

16.12.2013.

Counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG with Rozwali Khan, DEO (M) Haripur for the respondents present and produced copies of order dated 28.11.2013 whereby impugned order dated 8.11.2013 has been withdrawn. Copy handed over to counsel for the appellant for further proceedings on 15.1.2014.

MEMBER

MEMBER

15.1.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Roz Wali Khan, ADO for the respondents present and produced copy of order dated 28.11.2013, whereby grievance of the appellant has been redressed. Counsel for the appellant is satisfied and requested for withdrawal of the appeal. His signature obtained in the margin of order sheet. As such the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED

15.1.2014

MEMBER

MEMBER

210/8013

1/1/14

Jan

MEMBER

Appeal No. 1510/2013.  
Mr. Muhammad Waheed

3. 18.11.2013

Appellant with counsel present and filed application for early hearing. Preliminary arguments heard. Counsel for the appellant contended that the appellant has not been treated in accordance with the law/rules. The impugned rejection order dated 12.11.2013 is illegal and no reason has been given as required under General Clauses Act-24(a) read with the Government of Khyber Pakhtunkhwa E&D Department instruction dated 27.02.2013. Moreover the transfer order is pre-mature. He took over charge on 20.07.2012 and the transfer order was issued on 8.11.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Appellant also filed application for suspension of the transfer order dated 8.11.2013. Notice of application should also be issued to the respondents. To come up for written reply on main appeal as well as reply/arguments on stay on 16.12.2013. Till then status-quo be maintained.

*Appellant to deposit  
of process fee & security  
Rs. 200/- Remt. Receipt  
attached with file.*

*15/11/2013*

  
Member.

4. 18.11.2013


This case be put before the Final Bench 1 for further proceedings.

  
Chairman

Form - A  
FORM OF ORDER SHEET

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

Case No. 1510/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/11/2013	<p>The appeal of Mr. Muhammad Waseem presented today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	18/11/2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>18-11-2013</u></p> <p>The appeal of today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1510 /2013.

Mohammad Waseem.

Vs

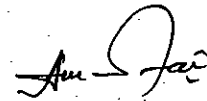
Education Deptt:

INDEX.

S.NO	DOCUMENTS	ANNEXURE	PAGE
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APPELLANT

THROUGH:



M.ASIF YOUSAFZAI

ADVOCATE.

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1510 /2013.

Mohammad Waseem PET;

GMS No.4, Haripur.....Appellant.

W.F. Peshawar  
1555

13-11-13

VERSUS

- 1- The Secretary Education (E&SE) KPK Peshawar.
- 2- The Director Education (E&SE) KPK Peshawar.
- 3- The D.E.O (male), (E&SE) Haripur.
- 4- The Asstt: Director (E&SE), Establishment, KPK Peshawar.
- 5- Wajid , PET GHS Kalanger Haripur.

.....Respondents.

**APPEAL UNDER SECTION 4 OF THE KPK  
SERVICE TRIBUNALS ACT 1974 AGAINST THE  
ORDER DATED. 12.11.2013 WHEREBY THE  
APPEAL AGAINST PREMATURE POLITICALLY  
MOTIVATED TRANSFER ORDER DATED.  
8.11.2013 HAS BEEN REJECTED.**

*[Handwritten signature]*  
13/11/13

**PRAYER:**

*That on acceptance of this appeal the order dated. 12.11.2013 and 8.11.2013 may be set-aside and the respondents may further please be directed not to transfer the appellant prematurely on political interference and in violation of Govt: policy before the completion of his tenure. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.*

Q

**R.SHEWETH.**

- 1- That while performing his duties, the appellant was transfer to GHSS No.1 Haripur on 2.11.2011 and then to GMS No.4 Haripur on 19.7.201. The appellant was relieved from GHSS NO.1 on 19.7.2012 and took over charge on 20.7.2012 qt GMS No.4 Haripur. Copies of orders and relieving/taking over charge are attached as Annexure – A,B,C,&D.
- 2- That after the lapse of about 16 months, the Minister of C&W, wrote a letter to the Minister for Education to transfer the respondent no.5 in place of appellant. The appellant was refused the copy of the letter/recommendation of Minister for C&W, however, the same is available on office file and the august Tribunal is requested to requisitioned the transfer proposal and orders file from the respondent no.4 office.
- 3- That on the basis of above letter and political interference, the respondent No.4 passed an order on 8.11.2013, whereby the appellant was transferred from his station prematurely in violation of law and superior courts judgments. Copy of the order is attached as Annexure – E.
- 4- That the appellant filed an appeal against the politically motivated premature transfer order on 11.11.2013 and the same was rejected on 12.11.2013 for no good grounds. Copies of appeal and rejection orders are attached as Annexure – F&G.
- 5- That now the appellant comes to this august tribunal on the following grounds amongst the others.

**GROUND:**

- A. That the order 12.11.2013 And 8.11.2013 are against law, facts, norms of justice and material on record therefore liable to be set aside.

3

- B. That the impugned transfer order dated 8.11.2013 is politically motivated order and such political interference has strongly been condemned by Supreme Court of Pakistan in its various judgments.
- C. That the appellant's tenure at GMS No.4 was just less than 16 months. Thus the impugned order dated 8.11.2013 was premature.
- D. That the impugned order dated 8.11.2013 is against and in total violation of the government posting and transfer policy dated. 15.2.2003. copy of the posting band transfer policy is attached as Annexure- H
- E. That the even the rejection order dated 12.11.2013 is based on no good grounds and is the violation of Govt; circular dated. 27.2.2013 and as such the same is not sustainable. Copy of Circular is attached as Annexure – I.
- F. That the order dated 12.11.2013 and 8.11.2013 are against the principles laid down by Hon'ble Supreme Court of Pakistan in case of Anita Turab.
- G. That the appellant is the Office Bearer ( General secretary) of All PET Teachers Association Haripur, and as per Govt; instructions the Office Bearers cannot be transferred till the holding the office of the Association. Copies of Notifications and letters are attached as Annexure – J&K.
- H. That the appellant has not been treated according to law and rules and Govt; posting/transfer policy.
- I. That transfer order dated. 8.11.2013 is not in public interest rather based on political whims. More over the there were no exigencies of service nor any complaints against the appellant.
- J. That the appellant seeks permission to advance other proofs and grounds at the time of hearing .

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

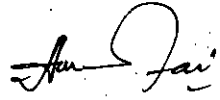
C

APPELLANT



MOHAMMAD WASEEM

THROUGH:



M.ASIF YOUSAFZAI

ADVOCATE.



(5)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. \_\_\_\_\_/2013.

Mohammad Waseem.                      Vs                      Education Deptt:

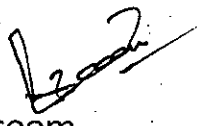
**APPLICATION FOR SUSPENSION OF  
IMPUGNED ORDER DATED 8.11.2013  
AND 12.11.2013 TILL PENDING FINAL  
DECISION OF MAIN APPEAL.**

**Respectfully Sheweth,**

1. That the petitioner/ appellant has filed Appeal before this Hon,ble Tribunal in which no date hearing has been fixed so for.
2. That the impugned order dated.8.11.2013 is politically motivated, premature and passed in violation of Govt: instructions regarding posting/transfer.
3. That the appellant has got a good prima facie arguable case, the impugned order is without lawful authority and unsustainable in law, balance of convenience lies in his favour and in case operation of impugned order is not suspended, the very purpose of appeal would be defeated and it would infructuous as well and the appellant would suffer irreparable loss.
4. That the grounds of main appeal may also be considered as integral part of this application.

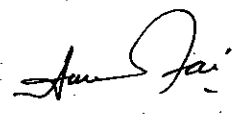
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It is, therefore, prayed <sup>that</sup> the operation of impugned order dated ~~11.10~~<sup>9.11</sup>.2013 AND ~~22.10~~<sup>12.11</sup>.2013 may graciously be suspended till final decision of appeal.

Petitioner 

Muhammad Waseem

Through

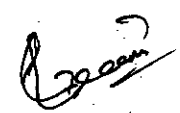


M. ASIF YOUSAFZAI

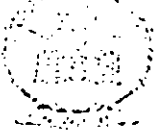
ADVOCATE

**AFFIDAVIT:**

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



Deponent.



Office of the Executive District Officer  
Elementary & Secondary Education Haripur  
PH No. 0995-610178, 610268

A  
7

Adjustment:

Consequent upon the approval of competent authority, Mr. Muhammad Waseem PET GMS Banda Mughlan Haripur is hereby adjusted at GHSS No. 01 Haripur against vacant post on his own pay and grade in the interest of public services with immediate effect.

1. No TA/DA or TG is allowed.
2. Charge report should be submitted to all concerned.

-----Sd/-----  
Executive District Officer  
Elementary & Secondary Education  
Haripur  
Dated: 02/11/2011.

Encl: No. 14356-57

- Cc:
1. The District Accounts Officer, Haripur.
  2. The Principal/Headmaster concerned.
  3. Office Copy.

District Officer (Male)  
Elementary & Secondary Education  
Haripur  
2/11/11

Adjustment:

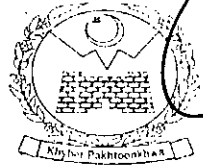
consequent upon the approval of competent authority, Mr. Mohammad Waseem PET, GMS Banda Mughlan Haripur is hereby adjusted at GHSS No. 1 Haripur against vacant post on his own pay & grade in the interest of public service with immediate effect.

Designation: Higher Secondary.....  
School No. 1, Haripur

ATTESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER

PH No. 0995-610178, 610268



Order.

Consequent upon approval of competent authority Mr. Muhammad Waseem PET GCMISS No-1 Haripur is hereby adjusted at GMS No-4 Haripur against vacant post in the best interest of public service with immediate effect.

Note: -

1. Charge report should be subjected to all concerned.
2. No TA/DA is allowed.


-----sd/-----  
Executive District Officer  
Elementary & Secondary Education  
Haripur

Endst: No. 7187-89 /

Dated: 19 / 07 / 2012

Cc:

1. The Senior District Accounts Officer Haripur.
2. The Principal /Headmaster concerned.
3. Teacher Concerned.
4. Office record file.

  
District Officer (Male)  
Elementary & Secondary Education  
Haripur

ATTESTED  


Elementary & Secondary Education Haripur

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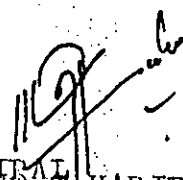
OFFICE OF THE PRINCIPAL GOVT: HIGHER SECONDARY SCHOOL NO. I H/PUR

No. 258 /A-1

Dated 19/07/2012

MR. MOHAMMAD WASEEM PET ( B=15)

Incompliance with the Executive District Officer Elementary and Secondary Education Haripur Endst: No. 7187-89 dated 19-07-2012. You have been transfer from Government Higher Secondary School No. I Haripur to Govt: Middle School No. 4 Haripur against vacant post. You are hereby relived off your duties on 19-7-2012 and directed to report Head Master GMS No. 4 Haripur for further duties.

  
PRINCIPAL HARIPUR.

PRINCIPAL

Govt: Centennial Model Higher  
Secondary School No. 1, Haripur

ATTESTED  


GS&PD. NWFP.—295 F.S.—5,000 pads of 100—1-5-78—(32).

CERTIFICATE OF TRANSFER OF CHARGE

D  
10

1. Certificate that we have on the fore/afternoon of this day respectively made over and received charge of the Office of the PET Post vide: E.D.O. E.S.E. Haripur Endst. 7187-89 dated 19-7-2012

2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse:—

Signature of relieved Government servant vacant post

Designation PET Post

Station G.M.S. No 4. Haripur

Signature of relieving Government servant Mohammad Wasim

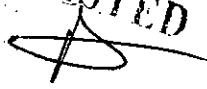
Designation PET

Dated 20-7-2012 A/N

Forwarded to the E.D.O. E.S.E. Haripur for information please  
NW.F.P. Acct. Try, No. 42.

10  
Head Master  
Govt Middle School Haripur

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

**HARIPUR**  
PER No. 0995-610178, 610268  
deomalehrp@go.gov.com



**ORDER**

In relaxation of Ban from Honourable Minister for Elementary & Secondary Education, Govt of Khyber Pakhtunkhwa and approval of the competent authority, the following transfer of teaching staff of Education Department Haripur are hereby ordered in, on their own pay & grade in the best interest of public service with immediate effect.

S. #	Name Design:	From	To	Remark
01	Wajid PET	GHS Kalinger	GMS No.4 Haripur	Versus S.No.2
02	Waseem PET	GMS No.4 Haripur	GHS Kalinjar	Versus S.No. 1
03	Rehan Gul DM	GHS Kalinjar	GHS Pind Hasham Khan	Versus S.No. 4
04	Syed Sadaqat Hussain DM	GHS Pind Hasham Khan	GHS Kalinjar	Versus S.No. 3
05	Muhammad Fiaz DM	GHS Chooi	GHS No.2 Haripur	Versus S.No .6
06	Shahid Mehmood DM	GHS No.2 Haripur	GHS Chooi	Versus S.No .5

Note:-

1. No TA & DA is allowed to anyone.
2. Charge report should be submitted to the all concerned in duplicate.

*sd/-*  
DISTRICT EDUCATION OFFICER (MALE)  
HARIPUR  
Dated: 08 / 11 / 2013.

Undst No. 12521-26  
Cc:

1. The District Accounts Officer Haripur.
2. All the Principals/ Headmasters concerned.
3. All the Teachers concerned.
4. Office record file.

*Shahid Mehmood*  
DY: DISTRICT EDUCATION OFFICER (MALE)  
HARIPUR

ATTESTED  
*[Signature]*







DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA,  
PESHAWAR

No. 1100 /AD (PE&S)/Gen: Appeals of PETs/DPEs (M)  
Dated Peshawar the: 12/11 /2013.

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To

Muhammad Waseem PET,  
GMS No.4 Haripur City.

Subject: - APPEAL FOR CANCELLATION OF TRANSFER ORDER.

I am directed refer to your appeal dated 11.11.2013 on the subject noted above and to inform you that under Section 10 of the Civil Servant act, the civil servant is required to serve anywhere in District. So your appeal has been filed.

Assistant Director (PE&S)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst No. \_\_\_\_\_/


Copy forwarded to the: -

1. PA to Director E&SE Khyber Pakhtunkhwa local office.

S/C

Su.  
Assistant Director (PE&S)

ATTESTED

H   
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GOVERNMENT OF N.W.F.P  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
(REGULATION WING)

NO.SOR-1(E&AD)1-1/85(Vol:II)

Dated the Peshawar the 15<sup>th</sup> February, 2003.

- 1- All Administrative secretaries to Govt: of NWFP.
- 2- The Secretary to Governor, NWFP.
- 3- The Secretary to Chief Minister, NWFP.
- 4- All Heads of Attached Departments in NWFP.
- 5- All the Heads of Autonomous/Semi Autonomous Bodies in NWFP.
- 6- All Distt: Co-Ordination Officer/Political Agents in NWFP.
- 7- The Registrar Peshawar High Court Peshawar.
- 8- All Distt: & Session Judges in NWFP.
- 9- The Secretary NWFP Public Service Commission, Peshawar.
- 10- The Director Anti-Corruption Establishment, Peshawar.
- 11- The Secretary Board of Revenue, NWFP, Peshawar.
- 12- The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT: POSTING/TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

Dear Sir,

1. I am directed to refer to the subject noted above and to say that in super-session of all policy, instructions issued in this behalf, the competent authority has approved the following Posting/Transfer Policy: -
  - i) All the posting /transfer shall be made strictly in the public interest and shall not be abused/misused to victimize the Government Servant.
  - ii) All Government servants are prohibited to exert political, Administrative or any other pressure upon the posting /transfer authorities for seeking posting transfer of their choice and against the public interest.
  - iii) All contract Govt: employees appointed against specific posts cannot 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) Months of March and July are fixed for posting/transfer of the officers/officials excluding the officers in B-19 and above in the Province. Posting/transfer in Education and Health Departments shall be made in March

ATTESTED  


while the remaining departments shall make posting/transfer in July. There shall be a ban on posting/transfer throughout the year excluding the aforementioned two months due to promotion/retirement/creation of new post/return from long leave/involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

- vi) While making posting/transfers from settled area to FATA vice-versa specific approval of the Governor NWFP needs to be obtained.
- vii) Officers may be posted on executive/administrative posts in the Distt: of their domicile except District Co-Ordination Officers (DCOs), and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where a Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on the detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in the Provincial Services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- x) All posting/transfers authorities may facilitate the posting/transfers of unmarried female Govt; Servant at the station of their residence of their parents.
- xi) Officer/officials except DCOs and SPs who are due to retire within one year may be posted on their option, on posts in the Distt: of their domicile and be allowed to serve there till retirement.
- xii) In terms of Rule-17 (1) and (2) read with schedule-III of the Govt: of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table, table shall be made by the authorities shown against each officers in column 2 thereof: -

COLUMN-1	COLUMN-2
<p><u>Outside the Secretariat.</u></p> <ol style="list-style-type: none"> <li>1. Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.</li> <li>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)</li> <li>3. Head of attached Deptt: and other officers in B-19 &amp; above in all the Deptt:</li> </ol>	<p>Chief secretary in consultation with the Establishment Deptt. With the of the Chief Minister.</p> <p style="text-align: center;"><b>ATTESTED</b></p>

<p><u>In the Secretariat.</u></p> <p>4. Secretaries.</p> <p>5. Other officers and above the rank of Section Officers: -</p> <p>a)- Within the same Deptt:</p> <p>b)- Within the Secretariat from one Deptt: to another.</p> <p>6. Officers up to the rank of Superintendents.</p> <p>a)- Within the same Deptt:</p> <p>b)- To and from Attached Deptt:</p> <p>c)- Within the Secretariat from one Deptt: to another.</p>	<p>Chief Secretary with the approval of the Chief Minister.</p> <p>Secretary of the Deptt: concerned.</p> <p>Chief Secretary/ Secretary Establishment.</p> <p>Secretary of the Deptt: concerned.</p> <p>Secretary of the Deptt: in consultation with the Head of Attached Deptt: Secretary Establishment.</p>
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xiii) While considering the posting/transfers proposals all the concerned authorities shall keep in mind the following: -

- a). To ensure the posting of proper persons on proper posts the annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on integrity of the concerned officer/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 Distt: Government employees feeling aggrieved due to the orders of posting/transfers authorities may seek remedy from the next higher authority/ the appointing authority as the case may be brought an appeal to be submitted within seven days of the receipt of such order. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfers orders could be exercised only in the following cases: -

- i)- premature posting/transfers or posting/transfers in violation of this policy.
- ii)- Serious and grave personal( humanitarian) grounds.

2. To streamline the posting /transfers in the Distt; Govt: and to remove any imitant/confusions in this regard the provision of Rule 25 of the NWFP Distt: Govt: Rules of Business 2001 read with schedule-IV thereof is referred. As per schedule-IV the Posting /Transferring authorities for the officials/officers shown against each are as under: -

**ATTESTED**

*[Signature]*

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

3. As per Rule-25 (2) of the Rules mentioned above the Distt; Coordination Department shall consult the Govt; if it is proposed to:-
- transfer the holder of the tenure post before the completion of his tenure or extend the period of his tenure; and
  - Acquire an officer to hold charge of more than one post for a period exceeding two months.
4. I am directed further to request that the above noted policy may be strictly observed/ implemented.

Your Faithfully,

Sd/xxx  
(GHULAM JALANI ASIF)  
ADDL: SECRETARY(REG:)

Endst:NO.SOR-1(E&AD)1-1/85

dated Peshawar the 15.2.2003.

ATTESTED



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

1506  
0-1  
B  
Environment Department  
Govt. of Khyber Pakhtunkhwa  
Secy: D/NO  
723  
27-2-2013

*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 initials and date: DS II, 4/3*

*Handwritten signature*

*Handwritten signature and initials*

*Handwritten signature and initials: Se Lic / Se Est, 5/3*

ATTESTED

*Handwritten signature*

- (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-MJS-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)



OFFICE OF THE MINISTER FOR  
EDUCATION, GOVERNMENT OF KHYBER PAKHTUNKHWA  
ISLAMABAD

NO. PS/MIN/EDU/SC/NWFP/8-94/Kaka <sup>662</sup> <sub>Sh</sub>  
Dated Peshawar, the 16th Aug:94. <sub>Shul</sub>

"15"  
19

Please issue instructions to all the Divisional Director of Education that not to transfer any office bearer of the Association in the light S&GAD's letter No. SO(S&GAD) 3-4/86 dated 25-3-86 and subsequent letter No. SOS-IV(S&GAD)8(167)/92-Vol. dated 7-7-1992. Moreover transfer orders already issued in respect of the Office bearers of Swat, Lakki and Karak may be cancelled under intimation to this office accordingly.

*Khawaja Mohamad Khan Hoti*  
(KHAWAJA MOHAMMAD KHAN HOTI)

DIRECTOR EDUCATION(S).

*Attested*

*[Signature]*  
17/8/94

ATTESTED  
*[Signature]*



OFFICE OF THE MINISTER FOR  
EDUCATION (SECONDARY/COLLEGES)

NO. PS/MIN/EDU/SC/NWFP/8-94/Kaka Khal/662  
Dated Peshawar, the 16th Aug:1994

15  
20

Please issue instructions to all the Divisional Directors of Education that not to transfer any office bearer of the Association in the light S&GAD's letter No. SO(S&GAD)3-4 86 dated 25.3.1986 and subsequent letter No. SOS-IV (S&GAD)8(167) 92-Vol. dated 7.7.1992. Moreover transfer orders already issued in respect of the Office bearers of Swat, Lakki and Karak may be cancelled under intimation to this office accordingly.

Sd/-

SAHAWAJA MOHAMMAD KILAN HOTI

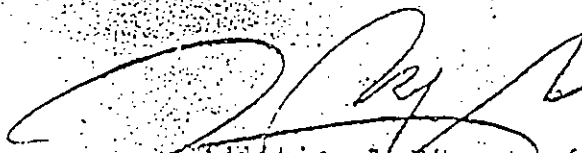
Director Education(S)

OFFICE OF THE DIRECTOR, SECONDARY EDUCATION NWFP PESHAWAR.

Dist: No. 4109-59/2/Circular Dated Peshawar the 18/8/1994.

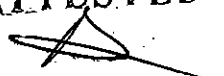
Copy forwarded for information and strict compliance to the:-

1. Additional Director/Director L/D.
2. All the Divl: Directors of Edu:(S) in NWFP.
3. All the DEO(M) and (F) Secondary in NWFP.
4. Administrative Officer L/D.
5. P.B to Minister for Edu: Secondary/Colleges NWFP.
6. President All teachers Association NWFP.
7. President Ministerial Staff Association Edu: Deptt: NWFP

 18/8/94

Additional Director (Secondary)  
For Director Secondary Education NWFP  
Peshawar

ATTESTED



# VAKALAT NAMA

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

IN THE COURT OF Service Tribunal Peshawar

Mohammad Waseem

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Dept


(Respondent)  
(Defendant)

I/We Mohammad Waseem (Appellant)

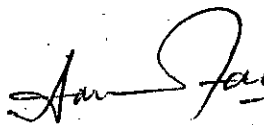
Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel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

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**  
Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 1510 /2013.

Mohammad Waseem. Vs Education Deptt:

**APPLICATION FOR EARLY HEARING OF THE APPEAL.**

**R.SHEWETH.**

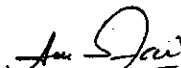
- 1- That the appellant has filed an appeal and stay application in this august tribunal in which no date has been fixed so far.
- 2- That as the matter is urgent in nature because if the appellant relinquishes the charge the basic appeal would be become infructuous.
- 3- That the interest of justice demands that such like matter should be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore most humbly prayed that the appeal is hand may be heard on an early date to meet the ends of justice.

APPLICANT.

MOHAMMAD WASEEM

THROUGH;

  
M.ASIF YOUSAFZAI  
ADVOCATE.

**AFFIDAVIT**

It is affirmed that the contents of this application are true and correct.

  
DEPONENT.