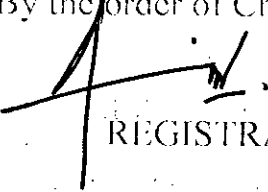


FORM OF ORDER SHEET

Court of _____

Appeal No. 170/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22/01/2024	<p>The appeal of Mr. Fazal Rehman presented today by Mr. Hassan U.K. Afridi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ . Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 170 /2024

Fazal Rehman S/O Jabbar Khan R/O Jungle Khel Tehsil and District Kohat
presently posted as Senior Clerk District Education Officer Male Kohat
..... (Appellant)

VERSUS

The District Education Officer (Male) Kohat and Others.

I N D E X

S. No	Description of Documents	Pages
1	Service Appeal	1-3
2	Affidavit	4
3	Addresses of the parties	5
4	Application for suspension of impunged order dated 22-09-2023	6
5	Affidavit	7
6	Appointment order	8
7	Impunged order dated 22-09-2023	9
8	Order dated 18-09-2023	10
9	Order dated 15-09-2023	11
10	Order dated 11-04-2023	12
11	Order/Judgment of the Honorable Service Tribunal dated 28-08-2023	13-17
12	Departmental Appeal	18-19
13	Wakalatnama	20

APPLICANT

Through

Hassan U.K Afridi
Advocate Supreme Court
Cell No: 03009151963

Dated 22 -01-2024

11

**BEFORE THE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. 170 /2024

Fazal Rehman S/O Jabbar Khan R/O Jungle Khel Tehsil and District Kohat
presently posted as Senior Clerk District Education Officer Male Kohat
..... (Appellant)

VERSUS

1. Secretary to Government of Khyber Pakhtoon Khwa,
Elementary and Secondary Education Deptt:
2. Director Elementary and Secondary Education
Khyber Pakhtoon Khwa Peshawar
3. District Education Officer
(Male) Kohat
4. Muhammad Tahir Senior Clerk,
District Education Officer (Male) Kohat..... (Respondent)

**APPEAL UNDER SECTION 04 OF THE KHYBER PAKHTOON
KHWA, SERVICE TRIBUNMAL ACT 1974, AGAINST THE
IMPUGNED ORDER, PASSED BY THE RESPONDANT NO. 2 VIDE
DATED 22-09-2023, WHEREBY APPEALANT WAS TRANSFERRED
AND ADJUSTWED IN THE OFFICE OF DISTRICT EDUCATION
OFFICER (MALE) KOHAT IN PLACE OF MR. SAJJAD AHMAD
SENIOR CLER (WHO HAS PROCEEDED ON LEAVE) WHILE THE
RESPONDANT NO.4 RETAINED IN HIS ORIGINAL POST, SO
THE IMPUNGED ORDER AS MENTIONED ABOVE IS AGAINST
LAW AND I SLIA BLE TO BE SET ASIDE.**

Prayer:

On acceptance of this service appeal, the impugned order as mentioned above, may kindly be set-aside, and the appellant may please be ordered to adjust and posted in his original post rather than leave post, of Senior Clerk in the office of District Education Officer Male Kohat and retain the order dated 11-04-2023.

2

Respectfully Sheweth:

Brief facts of the matter which lead to the present Appeal are as under.

FACTS

1. That the appellant performing his duty in the office of District Education Officer Male Kohat as Senior Clerk.
2. That the appellant was appointed as Junior Clerk in the same Department and took over charge on 18-02-1991.
3. That the appellant was promoted on 15-02-2021 as Senior Clerk.
4. That the appellant was transferred from Govt: Higher Secondary School Muslim Abad Kohat, to District Education Officer (Male) Kohat and Respondent No.4, was transferred from District Education Officer (Male) Kohat to Govt; Higher Secondary School Muslim Abad (On completion of normal tenure of both the officials) vide dated 11-04-2023.
5. That the order dated 11-04-2023, has been recalled and respondent No.4, has been retained in District Education Officer (Male) Kohat and the appellant in Govt: Higher Secondary School Muslim Abad Kohat vide order dated 15-09-2023.
6. That the order dated 15-09-2023, has been recalled, and the order dated 11-04-2023 has been retained, vide order dated 18-09-2023.
7. That the another order has been passed vide dated 22-09-2023, according to which, the appellant has adjusted against the leave vacancy post of Mr. Sajjad Khan, Senior Clerk, while the Respondent No.4 has retained in the original post of Senior Clerk in District Education Officer Male Kohat, while it is pertinent to mention here that the Respondent No.4, was filed service appeal against the order dated 11-04-2023 which was dismissed on 28-08-2023.
8. That the appellant approached to the Department and filed Departmental appeal on 23-09-2023 but no response, hence the serviced appeal on the following amongst the other grounds.

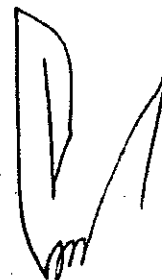
GROUND

- A. That the impugned order dated 22-09-2023, is against law and justice based and favoritism, reportism and malafide hence is liable to be set-aside.
- B. That the order dated 11-04-2023, is a legal order, according to which the appellant has been transferred to the office of District Education Officer (Male) Kohat in the original post of Senior Clerk, and this order has also retained by the Service Tribunal, Peshawar.

- C. That according to the impugned order dated 22-09-2023, the appellant has adjusted in leave vacant post, while the Respondent No.4, has been retained in the original post of senior Clerk, which is highly objectionable and clearly shown mala fidey in the part of respondents.
- D. That throughout, the respondent No.4, remain in the office of the District Education Officer (Male) Kohat and he never performed duty physically out of his office of District Education Officer (Male) Kohat.
- E. That the repeated and numbers of transfers are not the mandate of law/Rules, the supreme Courts discourage this illegal practice.
- F. That the appellant has fundamental right to enjoy his service in accordance with law and without any discrimination and mala Fide.
- G. That once the Serviced appeal has been dismissed, filed by the Respondent No.4, against the order dated 11-04-2023, then in spite of that, the said order has been recalled vide impugned order dated 22-09-2023, which is against the norms of justice, and the impugned order is not sustainable in eyes of law.
- H. That some other grounds may be adduced at the time of arguments.

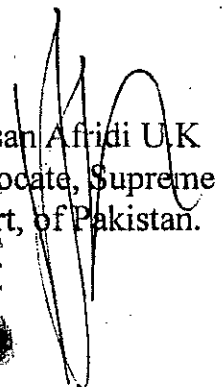
It is therefore humbly prayed that on acceptance of this appeal, the impugned order vide dated 22-09-2023 may kindly beset-aside and the appellant may please be ordered to adjust/posted in his original posts rather then leave vacancy post of Senior Clerk, in the office of District Education Officer (Male) Kohat and retain the order dated 11-04-2023.

Applicant



Through: -

Hassan Afridi U.K.
Advocate, Supreme
Court, of Pakistan.



4

BEFORE THE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____ /2024

Fazal Rehman S/O Jabbar Khan R/O Jungle Khel Tehsil and District Kohat
presently posted as Senior Clerk District Education Officer Male Kohat
..... (Appellant)

VERSUS

The District Education Officer (Male) Kohat and Others.

AFFIDAVIT

I, Fazal Rehman S/O Jabbar Khan R/O Mohallah Abdul Jalil Shinwari Jungle Khel Kohat, posted at in the office of the District Education Office (Male) KDA, Complex, Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

APPLICANT

FAZAL REHMAN S/O JABBAR KHAN
R/O JUNGLE KHEL KOHAT
POSTED AS SENIOR CLERK, IN THE
OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) KDA COMPLEX KOHAT
Cell # 03339612710

Identified by

Hassan U.K Afridi
Advocate Supreme Court
Cell No. 03009151963



5

BEFORE THE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2024

Fazal Rehman Senior Clerk D.E.O Male Kohat

VERSUS

The District Education Officer Male Kohat & others

Appellant:

Addressee of the Petition

Fazal Rehman S/O Jabbar Khan R/O Jungle Khel Tehsil and District Kohat
presently posted as Senior Clerk District Education Officer Male Kohat.

Respondents:

1. Secretary to Government of Khyber Pakhtoon Khwa,
Elementary and Secondary Education Deptt:
2. Director Elementary and Secondary Education
Khyber Pakhtoon Khwa Peshawar
3. District Education Officer
(Male) Kohat
4. Muhammad Tahir Senior Clerk,
District Education Officer (Male) Kohat

APPLICANT

Through

Hassan U.K. Afridi
Advocate Supreme Court
Cell No. 03009151963

Dated 22 -01-2024

6

BEFORE THE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL PESHAWAR

SERVIDE APPEAL NO. _____/2024

Fazal Rehman S/O Jabbar Khan R/O Jungle Khel Tehsil and District Kohat
presently posted as Senior Clerk District Education Officer Male Kohat
..... (Appellant)

VERSUS

The District Education Officer (Male) Kohat and Others.

APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER
DATED 22-09-2023 AND RETAIN THE ORDER DATED 11-04-2023
TILL THE FINAL DECISION OF THE CASE.

Respectfully Sheweth:

1. That the above noted appeal has been filed before this Hon'ble Court which is not been fixed.
2. That the instant application may kindly be considered as part and parcel of the main appeal.
3. That applicant has got good prima facia case and balance of convenience also lies in favour of the applicant/Appellant.

It is therefore, most humbly prayed that on acceptance of this application, interim relief as prayed for in heading of the application may kindly be granted in favour of Applicant against the Respondents till the final decision of the case.

Applicant

Through: -

Hassan Afridi U.K.
Advocate, Supreme
Court, of Pakistan.


BEFORE THE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2024

Fazal Rehman S/O Jabbar Khan R/O Jungle Khel Tehsil and District Kohat
presently posted as Senior Clerk District Education Officer Male Kohat
..... (Appellant)


VERSUS

The District Education Officer (Male) Kohat and Others.

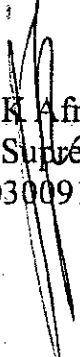
AFFIDAVIT

I, Fazal Rehman S/O Jabbar Khan R/O Mohallah Abdul Jalil Shinwari
Jungle Khel Kohat, posted at in the office of the District Education Office
(Male) KDA, Complex, Kohat, do hereby solemnly affirm and declare on
oath that the contents of the accompanying Application are true and correct
to the best of my knowledge and belief and nothing has been concealed from
this Hon'ble Court.

APPLICANT


FAZAL REHMAN S/O JABBAR KHAN
R/O JUNGLE KHEL KOHAT
POSTED AS SENIOR CLERK, IN THE
OFFICE OF THE DISTRICT EDUCATION
OFFICER (MALE) KDA COMPLEX KOHAT
Cell # 03339612710

Identified by


Hassan U.K. Afridi
Advocate Supreme Court
Cell No. 03009151963



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT.
 APPOINTMENT

8

Appointment of the following candidates is/are hereby ordered against the posts of J/Clocks on temporary and adhoc bases (in N.P.S.5 (Rs. 700-25-1260) plus allowances in the interest of public service with effect from the date of taking over his/their charges.

S.No	Name and address of candidates	Posted at	Remarks
1	Fazlur Rahman S/O Jabbar Khan R/O Jangle Khel (Kohat)	GHS, Dallah	Vacant post.
2	Shahid Azam S/O Sher Azam R/O Rajat Shaheed Colony Kohat.	GHS, Chamba Gul H.C.P.	
3	Tarweez Ahmad S/O Abdul Gaffar Khan R/O B-Chak Kohat	SDEO (M) Hangu	Vacant post.
4	Qudrat Ali S/O Munsub Ali R/O Khadzai (Kohat)	GHS, Marai Fayan	.do.
5	Mujeerur Rehman S/O Umar Fareed R/O Ghurzai Bala (Kohat).	GHS, Darwalak	.do.
6	Mohammad Zaman S/O Sher Zaman (Ex-serviceman) R/C Sarkidal (Shakardorro) Distt: Kohat.	G.H.S.S, Lachi	.do.

TERMS AND CONDITIONS

- No TA/DA is allowed on fresh appointment/charges reports should be submitted to all concerned in duplicate.
- The appointment of candidates is/are purely temporary and liable to termination at any time without assigning any reasons.
- ~~The candidate should produce his/her health certificate.~~
- They/he should be allowed to take over the charge of their/his post if their/his age exceeds 25 years or below 18 years.
- In case of resignation they/he will have to submit one month prior notice or they/he shall forfeit one month pay to Govt.
- His appointment is subject for further condition that they/he is an domiciled of N.W.F.P.
- If they/he fail to take over charge of the post within a week of the receipt of this order the offer of the appointment shall stand cancelled.

(Haji Gul Moheet, Khan)
 District Education Officer,
 (Male) Kohat. (Secndar)

Erst No 2490-25 / Appointment/Transfer/Olks: / I-AB. Dated 17/2 Feb 91.

Copy of the above for information to the:
 1-6. All Principal, Headmas & S.D.E.O. (M) concerned,
 7-2 Candidate concerned.

[Signature]
 District Education Officer,
 (Male) Secy: Kohat.

ATTSTED

Legible Copy

OFFICE OF THE DISTRICT EDUCATION OFFICE (MALE), KOHAT

APPOINTMENT

Appointment of the following candidates is /are hereby ordered against the posts of J/clerks of temporary and adhoc bases (in N.P.S.5)Rs.700-25-1260) plus allowances in the interest of public service with effect from the date of taking over his/their charges.

S.No.	Name and address of candidates	Posted at	Remarks
1	Fazlur Rehman S/o Jabbar Khan R/o Jangle Khel (Kohat)	GHS, Dallan	Vacant post
2	Shahid Azam S/o Sher Azam R/o Hayat Shaheed Colony Kohat	GHS, Chamba Gul	N.C.P
3	Tanweer Ahmad S/o Abdul Ghaffar Khan R/o B-Charkot (Kohat)	SDEO (M) Hangu	Vacant post
4	Qudrat Ali S/o Munasab Ali R/o Khadzai (Kohat)	GHS, Marai Payan	-do-
5	Mujeebur Rehman S/o Umar Farooq R/o Ghurazai Bala (Kohat)	GHS, Darmalak	-do-
6	Mohammad Zaman S/o Sher Zaman (Ex-Serviceman) R/o Sarkidal (Shakardarra) Distt. Kohat	GHSS Lachi	-do-

Terms and conditions:

1. No TA/DA is allowed on fresh appointment/charges reports should be submitted to all concerned in duplicate.
2. The appointment of candidates is /are purely temporary and liable to termination at any time without assigning any reasons.
3. The candidates should produce his/their health and age certificate.
4. They/she should be allowed to take over the charge of their/his post if their/his age exceeds 25 years or below 18 years.
5. In case of resignation they/he will have to submit one month prior notice or they/she shell forfeit one month pay to Govt.
6. His appointments subject for further condition that they/ he is on domiciled of NWFP.
7. If they/he fail to take over charge of the post within a week of the receipts of this order the offer of the appointment shell stand cancelled.

Sd/-

(Haji Gul Moheet Khan)
District Education Officer,
(Male) Kohat, (Secorder)

No. _____

Endst. No. 2490-250 R/Appointment/ Transfer/Clks:/I-AE, dated 17th Feb, 91.

Copy of the above for information to the:

- 1-6 All Principal,/Headmaster & S.D.E.O (M) concerned.
- 742 Candidate concerned.

District Education Officer
(Male) Secy. Kohat

~~ATTACHED~~



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

Phone: 091-9225344

Email: ddadm.e.se@gmail.com

Office Order.

Mr. Muhammad Tahir Senior Clerk DEO (M) Kohat under transfer to GHSS Muslim Abad Kohat is hereby retained in his original post in DEO (M) Office Kohat and Mr. Fazal Rehman Senior Clerk DEO (M) Kohat is hereby adjusted in the same office in place of Sajjad Ahmad Senior Clerk (who has proceeded on long leave) on his own pay and BPS in the interest of public service with effect from the date of his taking over charge.

Note:

1. Lien of Mr. Sajjad Ahmad S/C DEO (M) Kohat is hereby shifted to GHS Muslim Abad.
2. Charge report should be submitted to all concerned.
3. No T/DA is allowed.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 8553-58

IF.No. / A-23/MS/Transfer Vol-III/ KPK 2020

Dated Peshawar the 22/10/2023.

- Copy forwarded to the:-
1. District Education Officer (Male) Kohat.
 2. District Accounts Officer Concerned.
 3. Principal/HM Concerned.
 4. Official concerned.
 5. Master File.
 6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)
Directorate of E&SE KPK, Peshawar

C:\Users\ADMN SECTION\Desktop\tahir senior Clerk Transfer.doc

ITS/ED



10

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddadmneee@gmail.com

OFFICE ORDER

The office order issued vide this office under Endst: No.4784-88 dated 15-09-2023 in respect of Mr. Tahir Mehmood S/Clerk GHSS Muslim Abad Kohat is hereby recalled in best interest of public service.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 6262-65 /F.No. /A-23/MS/General/2023 Dated Peshawar 18/09 /2023.

Copy of the above is forwarded to the: -

1. District Education Officer (Male) Kohat
2. District accounts officer Kohat
3. Principal/Headmistress concerned.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

Assistant Director (ADMN)
Directorate E&SE Khyber Pakhtunkhwa
Peshawar.

18/9
2023



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddadmn.es@gmail.com

11

OFFICE ORDER

This office order issued vide Endst: No.3945-08 dated 11/04/2023 is hereby recalled in the interest of public service with immediate effect and Mr. Tahir Mehmood Senior Clerk under transfer to GHSS Muslim Abad Kohat is hereby retained in DEO (M) Office Kohat.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Dated Peshawar 15/04/2023.

Endst: No. 4784-88 F.No.A-23/MS/transfer/General/2023/

Copy of the above is forwarded to the:-

1. District Education Officer (Male) Kohat.
2. District accounts officer concerned.
3. Principal concerned.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

Assistant Director (ADMN)
Directorate E&SE Khyber Pakhtunkhwa
Peshawar.

15-9
2023

AMN



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344
Email: ddadm.es@gmail.com

OFFICE ORDER

The Posting/transfer in respect of the following Ministerial Staff is hereby ordered in their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S. #	Name/Design:	Present Posting	Adjusted at	Remarks
1	Mr. Tahir Mehmood Senior Clerk	DEO (M) Kohat	GHSS Muslimabad KOHAT	V.S.No.2
2	Mr. Fazal Rehman Senior Clerk	GHSS Muslimabad Kohat	DEO (M) Kohat	V.S.No.1

Note:-

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

Endst: No. 3905-8 F.No. /A-23/MS/Posting transfer/2021/Vol-I

Dated Peshawar the 11/04 2023

Copy forwarded to the:-

1. District Education Officer (Male) Kohat
2. District Accounts Officer concerned.
3. Principal Concerned.
4. Officials concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

ATTACHED

Assistant Director (Admin)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Service Appeal No. 1473/2023 filed by Mr. Muhammad Tahir against The District Education Officer (Male) Kohat and others dated 17.07.2023 by District Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Salah Uddin, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

13



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN
SALAH-UD-DIN ... MEMBER (Judicial)

Service Appeal No. 1473/2023

Date of presentation of Appeal.....17.07.2023
Date of Hearing.....28.08.2023
Date of Decision.....28.08.2023

Mr. Muhammad Tahir Senior Clerk District Education Office (male)
KohatAppellant

Versus

1. The District Education Officer (Male), Kohat.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Fazal Rehman, Senior Clerk, GHSS Muslim Abad, Kohat..... Respondents

Present:
Mr. Muhammad Amin Khattak Lachi, AdvocateFor the appellant
Mr. Fazal Shah Mohmand, Additional Advocate General ...For respondents No.1 to 3
Mr. Hassan U.K Afridi, Advocate.....For Private respondent No.4

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION/OFFICE ORDER DATED 11.04.2023 WHEREBY APPELLANT WAS TRANSFERRED FROM THE OFFICE OF DISTRICT EDUCATION OFFICER (D.E.O) MALE KOHAT TO GHSS MUSLIM ABAD KOHAT AND ALL THE SUBSEQUENT ORDERS DATED 17.04.2023, 28.04.2023, ATTESTED 15.05.2023, 20.06.2023 & 04.07.2023.

ATTESTED

19

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Facts gleaned out from the memorandum of appeal are that appellant was appointed as Clerk (BP-07) in the office of District Education Officer (Male), Kohat. During service, he was promoted to the post of Senior Clerk (BPS-14). That on 04.03.2021 through mutual transfer, the appellant was transferred in the office of Respondent No.1; that on 11.04.2023, his services were struck off from the office of respondent No.1 and were handed over to GHSS Muslim Abad, Kohat; that being aggrieved from the impugned order dated 11.04.2023, he filed departmental appeal which was not responded to, therefore, he filed Writ Petition No.1580-P/2023 before the Hon'ble Peshawar High Court, Peshawar and on 03.05.2023 the respondents were directed to dispose of the departmental appeal of the appellant within 10 days, but fiasco; that in the meantime, vide corrigendum order dated 17.04.2023, the order dated 11.04.2023 was reverted. Therefore, the appellant approached the respondents and took charge as a Computer Operator in the office of respondent No.1 and again on 28.04.2023, the said corrigendum order was cancelled; that when the appellant approached the concerned school for taking charge on 15.05.2023, the corrigendum order was again restored; that when the appellant approached the Education Department for charge, then, again on 20.06.2023, previous order of 15.05.2023 was canceled and appellant was directed to approach the concerned school; that when the appellant approached the concerned school, again the impugned order dated

TED

INER
18/04/2023

ATTS/ED

15

11.04.2023 was restored on 04.07.2023. Therefore, he filed the instant service appeal before this Tribunal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellant, learned Additional Advocate General for official respondents and learned counsel for private respondent No.4.

04. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Additional Advocate General assisted by the learned counsel for private respondent No.4 controverted the same by supporting the impugned order(s).


05. The appellant has impugned the office order bearing endorsement No.3905-8 dated 11.04.2023. Only three grounds are urged by the learned counsel for the appellant before this Tribunal, one is that the appellant was successively being transferred as would be evident from the orders dated 1.04.2023, 17.04.2023, 28.04.2023, 15.05.2023, 20.06.2023 and 4.07.2023, secondly, that order dated 11.04.2023 (which is now in the field for its repeated cancellation and restoration), was premature and normal tenure of three years posting of the appellant was not yet completed and

ATTY

16

thirdly, that the appellant was transferred by the Director Elementary & Secondary Education, who had no power to transfer the appellant.

06. As to the first point mooted before us, we observe that successive transfers of the appellant i.e. from one place to other is not finding favor with us, as the above referred different orders show that the single order dated 11.04.2023 was being cancelled and restored time and again and there were no orders of transfer to different places. As to the second point of alleged premature transfer, admittedly, the appellant was transferred as Senior Clerk Education Office (Male), Kohat vide mutual transfer order dated 04.03.2021 and after completion of normal tenure of two years, he was transferred vide the impugned transfer order. According to the latest posting/transfer policy of the Provincial Government, the normal tenure of posting is now two years, therefore, this contention of the appellant could also not be given any weight. Now, coming to the last submission of the appellant that he was transferred by the Director Elementary & Secondary Education Khyber Pakhtunkhwa, who was not competent to transfer the appellant because the appellant was working against a district cadre post, the learned Additional Advocate General, representing the official respondents, has produced District Education Office (Male) Job Descriptions & Competencies and submitted that the post of the appellant was that of a provincial cadre post and the Director E&SE was very much competent to transfer the appellant. The above document could not be controverted by the

For appellant. 

ATTSIA 

Service Appeal No. 1473/2023 titled "Muhannad Tahir versus The District Educational Officer (Male) Kohat and others", decided on 28.08.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Salah Ud Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

17

17. The upshot of the above discussion is that the appellant could not make out a case, therefore, finding no merit in this appeal, we dismiss the appeal with costs. Consign.

08. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 28th day of August, 2023.

KALIM ARSHAD KHAN
Chairman

SALAH-UD-DIN
Member (Judicial)

am Shah

Verified to be true

EXCISE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

TESTED

Date of Presentation of Application	29/8/23
Number of Words	Page 5
Copying Fee	25/-
Stamp	25/-
Number of Copies	25/-
Date of Completion of Copy	04/9/23
Delivery of Copy	04/9/23

18

بخدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

عنوان: اپیل برائے منسوخی تبدیلی آرڈر

بوساطت: ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) کوہاٹ

جناب عالی!

موردہ گزارش ہے کہ سائل بحیثیت سینئر فلک DEO(M) آفس کوہاٹ میں 19-04-2023 سے اپنی ذیلی سرانجام دے رہا ہے۔ جناب عالی اسائل کی DEO(M) آفس کوہاٹ میں صرف 5 مہینے سروس ہوئی ہے اور سائل کا آرڈر بحوالہ نمبر 4784-88 مورخہ 15-09-2023 کو کنسل کر دیا گیا ہے۔

مزید یہ کہ جب سائل تبدیلی گورنمنٹ ہائر سیکنڈری سکول مسلم آباد سے دفتر ہذا کی جگہ کی تھی تو محمد طاہر S/Clerk نے عدالت سے رجوع کیا اور اس کا کیس سروس ٹریبیونل نے خارج کر دیا تھا۔ مگر اس کے باوجود میرا آرڈر کنسل کیا گیا ہے۔ جبکہ سائل کی ساتھ سرانجام انسانی ہے۔ اور بحوالہ نمبر 6262-65 مورخہ 18-09-2023 کو مجھے DEO(M) کے دفتر میں رہنے دیا اور محمد طاہر کو گورنمنٹ ہائر سیکنڈری سکول مسلم آباد میں رپورٹ کرنے کی ہدایت جاری کی۔

مگر تاحال وجوہات کی بناء پر دوبارہ بحوالہ نمبر 8353-58 مورخہ 22-09-2023 کو DEO(M) کوہاٹ کے دفتر میں Leave Vacancy کی پوسٹ پر تعینات کر دیا۔ اور محمد طاہر کو میری جگہ پرائیوٹ کر دیا گیا ہے جبکہ توفانہ ناطہ ہے۔

لہذا استدعا کی جاتی ہے کہ میرا آرڈر بحوالہ نمبر 6262-65 مورخہ 18-09-2023 کو برقرار رکھا جائے یا محمد طاہر سینئر فلک کو Leave Vacancy پرائیوٹ کر کے کیونکہ میرا اس پوسٹ پر صرف 5 مہینے ٹینور ہوا ہے۔ سائل تازیت دعا گو رہے گا۔

Forwarded to the Director

Elem: & Secy: Edu: KPIC

Asghar Ali / n. a. Shear.

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) کوہاٹ

0333-96212710

833
25/9/2023

23/9/2023
DISTRICT EDUCATION OFFICER
(MALE POINT)

ATTSTED

CamScanner

CamScanner

19

بخدمت جناب ڈائریکٹر صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ پشاور

عنوان: اپیل برائے منسوختی تبدیلی آرڈر

بوساطت: ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) کوہاٹ

جناب عالی!

مؤدبانہ گزارش ہے کہ سائل بحیثیت سینئر کلرک (M) DEO آفس کوہاٹ میں 19-04-2023 سے اپنی ذیولی سرانجام دے رہا ہے۔ جناب عالی! سائل کی (M) DEO آفس کوہاٹ میں صرف 5 مہینے سرس دہلی ہے اور سائل کا آرڈر بحوالہ نمبر 4784-88 مورخہ 15-09-2023 کو کینسل کر دیا گیا ہے۔

مزید یہ کہ جب سائل تبدیلی گورنمنٹ ہائیر سیکنڈری سکول مسلم آباد سے دفتر ہذا کی گئی تھی تو محمد طاہر S/Clerk نے عدالت سے رجوع کیا اور اس کا کس سرس ٹریبیونل نے خارج کر دیا تھا۔ مگر اس کے باوجود میرا آرڈر کینسل کیا گیا ہے۔ جو کہ سائل کی ساتھ سرسٹا انسانی ہے۔ اور بحوالہ نمبر 6262-65 مورخہ 18-09-2023 کو بجٹ DEO (M) کے دفتر میں رہنے دیا اور محمد طاہر کو گورنمنٹ ہائیر سیکنڈری سکول مسلم آباد میں رپورٹ کرنے کی ہدایت جاری کی۔

مگر تاحال رجوعیات کی بناء پر دوبارہ بحوالہ نمبر 8353-58 مورخہ 22-09-2023 کو DEO (M) کوہاٹ کے دفتر میں Leave Vacany کی پوسٹ پر تعینات کر دیا۔ اور محمد طاہر کو میری جگہ پرائیڈ جسٹ کر دیا گیا ہے جو کہ قانوناً نفاذ ہے۔

لہذا استدعا کی جاتی ہے کہ میرا آرڈر بحوالہ نمبر 6262-65 مورخہ 18-09-2023 کو برقرار رکھا جائے یا محمد طاہر سینئر کلرک کو Leave Vacancy پرائیڈ جسٹ کرے کیونکہ میرا اس پوسٹ پر صرف 5 مہینے ٹینور ہوا ہے۔ سائل تازہ دست دعا گور ہے گا۔

التعمیر
افس ایلیمنٹری اینڈ سیکنڈری ایجوکیشن
23/9/2023

Forwarded to the Director

Elemi & Secy: Edu: K.P.K

ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) کوہاٹ

As shown for n.a. Maawo.

0333-96212710

DNU
DISTRICT EDUCATION OFFICER
(MALE) KOHAT
23/9/2023

cc

To: P.S to Secretary Edu: K.P.K
Peshawar.

CS CamScanner

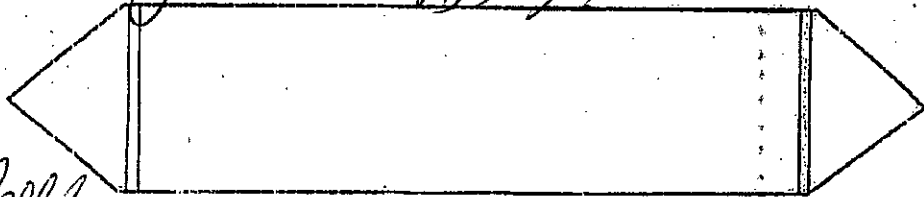
1903
25/9/23

ATTACHED

CS CamScanner

20

بعدالت خیر طیفی کے لئے درخواست



2 جناب Appell

بنام ڈپٹی ڈائریکٹر

فضل الرحمن

Service Appel

باعث تحریر تگہ

موزخہ
مقدمہ
دعویٰ
م

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیرودی و جواب دی ہوگی کارروائی متعلقہ
 آن مقام (شکریہ) کیلئے (میں) کے لئے۔ کارروائی کا مکمل اختیار ہوگا۔ نیز
 مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضامندی نامہ کرنے سے و تقریرت و فیصلہ بر حلقہ دیئے جواب دی اور اقبال دعویٰ اور
 بلا دورت ڈگری کرنے اجراء اور صولی چیک ورڈ پیر عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 ذرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیرودی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخ
 نیز دائر کرنے اپیل عمرانی و نظر ثانی و پیرودی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقریر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا سامنے
 پروا ختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجہ التوا سے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیرودی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

12/11/2017
شکریہ

المترجم _____ 2017 _____
_____ 2017 _____

16301-1570986-7
0300-9151963
10-b(-4243)

Handwritten signature

TESTED

Handwritten signature