


Service Appeal No. 863/2019

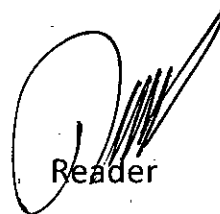
27.08.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Muhammad Kamran, ADO (Litigation) on behalf of respondents No. 1 & 2 present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 21.10.2019 for written reply/comments before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

21/10/2019


Since tour to D.I.Khan has been cancelled .To come for the same on 28/11/2019.

  
Reader

  
28.11.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant submitted an application for withdrawal of the instant service appeal on the ground that his grievance has been redressed by the department. Application is placed on record. In this regard signature of the appellant was also obtained at the margin of order sheet as a token of proof. Accordingly, the present service appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED  
28.11.2019

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

Before the Honourable Services Tribunal KPK Peshawar

Appeal no — 2019.

MR. Gul Nawaz S/O Malik Nadir vice Principal  
GHSS NO 2 Dikhan (Appellant)

Versus:

The Secretary, Govt: KPK (E & SE) Peshawar etc  
(Defendant)

Subject: withdrawal of appeal against impugned  
transfer order.

R/sr:

① The grievance of the appellant  
has been redressed during the  
pendency of appeal before this august  
forum.

② Therefore the instant appeal  
upto the extent of transfer as  
prayed therein kindly be withdrawn  
on the request of the appellant.

Date 28/12/19.

Plaintiff/Appellant.

Mr. Gul Nawaz

through Counsel:

~~Advocate~~

24.06.2019

Counsel for the appellant Gul Nawaz present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Education Department as Vice Principal in Government Higher Secondary School No. 2 D.I.Khan. He was transferred from Government Higher Secondary School No. 2 D.I.Khan to Government Higher Secondary School Darsamand Hangu as Subject Specialist Math vide order dated 27.05.2019. It was further contended that the appellant filed departmental appeal on 1.06.2019 but the same was not decided hence, the present service appeal. It was further contended that the appellant was transferred to the post of Subject Specialist Match at Government Higher Secondary School Darsamand Hangu without completing his normal tenure and the respondent-department has violated the transfer posting policy of the government. It was further that the wife of the appellant is also school teacher in D.I.Khan therefore, the respondent-department has illegally passed the impugned transfer order of the appellant against the wedlock policy. It was further contended that some inquiry proceeding is pending against the appellant therefore, due to inquiry, the appellant was transferred as a punishment although the transfer order cannot be passed as a punishment. It was further contended that the post of Subject Specialist Math in Government Higher Secondary School Darsamand Hangu BPS-17 therefore, the appellant has been transferred to the post of BPS-17 from BPS-18 as Vice Principal at Government Higher Secondary School No. 2 D.I.Khan and in this connection the Deputy Director Elementary & Secondary Education has also issued letter No. 3165 date 18.06.2019 to the Secretary Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 27.08.2019 before S.B at Camp Court D.I.Khan.

*MA*  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

Appellant Deposited  
Security & Process Fee  
*[Signature]*



Sir,

The objections of this office  
and reply of counsel for the  
appellant is submitted for order  
please.

~~Humble  
Chairman.~~

Be fixed today before S.B. in P.H.

~~11/6/19.~~

~~11/6/19.~~

This is an appeal filed by Mr. Gul Nawaz today on 03/06/2019 against the order dated and 27.05.2019 against which he preferred/made departmental appeal/ representation on 01.06.2019 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

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

No. 1039 /ST,

Dt. 11-6-2019

11/6/19  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Pir Ghulam Khan Adv. D.I.Khan.

R/ Sri;

As the appeal is to seek interims relief.

The transfer is being issued on the basis of ~~analized~~ is ab initio void.

If the appellant waits for 90 days i.e. to mature the time for dept. appeal then the appellant would have faced irreparable losses. Hence prayed may kindly to hear the appellant, at earliest & be.

Advocate  
Advocate:

**BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK, PESHAWAR**

*Appeal no. 863/2019*

Mr. Gul Nawaz S/O Malik Nadir Vice-Principal Govt Higher Secondary School No 2 D.I. Khan. (Appellant)

Versus

1. The Secretary (Elementary & Secondary Education Department) Govt: of Khyber Pakhtunkhwa
2. The Director (Elementary & Secondary Education Department) Khyber Pakhtunkhwa (Respondents)

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Appellant

Through

  
Pir Ghulam Khan

Advocate District Bar D.I. Khan

A  
1-2  
Khyber Pakhtunkhwa  
Service Tribunal

**BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK, PESHAWAR**

Appeal No: 863 /      / 2019

Diary No. 833  
Dated 03/06/2019

Mr. Gul Nawaz S/O Malik Nadir Vice-Principal Govt Higher Secondary  
School No 2 D. I. Khan (Appellant)

Versus

1. The Secretary (Elementary & Secondary Education Department) Govt: of Khyber Pakhtunkhwa
2. The Director (Elementary & Secondary Education Department) Khyber Pakhtunkhwa  
(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICES TRIBUNAL ACT 1974 AGAINST THE IMPUGNED TRANSFER ORDER, NO.SO(SM)E&SED/7-1/2019/POSTING/TRANSFER/GENERAL DATED 27/05/2019, BEING ILLEGAL, UNLAWFUL, AB-INTITAVE WID & IS INEFFECTIVE ON THE RIGHT OF THE PLANTIF , BECAUSE THE SO CALLED TRANSFER IS ISSUED MALAFIDELY & ILLEGALLY IN THE FLAGRANT VIOLATION OF RULES & IS LIABLE TO BE SET ASIDE WITH PERPETUAL INJECTION RESTRAIN—THE RESPONDENTS FOR THE TRANSFERING THE PLANTTIFF TILL FINALIZING OF DEPARTMENTAL INQUIRY

Hon'ble Sir,

1. That the Appellant has been serving as Subject Specialist and presently posted as Vice Principal at Government higher Secondary School No 2 (Islamia) DI Khan for the last 16-years.
2. That the Appellant has never been called upon a single explanation from his high ups and has never given any opportunity of resentment.
3. That a few days ago, the Appellant was surprisingly received an inquiry letter No.SO (BT)9-2/HSSC-BISE DI Khan Dated 20/05/2019, against him (Annex-C).
4. That the said inquiry was based on the fake and baseless allegation levelled against the Appellant by the Chairman BISE DI Khan and addressed to the Secretary Education (E/SED) Khyber Pakhtunkhwa (Annex-D).
5. That the inquiry officer had yet neither called the Appellant for written defense nor for hearing when the Appellant was transferred to far fling area District Hangu (Annex-E).
6. That the Appellant was yet waiting for any call from the inquiry officer for probing the undersigned, giving him the opportunity for written/oral defense etc as per codal formalities for conduct of inquiry, but earlier all the procedural steps, the transfer of the Appellant is amounting to double jeopardy and flagrant violation of the article 13

Filed-to-day  
Registrar  
03/06/19



2

(a) constitution of Pakistan 1973 and clearly infringement on the right of Appellant. The order issued is illegal, un lawful and malafide and is liable to set aside.

7. That the Appellant is asked repeatedly the Respondents to with draw the impugned transferred order. But of no avail and lastly the Respondents refused two days ago. Hence the suit is with in time.
8. That the cause of action arose at DI khan when the Appellant was served with the impugned transfer order one day ago. Hence this honorable Tribunal has jurisdiction to entertain the instant suit
9. That the instant suit is declaratory and the value for the purpose of tribunal fees is to be a fixed as and when order by the honorable tribunal.

### PRAYERS:

It is, therefore, prayed very humbly to set aside the impugned order with perpetual injunction till finalizing of departmental inquiry.

Appellant

Through

Pir Ghulam Khan

Advocate, District Bar D.I. Khan

AFFIDAVIT:

B  
193

I, Mr. Gul Nawaz Vice Principal of GHSS No.2 (Islamia) DIKhan solemnly declare and affirm on oath that the contents of the suit are correct up to the best of my knowledge and nothing has been concealed from this honorable Tribunal.

Humble appellat

(Mr. Gul Nawaz)

Vice Principal  
GHSS No.2 DIKhan/  
R/o Najaf Colony,  
PO KachiPaind Khan, DIKhan.

ATTESTED



3-6-219

Through advocate

(Pir Ghulam Khan)

*[Handwritten signature]*  
Adv.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar, the 20-05-2019

**OFFICE ORDER**

**NO.SO(B.T)/9-2/HSSC-BISE.D.I.KHAN**

The Competent Authority is pleased to appoint Mr. Abdul Basit, Additional Secretary (Dev.) Elementary & Secondary Education Department Khyber Pakhtunkhwa as Inquiry Officer to conduct facts finding Inquiry into the complaint allegations leveled against Mr. Gul Nawaz Resident Inspector (Vice Principal) GHSS No. 2 D.I.Khan and other staff lodged by Chairman BISE D.I.Khan. (Copy enclosed).

2. The Inquiry Officer shall conduct the inquiry and submit report to the Competent Authority within a week time positively.

SECRETARY

**Encl: (A.A)**

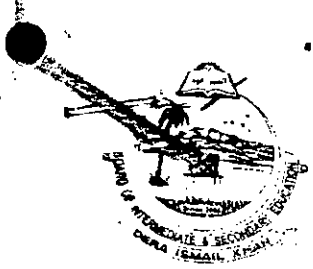
**Endst: of even No. date:**

Copy of the above alongwith a copy of complaint is forwarded for information and necessary action to the following:-

1. Additional Secretary (Dev.) E&S E Departmetn.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar
3. Chairman BISE D.I.Khan:
4. Mr. Gul Nawaz Vice Principal GHSS No.2 D.I.Khan.
5. P.S to Secretary E&SE Department.

*Handwritten signatures and initials:*  
Abdul Basit  
Amir  
Adu

*Handwritten signature:*  
(LAL SAEED KHATTAK)  
SECTION OFFICER (B/T)



Board Of Intermediate & Secondary Education  
Dera Ismail Khan, Khyber Pakhtunkhwa, Pakistan

LD  
5-12

Phone: 0966-730501-3  
Fax: 0966-730501  
Email: webmaster@bisedik.edu.pk

No.164/PS/BISE DIKhan.

To

Dated: 26-04-2019

Secretary to Govt. of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department  
Peshawar.

Subject: **REPORT REGARDING (HSSC ANNUAL EXAMINATION 2019) DATED 26-04-2019**

Dear sir,

It is submitted that, in order to eradicate cheating and to conduct the subject Exam smoothly, Eleven monitoring team, (comprising of officers of Schools and Colleges) has been constituted to visit and monitor the exam centers. They submit their reports / recommendations to the Board authorities for corrective measures. The same practice was also invogue in recent SSC(A) Exam, 2019.

Today on 26-04-2019, one of the monitoring teams, (headed by Mr Inayat Ali Shah A/P) has to visit GHSS No.2, DIKhan Hall A & B as per given schedule.(Copy attached). When this monitoring team arrived at the exam center, the resident inspector Mr Gul Nawaz (Vice Principal) and some staff members of the School resisted and did not allow the Monitoring Team to enter the exam center for inspection. Further, the resident inspector instigated candidates not to allow them for searching of cheating material, boycott the Papers and to block the road. (Reports of Monitoring Team and Center Superintendent are attached).

Meanwhile, the Monitoring team informed the under signed regarding the above situation which was shared with the high ups of E&SE Department telephonically. Relevant authorities of the board (Chairman, Secretary and Controller) rushed to the exam center to assist the supervisory staff and to overcome the situation. Also, Additional Deputy Commissioner DIKhan was requested for administrative support and he personally witnessed the situation. The Resident Inspector and other supporting staff of the School started reasoning and showed their annoyance regarding the monitoring visit. This is obvious interference in the official business of the Board and facilitation of cheating. They also called media persons to highlight this issue in local media to malign the board efforts.

In this regard, it is pertinent to mention that BISE DIKhan has already conveyed its apprehensions prior to commencement of Exam regarding the intention of wrong doers (Copy attached).

Keeping in view, strict disciplinary action may please be initiated for interference in the official business and hindrance in the smooth conduct of HSSC Annual Examination, 2019.

Submitted please.

25

ASE  
30/4

CHAIRMAN  
BISE DIKHAN  
26/4

Copy to:

1. The Deputy Commissioner, DIKhan Division, DIKhan.
2. Office record.

DS(A)  
50(BT)  
28/5

**Board of Intermediate & Secondary Education**  
**Dera Ismail Khan, Khyber Pakhtunkhwa, Pakistan**

Phone: 0966-730501-03  
Fax: 0966-730501  
Email: [webmaster@bisedik.edu.pk](mailto:webmaster@bisedik.edu.pk)

Dated 10/04/19

No.161/PS/BISE/DIK

To

The Secretary  
Elementary & Secondary Education  
Department Govt. of Khyber Pakhtunkhwa  
Peshawar.

Subject: **HURDLES IN THE SMOOTH CONDUCT OF UPCOMING HSSC(A) EXAMINATION 2019.**

Dear Sir,

It is submitted that your good self is well aware that subject examination is commencing from 16<sup>th</sup> April 2019 in the jurisdiction of BISE DIK. Conduct of smooth and fair examination is the prime responsibility of administration of BISE DIK and at the same time it is one of the huge exercises for any BISE. The administration of BISE is trying its best to get done this activity fairly, smoothly and in most transparent way. However, some of the local teachers association, having vested interests led by Gul Nawaz, vice principal GHSS NO 2 DIK, Mohmmad Ali Sadaqi Principal Darabankhurd DIK are creating hurdles in the smooth conduct of said examination. They are trying for interference and are asking for duties of supervisory staff of their near and dears. They are illegally pressing administration of BISE for their undue favour and in case of not fulfilling their demands they may instigate teaching community for non-cooperation. They will also try to damage reputation and good outlook of BISE DIK through various means.

Keeping in view the above, it is apprehended that this group led by above through his colleague may leak question papers and may disseminate it through social media during the said examination. The BISE DIK, bring this on record and notice of high ups for necessary action against the above officer please.

*Attended*  
*[Signature]*

*[Signature]*  
Chairman  
BISE, D.I.Khan

بھائی حلفی، کراچی

آج مورخہ 26/9/19 کو پائلٹ سٹڈی مکمل ہوئی، سیریس

میں سیریس شروع ہوا اور ADC ڈیپارٹمنٹ کے اہلکاروں

نے کہا کہ کچھوں کے لئے ایک اور کمرے کا بندوبست کریں

تاکہ وہ آزاد سٹیو سٹیشن اور وہ کچھ لکڑی ریڈیو

انسٹیٹوٹ کے سامنے لگے اور ایک کمرہ دینے کی ہدایت کی

اس دوران انسٹیٹوٹ ٹیم جو کہ نین ٹیم پر مشتمل

تھی سال میں آئی ریڈیو انسٹیٹوٹ کے انتظام

صاف سے کہا کہ وہ آفس کثرت کے لئے

اور پھر بعد میں بحال آجائیں جس پر جسٹس

انسٹیٹوٹ ٹیم عدالت اللہ شاہ صاف نے اس پر

کہا کہ ہم یہاں آئے اور اس بات پر اصرار ان میں

کو اور میں میں ہو گئی اور ریڈیو انسٹیٹوٹ

ان سے کہا کہ قانون آپ کو باجی میج ہی

اجازت ہیں دیتا لہذا اس سے گریز کریں

اس کے بعد جسٹس ڈیڑھ بجے، کثرت

بزرگ لورڈ اور سٹیجی ڈیڑہ لورڈ لیسٹریٹ لورڈ

اور سیرک اختتام تک حال میں موجود رہیں

سید سیر سید

سید سید سید

سید سید سید

سید سید سید

سید سید سید

سید سید سید

Q

Date 26/4/19

Inspection Report Team (11)

on dated 26<sup>04</sup> at centre NO (55)  
2019

Gates NO. 2 DIK Ran.

Certified that we inspection team came at the centre to inspect and introspect it. We first met principal of the school in regards of courtesy and dignity. When we enter Examination Centre (H-A), NOOR Alam shb (ADC/DK) was there at the centre. After while Noor Alam shb told to our team to arrange and room along with already Exam hall and one room because the students are congested and suffocated. As we informed the Superintendent and Deputy/Superintendent, they told to the so-called principal for another room arrangement but he refused bluntly. In the meanwhile when ADC NOOR Alam shb left centre, the Gubraway S.S (Maths) president of school association came and told us to left the centre and violated sanctity of Exam Centre in a vague and rascal behaviour. Further he told us that did not check the students for cheating materials too. He loudly told to the students to stop writing and boycott from paper and come to road to create hurdle and hindrances for smooth running of examination. We informed board concerned high ups and came on the spot examined the whole situation with



On the occasion of board BISE D.K.H. chairman, secretary and controllers the violation and irregularity was felt there, and murmuring in an angry and emotion of modes. He was resisting conscientiously and insisted with obstinate attitude of his earlier decision that the inspection team should left the centre. We were really provoked ethically, culturally morally and socially in front of students. After all these obstacles we performed the duty along with Board's officials, Supervisory staff and

Inspection Team - II

*[Handwritten signature]*

① Inayat Ali Shah (Team leader)  
Principal  
GDC Sambla (D.K.H.)

*[Handwritten signature]*

② M. Saqim (Team member)  
S.S (Principal)  
GHS DAKKI (D.K.H.)

*[Handwritten signature]*

③ ISHFAQ AHMAD (Team member)  
Lecturer in English  
GDC Sambla (D.K.H.)

Witnesses

- Inspector  
S.S GHS DAKKI \_\_\_\_\_ X
- Principal S.S D.K.H. \_\_\_\_\_ X
- Superintendent DPE (Safdar) \_\_\_\_\_ X
- Centre GHS \_\_\_\_\_
- D/Superintendent Safi Rullah (H/M) \_\_\_\_\_ X

*[Handwritten signature]*

Tariq Bhatti Principal

(14)

آج گورنمنٹ ہائرسیکنڈری سکول نمبر 2 ڈیرہ  
 میں 9 چیکروں کا طلباء پر دھاوا طلباء پریشان  
 ہو گئے۔ 9 چیکروں کا طلباء کی جامع تلاشی۔  
 طلباء پر 3 گھنٹے تک چیرمین سیکریٹری اور  
 کنٹرولر امتحانات نے ڈیوٹی کر کے ہراساں کیئے  
 رکھا اور آج کا پیپر جو فزکس کا تھا پر سانپ  
 کی طرح یہ لوگ ناچتے رہے اور طلباء کو اتنا  
 ہراساں کیا کہ وہ ذہنی طور پر مفلوج ہو گئے  
 اور پیپر کے بعد طلباء سکول کے احاطے میں  
 جمع ہوئے اور نعرے بازی کی اور بلوہ عام کا  
 خدشہ تھا کہ وائس پرنسپل گل نواز اور جنرل  
 سیکریٹری حافظ عثمان نے طلباء کو سمجھایا  
 جس پر طلباء نے کہا کہ پیپر تو بورڈ والوں  
 نے ہمارا خراب کیا ہے آپکا نہیں۔ چیرمین اور  
 دوسری بورڈ انتظامیہ نے جان بوجھ کر ہمارا  
 پیپر خراب کیا۔ کیا چیرمین اور کنٹرولر میں اتنی  
 غیرت ہے کہ وہ اپر علاقوں میں جائیں اور جس  
 طرح آج ہمارے ساتھ جو بھیانک سلوک روا  
 رکھا ہے ان علاقوں میں جا کر ایسا سلوک کر  
 کے تو دکھائیں۔ بہر حال گلنواز اور حافظ عثمان  
 کی محنتوں اور منتوں کے بعد طلباء گھروں کو  
 افسردہ چلے گئے۔ طلباء کے والدین نے بھی شدید  
 غم و غصہ کا اظہار کیا۔ سول سوسائٹی کے افراد  
 نے بھی پرنسپل سکول ہذا سے ٹیلی فونک بات

*Handwritten signature*

∨

Abid Sab is typing...

Tariq SS

Tariq Bhatti Principal

آج گورنمنٹ ہائرسیکنڈری سکول نمبر 2 زیرہ میں  
9 چیکروں کا طلباء پر دھاوا. طلباء پریشان ہو گئے۔  
9 چیکروں کا طلباء کی جامعہ تلاشی. طلباء پر 3 گھ

Lgta hy kl ijlas ka aij reaction aya hy??

2:19 PM

Tariq Bhatti Principal

Sir je Begherat bhi esi herqat nhi  
kerte jis andaz se inhon ne masoom  
Shaheeno pr kia

2:20 PM

Students ki statements dekh len

2:20 PM

Safder Luqman sb Hal A k suptt hn  
Secretary Board ki badmasni dekhen  
k unhon ne ready made statement Gul  
Nawaz k khilaf di k sign kr do, Safder  
Luqman sb ko Salam. k unho ne wo  
statement phaar di

2:22 PM

Tariq SS

AKSSA KO bht phly strong action  
lena chahiye tha halat nazar aa rahy  
thv k ve target kr rahv hn bt AKSSA

*Handwritten signature and initials*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the May 27, 2019

E  
13

**NOTIFICATION**

**NO.SO(SM)E&SED/7-1/2019/Posting/Transfer/General:** The Competent Authority is pleased to transfer the following officers of E&SE Department on the posts/stations as mentioned against each, in the interest of public service, with immediate, in relaxation of ban:

S#	Name of officer	From	Posted as	Remarks
1.	Mr. Gul Nawaz, SS Maths (BS-18)	Vice-Principal GHSS No.2 D.I. Khap	SS Maths (BS-18) GHSS Darsamand Hangu	A.V.P
2.	Mr. Muhammad Ali Siddiq, SS Maths (BS-18)	Principal GHSS Daraban Khurd D.I. Khan	SS Maths (BS-18) GHSS Muhammad Khwaja Hangu	-do-
3.	Mr. Aman Ullah, SS Statistics (BS-18)	Principal GHSS Kurai D.I. Khan	SS Statistics (BS-18) GHSS Chorinkki Kohat	-do-


2. No TA/DA is allowed.

Endst: of even No. & Date

SECRETARY

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 Accounts Officers, Concerned.
5. PS to Advisor to CM for E&SE Department.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PA to Additional Secretary (Estab), E&SE Department.
8. Director, EMIS E&SE Department.
9. Subject Specialists concerned.
10. Master file.

  
(MOHAMMAD SHOAB)  
SECTION OFFICER (SCHOOLS MALE)



**BEFORE THE HONOURABLE SECRETARY (ELEMENTARY &  
SECONDARY EDUCATION DEPARTMENT) TO GOVT: KHYBER  
PAKHTUNKHWA.**

Subject: **REVISION REQUEST FOR THE WITHDRAWAL OF TRANSFER ORDER  
NO.SO(SM)E&SED/7-1/2019/POSTING/TRANSFER/GENERAL DATED  
27/05/2019 ON THE BASIS OF MERIT WITH REFERENCE TO THE FACTS AND  
GROUNDS LAID DOWN BELOW:**

Honourable Sir,

8. That the appellant has been serving as Vice Principal (BPS-18) as well as acting as Drawing and Disbursing Officer (DDO) of the instant school.
9. That appellant, throughout his services, for the last 16-years has never been called upon explanation due to any irregularity on his part and has ever served in the best interest of students and general public in large.
10. That the Principal of the instant school (Mr. Attaullah Khan BPS-20) is at the verge of his retirement and proceeds on superannuation after a few months.
11. That the appellant is also busy with the streamlining of expenditures involve in the PTC funds as well as conditional grants and regular fiscal funds etc.
12. That the spouse of the appellant is also serving as a Senior Primary School Teacher (SPST) in DIKhan city.

**NOW LET ME CONTEND SIR, WITH DUE APPOLOGY:**

- a. That a few days ago the appellant was charged for baseless allegations on the fake and illegal report of the Chairman BISE DIKhan vide his No.164/PS/BISE DIKhan Dated DIKhan the 26/04/2019 addressed to your kind honour.
- b. That the instant inquiry was still under process when the appellant was transferred ignoring the procedure defined in the Esta Rules, 2011.
- c. That the appellant is yet to be called by the inquiry officer, to be asked for oral and written defence but penalized earlier, which is amounting to double jeopardy and is totally against the article 13(a) of the constitution of Pakistan 1973.

It is, therefore, keeping in view the aforesaid facts, prayed very humbly to invite your kind attention to reconsider the transfer order on the basis of merit and in the best interest of public service please.

I shall be praying for your success both in this mortal world as well as in the eternity.

Dated: 01/06/ 2019.

Your most obedient servant

(Mr. Gul Nawaz Khan)

Vice Principal (BPS-18)  
GHSS No. 2 D.I.Khan

As: 129

*[Handwritten signatures and initials]*



PIR GHULAM KHAN

Advocate

bc-18-1199

Date of issue: December 2018

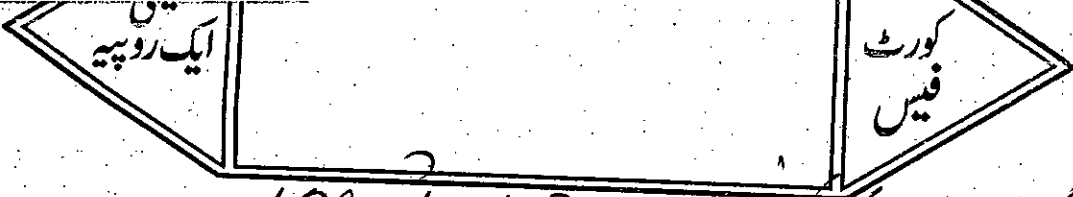
Valid upto: December 2021



# وکالت نامہ

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Secretary  
KP Bar Council



بجالات

مخاطب  
KPK

مخاطب  
KPK

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعت تحریر آنگہ

مقدمہ مقدمہ بالا عنوان میں اپنی طرف واسطے بیرونی جواب دہی پیش یا ہدف مقدمہ بنانے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ دو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاذرہ کے ادا کرنے یا بحث نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل گمرانی و ہرجم درخواست ہرجم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ برخط کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرونی از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوفی ذمیری یک طرفہ یا درخواست حکم استثنائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ مختص بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا میر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائن التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے

موزہ 03 جنوری 2019

مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

گورنر عدلیہ

Accepted  
Adv:

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR

No. 3164 IA-11E-IP Transfer/D.I. Khan  
Office Peshawar the 18.05.2019

To

The Secretary  
Government of Khyber Pakhtunkhwa  
Elementary & Secondary Education Department Peshawar

Subject -

REVISION REQUEST FOR THE WITHDRAWAL OF TRANSFER ORDER  
NO SOISM/E&SED/7-17/2019/POSTING/TRANSFER/GENERAL DATED  
27/05/2019 ON THE BASIS OF MERIT WITH REFERENCE TO THE FACTS  
AND GROUNDS LAID DOWN BELOW.

Memo:

I am directed to refer to the subject cited above and to enclose herewith a photocopy of appeal along with other connected papers for withdrawal of transfer order in respect of the following Principals BS-18 for further necessary action, please

- i. Mr. Gul Nawaz vice Principal BS-18 GHSS No 2 D.I. Khan posted as SS (Maths) BS-18 at GHSS Darsamad Hangu (The post is BS-17)
- ii. Muhammad Ali Saadique Principal BS-18 GHSS Daraband Khurd D.I. Khan posted as SS (Maths) BS-18 GHSS Muhammad Khwaja Hangu (The post is BS-17)
- iii. Aamanullah Principal BS-18 GHSS Kurrai D.I. Khan posted as SS (Stat.) BS-18 GHSS Chorlakki Kohat (The post is BS-17)

It is further requested that appeal in respect of the above name Principal/SS may be considered as per Rules/Policy please.

Encl: As Above.

Deputy Director (Estt.)  
Directorate of Elementary & Secondary  
Education Khyber Pakhtunkhwa Peshawar

Encl: No.

3166-67,

Copy of the above is forwarded to the:-

1. District Education Officer (Male) D.I. Khan w/r to his letters No. 16696-98 dated 31.05.2019.
2. P.A. to Director (E&SE) Local Directorate

Deputy Director (Estt.)  
Directorate of Elementary & Secondary  
Education Khyber Pakhtunkhwa Peshawar