

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1163/2014

Date of institution ... 22.09.2014
Date of judgment ... 16.01.2017

Mufarih Shah S/o Abdul Wahab
Naib Qasid, GGHS, Sarwar Shah Kotay, Gohati,
District Swabi.

... (Appellant)

VERSUS

1. Director Elementary & Secondary Education Department, Peshawar.
2. District Education Officer (Male), Swabi.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 19.05.2014.

Mr. Muhammad Ayub Khan Shinwari, Advocate.
Mr. Ziaullah, Government Pleader

.. For appellant.
.. For respondents.

MR. ASHFAQUE TAJ
MR. AHMAD HASSAN

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

ASHFAQUE TAJ, MEMBER:- Mufarih Shah S/o Abdul Wahab,

hereinafter referred as appellant has filed this service appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the transfer order dated 19.05.2014.

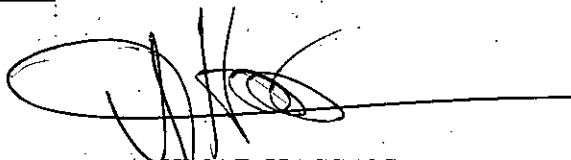
2. Brief facts of the appeal are that appellant was appointed as Naib Qasid in education department District Swabi on 19.02.2004. That appellant was transferred vide notification dated 19.05.2004 on disciplinary grounds, feeling aggrieved that transfer as punishment is against the principles of justice, hence the instant service appeal.

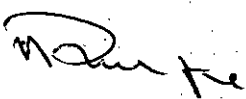
3. Learned counsel for appellant at the very outset placed reliance on 2012 PLC (CS) 187, depicting the ratio that transfer order as punishment without proper inquiry was not warranted in the eye of law. He added that in impugned transfer order it was conspicuously mentioned that he was transfer on disciplinary grounds. Neither any show-cause notice nor inquiry had been conducted. Transfer as punishment was not mentioned in the penalty list, so it cannot be invoked without proper inquiry. Hence prayed that service appeal might be accepted and impugned order might be set-aside.

4. On the other hand learned Government Pleader for respondents controverted the arguments by submitting that the appellant was transferred on administrative grounds. He placed reliance on 1999 SCMR 2482, inter-alia order of transfer of civil servant on administrative ground could not be said to have suffered from malafide. He further contended that numbers of complaints were filed by incharge teachers against appellant and in last that he crossed the limits and had abused the incharge lady teacher, so he had rightly been transferred on administrative grounds. Therefore requested for dismissal of service appeal.

5. This Tribunal is of the view that if the appellant had committed misconduct and he was a trouble creator then respondents were duty bound to had taken disciplinary action under relevant efficiency and disciplinary rules. Transfer on disciplinary ground is neither warranted nor called for. He had been penalized without any show-cause notice and regular inquiry. The Tribunal, therefore, is in agreement with the arguments of appellant counsel. The transfer order being unlawful is hereby set-aside. Be that as it may be respondents could initiate proper disciplinary inquiry proceedings for misconduct if they desire so. Appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
16.01.2017


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

16.01.2017

Appellant with counsel and Mr. Fazle Khaliq, ADEO alongwith Mr. Ziaullah, Government Pleader for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of two pages placed on file, this Tribunal is of the view that if the appellant had committed misconduct and he was a trouble creator then respondents were duty bound to had taken disciplinary action under relevant efficiency and disciplinary rules. Transfer on disciplinary ground is neither warranted nor called for. He had been penalized without any show-cause notice and regular inquiry. The Tribunal, therefore, is in agreement with the arguments of appellant counsel. The transfer order being unlawful is hereby set-aside. Be that as may be respondents could initiate proper disciplinary inquiry proceedings for misconduct if they desire so. Appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

16.01.2017



(AHMAD HASSAN)
MEMBER



(ASHFAQUE TAJ)
MEMBER

05.09.2016

Appellant in person and Addl. AG for respondents present. Arguments could not be heard due to strike of the bar. To come up for arguments on 5.9.2016


Member


Member

05.09.2016

Appellant in person and Mr. Fazle Khaliq, ADEO alongwith Mr. Muhammad Jan, GP for respondents present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for arguments to 11-11-16 before D.B.


Member


Member

11.11.2016

Counsel for the appellant and Mr. Fazli Khaliq, ADO alongwith Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 16-1-17.


(MUHAMMAD AA MIR NAZIR)
MEMBER


(PIR BAKSHSH SHAH)
MEMBER

02.09.2015

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 21-10-15.



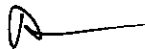
Member



Member

21.10.2015

Appellant with counsel and Mr. Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Jan, GP for respondents present. Since the Court time is over, therefore, case is adjourned to 25-2-16 for arguments.



MEMBER



MEMBER

25.02.2016

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Since the court time is over, therefore, the case is adjourned to 19-5-16 for arguments.



Member



Member

27.11.2014

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mosam Khan, AD and Khalid Mateen, ADO for respondents present. The Tribunal is incomplete. To come up for the same on 23.12.2014.


READER

23.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mosam Khan, AD for the respondents present. The Tribunal is incomplete. To come up for the same on 12.3.2015.


READER

2.2.2015

Appellant with counsel present. Mr. Muhammad Jan, GP with Khursheed Khan, SO and Khalid Mateen, ADO for the respondents present and reply filed, copy whereof is handed over to the learned counsel for the appellant. To come up for rejoinder on 18.3.2015.


MEMBER


MEMBER

18.3.2015

Appellant in person and Mr. Muhammad Jan, GP with Mosam Khan, AD for the respondents present. Rejoinder received. To come up for arguments on 02.09.2015.


MEMBER

Appeal No. 1163/2014
Mr. Muhammad Shadi

16.10.2014

Appellant alongwith his counsel present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 19.05.2014, vide which the appellant was transferred from GGHS, Sarwar Shah Kotay to GHS Serai. Against the above referred impugned order appellant filed departmental appeal on 16.06.2014 which was not responded within the statutory period of 90 days, hence the instant appeal on 22.09.2014. Counsel for the appellant filed an application alongwith the appeal for suspension of the operation of the impugned order dated 19.05.2014. Notice of application should also be issued to the respondents for reply/arguments.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal on 23.12.2014 as well as reply/arguments on application on 27.10.2014. Till then status quo be maintained.

Member

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

Chairman

16.10.2014

27.10.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mosam Khan, AD for respondent No. 1 present and requested for time. Fresh notice be issued to respondent No.2. To come up for written reply on 27.11.2014.



MEMBER

Appellant deposited
Process fee & Security
Rs. 2500/- Bank Receipt
attached with file.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1163 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/09/2014	The appeal of Mr. Mufarih Shah presented today by Mr. Muhammad Ayub Khan Shinwari Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing. <p style="text-align: right;"> REGISTRAR</p>
2	25-9-20/4	This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>16-10-2014</u> <p style="text-align: right;"> CHAIRMAN</p>

In The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No 1163 /2014

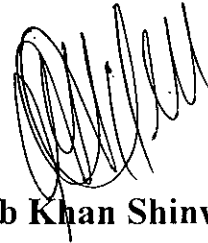
Mufarih Shah Versus Director (E & S) Edu Deptt and another

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4.	Impugned Order	19-05-14	B	8-0
5.	Departmental Appeal	16-06-14	C	9-0
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Appellant

Through



Muhammad Ayub Khan Shinwari

Advocate Peshawar

Chamber:

7-A, Haroon Mansion,

Khyber Bazar, Peshawar.

Cell No 03219068514

In The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No 1163 /2014

1902
22/9/2014

Mufarih Shah S/o Abdul Wahab
Naaib Qasid, GGHS, Sarwar Shah Kotay, Gohati,
District Swabi

.....Appellant

Versus

1. Director, Elementary and Secondary Education Department, Peshawar
 2. District Education Officer (Male), Swabi
-Respondents

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 19-5-2014.

Prayer:

On acceptance of the instant Service Appeal, the impugned order dated 19-05-2014 whereby the Appellant is transferred from GGHS, Sarwar Shah Kotay to GHS, Serai may kindly be declared against the illegal, unlawful and without lawful authority and be set aside.


Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the Appellant was appointed against the vacant post of Naib Qasid on 19-02-2004. (Copy of the appointment order is attached herewith as **Annex-A**)
2. That ever since his appointment, the Appellant has performed his duties to the entire satisfaction of his seniors.
3. That the Appellant is transferred from Government Girls High School, Sarwar Shah Kotay, Gohatee, District Swabi to Government High School, Serai vide Notification dated 19-05-2014. The said Notification is worth perusal, as in the said order it has been clearly mentioned that the Appellant is transferred on disciplinary grounds which is against the settled principles of service law because a civil servant cannot be transferred out merely as a punishment. (Copy of the order dated 19-05-2014 is attached herewith as **Annex-B**)

- 2/
4. That against the aforesaid order, the Appellant filed Departmental Appeal on 16-06-2014 which has not been decided yet. (Copy of the Departmental Appeal is attached herewith as **Annex-C**)

As the statutory time for deciding the Departmental Appeal has lapsed and the Appellant having no other remedy is constrained to approach this learned Tribunal on the following amongst other grounds:

Grounds:

- a. That the impugned order is against the law, illegal, unlawful, without lawful authority and ineffective upon the rights of Appellant, hence liable to be set aside.
- b. That in the impugned order it has been clearly mentioned that the Appellant is transferred on disciplinary grounds which is against the settled principles of service law because a civil servant cannot be transferred out merely as a punishment.
- c. That the Appellant has not been treated in accordance with the law, rules and policy on the subject matter, which is his inalienable right under Article 4 of the Constitution of Islamic Republic of Pakistan, 1973.
- d. That the treatment met to the Appellant is against the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and also against the spouse of policy as the wife of the appellant is also serving in GGHS, Sarwar Koty, Gohati, Distt Swabi.
- e. That the treatment met to the Appellant is against the principles of natural justice.
- f. That the treatment met to the Appellant is not only against the settled principles of service law but also against the dictums of August Supreme Court of Pakistan, which has in its number of judgments held that a Civil servant cannot be transferred out as a punishment.
- g. That the impugned order is the result of colorful exercise of powers and is based on malafide and extraneous considerations.
- h. That the Appellant craves permission of this Honorable Tribunal to rely on other grounds at the time of arguments and produce any additional document if required in support of his Petition.

It is, therefore, prayed that on acceptance of the instant service appeal, the impugned order dated 19-05-2014 may kindly be declared against the law, illegal, unlawful, without lawful authority, ineffective upon the rights of appellant and be set aside.

Any other relief which has not been specifically prayed for, deemed fit and appropriate by this Honorable Tribunal in the circumstances of the instance case, may graciously be granted.


Appellant,

Through


Muhammad Ayub Khan Shinwari
Advocate Peshawar

In The Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No _____/2014

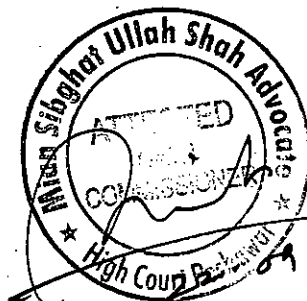
Mufarih Shah Versus Director (E & S) Edu Deptt and another

Affidavit

I, Mufarih Shah S/o Abdul Wahab Naib Qasid, GGHS, Sarwar Shah Kotay, Gohati, District Swabi do hereby solemnly affirm and declare on oath that the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

DEPONENT

Mufarih Shah



4

In The Khyber Pakhtunkhwa Service Tribunal, Peshawar

C.M No _____/2014

In

Service Appeal No _____/2014

Mufarih Shah Versus Director (E & S) Edu Deptt and another

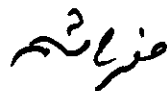
Application for suspension of the operation of the impugned Order dated 19-05-2014 and maintaining status quo till final disposal of the title Service Appeal.

Respectfully Sheweth,

The applicant submits as follows:

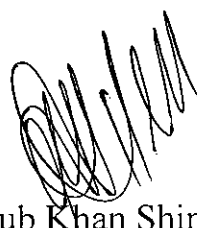
1. That the title service appeal is pending adjudication before this learned tribunal, wherein no date of hearing is fixed yet.
2. That the appellant has got a *prima facie* case and is sanguine of its success.
3. That the balance of convenience also lie in favor of appellant, furthermore the applicant will suffer an irreparable loss if the operation of the impugned order is not suspended.
4. That the grounds mentioned in the accompanying service appeal may be read as an integral part of this application.

It is, therefore, prayed that on acceptance of this application the operation of the impugned order dated 19-05-2014 be suspended and the respondents be directed to allow the appellant to perform his duties in GGHS, Sarwar Shah Koty. Gohati, Swabi till final disposal of the case.



Applicant,

Through


Muhammad Ayub Khan Shinwari
Advocate, Peshawar

In The Khyber Pakhtunkhwa Service Tribunal, Peshawar

C.M No _____/2014

In

Service Appeal No _____/2014

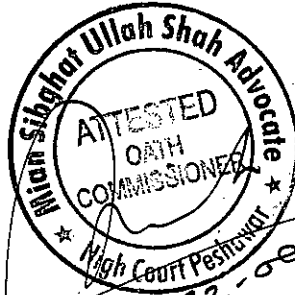
Mufarih Shah Versus Director (E & S) Edu Deptt and another

Affidavit

I, Mufarih Shah S/o Abdul Wahab Naib Qasid, GGHS, Sarwar Shah Kotay, Gohati, District Swabi 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 Honorable Tribunal.

Mufarih Shah

DEPONENT



22-09-2014

Annex A, 6

2004

OFFICE OF THE EXECUTIVE DISTRICT OFFICER(SCHOOLS & LITERACY) SWABI.

CONTRACT APPOINTMENT.

Consequent upon the approval of the Departmental Selection Committee as per Notification/Letter No. SOR-V(E&AD)2-25/03/dated 22.10.2003, the following Class-IV Servants are hereby appointed against vacant contract posts purely on contract basis @ Rs. 2800/- PM fixed in the schools noted against their names with immediate effect in the interest of public service.

S#	Name & Father,s Name	Posted As	Posted at	Remarks
1	Muhammad Rafiq s/o Zar Gul vpo, Adina	NQ	GGHS, Adina	AVP
2	Seema Begum D/O Siraj vpo, Adina	L/Atd:	GGHS, Adina	AVP
3	Ghaffar Ali s/o Saifullah vpo, Ismaila	Sweep:	GGHS, Ismaila	AVP
4	M.Fazil s/o Samar Khan vpo, Manki	L/Atd:	GGHS, Manki	AVP
5	Muhammad Islam s/o M.Inam VPO,S/Khan	Chow:	GGHS, Salim Khan	AVP
6	Sher Aman s/o said Ghulam vpo, Salim Khan	NQ	GGHS, Salim Khan	AVP
7	Nihaz D/O Anwar Shah vpo, Salim Khan	L/Atd	GGHS, Salim Khan	AVP
8	Abdul Qahar s/o Said Qamar, vpo Tarakai	L/Atd:	GGHS, Tarakai	AVP
9	M.Islam s/o Inzar Gul, VPO,Tarakai	ASweep:	GGHS, Tarakai	AVP
10	M.Zubair s/o Wali Dad vpo,Tarakai	Chow:	GGHS, Tarakai	AVP
11	Tariq Ali s/o Abdullah Shah, vpo, Tarakai	NQ	GGHS, Tarakai	AVP
12	Arshid s/o Alam Khan vpo, Tordher	L/Atd:	GGHS, Tordher	AVP
13	M.Farooq s/o M.Zahid VPO, Lahor	L/Atd:	GGHSS, Lahor	AVP
14	Ghaffar Ali s/o Muzammil Khan vpo Lahor	Sweep:	GGHSS, Lahor	AVP
15	Tahira Naz D/O Faqir said vpo,Lahor	L/Atd:	GGHSS, Lahor	AVP
16	Waheed Murad s/o Faramosh VPO,Topi	Chow:	GGHSS, Topi	AVP
17	Jan Bahadar s/o Lal Bahadar vpo, Pabaini	NQ	GGMS, Pabaini	AVP
18	Tahira w/o Noor Muhammad vpo, Pabaini	Sweep:	GGMS, Pabaini	AVP
19	Zarbali Khan s/o Noshad VPO,Y/Hussain	Sweep:	GHS, I. Yar Hussain	AVP
20	Zafar Ali s/o Fazli Rehman vpo, Beka	Sweep:	GHS, Beka	AVP
21	Sadiq Ali s/o Mian Umar vpo, Dobain	L/Atd:	GHS, Dobian	AVP
22	Wiqar Ali s/o Shahrastan, vpo, Kalu Khan	Sweep:	GHS, Kalu Khan	AVP
23	Wali Ullah s/o Sami ullah vpo, Tarakai	NQ	GHS, Tarakai	AVP
24	Hayat-Ali s/o Khan Wali vpo, Turlandi	Sweep:	GHS, Turlandi	AVP
25	Qamar Zaman s/o Palawan vpo, Salim Khan	L/Atd:	GHS, I. Salim Khan	AVP
26	Siddique Ahmad s/o Shamsul Haq, vpo, S/ Khan	NQ	GHS, I. Salim Khan	AVP
27	Mahfooz Ullah s/oHabibur Rehman, vpo, A.K.Killi	L/Atd:	GHS,Ayub K Killi	AVP
28	Inayatullah s/o Rafiullah VPO,Baja	Bhti:	GHS,Baja	AVP
29	Burhan Ali s/o Raz Wali Khan vpo,G/Muanara	NQ	GHS,G/Munara	AVP
30	Khalid Khan s/o Alam Gul,VPO,J/Nath	L/Atd:	GHS,J/Nath	AVP
31	Lutfur Rehman s/o M.Aslam VPO,Lahor	L/Atd	GHS,Lahor	AVP
32	Bin Yamin s/o A.Jabbar VPO, Lahor	Bhti:	GHS,Lahor	AVP
33	Zarwali Khan s/o Shamshed VPO,Swabi	Sweep	GHS,Swabi	AVP
34	Muradullah s/o Faqirullah VPO,Zarobi	NQ	GHS,Zarobi	AVP
35	Rashid Ahmad s/o Abdul Malik vpo, Jalsai	Sweep:	GMS, Jalsai	AVP
36	Fazli Manzoor s/o Farmanullah vpo, Nabi	NQ	GMS, Nabi	AVP
37	Sakhi ur Rehman s/o M.Muslim vpo, Nabi	Sweep:	GMS, Nabi	AVP
38	Yasir Ali s/o Jehan ullah vpo, K.Sher Killi	NQ	GMS, Roshan Pura	AVP
39	Fazli Raziq s/o Fazli Maan, vpo Thand Koi	NQ	GMS, Thand Koi	AVP
40	Muhammad Arshad s/o M.Quresh vpo, T/Koi	Sweep:	GMS, Thand Koi	AVP
41	Hamayun Khan s/o Abdul nazir vpo, Dagi	Sweep:	GMS,Mathra (D)	AVP
42	Ijaz Ali s/o Sherin dad vpo, Dodher	Chwo:	GGPS, Dodher	AVP
(DECEASED C-IV PERSONS SONS)				
43	Ghulam Farooq s/o M.Ghafoor vpo, Kaddi	NQ	GHS, Kalabat	AVP
44	Jafar Ali s/o Shah Jehan vpo, Lahor	L/Atd:	GGHSS, lahor	AVP
45	Adam Khan s/o Nazir Khan vpo, Beesak	NQ	GHS,Beesak	AVP
46	Sheraz s/o safdar khan, vpo, Kalu Khan	NQ	GHS, Kalu Khan	AVP
47	Muhammad Ismail s/o Sher Khan vpo, Manki.	Sweep:	GHS.Manki	AVP
48	Abdul waheed s/o Zamir Khan vpo, Kabgani	L/Atd:	GHSS, kabgani	AVP
49	Sangi Faras s/o Miskeen Shah vpo, Mamta Banda	Chow:	GGPS, Mamta Banda	AVP

ATTESTED
CE

(LAND OWNERS)

50	Shazia D/O Bakht Zamin vpo, Gohati	Call: 2	CMS, Gohati	AVP
	L. Mania w/o Namdar Ali vpo, Nabi	Call: 3	CMS, Nabi Dhok	AVP
52	Khaton Misal Khan vpo, Yar Hussain	Call: 4	CMS, Yar Hussain	AVP
53	Hamid Khan Takim Khan vpo, Yar Hussain	NQ	CMS, Yar Hussain	AVP
54	Islam Nabi s/o samiullah vpo, Dodher	NQ	GGMS, Dodher	AVP
55	Safaqat w/o ismal Nabi vpo, Dodher	Call 5	GGMS, Dodher	AVP
56	Amin-ul Haq s/o Lajbar Khan vpo, Palu Dand	NQ	GGMS, Palu Dand (SK)	AVP
57	Parveen w/o Anwar ul Haq vpo, Palu Dand	Sweep: 6	GGMS, Palu Dand (SK)	AVP
58	Mufarih Shah s/o Abdul Wahab vpo, Sarwar S K	NQ	GGMS, Sarwar Shah Koty	AVP
59	Sadaqat D/O Noroz Khan vpo, Sarwar Shah Koty	Sweep: 7	GGMS, Sarwar Shah Koty	AVP
60	Misal Khan s/o Dilbar Khan vpo, Kaddi Dagi	Chow:	GGPS, Kaddi Dagi	AVP
61	Habib ur Rehman s/o Ahmad vpo, Kund (Gad)	Chow:	GGPS, Kund (Gaddon)	AVP
62	Muhammad Arif s/o Munawar Khan vpo, Channai	NQ	GHSS, Channai (G)	AVP
63	Haq Nawaz s/o M. Yunas vpo, Channai	L/Atd	GHSS, Channai (G)	AVP
64	Zahid Nawaz s/o M. Yunas vpo, Channai	Chow:	GHSS, Channai (G)	AVP
65	Sher Aman s/o Sardar Khan vpo, Mian Killi	NQ	GMS, Main Killi	AVP
66	Muhammad Ali s/o Shah Nawaz, vpo, Mian Killi	Sweep:	GMS, Main Killi	AVP
67	Zubair Muhammad s/o Fazal Muhammad vop, Musa Banda	NQ	GMS, Musa Banda	AVP
68	Alam Dad s/o Gul Dad vpo, Musa Banda	Sweep:	GMS, Musa Banda	AVP
69	Rozi Khan s/o Esa Khan vpo, Naik Nam Banda	NQ	GMS, Naik Nam Banda	AVP
70	Shamim Khan s/o Raza Khan vpo, Naik Nam B	Sweep:	GMS, Naik Nam Banda	AVP
71	Jehad Ali s/o Murad Ali vpo, Turlandi	NQ	GMS, Turlandi	AVP
72	Sajjad Ali s/o Murad Ali vpo, Turlandi	Sweep:	GMS, Turlandi	AVP
73	Shamsul Arifeen s/o Noor ul Haq, vpo, Kalu Khan	NQ	GMS, Jangal Khel (KK)	AVP
74	Ruhul Amin s/o Fazli haq, vpo, Kalu Khan	Sweep:	GMS, Jangal Khel (KK)	AVP
75	Fazal Shah s/o Tahir Shah vpo, Pio Dher Lar	Chow:	GPS Pio Dher Lar	AVP
76	Munfat Khan s/o hanif Ullah vpo, Lahor	Chow:	GPS, Afzal Khan Banda	AVP
77	S.Gaffar shah s/o Ibrar Khan vpo, Y/hussain,	Chow:	GPS, Allah Dad Khel	AVP
78	Iqbal Shah s/o Pir Khan vpo, Mangal Chi (G)	Chow:	GPS, Jalil (M.Chai)	AVP
79	Said Arab Khan s/o Gulmast vpo, Lahor	Chow:	GPS, Lahor	AVP
80	Jamshid s/o Amir Nawab vpo, permoli	Chow:	GPS, Momin Mah: perm	AVP
81	Niaz Ali s/o Madad Khan vpo, manki	Chow:	GPS, Raees Abad (Mki)	AVP
82	Bahadar Said s/o Said Bawal vpo, Gabasni	Chow:	GPS, S. Bawal Banda (G)	AVP
83	Barkat Ali s/o Jamshid Khan vpo, Ismaila	Chow:	GPS, Sarak Kor (Ismaila)	AVP
84	Nazar Muhammad s/o Taj Muhammad vpo, Bakar	Chow:	GPS, Sher Dil Koty	AVP
85	Ashfaq Ahmad s/o Unab Gul vpo, Jehangira	Chow:	GPS, Shahbaz Pur (Jra)	AVP
86	Munaras Khan s/o Roidad Khan vpo, Y/Hussain	Chow:	GPS, Y/Hussain Khurd	AVP

Terms & Conditions:-

1. NO TA/DA is allowed
2. Charge Reports should be submitted to all concerned.
3. The appointment is purely made on contract basis & liable to termination at any stage/time without assigning any notice.
4. The post is not pension able.
5. They will produced health & age certificate from the medical Superintendeht DHQ Hospital, Swabi..
6. They will not be handed over charge if their age is less then 18 years and above 50 years.
7. In case of resignation they will have to give one month prior notice to the Deptt: or forfeit one month pay in lieu thereof to the Govt:.
8. They will be permanently Domicile of Swabi District.
9. The will have no right of transfer to any other school or post.
10. They will furnish a certificate to the effect that land donated by the person nominated on the consensus of all the legal heirs.

(KHAN SHER)

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

Endst: No. **1580-G/C-IV Apptt: File/EDO(S&L), Dated Swabi the, February, 19, 2004.**

Copy of the above is forwarded for information & n/a to the:-

1. Hon,able Minister of Education, Govt: of NWFP, Peshawar.
2. Secretary Schools & Literacy Department Govt: of NWFP, Peshawar.
3. Director Schools & Literacy, NWFP, Peshawar.
4. District Nazim, Swabi.
5. District Coordination officer, Swabi.
6. District Accounts officer, Swabi.
7. Principal/Headmaster/Headmistress/Head Teacher concerned Schools.
8. DDO(M/F) Swabi/Lahor
9. ADO (B&A)/(Establishment) Local Office.

EXECUTIVE DISTRICT OFFICER

CONTRACT APPOINTMENT.

Consequent upon the approval of the departmental selection committee as per Notification/Letter No. SOR-V (E&AD) 2-25/03/dated 22/10/2003, the following class-IV servants are hereby appointed against vacant contract posts purely on contract basis @ Rs. 2800/-PM fixed in the schools noted against their names with immediate effect in the interest of Public Service.

S#	Name & F-Name	Posted as	Posted at	Remarks
1.	Muhammad Rafiq S/o Zafar Gul, VPO, Adina.	NQ	GGHS, Adina	AVP
2.	Seema Begum D/o Siraj, VPO, Adina	L/Atd	GGHS, Adina	AVP
3.	Ghaffar Ali, S/o Saifullah VPO, Ismaila.	Sweep	GGHS, Ismaila	AVP
4.	M.Afzal S/o Samar Khan VPO, Manki.	L/Atd	GGHS, Manki	AVP
5.	Muhammad Islam S/o M.Inam VPO's, Khan	Chow	GGHS, Salim Khan.	AVP
6.	Sher Aman S/o Said Ghulam VPO, Salim Khan.	NQ	GGHS, Salim Khan.	AVP
7.	Nihaz D/o Anwar Shah VPO, Salim Khan.	L/Atd	GGHS, Salim Khan.	AVP
8.	Abdul Qahar S/o Said Qamar, VPO, Tarakai.	L/Atd	GGHS Tarakai.	AVP
9.	M. Islam S/o Inzar Gul, VPO, Tarakai.	ASweep	GGHS Tarakai.	AVP
10.	M.Zubair S/o Wali Dad VPO, Tarakai.	Chow	GGHS Tarakai.	AVP
11.	Tariq Ali S/o Abdullah Shah VPO, Tarakai.	NQ	GGHS Tarakai.	AVP
12.	Arshid S/o Alam Khan VPO, Tarder.	L/Atd	GGHS Tarakai.	AVP
13.	M. Farooq S/o M Zahid VPO, Lahor.	L/Atd	GGHS Tordher.	AVP
14.	Ghaffar Ali S/o Muzammil Khan VPO, Lahor.	Sweep	GGHS Lahor	AVP
15.	Tahira Naz D/o Faqir Said VPO, Lahor.	L/Atd	GGHSS Lahor	AVP
16.	Waheed Murd S/o Faramosh VPO, Topi.	Chow	GGHSS Lahor	AVP
17.	Jan Bahadur S/o Lal Bahadur VPO, Pabaini.	NQ	GGHSS, Topi.	AVP
18.	Tahira W/o noor Muhammad VPO, Pabaini.	Sweep	GGMS, Pabaini.	AVP
19.	Zarball Khan S/o Noshad VPO, Y/Hussain.	Sweep	GGMS, Pabaini.	AVP
20.	Zafar Ali S/o Fazli Rehman VPO, beak.	Sweep	GHS Yar Hussain	AVP
21.	Sadiq Ali S/o Mian Umar VPO, Dobain.	L/Atd	GHS Beka	AVP
22.	Wiqar Ali S/o Shahratan, VPO, Kalu Khan.	Sweep	GHS Dobian	AVP
23.	Wali Ullah So. Sami Ullah VPO, Tarakai.	NQ	GHS kalu khan	AVP
24.	Hayat Ali S/o Khan Wali VPO, Turlandi.	Sweep	GHS Tarakai	AVP
25.	Qamar Zaman S/o Palawan VPO, Salim Khan.	L/Atd	GHS Turlandi	AVP
26.	Sidique Ahmad S/o Shamsul Haq, VPO, S/Khan.	NQ	GHS salim Khan	AVP
27.	Mahfooz Ullah S/O Habibur Rehman, VPO, A.k.Killi.	L/Atd	GHS salim Khan	AVP
28.	Inayat Ullah S/o Rafiullah VPO, Baja.	Bhti	GHS Ayub K Killi.	AVP
29.	Burhan Ali S/o Raz Waii Khan VPO, G/Muanar.	NQ	GHS Baja	AVP
30.	Khalid Khan S/o Alam Gul, VPO, J/Nath.	L/Atd	GHS G/Munara.	AVP
31.	Lutfur Rehman S/o M Aslam VPO, Lahor.	L/Atd	GHS J/Nath	AVP
32.	Bin Yamin S/o A. jabbar VPO, Lahor.	Bhti	GHS Lahor	AVP
33.	Zarwali Khan S/o Shamshed VPO, Swabi.	Sweep	GHS Lahor	AVP
34.	Muradullah S/o Faqirullah VPO, Zarobi.	NQ	GHS Swabi.	AVP
35.	Rashid S/o Abdul Malik VPO, jalsai.	Sweep	GHS Zarobi	AVP
36.	Fazli Manzoor S/o Farmanullah VPO, Nabi.	NQ	GMS, Jalsai	AVP
37.	Sakhi Ur Rehman S/o M. Muslim VPO, Nabi.	Sweep	GMS Nabi	AVP
38.	Yasir Ali S/o Jehan Ullah VPO, K Sher Killi.	NQ	GMS Nabi	AVP
39.	Fazli Raziq S/o Fazli manna, VPO, Thanda Koi.	NQ	GMS, Jalsai	AVP
40.	Muhammad Arshad S/o M Quresh VPO, T/Koi.	Sweep	GMS Roshan Pura	AVP
41.	Hamayun Khan S/o Abdul Nazir VPO, Dagi.	Sweep	GMS Mathra	AVP
42.	Ijaz Ali S/o Sherin Dad VPO, Dodher.	Chow	GGPS, Dodhar	AVP
(DECEASED C-IV PERSONS SONS)				
43.	Ghulam Farooq S/o M. Ghafoor VPO, Kaddi.	NQ	GHS, Kalabat	AVP
44.	Jafar Ali S/o Shah Jehan VPO, Lahor.	L/Atd	GGHSS, Lahor	AVP
45.	Adam Khan S/o Nazir Khan VPO, Beesak.	NQ	GHS, Beesak	AVP
46.	Sheraz S/o Safdar Khan, VPO, Kalu Khan.	NQ	GHS Kalu Khan	AVP
47.	Muhammad Ismail S/o Sher Khan VPO, Manki.	Sweep	GHS Beesak	AVP
48.	Abdul Waheed S/o Zamir Khan VPO, Kabgani.	L/Atd	GHSS, Kabgani	AVP
49.	Sangi faras S/o Miskcen Shah VPO, mamta Banda.	Chow	GGPS, Mamta Banda	AVP

ATTESTED


(LAND OWNERS)

50.	Shahzia D/o Bakht Zamin VPO, Gohati.	Call	GMS, Gohati	AVP
51.	Usnania W/o Namdar Ali VPO, Nabi.	Call	GMS, Nabi Dhok	AVP
52.	Khan S/o Misal Khan, VPO, Yar Hussain.	Call	GMS, Yar Hussain	AVP
53.	Hamid Khan S/o Hakim Khan VPO, Dohar.	NQ	GMS, Yar Hussain	AVP
54.	Islam Nabi S/o Samiullah VPO, Dohar.	NQ	GGMS, Dodhar	AVP
55.	Safaqat W/o Ismal Nabi VPO, Dohar.	Call	GGMS, Dodhar	AVP
56.	Amin Ul Haq S/o Lajbar khan VPO, Palu Dand.	NQ	GGMS, Palu Dand (SK)	AVP
57.	Parveen W/o Anwar ul Haq VPO, Palu Dand.	Sweep	GGMS, Palu Dand (SK)	AVP
58.	Mufarih Shah S/o Abdul Wahab VPO, Sarwar SK.	NQ	GGMS Sarwar Shsh Koty.	AVP
59.	Sadaqat D/o Noroz Khan VPO, Sarwar Shsh Koty.	Sweep	GGMS Sarwar Shsh Koty.	AVP
60.	Misal Khan S/o Dilbar Khan VPO, Kaddi Dagi.	Chow	GGPS Kaddi Dagi.	AVP
61.	Habib ur Rehman S/o Ahmad VPO, kund (Gad).	Chow	GGPS, Kund (Gaddon)	AVP
62.	Muhammad Arif S/o Munawar Khan VPO, Channai.	NQ	GHSS, Channai (G)	AVP
63.	Haq Nawaz S/o M Younas VPO, Channai.	L/Atd	GHSS, Channai (G)	AVP
64.	Zahid Nawaz S/o M Younas VPO, Channai.	Chow	GHSS, Channai (G)	AVP
65.	Sher Aman S/o Sardar Khan VPO, Mian Killi.	NQ	GMS Mian Killi	AVP
66.	Muhammad Ali S/o Shah Zawaz VPO, Mian Killi.	Sweep	GMS Mian Killi	AVP
67.	Zubair Muhammad S/o Fazal Muhammad VPO, Musa Banda.	NQ	GMS, Musa Banda	AVP
68.	Alam Dad S/o Gul Dad VPO, Musa Banda.	Sweep	GMS, Musa Banda	AVP
69.	Rozil Khan S/o Esa Khan VPO, Naik Nam Banda.	NQ	GMS Naik Nam Banda	AVP
70.	Shamim Khan S/o Raza Khan VPO, Naik Nam B.	Sweep	GMS Naik Nam Banda	AVP
71.	Jehad Ali S/o Murad Ali VPO, Turlandi.	NQ	GMS Turlandi	AVP
72.	Sajid Ali S/o Murad Ali VPO, Turlandi.	Sweep	GMS Turlandi	AVP
73.	Shamsul Arifeen S/o Noor Ul Haw. VPO, Kalu Khan.	NQ	GMS Jangal Khel (KK)	AVP
74.	Ruhul Amin S/p Fazli Haq VPO, Kalu Khan.	Sweep	GMS Jangal Khel (KK)	AVP
75.	Fazal Shah S/o tahir Shsh VPO, Pco Dher Lar.	Chow	GPS Pio Dher Lar	AVP
76.	Munfat Khan S/o Hanif Ullah VPO, Lahor.	Chow	GPS Afzaki Khan Banda	AVP
77.	S. Gaffar Shah/ S/o Ibrar Khan VPO, Y/Hussain.	Chow	GPS, Allah Dad Khel	AVP
78.	Iqbal Shsh S/o Pir Khan VPO, Mangal Ghi (G).	Chow	GPS Jalil (M.Chai)	AVP
79.	Said Arab Khan S/o Gulmast VPO, Lahor.	Chow	GPS, Lahor	AVP
80.	Jamshid S/o Amir Nawab VPO, Permoli.	Chow	GPS Momin Mah Perm	AVP
81.	Niaz Ali S/o Madad Khan VPO, Manki.	Chow	GPS Raees Abad (MKI)	AVP
82.	Bahadur Said S/o Said Bawal VPO, Gabasni.	Chow	GPS S. Bawal Banda (G)	AVP
83.	Barkat Ali S/o Jamshid Khan VPO, Ismaila.	Chow	GPS Sarak kor (Ismaila)	AVP
84.	Nazar Muhammad SoTaj Muhammad VPO, Bakar.	Chow	GPS Sher Dii Kotay	AVP
85.	Ashfaq Ahmad S/o Unab Gul VPO, Jehangira.	Chow	GPS Shahbaz Pur (Jra)	AVP
86.	Munaras Khan S/o Roidad Khan VPO, Y/Hussain	Chow	GPS, Y/Hussain Khurd	AVP

TERMS & CONDITIONS:-

1. No TA/DA is Allowed.
2. Charge reports should be submitted to all concerned.
3. The appointment is purely made on contract basis & liable & to termination at any stage/time without assigning any notice.
4. the post is not pension able.
5. they will produced health & age certificate from the medical superintendent DHQ Hospital, Swabi.
6. They will not be handed over charge if their age is less then 18 years and above 50 years.
7. in the case of resignation they will have to give one month prior notice to the Deptt: or forfeit one month pay in lieu thereof the Govt:
8. They will be permanently Domicile of Swabi District.
9. the will have no right of transfer to any other School or Post.
10. they will furnish a certificate to the effect that land donated by the person nominated on the consensus of all the legal heirs.

Khan Sher
Excutive District Officer
Schools & Litracry, Swabi.

Endst No. 1580-G/C-IV Appt: File/EDO (S&L), Dated Swabi the, 19/02/2004.
Copy of the above is forwarded for information & N/a to the:-

1. Hon'ble Minister of Education, Govt of NWFP, Peshawar.
2. Secretary Schools & Litrracy department Govt of NWFP, Peshawar.
3. Director Schools & Literacy, NWFP Peshawar.
4. District Nazim, Swabi.
5. District Coordination Officer, Swabi.
6. District Account Officer, Swabi.
7. Principal/HeadMaster/headmisteress/head teacher concerned School.
8. DDO (M/F) Swabi/Lahor.
9. ADO (B&A)/(Establishment) Local Officer.

ATTESTED
Oks

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI

ANNEX B
8

NOTIFICATION.

Transfer/adjustment of the following Class IV are hereby ordered on their own pay and BPS to the school noted against each name in the best interest of public service from the date of their taking over charge.

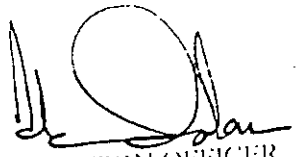
S#	Name	From	To	Remarks
1	Muhammad Bilal, Chowkidar	GGPS Manki	GHS Lahor	Vice S#-2 On disciplinary ground
2	Anwar Ali, Chowkidar	GHS Lahor	GGPS Manki	Vice S#-1
3	Alam Sher, N/Qasid	GGHS Sudher	GHS Dobian	Vice S#-4 On disciplinary ground
4	Amir Bacha, N/Qasid	GHS Dobian	GGHS Sudher	Vice S#-3
5	Mufarrih Shah, N/Qasid	GGHS Sarwar Shah Kothey	GHS Serai	Vice S#-6 On disciplinary ground
6	Shah Zada N/Qasid	GHS Serai	GGHS Sarwar Shah Kothey	Vice S#-5

- NOTE:-
1. TA/DA is not allowed to any one.
 2. Charge reports should be submitted to all concerned.

(ABDUS SALAM)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Order No. 2038-G /Dated Swabi the 19/5/2014.
Copy of the above is forwarded for information and n/action to the:-

1. District Accounts Officer, Swabi.
2. DEO (F) Swabi w/r to her No.892-94 dated 05.05.2014.
3. SDEOs (M/F) concerned.
4. Headmasters/Headmasters (M/F) concerned schools.
5. Officials concerned.


DISTRICT EDUCATION OFFICER
(MALE) SWABI

ATTESTED


OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI

NOTIFICATION

Transfer/adjustment of the following Class-IV are hereby ordered on their own pay and BPS to the school noted against each name in the best interest of public service from the date of their taking over charge.

S #	Name	From	To	Remarks
1.	Muhammad Bilal. Chowkidar	GGPS Manki	GGS Lahor	Vice S#-2 On disciplinary ground
2.	Anwar Ali Chowkidar	GHS Lahor	GGPS Manki	Vice S#-1
3.	Amir Sher N/Qasid	GGHS Sudher	GHS Dobain	Vice S#-4 On disciplinary ground
4.	Amir Bacha N/Qasid	GHS Dobain	GGHS Sudher	Vice S#-3
5.	Mufarrih Shah, N/Qasid	GGHS Sarwar Shah Kothey	SGHS Serai	Vice S#-6 On disciplinary ground
6.	Shah Zada N/Qasid	GHS Serai	GGHS Sarwar Shah Kothey	Vice S#-5

- Note: 1. TA/DA is not allowed to any one.
2. Charge reports should be submitted to all concerned

(ABDUS SALAM)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst: 2038-G/Dated Swabi 19/05/2014.

Copy of the above is forwarded for information and n/action to the:

1. District Accounts Officer, Swabi.
2. DEO (F) Swabi w/r to her No.892-94 dated 05.05.2014.
3. SDEOs (M/F) Concerned.
4. Headmasters/Headmasters (M/F) concerned schools.
5. Officials concerned.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) SWABI

ATTESTED

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Page No. 9
C

حضرت ڈاکٹر گلشن امین (مردانہ) ضلع کلاں

عنوان: منسوخ شدہ رٹوارڈ

صدا علی

گزارش ہے کہ ملازم کو غلطی سے رٹوارڈ

دراستہ کر کے منسوخ کر دیا گیا ہے۔ ڈیڑھی سے ایک سال

آگے رٹوارڈ نمبر 2030-9 مورخہ 19/5/2016 کو منسوخ شدہ رٹوارڈ نمبر

136/2016 کے تحت 645 سری کیس ہو چکا تھا۔ اور مورخہ 13/6/2016 کو منسوخ کر دیا گیا۔

اس کیس کے بارے میں 645 سری کے آرڈر نمبر 923 مورخہ 16/6/2016

کو ذرا بعد سے ڈیڑھی سے ایک سال سے اڑھار دیا۔

انٹیلیجنس ایجنسی کے سربراہ نے اس کیس کے بارے میں

میں توجہ دینے کے لئے کوئی اقدام نہیں۔

اس کیس کے بارے میں گزارش ہے کہ میرا رٹوارڈ

منسوخ کر کے کسی احتفاظات کے لئے منسوخ کر دیا گیا ہے۔
(تمام کاپیاں لف ہیں)

اس کے تحت مورخہ 16/6/2016

انٹیلیجنس

645 سری کے آرڈر نمبر 923 مورخہ 16/6/2016

میرا رٹوارڈ منسوخ کر دیا گیا ہے۔
ضلع کلاں

ATTESTED
A

انجمن خیرات ایجوکیشن افسیر (مردانہ) ضلع ہورلی

عنوان :- منسوق ٹرانسفر آرڈر

9

ذبا علیا : گزارش ہے کہ سائل گورنمنٹ لکڑ بائی سکول سرور شاہ

کوٹھہ میں بطور نائب قاعد ڈیوٹی سرانجام دے رہا ہے۔ اس آفس آرڈر نمبر 07-2030 مورخہ 19/5/2014 کو مسٹر ٹرانسفر مذکورہ کو مجھے سے Release کیا گیا۔

پریسٹر صاحب 07113 لیکن لیسٹرنمبر 923 مورخہ 16/6/16

کے ذریعے مجھے ڈیوٹی پر لینے سے انکار کیا۔

ذبا علیا میں ایک مندرجہ ذیل آوی ہوئی ہے۔ اد منیٹرائز کے اس دعوے تنخواہ کے علاوہ کوئی آمدنی نہیں۔

آر صاحبان سے گزارش ہے۔ کہ مسٹر ٹرانسفر آرڈر منسوق کرنے کی احکامات صادر فرمائیں مشکور فرمادیں۔

رہنما کامیال لکھنؤ

الموقع 6/2014

الغاریں

مفتوح شاہ نائب قاعد 07113 سرور شاہ کوٹھہ نوٹھ

ATTESTED

ضلع ہورلی

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Page 7 of 7

BEFORE THE SERVICE TRIBUNAL K.P.K , PESHAWAR

Service Appeal No. 1163/2014

Mufarih Shah.NaibQasid.....Appellant.

VERSUS

Director of(Ele & Sec) Edu. Khyber Pakhtunkhwa , Peshawar and others.....Respondents.

REPLY ON BEHALF OF THE RESPONDENTS NO.1& 2

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That, the appellant has neither locus standi nor cause of action to file the instant appeal.
2. That, the instant appeal is badly time barred.
3. That, the appellant has filed the instant appeal jus to pressurize the respondents.
4. That the appeal is bad for misjoinder and nonjoinder of the necessary party.
5. That the appellant has not come to the tribunal with clean hands.
6. That the appellant has concealed the material facts from Honourable Tribunal.
7. That appellant is estopped by his own conduct.
8. That under section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, a Civil Servant is liable to serve anywhere in the province.
9. That Under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act,1974, appeal is not maintainable.

ON FACTS:

1. This Para of the appeal related to the Service record of the appellant hence needs no comments.
2. Denied & incorrect, the appellant constantly disturbing/threatening the school staff and disobeying his high ups.(Annex-A)
3. Incorrect the Deputy Commissioner recommended that appellant and his wife are the real problem creators in the school, disobeyed the order of the incharge of the

Page 7 of 10

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school and also abused the incharge teacher. They considered themselves the land owner not Class-IV and they consider themselves superior to the staff and above the law. More over the transfer is issued by competent authority in public interest. (Annex-B).

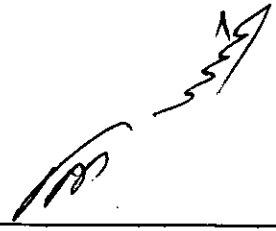
4. Misconceived and incorrect, the appellant filed appeal to DEO, while proper forum was Director, hence appeal is not maintainable and the appeal in hand is liable to be dismissed on the following grounds.

GROUND:

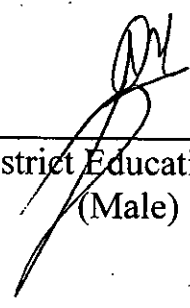
- a. **Incorrect and denied, the Department has not bulldozed any vested right of the appellant. In fact the appellant was treated in accordance with law rules & transfer policy.**
- b. **misconceived and incorrect, in fact The Deputy Commissioner recommended that appellant and his wife are the real problem creators in the school, disobeyed the order of the incharge of the school and also abused the incharge teacher. they considered themselves the land owner not Class-IV and also consider themselves superior to the staff and above the law**
- c. **Incorrect and denied. In fact the appellant has been treated in accordance with law rules & transfer policy.**
- d. **misconceived & incorrect, the appellant has been transferred to male school, which is adjacent to Female school. as per spouse policy, the appellant and his wife both are in same U/C & District as admitted.**
- e. **Incorrect and denied, the department has not bulldozed nature right of the appellant.**
- f. **Incorrect, the appellant transfer order is issued as per law, rules and policy.**
- g. **Incorrect and already explained in above Paras.**
- h. **That respondent also would like to seek the permission of this Honourable Tribunal to advance other grounds at the time of arguments.**

Page No 03
33

In the wake of the above submissions, it is requested that this Honourble Tribunal may very graciously be pleased to dismiss the instant appeal with cost.

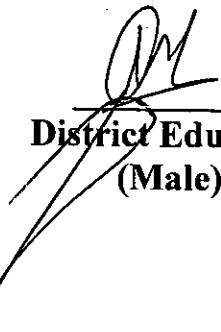


**DIRECTOR
(ELE. & SEC) EDUCATION
GOVT. K.P.K PESHAWAR**


**District Education Officer
(Male) Swabi**

AFFIDAVIT

We do hereby solemnly affirm and declare on oath that the content of the accompanying Para-wise comments submitted by respondents are true and correct to the best of our knowledge and belief that nothing has been concealed from this Honorable tribunal.


**District Education Officer
(Male) Swabi**

کھنڈہ شاہ ڈی ای او صاحبہ (زنگ) ضلع سرواڑی

صدا عالمہ
مدوبانہ گزارش ہے کہ میں ڈیوٹی لگنے والی سکول سرور شاہ کوٹھ میں

اسی خدمات انجام دے رہی ہوں۔ اور ساتھ ہی سکول کی اطلاع

کے رہی ہوں۔ اس سلسلے میں اعتراض کی یاد دہانی کے لئے میں

فلاس فور مفرح شاہ (ناشٹا صاحبہ) نے مجھ سے مددگاری کی اور طالبان

کھی دی جس پر میں نے محکمہ کو مطلع کیا۔ اب مذکورہ فلاس فور

مجھ کو طرح طرح کی دھمکیاں دے رہا ہے۔ لہذا میں آپ کو بھی

اطلاع دے رہی ہوں کہ اگر پھر ایسی قسم کا نقصان ہوا

یا کوئی تکلیف پڑے تو اس کا ذمہ دار مفرح شاہ (ناشٹا صاحبہ)

ہوگا۔ اور میرا دعوئی اسی پر ہوگا

الصارحہ
رشدہ مارا بجارج
جی بی ایچ ایس سرور شاہ کوٹھ

Date: 21-04-2014

جنوبی پنجاب ڈسٹرکٹ ایجوکیشن آفیسر (پرائمری) لاہور

جناب عالی

موردہ نام کے اردنی بچے، جن میں سٹارٹنگ پیغام (S.E.T) (6) ایچ. اے. اے. کوڈ نمبر
 27-09-2013 سے سکول سرورڈ ہوا ہے۔ آپ سے درخواست کرتا
 ہوں کہ آپ کوڈ نمبر 27-09-2013 سے سکول کے درمیان ہفتائی کے
 معاملے پر جھگڑا ہٹا کر 2 دن (پہلی) سکول چلے جائیں اس سے پہلے
 کہیں پھیلنا، ایچ. اے. اے. سے آگے نہ بڑھیں (S.E.T) کے ان جھگڑوں سے
 مجبور ہو کر چارڈیا میرے حوالے کیا۔ ان پر نائب قاضی نے
 اس معاملے میں عدالت میں لیس ڈال دیا ہے۔ میڈیا ہاؤس
 میں ایک ٹیپ ہوں میں ان معاملات کو ڈیل میں آسکتی
 کیونکہ وہ اپنے پیرنٹس سے لے کر ہوتے ہیں میں سکول
 ایجنڈا کے فریضے سر انجام میں آسکتی آپ میرا ہاتھ
 لے کر خود سکول کے لیے حیدرآباد میں سٹاپا کریں۔

سٹارٹنگ پیغام (S.E.T) (6)
 مورخہ 27-09-2013

Teachers name	Signature
(1) Amina Begum S.E.T	
(2) Nusrat Aziz	
(3) Jazba P.T.	
(4) Saim Shakeenpur D.M	
(5) Laila	
(6) Robina Qureshi	
(7) Humaira	
(8) Jina Gul	

BEFORE THE SERVICE TRIBUNAL K.P.K , PESHAWAR

Service Appeal No. 1163/2014

Mufarih Shah. NaibQasid.....Appellant.

VERSUS

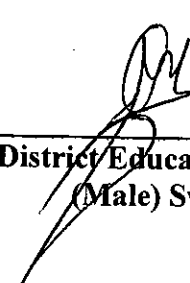
District Education Officer (Female) Swabi and others.....Respondents.

Respectfully Sheweth,

The Respondent most humbly submit as under:

- 1) *That the titled service appeal is pending adjudication before this Honorable Tribunal, next date of hearing is 23/12/2014.*
- 2) *Incorrect the respondents have got a prima Facie case and are sanguine of its success.*
- 3) *Incorrect balance of convenience lies in favour of respondents and if impugned order is suspended, the respondents will suffer irreparable loss.*
- 4) *That the grounds mentioned in the parawise comments may be read as an integral part of this reply.*

In the wake of the above submissions, it is requested that this Honourble Tribunal may very graciously be pleased to dismiss the instant application.


District Education Officer
(Male) Swabi

AFFIDAVIT

We do hereby solemnly affirm and declare on oath that the content of the accompanying Parawise reply submitted by respondents are true and correct to the best of our knowledge and belief that nothing has been concealed from this Honorable tribunal.


District Education Officer
(Male) Swabi

In The Khyber Pakhtunkhwa Service Tribunal, Peshawar

In re-Service Appeal No 1163/2014

Mufarih Shah Versus Director (E & S) Edu & Others

Rejoinder on behalf of Appellant

Respectfully Sheweth,

On Preliminary Objections:

All the preliminary objections are formal, wrong, incorrect, misleading and misconceived, hence denied.

On Facts:

1. Para No "1" of reply needs no rejoinder.
2. Para No "2" of the reply is wrong and incorrect, hence denied while that of the Appeal is correct.
3. Para No "3" of the reply is an ample proof of the fact that the impugned order of posting has been passed on the directions of Deputy Commissioner, who is not the competent authority and the impugned order is neither passed in the exigency of service nor in public importance.
4. Para No "4" of the reply is wrong, incorrect, misleading and misconceived, hence denied while that of Service Appeal is correct.

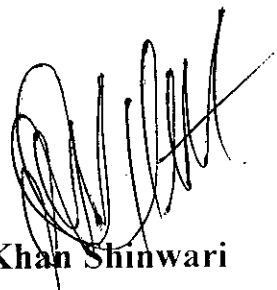
On Grounds:

- a. Para "a" of the reply is wrong and incorrect, hence denied while that of the Appeal is correct.
- b. Para "b" of the reply is an ample proof of the fact that the impugned order of posting has been passed on the directions of Deputy Commissioner, who is not the competent authority and the impugned order is neither in the exigency of service nor in public importance.
- c. Para "c" of the reply is wrong and incorrect, hence denied while that of the Appeal is correct.
- d. Para "d" of the reply is wrong and incorrect, hence denied while that of the Appeal is correct.
- e. Para "e" of the reply is wrong and incorrect, hence denied while that of the Appeal is correct.

- f. Para "f" of the reply is wrong and incorrect, hence denied while that of the Appeal is correct.
- g. Para "g" of the reply is wrong and incorrect, hence denied while that of the Appeal is correct.
- h. Para "h" needs no rejoinder.

It is, therefore, prayed that the title Service appeal may kindly be allowed as prayed for.

Through
Appellant,
Muhammad Ayub Khan Shinwari
Advocate Peshawar



Affidavit

I, Mufarih Shah S/o Abdul Wahab Naib Qasid, GGHS, Sarwar Shah Kotay, Gohati, District Swabi do hereby solemnly affirm and declare on oath that the contents of the accompanying rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



DEPONENT

ATTESTED



2015



DISTRICT EDUCATION OFFICE (MALE) SWABI
(Office phone & Fax No 0938280239, emis_swabi@yahoo.com)

To,

The Chairman,
Service Tribunal Khyber Pakhtunkhwa, Peshawar

Subject: Request for inclusion of supplementary Documents in
Service Appeal No.1163/2014.

Respectfully Sheweth.

With passive submission the undersigned is going to request in to your good honour that the linked documents may please be included in the Service Appeal No. 1163/2014, These documents consist of :-

1. **On Facts Statement**
2. **Inquiry Report against Mr.Mufarih Shah Naib/Qasid (Appellant)**
3. **Statement of the Headmistress, GGHS Sarwar Shah Kotey (Swabi).**

Encls: As above.

DISTRICT EDUCATION OFFICER
(MALE) SWABI
Dist. Education Officer
(Male) Swabi

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.1163/2014

Mr. Mufarih Shah Naib Qasid----- Appellant .

VERSUS

Director E&SE Khyber Pakhtunkhwa Peshawar and others..... Respondents.

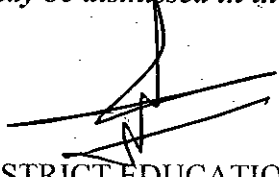
INCLUSION OF SUPPLEMENTARY DOCUMENTS

Respectfully Sheweth,

ON FACTS.

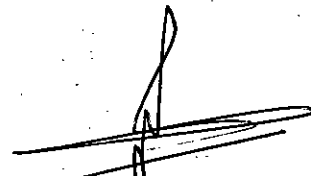
That the respondent most humbly submit the report of the Enquiry Officer against Mufarih Shah Naib Qasid which may very kindly be included in documents of Service Appeal No.1163/2014. As per suggestions and recommendations of the Enquiry Officer " **Mr. Mufarih Shah Naib Qasid may compulsorily be retired as he is not fit for the said job.**"(Annexure-A).

It is requested that the ex- parte proceedings initiated against the respondents may very graciously be pleased cancelled and the appeal may be dismissed in the light of enquiry officer suggestions and recommendations.


DISTRICT EDUCATION OFFICER
(MALE) SWABI
**Distt. Education Officer
(Male) Swabi**

Affidavit

I do hereby solemnly affirm declare that the contents of the comments submitted by respondents is true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Court.


DISTRICT EDUCATION OFFICER
(MALE) SWABI
**Distt. Education Officer
(Male) Swabi**

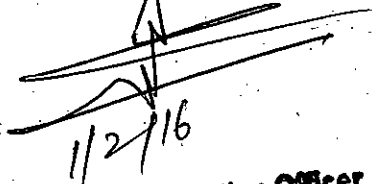
Annexure — A
Office of the Principal G.H.S. Maneri Payan Swabi
Enclast NO 621 dated 28/12/2014 179

The District Education Officer (M)
Elementary and Secondary Education
Swabi

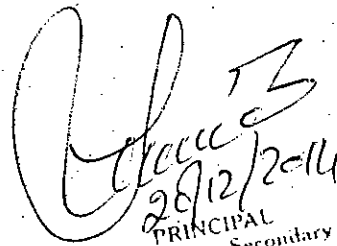
Subject: Inquiry Report

Memo, Enclosed please find herewith
an inquiry report along with supporting
documents in respect of Mr Mufarakh
Shah N/Q of G.H.S. Sarwar Shah
Kaley for info necessary action.

Accepted


11/2/16

Distt. Education Officer
(Male) Swabi


28/12/2014
PRINCIPAL
Govt Higher Secondary
School Maneri Payan
Distt. Swabi

PROCESS OF INQUIRY

Reference to the letter of DEO (male) Swabi, Endst No. 2190 dated 28/10/2014; the Undersign visited GGHS Sarwar Shah kotey and GHS Serai on 26/11/14 and conducted an unbiased and impartial inquiry. All the concerned except Mr. Mufarekh Shah were present as they had already been informed. A questionnaire was served on the Head Mistress. A day after a questionnaire was given to the N/Q of the school-Mr. Mufarekh Shah who returned the same without any response. Record relating to the matter was collected from GGHS Sarwar Shah kotey. A self-explanatory statement from the Principal GHS Serai along with the statement of Mr. Shahzada, the N/Q of GHS Serai, was collected. Verbal information regarding the matter was taken too.

Findings

In the light of response to questionnaire, statements, and verbally collected information, the following findings were observed.

- 1) Mr. Mufarekh Shah has been serving as N/Q in Education Deptt since 21/02/2014.
- 2) His wife has also been working as Lab Attendant in the said school.
- 3) She filed a Civil Suit against the Headmistress by name which was dismissed by the Court.
- 4) As and when the I/C Head Mistress issued Order book to Mr. Mufarekh Shah for duty, he repeatedly wrote over the order book in one way or the other to refuse the order. The school record is the clear and authentic evidence of the fact.
- 5) He and his wife have been creating problems for the teaching staff since the establishment of the school.
- 6) Mr. Mufarekh Shah considers himself superior to the staff. His airs is that of landowner rather than that of C-IV
- 7) He frequently used abusive language.
- 8) Teaching staff remained under stress and strain for so many years due to rude and uncouth behavior of Mr. Mufarekh Shah.
- 9) AAC reported Mr. Mufarekh Shah of rude and uncouth behavior with the remarks that that he didn't abide by the Govt orders.
- 10) In the light of complaints of teaching staff and the adverse remarks of AAC reported by DC, the Female DEO proposed him for transfer to the nearest Male school
- 11) He was transferred on disciplinary ground to GHS Serai and was replaced by Mr. Shahzad

Assessed
[Signature]
11/2/16

**Distt: Education Officer
(Male) Swabi**

[Handwritten notes and signatures in Urdu]

- 12) The Principal of GHS Serai didn't relieve Mr. Shehzad on the ground that he was the best and most dutiful N/Q of his school
- 13) The Principal of GHS Serai also verbally reported that Mr. Mufarekh Shah is the most rude and problematic person
- 14) Mr. Mufarekh Shah told that the reason of his tussle with the teachers is due to stopping them from celebrating their daughters /sons' birthdays on students' contribution.
- 15) His salary is stopped since May 2014.

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Suggestions and Recommendations

In the light of findings, the following Suggestions and Recommendations may be made for your final and necessary action please.

- 1) Mr. Mufarekh Shah may be compulsorily retired as he is not fit for his job.
- 2) Another inquiry may be conducted to dig out the facts behind the teachers' involvement in the activities other than curricular and co-curricular ones.

Assessed

[Signature]
11/2/16

**Distt: Education Officer
(Male) Swabi**

[Signature]
11/2/2016
Principal

GHSS Maneri Payan.

[Handwritten notes in Urdu]
11/2/2016

گورنمنٹ ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) صلح سہولی ۱

حصہ ۱

ڈسٹرکٹ ہے۔ گورنمنٹ ہائی سکول سرورشاہ کوٹ

گو ہائی (سہولی) کا نام فائدہ کا چوست مورخ 13/6/2014 سے

خالی ہے۔ مذکورہ سکول میں صرف ایک چوکیدار ہے جو کہ رات
کی ڈیوٹی دیتا ہے۔ چونکہ پلہ کھیل کھیلوں کا سکول ہے اور دن کو
گیت خالی رہ جانے سے کسی وجہ سے بہت سے خطرات لاحق
ہو سکتے ہیں۔ اس سے بچنے کے لئے سکول ہذا کی چھٹی نمبر 660

مورخ 5/9/2014 اور چھٹی نمبر 699-701 مورخ 6/11/2015 میں
بھی آپ کی توجہ اس طرف منور کیا گیا تھا۔ لیکن اس پر تاحال
کوئی عمل درآمد نہیں کیا گیا ہے۔

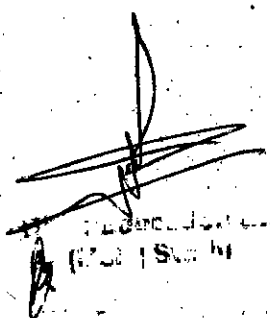
اس لئے میرے ہمراہی مذکورہ سکول کے لئے حلیہ از حد

نام فائدہ کا درخواست کرنی۔


میرا سہ نمبر 708-09 مورخ 16/02/2015

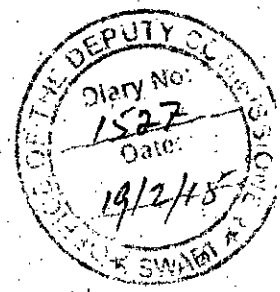
کاپی میرے اطلاع

(۱) - ڈی۔ سی۔ سہولی



Spami
HEAD MISTRESS
GGHS Sarwar Shah Kothi
Gohati Distr: Swahi

SAO

DC Gohati



DA - 1
26/2/15

(3A)
Office of the Head Mistress,
GGHS - Sarwar Shah Kothey
Gohati (Swabi).
No 711 Dated 24/2/2015

To

The District Edu; Officer
(Female) Swabi

Subject:- Report Regarding Mufarrih Shah, N/O.

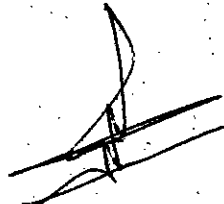
Memo,

Reference your office letter No. 415
Dated 19/2/2015 on the subject cited above.

Mr. Mufarrih Shah, N/O Asid performed
duty upto 13-6-2014 and his pay ^{was} stopped
due ^{to} his transfer wof:- 13-6-2014 (A.N.).

Spami
HEAD MISTRESS
GGHS Sarwar Shah Kothey
Gohati Distt: Swabi

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27/2/15


Head Mistress
GGHS Sarwar Shah Kothey
Gohati Distt: Swabi

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M.No. _____/2015
In
Service Appeal No.1163/2014

S.W.P Province
Service Tribunal
Diary No. 197
dated 24-3-15

Mufariq Shah

Versus

Director (E&S) Education Department and another

*APPLICATION FOR EARLY HEARING AND
FIXATION OF THE TITLED CASE ON THE
BELOW DESCRIBED GROUNDS*

*Place on file
2/4/2015*

Respectfully Sheweth;
Applicant most humbly submits as under;

1. That the above titled case is pending adjudication in this Hon'ble Court Bench No.2, and fix for hearing on 02.09.2015.
2. That on the previous date of hearing dated 18.03.2015 the case was fixed for further arguments on the above described date, which are six months.
3. That the matter pertaining to the service of the applicant wherein not only applicant suffering a lot due to the illegality commit with the applicant, rather monthly salary of the applicant is stopped due to which applicant is facing extreme hardships for earning bread and butter for this family being only guardian.
4. It is just fair and proper if the application in hand may be considered and there is no legal bar upon the acceptance of this application.

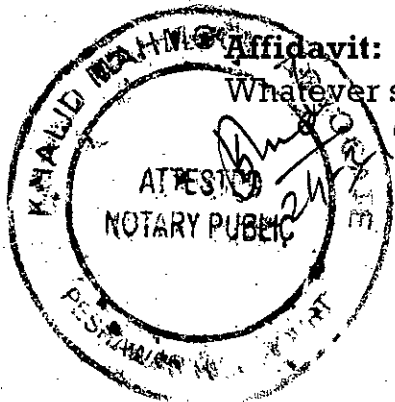
It is therefore, prayed that on acceptance of this application the given date 02.09.2015, may kindly be accelerated and the case of the applicant may be fixed and heard as on earlier.

Applicant (in person)
APPELLANT

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Affidavit:

Whatever stated above is true nothing concealed in it.



مقرات
APPELLANT

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 274 /ST Dated 1 / 2 / 2017


To

The District Education Officer (Male),
Government of Khyber Pakhtunkhwa,
Swabi.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 16.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.