director ESRU	9	Dr. M. Ibrahim Director E&SE KP
3	Mr. Musharaf Khan CPO	10	Senior Planning Officers SPO-I
4	All Additional Directors Local Directorate	11	All Deputy Directors Local Directorate
5	All the DEOs Male & Female KP (Settled Districts)	12	All the DEOs Male & Female KP (Newly Merged Districts)
6	ASI KESP – Deputy Team Leader	13	All the District Executives- ASI Team
7	Assistant Directors Local Directorate	14	DDU Team

The meeting started with the recitation from the Holy Quran. Director E&SE, after participants' introduction, welcomed all the participants and applauded the merger decision of erstwhile FATA districts into Khyber Pakhtunkhwa by the instant government for mainstreaming the people of Ex-FATA.

As the DEOs of tribal districts were new to the DPS rating/ranking systems, therefore, Director E&SE asked Mr. Shahzad Arif Dy. Team Leader ASI-KESP to brief the participants about the prevailing DPS system in Khyber Pakhtunkhwa.

Mr. Shahzad Arif (DTL-ASI) briefed the participants that the performance of the districts are rated / ranked against sixteen different indicators through DPS. The lower formations (Tehsils and circles) of each DEO office (Male/Female) are rated and ranked against their set targets. The top performing districts in the DPS are acknowledged with cash incentive by the ESED bi-annually.

30



**DIRECTORATE OF ELEMENATRAY & SECONDARY EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA**

**PH: 091-9225344/Fax: 091-9225345 Email: [directoresekpp@gmail.com](mailto:directoresekpp@gmail.com)**

NO. 5555

Dated: - 21/01/2019

**Near: Government Shaheed Hussain Sharif Higher Secondary School No-1 City Peshawar.**

The discussion, specific decisions taken during the meeting and future actions required are as follows:

S. #	Activity	Description/Decision	Responsibility
1	Pakistan Citizen's Portal and Biometric Attendance System (BAS)	<ol style="list-style-type: none"><li>1. Director ESRU appreciated the efforts made by Director ESE and DEOs by resolving almost all the pending complaints in the system and reiterated the resolution of remaining escalated complaints in the system as soon as possible.</li><li>2. With reference to BAS, Director ESRU stressed upon the DEOs M&amp;F to activate the non active devices and keep them active under their jurisdiction otherwise department will initiate disciplinary action against the defaulters.</li></ol>	DEOs Male & Female
2	Five years plan	<ol style="list-style-type: none"><li>3. Additional Director (Dev) Mr. Farid Khattak briefed the participants about Government Five Years plan and stated that it has been decided in the monthly stock tack meeting that ECCE rooms will be established in the selected districts and one district (district Mohmand) from newly merged district.</li><li>4. He further directed that the DEOs M&amp;F of the selected districts will provide a list of 100 schools (50 male and 50 female), according to the prescribed criteria, for onward submission to the quarter concerned.</li></ol>	DD P&D-I
3	Non-Functional Schools	<ol style="list-style-type: none"><li>5. It was reported that there are still some districts e.g. Bannu, Battagram, Hangu and Kohistan where non fictional schools still exist.</li><li>6. The DEO female Bannu was inquired by Director E&amp;SE regarding non-functional schools, upon which she assured that all the schools will be fictionalized till 1<sup>st</sup> February.</li><li>7. Secretary education directed all the DEOs that precede the teachers (under APT/E&amp;D rules) who are refusing the promotion after being promoted through proper process just because they are recommended for posting at some unattractive school.</li></ol>	DEOs Male / Female And DD P&D-II





31

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

PH: 091-9225344/Fax: 091-9225345 Email: [directoresekpp@gmail.com](mailto:directoresekpp@gmail.com)

NO. 5555 Dated: - 21/01/2019

**Near: Government Shaheed Hussain Sharif Higher Secondary School No-1 City Peshawar.**

S. #	Activity	Description/Decision	Responsibility
		8. The Director E&SE directed the DEOs that such like matters should also be discussed in the monthly DSC meetings at district level and school wise report be submitted to the Directorate E&SE wherein issues relating to non-functionality of such schools should be pointed out.	
4	Utilization of Provincial ADP	9. Secretary education directed all the districts' heads (where ADP utilization is below 50%) must improve the target utilization before next DPS meeting otherwise the same shall be taken as inefficiency on part of them.	DEOs Male & Female
5	School Quality Management Initiatives	10. Secretary education stressed upon the filling of all the vacant ASDEOs positions ASAP. 11. Commenting on the same issue Director E&SE allowed all the DEOs M&F to fill the vacant position of ASDEOs (from available SST General & not from SST Science) on stop gap arrangement and send the same to the Director E&SE for approval.	DEOs Male & Female
6	District Performance Score card	12. Regular PTC meetings emphasized by the chair to improve the general as well as academic performance of each school. 13. The chair directed the DEOs M&F to immediately rationalize the teachers in all primary schools of their respective districts @ a ratio of 1:40 and declare the senior most in the school as surplus (excluding the PSHT). All the DEOs shall submit a certificate of compliance within one month in this regard 14. It was decided that future rating / ranking of districts (from December onwards) will be on the basis of December 2018 data as baseline	DEOs Male & Female with ESRU/ASI
7	Conditional Grant funds	15. Director ESRU intimated all the DEOs M&F to submit a certificate regarding proper disbursement of previously released CG amounts under various heads (in 2014-15, 2015-16, 2016-17 & 2017-18 and that no unauthorized amount is lying in the official	DEOs Male, Female



32

**DIRECTORATE OF ELEMENATRAY & SECONDARY EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA**

**PH: 091-9225344/Fax: 091-9225345 Email: [directoresekpp@gmail.com](mailto:directoresekpp@gmail.com)**

NO. 5555 Dated: - 21/01/2019

**Near: Government Shaheed Hussain Sharif Higher Secondary School No-1 City Peshawar.**

S. #	Activity	Description/Decision	Responsibility
		accounts of DEO/DDEO or SDEO in the district.	
8	Ban on students.	16. Secretary E&SE announce Immediate ban is imposed upon engagements of students in welcome ceremonies (in and outside schools) on arrival of dignitaries	DEOs Male, Female
9	Official Record Keeping	17. Official record like ACR/PER, Service Books, Promotion Files, and Land Mutation Deeds etc must keep safe and sound in the office having proper custodian. In case of negligence/misplacing of any such record the custodian may proceeded under the rules	DEOs Male, Female
10	Drug Control Activities	18. Must ensure the activities regarding drugs control and awareness regarding drug abuse in the schools on regular basis with proper reporting on social media and official whatsApp groups	DEOs Male, Female
11	Tree Plantation	19. Tree plantation moves be started with consultation of District Forest Officers in each district to make the billion tree plantation campaign successful	DEOs Male, Female
12	General Instructions	In addition to the above the Chair directed the following as general orders for all the concerned; 20. Official timing may strictly observe both in offices and in schools 21. The visits of teaching & non teaching staff (especially for transfers) to the offices must discouraged and expedite the routine office work so the teachers can concentrate on their academic activities 22. Ensure complete cleanliness in schools with special reference to building, staff and students	DEOs Male, Female & Directorate of E&SE

At the end, Secretary Education appreciated the efforts of ASI and DDU and delivered closing remarks. After that DPS and DIP (incentive) presentations, certificates and cheques of cash awards were distributed by Secretary Education and Director E&SE amongst the top five districts as per below given details;



33

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

**PH: 091-9225344/Fax: 091-9225345 Email: [directoresekpp@gmail.com](mailto:directoresekpp@gmail.com)**

NO. 5555 Dated: - 21/01/2019

**Near: Government Shaheed Hussain Sharif Higher Secondary School No-1 City Peshawar.**

S.No.	Name of District	Position achieved	Cash Amount Awarded
01	Dera Ismail Khan (M&F)	First Position	Rs. 14,00,000.00
02	Tank (M&F)	Second Position	Rs. 12,00,000.00
03	Haripur (M&F)	Third Position	Rs. 10,00,000.00
04	Peshawar (M&F)	Fourth Position	Rs. 08,00,000.00
05	Abbottabad (M&F)	Fifth Position	Rs. 06,00,000.00

The meeting ended with a vote of thanks to the chair and all the participants.

-Sd-

**Deputy Director (P&D)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

**Endst: No.5556-5619 DD P&D-I/DPS/Meeting Minutes Dated 22/01/2019**

Copies communicated to;

1. PS to Minister E&SE Department, Government of Khyber Pakhtunkhwa.
2. PS to Secretary E&SE Department, Government of Khyber Pakhtunkhwa.
3. PS to Special Secretary E&SE Department, Government of Khyber Pakhtunkhwa.
4. PA to Director, ESE Directorate, Government of Khyber Pakhtunkhwa
5. Office file

  
**Deputy Director (P&D)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

قیمت  
50 روپے

15146

ایڈوکیٹ: شایبہ قیوم حیدر

بار کونسل/ ایسوسی ایشن نمبر: BC-10-7677

رابطہ نمبر: 0333-9195776



پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس سٹریٹ، کھٹیا اور

دعویٰ:	منجانب: Respondent No. 5
علت نمبر:	
موردہ:	محمد رفیق شاہ بنام ایڈووکیٹ شایبہ
جرم:	
تھانہ:	

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام پشاور کیلئے شایبہ قیوم حیدر ایڈووکیٹ سہم لارٹ اینڈ ڈائریکٹرز کو وکیل مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

العبد \_\_\_\_\_  
مقام \_\_\_\_\_

کے لیے منظور ہے۔

Handwritten signatures and stamps.

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

سہما اہلکم  
Respondent No. 5 A SDEO

**BEFORE THE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL  
PESHAWAR.**

Service Appeal No: 532/2019

**Muhammad Tariq Shah SST/ADO (P&D) B-16 District Karak ....Appellant.**

**VERSUS**

Secretary E&SE Department, Khyber Pakhtunkhwa & others. ....Respondents

**JOINT PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No: 1-4.**

Respectfully Sheweth :-

The Respondents submit as under:-

**PRELIMINARY OBJECTIONS.**

- 1 That the appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the appellant has concealed material facts from this Tribunal in the instant service appeal.
- 4 That the instant service appeal is based on mala-fide intentions.
- 5 That the appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the appellant is not entitled for the relief she has sought from this Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Service Appeal is not maintainable in its present form.
- 9 That the instant Service Appeal is bad for mis-joinder & non joinder of the necessary parties.
- 10 That the instant Service Appeal is barred by law.
- 11 That the appellant is not competent to file the instant appeal against the Respondents.
- 12 That the impugned Notification dated 23/4/2019 is within legal parameter.

- 13 That the order dated 19/4/2019 has been passed on merit, of the case by the Respondent Department.
- 14 That the with drawl of order dated 08/2/2019 is under the provision of section-21 of General clauses Act 1897 as amended in 1956.
- 15 That the appellant is originally from the teaching cadre post of SST B-16 in the Respondent Department.
- 16 That the Respondent Department has ADOs B-16 from the Management Cadre on the analogy of right man for right job.

### ON FACTS

- 1 That Para-1 needs no comments being pertains to the service record of the appellant against the Teaching cadre post in the Respondent Department.
- 2 That Para-2 is incorrect & denied. The appellant has been Transferred from GHS Tarki Khel to GHS Paloosa Kamari due to poor law & order condition by the competent authority has been adjusted against ADO in B-16 in the District Education Officer (M) Karak due to personal differences with the H/M & in charge of the above said school (Copy of the order dated 20/11/2018 is attached as Annexure A).
- 3 That para-3 is also incorrect & denied. The conduct & attitude of the appellant has been very poor with the competent authority though out his service tenure. However, it is further submitted that it was decided that all the vacant post of ADOs B-16 (Management cadre) are to be filled from the SST (G) B-16 ~~in~~ not from the SST (Sc) B-16 on the bases of stop gap arrangement basis. Hence, the claim the appellant is without any cogent proof & legal justification and liable to be rejected **(copy of the orders dated 15/01/2019 and 08/02/2019 are attached as Annexure B&C).**
- 4 That para-4 is incorrect & not admitted. The stand of the appellant is baseless and liable to be set-aside on the ground that the act of the Respondent Department with regard to the impugned order dated 08/2/2019 is within the provision Section-10 of Civil Servants Act 1973 having no aspect of exertion of Political Pressure by the Respondent No 5 for his post in the office of the District Education Officer (M) Karak as ADO (M) Establishment as the original order was issued on 15/01/2019 which has not been challenged by the appellant before the appellate authority. Hence, got finality against the appellant & in favour of the Respondent No 5 under the limitation act 1908. Hence, the appeal in hand is liable to be dismissed on this score in favour of the Respondents in the interest of justice. **(Copy of the order dated 19/4/2019 as attached as Annexure-D).**


- 5 That para-5 is also incorrect & denied. Detailed reply to this para has been given in the foregoing paras. Hence, needs no comments.
- 6 That para-6 is also incorrect & denied. The appellant has failed to adopt proper procedure. Hence, the appeal in hand is liable to be rejected on the following grounds inter alia:-

### GROUNDS

- A Incorrect not admitted. The order dated 23/4/2019 & 19/4/2019 are legally competent & liable to be maintained in favour of the Respondents in the interest of justice.
- B Incorrect & not admitted. The impugned order dated 19/4/2019 is in accordance with the monetary provisions of section-10 of civil servants Act 1973. The post of the appellant is basically a teaching carder of the whole province having no question of tenure. Therefore, the stand of the appellant is liable to be rejected.
- C Incorrect & not admitted. The appellant is the teaching cadre & is serving against the SST B-16 post in the Respondent Department. Therefore, the order dated 19/4/2019 is within legal parameter & liable to be maintained in favour of the Respondents in the interest of justice.
- D Incorrect and not admitted. The stand of the appellant is illegal & even without any cogent justification. As the act of the Respondent Department to the extent of the impugned order dated 19/4/2019 is within legal grounds & liable to be maintained.
- E Incorrect & not admitted. The plea of the appellant is illegal as the appellant is working against the SST (SC) in the B-16 post who has been barred by the competent authority not to post than against a management cadre post so as to avoid the procure time & accordance ~~year~~ of the science students of class 9<sup>th</sup> & 10<sup>th</sup> as the Respondent Department is already in shortage of Science Teaching staff for said lasses. Therefore, the stand of the appellant is liable to be rejected.
- F Incorrect & misleading. The stand of the appellant is baseless as the order dated 19/9/2019 has been issued only for the implementation of previous order dated 15/01/2019 by the Respondent Department.
- G Legal. However, the Respondent No: 1-4 also seek leave of this Honorable Bench to submit additional grounds, record & case law at the time of arguments on date fixed.

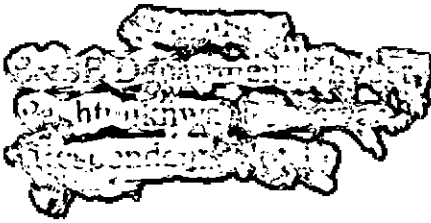
Therefore, it is humbly prayed that on the acceptance of this reply, the appeal in hand may very graciously be dismissed in favour of the No: 1 -4 in the interest of justice, please.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

  
Director


E&SE Department Khyber  
Pakhtunkhwa, Peshawar.

(Respondents 1, 2 & 3)



**AFFIDAVIT**

I, Hayat Khan Asstt: Director (Lit: II) E&SE Department Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm and declare on oath that the contents of the instant Parawise Comments in the titled Service appeal are true & correct to the best of my knowledge & belief & that nothing has been concealed from the ambit of this Honorable Tribunal.

  
31/05/2009  
Deponent



Annex - (A)

07/B

(14)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR

OFFICE ORDER

Muhammad Tariq Shah SST GHS, Tarki Khel Karak is hereby transferred and posted against the vacant post of ADEO (E/stab) Primary at DEO (M) Karak in his own pay & DPS in the interest of public service with immediate effect with the following terms and conditions.

TERMS AND CONDITIONS:

1. Charge report should be submitted to all concerned.
2. No TA/DA etc are allowed
3. The order of the above named SST (teaching cadre) will be effect subject to the conditions that he will give an undertaking/affidavit on legal paper/stamp paper to CEO (Male) Karak to the effect not to claim seniority of Management cadre
4. His seniority will be intact in teaching cadre as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms & conditions mentioned in his appointment order as SST (teaching cadre) will intact
6. He will not claim any kind of absorption in Management cadre. Note:

Encls. No. 157 / 15 / 18 / ADEO (M) Transfers.  
Dated Peshawar the 22/11 2018.

- Copy of the above is to the:-
1. Accountant General Khyber Pakhtunkhwa, Peshawar
  2. District Education Officer (M) Karak.
  3. District Accounts Officer Karak
  4. Principal concerned.
  5. Official concerned.
  6. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
  7. Master file.

*[Signature]*  
Deputy Director (E/Staff)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar



Annea-3

21  
C (15)

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

The following posting/transfers are hereby ordered in their own pay and PBS in the interest of public service with immediate effect with following terms & conditions.

S#	Name & Designation	Where adjusted as	Remarks.
1	Mr. Sajjad Aqleem ASDEO (M) Circle Sabir Abad Karak	ADEO (Estab) Primary DEO (M) Karak	Vice S.No.2
2	Mr. Tariq Shah SST/ADEO (Estab) DEO (M) Karak	His services placed at the disposal of DEO (M) Karak	For further posting against vacant post of SST.
3	Mr. Aziz Ur Rehman SST GHS, Dabb Karak	ADEO (P&D) at DEO (F) Karak	Vice S.No.4
4	Mr. Wali Muhammad SST/ADEO (P&D) at DEO (F) Karak	His services placed at the disposal of DEO (M) Karak	For further posting against vacant post of SST.
5	Syed Kiramat Ullah Shah SST (Gen) GMS, Kanda Baji Khel Karak	ASDEO (M) Circle Sabir Abad Karak	Vice S.No.1

TERMS AND CONTIONS.

1. Charge report should be sent to all concerned.
2. No TA/DA etc. are allowed.
3. The order of SSTs at S.No.1, 3 & 5 above will be effective subject to the condition that he will give an undertaking/affidavit on legal stamp paper to DEO (M) Karak to the effect not to claim seniority of Management Cadre.
4. Their Seniority will be intact in teaching cadre/ Computer Operator as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms and conditions mentioned in their appointment orders as SST teaching cadre/ Computer Operator will intact.
6. They will not claim any kind of absorption in management cadre.

DIRECTOR

Endst: No. 3846-52/No. 436/Vol-07/ADEO (M) Transfers. Dated Peshawar the 15.01.2018/19

Copy of the above is forwarded to the:-

1. District Education Officer (M&F) Karak.
2. District Accounts Officer Karak.
3. SDEO (M) Concerned.
4. Principals concerned.
5. Officials concerned.
6. PA to Director (E&SE) Local Directorate.

7. m/file

Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

11/1/18

Annex - C

20

16

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

The transfer order in respect of Mr. Tariq Shah SST/ADEO (Estab) DEO (M) Karak issued vide this Director under endorsement No. 3846-52 dated 15/01/2019 is hereby withdrawn.

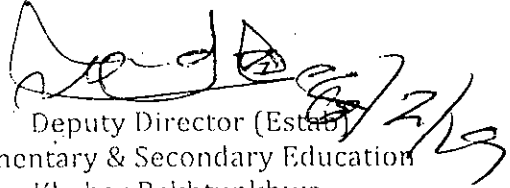
**DIRECTOR**

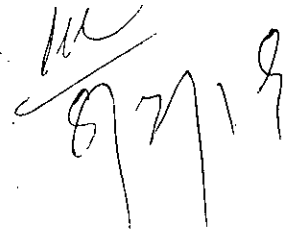
Endst: No. 2161-63 / F.No.436/Vol-07/ADEO (M) Transfers.

Dated Peshawar the 2-2 2019

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Karak.
3. District Accounts Officer Karak.
4. Principal concerned.
5. Officials concerned.
6. PA to Director Local Directorate.
7. Master File.

  
Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

  
8/2/19

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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR.

OFFICE ORDER.

The transfer order issued vide this Directorate under endorsement 2161-63 dated 08/02/2019 is hereby withdrawn.


2023-28  
DIRECTOR

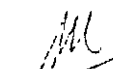
Encls: No. \_\_\_\_\_ /F.No.435/Vol-04/ADEO (M) Transfers.

Dated Peshawar the 19/11/2019

Copy of the above is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. District Education Officer (M) Karak.
3. District Accounts Officer Karak.
4. Principal concerned.
5. Officials concerned.
6. PA to Director Local Directorate.
7. Master File.

  
Deputy Director (Estab)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

  
19/11/19

9/8

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

Service Appeal No.532/2019

Tariq Shah

VS

Education Deptt:

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-16) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. No comments.
2. Not replied according to para 2 of the appeal. Moreover para 2 of the appeal is correct.
3. Incorrect. No complaint has been filed against the appellant regarding his performance. Moreover in rules there are mentioned that if no suitable officer is available, then by transfer of SST of teaching cadre which means that in rules it is not mentioned that the post of ADOs are to be filled from SST (G) and not from SST (S). **copy of rules are attached as Annexure-R-1)**
4. Incorrect. There are instructions for posting/transfer of an official in posting transfer policy and these instructions should be followed strictly and has given same wattage as rule by different Supreme Court judgments. Moreover the order dated 15.01.2019 was withdrawn by passing another order dated 08.02.2019, which means that order dated 15.01.2019 was no more in filed when withdrawn by another dated 08.02.2019.
5. Incorrect. While para 5 of the appeal is correct.
6. Incorrect. The appellant has good cause of action and adopted proper procedure to file instant appeal which is liable to be accepted on the following grounds.

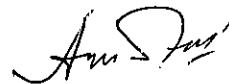
**GROUND:**

- A. Incorrect. The impugned orders are not in accordance with law and rules and liable to be set aside.
- B. Incorrect. Impugned transfer order is violation of posting transfer policy and circular dated 27.02.2013 and the instructions for posting/transfer of an official in posting transfer policy should be followed strictly as Supreme Court has given same wattage as rule in its different judgments.
- C. Not replied according to para C of the appeal. Moreover para C of the appeal is correct.
- D. Not replied according to para C of the appeal. Moreover para C of the appeal is correct.
- E. Incorrect. In rules there are mentioned that if no suitable officer is available, then by transfer of SST of teaching cadre which means that in rules it is not mentioned that the post of ADOs are to be filled from SST (G) and not from SST (S).
- F. Incorrect. While para F of the appeal is correct.
- G. Legal.

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

APPELLANT

Through:



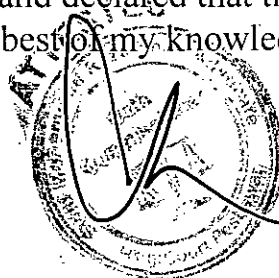
**M. ASIF YOUSAFZAI  
ADVOCATE SUPREME COURT**



**TAIMUR ALI KHAN  
ADVOCATE HIGH COURT**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT