

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR
AT CAMP COURT ABBOTTABAD.

Appeal No. 855/2019

Date of Institution ... 11.06.2019

Date of Decision ... 19.11.2020

Ijaz Ali Qureshi son of Abdul Majeed Qureshi, resident of Noja Bandi, Tehsil Havelian, District Abbottabad. ... (Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa Secretary Elementary & Secondary Education (E&SE) Department, Peshawar and four others. ... (Respondents)

Present:

MR. IJAZ ALI QURESHI,	---	In Person.
MR. MUHAMMAD RIAZ KHAN PAINDAKHEL, Assistant Advocate General	---	For official respondents.
MR. MUHAMMAD ZAREED QURAIISHI Advocate	---	For private respondent No.5
MR. GHULAM NABI	---	Private respondent No.4.
MR. MIAN MUHAMMAD, MR. MUHAMMAD JAMAL KHAN	---	MEMBER(Executive) MEMBER(Judicial)

JUDGEMENT.

MIAN MUHAMMAD, MEMBER:- The instant service appeal has been instituted under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974 against the cancelation of office order dated 23.01.2019 by respondent No.3 vide his subsequent office order dated 13.02.2019 and the same stands assailed before the Services Tribunal.

FACTS.

02. Brief facts of the case are that the appellant was initially appointed as Arabic Teacher in BPS-15 on 04.03.1998. He has been serving as Arabic Teacher (BPS-15) and on promotion as Senior Arabic Teacher (BPS-16) in various schools of Abbottabad. Lastly, he was transferred from GHS Makol Payeen to GHS Bodla vide transfer order dated 23.01.2019 replacing Ghulam Nabi, SAT who was impleaded as private respondent No.4 vide order sheet dated 23.08.2019. However, this transfer order of the appellant was cancelled only after twenty (20) days vide transfer order issued by respondent No.3 on 13.02.2019. Similarly, vide order sheet dated 17.12.2019 Muhammad Arshad Khan was impleaded as private respondent No.5. It was on the basis of application of private respondent No.5 that the earlier transfer order of appellant to GHS Bodla was cancelled. The appellant preferred departmental appeal to respondent No.2 on 20.02.2019. However, his departmental appeal was not responded within the stipulated statutory period, hence, the instant service appeal before the Services Tribunal.

03. Respondents were summoned to produce relevant record and connected documents. They attended the Services Tribunal through their legally authorized representatives who contested the appeal on their behalf. We have heard the pro and counter arguments put forth by the learned counsels for the parties and perused the available record as well as additional material in support of their respective plea and contentions.

ARGUMENTS.

04. The appellant pleaded the case himself and argued that since his entry into service in 1998, he has served the department in various schools and has always

been posted in the remote areas and quite away from his home and family. It was on the basis of his request on medical grounds that he was transferred and posted in GHS Bodla by respondent No.3. However, the same transfer order was cancelled on the behest and complaint of private respondent No.5. He preferred departmental appeal to seek remedy to his genuine grievance which was not responded within time compelling him to approach the Services Tribunal for redressal of his grievance with the request to withdraw the subsequent transfer order dated 13.02.2019 and restore his earlier transfer order to GHS Bodla dated 23.01.2019. The cancellation of his transfer order is pre-mature and not supported by the normal tenure policy as it is against the spirit of Supreme Court Judgment announced in Anita Turab case. The impugned order is issued in violation of Article-4, 8 and 25 of the Constitution. The impugned order of respondent No.3 dated 13.02.2019 being illegal, unlawful, without lawful authority, arbitrary, perverse, discriminatory and malafide is liable to be set aside and he may be posted back in GHS Bodla to continue there and complete his normal tenure in the said school.

05. On the contrary, learned Assistant Advocate General while referring to Section-10 of the Khyber Pakhtunkhwa Civil Servants Act 1973 contended that posting/transfer is not made according to the choice, wishes and sweet will of the civil servant rather the competent authority is duty bound to post a civil servant judiciously and in larger public interest. Similarly, transfer order of the appellant dated 23.01.2019 was cancelled consequent upon the acceptance of appeal of private respondent No.5 (Muhammad Arshad Khan, SAT, GHS Nagri Tutial Abbottabad) and the transfer order of private respondent No.4 (Ghulam Nabi) SAT, GHS, Bodla was cancelled in pursuance of the directions of Provincial Ombudsman on a complaint submitted to that quarter by Syed Hidayat Shah. It was further argued that

the appellant used to exert political pressure on the department in his official/service matters. The Provincial Government had also implemented E-Transfer Policy of teaching cadre and superseded all previous posting/transfers. Moreover, a complete ban was imposed on posting/transfers of the teaching cadre in Elementary & Secondary Education Department and instructions to this effect were duly communicated to all DEOs on 16.02.2019. The appellant has been transferred within the same Headquarter and who is working under the same Drawing and Disbursing Officer, therefore, no valuable right of the appellant is violated or impinged upon by the department.

06. Learned counsel for private respondent No.5 submitted his written reply, was in consonance with and relied on the arguments advanced by the learned Assistant Advocate General.



CONCLUSION.

07. While keeping the above in view and thorough perusal of the record it is observed that the impugned order dated 23.01.2019 where-under the appellant was transferred from GHS Makol Payeen and posted in GHS Bodla was actually made on the basis of an application recommended by MPA PK-37 Abbottabad on 02.01.2019. This act of the appellant tentamounts to misconduct in terms of Rule-22 of the Khyber Pakhtunkhwa Government Servants (Conduct Rules) 1987 as well as Rule-2(1)(i)(v) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011. Throughout their service spread over almost twenty years, posting/transfers between the appellant and private respondent No.5 have been a bone of contention and they remained mostly at loggerheads trying to dethrone and

force to transfer one another one way or the other. They have been found in leg pulling process against one another.

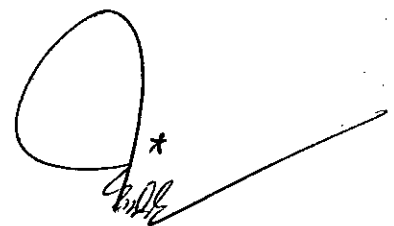
08. It is lamented and is of course deplorable situation where teachers otherwise considered as builders of the nation are trying their level best to grab choice posting at the cost of Education Standards and precious time of the students. They are rightly expected to focus their energy, time and expertise on the inculcation of education and character building of the students but on the contrary they are in rush to visit government offices to get their choice posting ignoring and beliting the vital role they play in nation building..

09. As a sequel to the above, the appeal having no merit and being devoid of material facts, is dismissed and the department is expected to be prudent and judicious enough to stand up against the political pressure exerted by any civil servant in his favour and ensure transparency and meritocracy in all posting/transfer of teachers attached to a noble cause as nation building community. Parties are left to bear their own costs. File be consigned to the record room.

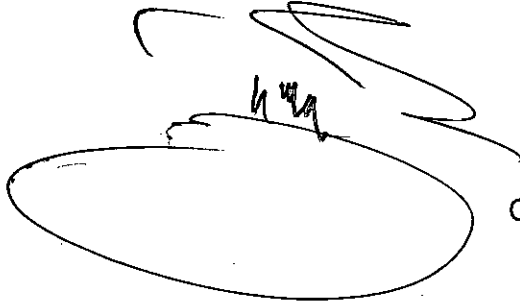
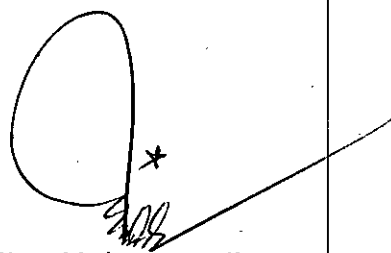
ANNOUNCED
19.11.2020



(MUHAMMAD JAMAL KHAN)
MEMBER(J)



(MIAN MUHAMMAD)
MEMBER(E)
Camp Court Abbottabad

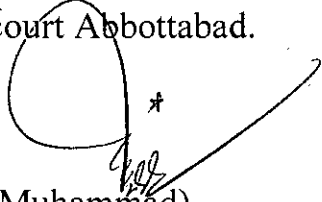
S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	19.11.2020	<p><u>Present.</u></p> <p>Mr. Ijaz Ali Qureshi ... In person</p> <p>Mr. M. Riaz Khan Paindakhel, Assistant Advocate General ... For official respondents</p> <p>Mr. Muhammad Zareed Quraishi Advocate ... For Private Respondent No.5</p> <p>Mr. Ghulam Nabi ... Private respondent No.4</p> <p>Vide our detailed judgment of today consisting of five pages placed on file, the appeal having no merit and being devoid of material facts, is dismissed and the department is expected to be prudent and judicious enough to stand up against the political pressure exerted by any civil servant in his favour and ensure transparency and meritocracy in all posting/transfer of teachers attached to a noble cause as nation building community. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 19.11.2020</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  (MUHAMMAD JAMAL KHAN) Member (Judicial) </div> <div style="text-align: center;">  (Mian Muhammad) Member (Executive) Camp Court Abbottabad </div> </div>


17.11.2020

Appellant is present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Sohail Ahmad Zeb, Assistant Litigation for respondents is present.

Arguments could not be heard due to paucity of time.

Adjourned to 18.11.2020 for arguments before D.B at camp court Abbottabad.


(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

18.11.2020

Appellant is present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith mr. Sohail Ahmad Zeb, Assistant for official respondents, Mr. Muhammad Zareer Quarishi, Advocate counsel for private respondent No. 5 and private respondent No.4 in person present.

Arguments heard.

Adjourned to 19.11.2020 for order before D.B at camp court Abbottabad.

(Mian Muhammad)
Member(E)

(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

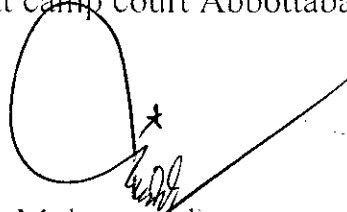
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9 / 20 at camp court abbottabad.

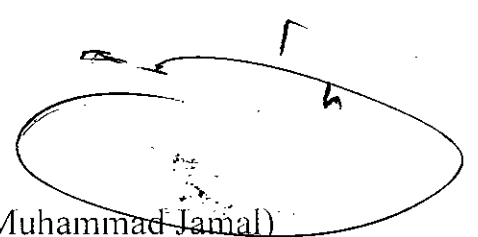

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17.09.2020

Appellant is present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Sohail Ahmad Zeb, Litigation Officer for official respondents and Private respondent No.5 is present. Private respondent No.4 has not forth come. He has been impleaded in consequence of which he has to be noticed but due to prevalence of Covid-19 an adjournment of appeal on two occasions no proceeding in the appeal could be conducted, therefore, the respondent No.4 has to be noticed directing him to attend the Tribunal by submitting the respective reply. Likewise respondent No.5 is also directed to submit his respective reply on the next date. File to come up for reply and arguments on 17.11.2020 before D.B at camp court Abbottabad.



(Mian Muhammad)
Member(E)



(Muhammad Jamal)
Member
Camp Court A/Abad

17.12.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Sohail Ahmed Zeb, Litigation Officer for official respondents No. 1 to 3 present.

Private respondent No. 4 namely Ghulam Nabi was impleaded earlier and it was ordered to issue notice against him but no notice has been issued by the office against Ghulam Nabi therefore, fresh notice be issued against him for attendance.

Muhammad Zareed Qureshi, Advocate submitted application for impleadment of Muhammad Arshad Khan as respondent in the present service appeal on the ground mentioned in the application. Learned counsel for the appellant as well as learned Deputy District Attorney has expressed no objection on impleading him in the panel of respondents. The application is accepted and placed on record. Muharrar is directed to implead Muhammad Arshad Khan in the panel of respondents. Learned counsel for Muhammad Arshad Khan is present today. Case to come up for attendance of respondent No. 4 as well as written reply on behalf of private respondents on 22.01.2020 before D.B at Camp Court Abbottabad.


(Hussain Shah)

Member
Camp Court Abbottabad


(M. Amin Khan Kundi)

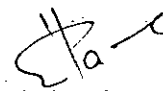
Member
Camp Court Abbottabad

22.01.2020

Appellant in person present. Mr. Ziaullah, DDA alongwith Mr. Sohail Ahmad Zeb, Assistant for the respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 19.02.2020 before D.B at camp court Abbottabad.



Member



Member
Camp Court A/Abad

19.09.2019.

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Sohail Ahmad Zeb, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 23.10.2019 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

23.10.2019

Appellant in person present. Mr. Usman Ghani, District Attorney present. Mr. Sohail Ahmad Zaib, Assistant for the respondents present and furnished joint parawise comments on behalf of the respondents. To come up for rejoinder if any, and arguments on 17.12.2019 before D.B at camp court, Abbottabad.



Member

Camp court, A/Abad

23.08.2019

Learned counsel for the appellant present. Preliminary arguments heard.

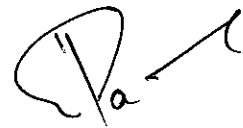
The appellant (SAT) has filed the present service appeal being aggrieved against the office order dated 13.02.2019 through which the posting transfer order of the appellant from GHS Makol Payeen to GHS Bodla was cancelled.

Points raised need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 19.09.2019 before S.B at Camp Court, Abbottabad.

Learned counsel for the appellant submitted application for impleadment of Ghulam Nabi SAT GHS Bodla Tehsil & District Abbottabad as respondent No.4 in the present service appeal being a necessary party in as much as Mr. Ghulam Nabi has taken charge as SAT in GHS Bodla. Application allowed and Mr. Ghulam Nabi mentioned above is impleaded as respondent No.4 in the present service appeal. Notice of the present service appeal be also issued to the respondent No.4 for reply on the date fixed.

Appellant Deposited
Security & Process Fee

26/8/19



Member
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 855/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/06/2019	<p>The appeal of Mr. Ijaz Ali Qureshi received today by post through Mr. Muhammad Ali Qazi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 26/6/19</p>
2-	17-7-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>23-08-19</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Ijaz Ali Qureshi son of Abdul Majeed Qureshi resident of Noja Bandi Tehsil Havelian District A.Abad received today i.e. on 11.06.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexures-A and B of the appeal are illegible which may be replaced by legible/better one.

No. 1071 /S.T,

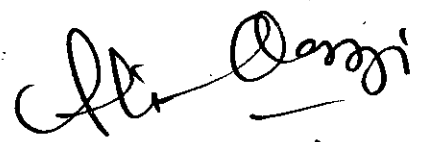
Dt. 12-6- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Ali Qazi Adv.
High Court Abbottabad.

Dear Sir:-

Objection Removed and
Placed on file.


Muhammed Ali Qazi
Advocate High Court.

Abbottabad.

18/6/19.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 855 -A/2019

Ijaz Ali Qureshi son of Abdul Majeed Qureshi, resident of Noja Bandi,
Tehsil Havelian, District Abbottabad.

...APPELLANT

VERSUS

Govt. of KPK through Secretary Elementary & Secondary Education
(E&SE) Department, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL


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<i>S.#</i>	<i>Description</i>	<i>Page No.</i>	<i>Annexure</i>
1.	Service appeal along with affidavit	1 to 11	
2.	Copy of appointment order	12 to 14	"A"
3.	Copy of letter No. 8393, dated 30/07/2011	15	"B"
4.	Copy of order dated 26/02/2013	16 to 18	"C"
5.	Copies of promotion and transfer order	19 & 20	"D" & "E"
6.	Copy of order dated 02/03/2018	21	"F"
7.	Copy of application	22 & 23	"G"
8.	Copy of transfer order dated 23/01/2019	24	"H"
9.	Copy of cancellation/ impugned order dated 13/02/2019	25	"J"
10.	Copy of appeal	26 & 27	"I"
11.	Wakalatnama	28	"J"

...APPELLANT

Through

Dated: 10/06/2019


(MUHAMMAD ALI QAZI)
Advocate High Court, Abbottabad

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 855 - ~~X~~/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 842

Ijaz Ali Qureshi son of Abdul Majeed Qureshi, resident of Noja Bandi, Tehsil Havelian, District Abbottabad. Dated 11/6/19

...APPELLANT

VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education (E&SE) Department, Peshawar.

2. Director Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa, Peshawar.

3. District Education Officer (DEO) Male, Abbottabad.

✓ 4. Ghulam Nabi SAT GHS Bodla Tehsil District Abbottabad.
✓ 5. M. Arshad Khan SAT GHS Nagri Tatal

...RESPONDENTS

Filed to-day

Registrar

11/6/19

Re-submitted to-day
and filed.

Registrar
11/6/19

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 SEEKING DECLARATION/ DIRECTION
TO THE EFFECT THAT THE APPELLANT WAS
TRANSFERRED TO THE POST OF SAT GHS
BODLA, VIDE ORDER NO. 938-43 DATED
23/01/2019 AND CANCELLATION OF ABOVE
MENTIONED ORDER BY RESPONDENT NO. 3

VIDE LETTER NO. 178-85, DATED 13/02/2019, IS ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, ARBITRARY, PERVERSE, DISCRIMINATORY, MALAFIDE AND CONSEQUENTLY OF NO LEGAL EFFECT UPON THE RIGHTS OF APPELLANT.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED NOTIFICATION DATED 13/02/2019 ISSUED BY RESPONDENT NO. 3 MAY KINDLY BE SET-ASIDE AND RESPONDENTS BE GRACIOUSLY DIRECTED TO RESTORE ORDER NO.983-43 DATED 23/01/2019 AND ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

Respectfully Sheweth;-

The facts giving rise to the instant appeal are arrayed as under;-

1. That the appellant was selected and appointed in BPS-15 as Arabic Teacher (AT), vide order No. 1304-64, dated 04/03/1998, at GHS Tyara Garhi,

at District Kohistan. Copy of appointment order is annexed as Annexure "A".

2. Brief resume of transfer orders of appellant are as under;-

3. That on 18/10/1998 the appellant was transferred to GGHS Ghambir on vacant post.

4. That the appellant vide order No.8393, dated 30/07/2011 was transferred to GHS Chamhad. Copy of letter No. 8393, dated 30/07/2011 is annexed as Annexure "B".

5. That on 26/02/2013 the applicant was again transferred to GHS Kasaki Kallan vide order No. 1445-52, dated 26/02/2013. Copy of order dated 26/02/2013 is annexed as Annexure "C".

6. That on 26/01/2018 the appellant was promoted from AT to SAT in BPS-16 vide order No.13575-82 dated 26/01/2018 and was transferred to GHS Sumandar Katha vide corrigendum order No.1420 dated 29/01/2018. Copies of promotion and

transfer order are attached as Annexure "D" & "E".

7. That the appellant was again transferred to GHS Makol Pain, through mutual order No.2748-52 dated 02/03/2018. Copy of order dated 02/03/2018 is annexed as Annexure "F".
8. That the appellant applied for transfer near to his Home on medical grounds and against vacant post at GHS Bodla. Copy of application is annexed as Annexure "G".
9. That the respondent No.3 honoured the appellant's application and made transfer order vide order No.938-43 dated 23/01/2019. Copy of transfer order dated 23/01/2019 is annexed as Annexure "H".
10. That after 20 days, respondent No.3 withdrawn above mentioned order without any plausible reason which speaks malice vide cancellation order No.1781-85 dated 13/02/2019. Copy of cancellation/ impugned order dated 13/02/2019 is annexed as Annexure "I".

11. That the applicant has been servicing away from his house for about 20 years.

12. That the appellant filed departmental appeal against the impugned transfer order No.178/85 dated 13/02/2019 on 20/02/2019 which is still pending before respondent No.2 and the period of 3 months to decide the departmental appeal had also elapsed. Copy of appeal is annexed as Annexure "J".

13. That feeling aggrieved the appellant assails the impugned order dated 13/02/2019 being illegal, unlawful, against the law, inter-alia amongst the many others;-

GROUND:-

- a) That, the impugned order dated 13/02/2019 has been issued by the respondent No.3 is illegal, unlawful, without lawful authority, arbitrary, perverse, discriminatory, malafide and consequently of no legal effects upon the rights of appellant.

- b) That the appellant has served the department for long 20 years with the best of his ability and for the entire satisfaction of his superiors.
- c) That it is pertinent to mention here that the order dated 13/02/2019 has been issued with malafide intention just after 20 days of the transfer of the appellant to GHS Bodla.
- d) That the desired transfer order of the appellant was clear cut violation of the Transfer Posting Regulatory Act, 2011.
- e) That the appellant is a diabetic patient and for that reason appellant submitted an application before respondent No.3 to transfer him at his home Village on medical grounds and against the vacant post due to appellant inability to travel far away.
- f) That on account of aforesaid political and administrative based frequent transfers the appellant and the family/ children of the

appellant have been very badly tortured which has resultantly affected the health of the appellant and the family matters as well.

- g) That after 20 days the respondent No.3 withdrawn the transfer order of appellant to GHS Bodla without any plausible reason.
- h) That the SAT Post at GHS Bodla is still vacant and there are about 400 students suffering from the current situation arising by the transfer of appellant which does not serve the public interest in any matter.
- i) That the said order is neither in exigency nor in public interest it is premature and totally on political whim.
- j) That the said order is totally against the posing transferring policy and judgment of Apex Court in Anita Turab case.
- k) That, the respondent No.3 transferred/posted the appellant without mentioning any

reasons, under political pressure, ignoring all the rules and regulations on the subject, only to accommodate their well wisher(s) and blue eyed, which is not only against the law/ rules on the subject but is in violation of Article 4, 8 and 25 of the constitution ibid.

- l) That the respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 and unlawfully transfer the appellant which is unjust, unfair, illegal, hence not sustainable in the eye of law.

- m) That under Section 24-A of General Clauses Act, 1897, where any authority is vested with the power to make any order, such power shall be exercised reasonably, fairly, justly and for the advancement of the purposes of the enactment under which the power is conferred but in the case in hand

the power was not exercised as such, rather, the same was misused arbitrarily to the detriment of appellant without any rhyme or reason, therefore, the impugned act of respondents is not legally maintainable.

- n) That the impugned notification if seen from any angle, both factually and legally is not maintainable, hence, liable to be set-aside.
- o) That the post of SAT at GHS Bodla is still vacant since 04 months and the students are suffering from the malafide act of respondents.
- p) That the addresses of the parties are correctly mentioned in heading of appeal.
- q) That the other grounds shall be urged at the time of arguments with the leave of this Honourable Court.

Under the circumstances it is respectfully prayed that on acceptance of the instant appeal, the impugned notification dated 13/02/2019 issued by respondent No. 3

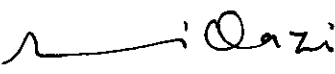
may kindly be set-aside and respondents be graciously directed to restore order No. 938-43, dated 23/01/2019 and any other relief deemed fit and proper in the circumstances of the case.

INTERIM RELIEF:

That the appellant has brought a good prima facie case and balance of convenience also lies in favour of the appellant. It is obvious from the record that the cancellation of the transfer order of the appellant is illegal by the higher authorities. It is therefore, prayed that on acceptance of interim relief, operation of impugned order/Notification dated 13/02/2019 may kindly be suspended and status quo may graciously be ordered to be maintained till final disposal of the titled appeal.


...APPELLANT

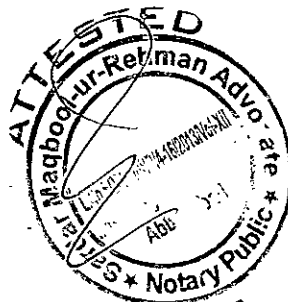
Through


(MUHAMMAD ALI QAZI)
Advocate High Court, Abbottabad

Dated: 10/06/2019

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal




...APPELLANT

10-6/19

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____-A/2019

Ijaz Ali Qureshi son of Abdul Majeed Qureshi, resident of Noja Bandi,
Tehsil Havelian, District Abbottabad.

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...RESPONDENTS

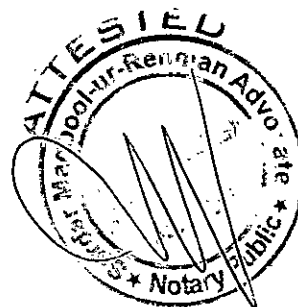
SERVICE APPEAL

AFFIDAVIT

I, Ijaz Ali Qureshi son of Abdul Majeed Qureshi, resident of Noja Bandi,
Tehsil Havelian, District Abbottabad, do hereby solemnly affirm and declare
that the contents of forgoing appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed therein from this
Honourable Court.



DEPONENT



10/6/2019

Muhammad Ali Qazi
 Advocate High Court
 Abbottabad
 10-6-2019

Sl. No.	Name of Candidates	Age	Qualification	Grade
1	Shahid Khan S/o Raza	20.03.65	B.A. (Hons.)	1st
2	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
3	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
4	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
5	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
6	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
7	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
8	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
9	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
10	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
11	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
12	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
13	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
14	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
15	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
16	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
17	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
18	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
19	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st
20	Farhat Hussain S/o Ahmad	20.03.65	B.A. (Hons.)	1st

ANNEXURE A
 12
 DATED 10-6-2019
 AT (M)

2	3	4	5	6
13. Muhammad Liaqat S/o Muhammad Jan R/o Bissten Manshra.	03.03.74	60	GMS Gandian Haripur.	Against vacant all post.
14. Hafiz Umair S/o Masod-Ur-Rehman, R/o Tambah Manshra.	05.04.74	60	GMS Kharian Haripur.	-do-
15. Muhammad Qazzil, S/o Fazal-Ur-Rehman, R/o Jhanoa A. Abad.	04.05.74	60	GMS Jam Haripur.	Against newly crec post.
16. Zulfiqar S/o Habib-Ur-Rehman R/o Jukna A. Abad.	15.05.70	57	GMS Garhan Haripur.	Against vacant all post.
17. Muhammad Mushir Khan, S/o Mohd Puntaz Khan, R/o Ail Manshra.	09.05.70	56	GMS Bassian Abbottabad.	Against vacant post.
18. Ihtjaz Ali Qureshi, S/o Abdul Majeed R/o Noja Banda Rodlaan	30.03.71	56	GMS Paragaria Kohistan.	-do-
19. Hamidullah S/o Fazal-Ur- Rehman R/o Uda Balakote Manshra.		56	GMS Ishpoder Kohistan.	Against newly cre post.
20. Jamil-Ur-Rehman, S/o Ghulam Rabbani R/o Dan sar Battagram.	06.05.55	55	GMS Mualkhal Garhal KH	-do-
21. Khalil-Ur-Rehman S/o Piali Muhammad R/o Taranganla A. Abad.	02.05.60	55	GMS Darigo Kohistan.	Against vacant post.
22. Abdul Hafeez S/o Mohd Amir Zaman H/No. 1 Moh: Katchari Abbottabad.	15.12.60	55	GMS Khawar Kohistan.	-do-
23. Mujeeb Ahmed S/o Madi Mati-Ul-Rehman R/o Dalora Abbottabad.	15.03.69	55	GMS Parea Kohistan.	-do-
24. Ghulam Khan S/o Abdul Ghafoor Gari GMS Peshora BGC.	01.04.70	55	GMS Kafar Banda K.H.	-do-
25. Abid Mehmood S/o Kamal Din H/No. 177/2 Uper-kehal Abbottabad.	02.05.70	55	GMS Tial KH	-do-
26. Shabir Hussain, S/o Aurangzeb Qureshi R/o Banda Guana Mans.	26.05.70	55	GMS Unsher KH	-do-

Attested by
Muhammad Ali Qazi
Advocate High Court
Abbottabad

10-06-2019

OFFICE OF THE DIRECTOR OF EDUCATION (SCHOOLS)

Order No. 6

dated: _____

APPOINTMENTS

Consequent upon therein selection by the Departmental Committee, the Divisional Director of Education (Schools) Hazara Division Abbottabad has pleased to appoint the following Arabic Teachers (Male) at the school noted against their names in BPS-9 (Rs. 7606237-3060) plus usual allowances as admissible under the rules with effect from 02/03/1998 or subsequent rate of taking over _____ subject to the existing terms and conditions;-

S.No	Name of Candidates and Adress	Date of Birth	Marks Obtain	School Appointed	Remarks
1.	Shahid Khan s/o Faqir Taj Khan, R/o Ahl, Mansehra.	20/03/65	81	GMS Khabbal Haripur	Against vacant post
2.	Fazal e Rabbi S/o Molvi _____ PTC GPS District Kohistan	05/09/54	78	GHS Shatial Kohistan	do
3.	Muhammad Anwar S/o Abdullah Jan	31/01/69	78	GMS Hakamabad	
4.	Syed Atta-ul-Munhim Hashmi				At Post
5.	Masood ur Rehman S/o Muhammad Yousaf r/o Jama Masjid Mansehra	06/04/66	71	GMS Pattan	-do-
6.	Zahoor ul Haq S/o Abdul Qayyum R/o Perrani Battagram	01/02/72	71	GMS Kuz Sherial KH	-do-
7.	Muhammad Arshad S/o Muhammad Iqbal R/o Sanwala Abbottabad	01/08/70	71	GMS Masa— Masjid ATD	Against Vacant Post
8.	Bahadar Shah S/o Jander Khan R/o Seo Kohistan	1963	68	GMS Choo Shang Kohistan	Newly Created Post
9.	Muhammad Akram S/o Mohd Imran PTC BPS Banda Mcha Zaden Battagram	14/05/74	66	GMS Sumer Nala Kohistan	Against Vacant Post
10.	Tokya S/o Abdul Majid R/o Pattan Kohistan	02/03/72	64	GMS Dargah Kohistan	-do-
11.	Azad Hussain S/o Ghulam Hussain r/o Kashka Cum Jhangi Abbottabad	15.02.74	61	GMS Billah Haripur	-do-
12.	Abdul Hanan s/o Muhammad Saleman R/o Muslimabad Abbottabad	05.05.71	60	GMS Hassan	-do-
13.	Muhammad Liaqat S/o Muhammad Jan R/o Bissian Mansehra	03.03.74	60	GMS Gandian Haripur	Against Vacant Post
14.	Hazrat Umar S/o Masood ur Rehman, R/o Tambah Mansehra	05.04.74	60	GMS Kharian Haripur	-do-

Muhammad Ali Qazi
Muhammad Ali Qazi
 Advocate High Court
 Abbottabad -
19-6-98

BETTER COPY

15.	Muhammad Qazzafi S/o Fazal ur Rehman, R/o Jhanoa Abad	04.05.74	60	GMS Jam Haripur	Against newly post
16.	Zulfiqar S/o Habib ur Rehman R/o Jahna Abad			GMS Garhan Haripur	Against vacant post
17.	Muhammad Mushir Khan S/o Mohd Mumtaz Khan R/o Mansehra	09.05.70	56	GMS Bassian Abbottabad	Against Vacant Post
18.	Ihjaz Ali Qureshi S/o Abdul Majeed R/o Noja Banda Bodla ATD	30/03/71	56	GMS Paragari Kohistan	-do
19.	Hamidullah S/o Fazal ur rehman R/o Balakot Mansehra		56	GMS Ishpoder Kohistan	Against newly post
20.	Jamil ur Rehman S/o Ghulam Rabbani R/o Ban Seri Battagram	06/08/95	55	GMS Hualkhel Garhal Khail	-do-
21.	Khalil ur Rehman s/o Niaz Muhammad R/o Iarmagnia Abad	02.05.68	55	GMS Barigo Kohistan	Against Vacant Post
22.	Abdul Hafeez S/o Mohd Zaman H/No. 1 Moh: Katcheri Abbottabad	15.12.68	55	GMS Khawar Kohistan	-do-
23.	Mujeed Ahmed S/o Bazi Mati-ul-Rehman R/o Dalola Abbottabad	15.03.68	55	GMS Paree Kohistan	-do-
24.	Ghulam Khan S/o Abdul Ghafoor Qari GHS Peshora	01.04.70	55	GMS Kafar Banda K.H	-do-
25.	Abid Mehmood S/o Kamal Din H/No. 177/2 Uper Kehal Abbottabad	02.05.70	55	GMS Tial K.H	-do-
26.	Shabir Hussain S/o Aurangzeb Qureshi R/o Munda Gusha Maos	26.05.70	55	GMS Kunsher K.H	-do-

1. They will be governed by such rules and regulation in force and may be prescribed by the Govt. from time to time for the category or Government savants to which they belong.
2. Their services will be liable to termination of one month's notice from either side in case of regulation without notice one month's pay will be forfeited in thereof.
3. The should join the position 2.3.98 or and subsequent date but not later then 15.3.98.
4. Their inter seniority will be determined in accordance with the _____ of Departmental Selection Committee.
5. Charge reports should be submitted to all concerned and this office as well immediately.
6. They shall be on probation for a period of two years.
7. The DEO(M/F) says/ Principals/ Head Masters/ Head Mistresses are responsible to get verify the certificates/ degrees etc from the concerned University/ BISE/ RDE and Islamic Madrassas within one month the taking over charge and report of their governess or otherwise submitted to this office.

Attended by.
Muhammad Ali Qazi
Advocate High Court
Abbottabad

17-6-79

BETTER COPY

8. Services books of the teachers must be prepared complete in all respect on taking over charge.
9. The declaration of Assets should be obtained from them immediately and placed on record.
10. They are required to produce their health and age certificate from Medical authorities concerned before taking over charge.
11. Charge _____ should not be given to the overage candidate.
12. Efforts for transfer before the completion of tenure will disqualify them from the service.
13. No TA/DA is allowed.
14. An undertaking should be obtained from master and Degree holders then they will service the Department for at least 05 years and posted in service book duly attested.
15. Trained qualified candidates serving qualification of BA/BSc _____ may placed in BPS No. 14 without referring the case to this directorate others will get "(BPS-9 Except Arabic Teacher)
16. The above appointments/ subject to production/ verification of original Degrees/ Certificate to the concerned principal/ Head Masters/ Head Mistress and DEOs (M/F) Secy: Any candidate if falls to produce requisite documents should not be allowed to take over charge and report submitted to this Directorate immediately.
17. In case any of the above candidate failed to assume charge of his/ her post within 15.03.98 his appointment/ candidatures ship will at and cancelled.
18. They should not be allowed to take over if they are below 18 years OR above the maximum age limit as under:-
All Female Posts 40 years AT(M) 40 Years CT(M) 30 years and PET/TM(M)25 years.

(UMAR FAROOQ)
DIV; DIRECTOR OF EDUCATION(S)
HAZARA DIVISION ABBOTTABAD

Endst No. 1304-64/E-I AT(M)

Apptt: dated 4.2.1998

Copy to:-

1. P.S to Secretary to Govt. of NWFP Education Department NWFP Peshawar.
2. Director of Secondary Education NWFP Peshawar.
3. All the District Accounts Officer in Hazara Division.
4. All the District Education Officer (M/F) Secy: in Hazara Division.
5. All the Principals/ Headmasters/ Head Mistresses concerned.
6. Official Concerned.
7. P/File.

For/ DIV: DIRECTOR OF EDUCATION(S)
HAZARA DIVISION ABBOTTABAD

Attested by
Muhammad Ali Qazi
Advocate High Court
Abbottabad

Ali Qazi
17-6-19.

10-6-2019
Muhammad Ali Qazi
Advocate High Court
Abbottabad
Attached by

RECEIVED
MUNICIPALITY AND SUGARCANE DEPARTMENT
Abbottabad

- 1. Director, Agriculture, Abbottabad.
- 2. District Officer, Abbottabad.
- 3. District Officer, District Abbottabad.
- 4. District Officer, District Abbottabad.
- 5. District Officer, District Abbottabad.
- 6. District Officer, District Abbottabad.

Copy forwarded for information and file to these

Under No. 8398-98 / (P-11) / M/2019/12, dated 1. April 2019.

ANNEXURE
MUNICIPALITY AND SUGARCANE DEPARTMENT
Abbottabad

30

George Robert Smith is appointed to all concerned.
No. 84/19 is attached.

[REDACTED]

- 1. Mr. [REDACTED], District Officer, Abbottabad.
- 2. Mr. [REDACTED], District Officer, Abbottabad.
- 3. Mr. [REDACTED], District Officer, Abbottabad.
- 4. Mr. [REDACTED], District Officer, Abbottabad.
- 5. Mr. [REDACTED], District Officer, Abbottabad.

... of [REDACTED] ...
... of [REDACTED] ...
... of [REDACTED] ...

RECEIVED
MUNICIPALITY AND SUGARCANE DEPARTMENT
Abbottabad

ANNEXURE B

15

20/10

Office of the Execution District Officer
Elementary & Secondary Education
Abbottabad

TRANSFER/ ADJUSTMENT

Consequent upon the approved of competent authority the following are hereby Transfer/ Adjusted as noted against other each on their own pay 2 BPS in the interest of public Service with immediate effect.

S.No	Name of Teahcer/ Designation	From	To	Remarks
1.	Mr. Amanullah	GHS Jhangi	Jabrian	Against Vacant Post
2.	Syed Abdul Mastoor Shah	GHS Tarhana	GHS Jhangi	Vice S.No. 1
3.	Mr. Muhammad Sabir TT	GHS Rich Behn	GMS Nawanshehr	Against Vacant Post
4.	Mr. Badil Khan	GHS Todo Mera	GMS Tootni	Vice S No. 5
5.	Mr. Latif ur Rehman	GMS Tootni	GMS Todo Mera	S. No. 4
6.	Mr. Ihjaz Ali Qureshi	GHS Ghambir	GHS Chamhad	Against Vacant Post

Charge report should be committed to all concerned No. TA/DA an allowed

**EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION ABBOTTABAD**

Endst No. 8393-98/EB 11/AT/TT/Qari/DM dated A.Abad the 30/07/2011

Copy forwarded for information and to the:-

1. District Account Officer, Abbottabad.
2. Principal GHSS, Rich Behn.
3. Principal GHS, Jhangi.
4. Headmaster, GHS, Tarhana and GHS Jabrian.
5. Budget and Accounts Officers Local Officer
6. Concerned Teachers.

Attested By
Muhammad Ali Qazi
Advocate High Court
Abbottabad

Muhammad Ali Qazi
19-6-19

**DEPUTY DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION OFFICER ABBOTTABAD**

16

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
ABBOTTABAD



No: _____ / EB

ANNEXURE **C**

Dated Abbottabad the

0992 - 9310102.

EDO Education.Atd@gmail.com

PROMOTION / POSTING ORDERS

In pursuance of the Notification issued by the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Endst No: 3300-06/File No: 1/ Promotion / Senior AT B-16 Dated 21.02.2013, whereby the following fifty two (52) Male Arabic Teachers (AT) B-15 were promoted to the post of Senior Arabic Teachers (SAT) BPS 16 (Rs.10000 - 800-340000) plus usual allowances as admissible under the rules on regular basis under the existing recruitment policy of the Provincial Government on the terms & conditions given below and are hereby adjusted at the stations noted against their names with immediate effect.

S. #	SN #	Name of Teacher	Present Station	Place of posting	Remarks
1.	1	Rashid Latif	GHSS Bandi Dhundan	GHSS Bandi Dhundan	Promoted & Posted as Senior SAT BP-16 against the same duty station
2.	2	Muhammad Irfan Zia	GMS Badhaur	GHSS Khanspur	Promoted & Posted as Senior SAT BP-16 against Mr. Shabir Ahmed GHSS Khanspur S.No: 53
3.	7	Muhammad Sidique	GHS No.1 Havelian	GHS No.1 Havelian	Promoted & Posted as Senior SAT BP-16 against the same duty station
4.	8	Muhammad Amin	GHSS Mohri Bed Bhen	GHSS Mohri Bed Bhen	Promoted & Posted as Senior SAT BP-16 against the same duty station
5.	9	Molvi Habib Ur Rehman	GHS Khara Gali	GHS Khara Gali	Promoted & Posted as Senior SAT BP-16 against the same duty station
6.	10	Mustahib Shah	GHSS Dalola	GHSS Dalola	Promoted & Posted as Senior SAT BP-16 against the same duty station
7.	11	Shahzaman	GMS Narduba	GHS Dhamlor	Promoted & Posted as Senior SAT BP-16 against Mr. Ateq-ur-Rehman, AT S.No: 54
8.	14	Uhaid Rehman	GMS Samwala	GHS Bodla	Promoted & Posted as Senior SAT BP-16 against Mr. Muhammad Saleem, AT S.No: 58
9.	15	Abdul Ghaffor Rashid	GMS Sando Gali	GHS Mirpur	Promoted & Posted as Senior SAT BP-16 against Mr. Ali ur Rehman AT GHS Mirpur S.No:55
10.	17	Muhammad Piaiz	GHS Nagri Tutial	GHS Nagri Tutial	Promoted & Posted as Senior SAT BP-16 against the same duty station

By District Education Officer (Male) Abbottabad

Attested By
Muhammad Ali Qazi
Advocate High Court
Abbottabad

M. Ali Qazi

10-6-2019

**SENIOR ARABIC TEACHER (SAT)
BPS-16**

29.	46	Abdul Salam	GHS Bhuraj	GHS Bhuraj	Promoted & Posted as Senior SAT BP-16 against the same duty station
30.	43	Molvi M. Nazir Usmani	GMS Kasakki Kalan	GHS Chamad	Promoted & Posted as Senior SAT BP-16 against Mr. Ahjaz Ali Qureshi, GHS Chamad S.No: 69
31.	49	S. Arif Shah Gillani	GMS Banda Qazi	GHS Pind Kargu Khan	Promoted & Posted as Senior SAT BP-16 against Mr. Amir Wahid, AT GHS Pind Kargu Khan S. No: 64
32.	52	Abdul Hafeez	GCMHS No. 2 Abbottabad For Boys	GHS NO: 1 Abbottabad	Promoted & Posted as Senior SAT BP-16 against Vice Mr. Muhammad Saeed, AT GHS No: 1 Abbottabad S.No: 57
33.	53	Aman Ullah	GHS Jabrian	GHS Jabrian	Promoted & Posted as Senior SAT BP-16 against the same duty station
34.	54	Muhammad Ayaz	GMS Salol Bardi	GHS Pattan Khurd	Promoted & Posted as Senior SAT BP-16 against Mr. Haseeb Ur Rehman, AT Pattan Khurd S.No: 65
35.	55	Abdul Shakoor	GHSS Berote	GHSS Berote	Promoted & Posted as Senior SAT BP-16 against the same duty station
36.	56	Taj-Muhammad	GHS Nathia Gali	GHS Nathia Gali	Promoted & Posted as Senior SAT BP-16 against the same duty station
37.	60	Muhammad Saleem	GMS Kasala	GHSS Zairat Maqoom	Promoted & Posted as Senior SAT BP-16 against Mr. Abdul Razaq, AT S.No: 66
38.	61	Muhammad Niaz	GHS Toheed Abad	GHS Toheed Abad	Promoted & Posted as Senior SAT BP-16 against the same duty station
39.	63	Syed Mujahid Hussain	GHS Kanthiali	GHS Kanthiali	Promoted & Posted as Senior SAT BP-16 against the same duty station
40.	64	Zulfiqar	GHS Keri Raiki	GHS Keri Raiki	Promoted & Posted as Senior SAT BP-16 against the same duty station
41.	65	Zahoor Ur Rehman	GHS Bccran Gali	GHS Bccran Gali	Promoted & Posted as Senior SAT BP-16 against the same duty station
42.	66	Nayer Islam	GHS JHANGRA	GHS JHANGRA	Promoted & Posted as Senior SAT BP-16 against the same duty station
43.	67	Aziz Ur Rehman	GMS Noor Mong	GHSS Bagnotor	Promoted & Posted as Senior SAT BP-16 against Mr. Muhammad Saleem Khan, AT GHSS Bagnotor S. No: 67
44.	68	Muhammad Saeed	GHS Summandar Khala	GHS Summandar Khata	Promoted & Posted as Senior SAT BP-16 against the same duty station
45.	70	Zakir Hussain	GHS Tarnawai	GHS Tarnawai	Promoted & Posted as Senior SAT BP-16 against the same duty station

Dy. District Education Officer
 Abbottabad

Attested by
 Muhammad Ali Qazi
 Advocate High Court
 Abbottabad

10-6-2019

68.	Mr. Shafiq Ur Rehman,	GHS Molia	GMS Ali Abad	Vice Mr. Abdur Raheem, AT GMS Ali Abad S.No 46
69.	S. Mehboob Hussain Shah,	GHS Khutwal	GMS Gali Bannian	Vice Rasheed Ahmed, GMS Gali Bannian S.No 49

Terms & Conditions:

1. On their promotion, the teacher concerned will be on probation for a period of one year in terms of section-6(2) of Khyber Pakhtunkhwa Civil Servant Act 1973 read with rule 15(1) of Civil Servant (Appointment, Promotion & Transfer) Rules 1989.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated AT any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be preceded under the rules from time to time.
4. Their inter-Se-Seniority on lower post will remain intact.
5. They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to them in the light of this order will be recovered and if they are wrongly promoted they will be reversed.
6. They should join their post within 15 days of the issuance of this notification. In case of failure to join their posts within 15 days of the issuance of this notification, their promotion will expire automatically and no subsequent appeals will be entertained.
7. Necessary entry shall be recorded in their original service books.
8. Charge report shall be submitted immediately to all concerned.
9. **Checking of verification of all the documents shall be ensured by the DDO concerned.**
10. No. TA/DA is allowed.

MUHAMMAD RIAZ KHAN SWATI
DISTRICT EDUCATION OFFICER
(MALE) ABBOTTABAD

Endst: No: 1445-52/EBAT/SAT

Dated Abbottabad, the 26/02/2013

Copy forwarded to:

1. PS to Secretary to Govt: of Khyber Pakhtunkhwa, E&SED Peshawar.
2. Director E&SED Khyber Pakhtunkhwa Peshawar.
3. District Comptroller of Accounts, Abbottabad.
4. Deputy District Finance & Planning Officer Abbottabad
5. All the Principals of Middle/High/Higher Secondary Schools concerned.
6. Budget & Accounts Officer Local Office.
7. Officials concerned.
8. M/Tile.

DEPUTY DISTRICT EDUCATION OFFICER
(MALE) ABBOTTABAD

Dy. District Education Officer
(Male) Abbottabad

Attested by
Muhammad Ali Qazi
Advocate High Court
Abbottabad

M. Ali Qazi 5
10-6-2014

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.

NOTIFICATION

Promotion order AT to SAT

In pursuance to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. Notification issued vide Endst: No.5640-45/F.No.1/Promotion Senior AT B-16 dated 22-12-2017, whereby the following Male Arabic Teacher B-15 & B-16 were promoted to the post of Senior Arabic Teachers BPS-16 (Rs.18910-1520-64510) 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 & conditions given below and hereby further posted in the schools noted against their name with immediate effect.

S.#	Sen: No.	Name of Teacher	Name of present School	Place of Posting	Remarks
1	44	Muhammad Arshad Khan	GHS Manjia	GHS Nagri Tutial	Against Vacant post
2	45	Abdul Manan	GHS Ghorl	GHS Chamhad	Against Vacant post
3	46	Ihjaz Ali Qureshi	GMS Kasski Kalan	GHS Khalra Gali	Against Vacant post
4	47	Mujib Ahmad	GMS Deeda!	G:MANHS Chamiali	Against Vacant post
5	48	Hafiz Abdul Rashid	GMS Mamda	GHS Nammal	Against Vacant post

Terms & Conditions:

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be preceded under the rules from time.
4. Charge report shall be submitted immediately to all concerned.
5. Their inter-seniority on lower post will remain intact.
6. No. TA/DA is allowed for joining their duty.
7. They will give an undertaking to be recorded in their service books to the effect that if any over payment is made to them in the light of this order will be recovered and if they are wrongly promoted they will be reversed.

sd/

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst: No. 13575-52 /EB-II/SAT/ promotion(M) Dated A.Abad the 24/1/2018

Copy forwarded to the:

1. Director E & SE Khyber Pakhtunkhwa Peshawar.
2. The Principal/Headmaster of the concerned schools.
3. District Comptroller of Accounts Abbottabad.
4. District Monitoring Officer(IMU) Abbottabad.
5. PS to Secretary to Govt: of Khyber Pakhtunkhwa, E&SED Peshawar.
6. Budget & Accounts Officer local office.
7. AP EMIS branch local office.
8. Teachers concerned.

Attested By
Muhammad Ali Qazi
Advocate High Court
Abbottabad

10-03-2019

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABADCORRIGENDUM

The following amendment in this Office Notification of Promotion issued vide Endst:No.13575-82/EB-II/SAT/Promotion (M) dated 26.1.2018 is hereby ordered in the interest of public service with effect from the date of its issuance.

S#	Name & Designation/School	Place of Posting	Remarks
1	Ihjaz Ali Qurashi, SAT GHS Khaira Gali	GHS Sumandar Katha	Please read GHS Sumandar Katha instead of GHS Khaira Gali standing at S.No.03 of above noted order.
2	Hafiz Abdul Rashid, SAT GHS Nammal	GHS Jarral	Please read GHS Jarral instead of GHS Nammal standing at S.No.05 of above noted order.

s/c
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 1420-25 /EB-II/SAT/Promotion (M)

Dated 29/01/2018

Copy for information to the:-

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Accounts Abbottabad.
3. The District Monitoring Officer (IMU) Abbottabad
4. The Principal/Headmaster of school concerned.
5. Budget & Accounts Officer local Office.
6. Assistant Programmer EMIS local Office.
7. Teachers concerned.

Attested by
Muhammad Ali Qazi
Advocate High Court
Abbottabad

1 Qazi
10-6-2019


DY: DISTRICT EDU; OFFICER (M)
ABBOTTABAD

OFFICE OF THE DISTRICT EDUCATION OFFICER (M ALE) ABBOTTABADMUTUAL TRANSFER

Exchange of post amongst the following SATs is hereby ordered on their own Pay & BPS as recorded against their names in the interest of public service with effect from the date of their taking over charge.

S.#	Name of teacher	From	To	Remarks
1.	Ijaz Ali Qurashi SAT	GHS Samundar Khatta	GHS Makool Payeen	Vice S.No. 02
2.	Umar Farooq SAT	GHS Makool Payeen	GHS Nagri Bala	Vice S.No.3
3.	Abdur Rashid SAT	GHS Nagri Bala	GHS Samundar Khatta	Vice S.No.1

Note: -1. Charge reports should be sent to all concerned.
2. No TA/DA is allowed.

sd/-
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 2748-52 /Transfer /AT/SAT

Dated 02/03/2018

Copy forwarded for information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Account Abbottabad
3. All the Principals/Headmasters of concerned schools.
4. EMIS Local Office.
5. Teachers concerned

Attested by
Muhammad Ali Qazi
Advocate High Court
Abbottabad

M. J. Jari
10-6-2019


DY/DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Order Aurangzeb Naloha
MPA, PK-37
Abbottabad
2-2-2019

Strongly Recommended
for transfer against
N. Post

10-6-2019
Advocate High Court
Abbottabad
Attended by

Dk 8670
27/11/19

MAJID
Mansoor Khan
SAs Makool Fyoon
Abbottabad

DE-D-50
SAI G.P. 10/11/19
D.P. 10/11/19
- D.P. 10/11/19

MAJID GHS 10/11/19
SAI G.P. 10/11/19

MAJID GHS 10/11/19
SAI G.P. 10/11/19
MAJID GHS 10/11/19
SAI G.P. 10/11/19
MAJID GHS 10/11/19
SAI G.P. 10/11/19
MAJID GHS 10/11/19
SAI G.P. 10/11/19

ANNEXURE

MAJID GHS 10/11/19
SAI G.P. 10/11/19

خدمت جناب ڈسٹرکٹ (جوڈیشل آفیسر) اور (جج) مندرجہ ذیل کے نام سے۔
جناب عالی!

گزشتہ سال کے مسائل نے H.S. سکولوں میں سے لے کر ہو کر ایک پرائمری اسکول
درخواست دی جو کہ مدلل ہوئی اور مسائل کی تبدیلی H.S. سکولوں میں ہو گئی۔
اب میری اس تبدیلی کے خلاف آرڈر خان SAJ کے پاس ٹکری ڈیپارٹمنٹ نے اپیل دائر کی
ہے۔ جس کے دفاع کے طور پر مسائل اپنا موقف پیش کرنا چاہتا ہوں۔
تاکہ جو لوگ آرڈر خان 1998 سے مارچ 2018 تک ایسی ترقی پسند
سروس کرتا رہا ہے۔

درجہ اولیٰ سال 1998 سے اب تک گھر سے قوموں دور کوستان - گنجپور - جمیل
سکول - سمندر گڑھ اور سکولوں میں سروس کرتا رہا جو کہ مسائل کے قانون نوج
مانڈری (پورام) سے قوموں دور تھا۔ اس نے اعزازی رہائش خویلیاں میں رہ کر
اور مسائل کے قانون میں نقصان بند پڑنے پڑنے حالت ہو گئے ہیں اس کے باوجود
مسائل نے کسی کو ڈسٹرب نہیں کیا اور ایسے خالی پوسٹ پر تبدیل ہو گیا
اب یہی مسائل خالی پوسٹ پر تبدیل کروا رہے۔

یہ کہ ارشد خان میری دلچسپی کو اس سے بھی تعلق نہیں رکھتا اور میرا گھر اس کے قانون
سے سکول کے ہیئت ترقی ہے۔

مسائل شوگر کامر نہیں ہے اور ڈاکٹری دوائی کی روشنی میں دور دراز سفر سے معذور ہے
میدر بقل سرٹیفکیٹ درخواست کے ساتھ منسلک ہے۔

ارشد خان مارچ 2018 سے گھر سے دور رہا ہے تو اس نے وادیا ایجاد کیا۔ اور دعویٰ دینے لگا۔

گزشتہ سال کے مسائل کی درخواست پر پھر وہ غور کیا جائے اور مخالف موصوف کی

اپیل خارج کرنا ہے
Attested by
Muhammad Ali Qazi
Advocate High Court
Abbottabad
10-6-2019
2019
SAJ کے پاس
H.S. سکول

24.

ANNEXURE #

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD.
TRANSFER.

The following Teachers are hereby transferred on their own pay and BPS as recorded against their names in the interest of public service from the date of taking over charge.

S#	Name and Designation	Present School	Place of Posting	Remarks
1	Ghulam Nabi SAT	GHS Bodla	GHS Kakul	Against vacant post.
2	Ijaz Ali Qureshi SAT	GHS Makol Payeen	GHS Bodla	Vice serial#01

- 5. Charge Report should be submitted to all concerned.
- 6. No TA/DA and is allowed.

sd/-

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst.No. 938-43 /EB-II/SAT

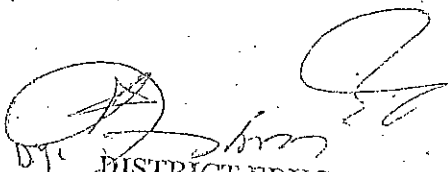
Dated Abbottabad the 23/1/2019.

Copy of the above is forwarded to:

- 1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
- 2. District Monitoring Officer (IMU) Abbottabad.
- 3. District Comptroller of Accounts Abbottabad.
- 4. Principal/Head Master of the concerned School Abbottabad.
- 5. AP EMIS Local Office.
- 6. Teachers Concerned.

Witnessed by
Muhammad Ali Qazi
Advocate High Court
Abbottabad

M. Qazi
10-6-2019


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

25

ANNEXURE

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE ABBOTTABAD.
CANCELLATION

This Office order issued under Endst: No.938-43 dated 23-01-2019 in respect of Mr. Huz Ali Qureshi, SAT GHS Makool Payeen standing at Serial No. 2 is hereby cancelled in the interest of public service.

Note:

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

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst: No. 1791-85 /EB-II/7 Qari/S.Qari

Dated A. Abad the 13-02-2019

Copy to the:-

1. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
2. Distinct Comptroller of Accounts Abbottabad.
3. District Monitoring Office (IMU) Abbottabad
4. Principal/Headmaster concerned.

DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Attested By

Muhammad Ali Qazi
Advocate High Court
Abbottabad

Muhammad Ali Qazi

10-6-2019

To

The Director,
E&SE, Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL/REPRESENTATION FOR CANCELLATION OF ORDER NO. 1781-85 DATED 13/02/2019 AND RESTORATION OF ORDER NO. 938-43 DATED 23/01/2019.

Respected Sir,

I have the honour to submit this departmental appeal/representation for your kind consideration and favourable action on the following facts and grounds:-

1. That the appellant was appointed as AT vide Order No. 1304-64 dated 04/03/1998 and served to the entire satisfaction of high ups. (Copy is annexed herewith as "A")
2. That, the appellant served away from his home about 20 years.
3. That, the appellant applied for transfer near home accordingly i.e on medical ground and against vacant post. (Copy is annexed herewith as "B")
4. That, the worthy District Education Officer (Male) honoured the appellant application and made transfer vide Order No. 938-43 dated 23/01/2019. (Copy is annexed herewith as "C")
5. That, after 20 days the worthy District Education Officer (Male) withdrawn above mentioned order without any plausible reason.
6. That, the said order in neither in exigency nor in public interest. It is pre-mature and totally on political whim.

724.
26/2/19

1940
21/2/19

Attested by
Muhammad Ali Qazi
Advocate High Court
Abbottabad
10-6-2019.

7. That, the said order is totally against posting transfer policy and judgment of apex court in Anita Turab's case.

Therefore, it is humbly requested that the above mentioned order may please be cancelled in the light of above facts and grounds and order dated 23/01/2018 No. 938-43 may please be restored.

With excuse, otherwise there will be no option but to knock at the door of court for justice.

Thanks!

Dated: 20/02/2019

Yours obediently,

Sign: 

Name: Ihjaz Ali Qureshi

Post: Senoir Arabic Teacher

Address: Govt High School, Makool Pavan,
Abbottabad

Cell No. 0323-5855309

0312-6656070

CNIC No. 13101-0858727-1

Advised By
Muhammad Ali Qazi
Advocate High Court
Abbottabad

M. Qazi
10-6-2019-

کورٹ فیس

قیمتی

وکالت نامہ

بعدالت جناب سرس ٹرنیبول KRK لپٹاور

عنوان: اعجاز علی بنام Govt of KPK دہی

منجانب: ایڈوانسٹ

نوعیت مقدمہ: سرس ایبل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

ایبٹ آباد، قاضی محمد ارشد ایڈووکیٹ سپریم کورٹ آف پاکستان، محمد علی قاضی ایڈووکیٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال و دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم 267-6-10

بمقام: لپٹاور - ایبٹ آباد

Attested & Accepted By

Arshad Dagi
Dagi

اعجاز علی وکیل صاحب اختیار

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 855/2019

Ijaz Ali Qureshi.....Appellant

VERSUS


Govt. Of KPK & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

INDEX

Sr.No	Description	Page Nos	Annexures
1	Comments alongwith affidavit	01 to 05	
2	Copy of Appeal of Mr. Arshad Khan	06	"A"
3	Complaint of Hadayatullah	07	"B"
4	Copy of Findings of Provincial Ombudsman dated 27-05-2019	08 to 10	"C"
5	Copy of Letter dated 24-06-2019	11	"D"
6	Copy of Cancellation order dated 13-06-2019	12	"E"
7	Copy of Transfer order dated 08-07-2019	13	"F"
8	Copy of E-Transfer Policy dated 11-09-2019	14 to 18	"G"
9	Copy of Letter of Chief Minister dated 16-09-2019	19	"H"

Dated: 02/10/2019


District Education Officer (M)
Abbottabad
(Respondent No. 3)

8

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 855/2019

Ijaz Ali Qureshi.....Appellant

VERSUS

Govt. Of KPK & Others.....Respondents

SERVICE APPEAL

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

Joint Para Wise Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no locus standi.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present appeal has been filed just to pressurize and blackmail the respondents.
6. That as per Section 10 of Civil Servant Act 1973, every Government Servant is bound to serve anywhere within the District in the best interest of public service without raising any objection in this regard.
7. That the instant appeal is not maintainable in its present form.
8. That all the proceedings have been done by the competent authority as per Rule & Law hence, the appeal is liable to be dismissed without any further proceeding.

Factual Objections:-

1. That Para No. 1, of the instant appeal relates to service record of the appellant.
2. That Para No. 2, of the instant appeal relates to record.

3. That Para No. 3, of the instant appeal relates to record.
4. That Para No. 4, of the instant appeal relates to record.
5. That Para No. 5, of the instant appeal relates to record.
6. That Para No. 6, of the instant appeal is correct.
7. In reply to No. 7, of the instant appeal mutual transfer order was issued vide Endst: No. 2748-52 dated 02-03-2018 on the request of the appellant.
8. In reply to Para No. 8, of the instant appeal, it is submitted that application of appellant has been accepted and appellant was transferred at the vacant post at GHS Bodla vide order No. 938-43 dated 23-01-2019. (Copy of order dated 23-01-2019 has already been annexed as Annexure "H" of the Service Appeal).
9. That Para No. 9, of the instant appeal is correct.
10. That Para No. 10, of the instant appeal is correct to the extent of cancellation of order dated 23-01-2019 vide order No. 1781-85 dated 13-02-2019 while rest of the para as composed is incorrect hence, denied as the order dated 23-01-2019 was cancelled consequent upon the acceptance of appeal of Mr. Arshad Khan SAT GHS Nagri Tutial, Abbottabad. Furthermore, it is submitted that one Mr. Syed Hadayatullah Shah filed complaint on dated 31-01-2019 before the Provincial Ombudsman Khyber Pakhtunkhwa Peshawar against the transfer order No. 931-43 dated 23-01-2019 to the extent of Mr. Ghulam Nabi SAT GHS Bodla and same complaint was accepted on 27-05-2019. Moreover, in pursuance to direction of Provincial Ombudsman Secretariat Khyber Pakhtunkhwa Peshawar vide letter dated 24-06-2019 transfer order of Mr. Ghulam Nabi SAT GHS Bodla to GHS Kakul was cancelled vide Endst: No. 6633-39 dated 13-06-2019 and Mr. Syed Hadayatullah Shah SAT GHS Pawa was transfer to GHS Kakul vide Endst: No. 7622-27 dated 08-07-2019. (Copy of Appeal of Mr. Arshad Khan, Complaint of Hadayatullah, findings of Provincial Ombudsman dated 27-05-2019, letter dated 24-06-2019, cancellation order dated 13-06-2019 and transfer order dated 08-07-2019 are annexed herewith as Annexure "A", "B" "C", "D", "E" & "F" respectively).

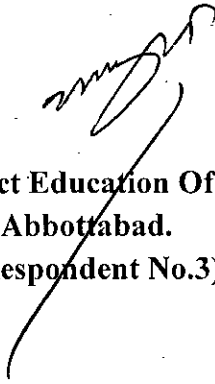
11. That Para No. 11, of the instant appeal as composed is incorrect hence, denied.
12. That Para No. 12, of the instant appeal relates to record.
13. That Para No. 13, of the instant appeal as composed is incorrect hence, denied.


GROUND:-

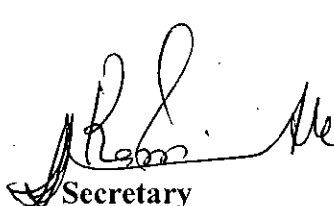
- a. That ground a, as composed is incorrect hence, denied as comprehensive reply has already been given in Para No. 10 of the Factual Objections.
- b. That ground b, is subject to cogent proof.
- c. In reply to ground c, as stated in Para No. 10 of the Factual Objections.
- d. That the ground d, as composed is incorrect hence, denied as Transfer Posting Regulatory Act 2011 is not applicable in the case of appellant.
- e. As stated in para No. 10 of the Factual Objections.
- f. That the ground f, as composed is incorrect hence, denied appellant also used to exert political pressure on the answering respondent.
- g. In reply to ground g, it is submitted that consequent upon the acceptance of the appeal of Mr. Muhammad Arshad Khan transfer order of appellant was withdrawn in the best interest of the public service.
- h. That ground h, as composed is incorrect hence, denied as the post of SAT at GHS Bodla has been filled due to the cancellation of transfer order of Mr. Ghulam Nabi as the same was filled in pursuance to the findings of Provincial Ombudsman Khyber Pakhtunkhwa Peshawar dated 27-05-2019. Furthermore, Provincial Government of Khyber Pakhtunkhwa has been pleased to implement the E-Transfer Policy of teaching cadre in E&SE Department and superseded all previous Posting Transfer Policies and Honourable Chief Minister of Khyber Pakhtunkhwa imposed complete ban on Posting/Transfer of teaching cadre in E&SE Department and same instructions was communicated to all the DEOs vide letter dated 16-02-2019. (Copy of E-Transfer Policy dated 11-09-2019 and in E&SE Department & Posting and letter of Chief Minister dated 16-02-2019 are annexed herewith as Annexure "G" & "H" respectively).

- i. That ground i, as composed is incorrect hence, denied.
- j. That ground j, as composed is incorrect hence, denied as the judgment of Anita Turab is not applicable in the case of appellant.
- k. That ground k, as composed is incorrect hence, denied brief reply as already been given in Para No. 10 of the Factual Objections.
- l. That ground k, as composed is incorrect hence, denied.
- m. That ground k, as composed is incorrect hence, denied.
- n. That ground n, as composed is incorrect hence, denied.
- o. That ground k, as composed is incorrect hence, denied complete reply has already been given in ground h.
- p. No comment.
- q. No comment.
- r. That the respondents seek permission of this Honorable Tribunal to advance further grounds during arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the appeal in hand may graciously be dismissed with cost throughout.


District Education Officer (M)
Abbottabad.
(Respondent No.3)


Director
E&SE Khyber Pakhtunkhwa
Peshawar.
(Respondent No.2)


Secretary
E&SED Khyber Pakhtunkhwa
Peshawar.
(Respondent No.1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 855/2019

Ijaz Ali Qureshi.....Appellant

VERSUS

Govt. Of KPK & Others.....Respondents

SERVICE APPEAL

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Qazi Tajjamal Hussain, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT



اپیل بنام ڈائریکٹر ایجوکیشن صوبہ خیبر پختون خواہ (6)

بوساطت: ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ایبٹ آباد

عنوان! اپیل ایڈجسٹمنٹ GHS بودلہ

گزارش ہے کہ سائل 05/03/1998 سے دور دراز اسٹیشنز پر ڈیوٹی سرانجام دے رہا ہے اور سائل 27/01/2018 سے ضلع ایبٹ آباد کے آخری سکول GHS نگری ٹوٹیاں میں فرائض کی ادا گئی کر رہا ہے

عالیجاہ: آپ نے 23/01/2019 کو بودلہ میں اعجاز علی قریشی SAT کا تبادلہ کیا ہے جو کے میرٹ کے خلاف اور نا انصافی پر مبنی ہے اس میں سائل کی حق تلفی ہوئی ہے۔ مزکور ٹیچر کو آپ نے ایک سال کے اندر تین بار تبادلوں سے نوازا ہے اور چند ماہ قبل آپ نے ان کو GHS کموں پائیں میں تبدیل کیا تھا۔ اور اب نہ جانے کس وجہ سے اسے GHS بودلہ میں تعینات کر دیا گیا ہے۔ جبکہ سائل نے 27/01/2018 سے GHS نگری ٹوٹیاں سے بارہا درخواستیں دے چکا ہے لیکن تاحال سائل کو حق نہیں دیا جا رہا۔ سائل کا ٹین ایور مزکور ٹیچر سے زیادہ ہے۔

لہذا عالیجاہ سے اپیل ہے شافٹ سیمنٹ کو چک کیا جائے اور اس پر نظر ثانی کرتے ہوئے باضابطہ انکوائری فرما کر مزکور ٹیچر کا GHS بودلہ میں تبادلہ منسوخ کیا جائے اور سائل کو حق و انصاف دلاتے ہوئے GHS بودلہ میں ایڈجسٹ کیا جائے تاکہ سائل کا حق محفوظ رہے۔

الارض

نام: محمد ارشد خان، SAT گورنمنٹ ہائی سکول نگری ٹوٹیاں

37405-2084927-7

(Handwritten signature)

- | | | | |
|-----|---|----|----|
| (1) | کاپی برائے ضروری کارروائی ڈسٹرکٹ ایجوکیشن آفیسر ایبٹ آباد | | |
| (2) | MPA اورنگزیب لٹوٹھ | // | // |
| (3) | سپیکر صوبائی اسمبلی مشتاق احمد غنی | // | // |
| (4) | سیکریٹری تعلیم خیبر پختون خواہ | // | // |
| (5) | وزیر اعلیٰ صوبہ خیبر پختون خواہ | // | // |



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عزت مآب جناب صوبائی محتسب خیبر پختونخواہ

عنوان: اپیل برخلاف ٹرانسفر آرڈر نمبر 43-938 مورخہ 23/01/2019 جاری کردہ DEO (مردانہ) ایسٹ آباد

جناب عالی! موجبات اپیل ذیل ہیں:-

- 1- یہ کہ سائل کی تفرری محکمہ تعلیم ضلع ایسٹ آباد میں بحیثیت معلم عربی (A.T) مورخہ 28/11/1988 کو ہوئی۔
- 2- یہ کہ سائل عرصہ 21 سال پیدائشی عہدوں میں اپنے فرائض منصبی سرانجام دیتا رہا کہ مورخہ 31/01/2009 کو بحوالہ ٹرانسفر آرڈر نمبر 74-2370 سائل کو GHS پوزیشن کر دیا گیا۔
- 3- یہ کہ سائل GHS پاوا میں ترقی فرمائش سرانجام دے رہا تھا کہ اسی دوران 1/3 پر موشن پالیسی کے پہلے فیئر کے آرڈر مورخہ 26/02/2013 کو جاری ہوئے ترمیم کو GMS سلہڈ میں ایڈجسٹ کیا گیا جو کہ بعد ازاں سیاسی بنیادوں پر منسوخ کر دیا گیا اور سائل کو دوبارہ GHS پاوا میں ترقی کرنے کا آرڈر جاری کر دیا گیا۔
- 4- یہ کہ مورخہ 24/11/2014 کو بحوالہ آرڈر نمبر 98-8592 سائل کو A.T پوسٹ سے S.A.T پر ترقی دے دی گئی اور سائل کو دوبارہ GHS پاوا میں ایڈجسٹ کر دیا گیا۔
- 5- یہ کہ مورخہ 01/12/2019 کو GHS کا کول سے S.A.T کی پوسٹ خالی ہوئی اور سائل نے مذکورہ خالی پوسٹ پر تبادلہ کیسے باقاعدہ درخواست دی جو کہ Endst. No. 6487 کے تحت وصول ہوئی۔
- 6- یہ کہ سائل کا GHS پاوا میں 10 سال Tenure ہے اور اس سے پہلے بھی ملازمت کا سارا دورانیہ شواہد گزار پیمائشی علاقوں میں گزارا ہے۔
- 7- یہ کہ مورخہ 23/01/2019 کو بحوالہ آرڈر نمبر 43-938 کے تحت DEO (مردانہ) ایسٹ آباد نے غلام نبی S.A.T کو GHS کا کول میں ٹرانسفر کر دیا جبکہ موصوف Tenure سائل سے بہت کم ہے جو کہ 10/08/2017 کو GHS بولہ میں ٹرانسفر ہوا ہے۔ اس طرح غیر قانونی طور پر سائل کی درخواست کو نظر انداز کر دیا گیا جس سے سائل کے بنیادی حقوق کو سلب ہوئے۔
- 8- یہ کہ مذکورہ ٹرانسفر آرڈر مورخہ 23/01/2019 سیاسی بنیادوں پر جاری کیا گیا اور غلام نبی S.A.T اپنی ملازمت کے دوران کے بعد دیگرے Disciplinary Grounds پر تبدیل ہوتا رہا ہے اور پھر سیاسی اثر و رسوخ کا استعمال کرتا رہا ہے اور تعلیم و تعلم سے موصوف کو کوئی غرض نہیں اور سیاسی ہتھکنڈوں کے تحت ایک مرتبہ پھر سائل کے بنیادی حق کو منسوخ کرنے میں کامیاب ہوا۔ لہذا استدعا ہے کہ سائل کی اپیل حذا کو منظور کرتے ہوئے مذکورہ ٹرانسفر آرڈر مورخہ 23/01/2019 کو منسوخ فرماتے ہوئے سائل کو GHS کا کول میں تعینات فرمایا جائے۔ نیز جس وقت تک اپیل حذا کا فیصلہ نہیں ہو جاتا مذکورہ ٹرانسفر آرڈر کو معطل فرمایا جائے۔ ضروری کاغذات ساتھ لف ہیں۔

المترقون:- 31/01/2019

اپیلانٹ

S.A.T سید ہدایت اللہ شاہ

گورنمنٹ ہائی سکول پاوا، ضلع ایسٹ آباد

موبائل نمبر: 0345-9553288



PROVINCIAL OMBUDSMAN (صوبائی) SECRETARIAT,
KHYBER PAKHTUNKHWA

Annex "C" 8

Dated 28/05/2019

PO/Complaint No.0161/02/2019/1544

1. Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. Director, Directorate of Elementary & Secondary Education Department Khyber Pakhtunkhwa.
3. District Education Officer (Male), Abbottabad.
4. Principal, Government High School Pawa, Abbottabad.
5. Mr. Syed Hidayat Ullah Shah S.A.T c/o Government High School Pawa Abbottabad (Contact # 03459553288).

Subject: REQUEST FOR CANCELLATION OF TRANSFER ORDER.

P-130/131

Memo:

I am directed to enclose herewith a copy of the Findings of the Provincial Ombudsman Khyber Pakhtunkhwa on the subject noted above for information and necessary action.

Under section 31 of the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010, the aggrieved person can file representation to the Governor, Khyber Pakhtunkhwa, within thirty days of the orders, if he so desired.

Mumtaz Ahmad
Consultant-II
Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

ENDST: EVEN NO & DATE:

Copy forwarded to the i/c Computer Section, Provincial Ombudsman Secretariat Khyber Pakhtunkhwa alongwith findings in duplicate for updating record under Regulation 19 of the Khyber Pakhtunkhwa Provincial Ombudsman Office (Registration, Investigation and Disposal of Complaints) Regulations, 2011.

Consultant-II
Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

1581

30-5-19

RTI



PROVINCIAL OMBUDSMAN (صوبائی محاسب) SECRETARIAT,
KHYBER PAKHTUNKHWA

9

CLOSURE FINDINGS	
1	COMPLAINT NO. P.O/Complaint No. 0161/02/2019.
2	NAME & ADDRESS OF THE COMPLAINANT: Syed Hidayat Ullah Shah S.T.A c/o Government High School Pawa Abbottabad.
3	NAME OF THE AGENCY COMPLAINED AGAINST: 1. Secretary, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar. 2. Director, Directorate Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar. 3. District Education Officer (Male), Abbottabad. 4. Principal, Government High School Pawa, Abbottabad.
4	NAME OF THE INVESTIGATION OFFICER: Mumtaz Ahmad (Consultant-II).
5	SUBJECT OF COMPLAINT: Request for cancellation of transfer orders.
6	DATE OF REGISTRATION: 06/03/2019.
7	DATE OF FINDINGS: 27/05/2019.

THE COMPLAINT

Syed Hidayat Ullah Shah instituted a complaint stating that he was appointed as Arabic Teacher on 28/11/2009 and was posted in remote hilly area of Abbottabad and served there for 21 years. He was transferred to Government High School Pawa on 31/01/2009 as AT. On promotion to the post of SAT on 24/11/2014, he was adjusted in GHS Pawa. On vacant post of SAT in GHS Kakol, he submitted an application to the competent authority for his posting to the said school. But instead of acceding his request another teacher namely Mr. Ghulam Nabi who remained posted in GHS Bodla w.e.f 10/08/2017 was transferred to GHS Kakol on political basis. He has requested to direct the Agency to cancel transfer of Mr. Abdul Nabi and in his place he may be transferred on account of long stay in GHS, Pawa.

REPLY OF THE AGENCY

In response, District Education Officer (M) Abbottabad informed that Mr. Ghulam Nabi SAT GHS Bodla was transferred to GHS Kakul on 23/01/2019 having posted in longer distance as compared to the complainant. He has not represented against the said transfer order to Appellate Authority. Besides, the transfer of civil servant was a part and parcel of the service and he was bound to serve at any station in the district in terms of section 10 of Khyber Pakhtunkhwa Civil Servant Act, 1973.

REJOINDER

Reply of the Agency was communicated to the complainant for his rejoinder / feedback. In response, he stated that Mr. Ghulam Nabi was transferred to GHS Kakul on recommendation of MPA which was tantamount to brining Political influence. His transfer to Kakul was against



PROVINCIAL OMBUDSMAN (صوبائی محتسب) SECRETARIAT,
KHYBER PAKHTUNKHWA

10/05/19

the transfer policy of Government as he has completed 11 months on his new posting before transfer to Kakul whereas the complainant had completed 11 years on present posting.

HEARING

Due to divergent pleadings, the case was fixed for hearing on 06/05/2019. The complainant appeared for hearing and contended that he had submitted an application for his transfer to GHS Kakul but another teacher who had only 11 months tenure of posting was posted on recommendation of Member of Provincial Assembly. He submitted that the Apex Court in case titled Roshan Khan VS Director Schools and literacy (SCMR 2007-600) held that transfer of civil servant under the order of even a Minister was void and unlawful 1993 SCMR-1287 PLJ-2000 Service 473, PhD 1995 SC 530. Mr. Sohail Ahmad Zeb litigation Officer, office of District Education Officer Abbottabad stated that posting and transfer of teachers from one school to another was part and parcel of the service and prerogative of administration to keep teaching smoothly in schools. No teacher could claim posting to any particular school as matter of right. However, the complainant's request for posting in nearby school would be considered on availability of seat of Arabic teacher. AD of Education Department has also attended.

FINDINGS

Mr. Ghulam Nabi AT was posted on the basis of political pressure, as such, his posting was clearly in violation of Apex Court decision made in various cases. It is therefore, recommended that his posting to GHS Kakul may be withdrawn and on merit the posting of both teachers be decided by the Director Directorate of Education after thorough investigation is made.


AQAL BADSHAH KHATTAK
Provincial Ombudsman

27/05
19



PROVINCIAL OMBUDSMAN (صوبائی محتسب) SECRETARIAT,
KHYBER PAKHTUNKHWA

Anx-D
11

No:P.O/Complaint/0161/02/2019/16158

Dated: 24/06/2019

To,
District Education Officer (Male),
Abbottabad.

SUBJECT: **REQUEST FOR CANCELLATION OF TRANSFER ORDERS.**

Memo,

I am directed to the cancellation of transfer order furnished vide No. 6633-39/EB-II/Prov.Ombudsman dated: 13/06/2019 on the cited subject.

It is to state that as per your report, transfer orders of one Mr. Ghulam Nabi have been cancelled. However, report pertaining to transfer of Mr. Syed Hidayatullah Shah (Complainant) is not so far shared with this Secretariat.

You are, therefore, asked to apprise this Secretariat regarding the posting which were required to be made on merit after thorough investigation as recommended through Findings dated: 27/05/2019. Your report may reach within a fortnight, positively.

THIS ISSUES WITH THE APPROVAL OF THE PROVINCIAL OMBUDSMAN.

[Signature]
ASSISTANT DIRECTOR
(Implementation),
Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

Endst: of Even No. & Date:

Copy forwarded for information to the:

1. PS to Director General Provincial Ombudsman Secretariat, Khyber Pakhtunkhwa.
2. Syed Hidayat Ullah Shah S.T.A c/o Government High School Pawa Abbottabad with a copy of the above referred transfer cancellation order furnished by DEO(Male) Abbottabad.

5518
24-7-19

ASD (E)
P.O. Copy
mya
24/6/19

-sd/-
ASSISTANT DIRECTOR
(Implementation),
Provincial Ombudsman Secretariat,
Khyber Pakhtunkhwa.

Even No. & Date:
Government High School Pawa

Anx "E" 12

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE ABBOTTABAD.

CANCELLATION OF TRANSFER ORDER.

In pursuance to the findings of Provincial Ombudsman Khyber Pakhtunkhwa dated 27-05-2019 in P.O/Complaint No. 0161/02/2019 received vide Memo: No. 5442 dated 28-05-2019, this office transfer order issued under Enst: No. 938-43 dated 23-01-2019 standing as S.No. 1 in respect of Mr. Ghulam Nabi SAT from GHS Bodla to GHS Kakul is hereby cancelled in the interest of public service with immediate effect.

Note:

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


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

Endst: No. ⁶⁶³³⁻³⁹...../EB-II/Prov: Ombudsman

Dated A.Abad the 13/6.../2019

Copy forwarded for information to the:-

1. Mr. Mumtaz Ahmed Consultant -II Provincial Ombudsman Khyber Pakhtunkhwa, Overseas Pakistanis Foundation Building, Phase V, Hayat Abad Peshawar w/r to findings dated 27-05-2019 in P.O/Complaint No. 0161/02/2019 received vide Memo: No. 5442 dated 28-05-2019,
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar
3. Principal GHS Kakul and Bodla Abbottabad.
4. Distinct Comptroller of Accounts Abbottabad.
5. District Monitoring Office (IMU) Abbottabad
6. Syed Hidayat Ullah Shah SAT GHS Pawa Abbottabad.
7. Mr. Ghulam Nabi SAT GHS Kakul Abbottabad.


DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

QATAR F" 13

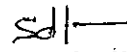
OFFICE OF THE DISTRICT EDUCATION OFFICER MALE ABBOTTABAD.

TRANSFER ORDER.


In pursuance to the findings of Provincial Ombudsman Khyber Pakhtunkhwa dated 27-05-2019 in P.O/Complaint No. 0161/02/2019 received vide Memo: No. 5442 dated 28-05-2019 and further Memo: No. 16158 dated 24-06-2019 Mr. Syed Hidayat Ullah Shah SAT GHS Pawa is hereby transferred to GHS Kakul against the vacant post of SAT in the interest of public Services with immediate effect.

Note:

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


DISTRICT EDUCATION OFFICER
(M) ABBOTTABAD.

Endst: No.....7622-27...../EB-II/Prov: Ombudsman

Dated A.Abad the ...../2019

Copy forwarded for information to the: -

1. Assistant Director (Implementation) Provincial Ombudsman Secretariate, Khyber Pakhtunkhwa with reference to his No. P.O/Complaint/0161/ 02/ 2019/16158 dated 24-06-2019.
2. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Principal GHS Kakul and Pawa District Abbottabad for compliance.
4. Distinct Comptroller of Accounts Abbottabad.
5. District Monitoring Office (IMU) Abbottabad
6. Syed Hidayat Ullah Shah SAT GHS Pawa Abbottabad.


DISTRICT EDUCATION OFFICER
(M) ABBOTTABAD

Ann - "G"

(14)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/7-1/2019/Posting/Transfer/Policy of TC
Dated Peshawar the September 11, 2019

To

1. The Director, Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
2. The Director, Curriculum and Teachers Education
Khyber Pakhtunkhwa Abbottabad.
3. The Director, Provincial Institutes of Teachers Education, Peshawar.
4. The Director, Education Sector Reforms Unit, Elementary & Secondary
Education Department, Khyber Pakhtunkhwa.
5. All District Education Officers (Male & Female) in Khyber Pakhtunkhwa.

Subject:- E-TRANSFER POLICY OF TEACHING CADRE IN E&SE DEPARTMENT
KHYBER PAKHTUNKHWA

I am directed to refer to the subject noted above and to state that the Provincial Government has been pleased to implement the subject policy for posting/transfer of Teaching Cadre officers/officials in the Elementary and Secondary Education Khyber Pakhtunkhwa: -

- i. The introduction of e-Transfer for Teaching Cadre policy supersede all previous Posting/Transfer policies in the E&SE Department.
- ii. Transfer on Complaint (Administrative Ground Transfer), Mutual, Inter District Transfer and transfer for Operationalization of Newly Established schools will be exempted from the present policy.
- iii. Transfers shall be made annually in the month of March of the academic year.
- iv. Transfer shall be made only against the vacant post.
- v. The posts filled through NTS on school based recruitment process shall be declared non-transferable.
- vi. The vacant positions will be uploaded by the District Education Officers for all teaching cadres in last week of February.
- vii. The desirous employees shall apply through e-Transfer Application.
- viii. Each Competent Authority shall constitute a Grievance Redressal Cell headed by a BPS-18 or above officer which will resolve the grievances and determine the merit position of the applicants within a week positively.
- ix. Each Competent Authority shall visit the Dash Board of e-Transfer app, check and verify all the particulars of the applicants till 25th of March.
- x. At the end of March Transfer orders generated by e-Transfer App will be issued.

S. M. M. B
11/09/2019



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

- 1. Minimum tenure of 3 years on the present post at a school in plain area while 1.5 years in hard area is must for eligibility of e-posting/transfer.
- 2. The indicators as per from (A, B, C & D) will be considered for posting/transfer as per detail given below:

Form-A: Posting/Transfer of Teachers up to BPS 16 except SST (Total marks 80)

- 1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
- 2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) – 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) – 4 marks
 - c. Tenure at hard area (from 3 to 5 years) – 7 marks
 - d. Tenure at hard area (more than 5 years) – 10 marks
- 3. STR (Total number of Students in the school / Total number of Teachers) – 10 marks (IMU: data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level – 5 marks
 - c. STR at the present school is less than desired school – 10 marks
- 4. Chronic Disease – 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
- 5. Disability – 10 marks
10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
- 6. Domicile -10 marks.
10 marks will be awarded to those when the desired school is in his/her district of domicile
- 7. Spouse – 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.

J. Masul
11/07/2015

Form-B: Posting/Transfers of SSTs (Total Marks – 100)

- 1. Distance of present school to the desired school (in KM) – 20 marks
 - a. Within 5 KM – 0 marks
 - b. Within 10 KM – 5 marks
 - c. Within 15 KM – 10 marks
 - d. Within 20 KM – 15 marks
 - e. Greater than 20 KM – 20 marks
- 2. Hard Area - 10 marks



(16)

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

- a. Normal tenure (within 1.5 years) - 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) - 4 marks
 - c. Tenure at hard area (from 3 to 5 years) - 7 marks
 - d. Tenure at hard area (more than 5 years) - 10 marks
3. STR (Total Number of Students In Class 9 & 10 / Number of SST) - 10 marks (IMU data Source)
- a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level - 5 marks
 - c. STR at the present school is less than desired school - 10 marks
4. Chronic Disease - 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
5. Disability - 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile - 10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
8. Spouse - 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
9. Annual SSC Result (of the subjects taught by the teacher) working in High/Higer Secondary Schools - 20 Marks
- a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

OR

For SSTs (General) working in Middle/Primary Schools - 20 Marks
Overall Students Attendance Rate Percentage as per IMU data

- a. 90% or above - 20 marks
- b. 80% to 90% - 15 marks
- c. 70% to 80% - 10 marks
- d. 60% to 70% - 5 marks
- e. Below 60% - 0 marks.

Form-C Posting/Transfers of Subject Specialists (SSS/SS) (Total Marks - 100)

1. Distance of present school to the desired school (in KM) - 20 marks
- a. Within 5 KM - 0 marks
 - b. Within 10 KM - 5 marks
 - c. Within 15 KM - 10 marks
 - d. Within 20 KM - 15 marks

S. M. J. L. W.
11/09/2019



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

- c. Greater than 20 KM - 20 marks
- 2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) - 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) - 4 marks
 - c. Tenure at hard area (from 3 to 5 years) - 7 marks
 - d. Tenure at hard area (more than 5 years) - 10 marks
- 3. Number of Students in Class-11 & 12 in the relevant subject - 10 marks
 - a. Number of Students at present school is greater than the Desired school - 0 marks
 - b. Number of Students at present and the desired school are equal or at the same level - 5 marks
 - c. Number of Students at the present school is less than desired school - 10 marks
- 4. Chronic Disease - 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
- 5. Disability - 10 marks
- 6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
- 7. Domicile - 10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
- 8. Spouse - 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
- 9. Annual HSSC Result (of the subjects taught by the teacher) - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.

S. Akbar
11/07/2019

Form-D: Posting/Transfers of Principals/Head Masters of High/Higher Secondary Schools (Total Marks - 120)

- 1. Distance of present school to the desired school (in KM) - 20 marks
 - a. Within 5 KM - 0 marks
 - b. Within 10 KM - 5 marks
 - c. Within 15 KM - 10 marks
 - d. Within 20 KM - 15 marks
 - e. Greater than 20 KM - 20 marks
- 2. Hard Area - 10 marks
 - a. Normal tenure (within 1.5 years) - 0 marks
 - b. Tenure at hard area (from 1.5 to 3 years) - 4 marks
 - c. Tenure at hard area (from 3 to 5 years) - 7 marks
 - d. Tenure at hard area (more than 5 years) - 10 marks



(18)

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

3. STR (Total number of Students in the school / Total number of Teachers) - 10 marks (IMU data Source)
 - a. STR at present school is greater than the Desired school - 0 marks
 - b. STR at present and the desired school are equal or at the same level - 5 marks
 - c. STR at the present school is less than desired school - 10 marks
4. Chronic Disease - 10 marks
10 marks will only be awarded for chronic diseases (as per notified chronic diseases). A certificate in this regard will be required from Standing Medical Board.
5. Disability - 10 marks
6. 10 marks will only be awarded only to those with Physical Disability. Proof required will be Special person CNIC + Standing Medical Board disability certificate
7. Domicile - 10 marks
10 marks will be awarded to those when the desired school is in his/her district of domicile
8. Spouse - 10 marks
10 marks will be awarded to those whose spouse is posted in the district where the desired school is situated and the desired district is the domiciled district of the applicant.
9. Annual SSC & HSSC Result of the School - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks
 - c. 70% to 80% - 10 marks
 - d. 60% to 70% - 5 marks
 - e. Below 60% - 0 marks.
10. Overall Students Attendance Rate Percentage as IMU data - 20 Marks
 - a. 90% or above - 20 marks
 - b. 80% to 90% - 15 marks.
 - c. 70% to 80% - 10 marks.
 - d. 60% to 70% - 5 marks.
 - e. Below 60% - 0 marks.

S. Rafiq
21/09/2022

(SHAHID RAFIQ)

SECTION OFFICER (SCHOOLS-MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:-

1. PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Peshawar.
3. Deputy Secretary, (Estab), Establishment Department Government of Khyber Pakhtunkhwa Peshawar.
4. All Section Officers, Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

Ans - "A"

19



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(SM)E&SED/7-1/2019/Posting/Transfer/General
Dated Peshawar the September 16, 2019

To

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

Subject: - COMPLETE BAN ON POSTING/TRANSFER

I am directed to refer to the subject cited above and to state that complete ban on posting/transfers of Teaching Staff in the Elementary and Secondary Education Department was imposed by the Hon'ble Chief Minister Khyber Pakhtunkhwa vide this Department notification dated 14.02.2019.

However, it has been observed by the Competent Authority that the DEOs (Male & Female) are issuing Posting/Transfers orders at their level which is sheer violation of ban imposed by Hon'ble Chief Minister Khyber Pakhtunkhwa. The Hon'ble Chief Minister, Khyber Pakhtunkhwa, has taken serious notice of the non-compliance of the order and has directed to observe complete ban in the entire province with no provision of relaxation of ban by any officer.

Encl: As Above:

S. Rafiq
16/09/2019
(SHAHID RAFIQ)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the:

1. PSO to Chief Minister Khyber Pakhtunkhwa.
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar for similar action.
4. Director Education, Merged Areas Districts, Peshawar for similar action.
5. PS to Secretary, E&SE Department.
6. PA to Deputy Secretary (Admn), E&SE Department.

S. Rafiq
16/09/2019
SECTION OFFICER (SCHOOLS MALE)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

put up to the court with
relevant appeal.

Reader

24/10/19.

CM No. _____ -A/2019
IN
Service Appeal No. 855-A/2019

Ijaz Ali Qureshi son of Abdul Majeed.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa & Others.

....APPLICANT/ RESPONDENTS

APPLICATION

INDEX

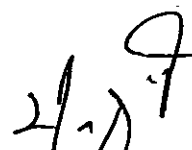
S. No.	Description	Page Nos.	Annexures
1.	Application alongwith affidavit	1 to 4	
2.	Copies of applications	5 to 7	"A"
3.	Wakalatnama	8	


...APPLICANT/ RESPONDENTS

Muhammad Arshad Khan
S/o Iqbal, R/o Village Samwala,
P.O Chando Maira Tehsil Havelian
District Abbottabad

Dated: 18/10 /2019

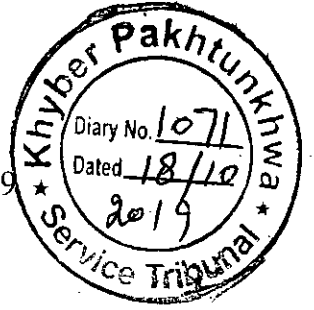
Through;


(MUHAMMAD ZAREED QURESHI)
Advocate High Court Abbottabad

1

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

CM No. _____ -A/2019
IN
Service Appeal No. 855-A/2019



Ijaz Ali Qureshi son of Abdul Majeed, resident of Noja Bandi, Post Office Bodla, Tehsil Havelian, District Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa & Others.

...APPLICANT/ RESPONDENTS

SERVICE APPEAL

APPLICATION; FOR IMPLEADMENT OF APPLICANT MUHAMMAD ARSHAD KHAN SON OF IQBAL, RESIDENT OF VILLAGE SAMWALA, PO CHANDO MAIRA, TEHSIL HAVELIAN, DISTRICT ABBOTTABAD, PRESENTLY SERVING AS SAT GOVT. HIGH SCHOOL, NAGRI TOTIAL, AS A RESPONDENT IN TITLED APPEAL.

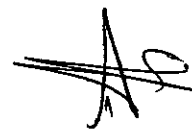
Respectfully Sheweth;-

1. That the above titled service appeal is pending before this Honourable Tribunal.
2. That applicant is serving in Education Department since 21 years at far flung areas of the province and never remained posted near his village or Union Council.

3. That now a days from 22/01/2018 applicant is serving at GHS Nagri Total which is at about 70 kilo meter distance from the village of applicant and comes under the definition of hard areas.
4. That applicant time and again submitted applications for his transfer to respondent No. 2 and 3 for vacant post of SAT in GHS Bodla as his nearest station due to old age illness of his parents and other unavoidable reasons but respondent No. 2 and 3 failed to consider the applicant's applications and to redress him. Copies are annexed as Annexure "A".
5. That the appellant in instant appeal is influential person who got his transfer orders four times in a year without completion of his tenure and his transfer orders were totally politically motivated and on the recommendations of political representatives.
6. That order No. 938-43 dated 23/01/2019 impugned in appeal is passed upon the departmental appeal/application of applicant, however, the transfer order of applicant to GHS Bodla was nor made yet.
7. That the applicant is necessary party in the instant appeal.

8. That the application for implement of party as respondent is being submitted before this Honourable Tribunal as any order passed in absence of applicant may not prejudice the applicant.
9. That under the law and Section 21 of G-Clause Act an authority has power to cancel any order issued by him, hence, the transfer order of appellant is legal and wants no interference.
10. That the applicant is entitle to be posted/ transfer at GHS Bodla on merit as well as on humanitarians grounds.

It is, therefore, humbly prayed that on acceptance of the instant application, the applicant may graciously be ordered to be impleaded as necessary party in the penal of respondents.

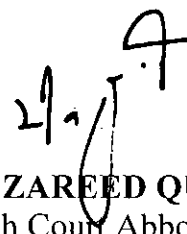


...APPLICANT/ RESPONDENTS

Muhammad Arshad Khan
S/o Iqbal, R/o Village Samwala,
P.O Chando Maira Tehsil Havelian
District Abbottabad

Dated: 15/10 /2019

Through;



(MUHAMMAD ZAREED QURESHI)
Advocate High Court Abbottabad

48

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

CM No. _____-A/2019
IN
Service Appeal No. 855-A/2019

Ijaz Ali Qureshi son of Abdul Majeed, resident of Noja Bandi, Post Office Bodla,
Tehsil Havelian, District Abbottabad.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa & Others.

....APPLICANT/ RESPONDENTS

APPLICATION

AFFIDAVIT

I, Muhammad Arshad Khan son of Iqbal, resident of Village Samwala, P.O
Chando Maira Tehsil Havelian District Abbottabad, do hereby solemnly affirm
and declare that the contents of foregoing application are true and correct to the
best of my knowledge and belief and nothing has been concealed from this
Honourable Court.



DEPONENT

S ANNEXURE
A
اپیل بنام ڈائریکٹر ایجوکیشن صوبہ خیبر پختون خواہ
بوساطت: ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ایبٹ آباد

عنوان: اپیل ایڈجسٹمنٹ GHS بودلہ

گزارش ہے کہ سائل 05/03/1998 سے دور دراز اسٹیشنز پر ڈیوٹی سرانجام دے رہا ہے اور سائل 27/01/2018 سے ضلع ایبٹ آباد کے آخری سکول GHS نگری ٹوٹیاں میں فرائض کی اداگئی کر رہا ہے
عالیجاہ: آپ نے 23/01/2019 کو بودلہ میں اعجاز علی قریشی SAT کا تبادلہ کیا ہے جو کے میرٹ کے خلاف اور نا انصافی پر مبنی ہے اس میں سائل کی حق تلفی ہوئی ہے۔ مزکورہ ٹیچر کو آپ نے ایک سال کے اندر تین بار تبادلوں سے نوازا ہے اور چند ماہ قبل آپ نے ان کو GHS مگول پائیں میں تبدیل کیا تھا۔ اور اب نہ جانے کس وجہ سے اسے GHS بودلہ میں تعینات کر دیا گیا ہے۔ جبکہ سائل نے 27/01/2018 سے GHS نگری ٹوٹیاں سے بارہا درخواستیں دے چکا ہے لیکن تاحال سائل کو حق نہیں دیا جا رہا۔ سائل کا تین ایور مزکورہ ٹیچر سے زیادہ ہے۔

لہذا عالیجاہ سے اپیل ہے سٹاف سٹیمنٹ کو چیک کیا جائے اور اس پر نظر ثانی کرتے ہوئے باضابطہ انکوائری فرما کر مزکورہ ٹیچر کا GHS بودلہ میں تبادلہ منسوخ کیا جائے اور سائل کو حق و انصاف دلاتے ہوئے GHS بودلہ میں ایڈجسٹ کیا جائے تاکہ سائل کا حق محفوظ رہے۔

ارض

نام: محمد ارشد خان، SAT گورنمنٹ ہائی سکول نگری ٹوٹیاں

37405-2084927-7

84-01-2019

- (1) کاپی برائے ضروری کارروائی ڈسٹرکٹ ایجوکیشن آفیسر ایبٹ آباد
- | | | | |
|-----------------------------------|----|----|-----|
| MPA اورنگزیب ٹوٹھہ | // | // | (2) |
| پیکر صوبائی اسمبلی مشتاق احمد غنی | // | // | (3) |
| سیکری تعلیم خیبر پختون خواہ | // | // | (4) |
| وزیر اعلیٰ صوبہ خیبر پختون خواہ | // | // | (5) |

اس اسٹیپ
order
cancel

محترم قاضی صاحب ڈائریکٹر ایجوکیشن صوبہ خیبر پختون خواہ پشاور
مکتوب (اپیل برائے برخلاف آرڈر تبدیلی غلام نبی SAT
GHS بودلہ آرڈر نمبر 13-6-19 EB 11 39-333 جاری کردہ DEO ایب آباد)
جناب عالی

مؤدبانہ گزارش ہے کہ سائل اس وقت GHS نگری ٹوئیل میں بحیثیت
SAT فرائض ادا کر رہا ہے سائل نے GHS بودلہ کے لئے خالی پوسٹ
پر ایڈجسٹمنٹ کی درخواست دی لیکن آرڈر نمبر 43-938 Dated
23 1/18 SAT GHS کول بائیس کا GHS بودلہ تبدیل کر دیا گیا تھا۔
سائل نے آپ کے دفتر میں 19-1-24 کو درخواست دائر کی تھی لیکن تا حال
فیصلہ نہ ہوا۔ اعجاز علی قریشی کا تبادلہ GHS بودلہ سے GHS کول بائیس
پر پوسٹ دوبارہ خالی ہوئی سائل نے خالی پوسٹ کے لئے دوبارہ
درخواست دی لیکن غلام نبی SAT کو GHS کول سے GHS
بودلہ کر دیا گیا جبکہ سائل (21) اگست سالہ سرورس for filing
پہاڑی علاقوں میں کر دیا ہے اس سے پہلے سائل نے 19-2-25
کو بھی آپ کے دفتر میں اپیل دائر کی لیکن مذکورہ اپیل کا بھی کوئی فیصلہ
نہ ہوا۔

عالیجاہ سے استدعا ہے کہ آرڈر نمبر 13-6-19 EB 11 39-333
ممنوع کیا جائے اسٹیشن کو مد نظر رکھتے ہوئے سائل کا تبادلہ
GHS نگری ٹوئیل سے GHS بودلہ کرنے کے آرڈر صادر فرمائے جائے۔

العارض

محمد رشید خان SAT GHS نگری ٹوئیل
المترقوم 6/19 2019
CNIC No: 37405-2084927-7

ایپل مگر بنام ڈائریکٹر ایجوکیشن صدر خیر مخون خواہ

لوساطت ڈسٹرکٹ ایجوکیشن آفس (مردانہ) ایبٹ آباد

عنوان ایپل مگر ایڈجسٹمنٹ بورڈ

عالیجاہ عاجزات ایپل سے کہ سائل نے ایپل مورخ 24/18 کو DEO آفس ایبٹ آباد میں جمع کروائی تھی مگر GHS بورڈ میں SAT بورڈ پر اعجاز قریشی کی نسبت سائل کا استحقاق زیادہ تھا جس پر DEO عیناً ایبٹ آباد سے باقاعدہ انکوائری کرتے اور استحقاق کو مد نظر رکھتے ہوئے مذکورہ سائل کا آرڈر 13/19 کو منسوخ کرنے کے آرڈر جاری فرمائیں۔ لیکن سائل نے مذکورہ بورڈ پر تعینات نہ کیا، حالانکہ مذکورہ سائل کا تبادلہ صوبائی ایپل پر منسوخ کیا گیا تھا تو ضروری تھا کہ سائل کا ایڈجسٹمنٹ آرڈر بھی اسی تاریخ کو منسوخ کر دیا جاتا اس سے اگلے دن 14/19 کو Transfer ban لگا دیا گیا۔ نہ جان کہ اس سے صوبائی ایپل پر عمل درآمد کیا گیا

لہذا عالیجاہ سے استدعا ہے کہ صوبائی ایپل پر عمل درآمد کرتے ہوئے سائل کا آرڈر منسوخ تاریخ میں ہی کیا جائے اور سائل کو GHS بورڈ کی SAT کی مخالفت پر ایڈجسٹمنٹ آرڈر جاری نہ فرمائے جائے۔ تاکہ سائل کا حق محفوظ رہ سکے۔

العارض

محمد ارشد خان SAT گورنمنٹ ہائی اسکول نگر ٹوبال ایبٹ آباد

شمارہ کارڈ نمبر 37305-2084727

AP

- 1- کالی بوائز صوبائی کاروباری DEO ایبٹ آباد
- 2- " " " " MPA اورنگزیں تلوٹر
- 3- " " " " سیکریٹری تعلیم خیر مخون خواہ
- 4- " " " " وزیر اعلیٰ صدر خیر مخون خواہ