

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

Service Appeal No. 1311/2019

Date of Institution ... 10.10.2019
Date of Decision ... 18.01.2022

Muhammad Yasin SPET Government Higher Secondary School,
Phulra, Tehsil and District Mansehra.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary
Education Peshawar and three others. ... (Respondents)

Malik Ishfaq Jillani,
Advocate ... For appellant.

Kabir Ullah Khattak,
Additional Advocate General ... For Official respondents # 1 to 3.

Haji Shabir Hussain Tanoli,
Advocate ... For Private Respondent #.4.

SALAH-UD-DIN ... MEMBER (J)
ROZINA REHMAN ... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the
prayer as copied below:

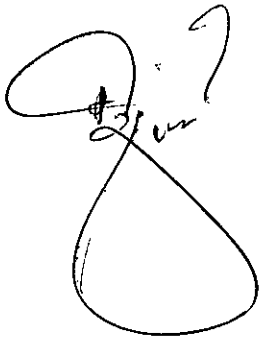
**"On acceptance of instant service appeal, the
impugned transfer/adjustment order passed by
respondent No.3 may graciously be set aside and the
appellant may graciously be adjusted/transferred at
Government High School Darband Tehsil Oghi as
SPET".**

2. Brief facts of the case are that appellant was appointed as PET
on 17.09.1992. He was promoted from BS-15 to BS-16 on 13.12.2014

and was posted at GHSS Phulra where the appellant is performing his duty with entire satisfaction of his high ups. After completion of three years tenure, he submitted an application to respondent NO.3 for transfer/adjustment on the vacant post of SPET at GHS Darband but to no avail. He, therefore, preferred departmental appeal which was not responded to. The appellant also submitted an application for relaxation of ban to respondent No.3 for his transfer but in vain, where-after, respondent No.3 passed the impugned order dated 01.07.2019 vide which respondent No.4 was transferred/adjusted at GHS Darband as SPET. Being aggrieved from the order of respondent No.3, the present service appeal was filed.

3. We have heard Malik Ishfaq Jillani Advocate learned counsel for appellant, Kabir Ullah Khattak, learned Additional Advocate General for official respondents and Haji Shabir Hussain Tanoli Advocate learned counsel for private respondent No.4 and have gone through the record and the proceedings of the case in minute particulars.

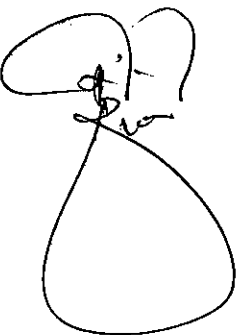
4. Malik Ishfaq Jillani Advocate learned counsel appearing on behalf of appellant, inter-alia, argued that the impugned transfer order is illegal, unlawful, being fanciful, is liable to be set aside. He contended that the impugned transfer notification is violative of the mandatory clauses of posting and transfer policy and various reported judgments of the Apex Court. It was further submitted that the respondents did not apply their independent mind rather acted in a manner which is not warranted by law and is against the norms of the Constitution of Islamic Republic of Pakistan. He contended that



respondent No.4 was junior to the appellant and his tenure had not been completed while the appellant had completed five years at GHSS Phulra but even then the respondents by ignoring the law and policy, adjusted the respondent No.4 at GHS Darband. He, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned AAG assisted by the learned counsel for private respondent No.4 submitted that the appellant applied for transfer on 07.03.2018 from GHSS Phulra to GHS Darband and in response to that application, he was transferred by the competent authority to GHS New Darband on tenure basis vide order dated 10.05.2018. He contended that the appellant failed to assume the charge on the said post without any reason and in the meanwhile, respondent No.4 applied for the same post for transfer after relaxing the ban from the Chief Minister Khyber Pakhtunkhwa, therefore, he was transferred to GHS Darband.

6. From the record, it is evident that Muhammad Yaseen appellant was appointed as PET on 17.09.1992 in BPS-09 and was posted at GHS Doga, Mansehra. During service, he was transferred from GHS Darband to GHSS Phulra on 11.12.2014. After completion of his tenure at GHSS Phulra, he submitted an application for re-adjustment at GHS Darband but to no avail. Transfer/adjustment order of the present appellant from GHSS Phulra to GHS Darband New on 10.05.2018 was produced by the respondents and is available on file but this transfer/adjustment order was never communicated to the appellant because he submitted different applications to the competent authority seeking transfer to GHS Darband but the same

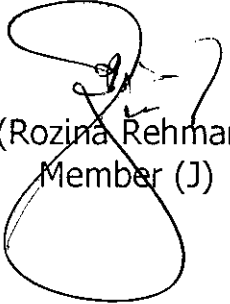


was not responded to and the one dated 10.05.2018 was never communicated to the appellant for the reasons best known to the respondents and it was on 01.07.2019 when one Khalid Parvez SPET was transferred/adjusted at GHS Darband, Mansehra against vacant post. According to the posting/transfer policy of the Provincial Government, normal tenure of posting is to be two years. By the tenets of this very policy, it has been provided that Government servants feeling aggrieved due to the orders of posting/transfer of the authorities, may seek remedy from the next higher authority through an appeal. From the bare perusal of the rules provided by the posting/transfer policy, it is evident that it should be strictly in accordance with public interest which shall be a paramount consideration. The present appellant has been serving as SPET at GHSS Phulra since 13.12.2014. Despite completion of tenure, appellant was kept deprived of his right. Post was available, ban was relaxed, and appellant had completed his tenure but even then, his request was not honored and the order passed in his favor was never communicated to him at time.

7. In this view of the matter, instant service appeal is allowed with direction to the respondents' Department to adjust the appellant within the radius of 10 Kilometer from his residence. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
18.01.2022


(Salah-Ud-Din)
Member(J)


(Rozina Rehman)
Member (J)

Order
18.01.2022

Counsel for the appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Tanveer Hussain DEO and Toseef Khan ADEO for official respondents present. Learned counsel for private respondent No.4 present

Vide our judgment of today of this Tribunal placed on file, instant service appeal is allowed with direction to the respondents' Department to adjust the appellant within the radius of 10. Kilometer from his residence. Parties are left to bear their own costs. File be consigned to the record room.

Announced.
18.01.2022



(Salah-Ud-Din)
Member (J)
Camp Court, Abbottabad




(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

22.12.2021

Appellant alongwith his counsel present. Mr. Hamid Mansoor, Assistant (Litigation) alongwith Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present. Private respondent No. 4 alongwith his counsel present.

Partial arguments heard. To come up for remaining arguments on 23.12.2021 before the D.B at Camp Court Abbottabad.

(Mian Muhammad)
Member (E)
Camp Court A/Abad


(Salah-ud-Din)
Member (J)
Camp Court A/Abad


23.12.2021

Appellant alongwith his counsel present. Mr. Muhammad Touseef, ADEO (Litigation) alongwith Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present. Learned counsel for private respondent No. 4 also present.

On perusal of the case file it is evident that the respondents have taken plea in their comments that upon the application of the appellant, he was transferred to GHS New Darband on tenure basis vide endorsement No. 7717-22/Estt: (M) Trf:/PET/SPET/dated 10.05.2018 but the appellant failed to assume charge on the said post without any reason. During the course of arguments, learned counsel for the appellant has contended that the aforementioned order was deliberately kept secret and was not at all communicated to the appellant.

In this scenario, District Education Officer (Male) Mansehra shall personally appear before the Tribunal on the next date and to come up for arguments before the D.B on 18.01.2022 at Camp Court Abbottabad.

(Mian Muhammad)
Member (E)
Camp Court A/Abad



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

20.05.2021 Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 27.09.2021.


Reader

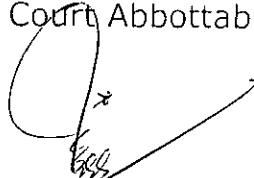
27.09.2021 Clerk of counsel for the appellant and Mr. Muhammad Rashid Khan, DDA for the official respondents and counsel for private respondent No. 4 present.

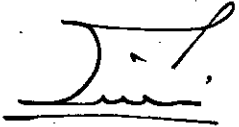
Learned counsel for the appellant is not in attendance and request for adjournment is made on his behalf. Request is accorded. To come up for arguments on 20.12.2021 before the D.B at Camp court, Abbottabad


(Rozina Rehman)
Member(Judicial)
Camp Court, A/Abad


Chairman
Camp Court, A/Abad

20.12.2021 Learned counsel for the appellant present. Mr. Riaz Ahmed Painsakhel, Assistant Advocate General for official respondents No. 1 to 3 present. Clerk of learned counsel for private respondent No. 4 present and requested for adjournment on the ground that learned counsel for private respondent No. 4 is busy in the august Peshawar High Court, Abbottabad Bench. Adjourned. To come up for arguments on 22.12.2021 before the D.B at Camp Court Abbottabad.


(Mian Muhammad)
Member (E)
Camp Court A/Abad


(Salah-ud-Din)
Member (J)
Camp Court A/Abad

22.10.2020

Appellant in person present.

Usman Ghani learned District Attorney present. Fahim Akbar Assistant representative of respondents No.1 to 3 present. Nemo for respondent No.4.

Representative of respondents No.1 to 3 submitted written reply/comments. Written reply on behalf of respondents was not submitted. Notice be issued to respondent No.4. To come up for written reply/comments on behalf of respondent No. 4 for 17.12.2020 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

*Due to COVID-19 case is
adjourned to 18-03-2021*



18.03.2021

Appellant in person present.

Muhammad Riaz Khan Paindakhel learned Assistant Advocate General for official respondents No. 1 to 3 and counsel for private respondent No.4 present.

Reply/comments on behalf of official respondent No.1 to 3 already submitted. Counsel for private respondent No.4 submitted reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 20/5/2021 before D.B at Camp Court, A/Abad.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

23.01.2020

Clerk to counsel for the appellant present. Written reply not submitted. Toseef ADO representative of the respondent department present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 18.02.2020 before S.B at Camp Court Abbottabad.



Member
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on 16/4/20
at camp court abbottabad.



Reader

Due to summer vacation case to come up for the same on 10/1/20
at camp court abbottabad.



Reader

22.11.2019

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued inter-alia that the appellant was promoted to the post of SPET in the year 2014 and was posted in GHSS Phulra from GHS Darband; that during his posting at Phulra, the appellant made efforts for his transfer to GHS Darband, however, instead of appellant, private respondent No.4 was transferred and posted at GHS Darband despite the fact that private respondent No.4 was promoted at the post of SPET in the year 2017.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 18.12.2019 before S.B at Camp Court, A/Abad.

Appellant Deposited
Security & Process Fee

Member

Camp Court, A/Abad

18.12.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Touseef, Litigation officer for official respondents No. 1 to 3 and Mr. Ahmed Hussain Tanoli, Advocate on behalf of private respondent No. 4 present and submitted Vakalatnama. Written reply on behalf of respondents not submitted. Representative of the official respondents No. 1 to 3 as well as learned counsel for private respondent No. 4 requested for time to file written reply. Adjourned to 23.01.2020 for written reply/comments before S.B at Camp Court Abbottabad.

(Muhammad Amin Khan Kundi)

Member



Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1311/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/10/2019	<p>The appeal of Mr. Muhammad Yasin received today by post through Malik Ashfaq Ahmad Jillani 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;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22/11/2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR**

Appeal No=1311 /19

Muhammad Yasin SPET Government Higher Secondary
School, Phulra, Tehsil and District Mansehra.Appellant

VERSUS

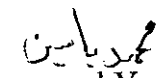
Government of Khyber Pakhtunkhwa, through Secretary
Education, Peshawar.....Respondents

SERVICE APPEAL


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Dated:08.10.2019


Muhammad Yasin
.....Appellant

THROUGH


MALIF ASHFAQ JILLANI
&
M. ARIF KHAN
ADVOCATES HIGH COURT
(MANSEHRA)

**BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No-1311/19

Diary No. 1423

Dated 10-10-2019

Muhammad Yasin SPET Government Higher Secondary
School, Phulra, Tehsil and District Mansehra.Appellant

VERSUS

- (1) Government of Khyber Pakhtunkhwa, through
Secretary Education, Peshawar.
- (2) The Director Education, E&S Peshawar.
- (3) District Education Officer (Male), Mansehra
- (4) Khalid Pervez, SPET, GHS New Darband, *Mansehra*.

...Respondents

**SERVICE APPEAL UNDER SECTION-4 OF KHYBER
PAKHTUNKHWAR SERVICE TRIBUNAL ACT-1974
FOR A DECLARATION THAT THE THE IMPUGNED
TRANSFER/ADJUSTMENT ORDER ENDORSMENT
NO.10925-32 DATED: 01.07.2019 PASSED BY
RESPONDENT NO.3 IS ILLEGAL, UNLAWFUL,
ARBITRARY, FANCIFUL, DISCRIMINATORY AND
THE SAME IS LIABLE TO BE SET-AT NAUGHT.**

Filed to Day
10-10-19
Registrar

PRAYER

On acceptance of instant service appeal, the impugned transfer/ adjustment order passed by respondent No.3 may graciously be set aside and the appellant may graciously be adjusted/transferred at Government High School Darband, Tehsil Oghi as SPET.

Respectfully Sheweth!

1. That, the appellant was appointed as PET at Government High School, Doga, Mansehra on 17.09.1992 after the fulfillment of all the codal formalities. **(Copy of appointment order is attached as Annexure "A")**.
2. That, on 13.12.2014 the appellant was promoted from BPS-15 to BPS-16 and was posted at Government Higher Secondary School Phulra, where the appellant has been performing his services with the entire satisfaction of his high-ups. **(The copy of promotion order is attached as Annexure "B")**.
3. That, after completion of 3 years tenure, the appellant submitted an application to respondent No.3 for transfer/adjustment on the vacant post of SPET at Government High School, Darband, the home station of the appellant, but no favourable response so far has been given by respondent No.3, thereafter, the appellant preferred a departmental appeal to respondents No.2&3 who also given no response to the appellant as yet. **(The copies of application and department appeal are annexed as Annexure "C&D" respectively)**.
4. That, similarly the appellant also submitted an application for relaxation of ban to respondent No.3 for transfer/adjustment of vacant post of SPET at GHS Darband as well as verbally requested, but all in vain. **(Copy of application is annexed as Annexure "E")**.

5. That, thereafter, respondent No.3 passed an impugned order dated: 01.07.2019, upon which the respondent No.3 transferred/adjusted the respondent No.4 at Government High School, Darband as SPET. **(Copy of transfer/ adjustment order is annexed as Annexure "F")**.
6. That, it is pertinent to mention here, that the respondent No.4 was promoted on 29.08.2017 and posted at GHS Lassan Nawar, while the appellant was promoted on 11.12.2014 and posted at GHSS Phulra, thus as per rules and policy the tenure of respondent No.4 is not completed, while the tenure of appellant is circulating for five years in GHSS Phulra. **(Copy of promotion letter of respondent No.4 is annexed as Annexure "G")**.
7. That, the appellant being aggrieved by the impugned order of respondent No.3 invoking the jurisdiction of this honourable tribunal inter-alia on the following amongst other grounds:

GROUND

- A. That, the impugned transfer/adjustment order passed by respondent No.3 is illegal, unlawful, fanciful, arbitrary, discriminatory as well as result of political motivation and is liable to be set-aside.
- B. That, the impugned order passed by respondent No.3 is in all respect against the

transfer policy and services rules as contemplated by KPK Services Tribunal Act and Rules.

- C. That, the act of the respondents is against the law, fact and circumstances available on record, hence not tenable in the eye of law.
- D. That, the respondents are duty bound under the law, rules and policy as laid down by the KPK Service Tribunal Act and rules to transfer/adjust the appellant at GHS Darband as SPET, because the Darband school is home station of the appellant.
- E. That, the respondents used the colourable exercise of powers, basis on nepotism with arbitrary manners which is not allowed by the law.
- F. That, respondent have not applied their independent mind rather have acted in a manner which is neither warranted by law rather it is against all the norms of law and the Constitution of the Country.
- G. That, it is also pertinent to mention here that the respondent No.4 is most junior than the appellant as well as the tenure of respondent No.4 is yet to be completed, while the tenure of the appellant is reaching upto five years, but inspite of that the respondents No.2,3 by ignoring all the norms of justice, policy and rules transferred/adjusted the respondent

No.4 at GHS Darband, hence the instant service appeal.

It is therefore, most humbly requested that on acceptance of instant service appeal, the impugned transfer/ adjustment order passed by respondent No.3 may graciously be set aside and the appellant may graciously be adjusted/transferred at Government High School Darband, Tehsil Oghi as SPET.

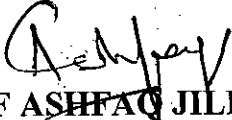
OR

Any other relief which this honourable court deems fit in the facts and circumstances of the case.

Dated:08.10.2019

محمد یاسین
Muhammad Yasin
.....Appellant

THROUGH


MALIF ASHFAQ JILLANI
&
M. ARIF KHAN
ADVOCATES HIGH COURT
(MANSEHRA)

VERIFICATION

It is certified that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable Tribunal.

Dated: 08/10/2019

محمد یاسین
Muhammad Yasin
.....Deponent

6

**BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR**

Muhammad Yasin SPET Government Higher Secondary
School, Phulra, Tehsil and District Mansehra.Appellant

VERSUS

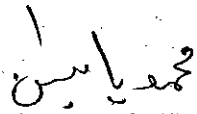
Government of Khyber Pakhtunkhwa, through Secretary
Education, Peshawar.....Respondents

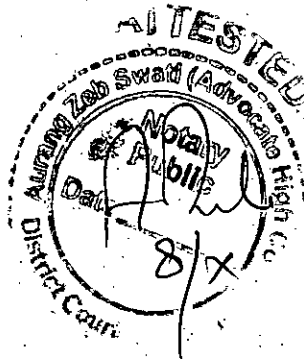
SERVICE APPEAL

AFFIDAVIT

I, Muhammad Yasin SPET Government Higher Secondary
School, Phulra, Tehsil and District Mansehra, do hereby
solemnly affirm and declare that neither the appeal of this
nature has been earlier preferred nor decided by any court of
law/tribunal. Further stated that the contents of foregoing
appeal are true and correct to the best of my knowledge and
belief and nothing has been concealed or suppressed from this
Honourable Tribunal.

Dated:08.10.2019


Muhammad Yasin
.....Deponent



*Attended
Ranjay*

OFFICE ORDER NO. 52 /AE-IV/PET(M)
DATED A/ABAD THE 17/9/1992.

P-7

APPOINTMENT.

The following appointments of PET's (M) un-trained are hereby ordered in EPS-9 @ Rs.1185/-PM fixed plus usual allowances as admissible to them under the rules in the school mentioned against their names with effect from the date of their taking over charge in the interest of public service on the following terms & conditions :-

*Amx =
A*

S.No.	Name of Candidates/Address.	School where appointed.	Remarks.
1.	Mohammad Yasin S/O Feroz Shah, Vill:Darband Colony, Mansehra.	G.H.S Doga, Mansehra.	Ag: Vacant PET post.
2.	Abdul Hakim S/O Pir Khan, Tatreela A/Abad.	G.H.S Seri Khan Kalan, A/Abad.	-do-

- NOTE .
1. No TA/DA & TG is allowed.
 2. Charge reported should be submitted to all concerned.

CONDITIONS.

- i. They should produce their Health & Age certificates from Medical. Supdt: concerned.
- ii. The Head of institutions are required to check all the original Educational qualifications/Professional certificates before handing over charge to them.
- iii. In case they wish to resign from service/post they will have to give one month's notice or forfeit one month's pay in lieu of short notice.
- iv. The appointment shall stand automatically cancelled if they fail to join the post within 15 days of issued of this order.
- v. The candidates should not be handed over charge if their age exceeds 25 years or below 18 years.
- vi. (a) Their appointments are made on stop gap arrangement on Adoc Basis only for six months commencing from the date of taking over charge.
(b) Their services shall stand automatically terminated on the arrival of trained teachers or completion of adoc Basis period which ever is earlier.

(HAJI SARFRAZ KHAN)
DIVL: DIRECTOR OF EDUCATION (SCHOOLS)
HAZARA DIVISION, A.ABAD.

21523-43
Endst: No. _____ /AE-IV/PET(M), Dated A/Abad the 17/9/1992.

Copy to the :-

1. Director of Secondary Education, NWFP, Peshawar.
- 2-3. District Education Officers (Male) Secy: A/Abad & Mansehra.
- 4-5. Sub-Divl: Education Officers (Male) A/Abad & Mansehra.
- 6-7. Headmasters, GHS Doga, Mansehra & GHS Seri Khan Kalan, A/Abad.
- 8-9. Candidates, concerned.
10. Office order file.
11. ADE, Local Directorate.
12. The District Accounts Officer Mansehra.

FOR/DIVL: DIRECTOR OF EDUCATION (S)
HAZARA DIVISION, ABBOTTABAD.

*Approved
Head Master
Govt: High School
Doga (Mansehra)*

*DPIC
Director of Education
for Schools, Hazara Division
ABBOTTABAD*



Affected
Gajiv

P-8
Annex
'B'

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

NOTIFICATION

In pursuance of the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Notification of Endst No 2379--85/ File No1 /Promotion of Senior PET (B-16) Dated Peshawar the 17/11/2014 the following teacher (M) PET (B-15) promoted to the post of Senior PET (B-16) @ (Rs 10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the exiting policy of the provincial Government in teaching cadre on the terms & conditions giving below as hereby adjusted at the station noted against their name with immediate effect "School Based" Non transferable.

S.No	SL. No	Name of Teacher	Present Station	Place of Posting	Remarks
01	113	Muhammad Yaseen	GHS Darband	GHSS Phuna	A/V Post

TERMS & CONDITIONS

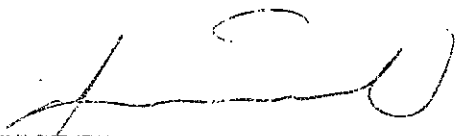
1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulation as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-se-seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will be given an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of his order will be recovered and he is wrongly promoted will be reversed.

Sd/=

DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No 14873-79 /Estt: (M)/Promotion Senior PET (M)/Dated Manshehra The 11/12/2014
Copy forwarded for information & necessary action to the:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. The Deputy Commissioner Manshehra.
4. The District Monitoring Officer Manshehra.
5. All the Principals/H.M School Concerned
6. District Account officer Manshehra.
7. B&A Officer Local Office.
8. Official Concerned.


DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Attested
G. Yaqub

To
The Hon:- Director Sb,
Elementary & Secondary Education,
KPK, Peshawar.

P. 9
Ann
C

Subject: - Appeal

R/Sir,

I have the honour to state that I have been performing duty as S.P.E.T at GHSS Phulra Mansehra since 13/12/2014. My Tenure is 4 Years 6 months and 24 days.

I lodged an application for transfer from GHSS Phulra to GHS New Darband to the D.E.O (M) Mansehra on 01/03/2018 under Diary No. 1336.

An application in this subject even been submitted to the Director E&S.E Peshawar on 01/10/2018. Mr. Khalid Pervez S.P.E.T GHS Lassan Nawab has been Transferred to GHS New Darband on 01/07/2019 (Copy attached) While his tenure is 01 year 10 months & 6 days.

Is it not violation of Government rules?

The transfer of other teacher is politically motivated which is clear cut violation of merit and policy of the Govt.

I am Sorry to say all Government Machinery is supporting him and trying to make sure this transfer legalized. I therefore, humbly request your honour to cancel the said order and I may be transferred to GHS Darband on Merit-bases. Favorable consideration on your part is expected on pathetic ground Please.

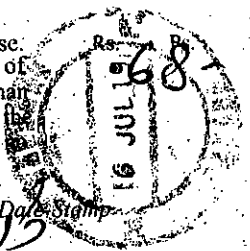
Thanks

I am Your, Obedient Servant,

Muhammad Yaseen S.P.E.T
GHSS Phulra Mansehra
CNIC # 13504-2208507-7
Mob # 0346-9639822
Date:- 04/07/2019

0.1118

For Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which
acknowledgement is due.



Insured a registered*
Insured to
Date Stamp
*Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.
Initials of Receiving Officer
Insured for Rs. (in figures) (in words)
Weight Kilo Grams
Insurance fee Rs.
Name and address of sender

6/19

P-10
Annex
D

Attested
Ganjav

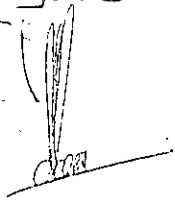
ذمہ داری (D.E.O) کے نام سے
معاونت کے نام سے

معاونت کے

1311 سے 1312 کے درمیان (یا کہیں)
2014
میں بحیرہ عرب، قزاقستان اور آذربائیجان
میں دوپندر (مالک) کا یا اس کا
موجودہ تمام جائیدادیں ستمبر سے 2017
کے تعلق پر ہے۔ جو اس کے لئے قزاقستان
کا اور آذربائیجان کے لئے آذربائیجان
میں زمین کے نقشے نمبر 26817-29 (2017)
میں ہے۔ ملکیاتی کہ میری
بندوبست میں ہے اور اس کے
ذمہ داری ہے۔ (مالک) کے نام سے
میں اس کے لئے قزاقستان اور آذربائیجان
میں اس کے لئے قزاقستان اور آذربائیجان

D. No. 1336
01-3-2018

الحاج محمد
محمد علی



Recommended
in
Forwarded for N/A
phase
Sankar
Secretary
Ministry

Allocated
Date 10/11/11
To

10-11-11
Annex
E

THE DISTRICT EDUCATION OFFICER (M)
District Mansehra

Sub: REQUEST FOR RELAXATION OF BAN FOR TRANSFER

Respected Sir,

It is requested with due veneration that I am presently serving as SPET at GHS Polra Mansehra since long, which is far off my native village due to which I am facing great hardships while commuting on daily basis in public transport.

It is, therefore, requested that I may kindly be transferred/posted at GHS New Drahon Mansehra against the vacant post on compassionate grounds.

Thanks in anticipation

Yours faithfully

Muhammad Yasin
SPET, GHS Polra

D.E.O (M)
Ban Polra
P. Yasin

(IA UL KH. ul BANGASH)
Assistant Commissioner on
Education & Secondary Education
Mansehra

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSERHA



Allocated
Khalid

Phone: # 0957-382271 Fax: # 0957-381144
E-mail Address: edo@du_manserha.gov.pk
Facebook Page: www.facebook.com/DEOMANSERHA

TRANSFER/ADJUSTMENT ORDER

As approved by the competent authority Mr. Khalid Pervez SPET GHS Lissan Nawab Manserha is hereby transferred/Adjusted at GHS Darband Manserha against Vacant Post of SPET, on his own pay & grade, in the interest of public service with immediate effect in relaxation of ban.

Note:

1. Charge report should be submitted to all concerned.
2. No TADA is allowed


-SD/-

DISTRICT EDUCATION OFFICER
(MALE) MANSERHA

Enst: No 10825-32 // Estt : (M)/Tri:/DM / Dated 07/7 2019

Copy for information to the:

1. PS to Chief Minister Khyber Pakhtunkhawa Peshawar.
2. District Account Office Manserha
3. Principal GHS Lissan Nawab Manserha.
4. Head Master GHS Darband Manserha
5. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhawa Peshawar.
6. Budget & Account Officer Local Office
7. District Monitoring Officer IMU Manserha
8. Official Concerned.
8. Office Order File.


DY DISTRICT EDUCATION OFFICER
(MALE) MANSERHA

P-13
Annex
(C)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA**



NOTIFICATION

*Affected
Sample*

Phone # 0997-382271 Fax # 382244
E-mail Address: edo@dm.mansehra@yahoo.com
Facebook Page: www.facebook.com/DEOMANSEHRA

In pursuance of the Notification issued by Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Vide Endst No 3148-81/F.No 01/Promotion of Senior PET (B-16) Dated Peshawar the 15/08/2017 the following 02 teachers (M) PET (B-16) were promoted to the post of Senior PET (B-16) @ (Rs Rs.18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial Government on the terms & conditions giving below as hereby adjusted at the station noted against their name with immediate effect.

S.No	Sl. No	Name of teacher	Present Station	Place of posting	Remarks
01	107	Khalid Pervaiz	GHS Darband	GHS Lassen Nawab	A/V Post
02	107-B	Akhtar Zab	GMS Nara Doga	GHS Ichrian	A/V 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 regulation as may be issued from time to time by the Government.
3. 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. Their Inter-se-seniority on lower post shall remain intact.
6. They will provide an under taking to be recorded in their service book to the effect that if any case of over payment is made to them in light of their order, The same will be recovered and wrongly promotion will be reversed
7. They should join their post within 15 days of this notification, in case of failure to join their post their promotion will be expired automatically and no subsequent appeal will be entertained.
8. Checking and verification of all the documents should be ensured by the DDO Concerned.
9. Necessary entry to this effect should be recorded in their Service books.
10. No TADA is allowed..

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No 1509-35 /Estt: (M)/Promotion PET to SPET (M)/Dated Mansehra the 29/8 /2017

Copy forwarded for information & necessary action to the:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. All the Principals/H.M School Concerned.
4. District Account officer Mansehra.
5. District Monitoring Officer Mansehra.
6. B & AO Local Office Mansehra.
7. Official Concerned
8. Office File.

SR

Q/S
DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 435: QUANTUM MECHANICS
LECTURE 10: PERTURBATION THEORY

1. Introduction to Perturbation Theory

1.1. The Problem

Consider a Hamiltonian $H = H_0 + V$, where H_0 is the unperturbed Hamiltonian and V is a small perturbation.

We seek the energy eigenvalues E_n and eigenstates $|\psi_n\rangle$ of H .

For small V , we can expand the energy and state in powers of the perturbation strength.

The unperturbed energy $E_n^{(0)}$ and state $|\psi_n^{(0)}\rangle$ are known.

The first-order correction to the energy is given by the expectation value of V in the unperturbed state.

The first-order correction to the state is a linear combination of unperturbed states.

Higher-order corrections can be found by iterating the perturbation expansion.

The perturbation theory is valid only for non-degenerate states.

For degenerate states, the perturbation theory must be modified.

The degenerate perturbation theory involves diagonalizing the perturbation in the degenerate subspace.

The resulting energy levels are the eigenvalues of the perturbation matrix.

وکالت نامہ

بعدالت جناب! سروس رٹریبونل RPK سٹاؤ
 محمد یاسین نام حکومت
 دعویٰ یا جرم اپیل منجانب ایسٹاٹ
 باعث تحریر آنکہ!

اندریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام ایسٹ آباد
 ملک اسحاق احمد صلیب نڈ عارف خان ایسٹ آباد

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رُوز و عدالت حاضر ہوتا ہوں گا اور بوقت پکارے
 جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور
 پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر
 مقام کچہری کے علاوہ کسی اور جگہ ناعت ہو یا کچہری کے اوقات کے آگے پیچھے یا روز تعطیل سماعت ہونے پر منظر کو کوئی
 نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و
 نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء
 کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ڈالشی و راضی نامہ و
 دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرفہ درخواست حکم امتناعی یا فیصلہ
 قبل ازین ڈگری و اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا۔ بصورت
 ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو
 بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو
 صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے
 برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سنداً
 رہے۔ منسوم وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

الرقوم: 2019/10/08

Attested & Accepted

محمد یاسین SPET ڈسٹ مارٹر
 سبڈری سکول بھارنہ — ایسٹاٹ
 محمد یاسین

TANAWAL LAW ASSOCIATES

In the Court of KPK Svc Tribunal

WAKALATNAMA

In Re 13113/19 of 20

MUHAMMAD YOUSUF

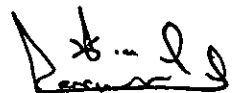
VERSUS

Govt of KPK and others

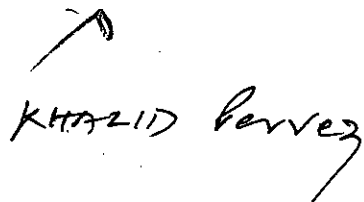
BY THIS POWER OF ATTORNEY, I, WE KHALID PERVEZ SPET
AHMED HUSSAIN TANOLI ADV.

The above titled case do hereby constitute and the appoint HAJI SABIR HUSSAIN TANOLI ADVOCATE SUPREME COURT OF PAKISTAN, ABBOTTABAD as my / our ATTORNEY on my / our behalf to appear, act and plead and do all lawful acts and things in connection with the said case, to sign, verify, file or withdraw all proceeding, petitions, appeals, affidavit and application for the compromise or withdrawal or for submission to arbitration of the said case to withdraw and receive documents and any money payable to me / us during course or on the conclusion of proceeding and to sign proper receipts, to engage or appoint any other advocate when he thinks proper.

And hereby agree to ratify whatever the Advocate do in the proceedings that he shall be entitled to withdraw from the prosecution of the case if the whole or any part of the agreed fee remain unpaid. Read over and accepted correct by me / us this 17/12 day of Dec, 2019.



Signature of Executant (s)





Accepted subject to terms mentioned above:

Haji Sabir Hussain Tanoli

Advocate Supreme Court of Pakistan, Abbottabad

E-mail: sabirtanoliadv111@gmail.com

(original copy)

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD

Appeal No.1311-A/2019

Muhammad Yaseen.....APPELLANT.

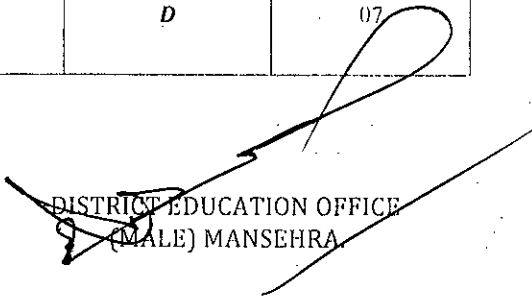
VERSUS

1. Government of Khyber Pakhtunkhwa through 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 & 3.

INDEX

S. No	Description of documents	Annexure	Pages
1.	Comments		1-2
2.	Affidavit		3
3.	Copy the application dated 07/03/2018	A	04
4.	Copy of the transfer order dated 10/05/2018	B	05
5.	Copy of the application dated 01/06/19	C	06
6.	Copy of transfer order	D	07


DISTRICT EDUCATION OFFICE
(MALE) MANSEHRA.

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD

Appeal No.1311-A/2019

Muhammad Yaseen.....APPELLANT.

VERSUS

1. Government of Khyber Pakhtunkhwa through 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 & 3.

PRELIMINARY OBJECTIONS:-

1. That the Appellant is not the "AGGRIEVED" person.
2. That the Appellant is stopped by his own conduct.
3. That the Appellant has not come to the Hon'ble Tribunal with clean hand.
4. That the Appellant has no cause of action/locus standi to file the instant appeal.
5. That instant Appeal is against the prevailing law and rules.
6. That the Appellant has concealed the material facts from this Hon'ble Tribunal. Hence not entitled for any relief and appeal is liable to be dismissed without any further processing.
7. That the appeal is groundless and based on malafide, ulterior motive, hence the same is liable to be dismissed.
8. The instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
9. That the demand of the appellant is against the law and facts hence the appellant is not entitled for any relief and appeal is liable to be dismissed on this score alone.

FACTUAL OBJECTIONS:-

- 1) Para No.1 is pertain to the service record of the appellant, hence need no comments.
- 2) Para 2 is pertain to the service history of the appellant, hence need no comments.
- 3) Para No. 2 is correct to the extent that the appellant applied for transfer on 07/03/2018 vide Diary No.1337 from GHSS Phulra to GHS Darband. Wherein the response of that application the competent authority transferred the appellant from GHSS Phulra to GHS New Darband on tenure basis vide Endst No. 7717-22 /Estt :(M)Trf:/PET/SPET/ Dated 10/05/2018. But the appellant has failed to assume the charge on the said post without any reason. So the stance of the appellant is malafide. In the meanwhile the respondent No.4 also applied for the same post for transfer after relaxing the ban from the chief Minister Khyber Pakhtunkhwa as he is also the local residence of Darband, whereas he is transferred to GHS Darband. As initially appellant was transferred but he does not took over the charge, which shows that he is not willing to join the same station. *(Copy the application dated 07/03/2018 and Copy of the transfer order dated 10/05/2018, copy of the application dated 01/06/19, Copy of transfer order are annexed as annexure A, B, C & D).*

- 4) Para 4 is pertains to the record hence need no comments.
- 5) Para 5 is correct that after observing the all codal formalities the respondents No.4 is transferred to GHS Darband, as initially the appellant has failed to resume the charge on the said post without any reason.
- 6) Para 6 is correct to the extent that the appellant has more tenure as compared to the private respondent, but initially appellant was transferred to GHS Darband but he does not comply the order of the competent authority.
- 7) That appellant have no right to invoke the jurisdiction of this Hon'ble Tribunal, the appellant is not aggrieved Person inter alia on the following Grounds:-

GROUND:-

- A. Incorrect and denied, detail reply is already been given in the above para.
- B. Par b is Incorrect, whereas the appellant was transferred to home station but he failed to comply the order.
- C. Incorrect hence denied. As replied above.
- D. Para is correct to the extent that respondents are bound to obey the policy and rules of the government not on the will and wishes of anybody. So obeying the rules the appellant was transferred to GHS Darband but he does not comply the order of the competent authority. So mistake is on the part of the appellant, hence appellant wasted the opportunity.
- E. Incorrect and Denied, detail reply has already been given in the above Para.
- F. Incorrect and denied, detail reply is already been given in the above para.
- G. Incorrect and denied, detail reply is already been given in the above para.

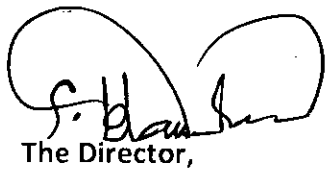
PRAYER:-

It is therefore, humbly prayed that on acceptance of the above submissions, the instant appeal may very graciously be dismissed in the favour of the answering Respondents in the interest of the Justice

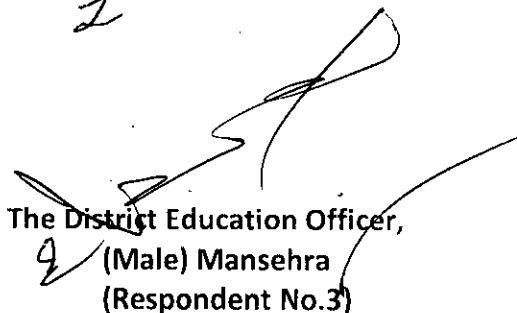
Respondents.....



The Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
(Respondent No.1)



The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
(Respondent No.2)



The District Education Officer,
(Male) Mansehra
(Respondent No.3)

AFFIDAVIT

I, Fahim Anwar, Assistant DEO(M) Mansehra hereby solemnly affirm and declare that the content of the reply of the comments in the above appeal No.1311-A/2019 titled as Muhammad Yaseen versus Education Department are true to the best of my conviction and belief and I have concealed nothing.


ASSISTANT DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

04

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186

Annx-A

naama
let up on file
against
1/3/18

کے ذریعہ (M) D 50
معاونہ ایڈیشن

1312 سے 1313 کے عہدہ (کنوینشن)

2474
میں سمیت SPET، فراہم اور اس کے

میں دوسرے سالوں کا باہمی

موجودہ تمام پیرا آئی سٹریٹ

کے نام سے ہے۔ جہاں پیرا کے فراہم تھے

کی اور اس کے مطابق اس کے

میں ازبک ایڈیشن نمبر 14-26617 (2855-17)

میں دوسرے سالوں کے عہدہ (کنوینشن)

ایڈیشن، SPET، پیرا فرما کر دیا

شکر ہے

الحارثہ
ممبر ایس پی ایس

Recommended
to
Forwarded for NIA

please
Shankar

Manasra

منجانبہ

Answer B²⁷

(5)
10

جناب ڈی۔ ای۔ او صاحب ایگزیکٹو اینڈ سیکرٹری ایجوکیشن سائنس

M. Nazam
Dist. up. m. 11/3/18

عرفی بسلسلہ تبدیلیے لسان لوابہ تانیور بند

جناب عالی!

عرفیہ نمبر 77 گورنمنٹ ہائی سکول لسان لوابہ یہ
تعمیراتی ایجوکیشن پیمبرک حثیت سے خدمات سرانجام دے

District Officer
1337
11/3/18

جناب عالی!

لسان لوابہ تانیور بند کوئی پبلک ٹرانسپورٹ موجود نہیں اور
سائل کو روزانہ مبلغ 600/- روپے کی مدد سے ادا کرنے پر
ہی سکول سے دعوائی کا کوئی بندوبست نہیں کی
دیئے سائل بنایت دہنی دعوائی ادیتے کا شمار ہے

جناب عالی!

D/AMM
Dist. up. m. 11/3/18

گورنمنٹ ہائی سکول تانیور بند میں SPE کی کوشش کی جائے۔
میرا دیاں تبادلہ کیا جائے۔ شکریہ

الحاضر
11/3/18

فلاپرڈر SPE گورنمنٹ ہائی سکول لسان لوابہ
تانیور بند

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)



DISTRICT MANSEHRA

Phone # 0997-382271 Fax # 0997-382244
E-mail Address: edoedu_mansehra@yahoo.com
Facebook Page: www.facebook.com/DEOMMANSEHRA

TRANSFER/ADJUSTMENT ORDER

As approved by the competent authority the following PETs are hereby transferred/Adjusted on their own pay & grade, in the schools noted against his names in the interest of public service with immediate effect.

S.No	Name & Desig:	From	To	Remarks
01	Muhammad Yaseen SPET	GHSS Phulra	GHS Darband New	A/V Post
02	Abdul Kafeel PET	GMS Devli	GMS Bhogarmang	A/V Post
03	Muhammad Arif PET	GMS Trahari	GMS Rehar	A/V Post
04	Mushtaq Ahmed PET	GHSS Perhinna	GMS Thathi Khurd	A/V Post

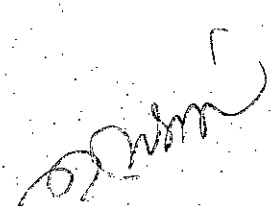
Note:

1. Charge report should be submitted to all concerned.
2. No TAVDA is allowed.

-SD/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No 7717-22 / Estt:(M)/Trf:/PET/SPET/ Dated 19/5 2018
Copy for information to the:

1. District Account Office Mansehra.
2. Principal/Head Master School Concerned.
3. District Monitoring Officer IMU Mansehra.
4. Budget & Account Officer Local Office.
5. ADEO (Sport)/EMIS branch Local Office.
6. Teachers Concerned.
7. Office Order File.


DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

کے لئے ڈی ایچ او اور ڈی ایچ او ایف کے پاس اپنی اپنی کاپیاں رکھنے کے لئے
 اپنی کاپیوں کو اپنی کاپیوں کے ساتھ رکھنے کے لئے
 اپنی کاپیوں کو اپنی کاپیوں کے ساتھ رکھنے کے لئے
 اپنی کاپیوں کو اپنی کاپیوں کے ساتھ رکھنے کے لئے

اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے
 اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے
 اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے
 اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے

اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے
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 اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے

اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے
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 اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے

اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے
 اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے
 اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے
 اس کے علاوہ دیگر ایجنسیوں کے پاس بھی کاپیاں رکھنے کے لئے

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA



Phone # 0997-382271 Fax # 0997-382244
E-mail Address: edoedu_mansehra@yahoo.com
Facebook Page: www.facebook.com/DEOMMANSEHRA

TRANSFER/ADJUSTMENT ORDER

Anx - D

As approved by the competent authority Mr. Khalid Pervez SPET GHS Lissan Nawab Mansehra is hereby transferred/Adjusted at GHS Darband Mansehra against Vacant Post of SPET, on his own pay & grade, in the interest of public service with immediate effect in relaxation of ban.

Note:

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

-SD/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No 10125-32 //Estt : (M/Trf:/DM / Dated 01/7/2019
Copy for information to the:

1. PS to Chief Minister Khyber Pakhtunkhawa Peshawar.
2. District Account Office Mansehra.
3. Principal GHS Lissan Nawab Mansehra.
4. Head Master GHS Darband Mansehra.
5. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhawa Peshawar.
6. Budget & Account Officer Local Office.
7. District Monitoring Officer IMU Mansehra.
8. Official Concerned.
9. Office Order File.

01/7/19
DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

de

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

A-NO-1311/2019

Muhammad Yasin SPET Government Higher Secondary School, Phulra, Tehsil and District Mansehra.

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Education, Peshawar.

..... RESPONDENT

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1	Reply with affidavit	1-6	
2	Copy of the policy	7	"R1"
3	Copy of the domicile and CNIC of respondent No.4	8 - 9	"R2 & R3"
4	Wakalatnama		

.....KHALID PERVAIZ SPET GHS DARBAND,
RESPONDENT NO.4

Through

Dated: 18/3 /2020 1

(HAJI SABIR HUSSAIN TANOLI)
Advocate Supreme Court of Pakistan
Abbottabad

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

A-NO-1311/2019

Muhammad Yasin SPET Government Higher Secondary School, Phulra, Tehsil
and District Mansehra

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Education, Peshawar

..... RESPONDENT

SERVICE APPEAL

Reply on behalf of Respondent No.4;

Respectfully Sheweth,

PRELIMINARY OBJECTIONS;

1. Appellant has got no cause of action
2. Appellant has got no locus standi to file the instant appeal.
3. Appellant is estopped by his own conduct to file the instant appeal.
4. That, appellant is permanent resident of District Turgar, the son of the appellant namely Tahir Iqbal PST is posted

at GPS KOTKAY district Turghar, Zafar Iqbal PST posted at GPS SHAGHAI District Turghar and third son Ehsan employed in population Department District Turghar, two sisters of the appellant namely Khadija PST and Naseeb Roza PST are also appointed in District Turghar on Union/District Kota hence he cannot be posted at GHS Darband.

5. That, appellant has got appointment on fake domicile of district Mansehra and has not come to this honorable tribunal with clean hands.

FACTS:

- a) Para No.1 is correct to the extent of appointment of the appellant however GHS Dogha is now situated in District Turghar.
- b) Para No.2 is subject to proof and do not relate to the answering respondent.
- c) Para No.3 is subject to proof and do not relate to the answering respondent.
- d) Para No.4 is subject to proof and do not relate to the answering respondent.

- e) Para No.5 is correct to the extent of transfer of respondent No.4 at GHS Darband as SPET being permanent resident of Darband.
- f) Para No.6 is correct to the extent of posting of respondent No.4 from Darband to Lissan Nawab rest of the Para is subject to proof however according to the latest amendment existing tenure for un-attractive/hard areas is one year. **(Copy of the policy is Annexure "R1")**
- g) Para No.7 is incorrect;

GROUNDS;

- A. Para "A" of the grounds is incorrect, impugned transfer order is against the vacant post, civil servant is liable to be transferred anywhere within or outside the province according to his terms and conditions of the service and it is not the vested rights of the civil servant to be posted on his choice hence instant appeal is not maintainable according to law.
- B. Para "B" is incorrect impugned order is against the vacant post and is in accordance

with the policy laid down by the government of KPK.

C. Para "C" is incorrect detail reply has been given in the preceding paragraph.

D. Para "D" is incorrect respondent No.4 is permanent resident of Darband whereas appellant is permanent resident of district Turgarh and he was initially appointed at GHS Dogha, Turgarh. **(Copy of the domicile and CNIC of respondent No.4 are Annexure "R2 & R3")**

E. Para "E" is incorrect.

F. Para "F" is incorrect.

G. Para "G" is incorrect, respondent No.4 is permanent resident of Darband, GHS Darband is situated at his home station whereas appellant is permanent resident of District Turgarh, respondent No.4 was rightly posted to his home station after completion of his tenure in the hard area whereas appellant is resident of Turgarh and has got no legal right to be posted at GHS Darband and he is also liable to be

proceeded against under the law for producing fake domicile at the time of his appointment whereas his sons and other family members are holding the domicile of District Turgarh.


It is, therefore, most humble prayed that appeal of the appellant may kindly be dismissed with cost and he is also liable to be proceeded against under the law for producing fake documents.



.....**KHALID PERVAIZ SPET GHS DARBAND,**
RESPONDENT NO.4

Through

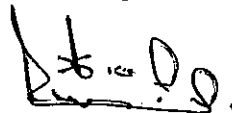
Dated: 18/3 /2020



(HAJI SABIR HUSSAIN TANOLI)
Advocate Supreme Court of Pakistan
Abbottabad

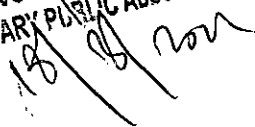
VERIFICATION:-

Verified on oath that the contents of foregoing comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.



.....**KHALID PERVAIZ SPET GHS DARBAND,**
RESPONDENT NO.4

JAWAD AWAN
Advocate High Court
NOTARY PUBLIC Abbottabad



BEFORE KPK SERVICE TRIBUNAL PESHAWAR

A-NO-1311/2019

Muhammad Yasin SPET Government Higher Secondary School, Phulra, Tehsil
and District Mansehra.

.....APPELLANT

VERSUS


Government of Khyber Pakhtunkhwa, through Secretary Education, Peshawar.

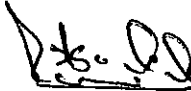
..... RESPONDENT

SERVICE APPEAL

AFFIDAVIT

I, **Khalid Pervaiz SPET GHS Darband**, do hereby affirm and declare on oath that the contents of foregoing comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.


JAWAD ALI KHAN
Advocate High Court
NOTARY PUBLIC Abbottabad
13/08/2019



DEPONENT

Posting and Transfer

R. P.

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.

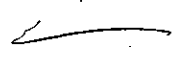
Posting/transfer policy of the Provincial Government.

- 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) ⁷⁹[]

⁷⁹ 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.

محمد رفیق ولد مولانا محمد رفیق

28.86 / 51 / 100 / - 88.88
200



S.No 13

Roll.No. 22160020

Annexure R 2 (3)

DOMICILE CERTIFICATE



that I am born of parents who are permanently domiciled in N. W. F. Province
I was born in this Province.

I was born at _____ Tehsil _____

District _____

I passed Primary Examination from _____ School _____

Resident of _____

Tehsil _____

District _____

Sd/- [Signature] Dated _____

Pursuance to the declaration dated _____

Filed by _____ S/o _____

Tribe Ranohi Section Barohi Sub Section _____

Tehsil _____ District _____

to the effect that he had been born of parents who are permanently domiciled in
N. W. F. Province having been born within it.

I have satisfied myself from the verification of PT of ~~personal knowledge~~ the above declaration is
and certify accordingly

Given under my hand and the seal of Court this _____

29th day of March 1958

[Signature]
MAGISTRATE 1ST CLASS
[Signature]
[Signature]





**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 469 1ST

Dated: 17-2- 2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa
Mansehra.

Subject: JUDGMENT IN APPEAL NO. 1311/2019 MR. MUHAMMAD YASEEN.

I am directed to forward herewith a certified copy of Judgement dated 18.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR