

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No.1272/2023

Muhammad FarooqAPPELLANT.

VERSUS

1. Secretary Elementary & Secondary Education KPK Peshawar.
2. Director Elementary & Secondary Education KPK Peshawar.
3. District Education Officer (Male) Mansehra.....**RESPONDENTS.**

PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS

NO 1.2 & 03 ARE AS UNDER:-

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DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

26-02-24
Peshawar

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NO 1,2 & 03 ARE AS UNDER:-

Honorable Pakhtunkhwa
Service Tribunal
No. 11005
Dated: 02-02-2024

PRELIMINARY OBJECTIONS:-

1. That the appellant has got no cause of action locus standi.
2. That the appellant has concealed material facts from his Honorable Tribunal in the instant service appeal. Hence not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
3. That the instant service appeal is based on malafide intentions.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is not entitled for the relief he has sought from this Honorable Tribunal.
6. That the instant service appeal is against the prevailing law and rules.
7. That the appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
8. That the instant service appeal is not maintainable in its present form.
9. That the appeal is liable to be dismissed for non-joinder /mis-joinder of necessary parties.
10. That the appellant has filed the instant appeal on malafide motive.
11. That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
12. That the honorable court has no jurisdiction to adjudicate the present appeal.
13. That the instant appeal is premature.



ON FACTS:-

1. Para No.1 is correct to the extent that the appellant and respondent No.04 both are permanent residence of Village Mang Tehsil Balakot District Mansehra, whereas the appellant and respondent No.4 both are serving as a PSHT in different school of SDEO Balakot, whereas the appellant serving at GPS Banda Manoor since last 07 years and 10 months and respondent No.4 namely Aziz ur rehman serving at GPS Jiggan since last 06 Years, both the teacher submit application for transfer against the vacant post of GPS Mang Circle Hangrai, As per Application of Mr Aziz Ur rehman mentioned that due to severe pain/illness of back bone and the school is situated at far-flung area of Tehsil Balakot which is about 04 hours distance near to home address and due to non-availability of transport, respondent No.04 namely Aziz ur Rehman has to make this trip on foot and he is facing 5-year-old back problem due to which he is facing major difficulties in traveling on foot, Whereafter respondent No.03 issued transfer order vide Endst No.10491-96 dated 27-12-2022 after observing all codal formalities purely on companionate ground.

(Copy of Application of both the teacher and Transfer order are annexed as annexure A,B & C)

2. Para No.02 pertains to record.
3. Para No.3 pertains to record.
4. Detail reply has already been given in above foregoing Paras.
5. Para is correct to the extent that respondent department issued transfer order on humanitarian ground, due to severe illness of walking on hilly areas of respondent No.4 and the appellant adjusted to GPS Jiggan Balakot and respondent No.4 adjusted to GPS Mang vide Endst No.10491-96 dated 27-12-2022.
6. That the appellant is not aggrieved person on the following grounds.

GROUND:-

- A. Incorrect and denied, the transfer order of both the teacher were issued in according with the rules and policy in vogue by the Provincial Government.

B. Incorrect hence denied. As replied in facts.

C. Incorrect hence denied. As replied in facts.

D. Para pertains to record.

E. Incorrect and misleading respondent department issued order after observing all codal formalities, Respondents department are bound to exercise his power justly, fairly honestly in the light of rules and policy of the Government.

F. Incorrect hence denied. As replied in facts.

G. Para is incorrect and misleading respondent department cannot think any violation of articles of Islamic Republic of Pakistan, Respondent department exercised power justly fairly honestly in the light of rules and policy of the Govt and not on whim and wishes of any body.

H. Para pertains to record.

PRAYER:

In the view of above factual position it is humbly prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department in the interest of justice.



Masood Ahmad

Secretary

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar.....Respondent No.1

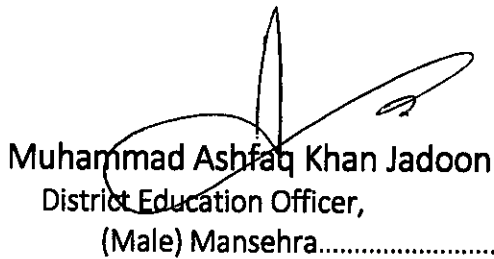


Samina Altaf

Director,

Elementary & Secondary Education

Khyber Pakhtunkhwa Peshawar.....Respondent No.2



Muhammad Ashfaq Khan Jadoon

District Education Officer,

(Male) Mansehra.....Respondent No.3

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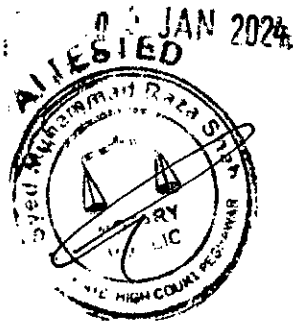
PARAWISE COMMENTS / WRITTEN REPLY ON BEHALF OF RESPONDENTS

NO 1.2 & 03 ARE AS UNDER:-

AFFIDAVIT

I, Muhammad Ashfaq Khan Jadoon District Education Officer (M) Mansehra do, hereby solemnly affirm and declare that the Para wise comments of the Service Appeal No.1272/2023 titled as Muhammad Farooq versus Govt, is true to the best of my conviction and belief and nothing has been concealed from this Honourable Court. It is further decided on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

DEPONENT _____



DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

(27)

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (مردانہ) ضلع مانسہرہ

عنوان: درخواست برآمد ایڈجسٹمنٹ / ٹرانسفر

جناب عالی:

گزارش ہے کہ سائل گاؤں منگ تحصیل بالا کوٹ ضلع مانسہرہ کارہائشی و سکوتی ہے۔ اور عرصہ چھ (6) سال سے بحیثیت پرائمری ہیڈ ٹیچر (PSHT) اپنی خدمات گورنمنٹ پرائمری سکول جگن میں سرانجام دے رہا ہے۔ جو کہ مذکورہ سکول من سائل کے گھر سے تقریباً چار گھنٹے کی مسافت پر ہے۔ ٹرانسپورٹ کی سہولت موجود نہ ہونے کی وجہ سے سائل کو مذکورہ سفر پیدل طے کرنا پڑتا ہے من سائل کو عرصہ پانچ سال سے کمر کی بیماری کا سامنا ہے جس کی وجہ سے من سائل کو مذکورہ سفر پیدل طے کرنے میں شدید مشکلات کا سامنا ہے۔

من سائل کو باوثوق ذرائع سے معلوم ہوا ہے کہ گورنمنٹ پرائمری سکول منگ (EMIS 17632) سرکل ہنگرائی (PSHT) کی پوسٹ خالی ہو رہی ہے۔ جو کہ من سائل کے گھر سے قریب ہے۔

من سائل بذریعہ درخواست ہذا اہلتمس ہے کہ من سائل کو گورنمنٹ پرائمری سکول جگن (EMIS 17475) سے گورنمنٹ پرائمری سکول منگ (EMIS 17632) میں تعینات کر کے ممنون فرمائیں تاکہ من سائل اپنے فرائض منصبی احسن طریقے سے انجام دے سکے۔

آپ جناب کی عین فوازش ہو گی۔

المترقوم:

ارض

عزیز الرحمن (PSHT) گورنمنٹ پرائمری سکول جگن

13501-1303876-5

0345-8500505

0313-5521520

31/5
2017

Forwarded to the DEO (M)

manuscript with the request that the post of PSHT UPS Mang is not lying vacant up till now however the said PSHT of UPS Mang is in promotion list of PSHT to SST.

SDEO (M)
BALAKOT

AMMUR - 32

32

ذہانت جناب ڈائریکٹر ایجوکیشن کراچی
عنوان :- درخواست برائے ایڈجسٹمنٹ خالی پوسٹ EPS

خارجی

میں ایک سال سے اس سائل کو حل نہ کر سکا ہوں۔
میں اس سائل کو حل کرنے میں مدد کرنے کے لیے درخواست
کی ہے۔ یہ سائل تقریباً 8 سال سے اس سائل میں
درج ہے۔ اس سائل میں اس سائل کو حل کرنے کے لیے
میں درخواست کرتا ہوں۔ اس سائل کو حل کرنے کے لیے
میں درخواست کرتا ہوں۔ اس سائل کو حل کرنے کے لیے

و احاطہ

تفصیلات فرمائیں

17/3/2015

سائل نمبر 32 PSHT EPS ایڈجسٹمنٹ خالی پوسٹ
تفصیلات فرمائیں

STHammur

Forwarded to the
DBO (M) Panching Gu
3/9 M
SDRO BART

Recommended
Requested

Syed Ahmed Hussain Shah
Special Assistant to Chief Minister
on Population Welfare
Khyber Pakhtun Khwa

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

Phone # 0997-362271 Fax # 0997-362244
 E-mail Address: edo@doe_mansehra@yahoo.com
 Face book Page: www.facebook.com/DOEMMANSEHRA

TRANSFER/ADJUSTMENT ORDER

The competent authority E&SE (M) Mansehra is pleased to transferred/adjusted of the following PSHT teachers, on their own pay & BPS in the best interest of public service with immediate effect.

S. No.	Name & Desig:	From	To	Remarks
1	Aziz Ur Rehman PSHT	GPS Jlggan	GPS Mang	A/V Post
2	Muhammad Farooq PSHT	GPS Banda Manoor	GPS Jlggan	Vice 1

Note: 1. No TA/DA is allowed.

2. Charge Report should be submitted to all concerned.

-sd/-
 DISTRICT EDUCATION OFFICER
 (MALE) MANSEHRA

Encl: No 0491-96 /Est: (M)//PSHT

Dated 27/12/2023

Copy for Information to the:

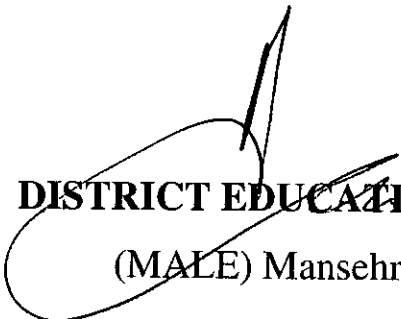
1. District Account Office Mansehra.
2. District Monitoring Officer (EMA) Mansehra.
3. Sub-Divisional Education Officer (Male) Balakot.
4. Official Concerned.
5. Office Order File.

(Signature)
 Arshad Khan Tariq
 District Court of Pakistan
 Mansehra Jazu Adjacent to
 Bar, Abbottabad

DY: DISTRICT EDUCATION OFFICER
 (MALE) MANSEHRA

AUTHORITY LETTER.

It is to certify that Mr. Mubashir Ahmed, legal representative of District Education Office, Mansehra is hereby authorized to submit para wise comments in case titled "Muhammad Farooq Versus Govt. of KPK" service appeal No. 1272/2023.


DISTRICT EDUCATION OFFICER
(MALE) Mansehra