

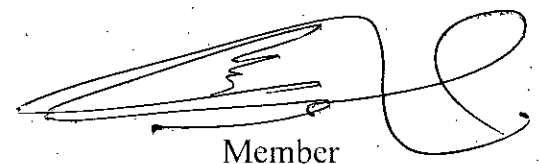


07.09.2016

None for the appellant present. Mr. Hameed ur Rehman, AD (Litigation) alongwith Mr. Muhammad Jan, GP for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.

ANNOUNCED:  
07.09.2016

    
Member Member

854/12

12.1.2015

Appellant in person and Mr. Muhammad Jan, GP for the respondents present. Counsel for the appellant requested for adjournment as his counsel is busy in the Hon'ble High Court. To come up for arguments on 20.5.2014.

  
MEMBER

20.05.2015


None present for appellant. Mr. Ubaid-ur-Rehman, ADO (lit.) alongwith Muhammad Jan, G.P for respondents present. Arguments could not be heard due to non-availability of learned counsel for the appellant. To come up for arguments on 24.11.2015.

  
Member

  
Member

24.11.2015

None present for appellant. Addl: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I. Khan. Therefore, the case is adjourned to 22/4/16 for arguments

  
Member

22.04.2016

None for the appellant present. Mr. Obaid-Ur-Rehman, ADO alongwith Addl: AG for respondents present. To come up for rejoinder and arguments on 07.09.2016.

  
Member

  
Member

22.1.2014

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Ubaidur Rahman, ADO for the respondents present. Counsel for the appellant is not available. To come up for rejoinder on 8.4.2014.

MEMBER

MEMBER

8.4.2014.

Appellant in person, AAG with Ubaidur Rahman, ADO for the respondents present. Rejoinder received. Copy handed over to the learned AAG. To come up for arguments on 14.5.2014.

MEMBER

MEMBER

14.5.2014

Appellant in person and Mr. Muhammad Jan, GP with Ubaidur Rahman, ADO for the respondents present. Counsel for the appellant is not available. Appellant requested for adjournment. Request is accepted, however, the appellant is directed to produce his counsel on the next date positively. To come up for arguments on 13.8.2014.

MEMBER

MEMBER

13.08.2014

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Ubaidur Rahman, ADO for the respondents present. Learned executive Member is on ex-Pakistan leave, therefore, case to come up for arguments on 12.1.2015.

MEMBER

10.04.2013

Clerk of counsel for the appellant and Obaid ur Rehman, ADO with Mr. Arshad Alam, GP for the respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned GP. To come up for arguments on 17.07.2013.

MEMBER

MEMBER

17.7.2013

Counsel for the appellant and Mr. Muhammad Jan, GP present. None is available as representative on behalf of the respondents. Fresh notices be issued to them. To come up for arguments on 27.11.2013.

MEMBER

MEMBER

27.11.2013

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Ubaidur Rahman, ADO for the respondents present. Counsel for the appellant needs time. To come up for rejoinder on 22.1.2014.

MEMBER

MEMBER

28.9.2012

Junior to counsel for the appellant and Mr. Shakirullah, AGP with Ubaidur Rahman, ADO for the respondents present. Representative of the respondents need further time. To come up for written reply on main appeal as well as reply/arguments on stay application on 2.11.2012. Till then status quo is extended.

  
MEMBER

  
MEMBER

2.11.2012

Counsel for the appellant and Mr. Sherafgan Khattak, AAG with Mosam Khan, AD and Ubaidur Rahman, ADO for the respondents present. Written reply on main appeal filed. Copy handed over to counsel for the appellant. Since written reply on stay application not filed, therefore, case to come up for arguments on main appeal on 22.1.2012. Rejoinder, if any, in the meantime. Status quo is extended till the date fixed.

  
MEMBER

  
MEMBER

22.01.2013.

Junior to counsel for the appellant and AAG with Ubaidur Rahman, ADO for the respondents present. Junior to counsel for the appellant needs time to file rejoinder. To come up for rejoinder on 10.4.2013.

  
MEMBER

  
MEMBER

Appeal No. 856/2012.

3. 30.8.2012

Counsel for the appellant present and heard on preliminary. Contended that the appellant has been transferred vide the impugned order dated 26.4.2012 from GHS Maradu to GMS Dab against which he preferred a departmental appeal which was dismissed vide order dated 26.7.2012. The departmental appeal of the appellant was accepted and Respondent No. 2 was pleased to pass order dated 10.5.2012 for cancellation of the impugned order dated 26.4.2012 but Respondent No. 3 is adamant to implement his transfer order and called explanation from Respondent No. 4 regarding implementation of the transfer order dated 26.4.2012. Counsel for the appellant further contended that the appellant has not completed her normal tenure. The impugned order is based on malafide and has not been passed in the public interest. Counsel for the appellant has also submitted an application for suspending the impugned order dated 26.4.2012. Notice of application also be sent to the respondents. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security and process fee within 10 days. Thereafter notice be issued to the respondents. Case adjourned to 28.9.2012 for submission of written reply on application/arguments as well as reply on main appeal. Till then status-quo be maintained.

Member.

4. 30.8.2012

This case be put before the Final Bench II for further proceedings.

Chairman

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No. 854/2012 .....of.....

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
1-	01/08/2012	<p>The appeal of Mr. Saeed C. Teacher presented today by Mr. Amjid Ali Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	8-8-2012	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>30-8-2012</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3



**BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. 854 /2012


Saeed.....Appellant

**V E R S U S**


Govt of KPK and others.....Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal with affidavit		1-4
2.	Application for suspension with affidavit		5-6
3.	Copy of order dt.12.07.2012	A	7
4.	Copy of order dated 26.04.2012	A/1	8
5.	Copy of department appeal & order dt.26.07.12	B-B/1	9-10
6.	Copy of order dated 10.05.2012	C	11
7.	Copy of Explanation	D	12
8.	Wakalat Nama		

Through Appellant 

Date: 31/7/2012

**Amjad Ali**   
Advocate Supreme Court  
At Mardan  
Cell: 0321-9882434

①

**BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. 854 /2012

**A. W. J. P. P. P.**  
**SECRETARY**  
**NO. 856**  
**01-8-12**

Saeed (C.T),  
Govt High School, Maradu, Tehsil Kagra, Distt Buner.....**Appellant**

**V E R S U S**

1. Govt of KPK,  
Through Secretary Education,  
Civil Secretariat, Peshawar
2. District Coordination Officer, Buner
3. Executive District Officer,  
Elementary & Secondary Education, Buner
4. Headmaster,  
Govt High School, Maradu, District Buner.....**Respondents**

**Appeal u/s 4 of the KPK Service  
Tribunal Act, 1974**

**Filed to-CT**  
**1/8/12**

**Respectfully Sheweth:**

Brief facts giving rise to the appeal are as under:

1. That appellant earlier filed appeal which was withdrawn with permission to file fresh one. (Copy of order dt.12.07.2012 is Annexure "A").
2. That the appellant is serving as C.T to the entire satisfaction to the students, parents and superior officers.

3. That respondent No.23 vide order dated 26.04.2012, transferred the appellant from GHS Maradu to GMS, Dub. (Copy of order dated 26.04.2012 is Annexure "A/1").
4. That on 08.05.2012, the appellant filed departmental appeal before respondent No.2, which was dismissed vide order dated 26.07.2012. (Copy of departmental appeal is Annexure "B & B/1").
5. That departmental appeal of appellant was accepted and respondent No.2 was pleased to pass order dated 10.05.2012 for cancellation of the impugned transfer order dated 26.04.2012. (Copy of order dated 10.05.2012 Annexure "C").
6. That inspite of clear order of respondent No.2, respondent No.3 is adamant to implement his transfer order and called explanation from the Headmaster (respondent No.4) regarding non-implementation on the transfer order dated 26.04.2012. (Copy of explanation is Annexure "D").
7. That being aggrieved of the impugned order dated 26.04.2012, and having no other adequate remedy, the appellant approaches this Honourable Tribunal, on the following grounds amongst others:

### **G R O U N D S:**

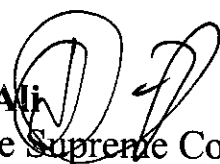
- A. Because the impugned transfer order dated 26.04.2012 is not in public interest and has been set aside by the competent appellate authority but respondent No.3 in violation of valid competent order in the field is torturing appellant due to political interference.

- B. Because there are conflicting order of respondents, which speaks malafide and political outside pressure.
- C. Because appellant is President of Registered Teachers Organization, Tehsil Chagharzai.
- D. Because the transfer is politically motivated as all the teachers from Govt High School, Dub have been posted-out without any reason just to create vacant post for impugned transfer.
- E. Because having longest than have been retained in the same school, which is discrimination, prohibited under Article 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973.
- F. Because respondent No.3 has no authority to disobey the order of respondent No.2 and it is violation of service, discipline and is an offence under E&D Rules, 2011.

It is, therefore, most humbly prayed that on acceptance of this service appeal, the impugned transfer order dated 26.04.2012 & 26.07.2012 may kindly be set aside and order of respondent No.2 dated 10.05.2012 may please be restored in the true letters and spirit.

Appellant 

Through

  
Amjad Ali  
Advocate Supreme Court  
At Mardan

Date: 31/7/2012

**BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2012

Saeed.....Appellant

**VERSUS**

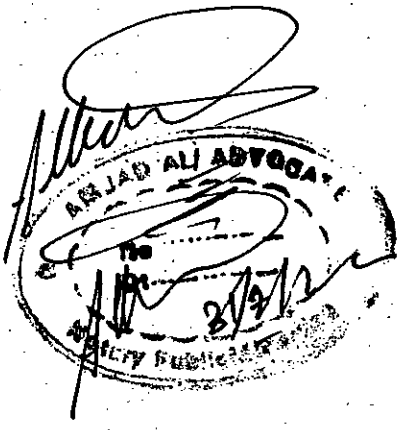
Govt of KPK and others.....Respondents

**AFFIDAVIT**

I, Saeed (D.M), R/o. Village Baena, Tehsil Puran, District Shangla, do hereby solemnly affirm and declare on oath that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Saeed*

DEPONENT



**BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2012

Saeed.....Applicant/ Appellant

**V E R S U S**

Govt of KPK and others.....Respondents

**Application for suspension of the impugned transfer order dated 26.04.2012, till the final disposal of the accompanying appeal.**

**Respectfully Sheweth:**

1. That the above noted service appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the applicant/ appellant has got a good prima facie case in his favour, and is sanguine about its success.
3. That the balance of convenience also lies in favour of the applicant/ appellant.
4. That if the impugned transfer order dated 26.04.2012 is not suspended, then the applicant/ appellant would suffer irreparable loss.

5. That the facts and grounds of the accompanying service appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned transfer order dated 26.04.2012 may kindly be suspended, till the final decision of the case.

*Saeed*

Applicant/ Appellant

Through

*Amjad Ali Mardan*

Amjad Ali Mardan  
Advocate Supreme Court  
At Mardan

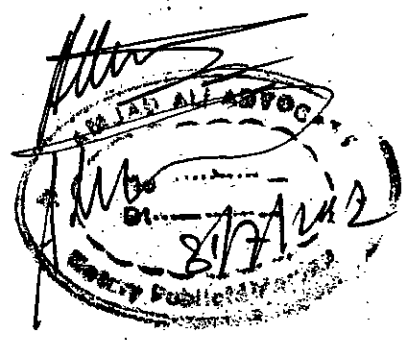
Date: 31/7/2012

**AFFIDAVIT**

I, Saeed (D.M), R/o Village Baeena, Tehsil Puran, District Shangla, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Saeed*

DEPONENT



BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR



Service Appeal No. 745 /2012

Saeed (C.T),

R/o Village Baena, Tehsil Puran, District Shangla..... Appellant

**VERSUS**

- 1. Govt of KPK,  
Through Secretary Education,  
Civil Secretariat, Peshawar
- 2. District Coordination Officer, Buner
- 3. Executive District Officer,  
Elementary & Secondary Education, *Buner*
- 4. Headmaster,  
Govt High School, Maradi, District Buner..... Respondents

**Appeal u/s 4 of the KPK Service Tribunal Act, 1974**

*Certified to be true copy*  
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*Received 12/07/2012  
withd to  
file fresh  
one*  
*[Signature]*

Counsel for the appellant present had requested for withdrawal of the appeal with permission to file fresh one. Request is accepted. The appeal is dismissed as withdrawn with permission to file fresh one, subject to all legal objections. File be consigned to the record.

ANNOUNCED  
12.07.2012

*[Signature]*  
MEMBER

Date of Registration of Application 26-7-2012

Cost of Application 400

400

200

600

Date of Completion of Copy 26-7-2012

Date of Delivery of Copy 26-7-2012



Ann A/1  
B/S  
(8)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY; EDU; BUNER.

OFFICE ORDER

Consequent upon Approval of the competent authority the following Officials are hereby transferred/adjusted at the schools noted against their names in their own pay & scale from the date of taking over charge in the interest of public service.

S.No	Name & Designation	From	To	Remarks
1	Zarif Khan PET	GHS Topai	GMS Dab	Vacant Post
2	Sharif udin DM	GHS Marado	GMS Dab	Vacant Post
3	Saeed CT	GIS Marado	GMS Dab	Vacant Post

Note:

1. No TA/DA is allowed.
2. Charge report Should be submitted to all Concerned

(RAJ MOHAMMAD KHAN)  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER

Endost: No 8/15-19 DA, No. 13 Estab: 26/04/2012.

Copy of the above is forwarded to the:-

1. District Accounts Officer Buner at Daggar.
2. Assistant District Officer (B&A) Local Office
3. Head Maters Concerned.
4. Officials Concerned.
5. PA to EDO Local Office.

*Raj Mohammad Khan*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER

گورنمنٹ جناب ڈی سی او صاحب مذکورہ

عنوان ۱۔ درخواست برآمد منسوی ٹرانسفر اور  
جناب عالی

موردانہ معروضہ ہیں کہ میں گورنمنٹ ہائی سکول مراد میں ایڈمزیشن مستحق ہوں اور اس کے  
کے رہا ہوں۔ لیکن حال ہی میں 04/06/2012 کو نام لوم و دیگر بات کا ایڈمزیشن اور  
گورنمنٹ ہائی سکول مراد۔ مڈل سکول ٹی۔ بی کے ٹرانسفر کر کے تین روزہ  
ہو سکتے ہیں جس میں کوئی کمی نظر نہیں آ رہی ہے۔ جن دھرمات کا ایڈمزیشن  
منزجہ ذیل ہو سکتے ہیں۔

- ۱۔ سینیارٹی کا بنیاد پر تو سکول میں بوجے سینئر موجود ہیں
- ۲۔ سکول میں کارکردگی بہتر نہ ہو اور والدین کے طرف سے شکایت ہر ترمیم میں
- ۳۔ جو سینیارٹی کا بنیاد پر تو سکول میں جو سے جو ترمیم موجود ہیں۔

لہذا یہ صاحبان مہربانی کر کے میرے عرض کو مدنظر رکھ کر ایڈمزیشن مستحق کریں۔

قربانیت مشکور ہوگا۔

الحاج

ای۔ کا۔ نالہ۔ زمان۔ مدرس۔ سرحد۔ C-T

115 مراد

تاریخ 05/08/2012

AMJAD ALI  
Advocate  
SUPREME COURT

Am B/11

10

IN THE OFFICE OF THE DISTRICT COORDINATION OFFICER, BUNER.

No. 4960-62 /Estt:/26-T,

Dated Daggar the 26/7/2012.

1. Saeed CT, GMS Dub.
2. Sharifuddin DM, GMS, Dub.
3. Zarif Khan PET, GMS Dub .....Petitioner.

Versus

EDO, Schools & Literacy Department Buner.  
..... Respondent.

APPEAL AGAINST TRANSFER ORDER NO.8115-19/DA.No.13  
Estab, DATED 26/04/2012.

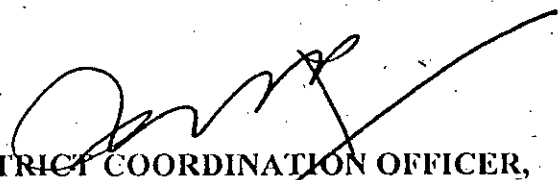
ORDER.  
26.07.2012.

This order shall dispose of/appeal submitted by the following teaching staff against transfer order No.8115-19/DA,No.13, Estab, dated 26/04/2012 issued by the EDO, E&SE, Buner.

1. Zarif Khan, PET.
2. Sharifuddin DM.
3. Saeed CT.

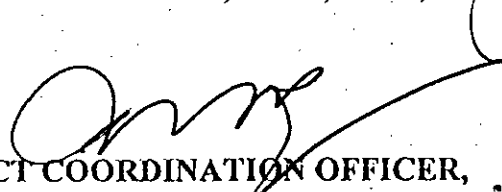
On perusal of record and paper submitted by the Executive District Officer, Elementary & Secondary Education it reveals that there is only one teacher in the GMS Dub therefore, for filling the vacuum the appellant were transferred.

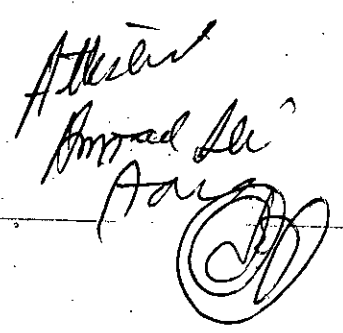
Appeal is therefore without cogent grounds. Order of the EDO E&SE is therefore upheld and the appeal is dismissed.

  
DISTRICT COORDINATION OFFICER,  
BUNER.

No. 4960-62 /Estt:/26-T,

Copy forwarded to the Executive District Officer, E&SE, Buner, for necessary action.

  
DISTRICT COORDINATION OFFICER,  
BUNER.



Anac

Anac

*[Handwritten signature]*  
Flewin

OFFICE OF THE  
DISTRICT COORDINATION OFFICER/  
BUNER.

*[Handwritten mark]*  
11

No. 3289 /Asst./8(E&SE)DCO (B)  
Dated. 10-5-2012.

To

The Executive District Officer,  
Elementary & Secondary, Education, Buner.

Subject:

CANCELLATION OF TRANSFERS.

Memo:

A delegation of the notables Tehsil Chagharzai visited to the office of the undersigned and requested for the cancellation of Transfer Orders of the following three teachers:-

- 1- Saced CT, GHS, Maradu transfer to GMS, Dub.
- 2- Sharifuddin, DM, GHS Maradu transfer to GMS Dub.
- 3- Zarif Khan, PET GHS Maradu transfer to GMS Dub.

The delegation also requested that the performance of the above named teachers is good and they are performing their duties upto their utmost enthusiasms, therefore their transfer orders may kindly be cancelled.

In view of the above you are hereby directed to issue cancellation order as per demand of the notables of the area in the best interest of the students as well as parents with intimation to this office at the earliest.

*[Handwritten signature]*  
DISTRICT COORDINATION OFFICER,  
BUNER.

Attest  
Amroel Ah'  
ACU *[Handwritten mark]*

④ *Ann D*

*Ann D*  
*Adw*

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY  
EDUCATION BUNER  
PHONE & FAX- 0939510468

12

NO \_\_\_\_\_ / DATED \_\_\_\_\_ / 2012

To:

The Head Master,  
GHS Maradu.

Subject:- EXPLANATION

Memo:

During the visit of the undersigned on 23/06/2012 to your school it was noticed that you have not obeyed the order of the undersigned issued under Endst. No. 8115-19/DA/No.13 Estab: Dated 26/04/2012.

You are directed to explain it within a week positively that why not disciplinary action be taken against you under the rules.

EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION BUNER

Endst. No. *Prob-12* / Dated *26/06* / 2012.

Copy forwarded to the:

1. Secretary E & S Education Khyber Pakhtunkhwa Peshawar.
2. Director E & S Education Khyber Pakhtunkhwa Peshawar with the request to order High level Inquiry against the concern Head Master.
3. District Coordination Officer Buner.
4. District Accounts Officer Buner.
5. Zarif Khan PET under transferred to GMS Dab against vacant post with the direction to take charge at his new station with immediate effect other wise he will be responsible for the consequences himself.
6. Sharif Uddin DM under transferred to GMS Dab against vacant post with the direction to take charge at his new station with immediate effect other wise he will be responsible for the consequences himself.
7. ✓ Saeed CT under transferred to GMS Dab against vacant post with the direction to take charge at his new station with immediate effect other wise he will be responsible for the consequences himself.

*[Signature]*  
EXECUTIVE DISTRICT OFFICER  
(E & S) EDUCATION BUNER

*Attested*  
*Amjad Ali*  
*Adw*  
*[Signature]*

# بعدالت سروس ٹریبونل لنڈا

کورٹ فیس

قیمت ایک روپیہ

مورخہ

31/7/2012

۲۰۱۲ منجانب

مقدمہ

سندھ

بنام

حکومت سندھ

دعویٰ

جرم

## سروس ایپل باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام امجد علی ایڈووکیٹ سہیل احمد کو وسطی ایپل دوران مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق ذرا اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا ایپل کی برآمد ہوگی اور منسوخ ڈائر کرنے ایپل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا دکالت نامہ لکھ دیا کہ سندھ ہے

المرقوم 31 ماہ جولائی ۲۰۱۲

العبد گواہ شدہ العبد

بمقام

AMJAD ALI  
Advocate  
SUPREME COURT

Peshawan

بمقام

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Appeal No. 854-2012:**

Saeed (CT) GHS Maradu Tehsil Gagra  
District Buner ..... (Appellant)

V/S

1. Secretary (E & SE) Khyber Pukhtunkhwa Peshawar.
2. District Coordination Officer Buner.
3. Executive District Officer (E & SE) Buner
4. Head Master GHS Maradu Buner

..... Respondents

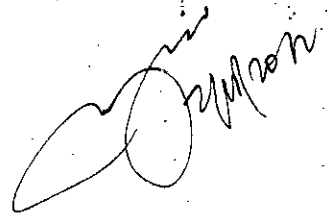
**Written Reply on behalf of respondent's No. 1, 2, 3 & 4**

**Preliminary Objection:-**

1. That the appellant has no cause of action to file the instant appeal.
2. That the appeal is not maintainable in the present form and also in the present circumstances of the issue.
3. That the appellant has not come to the worthy Service Tribunal with clean hands.
4. That the appellant has concealed material facts from this honorable service tribunal.
5. That the appeal is time barred.
6. The Instant Appeal is against the prevailing law & rules.
7. That the appellant is stopped by his own conduct to file the instant appeal.

**FACTS:**

1. Correct.
2. Pertains to record.
3. Correct to the extent that the appellant was performing his duty w.e.f 17/04/1995 till his transfer order dated 26/04/2012, due to his long stay in the same school.  
The Appellant was transfer from GHS Maradu to GMS Dab due to the shortage of staff in GMS Dab, where the studies of children were badly effecting and their precious time was wasting. The appellant has already completed his tenure in the same station, the appellant is bound to perform his duty any where in the interest of public service in Annexure A, B and C.
4. Correct to the extent that the appellant filed departmental appeal to the competent authority respondent No. 2 District Coordination Officer for cancellation of this transfer order, but the appeal was not justified and legal, therefore the respondent No. 2 being competent authority dismissed the appeal of the appellant in Annexure D.
5. Incorrect, the department appeal of the appellant was not accepted by the competent authority respondent No. 2 because the appeal of the appellant was not according to law and rules.



It was sent to the respondent No. 3 for consideration on the request of elders of appellants, unjustified grounds, who were interfering into the routine business of job of respondent's No. 3.

In respond the respondent No. 3 has submitted his justified, legal ground to respondent No. 2, vide letter No. 8610 dated 17/05/2012, where upon the respondent No. 2 agreed, and dismissed the appeal of appellants vide judgment order No. 4960-62/Est./26-T Dated 26/07/2012.

6. Incorrect, explanation was called from respondent No. 4 Head Master which is administrative matter.
7. The appellant request may not be accepted on the following Grounds

**GROUND:**

- A. The order 26/04/2012 was issued by the competent authority is legal justified and according with policy. The order issued by the competent authority in the interest of public service and no political influence nor political interference involved in the said order. The same has been agreed by the appellate authority respondent No. 2 vide judgment order No. 4960-62 Estab/26-T Dated 26/07/2012 dismissing the appeal of the appellant. Para A of Grounds and Para 3,4,5,6 of facts.
- B. Para "A" of Grounds and Para 3,4,5,6 of facts.
- C. Not valid and applicable in transfer/adjustment policy.
- D. As per Para No. 3 of Facts.
- E. Being competent authority, respondent No. 3 can depute an employee every where in the District in the interest of public service Where he needs services of a teacher of any category.
- F. Incorrect, respondent No. 2 directed the respondent No. 3 to cancel the order of the appellant on the unjustified request of the local Elders / Notable. In order to clarify the position of this department, the respondent No. 3 submitted detail comments to the respondent No. 2 District Coordination Officer Buner who agreed with the comments of respondent No. 3.

Consequent upon comments of respondent No. 3 the District Coordination Officer Buner regretted the appeal of the appellant.

It is therefore humbly prayed that keeping in view the above said facts/ comments, the service appeal in hand may very graciously be dismissed along with exemplary cost.



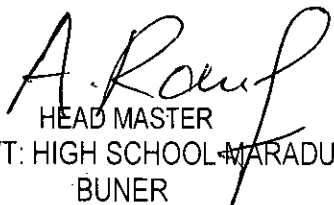
DISTRICT COORDINATION OFFICER  
BUNER



EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY  
EDUCATION BUNER



SECRETARY  
ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA



HEAD MASTER  
GOVT: HIGH SCHOOL MARADU  
BUNER



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 854-2012:

Saeed (CT) GHS Maradu Tehsil Gagra  
District Buner

..... (Appellant)

V/S

1. Secretary (E & SE) Khyber Pukhtunkhwa Peshawar.
2. District Coordination Officer Buner.
3. Executive District Officer (E & SE) Buner
4. Head Master GHS Maradu Buner

..... Respondents

Written Reply on behalf of respondent's No. 1, 2, 3 & 4

Preliminary Objection:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appeal is not maintainable in the present form and also in the present circumstances of the issue.
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5. That the appeal is time barred.
6. The Instant Appeal is against the prevailing law & rules.
7. That the appellant is stopped by his own conduct to file the instant appeal.

FACTS:

1. Correct.
2. Pertains to record.
3. Correct to the extent that the appellant was performing his duty w.e.f 17/04/1995 till his transfer order dated 26/04/2012, due to his long stay in the same school. The Appellant was transfer from GHS Topar to GMS Dab due to the shortage of staff in GMS Dab, where the studies of children were badly effecting and their precious time was wasting. The appellant has already completed his tenure in the same station, the appellant is bound to perform his duty any where in the interest of public service in Annexure A, B and C.
4. Correct to the extent that the appellant filed departmental appeal to the competent authority respondent No. 2 District Coordination Officer for cancellation of this transfer order, but the appeal was not justified and legal, therefore the respondent No. 2 being competent authority dismissed the appeal of the appellant in Annexure D.
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6. Incorrect explanation was called from respondent No. 4 Head Master <sup>which was administrative</sup> before the stay was <sup>number</sup> granted by the Court, as this department was bound to implement the order issued by it. The transfer order of appellant issued by respondent No. 3 was legal and justified as agreed by the respondent No. 2 (Appellate Authority as referred in Para 5 of facts.
7. The appellant request may not be accepted on the following Grounds

**GROUND:**

- A. A. The order 26/04/2012 was issued by the competent authority is legal justified and according with policy. The order issued by the competent authority in the interest of public service and no political influence nor political interference involved in the said order. The same has been agreed by the appellate authority respondent No. 2 vide judgment order No. 4960-62 Estab/26-T Dated 26/07/2012 dismissing the appeal of the appellant. Para A of Grounds and Para 3,4,5,6 of facts.
- B. Para "A" of Grounds and Para 3,4,5,6 of facts.
- C. Not valid and applicable in transfer/adjustment policy.
- D. As per Para No. 3 of Facts.
- E. Being competent authority, respondent No. 3 can depute an employee every where in the District in the interest of public service Where he needs services of a teacher of any category.
- F. Incorrect, respondent No. 2 directed the respondent No. 3 to cancel the order of the appellant on the unjustified request of the local Elders / Notable. In order to clarify the position of this department, the respondent No. 3 submitted detail comments to the respondent No. 2 District Coordination Officer Buner who agreed with the comments of respondent No. 3.


Consequent upon comments of respondent No. 3 the District Coordination Officer Buner regretted the appeal of the appellant.

It is therefore humbly prayed that keeping in view the above said facts/ comments, the service appeal in hand may very graciously be dismissed along with exemplary cost.

3677/S.I  
30/10/12

Voted  
PK

Govt. Pleader  
Khyber Pakhtoon Khwa  
Sve: Tribunal Peshawar

  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY  
EDUCATION BUNER

MONTHLY RETURN/STAFF STATEMENT OF GHSS/GHSS/GHSS/GHSS/GHSS/GHSS FOR THE MONTH OF MARADU 20011-08-2012

School Code 35925 Circle BATAKA PH: No 0333698246 UIC SORAY Teshil STASTARA District Buner.

S.No	N.I.C No (old)	Name	Post	F/Name	BPS	Qualification		D/O Birth	D/O 1st Appnt	D/O pro. to the present post	D/O TIO charge in the present School	Subject in M.A./M.Sc.	Subjects Allotted	Residence
						Acad	Trul:							
1	1501-03712959	ABDUL RAUF	M/PL	M. QURESHI	12	B.COM	B. Ed	21-5-59	8-8-89	11-4-2012	11-4-2012	-	-	GHANMO
2	1501-03400683	MUHAMMAD NASAR	SET	Tal/PLANNING/TAJ/ANWAR	17	M.A	M.LL	3-4-64	3-4-88	10-11-1994	09-09-1995	PHYSICS	PHYSICS & CHEMISTRY	MARADU
3	1501-0354918-1	RAZIA KHAN	E.T	DALOOL KHAN	15	B.A	E.T	4-5-54	3-3-80	1-11-1987	01-11-1987	-	-	-
4	1501-2715994-7	ANWAR HUSSAIN	E.T	HARBAT BILAL	15	M.A	B.Ed	1-3-71	24-3-92	5-4-1999	17-08-1999	PASHTO	PHYSICS & CHEMISTRY	SALBAWDA
5	15505-0211225-5	SAEED	E.T	SARIBAT	15	M.A	B.Ed	2-10-67	6-3-90	1-7-1997	08-7-1997	PHYSICS	PHYSICS & CHEMISTRY	BARINA
6	1501-0408032-9	MUKHTAR AHMAD	E.T	NOOR NABI	15	B.A	E.T	2-5-56	3-1-79	1-03-2004	21-04-2007	-	-	MARADU
7	1501-530588-7	NASIR ZAMAN	E.T	DAL KHANMAD	14	M.A	E.T	8-7-72	24-3-92	25-2-2011	9-5-2011	PASHTO	MATHS	TABRASHA
8	15101-0327212-9	SHAYSA ULQAN	E.T	MUHAMMAD SAHIB	12	M.A	E.T	1-4-55	5-11-74	28-11-2011	25-12-2011	ISLAMAT	-	NEKHAKHA
9	15101-0375247-7	SHER MUHAMMAD	D.M	M. RASHAD	12	M.A	D.M	20-5-64	27-3-83	1-5-1998	1-10-1987	-	-	GHANMO
10	1501-0363889-7	SHARFUDDIN	D.M	SHAMSUL KHAN	09	E.A	D.M	2-3-68	16-4-95	2-5-2000	17-4-1995	-	-	MARADU
11	1501-0369274-9	RASHID ULLAH	T-T	FAZLI RANIM	10	SAMM YAFIA	-	8-10-58	15-1-79	15-01-1979	24-12-1984	-	-	LANDRI BARDAR KHAN
12	1501-1804880-9	M. ZUMRUDAN	A-T	SHAFEEU KHAN	15	M.A	B.Ed	30-3-83	12-2-11	15-2-2011	15-2-2011	ARABIC	ARABIC	BARASHA
13	1501-3698226-9	S. KRANJALAN	T-T	ABDULLAH	14	B.A	ALLM	1-4-81	17-7-87	07-12-2011	23-12-2011	ISLAMAT	-	BARIRAN
14	1501-0357460-7	MUHAMMAD TARIQ	QARI	KHALIL	07	SAMM YAFIA	-	1-1-67	1-2-91	1-03-1991	1-05-1996	-	-	BARIRAN
15	1501-0399133-1	ABDUL WASIA	PET	HAZBAT SYAD	14	B.A	QARI	01-04-66	1-12-2004	1-12-2004	1-12-2004	-	-	GHANMO
16	1501-0357527-5	FAZLI AZAM	PET	MAHMUD	14	B.A	D.O	3-5-67	9-3-95	25-4-2000	11-04-995	-	-	ALBANIA
17	1501-3146664-5	SHAHID ALI	ATC	SHAHID HUSSAIN	07	F.A	-	1-5-84	24-8-06	24-8-2006	24-8-2006	-	-	MARADU
18	1501-0357078-5	KHAN MUHAMMAD	BESH	AMIR MUHAMMAD	08	-	-	1964	12-5-95	12-8-1995	1-9-1995	-	-	DO-
19	1501-7339971-1	MUSTAFA MUHAMMAD	YAT	ZAR NOOSH	02	M.A	-	1-2-75	9-3-96	14-3-1996	14-3-1996	-	-	DO-
20	1501-8601742-3	SAR FARAZ	CHEC	TALAN	02	MIDDLE	-	12-5-57	14-3-96	14-3-1996	14-3-1996	-	-	DO-

Ammar/A1-08-2012  
(42)

Date of Estt: 1966

Up-gradation Pry to Middle 1-9-1977

Middle to High to Higher Secondary

**Detail of Posts**

S.No	Posts	Sanctioned		Working	
		Regular	Contract	Regular	Contract
1	Principal/H M	01	-	-	-
2	V.Principal	-	-	-	-
3	SS	-	-	-	-
4	SET	3	-	1	-
5	CT	6	-	6	-
6	Librarian	-	-	-	-
7	DPE	-	-	-	-
8	PET	2	-	2	-
9	DM	2	-	2	-
10	AT	1	-	1	-
11	TT	2	-	2	-
12	Qari	1	-	1	-
13	Lab Assistant	-	-	-	-
14	S/Clerk	-	-	-	-
15	J/C	1	-	1	-
16	Lab Attendent	1	-	1	-
17	N. Qasid	1	-	1	-
18	Sweeper	1	-	1	-
19	Kidar	1	-	1	-
20	Behishti	1	-	1	-
21	Caller	-	-	-	-
22	Mali	-	-	-	-

**Classwise Enrolment**

S.No	Class	Enrolment		Total
		Boys	Girls	
1	6th A			
2	6th B			
3	6th C			
4	7th A			
5	7th B			
6	7th C			
7	8th A			
8	8th B			
9	8th C			
10	9th A			
11	9th B			
12	9th C			
13	10th A			
14	10th B			
15	10th C			
16	11th			
17	12th			
18				
Total				

**Detail of furniture / Miscellaneous**

S.#	Item	Number	Condition	Required
1	Office Table	-	-	-
2	Teacher Table	-	-	5
3	Teacher Chair	-	-	2
4	Desk	-	-	15
5	Bench	-	-	15
6	Stool	-	-	15
7	Almirah	3	-	5
8	Black Board	-	-	6
9	Baltic	-	Bad	6
10	Fawara	3	-	6
11	Water Cooler	-	-	2
12	Flag	-	-	2
13	Lock	-	-	-
14	Fans	-	-	-
15				
16				
17				
18				
19				
20				

**Available Facilities in the School.**

S.NO	Facility	Exit	
		Yes	No
1	Electricity	-	NO
2	Water Supply	-	NO
3	B/Wall	-	NO
4	Toilets	-	NO
5	First Aid	-	NA
6	Prayer Facility	-	NO
7	Play Ground	-	NO
8	Class Room	-	NO
9	Laboratory	-	NO
10	Library	-	NO
11	Covered Area	9173	FT
12	Un-Covered Area	14300	FT
13	Space for Addition	NIL	

**VACANCIES**

S.No	Name of Post with details	Date	Reason for Vacancy
1.	S.E.T	3-5-2010	Retiree
2.	S.E.T	5-5-2010	Retiree
3.			
4.			
5.			
6.			

Endst No 617 Date 1-9-2012

Forwarded to the District Officer (M/F) School & Literacy Buner in triplicate for onward

submission to the quarter concerned please

*A. Rana*  
 Head Master  
 GHS Maradu  
 Dist: Buner

RETURN/STAFF STATEMENT OF GHSS/GGHSS/GHS/GGHS/GMS/GGMS MARADU FOR THE MONTH OF 1-08-2012  
 School Code 35925 Circle BATARA Ph: No 0339698246 U/C SORRY Teshil GLABRA District Buner 200

S/No	N.I.C No (old)	Name	Post	F/Name	BPS	Qualification		D/O Birth	D/O 1st Apptt:	D/O pro: to the present post	D/O T/O charge in the present School	Subject in M.A/Msc	Subjects Allotted	Residence
						Acad	Prof:							
1	15101-0357094-3	ABULMAND	SWEP	HAZRAT AHMAD	02	DO	-	1974	4-9-95	4-9-1995	4-9-1995	-	-	MARADU
2	15101-0356851-3	AKHTAR AYUB	PEON	TALI MAND	02	-	-	1-7-70	1-7-07	1-7-2007	1-07-2007	-	-	DO
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														
19														
20														

(8)

Annex (B)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY; EDU; BUNER

OFFICE ORDER

Consequent upon Approval of the competent authority the following Officials are hereby transferred/adjusted at the schools noted against their names in their own pay & scale from the date of taking over charge in the interest of public service.

S.No	Name & Designation	From	To	Remarks
1	Zarif Khan PET	GHS Topai	GMS Dab	Vacant Post
2	Sharif udin DM	GHS Marado	GMS Dab	Vacant Post
3	Saeed CT	GHS Marado	GMS Dab	Vacant Post

Note:

1. No TADA is allowed.
2. Charge report Should be submitted to all Concerned.

(RAJ MOHAMMAD KHAN)  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER

Endost: No 8115-19 DA, No 13 Estab: 26/04/2012.

Copy of the above is forwarded to:-

1. District Accounts Officer Buner at Daggar.
2. Assistant District Officer (B&A) Local Office
3. Head Maters Concerned.
4. Officials Concerned.
5. PA to EDO Local Office.

*Raj Mohammad Khan*  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER

Sl. No.	NIC No (old)	Name	Post	FNName	BPS	Qualification		D/O Birth	D/O 1st Appnt	D/O pro: to the present post	D/O T/O charge in the present School	Subject in M.A/Msc.	Subjects Allotted	Residence
						Acad	Prof:							
1	15505-2727637-1	SYED M. SHAH	AT	SYED H. SHAH	15	F.A	ALMIA	1-2-75	17-7-07	17-07-07	17-07-07	Almia	All	Puram Faizal
2	15701-03447883	ATTIQUILLAH	T.T	SYED YOUSAF	14	F.A	ALMIA	5-2-79	9-3-02	09-3-02	09-3-02	ALMIA	6th English 10th Urdu	BAZAR KOT
3														
4														
5														
6														
7														
8	15101-038414101	MUSHARAF KHAN	O	M. RASHID	01	-	-	05-11-79	21-10-06	21-10-06	21-10-06			
9	15101-31248267	TAJEBULLAH SW		FEROZ KHAN	01	-	-	1985	21-10-06	21-10-06	21-10-06			Dab
10														
11														
12														
13														
14														
15														
16														
17														
18														
19														
20														

C IV

*(Signature)*

Head Master:  
G.M. B.B.  
Chagharzi Buner!

Detail of Posts

S.No	Posts	Sanctioned		Working	
		Regular	Contract	Regular	Contract
1	Principal/H M				
2	V.Principal				
3	SS				
4	SET	01		✓	
5	CT	02		✓	
6	Librarian				
7	DPE				
8	PET				
9	DM	01		✓	
10	AT	01		✓	
11	IT	01		✓	
12	Carri				
13	Lab Assistant				
14	SI/Clerk				
15	J/C				
16	Lab Attendant				
17	M. Qasid	01		✓	
18	Sweepers	01		✓	
19	Kidar				
20	Benishi				
21	Caller				
22	Mali				

Classwise Enrolment

S.No	Class	Enrolment		Total
		Boys	Girls	
1	5th A	36	3	39
2	5th B			
3	6th C			
4	7th A	37	9	46
5	7th B			
6	7th C			
7	8th A			
8	8th B			
9	8th C			
10	9th A			
11	9th B			
12	9th C			
13	10th A			
14	10th B			
15	10th C			
16	11th			
17	12th			
18				
Total				

Detail of furniture / Miscellaneous

S.#	Item	Number	Condition	Required
1	Office Table	01		
2	Teacher Table	03		
3	Teacher Chair	10		
4	Desk	30		10
5	Bench	30		40
6	Stool			40
7	Almirah	3		
8	Black Board	4		1
9	Baltic	3		
10	Fawara	4		
11	Water Cooler	4		
12	Flag	10		
13	Lock			
14	Fans	1		
15				
16				
17				
18				
19				
20				

Available Facilities in the School.

S.No	Facility	Exit	
		Yes	No
1	Electricity		✓
2	Water Supply		✓
3	Ex/Wall		✓
4	Toilets	✓	
5	First Aid		✓
6	P.aver Facility		✓
7	Play Ground		✓
8	Class Room	✓	
9	Laboratory		✓
10	Library		✓
11	Covered Area	✓	
12	Un-Covered Area		X
13	Space for Addition	✓	

VACANCIES

S.No	Name of Post with details	Date	Reason for Vacancy
1	SET		Transfer
2	C.T.		"
3	C.T		"
4	D.M		"
5			"
6			"

Endst No \_\_\_\_\_ Date \_\_\_\_\_  
 Forwarded to the District Officer (M/F) School &  
 Literacy Buner in triplicate for onward  
 submission to the quarter concerned please



عزیزت خاں ڈی سی او ماہی بلوچ پور

عنوان - درخواست برآمد منسوقی ٹرانسپیرانڈر  
خاں علی

مردبانہ محفوظ ہے کہ میں نے تو ریمٹ پائی سکول مراد آباد (انڈیا) میں اپنا ذرا سا سرمایہ لگا کر  
کے رہا ہوں۔ لیکن حال ہی میں 04/2012 کو اس سکول میں ایک ایسی صورت پیدا ہوئی کہ  
گورنمنٹ پائی سکول مراد آباد - بذریعہ سکول ڈسٹرکٹ - ہر جگہ کے اسکولوں میں  
ہر جگہ سے جیسے کوئی بھی نظر نہیں آ رہا ہے۔ اس کے علاوہ اس سکول میں ایک ایسی  
سندھ میں ہو سکتے ہیں۔

- 1- سکول کے بنیاد پر تو سکول میں جو ہے اس میں کوئی کمی نہیں ہے۔
- 2- سکول میں کارکردگی بہتر ہے اور والدین کے طے شدہ شکایت پر توجہ دینی ہے۔
- 3- جو بنیاد کے بنیاد پر تو سکول میں جو ہے جو نہیں موجود ہے۔

لہذا اب صاحبان میری رائے سے عرض کر کے نظر رکھ کر ایس آر ڈی منسوخ کر دیں۔  
قریباً شکور ہوگا۔

الحاصل  
اس کا نام مہمان نورکن سرور آر-2  
115 مراد  
نورم 05/05  
2012

AMJAD ALI  
Advocate  
SUPREME COURT

OFFICE OF THE  
DISTRICT COORDINATION OFFICER/  
BUNER.

NO. 3289 /Asst./8(E&SE)DCO (B)  
Dated. 10-5-2012.

To

The Executive District Officer,  
Elementary & Secondary Education, Buner.

Subject:

CANCELLATION OF TRANSFERS.

Memo:

A delegation of the notables Tehsil Chagharzai visited to the office of the undersigned and requested for the cancellation of Transfer Orders of the following three teachers:-

- 1- Saced CT. GHS, Maradu transfer to GMS, Dub.
- 2- Sharifuddin, DM, GHS Maradu transfer to GMS Dub.
- 3- Zarif Khan, P.T. GHS Maradu transfer to GMS Dub.

The delegation also requested that the performance of the above named teachers is good and they are performing their duties upto their utmost enthusiasms, therefore their transfer orders may kindly be cancelled.

In view of the above you are hereby directed to issue cancellation order as per demand of the notables of the area in the best interest of the students as well as parents with intimation to this office at the earliest.

  
DISTRICT COORDINATION OFFICER,  
BUNER.

28

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER

NO 8640 Dated 17/05 2012.

To

The District Coordination Officer,  
Buner at Daggar.

Subject:- CANCELLATION OF TRANSFER ORDER.

Memo:-

Reference your office Memo, NO.3289 dated 10/05/2012 regarding the subject cited above.

The transfer order of the following teachers was issued on need base and in the interest of public service as the School to which the teachers were transferred had been badly suffering as there was only one teacher at GMS Dab, Moreover the appellants also belong to the same area /UC whereas GHS Marado from which the teachers were transferred has sufficient teachers namely CT .6 DM,2 TT,2 AT,1 PETs,2 Qari,1 SET,1 Head Master,1 hence the appeal may be regretted please.

- 1.Saced CT,GHS Marado to GMS Dab
2. Sharifudin,DM GHS Marado to GMS Dab.
3. Zarif Khan,PET GHS Marado to GMS Dab.

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER

Endost;No 8641 Dated 17/05 2012.

Copy of the above is forwarded for information to the:-

- 1.Head Master GHS Marado District Buner.

Executive Distt. Officer.  
Elementary & secy, Edu, Buner

15/5/12

Annexure (D)

IN THE OFFICE OF THE DISTRICT COORDINATION OFFICER, BUNER....

No. 4960-62 /Estt:/26-T,

Dated Daggat the 26/7/2012

- 1. Saeed CT, GMS Dub.
- 2. Sharifuddin DM, GMS, Dub.
- 3. Zarif Khan PET, GMS Dub .....Petitioner.

Versus

EDO, Schools & Literacy Department Buner.  
..... Respondent.

APPEAL AGAINST TRANSFER ORDER NO.8115-19/DA.No.13  
Estab, DATED 26/04/2012.

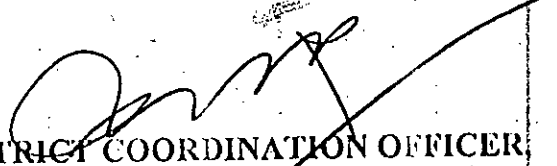
ORDER.  
26.07.2012.

This order shall dispose of appeal submitted by the following teaching staff against transfer order No.8115-19/DA,No.13, Estab, dated 26/04/2012 issued by the EDO, E&SE, Buner.

- 1. Zarif Khan, PET.
- 2. Sharifuddin DM.
- 3. Saeed CT.

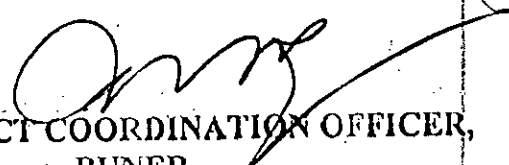
On perusal of record and paper submitted by the Executive District Officer, Elementary & Secondary Education it reveals that there is only one teacher in the GMS Dub therefore, for filling the vacuum the appellant were transferred.

Appeal is therefore without cogent grounds. Order of the EDO E&SE is therefore upheld and the appeal is dismissed.

  
DISTRICT COORDINATION OFFICER,  
BUNER

No. 4960-62 /Estt:/26-T,

Copy forwarded to the Executive District Officer, E&SE, Buner, for necessary action.

  
DISTRICT COORDINATION OFFICER,  
BUNER.

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.

S.A.No.854/2012

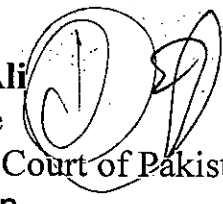
Saeed .....V/S..... Govt and others

INDEX

S.No.	Description of documents.	Annexure	Pages.
1	Rejoinder with affidavit.		1-2
2	Copy of order dated 25.09.2012	R/1	3
3	Copy of dated 27.07.2006	R/2	4
4	Copy of certificate of Headmaster of Dab	R/3	5
5	Copy of order dated 12.09.2009	R/4	6-7
6	Copy of order dated 19.09.2012	R/5	8-9
7	Wakalatnama.		

Appellant 

Through

**Amjad Ali**  
Advocate   
Supreme Court of Pakistan  
At Mardan  
Cell: 0321-9882434

Dated: 22.01.2013

(1)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.

S.A.No.854/2012

Saeed .....V/S..... Govt and others

**REJOINDER ON BEHALF OF APPELLANT**

*Respectfully Sheweth;*

**Preliminary objections:**

All the preliminary objections are incorrect, misconceived. Denied.

**ON FACTS:**

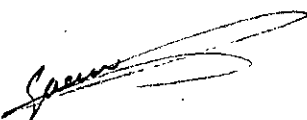
- 1) Para-1 of appeal has been admitted as correct.
- 2) Para-2 of appeal which is with respect to satisfaction of parents, students and superior offices is admitted as respondent did not deny the same.
- 3) That para-3 of appeal has been admitted to the extent of transfer however, rest of the para with respect to shortage of staff is incorrect. Denied specifically. In fact to honour political will, teachers are transferred to another school from Dab there is no post of PET. (Copy of order dated 25.09.2012 is Annexure "R/1, order dated 27.07.2006 is "R/2, certificate of Headmaster of Dab is Annexure "R/3" order dated 12.09.2009 is Annexure "R/4", order dated 19.09.2012 is Annexure "R/5").

- 4) That para-4 of appeal has admitted as correct.
- 5) That para-5 of appeal is correct and that of reply is incorrect. Denied. Appeal was accepted as obvious from the order.
- 6) That para No.6 of appeal has been admitted as correct to the extent of calling of explanation of headmaster.
- 7) That para No.7 of appeal is correct and that of reply is incorrect. Denied.

GROUNDS

All grounds of appeal are correct and those of reply are incorrect. Denied.

It is, therefore, humbly requested that appeal may please be accepted.



Appellant

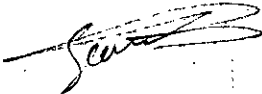
Through

**Amjad Ali**  
Advocate  
Supreme Court of Pakistan

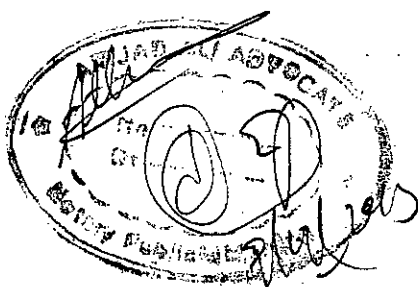


AFFIDAVIT

I, do hereby affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent



3

Surk-1  
AB  
Rm

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY; EDU; BUNER.

CORRIGENDUM.

In partial modification of this office Endst; No. 12117-19 dated 19/9/2012,  
please read detail as given below .

S.No	Name & Desig;	F/Name	From	To	Remarks
1	Mr.Abdur Rahman CT ✓	Shah Tamraiz	GMS Dab	GMS Panghalay	
2	Mr. Riaz Ali CT	Amir Ahmad Shah	GHS Khararai	GMS Mandaw	

Note:-

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


(RAJ MUHAMMAD KHAN)  
EXECUTIVE DISTRICT OFFICER  
ELEMENTAY & SECY; EDU; BUNER.

Endst; No. 12379-87

Dated 25/9 /2012.

Copy to the:-

1. Director (E&S) Khyber Pakhtunkhwa Peshawar.
2. District Coordination Officer Buner.
3. District Accounts Officer Buner.
4. All concerned.

  
EXECUTIVE DISTRICT OFFICER  
ELEMENTAY & SECY; EDU; BUNER  
25/9/12



(4)  
A.R.-2  
B.S.

TO BE SUBSTITUTED FOR BEARING SAME NUMBER & DATE.

AD (P.D.)  
23/7/06

GOVERNMENT OF NWFP  
FINANCE DEPARTMENT.  
NO. BOV/FD/2-6/2002-03/Middle School/Bunir  
Dated Peshawar the 27-07-2006.

To

The Secretary to Govt: of NWFP,  
Schools & Literacy Department.

Subject: - UPGRADATION OF SCHOOLS.

Dear Sir,

I am directed to refer to your letter No. SO(B&A)2-41/06/Bunir dated 13-07-2006 on the subject noted above and to inform that Finance Department agrees to the upgradation of the following GPS/GGPS to Middle status in District Bunir on developmental side as per details given below, at a total cost of Rs.690,000/- w.e.f.01-9-2006 to 31-05-2007 subject to the observance of all codal formalities.

Details of Schools:- 1-GMS Bazargai 2-GGMS Mangora 3-GMS Dab.

A01101-Pay of Officers		76500/-
SET (BPS-16)	03	
A01151 Pay of other staff		292800/-
C.T (BPS-9)	06	
AT (BPS-9)	03	
D.M (BPS-9)	03	
T.T(BPS-7)	03	
N/Qasid (Fixed)	03	
Sweeper (Fixed)	03	
A01156-Pay of contract staff.		115200/-
A01202-House Rent Allowance		54000/-
A01209-Spl: Addl: Allowance		67500/-
A01217-Medical Allowance		23100/-
A01256-Special Adhoc Relief Allowance 15%		29700/-
A01238-Charge Allowance		1500/-
A01262-Spl: Relief Allowance		29700/-
Total		=690,000/-

2- The expenditure involved is debitable to the functional-cum-object classification 09 Education affairs and services 0921 Secondary Education Affairs and Services 092101 Secondary Education and shall be met out from within the sanctioned Budget grant 2006-2007.

3- Audit Copy may be prepared and sent to this department for authentication accordingly.

Yours faithfully,

BUDGET OFFICER-V

Endst: No. & date as above.

Copy forwarded to:-

- 1- The District Coordination Officer Bunir.
- 2- The Executive District Officer Schools & Literacy Bunir.
- 3- Master File.

*[Signature]*  
07/8-2006


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TRANSFERRED TEACHERS.

(5)

- ① RAFIQ UR RAHMAN <sup>C-T</sup> FROM GMS DAB TO GHS ALOCH (SHANGLA) DATED
- ② HABIB SALAM <sup>DM</sup> FROM GMS DAB TO GHS MACHKANDI (SHANGLA) DATED 30/12
- ③ SADIQ AHMAD <sup>C-T</sup> FROM GMS DAB TO GHS TITWALAN (SHANGLA) DATED 17/10/2011
- ④ NASIB RAWAN SET FROM GMS DAB TO GHS TOPAI (BUNER) DATED 4/07/2011

Head master,  
G.M.S. Dab,  
Chaghataz Buner.  
11-8-2012

Per R-3  
  
Per

NOTIFICATION.

Consequent upon the recommendation of the departmental Promotion committee (DPC) held on 05/09/2012, as contained in the minutes of the meeting issued vide this office No. 11476-60 dated 05/09/2012.

As approved by the competent authority the Executive District Officer Elementary & Secondary Education Buner is pleased to promote the following male teachers from PST to CT on the basis of seniority cum fitness as per newly notified service structure in BPS-15 (8500-700-26350) against the vacant posts in schools mentioned against their names plus usual allowances as admissible to them under the rules with effect from the date of taking over charge subject to the terms and condition given at the end in the interest of public service.

CT (Male)60 % Promoted PST to CT:

S.NO	Name	Father Name	Residence	D.O.B	School where posted
1.	GHANI SAID	SAID LAYAQ	MUGHDARA	08/11/1967	GMS MUGHDARA
2.	ASHPAR KHAN ✓	BUKHARAY	FOLADAI	02/02/1963	GMS DAB - 11
3.	AHMAD GHANI	FAZAL GHANI	AGARAI	01/12/1966	GMS JABA CHOWAN
4.	SHAMSUR RAHIM	SAID RAHIM	KALPANI	01/02/1965	GHS GAGRA
5.	MUHAMMAD ISRAR	ZAIN KHAN	CHINGLAI	24/12/1966	GMS SUWAWAI
6.	HAZRAT UMAR	GHULAM HAMED	BAGRA	02/03/1966	GMS KOT ✓ GOKAND
7.	SHAHI ROOM	REHMANI GUL	BAGRA	16/09/1965	GMS KOT ✓ GOKAND
8.	KHURSHED JAMIL	ZUHAR JAMIL	AGARAI	11/02/1970	GMS MAINA KADAL
9.	FAZLI RAHMAN	ABDUL MUQTADIR	GHAZI KOT	01/04/1969	GHS GHAZI KOT
10.	SHAFIQ UR RAHMAN	HABIB UR RAHMAN	SURA	04/03/1972	GMS LANGAW
11.	FAIZ UR RAHMAN	SHAMSUR RAHMAN	KARAPA	22/05/1971	GHS GADEZI
12.	NAQIB AHMAD JAN	ALI AHMAD JAN	CHINGLAI	05/04/1968	GMS DANDAR
13.	AMJAD ALI KHAN	MIR KHAWAS KHAN	CHINGLAI	03/10/1973	GHS CHINGLAI
14.	FAIZ MUHAMMAD	AMIR MUHAMMAD	AGARAI	01/01/1971	GMS JABA CHOWAN
15.	SAHIB NOOR	RAHMAT NOOR	HISAR	04/01/1970	GMS KALIL
16.	SAEED NOOR	RAHMAT NOOR	HISAR	01/01/1973	GMS PALWARAY
17.	RAFI ULLAH	SAMI ULLAH	BAGRA	01/01/1969	GMS PALWARAY
18.	HAMID ZEB	MIR KHAWAS KHAN	CHINGLAI	01/04/1970	GHS BAGH
19.	MUHAMMAD ALI KHAN	MIR AHMAD KHAN	CHINGLAI	06/04/1970	GMS KALAN
20.	MUHAMMAD ALI	GUL HAKIM	CHINGLAI	12/02/1972	GMS JAMRA
21.	FAZLI AMIN	SAID FAQIR	NAWAGAI	12/02/1972	GMS JABA AMARI

Terms and Conditions:-

- Their services will be considered regular but without Pension & Gratiuity in terms of Section -19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005, they will however be entitled to Contributory Provident fund in such a manner and at such rates as per prescribed by the Govt.

(7)

case, they are already in Government service and working against pension able post on regular basis before 1<sup>st</sup> day of July, 2001, without service break, on application to this office through proper channel and selection by this office, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to them under their previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to them under new appointment.

3. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
4. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
5. They would be on probation for a period of one year extendable for another one year.
6. The Principals / Head Masters / Head mistress concerned may not hand over the charge to the promotee, if there is no vacant post in the school.
7. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
8. The Principals/Head Masters concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise, after 15 days of the issuance of his posting orders.
9. Charge report should be submitted to all concerned.
10. No TA/DA will be allowed to the appointee for joining their duty.

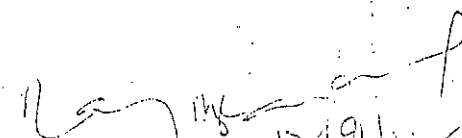
(RAJ MUHAMMAD KHAN)  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER.

Dated 12/9 2012.

Encls: No. 11829-31

Copy to the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar
2. District Coordination Officer Buner
3. District Accounts Officer Buner
4. All Concerned.

  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER.

## NOTIFICATION.

Consequent upon the recommendation of the departmental selection committee (DSC) held on 05/09/2012, as contained in the minutes of the meeting issued vide this office No.11431-65 dated 05/09/2012.

As approved by the competent authority the Executive District Officer Elementary & Secondary Education Buner is pleased to order the appointment of the following C.T. male teachers against the vacant posts in schools mentioned against their names in BPS- 15 ( 3500-700-3350 ) plus usual allowances as admissible to them under the rules with effect from the date of taking over charge subject to the terms and condition given at the end in the interest of public service.

C.T. ( Male )Deceased Candidate.

S.No	Name	Father Name	Residence	D.O.B	School Where Posted
1	IJAZ UL HAQ	AZIZ UL HAKIM	TENSIL DAGGAR	20/03/1991	GHS GHAZIKHANA

Open Merit Candidates:

S.No	Name	Father Name	Residence	D.O.B	School Where Posted
1	ABDUR RAHMAN	SHAH TAMRAIZ	TANGORA	05/06/1985	GMS DAB
2	BAKHT RASHAD	ROOM SAID	CHANAR	02/03/1986	GHS KATKALA
3	RIAZ ALI	AMIR AHMAD SHAH	CHARORAI	03/04/1980	GHS KHARARAI
4	ABDUR RASHAD	MUNTAZIR SHAH	KAR DEHRAI	05/08/1984	GHS GHURGUSHTO
5	ASAD ALI KHAN	TAJ MOHAMMAD KHAN	SHALBANDAI	17/12/1985	GMS SHER ALI
6	SAJJAD ALI	SULTAN	REGA	01/04/1988	GHSS BATARA
7	SALIM UR RAHMAN	HIMAYAT UR RAHMAN	ELAI	25/07/1981	GHSS GADEZI
8	BACHA JAN	GHULAM JAN	JOWAR	12/04/1981	GHS KATKALA
9	MOMIN KHAN	MIR AHMAD KHAN	AMNAWAR	11/12/1985	GMS CHALANDRAI
10	SARFARAZ KHAN	AWAL DAD	BAZARGAI	04/10/1981	GHS BAMPOKHA
11	MUHTARAM SHAH	RAZIQA SHAH	KALPANI	17/02/1981	GHSS BATARA
12	MOHAMMAD AYAZ	MOHAMMAD RAZIQ	KARAPA	20/04/1989	GMS ASHEZO NAWAKALAY
13	SARDAR HUSSAIN	SHER HASSAN	TOTALAI	09/01/1975	GMS DANDAR
14	AYAZ AHMAD	YOUSAF ZAI	DEWANA BABA	01/01/1987	GHS GULBANDI

Terms and Conditions:-

- Their services will be considered regular but without Pension & Gratuity in terms of Section -19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants ( Amendment ) Act, 2005, they will however be entitled to Contributory Provident fund in such a manner and at such rates as per prescribed by the Govt.
- In case, they are already in Government service and working against pension able post on regular basis before 1<sup>st</sup> day of July, 2001, without service break, on application to this office through proper channel and selection by this office, is appointed and allowed choice of option either to retain benefit of pension

19/9/12

& gratuity as allowed to them under their previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to them under new appointment.

3. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
4. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
5. They would be on probation for a period of one year extendable for another one year.
6. They are required to produce health and age certificate from the concerned Medical Superintendent before taking over charge.
7. They are not allowed to take over charge, if their age is less than 18 years and more than 35 years.
8. The Principals / Head Masters / Head mistress concerned may not hand over the charge to the appointee, if there is no vacant post in the school.
9. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
10. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
11. They are directed to furnish copies of all sort of certificates/degrees/diplomas etc along with their original receipt and photocopies of testimonials pertaining to the verification fee of concerned examination bodies (Board/universities etc) to the Executive District Officer Elementary & Secondary Education, Buner. If any certificate/ degree / domicile etc of any candidate found fake or bogus in verification process so he will be terminated with out further notice.
12. The appointing authority shall arrange verification of all the certificates / degrees (Academic / Professional) etc of the appointee and will issue the clearance certificate of each appointee to D.A.O Buner for the release of pay, further more the Drawing and Disbursing Officer will not draw their salaries till the completion of verification process.
13. The Principals/Head Masters concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after 15 days of the issuance of his posting orders.
14. Charge report should be submitted to all concerned.
15. No TA/DA will be allowed to the appointee for joining their duty.


(RAJ MUHAMMAD KHAN)  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER.

Dated 19/9/2012.

Endst: No. 12117-19

Copy to the:-

1. Director (E&SE) Khyber Pakhtunkhwa Peshawar
2. District Coordination Officer Buner ;
3. District Accounts Officer Buner
4. All Concerned.

  
19/9/12  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECY; EDU; BUNER.