

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. 4823/2021

Syed Jalil Hussain .....Appellant

Versus

Director KP E&SE and others .....Respondents

**INDEX**

S. NO	Description of documents	Annexure	Pages
1	Parawise Comments	----	1-3
2	Affidavit	----	4
3	Authority letter	----	5
4	Civil servant Act	A	6-7
5	Promotion order / CNIC photo copy	B	8-11



15-02-24  
Peshawar

①

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

**Service Appeal No. 4823/2021**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11153

Dated 15-02-2024

Syed Jalil Hussain VS Director E&SE and others

**COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2.**

**RESPECTFULLY SHEWETH:**

**Preliminary Objections.**

1. That the appellant has got no cause of action/locus standi to file the instant service appeal.
2. That the present appeal is bad for non-joinder and mis-joinder of necessary parties.
3. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
4. That the instant appeal is not maintainable in its present form.
5. That present appeal is badly time barred.
6. That under Section 10 of the Civil Servant Act, the appellant is liable to serve anywhere in the province.
7. That the seniority of the appellant is maintained at Directorate of E&SE KP, being provincial cadre post the appellant has been adjusted at his own village Tehsil and District so, the appellant is misleading this Honourable Service Tribunal.

**ON FACTS:**

1. That Para-1 Pertains to record of the appellant.
2. That Para No. 2 is correct. Hence need no comments.
3. That no record of the appeal of the appellant has been found in the office of Respondent No. 2, however, the seniority of the appellant is maintained at Directorate of E&SE KP, being provincial cadre post the appellant has been adjusted at his own village Tehsil and District so, the appellant is misleading this Honourable Service Tribunal.
4. That as per rule upon promotion to the post of SST, incumbent/promotee shall be adjusted at Middle level or high level schools as post of SST as existing at middle/ high level school.
5. That detail reply has already been submitted under Para 3 above, hence need no further comments. However, there is no such application on respondents record.
6. That Para 6 is legal, however the Respondent also submit under following grounds inter alia.

**ON GROUNDS**

- A. That the respondent department has acted according to the rules/ policy. Under Section 10 of the Civil Servant Act, the appellant is liable to serve anywhere in the province attached as **(Annexure-A)**, the seniority of the appellant is maintained at Directorate of E&SE KP, being provincial cadre post the

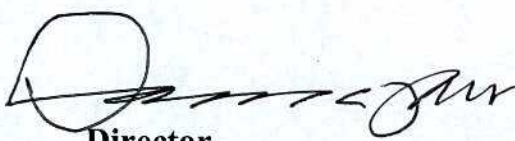
3


appellant has been adjusted at his own village Tehsil and District so, the appellant is misleading this Honourable Service Tribunal.

- B. Incorrect and denied. The Respondent Department has acted as per rules and policy and as per rule upon promotion to the post of SST, incumbent/promotee shall be adjusted at Middle level or high level schools as post of SST is existing at middle/ high level school.
- C. That the appellant has been adjusted at his own village Tehsil and District so, the appellant is misleading this Honourable Service Tribunal.
- D. Incorrect and denied. the appellant has been adjusted at his own village Tehsil and District so, the appellant is misleading this Honourable Service Tribunal.
- E. That the Respondent Department seek permission of this Honourable Service Tribunal to provide additional grounds at the time of arguments.

**PRAYER**

In view of the above facts and legal position of the instant case, It is, therefore, most humbly prayed that the instant appeal being merit list may kindly be dismissed.

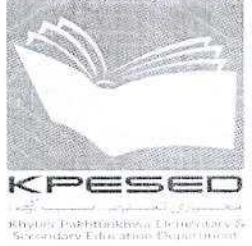
  
Director  
E&SE Khyber Pakhtunkhwa  
(Respondent No.1)  
ABDUL SAMAD

  
District Education Officer  
District Orakzai  
(Respondent No. 2)  
FARED ULLAH

(4)



**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE )ORAKZAI**  
 Main Hangu Kohat Road Opposite Distt: Headquarter Orakzai at Hangu  
 Phone # 0925-690017 Fax # 0925-690017  
 Email: [deoorakzai2020@gmail.com](mailto:deoorakzai2020@gmail.com)



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

Service Appeal No. 4823/2021

Syed Jalil Hussain.....APPELLANT

VERSUS

Director KP E&SE and Others.....RESPONDENTS

**AFFIDAVIT**

I, Mr. Hayat Khan District Education Officer (Male) Orakzai do hereby affirm and declare that the content of the accompanying compliance report submitted by the respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court. *It is further stated on oath that answering*

*Respondent have neither place nor their defense struck off/cst.*

~~DEPONENT~~

CNIC#17101-0391858-9

Cell No.0333-9306306

NOOR KARIM ADVOCATE  
 M.A., LL.M (U.O.P)  
 14 FEB 2021  
 OATH COMMISSIONER/  
 NOTARY PUBLIC HANGU



**OFFICE OF THE DISTRICT EDUCATION OFFICER-ORAKZAI**

Umar Plaza, Main Kohat Road, Muslimabad-Hangu.

Phone # 0925-690017 Fax # 0925-690017

Email: deorakzai2020@gmail.com



5

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_4823/2021\_

Syed Jalil Hussain.....APPELLANT

**VERSUS**

Director KP E&SE and Others.....RESPONDENTS

**AUTHORITY LETTER**

It is certified that the comments have been prepared/verified by the undersigned and submitted herewith to the honorable court. Moreover, Mr. Asad Ullah SS (BPS: 17) Focal Person Litigation of this office is hereby authorized to appear & submit the comments before the honorable Khyber Pakhtunkhawa Service Tribunal, Peshawar.



**DISTRICT EDUCATION OFFICER,  
ORAKZAI**

*Hayat Khan*

## Posting and Transfer

### Statutory Provision.

#### Section 10 of the NWFP Civil Servants Act,1973.

**Posting and Transfer.** Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

#### Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) <sup>79</sup>[ ]

<sup>79</sup> Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business,1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.

Attested  
[Signature]

- vi) <sup>80</sup>While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, NWFP needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, NWFP shall be obtained.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/ transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

80

Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20<sup>th</sup> March, 2010.

Attested  






8

**DIRECTORATE OF ELEMENTARY &  
SECONDARY EDUCATION KHYBER**

**PAKHTUNKHWA**  
PHONE: 011-2222222, 011-2222222  
FAX: 011-2222222  
E-MAIL: 011-2222222

## Notification

In pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24<sup>th</sup> July, 2014 and recommendations of the Departmental Promotion Committee, the following SCTs/CTs, SDMs/DMs, SATs/ATs, STTs/TTs, Senior Qaris/Qaris, PSHTs/SPSTs/PSTs of District Orakzai, are hereby promoted to the post of SST (Bio-Chem), SST (Phy-Maths), SST (General) and posted in the schools noted against each in BPS-16 (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy, on the terms and conditions given below, with immediate effect in the interest of public service.

### 1 SCT/CT TO SST (General) BPS-16.

S.N	Sen No	Name	School	DOB	D of App: as Regular CT	Quali	Name of School where posted
1	16	Muhammad Sadiq	GHS Mishti Bazar	3/4/1971	20/2/2013	BA/B.Ed	GMS Qasim Khel
2	17	Kumail Shah	GHS Sra Mela	7/11/1965	20/2/2013	BA/B.Ed	GMS Parh Tangi
3	19	Syed Saghir Syed	GHS Sarobi Ghari	5/4/1968	16/11/2018	BA/B.Ed	GMS Panzari
4	20	Syed Ashaq Hussain	GHS Kurez	6/4/1973	16/11/2018	BA/BE d	GMS Cheeri
5	21	Alam Khan	GHS Gulstan	10/6/1971	16/11/2018	BA/BE d	GHS Gulistan
6	22	Feroz Khan	GHS Mishti Bazar	4/4/1967	16/11/2018	BA/Bed	GMS Mirbak
7	23	Khitab Ali	GHS Kurez	1/1/1974	16/11/2018	BA/Bed	GHS Suliman Khel
8	24	Taj Wali Khan	GMS Goen	2/1/1966	16/11/2018	BA/Bed	GHS Mandati
9	25	Iftikhar Hussain	GMS Suleman Khel	12/12/1975	16/11/2018	BA/Bed	GHS Suliman Khel
10	26	Almas Khan	GHS Tooti Bagh	11/3/1972	16/11/2018	BA/Bed	GHS Anjani
11	28	M.Younas	GHS Gulistan	5/4/1972	16/11/2018	BA/Bed	GHS Manz Garhi
12	30	Fazal Kareem	GHS Saiful Darra	16/4/1968	16/11/2018	BA/Bed	GHS Saiful Dara

### 2 PSHT/SPST/PST TO SST (General) BPS-16.

S. No	Sen No	Name of official & place of posting	School	DOB	D of App: as Regular PST	Quali	Name of School where posted
1	70	Syed Shoaib Hussain	GMPS Ghari Sra Mela	13/2/1976	1/7/2012	BA/B.Ed	GMS Mirazai

(9)

2.	72	Syed Jalil Husain	GPS Kurez	1/4/1972	1/7/2012	BA/B.Ed	GMS Mahora
3	81	Muhamma Idress	GPS Biland Khel No.1	5/8/1970	1/7/2012	BA/B.Ed	GHS Sawaro Kot
4	82	Kifayat Ullah	GPS Hanif Jan Killi	11/2/1971	1/7/2012	BA/B.Ed	GHS Daradar
5	83	Noor ul Ahad	GPS Koz Koruna	1/6/1977	1/7/2012	BA/B.Ed	GMS Injavar
6	84	Fazal Akbar	GPS Baza Khel	1/12/1973	1/7/2012	BA/B.Ed	GHS Ghiljo

2020

3 SDM/DM TO SST (General BPS-16.

S. No	Se n No	Name of official & place of posting	School	DOB	D of App: as Regular DM	Quali	Name of School where posted
1	04	Ahmad Raza	GHS Paloosi	4/2/1969	20/2/2013	BA/B.Ed	GMS Khusra

Peshawar.  
a Peshawar.

4 STT/TT TO SST (General) BPS-16

S. No	Se n No	Name of official & place of posting	School	DOB	D of App: as Regular STT	Quali	Name of School where posted
1	21	Janib Ali	GMS Dipna	1/3/1984	20/2/2013	BA/B.Ed	GMS Saraga

07/12/1

5 AT/SAT TO SST (General) BPS-16.

S. No	Se n No	Name of official & place of posting	School	DOB	D of App: as Regular SAT	Quali	Name of School where posted
1	30	Nizamuddin	GHS Spidar	7/9/1970	4/12/2009	BA/B.Ed	GHS Spidar

Attest  
[Signature]

6. S Qari/Qari TO SST (General) BPS-16.

S. No	Se n No	Name of official & place of posting	School	DOB	D of App: as Regular Qari	Quali	Name of School where posted
1	5	Khalilullah	GHS Inzer Patti	10/4/1983	7/5/2018	BA/B.Ed	GHS Daradar

Terms and conditions: -

1. They teachers at S.No.1-3 above would be on probation for a period of one year extendable for a further period of one year.
2. They will be governed by such rules and regulations as and when issued from time to time by

10

Their services can be terminated at any time; in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.

- 4 Charge report should be submitted to all concerned.
- 5 No TA/DA is allowed for joining his duty.
- 6 They the teachers at S.No.1-3 above will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in the light of this order will be recovered and if he is wrongly promoted, he will be reverted.
- 7 Before handing over charge once again their document may be checked if they have not the prescribed qualifications as per rules, they may not be handed over charge of the post.
- 8 The prescribed qualifications/ documents may be verified from the concerned Universities/ Institutions by the DEO concerned.

**(Hafiz Dr. Muhammad Ibrahim)**  
 Director Elementary & Secondary Education  
 Khyber Pakhtunkhwa  
 Dated Peshawar the 7/12/2020.

Endst: No. 6588-97

Copy forwarded for information and necessary action to the: -

- 1. Accountant General Khyber Pakhtunkhwa Peshawar.
- 2. District Education Officer Orakzai.
- 3. District Accounts Officer Orakzai.
- 4. PS to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 5. PS to Secretary Finance Khyber Pakhtunkhwa Peshawar.
- 6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Muzaffar District  
 07/12/20

Attested  

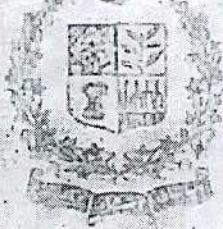


(11)

حکومت پاکستان  
قومی شناختی کارڈ  
21603-4893202-9

نام: سید جلیل حسین  
جنس: مرد  
والد کا نام: سید زرین حسین  
شناختی علاقہ: دائیں انٹلی پر زخم  
تاریخ پیدائش: 01/04/1972

عثمان یوسف حسین  
دستخط جلیل حسین

دستخط نائل کارڈ



Alberto  
L

شناختی نمبر: 21603-4893202-9 خاندان نمبر: X5045K  
موجودہ پتہ: قوم پر محمد خلیل بیٹے بابا الہامی، خانو ڈگ، ڈاکخانہ گریڈ، تحصیل لوئر  
ضلع اور کڑی ایجنسی  
مستقل پتہ: ایضاً

تاریخ اجراء: 20/08/2015 تاریخ ترمیم: 20/08/2025  
گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں

14772086009  
شناختی نمبر

