

## FORM OF ORDER SHEET

Court of Khyber Pakhtunkhwa Service Tribunal Peshawar

12(2) CPC Application No. 224/2024

Sr. No.	Date of order	Order or other proceedings with signature of judge
1.	2.	
1.	4/3/2024	<p>The application U/S 12(2) CPC in appeal no 1769/2023 submitted today by Mr. Azeem Hussain advocate. It is fixed for hearing before Division Bench at Peshawar on 05/03/2024. Original file be requisitioned. Parcha Pesbi is given to counsel for the applicant.</p>

By the order of Chairman



Registrar

**BEFORE THE HON'BLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNHWA, PESHAWAR**

Petition U/s 12(2) CPC No. 224/2024

In

Service Appeal No. 1769/2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11588

Dated 4/3/2024

Muhammad Younis

VERSUS

Govt of KP & Others

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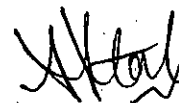
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Dated:

Dated: 01-03-2024

Applicant/ Petitioner

Through



Aftab Hussain

&

M. Bashir Naveed 

Advocates, High Court  
Peshawar.

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNHWA, PESHAWAR**

Petition U/s 12(2) CPC No. 224/2024

In

Service Appeal No. 1769/2023

Muhammad Younis, Instructor Physical Education (BPS-17) R/o Govt Higher Secondary School Mama Khel, Banochi, District Bannu.

.....(Petitioner)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
4. Mr. Falak Naz, Instructor Physical Education (BPS-17) GHSS, Mama Khel, Banochi, District Bannu.

..... (Respondents)

**PETITION UNDER SECTION 12 SUB**  
**SECTION (2) OF THE CIVIL PROCEDURE**  
**CODE 1908, AGAINST THE JUDGMENT**  
**DATED 01-01-2024, PASSED IN SERVICE**  
**APPEAL NO: 1769/2023, WHEREBY THE**  
**HON'BLE TRIBUNAL ISSUED THE ABOVE**  
**MENTIONED JUDGMENT AND**  
**RESPONDENTS SUCCEEDED IN GETTING**

**THE VERDICT OF THIS HON'BLE TRIBUNAL AGAINST THE APPLICANT ON THE BASIS OF FRAUD, MISREPRESENTATION, CONCEALMENT OF FACTS AND THE APPLICANT WAS CONDEMNED UNHEARD.**

**PRAYER:**

**ON ACCEPTANCE OF THE INSTANT APPLICATION, THE IMUGNED JUDGEMENT DATED 1-1-2024, MAY VERY GRACIOUSLY BE SET ASIDE. ANY OTHER RELIEF WHICH THIS HON'BLE TRIBUNAL MAY DEEM FIT AND PROPER MAY ALSO BE GRANTED.**

**Respectfully Submitted:**

1. That the petitioner was posted as IPE (BS-17) at GHSS Mama Khel, Banochi, Bannu vide Notification No: SO(SM)E &SED/5-17/2023/PT/G dated 13-03-2023. (Copy is attached)
2. That wife of the petitioner was also posted at District Bannu vide Office Order dated 13-4-2017. (Copy of Order dated 13-4-2017 is attached).
3. That respondent No. 4 make approach to the concern quarter and vide Office Order dated: 15-03-2023, in

Notification No: SO(S/M) E & SED/5-17/2022/PT/SS,  
which is against law and facts.

4. That Department vide Notification No: SO(S/M)E & SED/5-17/2023/PT/PRINCIPAL recalled the Order dated 15-3-2023 of the Respondent No.4 on 17-3-2023. (Copy is attached)
5. That against the recalling order dated 17-3-2023, respondent No.4 file a Service Appeal No: 1769/2023 and in which respondent No. 4 misstated and concealed the real facts from the Hon'ble Tribunal and appeal of respondent No.4 was accepted and a judgment / decree dated: 1.1.2024 was passed in favor of respondent No.4.
6. That the petitioner was not served any summon or notice in this matter and was totally unheard, which is against the law on subject.
7. That petitioner assailed the judgment and decree on ground of fraud and misrepresentation in terms of Section 12(2) CPC, inter-alia on following grounds:

### **GROUND**

1. That the impugned judgment/ decree dated: 1.1.2024 in Service Appeal No: 1769/2023 is outcome of fraud, misrepresentation and also unheard the petitioner's

stance. Thus the same is liable to be set aside invoking provision of Section 12(2) CPC.

2. That wife of the petitioner who is posted at District Bannu is according to the law on the subject i.e. Spouse Policy and there is no ambiguity in it.
3. That Respondent No.4 has concealed the material facts and misrepresentation from this Hon'ble Tribunal and thus gained a decree in his favour which is liable to be set aside.
4. That Respondent No.4 has mentioned the Order dated: 13/3/2023 and was concealed from this Hon'ble Tribunal, and this act alone is under the concealment of facts and thus liable to be set aside.
5. That on 27-2-2024 when Respondent No.4 got the impugned judgment dated: 1.1.2024, and the respondent No.4 came to the GHSS, Mama Khel, Banochi and present the impugned judgment then petitioner came to know of the impugned judgment and decree and therefore, filing the present petition, which is well within time.
6. That it is by now settled principle of law that fraud vitiates the most solemn proceedings. This Hon'ble Tribunal may observe the factum of fraud and misrepresentation during

proceedings of Service Appeal No: 1769/2023, on the face of record.

- 7. That any other ground will be raised during arguments with permission of this Hon'ble Tribunal.

*Therefore, it is humbly prayed that on acceptance of the instant petition, the impugned judgment & decree may be set aside and service appeal of the Respondent No.4 may be dismissed with heavy cost.*

*Any other relief which this Hon'ble Court may deems fit in circumstances of the case may very graciously be granted in favor of the petitioner for the end of justice.*

Dated: 01-03-2024

(Petitioner)

Through

Aftab Hussain

&

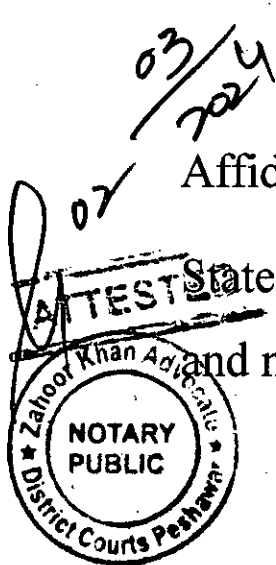
M. Bashar Naveed

Advocates, High Court

Peshawar.

Affidavit:

Stated on oath that all contents of the petition are true & correct and nothing is concealed.



M. Younis  
(DEPONENT)

11/01-1451128-5

**BEFORE THE HON'BLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNHWA, PESHAWAR**

Petition U/s 12(2) CPC No. \_\_\_\_\_/2024

In

Service Appeal No. 1769/2023

Muhammad Younis

VERSUS

Govt of KP & Others

**APPLICATION FOR SUSPENSION OF**  
**OPERATION OF IMPUGNED JUDGMENT**  
**& DECREE DATED: 1.1.2024 IN SERVICE**  
**APPEAL NO. 1769/2023, TILL THE**  
**DECISION OF APPLICATION US 12(2)**  
**CPC.**

**Respectfully Submitted:**

1. That petitioner has filed the accompanying petition under Section 12(2) CPC. The contents of the said petition may be considered for the purpose of this application.
2. That petitioner have a good prima facie and is sanguine of its success in the matter.



3. That if the operation of impugned judgment & decree is not suspended, petitioner would suffer irreparable loss and purpose of main petition would frustrate.

Therefore, it is humbly prayed that till decision of main petition, the operation of impugned judgment and decree may be suspended.

Dated: 01-03-2024

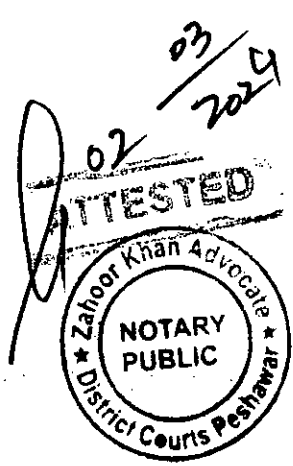
Applicant/ Petitioner

Through

Aftab Hussain  
&  
M. Bashir Naveed  
Advocates, High Court  
Peshawar.

Affidavit:

Stated on oath that all contents of the petition are true & correct and nothing is concealed.



M. Younis  
DEPONENT  
CNIC = 11101-1451128-5

(8)

Ann 'A'



**ELEMENTARY DEPARTMENT**  
**Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar**  
 Phone No: 091-9223633 Email: eschoolmate@gmail.com

Peshawar, Dated: 13<sup>th</sup> March, 2023

**NOTIFICATION**

**NO.SO(SM)E&SED/5-17/2023/PT/G:**

Consequent Upon the approval of Electric Commission of Pakistan vide letter No. F.10(1)2023-Elec-II dated 10-03-2023, and Establishment Department's letter No.SO(E-I)/E&AD/11-25/2023 dated 10-03-2023, the posting/transfer of following Officers are hereby ordered with immediate effect, in the best public interest:

S.No	Name	Subject	From	TO	Remarks
1.	Muhammad Ghufan Ullah	SS Economics (BS-17)	GHSS Drsamand Hangu	GHSS Kotka Muhammad Khan Bannu	AVP
2.	Amin Ullah	SS H/Civics ( BS-17)	GHSS Mohib Banda Mardani	GHSS Tarnab Farm Peshawar	AVP
3.	Sardar Muhammad Mujahid	SS Urdu (BS-17)	Working in OPS Bihali Mansehra	SS Urdu BS-17 GHSS Karori Mansehra	AVP
4.	Kaleem Ullah	SS Econmocs BS-17	GHSS Shamozai D.I.Khan	Head Master BS-17, GHS Gara Hayat D.I.Khan	AVP
5.	Muhammad Kamran Khan	SS Statistics BS-17	GHSS Payan Peshawar	GHSS Tarnab Farm Peshawar	AVP
6.	Nasir Khan	SS Statistics (BS-17)	Ghss Manki Sharif Nowshera	GHSS Akbar Pura Noshera	AVP
7.	Asmat Ullah	SS Economics (BS-17)	GHSS Sinpora Swat	GCMHSS Wadudia Swat	AVP
8.	Rafi Ullah	SS H/Civics (BS-17)	GHSS Sheikhan Peshawar	GHSS Hayatabad Peshawar	AVP
9.	Musawir Jan	SS Economics (BS-17)	GHSS Baghicha Dheri Mardan	GHSS Chamtar Mardan	AVP
10.	Hafiz Azmat Ullah	SS H/Civics (BS-17)	GHSS Abdul Khel Marwat	GHSS No.3 Michen khel Lakki Marwat	AVP
11.	Noor ul Islam	SS Chemistry (BS-17)	GHSS Wanda Lali D.I.Khan	GHSS No.3 Michen khel Lakki Marwat	AVP
12.	Noor Ullah Jan	SS Pak-Study (BS-17)	GHSS Dargai Charsadda	GHSS Sufaid Sung Peshawar	AVP
13.	Rehman Shah	SS Maths (BS-17)	GHSS Jehangiri Karak	GHSS Tappi Kanda Karak	AVP
14.	Amjad Iqbal	SS Maths (BS-17)	GHSS Shamozal Swat	GHSS Aboha Swat	AVP

*Attest*  
**ATTESTED**



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

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223533 Email: gsechoolmale@gmail.com

**Peshawar, Dated: 13<sup>th</sup> March, 2023**

15.	Muhammad Sohail Zada	SS Physics (BS-17)	GHSS Zakhi Qabristan Nowshera	GHSS No.04 Tank.	AVP
16.	Muhammad Sulaiman	SS Physics (BS-17)	GHSS Shahidan Banda Karak.	GHSS Tappi Kanda Karak	AVP
17.	Muhammad Ali Saleem	SS Chemistry (BS-17)	GHSS Chodwan D.I.Khan	GHSS Lar D.I.Khan	AVP
18.	Muhammad Rafiq	SS Maths (BS-17)	GHSS Kurvi Nowshera	GHSS Shahbaz Khel Lakkli Marwat	AVP
19.	Muqaddar Khan	SS Physics (BS-17)	GHSS Kurvi Nowshera	GHSS No.1 City Peshawar.	AVP
20.	Mohboob Alam	SS Biology (BS-17)	GHSS Amnawar Buner	GHSS Bagra Buner	AVP
21.	Hasnain Iftikhar	SS Statistics (BS-17)	GHSS Ismail Dag Khel Nowshera	GHSS Musazal Peshawar	AVP
22.	Amjad Ali	SS Statistics (BS-17)	GHSS Nowshera	GHSS Garhi Sher Dad Peshawar	AVP
23.	Muhammad Rehan	SS Statistics (BS-17)	GHSS Muhabbat Abad Mardan	GHSS Sheikhhan Peshawar	AVP
24.	Muhammad Hanif	SS Urdu (BS-17)	GHSS Karori Mansehra	GHSS Lissan Takral Mansehra	AVP
25.	Saif Rehman	SS Statistics (BS-17)	GHSS Rich Bhen Abbottabad	GHSS Muslim Abad Abbottabad	AVP
26.	Shams Arifeen	SS Economics (BS-17)	GHSS Hathain Mardan	GHSS Mandani Charsadda	AVP
27.	Muhammad Abdullah Abid	SS Statistics (BS-17)	GHSS Kirri Khalsur D.I.Khan	GHSS Kural D.I. Khan	AVP
28.	Munir Khan	SS Economics (BS-17)	GHSS Nodeh Payan Peshawar	GHSS Hayatabad Peshawar	AVP
29.	Abid Musawir	SS Statistics (BS-17)	GHSS Jarid Mansehra	GHSS Sherpur Mansehra	AVP
30.	Inayat Rehman	SS H/Civics (BS-17)	GHSS Toru Malra Mardan	GHSS Hathian Mardan	AVP
31.	Khush Talab	SS Biology (BS-17)	GHSS Lodhi Khel Hangu	GHSS Manduri Kohat	AVF
32.	Farmán Ullah	SS English (BS-17)	GHSS Kot Malakand	GHSS Sakha Kot Malakand	AVF
33.	Abdul Tawab	SS Pak-Study (BS-17)	GHSS Kando Khel Karak	GHSS Karak against Senior Librarian OPS	AVF
34.	Amin Shah	SS Maths (BS-17)	GHSS Khalrabad Mardan	GHSS Muslimabad A.abad	AVI

*Atta*  
**ATTESTED**



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

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 021-9223531 Email: eschoolmale@gmail.com

Peshawar, Dated: 13<sup>th</sup> March, 2023

35.	Said Muhammad	SS English (BS-17)	GHSS Baghicha Dheri Mardan	GHSS No.1 Bickot Gunj Mardan	AVP
36.	Tariq Zaman	SS Biology (BS-17)	GHSS Dakki D.I KHAN	GHSS No.1 Paharpur, D.I.Khan	AVP
37.	Muhammad Inam Ullah Khan	SS Biology (BS-17)	GHSS Bagh Bunnor	GHSS Torwarak Buner	AVP
38.	Muhammad Ismail	Headmaster (BS-17)	GHS Turlandi Charsadda	GHS Wardaga Charsadda.	AVP
39.	Israr Ali Khan	SS Chemistry (BS-17)	GHSS Shagai Swat	GHSS Khar Malakand	AVP
40.	Rab Nawaz Khan	SS Chemistry (BS-17)	GHSS Gumbat Mardan	GHSS Mazdoor Abad. Mardan	AVP
41.	Imran Khan	SS Urdu (BS-17)	GHSS Fatma Mardan	GHSS Chamtar Mardan	AVP
42.	Raza Khan	SS Pak-Study (BS-17)	GHSS Mazdoor Abad Mardan	GHSS Sher Garh Mardan	AVP
43.	Barkat Ali Khan	SS H/Civics (BS-17)	GHSS Ramak D.I.Khan	GHSS No.3 D.I.Khan	AVP
44.	Sultan Ali	SS Economics (BS-17)	GHSS Barawal Maita Swat	GHSS Dheral Swat	AVP
45.	M.Shahab Mazhar	SS Pak-Study (BS-17)	GHSS Domel Bannu	GHSS Palnda Khel Bannu	AVP
46.	Abdul Basit	SS English (BS-17)	GHSS Mohar Mansehra	GHSS Sherpur Mansehra	AVP
47.	Malik Nawaz Khan	SS (English) GHSS	GHSS Aba Khel Lakki Marwat	GHSS Bangi Khan Khujri Bannu	AVP
48.	Syed Muhammad Raza Shah	SS Islamiyat (BS-17)	GHSS Sama Badher Peshawar	GHSS No.2 Peshawar City	AVP
49.	Shakir Rehman	SS Physics (BS-17)	GHSS Khanjer Mardan	GHSS Manga Mardan	AVP
50.	Najmullah Khan	SS Biology (BS-17)	GHSS Shahbaz Khel Lakki Marwat	SS GHSS Bangi Khan Bannu	AVP
51.	Arshad Iqbal	SS English (BS-17)	GHSS Muryali D.I.Khan	GHSS Kachi Palnd Khan D.I.Khan	AVP
52.	Naveed Ahmad	SS English (BS-17)	GHSS Boobak Charsadda	GSUHSS No.1 Charsadda	AVP

**ATTESTED**



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

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9272833 Email: eschoolmate@gmail.com

Peshawar, Dated: 13<sup>th</sup> March, 2023

53.	Farzan Ullah Khan	SS English (BS-17)	GHSS Shabaz Khel Lakki Marwal	RPDC(M) Bannu	AVP
54.	Shoaib Hassan	SS Physics (BS-17)	GHSS Thakra Mansehra	GHSS Sher.pur Mansehra	AVP
55.	Zahid Shah	Headmaster (BS-17)	GHS Inzari Nowshera	GHS Sanga Mardan	AVP
56.	Hafiz Muhammad Zulqarnain	SS Economics (BS-17)	GHSS Ramak D.I.Khan	GHSS Draban Khurd D.I.Khan	AVP
57.	Muhammad Nawaz	SS H/Civics (BS-17)	GHSS Muhammad Khawaja Hangu	GHSS No.3 Michan Khel Lakki Marwal	AVP
58.	Sarhad Ali Shah	SS H/Civics (BS-17)	GHSS Gul Imam Tank	GHSS Painda Khel Bannu	AVP
59.	Waqas Ahmad	SS Biology (BS-17)	GHSS Bagnoler Abbotabad	GHSS Harro Abbottabad	AVP
60.	Fakhar Riaz	SS Statistics (BS-17)	GHSS Sufaid, Sung Peshawar	GHSS No.2 Peshawar City	AVP
61.	Imtiaz Ali	SS Pak-Study (BS-17)	GHSS No.2 Nowshera Cantt	GHSS Paindi Lalma Khyber	AVP
62.	Essa Khan	SS Chemistry (BS-17)	GHSS Boobak Charsadda	GHS Mandani Charsadda	AVP
63.	Manzoor Ahmad	SS Biology (BS-17)	GHSS Paindi Lalma Khyber	GHSS Mulazai Tank	AVP
64.	Kashif Waheed	SS English (BS-17)	GHSS Shah Salim Karak	GHSS Tappi Kanda Karak	AVP
65.	Nadeem Ahmad	SS Maths (BS-17)	GHSS Bakhshall Mardan	GHSS No.1 Charsadda	AVP
66.	Nashid Ullah Khan	SS Chemistry (BS-17)	GHSS Darsamand Hangu	GHSS Dabil Lawagher Karak	AVP
67.	Khad Mast	SS English (BS-17)	GHSS Haryana Bala Peshawar	GHSS Hazar Khwani Peshawar	AVP
68.	Nauman Yousaf	SS English (BS-17)	GHSS Naseer Killi Mardan	GHSS Mazdoor Abad Mardan	AVP
69.	Muhammad Yodnas	JPE (BS-17)	GHSS Ulor Swat	GHSS Mama Khel Banochi Bannu	AVP
70.	Yasir Imran	SS (English) (BS-17)	GHSS Kech D.I.Khan	GHSS Kachi Pind D.I.Khan	AVP
71.	Muhammad Farooq	JPE (BS-17)	GHSS Marghuz Swabi	SIPE GHSS Kech D.I.Khan	AVP
72.	Muhammad Noor Rehman	Headmaster (BS-17)	GHSS kurram Karak	GHS Koti Sadat Bannu	AVP
73.	Tahir Ur Rahman	SS (Pashlu) (BS-17)	GHSS Jehangiri	GHSS Bogara Karak	AVP
74.	Arif Zaman	SS H/Civics (BS-17)	GHSS Togh Sarai	GHSS Kohat	AVP

*Attest*

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9221833 Email: eschoolmale@gmail.com

Peshawar, Dated: 13<sup>th</sup> March, 2023

75.	Sakhl Zaman	SS H/Civics BS-17	GHSS Chorlakk Kohat	GHSS Walinoor Janl Khel Bannu	AVP
76.	Arshad Nawaz Khan	SS English BS-17	GHSS Abdul Khel Lakki Marwat	As SS IT (BS-17) RPDC Bannu	AVP
77.	Sadaqat Khan	IPE BS-17	GHSS Gat Swat	GHSS Adezal Peshawar	AVP
78.	Aftab Hussain	Head Master BS-17	GHS Khawral Nowshera	Headmaster BS-17 GHS Pahar Pura Peshawar	AVP
79.	Shah Mehmood	SS H/C BS-17	GHSS Abba khel Lakki Marwat	Principal GHSS Abu khjan SDW	AVP
80.	Tahseen ulah Shah	SS Urdu BS-17	GHSS Mohib Banda Mardan	GHSS hathiani Mardan	AVP
81.	Umar Ali Khan	SS English BS-17	GHSS Warana Karak	GHSS Palinda Khel Bannu	AVP
82.	Manzoor Khan	SS English B-17	GHSS Nisala Charsadda	GHSS Hatyan, Mardan	AVP
83.	Zia Ullah	SS Economics BS-17	GHSS Kot, Malakand	GHSS Sakha Kot Malakand	AVP
84.	Fida Muhammad	SS Pak Study B-17	GHSS Sherpao Charsadda	GHSS Umarzal Charsadda	AVP
85.	Shahan Yaqoub	SS Biology BS-17	GHSS Umar Payan Peshawar	GHSS Wazir Bagh Peshawar	AVP
86.	Bahadur Khan	Headmaster (BS-17)	GHS Azeem Kor Mohmand	GHS Shahbaz Khan Kor Charsadda	AVP
87.	Luqman	SS Maths B-17	GHSS Palinda Khel Bannu	GHSS Shaheedan Karak	AVP
88.	Rafiq	SS Economic B-17	GHSS Togh Sarai Hangu	GHSS Gurguri Karak	AVP
89.	Sultan Mehmood	IPE B-17	GHSS Togh Sarai Hangu	GHSS Surgul Kohat	AVP
90.	Nabi Ur Rehman	SS Rashio BS-17	GHSS Pingal Lower Dir	GHSS Jahangiri Karak	AVP
91.	Akhtar Zaman	SS Biology BS-17	GHSS Charlaki Kohat	GHSS Gurguri Karak	AVP
92.	Ihsan Ullah	SS Maths BS-17	GHSS Togh Sarai Hangu	SS GHSS Karak	AVP
93.	Ummer Farooq	SS Statistics BS-17	GHSS Shahidan Bada Karak	GHSS Warana Karak	AVP
94.	Fahim Ullah	SS Statistics BS-17	GHSS Warana Karak	GHSS Bogara Karak	AVP
95.	Syed Anwar	SS H/Civics B-17	GHSS Khanjar Mardan	GHSS Bicket Gunj No.1 Mardan	AVP
96.	Muhammad Aftab Alam	SS Chemistry B-17	GHSS Chorlakk Kohat	GHSS Kohat	AVP

*Aftab*  
**ATTESTED**

13



ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar Phone No. 091-9223533 Email: eschoolmale@gmail.com

Peshawar, Dated: 13th March, 2023

Table with 6 columns: S.No., Name, Subject, School, Location, and Remarks. Rows 97-116 list various staff members and their assignments.

Handwritten signature and 'ATTESTED' stamp

14



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

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223533 Email: [sschoolmale@gmail.com](mailto:sschoolmale@gmail.com)

Peshawar, Dated: 13<sup>th</sup> March, 2023

**Endst: of even No. & Date**

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. District Education Officer (M) Concerned.
5. District Accounts Officer Concerned.
6. Principal Concerned.
7. PS to Adviser to Chief Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PA to Deputy Secretary (Estab) E&SE Department.
10. Officer Concerned.
11. Office order file.

**SECTION**  
*(Signature)*  
13/03/2023  
**(TAJ MUHAMMAD)**  
**SECTION OFFICER (SCHOOLS MALE)**

**SCHOOL MALE**

*(Signature)*  
**ATTESTED**



15

Anx 'B'

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU

OFFICE ORDER.

In pursuance of Govt: of Elementary & Secondary Education Department Khyber Pakhtun Khwa Peshawar Notification No. (PE) 4-5/Meeting/2016/ Transfer / posting dated. 10/08/2016, and consequent upon the recommendation of the District Transfer Committee meeting held on 29/03/2017, transfer/Adjustment of the following female teachers is hereby order in the interest of public service with immediate effect.

S.NO	Name of Teacher	From	To	Remarks
1	Akhtar Bibi SST (Gen:)	GGMS Shaheed Baba	GGHS Amandi Umer Khan	Voice Parveen Proceeding on Ret
2	Nabila CT	GGMS Hinjal Noor Baz	GGMS Haldi Mandi	A.V.Post
3	Naheed Akhtar CT	GGMS Kot Zafar	GGHSS Ghoriwala	A.V.Post
4	Noor Shad Begum S.CT	GGHSS S.K. Bala	GGHS Kotka Juma khan	A.V.Post
5	Aftab Jahan DM	GGMS Ghari Saidan Mamash khel	GGMS Puran Shaikhan	A.V.Post
6	Riffat Begum DM	GGMS Nasim Gul Baist khel	GGMS Fazal Shah Mita khel	A.V.Post

DISTRICT EDUCATION OFFICER (FEMALE) BANNU

Dated: 13/04/2017.

Endst: No. 1509-13  
Copy to the:-

1. Director E & SE Khyber Pakhtun Khwa Peshawar.
2. Deputy Commissioner Bannu.
3. District Monitoring Officer Bannu.
4. District Accounts Officer Bannu.
5. Principal/Headmistress Concerned.
6. Teachers concerned.
7. Accountant Middle School Local Office.

DISTRICT EDUCATION OFFICER (FEMALE) BANNU

*Attest*  
**ATTESTED**

Ann 'C'



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

Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No: 991-722533 Email: [sschoolmale@gmail.com](mailto:sschoolmale@gmail.com)

Peshawar, Dated: 15<sup>th</sup> March 2023

**NOTIFICATION**

**NO:SO(S/M)E&SED/5-17/2022/PT/ISS:** Mr. Falak Naz, IPE (BS-17) GHSS Lachi Konat  
is hereby posted/adjusted at GHSS Mama Khel Bannu, against the vacant post, with immediate  
effect, in the best public interest.

**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT**

**Ends of even No. & Date**

- Copy forwarded to the:
1. Accountant General, Khyber Pakhtunkhwa Peshawar.
  2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
  3. Director, EMIS, E&SE Department.
  4. District Education Officer (M) Lakki Marwat.
  5. District Accounts Officer Lakki Marwat.
  6. Principal Concerned.
  7. PS to Minister for E&SE Department.
  8. PS to Secretary, E&SE Department.
  9. PA to Deputy Secretary (Estab) E&SE Department.
  10. Officer Concerned.
  11. Office order file.

**(TAJ MUHAMMAD)  
SECTION OFFICER (SCHOOLS MALE)**

**ATTESTED**

Annex 'D'



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-'A' Opposite MPA's Hostel, Civil Secretariat  
Peshawar  
(PHONE NO. 091-4273533)

Dated Peshawar the March 17, 2023

**NOTIFICATION**

**NO.50(SM)E&SED/15-17/2023/PT/PRINCIPAL:** The posting/transfer of the following Officer is hereby ordered with immediate effect, in the best public interest:-

Sl	NAME & DESIGNATION	FROM	TO
01	Mr. Muhammad Younus IPE (BS-17)	GHSS Lachi Kohat.	IPE (BS-17) GHSS Mama Khal Danochi, Danna. Vice S.No 02
02	Mr. Falak Naz IPE (BS-17)	GHSS Mama Khal Danochi, Danna.	IPE (BS-17) GHSS Lachi Kohat. Vice S.No 01

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
E&SE DEPARTMENT

Ends: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Accounts Officer concerned.
5. Director, EMIS E&SE Department.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Officers concerned.
10. Office order file.

(MUHAMMAD ISHAQ)  
SECTION OFFICER (BOHOOLS MALE)

17/3/23

ATTESTED

18

(Ann E)



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

**Service Appeal No. 1769/2023**

**BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN**  
**MISS FAREEHA PAUL ... MEMBER (E)**

**Mr. Falak Naz, Instructor Physical Education (BPS-17), GHSS Mama Khel Banochi District Bannu transferred to GHSS Lachi District Kohat.**  
..... **(Appellant)**

Versus

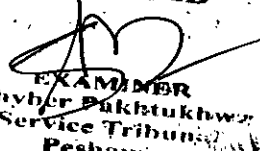
1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Muhammad Younis, Instructor Physical Education (BPS-17) transferred from GHSS Lachi Kohat to GHSS Mama Khel Banochi District Bannu. .... **(Respondents)**

Mr. Afrasiab Khan Wazir,  
Advocate ... For appellant

Mr. Asif Masood Ali Shah,  
Deputy District Attorney ... For official respondents

Date of Institution.....	22.08.2023
Date of Hearing.....	01.01.2024
Date of Decision.....	01.01.2024

**JUDGEMENT**

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the orders dated 17.03.2023 and 17.04.2023 whereby the appellant was transferred prematurely from GHSS Mama Khel Banochi District Bannu to GHSS Lachi District Kohat and against no action taken on the departmental appeal of the appellant within the statutory period. It has been prayed that on acceptance of the appeal, the impugned orders might be set

aside and the respondents be directed to restore the posting/adjustment order dated 15.03.2023 of the appellant at GHSS Mama Khel Bannu till the completion of his normal tenure, alongwith any other remedy which the Tribunal deemed appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was serving as Instructor Physical Education (BPS-17) in the Education Department. He moved an application to the respondent department for his transfer to District Bannu against a vacant post as he could not travel long distance from Bannu to Kohat due to his health issue. Vide order dated 15.03.2023, he was adjusted in GHSS Mama Khel, District Bannu by the respondent department where he took over the charge. Just after two days, vide order dated 17.03.2023, he was transferred to GHSS Lachi Kohat and was replaced by respondent No. 4. Respondents again cancelled that order on 11.04.2023 and placed the appellant at his previous place of posting at Bannu. He joined his duty again at GHSS Mama Khel, Bannu but after few days vide and order dated 17.04.2023, the order dated 17.03.2023 was restored. Feeling aggrieved, he submitted a representation to the appellate authority which was not responded till filing of the instant service appeal.

3. Respondents were put on notice. Official respondents have submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as learned Deputy District Attorney for the official respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the impugned orders dated 17.03.2023 and 17.04.2023 were


**ATTESTED**  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

against the law, rules and natural justice. He further argued that the appellant was transferred from his place of posting just after 06 days which was premature and against the Posting/Transfer Policy of the Provincial Government. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the orders dated 17.03.2023 and 17.04.2023 were in accordance with law and there was nothing unlawful in those orders. He further argued that under Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, the respondent department was empowered to transfer the appellant in the province and he could not refuse compliance and the desired posting was not his perpetual right. He requested that the appeal might be dismissed.

6. The appellant is an Instructor Physical Education (BS-17), and while serving as Senior Instructor Physical Education (BS-18) in his own pay and scale in GHSS Lachi, Kohat, he submitted an application to the Secretary Elementary & Secondary Education Department requesting for transfer to a post of IPE in GHSS Mamakhel Banochi, District Bannu. His request was honoured and he was transferred to GHSS Mamakhel Bannu vide order dated 15.03.2023. Record presented before us shows that he took over the charge on 16.03.2023, but on 17.03.2023, he was again transferred to GHSS Lachi, Kohat and private respondent No. 4 was transferred in his place at Bannu. That order was first withdrawn, to the extent of the appellant, on 11.04.2023 and later restored on 17.04.2023. The entire scheme adopted by the respondent department shows a complete confusion on their part. We fail to understand

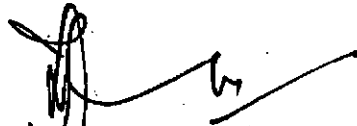
**ATTESTED**  
K. K. KHAN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

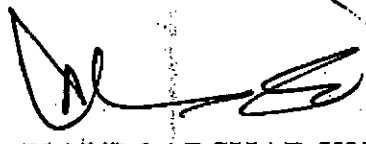


that how the transfer order of 17.03.2023, passed just after two days of the order of 15.03.2023, which had already been acted upon, and how first the cancellation and then restoration of the same order were bonafide? When confronted, the learned Deputy District Attorney had no argument other than referring to Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Even if we admit that the competent authority is authorized under the said Act to transfer a civil servant anywhere in the province and that such a civil servant is under obligation to act accordingly, it does not mean that the authority is allowed to pass four orders of transfer of a civil servant within a span of just one month. This shows the indecisiveness and lack of hold on official matters of the competent authority. We feel that due regard should have been given to the transfer/posting policy also of the provincial government in which tenure has been defined.

7. In view of the above discussion, the service appeal in hand is allowed as prayed for. Cost shall follow the event. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 01<sup>st</sup> day of January, 2024.*

  
(FAREEHIA PAUL)  
Member (E)

  
(KALIM ARSHAD KHAN)  
Chairman

\*Fazle Subhan P.S\*

Certified to be true copy  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


Date of Presentation of Application 01-3-24  
Number of Words 47  
Copying Fee 20/-  
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Total 25/-  
Name of Copy           
Date of Completion 01-3-24  
Date of Delivery of Copy 01-3-24

S.A 1769/2023

01<sup>st</sup> Jan, 2024. 01. Mr. Afrasiab Khan Wazir, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the official respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the service appeal in hand is allowed as prayed for. Cost shall follow the event. Consign.




03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 1<sup>st</sup> day of January, 2024.*

  
(FARIHA PAUL)  
Member (E)

  
(KALIM ARSHAD KHAN)  
Chairman

\*Fazal Subhan PS\*



قیمت 50 روپے	33150	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: آفتاب حسین اربطوگیت	بار کونسل ایسوسی ایشن نمبر: 70-11-11-11	  
رابطہ نمبر: 03339222269		

بعدالت جناب: سروس ٹرانسینل خیبر پختونخواہ، پشاور

مخاطب: Petitioner	دعویٰ:
محمد یونس	علت نمبر:
بنام	مورخہ:
حکومت و ضلع	جرم:
	تھانہ:

**باعت تحریر آئکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور کیلئے آفتاب حسین، اہم بستر لوند، مسعود الرحمان وزیر کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ ساتھ درخواست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائزہ التوا کے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا ہند نہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الم رقوم: 03/2024

M. Yousif

محمد یونس ک-1128-145-1101 = CNIC

مقام پشاور

Attested and accepted  
 by  
 [Signature]