

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT SWAT

SERVICE APPEAL NO. 519/2019

Date of institution ... 23.04.2019

Date of judgment ... 06.01.2020

Rehmani Mulk Son of Ahya Gul Subject Specialist at GHSS Maidan
District Dir Lower ... (Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa, through Secretary Education at Peshawar.
 2. Director Education, Khyber Pakhtunkhwa at Peshawar.
 3. Chief Secretary Government of Khyber Pakhtunkhwa.
 4. District Education Officer (Male) District Dir Lower at Timergara.
- ... (Respondents)

APPEAL UNDER SECTION 4 OF THE GOVERNMENT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ILLEGAL, UNLAWFUL ACTION WHEREIN THE OFFICIAL RESPONDENTS HAVE ILLEGALLY TRANSFERRED THE APPELLANT FROM GHSS BAGH MIDAN DISTRICT DIR LOWER TO GHSS AKHAGRAM DISTRICT DIR UPPER VIDE NOTIFICATION DATED 31.12.2018.

Mr. Syed Abdul Haq, Advocate. .. For appellant.
Mr. Usman Ghani, District Attorney .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant alongwith his counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Fazle Subhan, Section Officer for the respondents present. Arguments heard and record perused.

*M. Amin m
6.1.2020*

2. Brief facts of present service appeal are that the appellant was serving as Subject Specialist in Education Department. He was performing his duty as SDEO (M) Lal Qilla Dir Lower and was transferred from there to Government Higher Secondary School Akhagaram Dir Upper as Subject Specialist vide order dated 29.10.2018 and assumed the charge there. He was again transferred from Government Higher Secondary School Akhagaram Dir Upper to Government Higher Secondary School Bagh Maidan Dir Lower after twenty three days vide order dated 23.11.2018. Again he was transferred by the respondent-department from Government Higher Secondary School Bagh Maidan Dir Lower to Government Higher Secondary School Akhagaram Dir Upper just after one month and seven days vide order dated 31.12.2018. The appellant challenged the order dated 31.12.2018 through departmental appeal on 06.01.2019 but the same was not responded hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant belong to Dir Lower. It was further contended that the appellant was transferred from the post of SDEO (M) Lal Qilla Dir Lower to Government Higher Secondary School Akhagaram Dir Upper vide order dated 29.10.2018. It was further contended that he was again transferred from Government Higher Secondary School Akhagaram Dir Upper to Government Higher Secondary School Bagh Maidan Dir Lower vide order dated 23.11.2018 within one month. It was further contended that again the respondent-department transferred the appellant from Government Higher Secondary School Bagh Maidan Dir Lower to Government Higher Secondary School Akhagaram Dir Upper just after one

M. Amin
6.1.2020

month and seven days vide order dated 31.12.2018 on political influence without completing his normal tenure. It was further contended that the appellant also filed departmental appeal against the order dated 31.12.2018 but the same was not responded. It was further contended that the respondent-department has made the appellant rolling stone and his transfer has been made before completion of his normal tenure. It was further contended that at the initial stage of the service appeal this Tribunal granted status-quo in favour of the appellant vide order sheet dated 08.05.2019 and the appellant has not relinquish the charge in Government Higher Secondary School Bagh Maidan Dir Lower so far. It was further contended that since the respondent-department has illegally transferred the appellant from Government Higher Secondary School Bagh Maidan Dir Lower to Government Higher Secondary School Akhagaram Dir Upper before completion of his normal tenure, therefore, the impugned order is illegal and liable to be set-aside.

5. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Education Department. It was further contended that the competent authority has power to transfer any civil servant anywhere and the civil servant has no vested right to claim for his choice posting, therefore, prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was performing his duty at the post of SDEO (M) Lal Qilla Dir Lower. He was transferred from there to Government Higher Secondary School Akhagaram Dir Upper vide order dated 29.10.2018. He was again transferred from Government Higher Secondary School Akhagaram Dir Upper to Government Higher Secondary School Bagh

M. Amin
6.1.2020

Maidan Dir Lower vide order dated 23.11.2018. The record further reveals that again the respondent-department has transferred him from Government Higher Secondary School Bagh Maidan Dir Lower to Government Higher Secondary School Akhagaram Dir Upper after a period of one month and eight days vide order dated 31.12.2018. The appellant has also filed departmental appeal against the order dated 31.12.2018 but the same was not responded. The record further reveals that the appellant belong to Dir Lower and he was transferred from Government Higher Secondary School Bagh Maidan Dir Lower to Government Higher Secondary School Akhagaram Dir Upper just after one month and eight days before completion of his normal tenure vide order dated 31.12.2018. The record further reveals that this Tribunal has also granted status-quo order in favour of the appellant and the appellant has not relinquish the charge in Government Higher Secondary School Bagh Maidan Dir Lower so far. The record further reveals that if the appeal of the appellant is accepted no other private person will be affected. Furthermore, the appellant also belong to Dir Lower, therefore, the transfer order of the appellant from Government Higher Secondary School Bagh Maidan Dir Lower to Government Higher Secondary School Akhagaram Dir Upper just after one month and eight days is illegal and liable to be set-aside. As such, we accept the appeal, set-aside the impugned order. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
06.01.2020




(HUSSAIN SHAH)
MEMBER
CAMP COURT SWAT

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT SWAT

04.12.2019

Lawyers are on strike on the call of Bar Association.
Adjourn. To come up for further proceedings/arguments on
06.01.2020 before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat

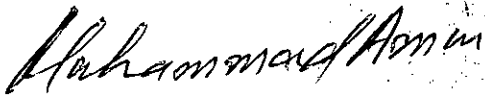
06.01.2020

Appellant alongwith his counsel and Mr. Usman Ghani, District
Attorney alongwith Mr. Fazle Subhan, Section Officer for the respondents
present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages
placed on file, we accept the appeal, set-aside the impugned order.
Parties are left to bear their own costs. File be consigned to the record
room.

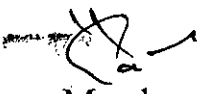
ANNOUNCED
06.01.2020


(HUSSAIN SHAH)
MEMBER
CAMP COURT SWAT


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT SWAT


03.09.2019

Appellant present. Fazal Subhan SO (for respondents No.1 to 3) present and submitted written reply/comments. Muhammad Usman ADO representative of respondent No.4 present and seeks time to furnish written reply/comments. Adjourn. To come up for written reply/comments on behalf of respondent No.4 on 07.10.2019 before S.B at Camp Court, Swat.


Member
Camp Court, Swat.

08.10.2019

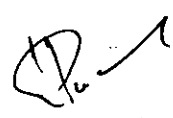
Counsel for the appellant and Mian Ameer Qadir, Deputy District Attorney alongwith Mr. Touseef, Litigation Officer for the respondents present. Respondents No. 1 to 3 already submitted written reply/comments. Today, representative of respondent No. 4 submitted written reply on behalf of respondent No. 4 which is placed on record. Case to come up for rejoinder if any and arguments on 03.12.2019 before D.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

03.12.2019

Appellant in person present. Mr. Riaz Paindakheil learned Assistant Advocate General present. Appellant seeks adjournment as his counsel is not in attendance. Learned AAG however raised reservation upon adjournment on the ground that ad-interim relief has been granted in the present service appeal. Adjourned for tomorrow i.e. for 04.12.2019 for arguments, before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat

10.06.2019

Appellant in person present. Written reply not submitted. Fazal Subhan SO(for respondent No.1) and Toseef Ahmad Litigation Officer (for respondent No.2) present and requested for time to furnish written reply/comments. Shahid Akram Litigation Assistant representative of respondent No.4 absent. Respondent No.4 as well as absent representative be put to notice be put to notice with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 02.07.2019 before S.B at Camp Court, Swat.


Member
Camp Court, Swat.

02.07.2019

Appellant in person present. Written reply not submitted. Toseef Litigation Officer (for respondent No.4) present and seeks time to furnish written reply/comments. Fazal Subhan S.O (for respondent No.1) absent. Respondents No.1 to 3 as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 03.09.2019 before S.B at Camp Court Swat.


Member
Camp Court, Swat.


08.05.2019


Appellant with counsel present. Preliminary arguments heard.

The appellant (Subject Specialist) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against his posting transfer from GHSS Bagh Maidan Dir Lower to GHSS Akhagaram Dir Upper vide order dated 31.12.2018. Learned counsel for the appellant argued inter-alia that the appellant was transferred to GHSS Akhagaram District Dir Upper vide order dated 29.10.2018 however after one month, the appellant was again transferred from GHSS Akhagaram District Dir Upper to GHSS Bagh Maidan District Dir Lower vide order dated 10.11.2018 ; that once again after a short span the appellant was retransferred from GHSS Bagh Maidan District Dir Lower to GHSS Akhagaram District Dir Upper vide order dated 31.12.2018 made impugned in the present service appeal ; that the impugned posting transfer order is against transfer posting policy and is based on malafide and ulterior motive.

Points urged need consideration. The appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 10.06.2019 before S.B at Camp Court, Swat.

Annexed with memo of appeal is an application for interim relief. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile, status-quo be maintained till the date fixed.




Appellant Deposited
Security & Process Fee


Member
Camp Court, Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 519/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/04/2019	<p>The appeal of Mr. Rhmani Mulk presented today by Syed Abdul Haq 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 23/4/19</p>
2-	30-4-19	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>8-5-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 519 /2019

Rehmani Mulk.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education and others Respondents

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5.	copy of notification dated 23.11.2018	<u>B</u>	16
6.	Copy of notification dated 31.12.2018	<u>C</u>	17-18
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Appellant through Counsel



SYED ABDUL HAQ
HIGH COURT DARULQAZA
BAR ROOM SWAT
Cell No 0333-9546154

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 519 /2019

Diary No. 654

Dated 23/4/2019

Rehmani Mulk Son of Ahya Gul Subject Specialist at GHSS Maidan
District Dir Lower..... Appellant

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa, through Secretary Education at Peshawar.
- 2) Director Education, Khyber Pakhtunkhwa at Peshawar.
- 3) Chief Secretary Government of Khyber Pakhtunkhwa.
- 4) District Education Officer (Male District Dir Lower at Timergara.

..... Respondents

Filed to-day

Registrar

APPEAL UNDER SECTION 4 OF THE GOVT. OF
KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
ACT, 1974 AGAINST THE ILLEGAL, UNLAWFUL
ACTION WHEREIN THE OFFICIAL RESPONDENTS
HAVE ILLEGALLY TRANSFERRED THE APPELLANT
FROM GHSS BAGH MIDAN DISTRICT DIR LOWER
TO GHSS AKHAGRAM DISTRICT DIR UPPER VIDE
NOTIFICATION DATED 31.12.2018

PRAYER IN APPEAL

On acceptance of this appeal, the impugned order mentioned above be set aside and the notification dated 23.11.2018 may be restored to the extent of appellant.

Respectfully Sheweth;

The facts of the instant are as under.

1. That the appellant is the permanent resident of Dir Lower and has been appointed as C.T in Govt Middle School Jat Gram vide appointment letter dated 05.12.1985.
2. That the appellant after promotion to the post of SST on 25.03.1995, was later no promoted to Subject Specialist on 18.3.2016.
3. That the appellant was adjusted on the post of SDEO on 01.10.2016 and later on, he was transferred to GHSS Akhagram District Dir Upper vide notification dated 29.10.2018. ***(Copy of notification dated 29.10.2018 is attached as annexure-A)***

4. That the appellant was re transferred from Government Higher Secondary School Akhagram District Dir Upper to Government Higher Secondary School Bagh Maidan District Dir Lower vide notification dated 23.11.2018. (*copy of notification dated 23.11.2018 is attached as annexure-B*)
5. That once again, the appellant after short span of time, was transferred from GHSS Bagh Maidan District Dir Lower to GHSS Akhagram District Dir Upper vide order/notification dated 31.12.2018(*Copy of notification dated 31.12.2018 is attached as annexure-C*)
6. That feeling aggrieved the appellant filed an appeal before the respondent No.3 on 03.1.2019 but he did not respond yet to date, so after exhausting the statutory period, the appellant have no other remedy except to file the instant service appeal inter alia on the following.

GROUNDS

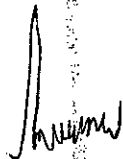
- A. That the act of respondents, i.e. transferring the appellant in short span of times, is illegal, against the rules, policy, and lack backing of law hence liable to be set aside

- B. That the existing tenure as per Khyber Pakhtunkhwa Civil servant Act, 1973 Posting Transfer Policy, is three years for settle area, and two years for unattractive/hard area but the official respondent mere on political exertion failed to follow the spirit of the act *ibid*, so the order dated 31.12.2018 is liable to be struck down.
- C. That the appellant after appointment, is working in the Department and there is no complaint whatsoever against him, so, illegal transfer of appellant is against the fundamental rights guaranteed by the constitution of Islamic Republic of Pakistan, 1973.
- D. That the impugned order based on malafide and ulterior motive and the authority failed to give any justification that it was made in the interest of public at large, so on this score, the impugned order is not sustainable.
- E. That the civil servant's/appellant repeated transfer from one place to another in short span of time through political exertion is highly un-ethical and undesirable, so such act of official respondent be set as null and void .


F. That the indiscriminate and repeated transfer order and cancellation of such order of appellant had been made by the authorities, irrespective of the consideration of public interest, so order of transfer passed by the authorities without any rhyme or reason was found to be malafide, arbitrary against the canons of justice, so on this score too, such is not sustainable.

G. That further grounds with leave of this honourable Court would be raised at the time of arguments.

On acceptance of this appeal, the impugned order mentioned above be set aside and the notification dated 23.11.2018 may be restored to the extent of appellant.



Appellant
Through
Counsel



SYED ABDUL HAQ,
Advocate,

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BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. _____/2019


Rehmani Mulk.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education and
others Respondents

Affidavit

I Rehmani Mulk Son of Ahya Gul Subject Specialist at GHSS
Maidan District Dir Lower, do hereby affirm that the contents of
the above titled Service Appeal are true and correct to the best of
my knowledge and belief and nothing is concealed from this
honourable Tribunal.


DEPENDENT

(CNIC 15302-0927140-7)

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. _____/2019

Rehmani Mulk.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education and others Respondents

ADDRESSES OF THE PARTIES

APPELLANT


Rehmani Mulk Son of Ahya Gul Subject Specialist at GHSS Maidan District Dir Lower

CNIC: _____ MOB: _____

RESPONDENTS

- 1) Govt. of Khyber Pakhtunkhwa, through Secretary Education at Peshawar
- 2) Director Education, Khyber Pakhtunkhwa at Peshawar
- 3) Chief Secretary Government of Khyber Pakhtunkhwa.
- 4) District Education Officer (Male District Dir Lower at Timergara.


Appellant, through Counsel


SYED ABDUL HAQ
HIGH COURT DARULQAZA
BAR ROOM SWAT
Cell No 0333-9546154

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. _____/2019

Rehmani Mulk.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education and
others Respondents

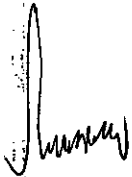
APPLICATION FOR SUSPENSION OF THE IMPUGNED
TRANSFER ORDER DATED 31.12.2018 AS PASSED
WITHOUT ANY RHYME OR REASON.

Respectfully sheweth;

1. That the applicant/appellant being filing the service appeal wherein no date has been fixed so far.
2. That the appellant have strong prima facie case and hopeful about the fate of the case.
3. That the balance of convenience lies in favour of applicant/appellant and irreparable would be caused if the impugned order was not suspended.

4. That the impugned transfer order has been passed mere on political exertion as the same is against the mandate of law, rules, purely based on malafide and ulterior motive.
5. That the grounds taken in the appeal be considered part of this application.

It is therefore on acceptance of this application the impugned order dated 31.12.2018 may kindly be suspended till the final disposal of the insant service appeal.



Applicant/appellant
Through
Counsel



SYED ABDUL HAQ,
Advocate,



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

Dated Peshawar the October 29, 2018.

NOTIFICATION

NO.SO(SMDE&SED)/2/2018/Promotion of ASDEOs (BS-16) to SDEOs (BS-17):

Consequent upon their promotion to the post of Sub-Divisional Education Officer Male (BS-17) vide notification of even number dated 26.09.2018, the following SDEOs are hereby posted adjusted on the posts & stations as mentioned against each:

S#	Name of candidate	Posted as
1	Mr. Zia Ullah	Assistant Director (BS-17), Directorate of E&SE
2	Mr. Shah Jehan Khan	Assistant Director (BS-17), Directorate of E&SE
3	Mr. Muhammad Arshad	Assistant Director (BS-17), Directorate of E&SE
4	Mr. Irshad Khan	SDEO (BS-17) Town-IV Peshawar
5	Mr. Muhammad Zahid Khan	Assistant Director (BS-17), Directorate of E&SE
6	Mr. Muhammad Sohail Khan	Assistant Director (BS-17), Directorate of E&SE
7	Mr. Muhammad Attab	Assistant Director (BS-17), Directorate of E&SE
8	Mr. Imtiaz Khan	SDEO (BS-17) Swat
9	Mr. Muhammad Saleem	SDEO (BS-17) Pabbi Nowshera
10	Mr. Shams-ul-Islam Niaz	SDEO (BS-17) Kabal Swat
11	Mr. Muhammad Zubair	SDEO (BS-17) Takhtbai Mardan
12	Mr. Hayat Khan	Assistant Director (BS-17), Directorate of E&SE
13	Mr. Ahmad Ullah	SDEO (BS-17) Shabqadar
14	Mr. Muhammad Anwar	SDEO (BS-17) Mardan
15	Mr. Fazl-e-Khuda	SDEO (BS-17) Khadokhel Buner
16	Mr. Amir Badshah	SDEO (BS-17) Mandan Buner
17	Mr. Fida Muhammad	SDEO (BS-17) Town-III Peshawar
18	Mr. Salih Muhammad	SDEO (BS-17) Daggar Buner
19	Mr. Abdul Wahab	SDEO (BS-17) Lahore Swabi
20	Mr. Muhammad Abid	SDEO (BS-17) Rajjar Swabi
21	Mr. Adil Muhammad	SDEO (BS-17) Katlang Mardan
22	Mr. Niaz Wali Khan	SDEO (BS-17) Ghazi Haripur

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

23	Mr. Mehboob Elahi	Assistant Director (BS-17), Directorate of E&SE
24	Mr. Shehzad Nadeem	SDEO (BS-17) Darosh Chitral
25	Mr. Muhammad Farooq	SDEO (BS-17) Karak
26	Mr. Dil Nawaz	SDEO (BS-17) Kohistan
27	Mr. Gul Faraz	SDEO (BS-17) Bahrain Swat
28	Mr. Muhammad Humayun	SDEO (BS-17) Daraban D.I. Khan
29	Mr. Abdul Qayum Khan	Assistant Director (BS-17), Directorate of E&SE
30	Mr. Ifkhar Ahmed	SDEO (BS-17) Battagram
31	Mr. Chanzeb	SDEO (BS-17) Alai Battagram
32	Mr. Sharafat Khan	SDEO (BS-17) Bisham Shangla
33	Mr. Mehmood Iqbal	SDEO (BS-17) Paharpur D.I. Khan
34	Mr. Khalid Naseem	SDEO (BS-17) Prova D.I. Khan
35	Mr. Muhammad Zarif	SDEO (BS-17) D.I. Khan
36	Mr. Muhammad Irshad	SDEO (BS-17) Tall Hangu
37	Mr. Muhammad Rehman Shah	SDEO (BS-17) Bakka Khel Bannu
38	Mr. Waheed Ullah Shah	SDEO (BS-17) Domel Bannu
39	Mr. Muhammad Tariq	Assistant Director (BS-17), Directorate of E&SE
40	Mr. Hamid Rasool	SDEO (BS-17) Bannu
41	Mr. Ali Haider	SDEO (BS-17) Samar Bagh Dir Lower
42	Mr. Muhammad Raza Shah	SDEO (BS-17) Adenzai Dir Lower
43	Mr. Muhammad Islam	SDEO (BS-17) Munda Dir Lower
44	Mr. Muhammad Ajmal	SDEO (BS-17) Oghi Manshra
45	Mr. Shafiq Ur Rehman	SDEO (BS-17) Darban Manshra
46	Mr. Raees Ur rehman	Assistant Director (BS-17), Directorate of E&SE
47	Mr. Abdus Samad	SDEO (BS-17) Baffa Manshra
48	Mr. Raja Babu Jehangir	Assistant Director (BS-17), Directorate of E&SE
49	Mr. Shams Ur Rehman	SDEO (BS-17) Balakot Manshra
50	Mr. Abdur Rehman Rashid	SDEO (BS-17) Serai Naurang Lakki Marwat
51	Mr. Qadir Shah	SDEO (BS-17) Lakki Marwat
52	Mr. Habib Ur Rehman	SDEO (BS-17) Kulachi D.I. Khan

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

53	Mr. Hamreed Ullah	SDEO (BS-17) Palay Kohistan
54	Mr. Muhammad Azam	SDEO (BS-17) Sedu Sharif Swat
55	Mr. Ghulam Sarwar	SDEO (BS-17) Balambat Dir Lower
56	Mr. Ghulam Habib	SDEO (BS-17) Dir Lower
57	Syed Atta Ullah Shah	Assistant Director (BS-17), Directorate of E&SE
58	Mr. Raees Khan	SDEO (BS-17) Matta Swat
59	Mr. Love Dan	SDEO (BS-17) Sheringal Dir Upper

CONSEQUENTIAL TRANSFER

S.No	Name of candidate	Posted as
60	Mr. Muhammad Arif, SS (Economics) BS-17 working as SDEO (M) Town-IV	SS (Economics) BS-17 GHSS Nizampur, Nowshera
61	Mr. Ghazi Bacha SS (Maths) BS-17 working as SDEO (M), Lahore Swabi	SS (Maths) BS-17 GHSS Kabgani, Swabi
62	Mr. Wisal Muhammad HM BS-17 working as SDEO (M) Katlang Mardan	HM BS-17 GHS Sohbat Abad, Mardan
63	Mr. Abdul Haleem SS (Islamiat) BS-17 working as SDEO (M) Mardan	SS (Islamiat) BS-17 GHSS Gujar Garhi, Mardan
64	Syed Arshad Hussain Shah SS (English) BS-17 working as SDEO (M) Takht Bhai, Mardan	Instructor (BS-17) RITE (Male) Mardan
65	Mr. Fazle Khaliq SS (English) BS-17 working as SDEO (M) Saidu Sharif, Swat	SS (English) BS-17 GHSS Miandam, Swat
66	Mr. Inyat Ullah HM BS-17 working as SDEO (M) Matta Swat	HM BS-17 GHS Sambat Swat
67	Mr. Inyat Ullah HM BS-17 working as SDEO (M) Charbagh Swat	HM BS-17 GHS Manpatai Swat
68	Mr. Liaqat Ali HM BS-17 working as SDEO (M) Khawaza Khela Swat	HM BS-17 GHS Laikot Swat
69	Mr. Majeed Ullah HM BS-17 working as SDEO (M) Kabal Swat	HM BS-17 GHS Ghulooh Swat
70	Mr. Muhammad Zahid SS (Statistics) BS-17 working as SDEO (M) Puran Shangla	SS (Statistics) BS-17 GHSS Buryal Shangla

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

71	Mr. Muhammad Pervez DPE BS-17 working as SDEO (M) Shangla	DPE BS-17 GHSS Olandar Shangla
72	Mr. Akhtar Naeem SS (Urdu) BS-17 working as SDEO (M) Basham, Shangla	SS (Urdu) BS-17 GHSS Shahpur Shangla
73	Mr. Rehman Ul Mulk SS (Pak-Study) BS-17 working as SDEO (M) Lal Qilla, Dir Lower	SS (Pak-Study) BS-17 GHSS Akhagaram Dir Upper
74	Mr. Sadiq Jan SS (Urdu) BS-17 working as SDEO (M) Balambat Dir Lower	SS (Urdu) BS-17 GHSS Pachakalay Dir Upper
75	Mr. Hameed Ur Rehman HM BS-17 working as SDEO (M) Samar Bagh Dir Lower	HM BS-17 GHS Kumber Dir Lower
76	Mr. Raza Shah ADEO BS-16 working as SDEO (M) Munda Dir Lower	Services placed at the disposal of Directorate E&SE KPK
77	Mr. Muhammad Zafar HM BS-17 working as SDEO (M) Temergrah Dir	HM BS-17 GHS Badin Dir Lower
78	Mr. Mehboob Ur Rab SST BS-16 working as SDEO (M) Sheringal Dir Upper	Services placed at the disposal of DEO (M) Dir Upper
79	Mr. Habib Ullah, HM BS-17 working as SDEO (M) Laachi Kohat	HM BS-17 GHS Pakka Topi, Kohat
80	Mr. Muhammad Naeem Shah HM BS-17 working as SDEO (M) Tall Hangu	HM BS-17 GHS Sarozai Hangu
81	Mr. Tariq Javed SS (Chemistry) BS-17 working as SDEO (M) D.I. Khan	SS (Chemistry) BS-17 GHSS Darban Kalan, D.I. Khan
82	Mr. Mirza Khan SS (English) BS-17 working as SDEO (M) Phar Pur D.I. Khan	SS (English) BS-17 GHSS Abdul Kkhel D.I. Khan
83	Mr. Zain Ullah Khan SS (Chemistry) BS-17 working as SDEO (M) Prova D.I. Khan	SS (Chemistry) BS-17 GHSS No.2 D.I. Khan
84	Mr. Muhammad Khalid HM BS-17 working as SDEO (M) Kulachi D.I. Khan	HM BS-17 GHS Budd D.I. Khan
85	Mr. Saif Ul Malook HM BS-17 working as SDEO (M) Palas Kohistan	HM BS-17 GHS Shore Kot Kohistan
86	Mr. Muhammad Nawab SST BS-16 working as SDEO (M) Pattan, Kohistan	Services placed at disposal of DEO (M) Kohistan

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16 working as Assistant Director Directorate of E&SE	KPK for further posting
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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

87	Mr. Fazal Qayum SS (Pashto) BS-17 working as SDEO (M) Kohistan	SS (Pashto) BS-17 GHSS Sakhara, Swat
88	Mr. Abdur Raul SS (Urdu) BS-17 working as SDEO (M) Khuda Khail, Buner	SS(Urdu) BS-17 GHSS Nogram, Buner
89	Mr. Ikhtiyar Ahmed SS (English) BS-17 working as SDEO (M) Mandan Buner	SS (English) BS-17 GHSS Agarai, Buner
90	Mr. Bakht Sher Hussain HM BS-17 working as SDEO (M) Gagara Buner	HM BS-17 GHS Rega Buner
91	Mr. Ayub Khan HM BS-17 working as SDEO (M) Dagar Buner	HM BS-17 GHS Anar Baig Mardan
92	Mr. Mir Samad ASDEO BS-16 working as SDEO (M) Batagaram	Services placed at disposal of Directorate of E&SE KPK
93	Mr. Sherferoz SST BS-16 working as SDEO (M) Alai Batagaram	Services placed at the disposal of DEO(M) Batagaram
94	Mr. Shabir Ahmed HM BS-17 working as SDEO (M) Baffa Mansehra,	HM BS-17 GHS Darband (New) Mansehra
95	Mr. Abid Hussain, HM BS-17 working as SDEO (M) Ghazi Haripur	HM BS-17 GHS Chintari Haripur
96	Mr. Aman Ullah HM BS-17 working as SDEO (M) Bannu	HM BS-17 GHS Bilawar Khan Bannu
97	Mr. Akhtar Zaman HM BS-17 working as SDEO (M) Lakki Marwat	HM BS-17 GHS Shukrullah Hussain, Bannu
98	Mr. Muhammad Shafiq HM BS-17 working as SDEO (M) Sarai Naurang, Lakki Marwat	HM BS-17 GHS Nowar Khel Lakki Marwat
99	Mr. Raja Sheraz Ahmed HM BS-17 working as SDEO (M) Torghar	HM BS-17 GHS Judba Torghar
100	Mr. Sanaullah SS (Maths) BS-17 working as assistant Director	SS (Maths) BS-17 GHSS No.1 Peshawar City
101	Mr. Iqbal Hussain SS (Pashtu) BS-17 working as Assistant Director	SS (Pashto) BS-17GHSS No.1 Peshawar City
102	Mr. Abdul Qayyum ADEO BS-16 working as Assistant Director Directorate of E&SE	Services placed at disposal of Director E&SE KPK for further posting

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

103	Mr. Hameed Ur Rehman ADEO BS-16 working as Assistant Director, Directorate of E&SE	Services placed at disposal of Directorate E&SE KPK for further posting
104	Mr. Aziz Ul Haq SS (Maths) BS-17 working as Assistant Director, Directorate of E&SE KPK	SS (Maths) BS-17 GHSS Manga Mardan
105	Mr. Hamood Ur Rehman ADEO BS-16 working as Assistant Director BS-17, Directorate of E&SE KPK	Services placed at disposal of Directorate E&SE KPK for further posting.
106	Mr. Azim Khan ADEO BS-16 working as Assistant Director BS-17 Directorate of E&SE KPK	Services placed at disposal of Directorate E&SE KPK for further posting.
107	Mr. Muhammad Ilyas, SDEO BS-17 working as AD BS-17 at Directorate of E&SE.	SDEO BS-17 Lachi Kohat
108	Mr. Abdur Rehman, SDEO BS-17 Topi Swabi	Services placed at disposal of Directorate E&SE KPK for further posting.
109	Mr. Shahid Lodan, SDEO (BS-17) Wari Dir Upper	Services placed at disposal of Directorate E&SE KPK for further posting.
110	Mr. Amin Zada, SS (BS-17) GHS Akhwagram Dir Upper	SDEO (BS-17) Wari Dir Upper

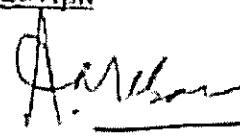
2. No TA/DA is allowed.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Male), Concerned.
4. District Account Officers, Concerned.
5. PS to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Advisor to CM for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (Estab), E&SE Department.
9. PA to Deputy Secretary (Admn), E&SE Department.
10. In-charge EMIS E&SE Department with the request to upload it on the website of the Department i.e. www.kpsec.gov.pk
11. SDEOs Concerned.
12. Master file.


 (ANWAR AKBAR KHAN) 29/11/15
 SECTION OFFICER (SCHOOLS MALE)





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

4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Advisor to CM for E&SE Department.
6. PS to Secretary E&SE Department.
7. PA to Additional Secretary (Estab), E&SE Department.
8. PA to Deputy Secretary (Admin), E&SE Department.
9. In-charge BMS E&SE Department with the request to upload it on the website of the Department i.e. www.kpsec.gov.pk
10. SDEOs Concerned.
11. Master file.

A. Akbar Kilan
29/7/18

(ANWAR AKBAR KILAN)
SECTION OFFICER (SCHOOLS MALE)

etc

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the October 29, 2018.

NOTIFICATION

NO.SO(SM)E&SED/3-2/2013/Recruitment of SDEOs (Male) BS-17 (MC):

Consequent upon their appointment as Sub-Divisional Educational Officers-Male (BS-17) vide Notification of even number dated 05.09.2018 and following their arrival for duty (as mentioned against their names), the following SDEOs are hereby posted/adjusted on the posts & stations as mentioned against each:

S#	Name of candidate	Arrival Date	Posted as
1.	Mr. Malak Khan	06.09.2018	SDEO (BS-17) Tank
2.	Mr. Amir Ur Rehman	-do-	SDEO (BS-17) Manselra
3.	Mr. Dilawar Khan	-do-	SDEO (BS-17) Kalkot Dir Upper
4.	Mr. Shahid Hussain	-do-	SDEO (BS-17) Mastuj Booni Chitral
5.	Mr. Maroof Khan	24.09.2018	SDEO (BS-17) Pura Shangla
6.	Mr. Gul Muhammad	25.09.2018	SDEO (BS-17) Khwaza Khela Swat
7.	Mr. Muqadas Khan	06.09.2018	SDEO (BS-17) Torkhow Murkhow Chitral
8.	Mr. Luqman Hakim	-do-	SDEO (BS-17) Takht-e-Nasrati Karak
9.	Mr. Naseer Ahmed	10.09.2018	SDEO (BS-17) Shangla
10.	Mr. Abdul Hameed	06.09.2018	SDEO (BS-17) Topi Swabi
11.	Mr. Sheeraz Hayat	-do-	Assistant Director (BS-17), Directorate of E&SE
12.	Mr. Kiramat Shah	-do-	SDEO (BS-17) Dargai Malakand

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2. No TA/DA is allowed.

SECRETARY

Endst: of even No. & Date:

- Copy forwarded to the:
1. Accountant General, Khyber Pakhtunkhwa, Peshawar
 2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
 2. District Education Officers (Male), Concerned.
 3. District Account Officers, Concerned.

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

Dated Peshawar the November 23, 2018

NOTIFICATION

NO. SO/SME/ASED 2-1/2018 Postings Transfer General: The Competent Authority is pleased to order posting transfer of the following officers of E&SE Department in the posts/stations as mentioned against each in the public interest with immediate effect.

Sr	Name, Designation & Present Place of Posting	Transferred As	Remarks
1	Muhammad Saadq, SS (Urdu) BS-17 under adjustment at GHSS Pach Kalay Dir Upper	SS (Urdu) BS-17 GHSS Lal Qila Dir Lower	A.V.P
2	Mr. Rehman Malik, SS (Pak Study) BS-17 under adjustment at GHSS Akhgram Dir Upper	SS (Pak Study) BS-17 GHSS Bagh Maidan Dir Lower	-do-

2. No TADA is allowed.

SECRETARY

End of copy No. & Date

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar
2. District Education Officers (Male), Dir Upper & Lower.
3. District Accounts Officers, Dir Upper & Lower.
4. PS to Advisor to CM on E&SE Department.
5. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
6. In-charge EMIS E&SE Department
7. Officers Concerned.

(Signature)

23/11/2018
(ANWAR AKBAR KHAN)
SECTION OFFICER (SCHOOLS MALE)

(Handwritten initials)



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

Dated Peshawar the December 31, 2018.

NOTIFICATION

NO.SO/SME&SED/2-1/2018/Posting/Transfer/General: The Competent Authority is pleased to order posting/transfer of the following officers of E&SE Department on the post/stations as mentioned against each in the public interest with immediate effect:

Sr	Name & designation	From	Transferred as	Remarks
1.	Mr. Rehmani Mulk, SS Pak Study (BS-17)	GHSS Bagh Maidan Dir Lower	SS Pak-Study (BS-17) GHSS Akhagaram Dir Upper	A.V.P
2.	Mr. Hameed-ur-Rehman, HM (BS-17)	GHS Kumber Dir Lower	HM (BS-17) GHS Drangal Dir Lower	-do-

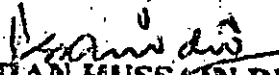
2. No TA/DA is allowed.

SECRETARY

List of even No. & Date

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar
2. Director Education, Merged Areas Districts, Peshawar
3. District Education Officers (Male), Dir Lower & Upper.
4. District Accounts Officers, Dir Lower & Upper.
5. PS to Advisor to CM on E&SE Department.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
8. In-charge EMIS E&SE Department.
9. Officers Concerned.
10. Master File


 (MIAN HUSSAIN DIN) 31/12/18
 SECTION OFFICER (SCHOOLS MALE)

CTC


PS/C.S. No. 132/W/E
Diary No. 03/11/19
Date 03/11/19

The Chief Secretary,
Govt. of Khyber Pakhtunkhwa

Subject: APPEAL FOR CANCELLATION OF ILLEGAL TRANSFER.

Dear Sir

I have the honour to state that I have been transfer from GHSS Akhagram Dir Upper to GHSS Bagh Maidan Dir Lower as Subject Specialist vide notification No. SO(SM)E&SED/2-1/2018 dated 23-11-2018.

It is stated that after one month I have been transfer again from GHSS Bagh Maidan Dir Lower to GHSS Akhagram Dir Upper vide notification No. SO(SM)E&SED/2-1/2018 datd 31-12-2018 which is violation of Civil Services Rule/policy without quoting any reason.

"Existing tenure of posting/transfer of three (03) years of settled areas and two (02) years for unattractive/hard areas shall be reduced to two years for settled areas, 01 ½ years for unattractive areas and one year for hard areas."

It is requested to kindly withdraw/cancel my illegal transfer order to enable me to complete my tenure as per Govt. Policy.

Obediently Yours

Rahmani Mulk
Subject Specialist (Pakistan Study)
GHSS Bagh Maidan Dir Lower.

Date 03-01-2019

Project file
facts

Mansoor
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D5/19

Secy: EPSE

31/1/2019

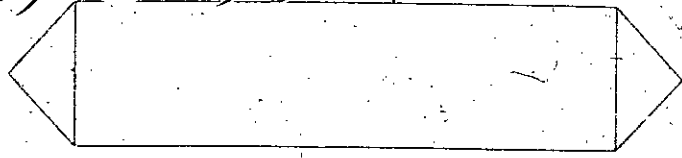
Chief Secretary
Govt. of Khyber Pakhtunkhwa

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Dillu

بعدالت صاحب حاکم میں سرروس ٹریبیونل لیٹا اور



موردہ 23/04/019
مقدمہ سرروس ٹریبیونل
دعویٰ
جرم
2019 پنجاب
رمان ملک بنام حکومت وعلینا

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام سرروس ٹریبیونل لیٹا اور کیلئے عبدالرحمن ملک نے مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز آ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز آ
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیدار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات 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 وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندرے۔

2019

04

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المرقوم

العبد العبد العبد

مقام رمان ملک وکل صاحب سرروس ٹریبیونل کے لئے منظور ہے۔

رمانی ملک
s/o
کاؤن بشکرام
تحقیق لیل قلم
ضلع دیر لؤلؤ

CNIC NO
15302-0927140-7

mob: #

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO.519/2019.

**MR. Rahmani Mulk S/O Ahya Gul Subject Specialist at GHSS Bagh Medabn District
Dir Lower.**

.....Appellant

VERSUS

1. The Government Khyber Pakhtunkhwa through Secretary Elementary and secondary Education at Peshawar.
2. Director.(Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (Male) Dir lower at Timergara.

(RESPONDENTS)

PERA WISE COMMENTS ON BEHALF OF RESPONDENTS 3/

RESPECTFULLY SHEWETH:-

PRELIMINARY OBJECTIONS:

1. The appellant is not the "aggrieved" person with the meaning of section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974.
2. The Appellant has got no cause of action/Locus standi..
3. The appellant has not come to this Honorable court with clean hands.
4. The Appellant is estopped by his own conduct.
5. That the instant Service appeal suffers from laches, hence not maintainable in the present form.
6. That the appellant was transferred to GHSS Akhagram in the best of public interest by the competent authority.
7. That the appellant is liable to serve anywhere in the province under section KP Civil servant Act, 1973.

ON FACTS.

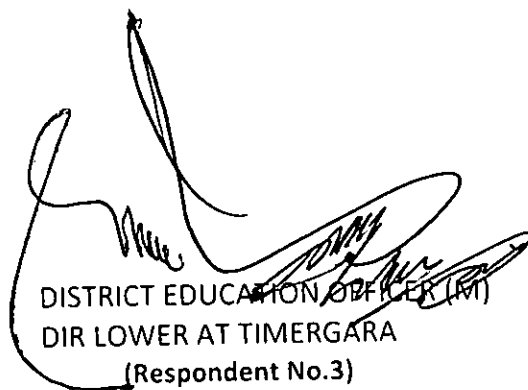
1. Para-1 of the facts pertains to appellants residential and appointment records hence need no comments.
2. Para-2 of the facts also pertains to the appellant appointment record hence need no comments.
3. Para-4 of the facts is also correct hence need no comments.
4. Para-5 of the facts is also correct hence need no comments.
5. Para-6 of the facts is also correct but it is pertinent to mention here that the appellant was transferred by respondent No.1, in the best of public interest.
6. Incorrect hence denied and further stated that the respondent department always follows rules and policies consigned by high ups in letter and spirit.

GROUNDS:-

- A. Incorrect, the transfer of the appellant was made under the prevailing law by the competent authority in the public interest.
- B. Incorrect, and further stated that the appellant was transferred to GHSS Akhagram in the best interest of public and there is no political involvement on the part of respondent department.

- C. Pertains to record.
- D. Incorrect and further stated that the appellant was transferred to GHSS Akhgram in the best interest of public.
- E. Incorrect detail reply has been submitted in the above para's.
- F. Incorrect hence denied and further stated that the respondent department always follows rules and policies cosigned by high ups in letter and spirit.
- G. That the respondent department seek leave to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that on acceptance of the above submission, the instant Service appeal may very graciously be dismissed in favor of the answering respondents with cost.



DISTRICT EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA
(Respondent No.3)

X.



BEFORE THE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 519/2019

1. Rahmani Mulk S/O Ahya Gul Subject Specialist at GHSS Bagh Maidan District Dir Lower.

(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar

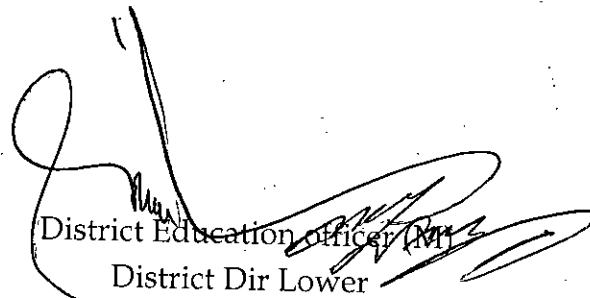
2. Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar

3. District Education Officer (M) Dir Lower at Timergara. And others

(RESPONDENTS)

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District Education officer (M)
District Dir Lower

District Education Officer (M) Dir Lower
Respondent No.4
(Male) Dir (L)

BEFORE THE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 519/2019

1. Rahmani Mulk S/O Ahya Gul Subject Specialist at GHSS Bagh Maidan District Dir Lower.

(Appellant)

Versus

1, Government of Khyber Pakhtoonkhwa through Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar

2, Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar

3, District Education Officer (M) Dir Lower at Timergara. And others

(RESPONDENTS)

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS, No. 4

Respectfully sheweth:-

PRELIMINARY OBJECTIONS.

1. That the Appellant is not the "aggrieved" persons with the meaning of ~~Article 212 of the Constitution of the Islamic Republic of Pakistan 1973~~ *s. 4 of KP Service Tribunal Act, 1974.*
2. That the Appellant has got no cause of action /locus standi.. ✓
3. That the Appellant has not come to this Honorable court with clean hands. ✓
4. That the Appellant is estopped by his own conduct. ✓
5. That the instant service appeal suffers from laches, hence not maintainable in the present form.
6. That the appellant was transferred to GHSS Akhgram in the best of public interests, *by the competent authority.*

ON FACTS

1. Para-1 of the facts pertains to appellant residential and appointment records hence need no comments.
2. Para-2 of the facts also pertain to the appellant appointment record hence need no comments.
3. Para-4 of the facts is correct hence need no comments.
4. Para-5 of the facts is also correct .hence need no comments.
5. Para-6 of the facts is also correct but it is pertinent to mention here that the appellant was transferred by respondent No.1, in the best of public interest.
6. Incorrect hence denied and further stated that the respondent department always follows rules and policies consigned by high ups in letter and spirit.

GROUNDS

- A. Incorrect, the transfer of the appellant was made ~~in good faith and as per rules and law.~~ ^{under the prevailing law by the competent authority in the public interest.}
- B. Incorrect, and further stated that the appellant was transferred to GhSS Akhgram ⁱⁿ the best interest of public and there is no political involvement on the part of respondent department.
- C. Correct upto the extent of the appellant duty in GHS Bagh Maidan due to stay order of this Honorable Tribunal.
- D. Incorrect and further stated that the appellant was transferred from ~~to~~ GHSS Akhgram in the best interest of public.
- E. In correct dateils reply has been submitted in the above Para's.
- F. In correct hence denied and further stated that the respondent department always follows rules and policies consigned by high ups in letter and spirit.
- G. That the respondents seek leave to raise additional grounds at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the above submission, the instant Service Appeal may very graciously be dismissed in favor of the answering respondents with cost.


Pertains to record.


District Education Officer (M)

Dir Lower

District Education Officer (Male) Dir Lower
Respondent No.4

Netted. The amendments shall be incorporated/ may be approved by Learned AAGs.


30/1/19

District Attorney
Khyber Pakhtunkhwa
Service Tribunal Peshawar

BEFORE THE KHYBER PAKHTOON KHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No 519/2019

1. Rahmani Mulk S/O Ahya Gul Subject Specialist at GHSS Bagh Maidan District Dir Lower.

(Appellant)

Versus


1. Government of Khyber Pakhtoonkhwa through Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
2. Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar
3. District Education Officer (M) Dir Lower at Timergara. And others

(RESPONDENTS)

Affidavit

I Mr. Shahid Anwar ADEO (Male) Dir Lower do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this August court.

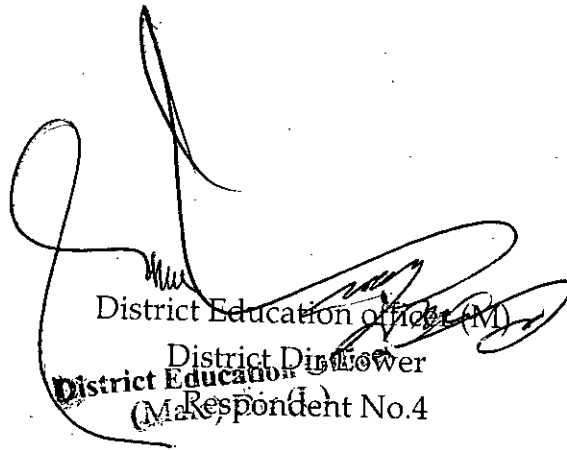
Deponent


Shahid anwar
ADEO (Male) Dir Lower

AUTHORITY LETTER

Mr. Shahid Anwar ADEO (Male) Dir Lower is hereby authorized to submit the comments /reply in the Service Appeal No.519 of 2019.

Title: Rahmani Mulk v/s DEO (M) Dir Lower and others On behalf of the under signed,



District Education officer (M)
District Dir Lower
District Education
(Male) Respondent No.4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

S.A.# 519/2019.

Rehmani Mulk, Subject Specialist, GHSS Maidan Distt: Dir Lower.....Appellant.

VERSUS

Secretary E&SE, Govt: of Khyber Pakhtunkhwa & others..... **Respondents.**

JOINT PARAWISE COMMENTS FOR & ON BEHALF OF THE RESPONDENTS NO 1-3.

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 appeal is badly time barred.
3. That the appellant has concealed the material facts from this Hon'able Tribunal, hence is liable to be dismissed on this score.
4. That the appellant has not come to this Hon'albe Tribunal with clean hands.
5. That the present appeal is liable to be dismissed for mis-joinder & non joinder of necessary parties.
6. That the appellant is estopped by his own conduct to file the instant appeal.
7. That the instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
8. That the impugned Notification dated 03-04-2017 of the Respondent No. 1 is legally competent and is liable to be maintained.
9. That the Appellant is an employee of teaching cadre in BS-17 whereas the post of DEO is of the Management cadre in the Respondent Department.

FACTS.

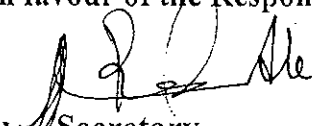
1. That Para-01 pertains to personal and service record of the appellant.
2. That Para-02 also pertains to service record of the Appellant.
3. That Para-03 is incorrect to extent that the appellant has been adjusted against the DEO (F) Nowshera for the purpose of smooth functioning of official business of the said district till the arrival of the incumbent from the management cadre for posting against the said post in the Respondent Department with the submission that the Appellant is basically working against the Subject Specialist post in BS-17 teaching cadre and is liable to serve the Respondent Department in the said capacity for which he has been recruited.
4. Correct to the extent that appellant was adjusted at GHSS Akhagram Dir Upper, but the same post has already been occupied by other candidate, as evident from Notification dated 23.04.2018 wherein it is mentioned that appellant i.e. Mr. Rehmani Mulk SS Pak Studies BS-17 under adjustment at GHSS Akhaju Dir Lower. Hence, the appellant was adjusted / transferred to vacant post.
5. That Para-2 is incorrect and denied on the grounds that each and every civil servant falling under the ambit section-2 (b) of KPK, Civil Servant Act 1973 is legal bound to


serve the Respondent Department to the entire satisfaction of the Competent Authority against the post for which she being paid by the Respondent Department from the National exchequer.

Grounds

- A. That Para-2 is incorrect and denied on the grounds that each and every civil servant falling under the ambit section-2 (b) of KPK, Civil Servant Act 1973 is legal bound to serve the Respondent Department to the entire satisfaction of the Competent Authority against the post for which she being paid by the Respondent Department from the National exchequer.
- B. Incorrect and denied, the impugned Notification dated 0304-2017 of the Respondent No. 1 is within legal sphere and is liable to be maintained in favour of the Respondent Department in the interest of justice as the Appellant is basically hails from teaching cadre in BS-17 and is liable to be posted against the said post any where in the Province under the mandatory provisions of Section 10 of KPK, Civil Servant Act, 1973.
- C. Incorrect and denied. The statement of the appellant is against the facts and circumstances of the case as stated in the above mentioned paras of the instant reply as the Appellant has been treated as per Law, Rules and Transfer and Posting policy of the Provincial Government.
- D. Incorrect and denied, the impugned Notification dated 03-04-2017 of the Respondent is within legal parameter and is liable to be maintained in the interest of equity of justice.
- E. Incorrect and denied. The plea of the Appellant regarding politically motivated Notification is also baseless as now such evidence and proof has been annexed by the Appellant in support of her plea, hence the plea of the Appellant is liable to be struck down in favour of the Respondent Department.
- F. Incorrect and denied, the impugned transfer Notification dated 03-04-2017 of the Respondent No. 1 is within legal sphere and is liable to be maintained.
- G. Incorrect and denied. The Appeal of the Appellant is badly time bard under the provision of Article 3 of Law of Limitation Act 1908, hence is liable to be dismissed on the time of limitation in favor of the Respondent Department with the submission that any other ground/record shall be submitted at time of arguments on the date fixed.

In view of the above made submissions, it is, therefore, most humbly prayed that this Honourable Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the Respondents in the interest of justice.


Secretary
E&SE Department.
(Respondents No. 1 & 2)


Director
E&SE, Peshawar.
(Respondent No.2)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 274 /ST

Dated 28-01- 2020

To


The Secretary E&SE Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 519/2019, MR. RAHMANI MULK.

I am directed to forward herewith a certified copy of Judgement dated 06.01.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.