

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

**SERVICE APPEAL NO. 855/2015**

Date of institution ... 15.07.2015

Date of judgment ... 11.08.2017

Muhammad Hassan, Senior Certified Teacher (BPS-16)  
GHS Saro Shah District Mardan under Transfer to GHS Sehri Behlol,  
District Mardan.

... (Appellant)

**VERSUS**

1. The Director (E&SE) Department Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (Male) District Mardan.
3. Mr. Arshad Hussain Senior C.T (BPS-16),  
GHS Mazdoor Abad Takht Bahi, District Mardan under  
Transfer to GHS Saro Shah, District Mardan.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER  
DATED 09.04.2015 WHEREBY THE APPELLANT WAS TRANSFERRED  
FROM GHS SARO SHAH TO GHS SEHRI BEHLOL IN VIOLATION OF  
RULES/POLICY OF THE PROVINCIAL GOVERNMENT AND AGAINST  
NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF THE  
APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Mr. Noor Muhammad Khattak, Advocate.

.. For appellant.

Mr. Ziaullah, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - This appeal has been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 09.04.2015 whereby the appellant was transferred from Government High School Saro Shah District Mardan to Government High School Sehri Behlol, District Mardan. The appellant also filed department appeal but the same was not responded.

*M. Hassan*  
11.8.2017

2. Facts of the case as per memo of the appeal are that the appellant was serving in Education Department and was performing his duty to the satisfaction of his superiors. That the appellant was promoted to the post of Senior Certified Teacher in BPS-16 on seniority-cum-fitness basis and on the proper recommendation of Departmental Promotion Committee vide order dated 07.04.2015. That according to the policy of the respondent-department the senior most certified teacher on his promotion to the post of senior certified teacher (BPS-16) will retain in school of their present posting and junior most may be transferred to other school therefore, the appellant being senior most certified teacher should be retained at Government High School Saro Shah District Mardan from where the appellant was promoted to the post of senior most certified teacher but the respondents have transferred the appellant from Government High School Saro Shah District Mardan to Government High School Sehri Behlol, District Mardan vide impugned order dated 09.04.2015. That the appellant also filed departmental appeal but the same was not responded hence, the present appeal.

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

4. Learned counsel for the appellant contended that the impugned order dated 09.04.2015 issued by respondent No. 2 is against the law and facts. It was further contended that the impugned order dated 09.04.2015 is against Clause-4 of posting on promotion policy dated 21.01.2013 of the respondent-department. It was further contended that according to the seniority list the appellant name is at serial no. 382 while the name of private respondent No. 3 is at serial no. 384, therefore under the promotion policy of the respondent-department the appellant has the right to be retained in school of the present posting i.e Government High School Saro Shah. It was further contended that the appellant has been discriminated by the respondents and prayed that the impugned order dated 09.04.2015 to the extent of the appellant may be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney Mr. Ziaullah opposed the contention of learned counsel for the appellant and contended that the appellant is serving in Government High School Saro Shah since long and have already completed his tenure in

*M. Jinnah*  
11.8.2017

the said school. It was further contended that a complaint was also made against the appellant regarding his ill behavior with the students of the school therefore, he was transferred from the said school. It was further contended that under section-10 of the Civil Servant Act, 1973 the appellant being civil servant is liable to serve anywhere in the Province. It was further contended that according to the policy of the respondent-department of Sub-Rule-4 the word may has been used and it has been left to the discretion of the department to retain the most senior certified teacher in the school of his present posting or transfer him from the said school to any other school therefore, it was vehemently contended that the appellant has rightly been transferred from Government High School Saro Shah District Mardan to Government High School Sehri Behlol, District Mardan and prayed for dismissal of appeal.

6. We have heard the arguments on both side and gone through the record available on file.

7. Perusal of the record reveals that the appellant is serving in Education Department and has recently promoted from the post of Certified Teacher to the post of senior most Certified Teacher (BPS-16). The record further reveals that there is nothing on the record to show that the appellant has not completed his tenure of post in the said school nor the appellant has claimed in the appeal that he has not completed his tenure. Moreover the transfer policy of the respondent-department regarding retaining of senior most certified teacher in the said school also reveals that the respondent-department has used the word may in Clause-4 of the said policy, therefore, the same is also not mandatory/obligatory upon the respondents that a senior most teacher be retained in the said school. Moreover under section-10 of the Civil Servants Act, 1973 the appellant being civil servant is also not deserve to retain in the school where he has already completed his tenure. As such the appeal has no force which is hereby dismissed with no order as to costs. File be consigned to the record room.

ANNOUNCED  
11.08.2017

*Down*  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

06.04.2017

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 27.07.2017 before D.B.

  
Chairman

  
Member

  
Chairman

27.07.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.08.2017 before D.B.

  
(Ahmad Hassan)  
Member


  
(M. Hamid Mughal)  
Member

11.08.2017

Counsel for the appellant present. Mr. Javed Shah, Legal Advisor alongwith Mr. Ziaullah, Deputy District Attorney for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, the appeal has no force which is hereby dismissed with no order as to costs. File be consigned to the record room.

ANNOUNCED  
11.08.2017

  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

21.06.2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for official respondents No. 1 and 2 present. Rejoinder submitted, copy whereof handed over to learned GP. To come up for arguments on 13-10-16 before D.B.



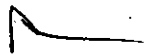
MEMBER



MEMBER

13.10.2016

Counsel for the appellant and Assistant AG for respondents present. Counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 25.01.2017.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

25.01.2017

Counsel for the appellant and Mr. Ziaullah, GP alongwith Mr. Hameed-Ur-Rehman, AD(Lit) for respondents present. Member copy of the instant appeal is not available on file. Counsel for the appellant is directed to submit member copy before the date fixed. To come up for final hearing on 06.04.2017 before D.B.



Member



Chairman

02.09.2015

Appellant Deposited  
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as SCT (BPS-16) and vide impugned notification dated 9.4.2015 he was posted as SCT GHS Sehri Behlol District Mardan in violation of promotion policy dated 18.1.2013 where-against appellant preferred departmental appeal on 14.4.2015 followed by service appeal on 15.7.2015.

That the appellant is entitled to be retained at his original place of posting at GHS Saro Shah as mandated by the promotion policy referred to above.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 24.11.2015 before S.B.

  
Chairman

24.11.2015

Appellant in person and Mr. Muhammad Haroon, Litigation Officer alongwith Addl. A.G for official respondents present. Requested for adjournment. To come up for written reply/comments on 3.3.2016 before S.B.

  
Chairman

03.03.2016




Appellant with counsel, M/S Hameed-ur-Rehman, AD (lit.) and Javed Shah, Legal Advisor alongwith Assistant A.G for official respondents No. 1 and 2 present. None present for private respondent No. 3. Proceeded ex-parte. Para-wise comments by official respondent No. 1 and 2 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.6.2016.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 855/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.07.2015	<p>The appeal of Mr. Muhammad Hassan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR-</p>
2	31-2-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-08-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	05.08.2015	<p>Counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Adjourned to 2.9.2015 for preliminary hearing.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Muhammad Hassan Senior Certified Teacher GHS Saro Shah Distt. Mardan received to-day i.e. on 15.07.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexure-B of the appeal is illegible which may be replaced by legible/better one.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 1089 /S.T,

Dt. 16/7 /2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

*Note:*

*Sir,*

*That the objection No. 1 has been removed,  
and Departmental appeal is already  
attached as annexure-D page-11.*

*28/7/2015*



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

APPEAL NO. 855 /2015

**MOHAMMAD HASSAN                      VS                      EDU: DEPARTMENT**

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**APPELLANT**

THROUGH:   
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

APPEAL NO. 855 /2015

Mr. Muhammad Hassan, Senior Certified Teacher (BPS-16),  
GHS Saro Shah District Mardan under transfer to GHS Sehri  
Behlol, District Mardan ..... **Appellant**

K.P. Provincial  
Service Tribunal  
Diary No. 855  
Dated 15-7-2015

**VERSUS**

- 1- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- ✓2- The District Education Officer (Male), District Mardan.
- 3- Mr. Arshad Hussain Senior C.T (BPS-16),  
GHS Mazdoor Abad Takht Bhai, District Mardan under  
transfer to GHS Saro Shah, District Mardan.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST  
THE IMPUGNED ORDER DATED 09-04-2015 WHEREBY  
THE APPELLANT WAS TRANSFERRED FROM GHS SARO  
SHAH TO GHS SEHRI BEHLOL IN VIOLATION OF  
RULES/POLICY OF THE PROVINCIAL GOVERNMENT AND  
AGAINST NOT TAKING ACTION ON DEPARTMENTAL  
APPEAL OF THE APPELLANT WITH IN THE STATUTORY  
PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 09-04-2015 may very kindly be set aside and the respondents may be directed that not to transfer the appellant from Government High School Saro Shah District Mardan to Government High School Sehri Behlol District Mardan in light of the Promotion policy of the respondent Department. Any other remedy which this august Tribunal deems fit may also be awarded in favor of the appellant.

*16/7/15*

**R/SHEWETH:**

**ON FACTS:**

That the appellant was appointed as certified teacher in the respondent Department vide order dated 16.04.1996. That in response the appellant submitted his charge report on the very next day and started performing his duty quite efficiently and to the entire satisfaction of his superiors.

re-submitted to day  
and filed.  
*28/7/15*

2. That recently the appellant was promoted to the post of Senior certified teacher (BPS-16) on seniority cum fitness basis and on the proper recommendation of Departmental promotion committee vide order dated 7.4.2015. Copy of the promotion order is attached as annexure ..... **A.**
3. That according to the policy of the respondent Department the senior most certified teacher on his promotion to the post of senior certified teacher (BPS-16) be retained in the school of their present posting and junior most may be transferred to other schools. That in light of the above mentioned policy of the respondent Department the appellant being senior most certified teacher should be retained at GHS Saro shah District Mardan from where the appellant was promoted to the post of senior certified teacher (BPS-16) but vide impugned order dated 9.4.2015 the appellant was transferred from GHS saro Shah to GHS sehri Behlol. Copies of the policy and impugned order dated 9.4.2015 are attached as annexure ..... **B and C.**
4. That appellant feeling aggrieved from the impugned order dated 09-04-2015 filed Departmental appeal before the respondent No.1 but no reply has been received so far. Copy of the Departmental appeal is attached as annexure ..... **D.**
5. That the appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned order dated 09-04-2015 issued by the respondent No.2 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic republic of Pakistan 1973.
- C- That the impugned order dated 09-04-2015 is against the clause-4 of posting on promotion policy dated 21-01-2013 of the respondent Department.

- D- That according to the seniority list of C.T the appellant is at serial No.382 and the private respondent is at serial No.384 thus the under the promotion policy of the respondent Department the appellant has the right to be retained in the school of his present posting i.e. GHS saro shah.
- E- That the impugned order dated 9.4.2015 has not been issued by the respondents in the public interest nor exigencies of service.
- F- That the respondents discriminated the appellant on the subject noted above and as such the respondents violated the principle of natural justice.
- G- That the appellant has been transferred by the respondent No.3 illegally, against law and facts, therefore the impugned order dated 09-04-2015 is not tenable in the eye of law and prevailing rules.
- H- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 09-04-2015.
- I- 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.

Dated 15.7.2015

**APPELLANT**



**MUHAMMAD HASSAN**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK  
ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO \_\_\_\_\_/2015

**MOHAMMAD HASSAN**

**VS**

**EDU: DEPTT:**

**APPLICATION FOR SUSPENSION OF OPERATION**  
**OF IMPUGNED ORDER DATED 9.4.2015 TO THE**  
**TILL THE DISPOSAL OF THIS APPEAL**

**R/SHEWETH:**

- 1- That the appellant filed above mentioned appeal along with this application before this august service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the transfer of the appellant is against the PROMOTION POLICY of the respondent Department and the impugned transfer order dated 9.4.2015 is also not issued in the public interest nor exigencies of public service.
- 4- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the impugned transfer order dated 9.4.2015 may very kindly be suspended till disposal of this appeal.

**APPELLANT**

  
**MOHAMMAD HASSAN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

A-5

CTs (M) Mardan VI 1



**Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

PH No. 091-9210389, 9210938,  
9210437, 9210957, 9210468  
Fax 091-9210936, 0800-33857  
E-mail rafiq\_kk851@yahoo.com

**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(B&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department Endorsement No SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following Male CTs B-15 are hereby promoted to the post of Senior CT BPS-16 (Rs.10000-800-34000) 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 they will be posted in the Government Higher Secondary /High Schools by the District Education Officers concerned against the newly upgraded Senior CT BPS-16 posts, they will be posted by the District Education Officer concerned on "School based".

Total No. of CT (M) Posts duly verified by the DAO	854
1/3 share of Senior CT Posts	285
Share of promotion 100%	285
Already Promoted to the post of Senior CT B-16	285
1 SCT B-16 retired from service.	01
SCT B-16 Promoted to the post of SST	26
Posts available for Promotion	27
Promoted to the post of Senior CT B-16 in this order	27

S. No.	Sen No.	Name	Place of posting	Date of Birth	Date Of Appointment As CT Regular	Remarks
1	321	Sirajul Haq	GHSS Mayar	01.05.1967	01.04.1995	Services placed at the disposal of DEO (M) Mardan for further posting on school based.
2	338	Jehangir Khan	GMS Kalpani	05.02.1973	30.08.1995	---do---
3	376	Amin Khan	GHS Babu Zai Mardan	12.12.1965	03.04.1996	---do---
4	380	Pervez Khan	GHS Pirabad	03/06/1963	15.04.1996	---do---
5	381	Muhammad Nabi	GMS Bata Gram	20.04.1971	15.04.1996	---do---
6	382	Muhammad Hassan	GHS Saro Shah	08.03.1967	16.04.1996	---do---
7	383	Khadim Ali	GMS Khanpur	15.01.1969	16.04.1996	---do---
8	383A	Mumtaz Ali Khan	GHS Guli Bagh Sawal Dher	10.05.1972	16.04.1996	---do---
9	384	Arshad Hussain	GHS Mazdoorqabad T. Bhai	04.04.1972	17.04.1996	---do---
10	386	Muhammad Fayyaz	GHS Shamoza	21.04.1970	18.04.1996	---do---
11	387	Inamullah	GHS Toru	15.10.1961	22.04.1996	---do---
12	388	Amir Sultan	GHSS Chamtar	14.09.1966	22.04.1996	---do---
13	389	Zubair Shah	GHS Saro Shah	17.01.1963	23.04.1996	---do---
14	390	Liaqat Ali	GHS Khairabad	10.01.1967	23.04.1996	---do---
15	391	Abid Khan	GHSS Bughdada	05.02.1968	24.04.1996	---do---
16	392	Syed Asghar Ali	GMS Tariq Abad	11.09.1972	24.04.1996	---do---

**HEAD MASTER**  
G.H.S. Sari Behlol Mardan

**ATTESTED**

*[Handwritten signature]*

6

		Shah				
17	393	Muhammad Javed	GHSS Gujar Garhi	02.02.1965	25.04.1996	----do----
18	394	Riaz Ahmad	GHS Ghala Dher	04.06.1961	01.05.1996	----do----
19	395	Gul Faraz	GHSS Baghdada	28.04.1957	01.05.1996	----do----
20	396	Muhammad Farooq	GMS Nawar Kill Rustam	20.03.1969	01.05.1996	----do----
21	397	Khurshid Alam	GHSS Takht Bhai	02.04.1963	02.05.1996	----do----
22	398	Khan Zada	GMS Afzal Abad	18.11.1962	05.05.1996	----do----
23	399	Atta ur Rahman	GCMS No. 3	04.06.1964	07.05.1996	----do----
24	400	Muhammad Zahir	GHS Kass Korona	10.11.1968	08.05.1996	----do----
25	401	Ifikhar Ahmad	GHS Shah Baig	26.07.1971	08.05.1996	----do----
26	403	Muhammad Israr	GMS Mala Dheri	04.03.1965	09.05.1996	----do----
27	401	Muhammad Ilyas	GMS Gumbat	30.04.1965	09.05.1996	----do----

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 his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed 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 under taking 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 is wrongly promoted he will be reversed.

(Muhammad Rafiq Khattak)  
 Director  
 Elementary and Secondary Education  
 Khyber Pakhtunkhwa Peshawar.

1143-118

Endst: No. / File No. 2/Promotion Senior CT B-16: Dated Peshawar the 7/04/2015

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officers (M) Mardan.
3. District Accounts Officer Mardan.
4. Official Concerned.
5. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
6. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar
7. M/File

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

HEAD MASTER  
 G.H.S. Sari Behlor Mardn

ATTESTED

*[Handwritten signature]*

ACTA  
24.4.2015

**Office of the District Education Officer (Male)****Officer order:**

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. \_\_\_\_\_ the following Primary School Teacher PST-B-12 are hereby promoted to the post of Senior Primary Teachers SPST-B-14 (8000-610-26300) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further posted in the schools noted against each:-

S#	Name	Present School	Place of Posting	Remarks
1.				

**Terms and conditions:-**

- 1- They should be on probation for a period of one year existing 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 his performance is found unsatisfactory during probationary period in case of misconduct, he shall be proceeded under the rules framed 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 under taking to this office to be recorded in the service book.

District Education Officer  
(Male) \_\_\_\_\_

Endst: No. / Dated Peshawar the 02/02/2013.

Copy forwarded to all concerned.

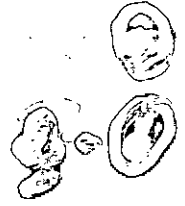
*Attested*  
*Q.*



B-7

Office of the District Education Officer (Male)

PH No.



Office Order

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. the following Primary School Teacher PST-B-12 are hereby promoted to the post of Senior Primary School Teachers SPST B-14 (8000-610-26300) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further posted in the schools noted against each:-

S. #	Name	Present School	Place of posting	Remarks
1				

Terms and conditions:-

1. They will 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 his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed 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 1/DA is allowed for joining his duty.
7. They will give an undertaking to this effect to be recorded in their service book.

District Education Officer (Male)

Endst: No. / Dated Peshawar the 02/02 /2013.

Copy forwarded for information and necessary action to the:-

1. District Account Officer
2. Sub Divisional Education Officer
3. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. Official Concerned.
5. M/ File.

District Education Officer (Male)

ATTESTED

ATTESTED

Handwritten signature

**BETTER  
PAGE-11**

**COPY**

**OF**

**ANNEXURE.....B**

**Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**

To

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

Subject: Guidelines for posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSHT B-15 Qari B-12 to B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.

Memo:

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

Up gradation of posts in Primary Schools (Female) After Rationalization @ 1-40 ratio											
S. No	School Code	Name of Primary School	Total Enrolment	Sanctioned posts after rationalization							
				SST B-16	CT B-15	PSHT B-15	SPST B-14	PST B-12	No.	Caller	
1		GGPMS (HCA)	06	1	2	0	2	0	1	1	1
2	150-18	GGPMS B	300	1	2	0	2	6	1	1	1

*Attested*  
*6/2*

		(HCA)								
--	--	-------	--	--	--	--	--	--	--	--

Note:

- 1- Each primary school (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15.
- 2- There will be no post of PSHT B-15 & SPST b-14 in MPS.
- 3- No of posts of PSHT B-15, SPST B-14 & PST B-12 will not exceed the already communicated sanctioned posts.

**POSTING ON PROMOTION.**

- 4- On promotion of PST B12 to the post of Senior PST B-14 and PSHT B-15 may be posted in the same UCs subject to the provisions of sanctioned post.
- 5- Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.
- 6- In their promotion order it should be mentioned that their Inter-se-Seniority on lower post will remain intact.
- 7- If anyone forego promotion, Entry to this effect may be made in his/her Service book.
- 8- Minimum qualification for the above posts have already been prescribed in the service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. So (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

I am further directed to further clarify that:

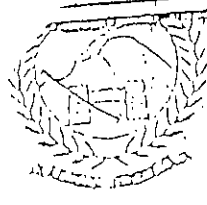
*Attested*  
*B.*

1. On promotion Qari B-12 to the post of senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools.
2. 1/3 Qari B-12 posts will be upgraded to Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM-B-16 and PET B-15 to Senior PET B-16 in High and Higher Secondary Schools only in Elementary and Secondary Education Department at District level.
3. No post of CT- B-15, PET B-15, AT B-15, DM B-15, TT B-15 will be upgraded to B-16 in Middle Schools.
4. senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16, Senior TT B-16 (According to the seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.

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

Endst: No. /File No.1/A-88/KC/ St: Dated Peshawar the 18.1.2013.

*Attested*  
*B.*



**Khyber Pakhtunkhwa Peshawar**

Phone: 091-9201389, 9210938,  
 9210437, 9210957, 9210468  
 Fax: 091-9210936 0800-33857  
 No. 2412-2527 // Promotion / Estab  
 Dated Peshawar the 21/01/2013

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

Subject: Guidelines for Posting of PST B-12 on Promotion to the post of Senior PST B-14 and PSHT B-15, Qari B-12 to B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16.

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

**Up gradation of Posts in Primary Schools (Female) After Rationalization @ 1-40 ratio**

S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization				Qari	CT	AT	TT	DM	PET
				PST B-12	Senior PST B-14	PSHT B-15	PST B-12						
1	25113	GGPS A (JICA)	1008	0	0	0	6	1	1	1	1	1	
2	25114	GGPS B (JICA)	1060	0	0	0	3	1	1	1	1	1	
3	25113	GGPS C	1175	0	0	1	1	0	0	0	0	0	
4	30050	GGPS D	1150	0	0	1	1	0	0	0	0	0	
5	25224	GGPS B	1110	0	0	1	2	0	0	0	0	0	
6	25241	GGPS F	1160	0	0	1	3	0	0	0	0	0	
7	25277	GGPS G	1198	0	0	1	3	0	0	0	0	0	
8	25291	GGPS H	1240	0	0	1	4	0	0	0	0	0	
9	32912	GGPS I	1285	0	0	1	5	0	0	0	0	0	
10	25097	GGPS J	1320	0	0	1	6	0	0	0	0	0	
11	25138	GGPS K	1360	0	0	1	6	0	0	0	0	0	
12	32606	GGPS L	1400	0	0	1	7	0	0	0	0	0	
13	25278	GGPS M	1440	0	0	1	7	0	0	0	0	0	
Total			13260	3	4	10	23	50	3	3	3	3	

**Up gradation of Posts in Primary Schools (Male) After Rationalization @ 1-40 ratio**

S.No	School Code	Name of Primary School	Total Enrolment	Sanctioned Posts after Rationalization			
				PSHT B-15	SPST B-14	PST B-12	Chow
1	30950	GGPS A	1110	1	0	1	1
2	25224	GGPS B	1110	1	1	1	1
3	25241	GGPS C	1160	1	1	1	1
4	25277	GGPS D	1198	1	1	1	1

**ATTESTED**

1	25250	GPS E	240	1	2	3	1
2	25252	GPS F	285	1	2	5	1
3	25254	GPS G	320	1	2	6	1
4	25256	GPS H	400	1	3	7	1
5	25258	GPS I	440	1	3	7	1
6	25260	GPS J	440	1	3	7	1
7	25262	GPS K	440	1	3	7	1
8	25264	GPS L	440	1	3	7	1
9	25266	GPS M	440	1	3	7	1
10	25268	GPS N	440	1	3	7	1
Total			2563	10	17	38	10

- No. 1. Each Primary School (except JICA & Community Model School where SST post is sanctioned) will have one post of PSHT B-15.  
 2. There will be no post of PSHT B-15 & SPST B-14 in MPS.  
 3. No of posts of PSHT B-15, SPST B-14 & PST B-12 will not exceed the already communicated sanctioned posts.

### Posting on Promotion

- On Promotion of PST B-12 to the post of Senior PST B-14 and PSHT B-15, may be posted in the same UCs Subject to the provisions of sanctioned post.
- Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.
- In their promotion order, it should be mentioned that their Inter-se-Seniority on lower post will remain intact.
- If anyone for ego promotion, Entry to this effect may be made if his/her Service book.
- Minimum qualifications for the above posts have already been prescribed in the Service Rules notified vide Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department Notification No. SO (PE) 4-5/SSRC/Meeting/2012/Teaching Cadre Dated the November 13, 2012.

I am further directed to further clarify that:

- On promotion Qari B-12 to the post of Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT B-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16, will be posted in High and Higher Secondary Schools.
- 1/3 Qari B-12 posts will be upgraded to Senior Qari B-15, CT B-15 to Senior CT B-16, AT B-15 to Senior AT B-16, TT B-15 to Senior TT B-16, DM B-15 to Senior DM B-16 and PET B-15 to Senior PET B-16 in High and Higher Secondary Schools only in Elementary and Secondary Education Department at District Level.
- No post of CT B-15, PET B-15, AT B-15, DM B-15, TT B-15 will be upgraded to B-16 in Middle Schools.
- Senior most Senior CT B-16, Senior AT B-16, Senior DM B-16, Senior PET B-16 and Senior TT B-16 (According to the Seniority list) may be retained in the school of their present posting and junior most may be transferred to other schools.

Dy: Director (Estab)

Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

Encls: No. 1 / File No. 1/4-SS/KC list: Dated Peshawar the 18/01/2013.

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

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

C-9

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN

ADJUSTMENT

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SO(B&A)/1-18/E&SE/2012 dated 11/7/2012 and Finance Department Endst.No.SO(FR)/FD/10-22(E)2010 dated 16/7/2012, the following Male CTs, sB-15 are hereby promoted to the post of Senior CT, BPS.-15 (Rs. 10000-800-34000) plus usual allowance as admissible under the rules on regular basis under the existing policy of provincial Govt. on the terms and condition given below from the date of Notification vide Director (E&SE) Peshawar Endst. No. 1143-48/F.No.2/Promotion Senior CT. B-16 dated Peshawar the 7/4/2015. They are hereby further adjusted in High/Higher Secy School as noted against each in District Mardan adjusted against the vacant Senior CT B-16 posts as noted against each on the terms and conditions as mentioned in the above referred Notification on "School based" policy with immediate effect:-

S.No.	S.L.No.	Name of official and present place of posting	DATE OF BIRTH	Adjusted at	Remarks
1	321	Sirajul Haq GHSS Mayar	01.05.1967	GHS TORU MAIRA	A.V.POST
2	338	Jehangir Khan GMS Kajpani	05.02.1973	GHS JEHANGIR ABAD	A.V.POST
3	376	Amin Khan GMS BHARAT KHAIL BABUZAI	12.12.1965	GHS BABUZAI	A.V.POST
4	380	Pervez Khan GHS Pirabad	03/06/1963	GHS KOPAR	A.V.POST
5	381	Muhammad Nabi GMS Bata Gram	20.04.1971	GHS ANAR BAIG	A.V.POST
6	382	Muhammad Hassan ✓ GHS Saro Shah	08.03.1967	GHS SEHRI BEHLOL	A.V.POST
7	383	Khadim Ali GHS KHANPUR	15.01.1969	GHSS QASAM TORU	A.V.POST
8	383a	Mumtaz Ali Khan GHS Guli Bagh Sawal Dher	10.05.1972	GHS SAWAL DHER	A.V.POST
9	384	Arshad Hussain GHS Mazdoorabad T. Bhal	04.04.1972	GHS SARO SHAH	A.V.POST
10	386	Muhammad Fayyaz GHS LABOUR COLONY	21.04.1970	GHS FATIMA	A.V.POST
11	387	Inamullah GHS Toru	15.10.1961	GHS SHAMSHAD ABAD	A.V.POST
12	388	Amir Sultan GHSS Chamtar	14.09.1966	GHS GHALLA DHER	A.V.POST
13	389	Zubair Shah ✓ GHS Saro Shah	17.01.1963	GHSS TAKKAR	A.V.POST
14	390	Liaqat Ali GHS Khairabad	10.01.1967	GHSS GARYALA	A.V.POST
15	391	Abid Khan GHSS Baghdada	05.02.1968	GHS FORM KOROONA	A.V.POST
16	392	Syed Asghar Ali Shah GMS Tariq Abad	11.09.1972	GHS SHARQI HOTI	A.V.POST
17	393	Muhammad Javed GHSS Gujar Garhi	02.02.1965	GHS LUND KHWAR	A.V.POST
18	394	Riaz Ahmad GHS Tambulak	04.06.1961	GHS LUND KHWAR	A.V.POST
19	395	Gul Faraz GHSS Baghdada	28.04.1967	GHS FORM KOROONA	A.V.POST
20	396	Muhammad Farooq GMS Nawan Kill Rustam	20.03.1969	GHS ALO	A.V.POST

HEAD MASTER  
G.H.S. Sari Behlol Md.

ATTESTED

*(Handwritten signature)*

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21	397	Khurshid Alam	GHSS Takht Bhai	02.04.1963	GHSS PIR SADDI	A.V.POST
22	398	Khan Zada	GMS Afzal Abad	18.11.1962	GHSS PIR SADDI	A.V.POST
23	399	Alta ur Rahman	GCMS No. 3 Mardan	04.06.1964	GHSS SHERGARH.	A.V.POST
24	400	Muhammad Zahr	GHS Kass Koroona	10.11.1968	GHS LUND KHWAR	A.V.POST
25	401	Iftikhar Ahmad	GHS Shah Baig	26.07.1971	GHS LUND KHWAR	A.V.POST
26	403	Muhammad Israr	GHS Malä Dheri	04.03.1965	GHS BABUZAI	A.V.POST
27	404	Muhammad Ilyas	GMS Gumbal	30.04.1965	GHSS QASAM TORU	A.V.POST

**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 Government.
3. Their services can be terminated at any time, in case of 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 under taking 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 is wrongly promoted he will be reverse.
8. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
9. Their posting will be made on 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 may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(HANIFULLAH FAROOQI)  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

Endst: No. 2419-g/AE-III

Dated Mardan the 9/4/2015

Copy forwarded for information and necessary action to the:-

- 1-Director E&SE. Khyber Pakhtunkhwa Peshawar.
- 2- All Principal Concerned.
- 3- All Headmasters concerned.
- 4-District Accounts Officer Mardan.
- 5-Budget and Accounts Officer local office.
- 6-Accountant Local Office.
- 7-Personal Files

DISTRICT EDUCATION OFFICER  
(MALE) MARDAN

**ATTESTED**





شہزادہ شہناز کی پیدائش اور شہزادہ شہناز کی پیدائش کی اطلاع

عنوان! درخواست برائے اپیل فراہمی الصاف

ضامی 1

گزارش حسب ذیل کہ جانی ہے کہ زندہ گورنمنٹ ہائی سپیکول ساروشاہ  
 میں کیفیت آئی اسٹار اپنی ڈھونڈی سہرا پنا اور دیا گیا۔ بیمار سہول  
 میں آئی کی پوسٹ خانہ ٹری ٹری ٹری۔ حال ہی میں جو آئی اسٹار  
 کی پیدائش ہوئی ہے۔ مری ٹری اس میں ٹری ہوئی ہے۔ لیکن ٹری ٹری  
 ہوئی۔ کیونکہ مری ٹری آئی اسٹار کے ساتھ ہی پائی گیا ہے مری سہول میں  
 ہوئی۔ اور آئی اسٹار کے ساتھ ہی خالی اسٹار کے ساتھ ہی پائی گیا ہے  
 اور اس ارشد حسین کی ہوئی۔ حالانکہ میں فوجی اور دیگر سے سہول  
 اور سہول کے لئے مری ٹری 382 جبکہ ارشد حسین کا نمبر 384 ہے۔ جو  
 الصاف ہے۔

عزیز برائے۔ مری ٹری اور دراز سے مری چلی آ رہی ہے۔ جس میں دو قسمی  
 صاف ہے۔ لہذا اب مری ٹری ٹری ڈائنٹ مری ٹری ڈائنٹ مری  
 کرتے ہوئے آئی اسٹار کے ساتھ ہی مری ٹری ٹری ٹری ٹری  
 کیا گیا ہے جس سے مری ٹری کی پیدائش ہوئی۔ جس سے الصاف ہے  
 صاف ہے۔

فقو زائد اب  
 اے قیوم 2015/4/14

پے نامی مری ٹری حسین آئی اسٹار مری سہول (مری)

ATTESTED

**VAKALATNAMA**

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Mohammad Hassan

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Edu: Department

(RESPONDENT)  
(DEFENDANT)

I/We Mohammad Hassan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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 cost. 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.

Dated. \_\_\_\_/\_\_\_\_/2015

  
CLIENT

  
ACCEPTED

**NOOR MOHAMMAD KHATTAK  
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

25

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 855 / 2015

Muhammad Hassan, SCT GHS Saro Shah Mardan.....Appellant

**Versus**


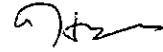
The Director E & SE Khyber Pakhtunkhwa & others.....Respondents

**INDEX**

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES	
1.	Para wise comments along with affidavit		01	03
2.	Reply to Application for the suspension of Order		04	--
3.	Copy of Complaints	"A"	05	--

Respondents No 1 & 2

Director (E&SE) Department  
Govt. of Khyber Pakhtunkhwa

  
District Education Officer  
(Male) Mardan  


Dated: \_\_\_\_\_

24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 855 / 2015

Muhammad Hassan, SCT GHS Saro Shah Mardan.....Appellant

**Versus**

The Director E & SE Khyber Pakhtunkhwa & others.....Respondents

Para wise comments on behalf of Respondents

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is incompetent in its present form, hence liable to be dismissed.
3. That the instant appeal is badly time barred.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to this Honourable Tribunal with clean hands.
6. That the appellant is estopped by his own conduct to file the appeal.
7. That the appellant has concealed the material facts from this Honourable tribunal hence liable to be dismissed.
8. That the instant appeal is liable to be dismissed for non-joinder / mis-joinder of unnecessary parties.
9. That the instant appeal is based on malafide intention, hence liable to be dismissed.
10. That the instant appeal is against the prevailing law and rules.
11. That the respondent no 1 issued notifications dated 07-04-2015 while respondent no 2 issued notification dated 09-04-2015 in good faith in public interest. (Copies of which are already appended as **Annexure B & C** of the instant appeal)
12. That as per the Departmental Selection Committee the petitioner was promoted to the next scale as per policy by the respondents.
13. That the said transfer was made purely on the complaint regarding the ill behaviour of the petitioner along with two others teachers with in the school by the villagers. (Copy of the complaint is attached as Annex-A)
14. That the respondents being the responsible government official acted in accordance with the law and followed the rules & regulation for selection and promotions of the petitioner and others CT Teachers.

On Facts:


1. Para No 1 pertains to record hence no comments.
2. Para No 2 pertains to record hence no comments.

- 93
3. Para No 3 is correct to the extent that on promotion being senior in cadre be retained in the same school of present appointment, but proper complaint was made against the petitioner regarding ill behaviour of the petitioner and two others on which petitioner was transferred to the GHS Sari Behlol on his promotion accordingly, Hence denied.
  4. Para No 4 pertains to record, hence no comments.
  5. Para No 5 needs no comments. however detail reply of the grounds as under.


Grounds:

- A. Para A is incorrect baseless against fact & law and the respondents being responsible government official dealt the petitioner according to law hence denied.
- B. Para B is incorrect and thoroughly explained in preliminary objections and the respondents have not violated any rules hence denied.
- C. Para C is incorrect, and thoroughly explained supra in the preliminary objections hence no comments.
- D. Para D is incorrect detail reply has been given in Para No 3 of fact.
- E. Para E incorrect the impugned order is in accordance with section 10 of civil Servant Act,
- F. Para F is incorrect baseless against the law and fact, and the answering respondents dealt the petitioner in accordance with the law and have not violated any principles hence denied.
- G. Para G is incorrect baseless against the law and facts, and the transfer of the respondent was purely made on the complaint explained in the preliminary objection hence denied.
- H. Para H is irrelevant hence need no comments.
- I. Para I needs no comments. however respondents also seek permission of this Honourable Tribunal to adduced further grounds during arguments.

It is therefore humbly prayed that in the light of above facts, the appeal may pleased be dismissed with cost.

  
Director (E&SE) Department  
Govt. of Khyber Pakhtunkhwa

Respondents No 1 & 2

  
District Education Officer  
(Male) Mardan

22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 855 / 2015

Muhammad Hassan, SCT GHS Saro Shah Mardan.....Appellant

**Versus**

The Director E & SE Khyber Pakhtunkhwa & others.....Respondents

Reply to Application for the suspension of impugned order etc.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the petitioner has got no cause of action & locus standi to file the instant application.
2. That the application in hand is not maintainable & there is no hope of its success.
3. That the balance of connivance lies in favour of the answering respondent & in case of not suspending the impugned order, there is no irreparable loss to the appellant.

ON FACTS:

1. Para No 1 pertains to filling of the instant appeal.
2. Para no 2 to 5 are incorrect, baseless, against law and facts which is thoroughly explained in preliminary objection, hence denied. All the three ingredients for the suspension of impugned order in favour of respondents further reply to main appeal may kindly be considered part of this reply.

Therefore it is humbly prayed that keeping in view the above mentioned fact, the instant appeal may kindly be dismissed with cost.

Respondents No 1 & 2

19/2/2016

Director (E&SE) Department  
Govt. of Khyber Pakhtunkhwa

District Education Officer  
(Male) Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

21

Service Appeal No. 855 / 2015

Muhammad Hassan, SCT GHS Saro Shah Mardan.....Appellant

**Versus**

The Director E & SE Khyber Pakhtunkhwa & others.....Respondents

AFFIDAVIT

I, Mr Muhammad Haroon Legal Advisor Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted by respondents No 1 & 2 is true to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Deponent



Muhammad Haroon

16101-4819092-1

Identified By:

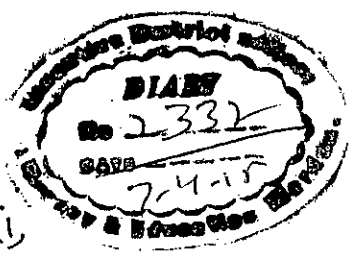
Advocate General  
Khyber Pukhtunkhwa  
Peshawar

کے طور پر تیار کیے گئے ہیں اور اس کے ساتھ ساتھ دیگر امور بھی سامنے رکھے جائیں گے۔  
SST اور معصومہ خان

جناب عالی!  
موردیہ نامہ نمبر 151 کے تحت دیئے گئے سارو شاہ صاحب کی تعلیم

میں زبیر شاہ، محمد حسن، اور معصومہ خان SST 151 کے تحت 15 دورہ 2 سال سے ایک ہی جگہ اسی سکول میں کام کر رہے ہیں اور بیمار بچوں کے مستقبل کیساتھ کیلئے دیئے گئے محولہ بالا سکول اساتذہ حد درجہ کام چھوڑ اور ٹریٹمنٹ سے بھی جنہوں نے بیمار بچوں کی زندگی برباد کر دی ہے اور ابھی تک لو نیا لان قوم کی زندگی سے کھل رہے ہیں۔ اس کے ساتھ ساتھ اساتذہ کی وجہ سے یہ سکول ان لوگوں پر تعینات نہیں اور کوئی بھی اعتراض بلا اس سے ان لوگوں کو نہ توں ماسکا اور لوگوں کے DEO کو بھی ان کو بہانے سے نہ خلا سکا۔

اس لئے ان کی خدمت میں درخواست ہے کہ ان داکنی سکول سے بیماری نجات اور مگلو خلاصی کا سبب نکال کر اور بچوں کے محنت و مشقتوں سے محفوظ کرنے کے لئے ان کا تدارک فرمادیں۔ ہم اور بیماری نکلے لوڑنا اور بے گی



المنار

کامی بیک المنار  
ڈپٹی ڈائریکٹر ایجوکیشن  
راولپنڈی  
ڈپٹی ڈائریکٹر ایجوکیشن  
سوات  
ڈپٹی ڈائریکٹر ایجوکیشن  
مردان  
ڈپٹی ڈائریکٹر ایجوکیشن  
سوات  
ڈپٹی ڈائریکٹر ایجوکیشن  
مردان  
ڈپٹی ڈائریکٹر ایجوکیشن  
سوات

ڈپٹی ڈائریکٹر ایجوکیشن  
مردان  
ڈپٹی ڈائریکٹر ایجوکیشن  
سوات  
ڈپٹی ڈائریکٹر ایجوکیشن  
مردان  
ڈپٹی ڈائریکٹر ایجوکیشن  
سوات

Asstt. District Education Officer (Male) Mardan

15-4-15

at district  
Legal Advisor  
D. Khan (M)  
Mardan

Signature  
15/4/15



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

**Appeal No. 855/2015**

**MUHAMMAD HASSAN**

**VS**

**EDUCATION DEPTT:**

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE**  
**TO THE REPLY SUBMITTED BY THE RESPONDENTS**

**R/SHEWETH:**

All the objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Admitted correct to the extent of the promotion being senior in cadre be retained in the same school of present appointment, the other para is incorrect. That appellant served for more than 19 years quite efficiently and up to the entire satisfaction of his superiors. Moreover the complaint so filed required full fledged inquiry rather the instructions of Establishment code is very much clear that such like anonymous/ pseudonymous complaints be disposed off without taking any action on such complaints.
- 4- Admitted correct hence need no comments.
- 5- Admitted correct hence need no comments.

**GROUND:**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That appellant is the efficient and senior most employee of the respondent Department and has served for more than 18 years in the respondent Department. That the impugned order dated 9.4.2015 is the violation of clause-4 of posting on promotion policy dated 21.01.2013 and also not issued in the interest of public service.

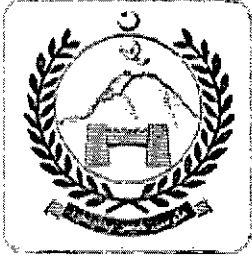
It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

**APPELLANT**

*M/H*  
**MOHAMMAD HASSAN**

**THROUGH:**

*NMK*  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 2024 /ST Dated: 31 / 8 /2017

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

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


To,

The District Education Officer (Male),  
Government of Khyber Pakhtunkhwa,  
Mardan.

Subject: - **JUDGMENT IN APPEAL NO. 855/2015, MUHAMMAD HASSAN.**

I am directed to forward herewith a certified copy of judgment dated 11/08/2017 passed by this tribunal on the above subject for strict compliance.

**Encl: as above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR