

8

06.04.2015

Counsel for the appellant and Asst: AG for the respondents present. Counsel for the appellant requested for adjournment. Adjourned for 11.05.2015 for preliminary hearing before S.B.

  
Member

9

11.05.2015

Agent of counsel for the appellant present. Requested for adjournment. Last opportunity granted. Adjourned to 25.05.2015 for preliminary hearing before S.B.

  
Chairman

10

25.05.2015

Agent of counsel for the appellant present. . Counsel for the appellant is not in attendance due to strike of the Bar. Last opportunity extended to 8.6.2015 for preliminary hearing before S.B.

  
Chairman

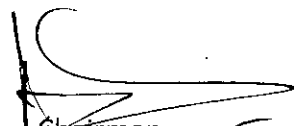
11

08.06.2015

Counsel for the appellant present. Learned counsel for the appellant requested for withdrawal of appeal as the appellant has since been retired from service and appeal against the transfer order has become infrutuous.

~~For~~ the above reason, the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED  
08.06.2015

  
Chairman  
08.06.15

5.  
20.10.2014

Counsel for the appellant and Mr. Kabirulalh Khattak, Asst: Advocate General for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 01.12.2014.

  
Member

6.  
Reader Note:

01.12.2014

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: AG for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned to 16.02.2015 for the same.

  
Reader

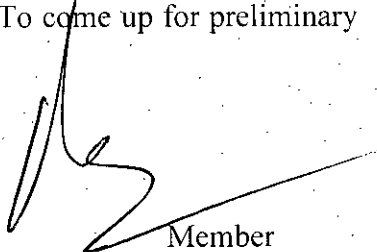
7.  
16.02.2015

Clerk of counsel for the appellant and Asst: AG for the respondents present. Clerk of counsel for the appellant requested for adjournment due to pre-occupation of learned counsel for the appellant in the Supreme Court of Pakistan. Request accepted. To come up for preliminary hearing on 06.04.2015 before S.B

  
Member

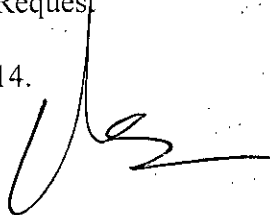
2,  
11.08.2014

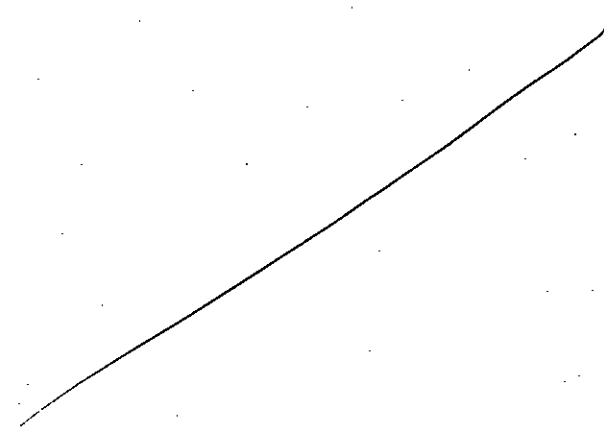
Counsel for the appellant present. Preliminary arguments partly heard. Perusal of case file reveals that the appellant filed departmental appeal against the impugned transfer order dated 09.07.2014 on the same date and without waiting for out come of the departmental appeal, the appellant filed the present appeal. Initially the appellant approached to Peshawar High Court, Peshawar, the Hon'ble High Court, Peshawar vide order dated 17.07.2014 transmitted the same to this Tribunal to treat it as service appeal as the matter pertains to terms and conditions of service of appellant. Since the statutory period of 90 days for decision on the departmental appeal filed by the appellant before the competent authority has not yet expired, hence pre-admission notice be issued to the learned GP to assist the Tribunal regarding maintainability of the instant appeal. To come up for preliminary hearing on 04.09.2014.

  
Member

4,  
04.09.2014

Clerk of counsel for the appellant present, and requested for adjournment due to pre-occupation of learned counsel for the appellant in the Peshawar High Court, Peshawar. Request accepted. To come up for preliminary hearing on 20.10.2014.

  
Member

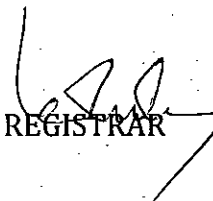
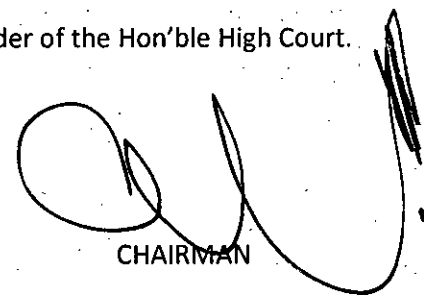


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. \_\_\_\_\_ 981/2014 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/07/2014	<p>The present appellant initially went in Writ Petition before the Hon'ble High Court and the Hon'ble High Court vide its order dated 17.07.2014 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24/07/2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 11/8/2014 as per order of the Hon'ble High Court.</p> <p style="text-align: right;"> CHAIRMAN</p>

**THE  
PESHAWAR HIGH COURT  
PESHAWAR**



Ph: No. 091-9210149-158  
Ext: No. 364

No. 13456 /Judl:

Dated Peshawar the 23/7/2014

**From**

The Additional Registrar (J),  
Peshawar High Court,  
Peshawar.

*[Handwritten stamp]*  
662  
24-7-14

**To**

The Registrar,  
KPK Service Tribunal,  
Peshawar.

**Subject** Writ Petition No. 2240-P/2014.

Muhammad Siddique, Supdt. -----Petitioner

**Versus**

Govt. of KPK & others -----Respondents

\*\*\*\*\*

**Memo:**

I am directed to send herewith the titled case in original alongwith all annexures & copy of judgment dated 17-07-2014, passed by Division Bench of this Court, for compliance.

*[Handwritten signature]*  
**ADDITIONAL REGISTRAR (J)**

23/7/14

**Encl:**

As above.

344

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'  
FORM OF ORDER SHEET

S.No.	Date of order	Order or other proceedings with signature of the Judge
1	2	3
	17-7-2014	<p>W.P.No.2240-P/2014.</p> <p>Present: Mr. Ijaz Anwar, Advocate, for the petitioner.</p> <p><b><u>YAHYA AFRIDI, J.</u></b>- Muhammad Siddique, petitioner seeks the Constitutional jurisdiction of this Court praying:</p> <p>“On acceptance of this writ petition an appropriate writ may please be issued declaring the Office Order No. 1514-20/F.No.A-23/MS/Peshawar/DD(F&amp;A) dated 09.07.2014 of the respondent No.3 whereby the petitioner has been transferred from the post of Superintendent at District Education Office (Female), Nowshera and his services are placed at the disposal of the Directorate of E&amp;SE Khyber Pakhtukhwa, Peshawar as highly illegal, malafide, unlawful without lawful authority, against the rules, in violation of transfer and posting policy and thus ineffective upon the rights of the petitioner, the same may please be strike down, the petitioner may please be allowed to continue his duties as Superintendent at District Education Office (Female), Nowshera till the date of superannuation i.e. 16.04.2014 or any other remedy deemed proper may also be allowed”.</p> <p>2. In essence, grievance of the petitioner is that he has to retire from service on 16.4.2015 while his services were placed at the disposal of Directorate of E&amp;SE Khybe</p>

9

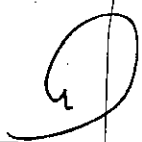
Pakhunkhwa, Peshawar, which is illegal, malafide, against the rules and posting policy and may be struck down.

3. Mian Arshad Jan, Additional Advocate General, present in Court, accepts notice of this petition on behalf of respondents for today.

4. Admittedly, the petitioner is a civil servant and his grievance also relates to the terms and conditions of service. This Court is bared under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 to take cognizance of any matter relating to the term and conditions of service of a Civil Servant. As the petitioner is to retired from service on 16.4.2015, the worthy Services Tribunal has the authority to pass interim order during statutory period provided under the law.

5. When the learned counsel for the petitioner was confronted with the above situation, he stated at the bar that the instant Writ Petition may be treated as Appeal and be sent to the Service Tribunal for decision in accordance with law.



6. In view of the approaching date of retirement of the petitioner, office is directed to send the original file to the




Service Tribunal by retaining a photocopy of memo of  
Petition for the purpose of record.

Parties are directed to appear before the Services  
Tribunal on 11.8.2014.

7. This Writ Petition is disposed of in above terms.

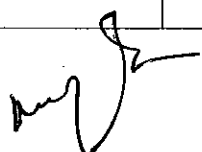
  
JUDGE  
  
JUDGE

  
9/7/14



**IN THE PESHAWAR HIGH COURT PESHAWAR***Service Appeal no. 981/2014*W. P No *2240/P* 2014*Muhammad Siddique* Superintendent at District Education Office (Female), Nowshera ..... (*Petitioner*)**VERSUS**Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar and others..... (*Respondents*)**INDEX**

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 Petitioner

Through

  
 IJAZ ANWAR  
 Advocate Peshawar

FILED TODAY  
 Deputy Registrar  
 12 JUL 2014

**IN THE PESHAWAR HIGH COURT PESHAWAR***Service Appeal No. 981/2014*W. P No. 2240-P /2014**Muhammad Siddique** Superintendant at District Education Office (Female), Nowshera. **(Petitioner)****VERSUS**

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department Civil Secretariat Peshawar.
3. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Dabgari Garden Peshawar.
4. District Education Officer (Female), Peshawar.

**(Respondents)****Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.****Prayer in Writ Petition:**

**On acceptance of this writ petition an appropriate writ may please be issued declaring the Office Order No. 1514-20/F.No.A-23 / MS /Peshawar/DD(F&A) dated 09.07.2014 of the respondent No. 3 whereby the Petitioner has been transferred from the Post of Superintendant at District Education Office (Female), Nowshera and his services are placed at the disposal of the Directorate of E&SE Khyber Pakhtunkhwa, Peshawar as highly illegal, malafide, unlawful without lawful authority, against the rules, in violation of transfer and posting policy and thus ineffective upon the rights of the petitioner, the same may please be strike down, the Petitioner may please be allowed to continue his duties as Superintendant at District Education Office (Female), Nowshera till the age of superannuation i.e 16.04.2015 or any other remedy deemed proper may also be allowed.**

FILED TODAY

Deputy Registrar

12 JUL 2014

**Interim Relief:**

**The Office Order dated 26.05.2014 may please be suspended till the decision of the above noted Writ Petition.**

**Respectfully Submitted:**

1. That the Petitioner is the regular employee of the Education department and is presently holding the post of Superintendent.
2. That the Petitioner remained posted at different station throughout the province of Khyber Pakhtunkhwa as and when directed to perform duties there.
3. That the petitioner has a meritorious and spotless long service career, and is going to retire on 16.04.2015 on attaining the age of superannuation. (Copy of the SSC Certificate is attached as Annexure A)
4. That the petitioner while serving as Assistant at District Education Officer (Male) Peshawar, was initially adjusted against the vacant post of Superintendent (BPS-16) in the office of the DEO, (Male) Nowshera in his own pay and scale vide Notification dated 8.01.2014. (Copy of the notification dated 08.01.2014, is attached as Annexure B)
5. That while serving in the said capacity, the petitioner was promoted as Superintendent BPS-16 on regular basis upon the recommendation of the Departmental Promotion Committee vide Notification dated 26.05.2014. Accordingly the petitioner was also adjusted/posted as Superintendent in the office of District Education Officer (female) Peshawar vide the same notification dated 26.05.2014. The petitioner took charge of his new place of posting and started performing his duties. (Copy of the notification dated 26.05.2014, is attached as Annexure C)
6. That having hardly served for served for a month, in order to accommodate the blue eyed, the respondent No. 3 issued Office order dated 09.07.2014, whereby the services of the petitioner has been placed at the disposal of Directorate of E & SE, Khyber Pakhtunkhwa, Peshawar in violation of law and transfer and posting Policy. (Copy of the Office Order dated 09.07.2014, is attached as Annexure D)

FILED TODAY  
 Deputy Registrar  
 12 JUL 2014

7. That the petitioner has submitted representation against the order dated 09.07.2014, reiterating that he is going to retire on attaining the age of superannuation, however the Petitioner was transferred illegally, moreover his representation has also not been considered, moreover the petitioner is going to retire on 16.05.2015 thus if he waits for the decision of his departmental appeal he will certainly retired before its decision, thus he has got no other adequate and efficacious remedy available in law is constrained to invoke the constitutional jurisdiction of this Honorable Court inter alia on the following grounds: (Copy of the representation is attached as Annexure E)

**Grounds of Writ Petition:**

- A. That the Petitioner has not been treated in accordance with law, and thus his rights secured and guaranteed under the law and Constitution are badly violated.
- B. That the Notification of transfer is illegal and unlawful, moreover the same is in violation of posting and transfer policy of the Provincial Govt, the petitioner has not yet completed his normal tenure at the office of DEO (female) Nowshera but without allowing the petitioner to complete his normal tenure in violation of law and in supersession of the rights of the Petitioner he has been transferred. (Copy of the Transfer & posting policy is attached as Annexure F)
- C. That as per Transfer & posting policy of the provincial Govt "The Officers who are due retire within one year may be posted at their option on the posts in the Districts of their Domicile and be allowed to serve till the retirement" however instead of following the Transfer & posting Policy the petitioner has been transferred to punish him at the fag end of his retirement.
- D. That infact there exist no exigencies of service nor the order of transfer cannot be termed as in the public interest it is a result of political pressure at the cost of the Petitioner, and thus not tenable in the eyes of law.
- E. That the impugned transfer order is illegal, unlawful, without lawful authority and passed without jurisdiction, not in the prescribed period, in violation of transfer and posting policy, the impugned order was passed in the ban period and no relaxation has been obtained from the competent authority thus nullity in the eyes of law and not tenable.

FILED TODAY  
Deputy Registrar  
12 JUL 2014

F. That the recently the august Supreme Court of Pakistan has in its Judgment in Constitution Petition No. 23/2012 decided on 18.10.2012, decided a point of law and while commenting upon the transfer and posting and other related matters of service held as under:-

- i. **Appointments, Removals and Promotions:-** Appointments, removals and promotions must be made in accordance with the law and the rules made there under; where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
- ii. **Tenure, posting and transfer:** When the ordinary tenure for a posting has been specified in the law or rules made there under; such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.
- iii. **Illegal Orders:** Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule, based norms; instead, in such situations, they must record their opinion and; if necessary, dissent.

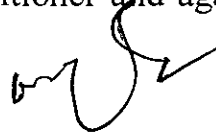
G. That the Petitioner seeks the permission of this Honourable Court to rely on additional grounds at the hearing of this petition.

**Interim Relief:**

**The Office Order dated 26.05.2014 may please be suspended till the decision of the above noted Writ Petition.**

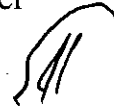
FILED TODAY  
 Deputy Registrar  
 12 JUL 2014

It is therefore respectfully prayed that on acceptance of this writ Petition an appropriate Writ as prayed for may please be issued in favour of the Petitioner and against the respondents.



Petitioner

Through



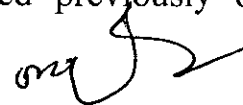
IJAZ ANWAR  
Advocate Peshawar

List of Books:

1. Constitution of 1973
2. Books according to need.

Certificate

Certified that no writ petition on the same subject and between the same parties has been filed previously or concurrently.



Petitioner

FILED TODAY

Deputy Registrar

12 JUL 2014

**IN THE PESHAWAR HIGH COURT PESHAWAR**

W. P No. 2240-P /2014

***Muhammad Siddique*** Superintendant at District Education Office (Female), Nowshera.

*(Petitioner)*

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar and others..... *(Respondents)*


**Addresses of Parties**


Petitioner:

***Muhammad Siddique*** Superintendant at District Education Office (Female), Nowshera.

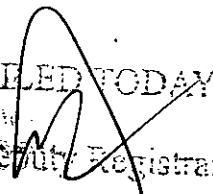
Respondents:

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Elementary and Secondary Education Department Civil Secretariat Peshawar.
3. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Dabgari Garden Peshawar.
4. District Education Officer (Female), Peshawar.

  
Petitioner

Through 

IJAZ ANWAR  
Advocate Peshawar

  
FILED TODAY  
Deputy Registrar  
12 JUL 2014

**IN THE PESHAWAR HIGH COURT PESHAWAR**

W. P No. 2240-9 /2014

**Muhammad Siddique** Superintendant at District Education Office (Female), Nowshera.

*(Petitioner)*

**VERSUS**

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar and others.....*(Respondents)*

**Affidavit**

I, **Muhammad Siddique Superintendant at District Education Office (Female)**, Nowshera, do hereby solemnly affirm and declare that the contents of the above writ petition are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Court.



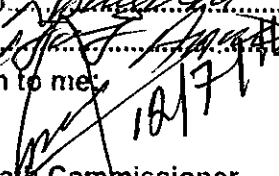
Deponent

Identified by:



**IJAZ ANWAR**,  
Advocate, Peshawar.

17301-7220909-7

No: <u>430</u>
Certified that the above was verified on solemnly affirmation before me in office, this <u>12<sup>th</sup></u> day of <u>July</u> 20 <u>14</u> by <u>Muhammad Siddique</u> to <u>Supdt</u> who was identified by <u>Ijaz Anwar</u> Who is personally known to me.
 Oath Commissioner Peshawar High Court, Peshawar

**FILED TODAY**  
Deputy Registrar  
**12 JUL 2014**



(8)

Approved: A

S NO 223208

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 642

Board of Intermediate And Secondary Education  
PESHAWAR, N.W.F.P. (PAKISTAN)



Secondary School Certificate Examination  
SESSION 1977 (ANNUAL)

This is to certify that Mohammad Seddiq  
Son/Daughter of Sher Ahmad  
and a resident of Peshawar Distt.  
has passed the **SECONDARY SCHOOL CERTIFICATE EXAMINATION** of  
the Board of Intermediate and Secondary Education, Peshawar held in June, 1977  
as a private candidate He/She obtained 313 Marks out of 900/1000,  
and has been placed in Grade L Representing Satisfactory

The Candidate passed in the following Subjects :

- |              |                         |                    |
|--------------|-------------------------|--------------------|
| 1. English   | 4. General Science.     | 7. Urdu Advance.   |
| 2. Urdu      | 5. Islamic Studies.     | 8. Social Studies. |
| 3. Islamiyat | 6. General Mathematics. |                    |

Date of birth according to admission form is Sixteenth April  
one thousand nine hundred and Fifty Five ( 16-4-1955 ).

Attested

15th October, 1977.

[Signature]  
Asstt. Secretary

[Signature]  
SECRETARY

This certificate is issued without alteration or erasure.

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER  
PAKHTUNKHWA PESHAWAR

Approved: B  
(9)

NOTIFICATION

Mr. Muhammad Siddique Assistant (BPS-14) at District Education Officer (Male) Peshawar is hereby adjusted against the vacant post of Superintendent (BPS-16) in the office of District Education Officer (Male) Nowshera on his own pay & BPS with effect the date of his taking over charge in the interest of public service.

Note:-

0. Charge reports should be submitted to all concerned.
1. An undertaking on Judicial Stamp Paper may be obtained from the above official to the effect that he will not claim any benefit/seniority against the post of Superintendent (BPS-16) till his regular promotion to the post of Superintendent. The said undertaking may be furnished to this office in original for future reference & record and copy of the same may be retained in the District record.

(DIRECTOR)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Endst No. 1770-25 /F.No.A-23/MS/Nowshera/DD(F&A)

Dated Peshawar the 2/1/2014

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

0. District Education Officer (Male) District Peshawar
0. District Education Officer (Male) District Nowshera
0. District Accounts Officer District Nowshera
0. Officer concerned.
0. M/File.
0. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.

11  
Jan 2 8/1/14  
Deputy Director (F&A)  
(E&SE) Khyber Pakhtunkhwa Peshawar

Approved:  
Dy. District Education  
Officer (G) Nowshera

10

Approved :- C

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

NOTIFICATION

Consequent upon the recommendations of the Departmental Promotion Committee (DPC) in its meeting held on 20-05-2014, the following Assistants (B-14) and Sr: Scale Stenographers (B-16) working in and under the E&SE Deptt: Khyber Pakhtunkhwa /FATA/DCT&E/PITE are hereby promoted/adjusted as Superintendent in BPS-16 on regular basis in the interest of public service with immediate effect:-

S.No	Name/Design	Address	Adjusted at	Remarks
1	Shahab ud Din Asstt:	DEO (M) Hangu	Supdt: DEO (M) Hangu	Against vacant post
2	Akhtar Munir Asstt:	SDEO (M) Shangla.	Supdt: SDEO (M) Torghar	Against vacant post
3	Bakht Ramand Asstt:	DEO (M) Buner	Supdt: SDEO (F) Buner	Against vacant post
4	Zar Jamil Khan Asstt:	Supdt: DEO (F) Buner	Supdt: DEO (F) Buner	Against vacant post
5	Zeenat Shah Asstt: (working against the post of Supdt:)	SDEO (M) Mardan.	Supdt: SDEO (M) Mardan	Already occupied
6	Khan Zada Asstt:	DEO (M) Dir Lower	Supdt: DEO (M) Dir Lower	Against vacant post
7	Muhammad Shafi Asstt:	DEO (M) Dir Lower	Supdt: DEO (M) Buner	Against vacant post
8	Madad Khan Asstt:	DEO (M) Dir Lower	Supdt: SDEO (F) Samarbagh	Against vacant post
9	Shah Badshah Asstt:	DEO (F) Dir Lower	Supdt: DEO (M) Timergara	Against vacant post
10	Jan Alam Asstt	DEO (M) Dir Lower	Supdt: SDEO (M) Samarbagh	Against vacant post
11	Khanimullah Asstt	DEO (F) Dir Upper	Supdt: SDEO (F) Dir Upper	Against vacant post
12	Bahadar Khan Asstt	SDEO (M) Wari Dir upper	Supdt: SDEO (M) Wari Dir upper	Against vacant post
13	Alam Zeb Asstt	SDEO (M) Dir upper	Supdt: SDEO (M) Dir upper	Against vacant post
14	Mirza Gul Asstt	DEO (F) Dir Upper.	DEO (M) Dir Upper	Against vacant post
15	Haroon Rashid Asstt	DEO (M) Mansehra	Supdt: DEO (M) Mansehra	Against vacant post
16	S.Sultan Shah Asstt	SDEO (M) Mansehra	Supdt: SDEO (M) Mansehra	Against vacant post
17	Abdul Hakeem Asstt	DEO (M) Kohistan	Supdt: DEO (M) Torghar	Against vacant post
18	Amir ur Rahman Asstt	DEO (M) Shangla	Supdt: SDEO (M) Shangla	Against vacant post
19	Muhammad Hassan Asstt	DEO (F) Kohistan	Supdt: DEO (F) Kohistan	Against vacant post
20	Muhammad Jawad Asstt	SDEO (M) Kohistan	Supdt: SDEO (M) Kohistan	Against vacant post
21	Javidullah Asstt	DEO (F) Dir Upper	Supdt: DEO (M) Dir upper	Against vacant post

Asst To Supdt Promotion Order Final (DE&SE)

22	Abdul Wali Asstt	DEO (M) Kohistan	Supdt: DEO (M) Kohistan	Against vacant post
23	Abdul Haq Asstt	DEO (M) Kohistan	Supdt: DEO (M) Kohistan	Against vacant post
24	Muhammad Shafiq Asstt	SDEO (F) Battagram	Supdt: DEO (M) Battagram	Against vacant post
25	Muhammad Jamil Asstt	SDEO (M) Battagram	Supdt: SDEO (M) Battagram	Against vacant post
26	Muhammad Zubair Asstt	SDEO (M) Battagram	Supdt: SDEO (F) Battagram	Against vacant post
27	Shamsul Islam Asstt	DEO (M) Swabi	Supdt: DEO (M) Swabi	Against vacant post
28	Muhammad Siddique Asstt: (Working against the post of Supdt)	DEO (M) Nowshera	Supdt: DEO (F) Peshawar	Against vacant post
29	Asghar Ali Shah Asstt	DEO (M) Dir Lower	DEO (M) Swat	Against vacant post
30	Shaista Khan Asstt	DEO (F) Karak	Supdt: DEO (M) Karak	Against vacant post
31	Eidur Rahman Asstt	DEO (M) Karak	Supdt: DEO (M) Karak	Against vacant post
32	Abdul Waheed Asstt	DEO (F) A. Abad	Supdt: SDEO (M) Allai Battagram	Against vacant post
33	Muhammad Noor Asstt	DEO (M) Hangu	Supdt: SDEO (M) Hangu	Against vacant post
34	Muhammad Tariq Asstt	DEO (M) Kohat	Supdt: DEO (M) Kohat	Against vacant post
35	Amil Khan Asstt	DEO (F) Kohat	Supdt: SDEO (M) Kohat	Against vacant post
36	Sadiq ur Rahman Asstt	GGCHS Kohat	Supdt: DEO (F) Kohat	Against vacant post
37	S. Hussain Shah Asstt	DEO (M) Kohat	Supdt: DEO (M) Kohat	Against vacant post
38	Rehmat Khan Asstt	DEO (M) Tank	Supdt: DEO (M) Tank	Against vacant post
39	Muhammad Shoaib Asstt	DEO (M) Battagram	Supdt: DEO (F) Battagram	Against vacant post
40	Fazli Rabi Asstt	SDEO (F) Dir Lower	SDEO (F) Dir Lower	Against vacant post
41	Muhammad Ashraf Asstt	SDEO (M) Haripur	Supdt: DEO (M) Haripur	Against vacant post
42	Fazli Malik Asstt	DEO (M) Haripur	Supdt: DEO (M) Chital	Against vacant post
43	Muhammad Aslam Khan Asstt	SDEO (M) DIKhan	Supdt: DEO (F) DIK	Against vacant post
44	Muhammad Iqbal Asstt	DEO (M) DIKhan	Supdt: SDEO (F) DIK	Against vacant post
45	Bashir Ahmad Asstt	DEO (F) DIKhan	Supdt: SDEO (F) Paroa (DIK)	Against vacant post
46	Muhammad Sarwar Asstt	SDEO (F) A. Abad	Supdt: SDEO (F) Allai (Battagram)	Against vacant post
47	Muhammad Zaman	DEO (F) Tank	Supdt: DEO (F) Tank	Against vacant post

(12)

	Asstt			
48	Jahan Alam Asstt	SDEO (M) Tank	Supdt: SDEO (M) Tank	Against vacant post
49	Gul Muqaddar Khan Asstt	DEO (M) Malakand	Supdt: DEO (M) Malakand	Against vacant post
50	Ahmad Gul Asstt	SDEO (M) Malakand	Supdt: SDEO (M) Malakand	Against vacant post
51	Muhammad Nafees Asstt	DEO (F) Malakand	Supdt: DEO (F) Malakand	Against vacant post
52	Syed Jamal ud din Asstt	DEO (M) Swat	Supdt: SDEO (M) Swat	Against vacant post
53	Muhammad Rasool Khan Asstt	DEO (M) Swat	Supdt: DEO (M) Swat	Against vacant post
54	Muhammad Ayaz S/Grapher (working against Supdt)	DEO (M) A/Abad	Supdt: DEO (M) A/Abad	Against the post already occupied
55	Raja Khan S/Grapher	Directorate E&SE Peshawar	Supdt: DEO (F) Torghar	Against vacant post
56	Muhammad Ilyas Asstt	DEO (M) A/Abad	Supdt: DEO (M) Torghar	Against vacant post
57	Gul Haider Asstt	DE&SE	Supdt: SDEO (F) Nowshera	Against vacant post
58	Bakht Mula Asstt	SDEO (F) Wari	Supdt: SDEO (F) Wari	Against vacant post
59	Nawshad Khan Asstt	DEO (M) Dir Lower	Supdt: DEO (M) Dir Lower	Against vacant post
60	S. Abbas Jan Asstt	DEO (M) Kohat	Supdt: SDEO (F) BD Shah	Against vacant post
61	Muhammad Iqbal Asstt	DEO (M) Kohat	Supdt: SDEO (M) Karak	Against vacant post
62	Abdul Jalil Asstt	DEO (M) Karak	Supdt: SDEO (M) BD Shah	Against vacant post
63	Pir Muhammad Iqbal Asstt	GEC (F) Habibullah FR Bannu	SDEO (M) Lakki Marwat	Against vacant post
64	Younas Javed Asstt	DE&SE K.P	Supdt: DEO (M) Chitral	Against vacant post
65	Shafiqat Munir Asstt	DCTE A/Abad	Supdt: SDEO (M) Nowshera	Against vacant post
66	Tariq Mahmood Asstt	DCTE Abad	Supdt: DEO (M) Kohistan	Against vacant post
67	Fazal Dad Asstt	DCTE Abad	Supdt: DEO (F) Torghar	Against vacant post

### CONSEQUENTIAL TRANSFERS.

In Consequent to above, the posting/transfer in respect of following officer are hereby ordered on their own pay & BPS in the interest of public service with immediate effect:-

S.No	Name/Designation	From	To	Remarks
1	Muhammad Ayub Supdt:	DEO (M) Chitral	Supdt: SDEO (F) Chitral	Against vacant post

Asst To Supdt Promotion Order Final (DE&SE)

13

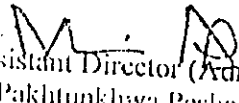
2	Shamsul Arifeen Supdt:	DEO (F) Peshawar	Supdt: DEO (M) Nowshera	Against vacant post
2	Muhammad Ismail Assistant (working against Supdt: post)	SDEO (F) D.I.Khan	Assistant DEO (M) D.I.Khan	Against vacant post
3	Sher Nawab Assistant (working against the post of Supdt)	SDEO (M) Karak	Assistant DEO (M) Karak.	Against vacant post

Note:- 1. Charge reports should be submitted to all concerned.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Endst No 3331-3381/F.No.A-23/MS/Promotion/Supdt/2014/DD (F&A) Dated 26/05/2014

- Copy of the above is forwarded for information and n/action to the:-
1. Accountant General Khyber Pakhtunkhwa Peshawar.
  2. Director of Education (FATA) Peshawar.
  3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
  4. Director PITE Peshawar.
  5. Section Officer-I, CM Secretariat Khyber Pakhtunkhwa.
  6. Section Officer (Primary) E&SE Department Govt of Khyber Pakhtunkhwa.
  7. DEOs (M&F) concerned.
  8. Principal RITE (M/F) concerned.
  9. SDEO (M&F) concerned.
  10. Agency Education Officer concerned.
  11. District Accounts Officer concerned.
  12. Officers concerned.
  13. Cashier (Local Office)
  14. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
  15. PA to Additional Director (Estab) Local Directorate

  
Assistant Director (Admin)  
(E&SE) Khyber Pakhtunkhwa Peshawar  
26/5/14

14

CERTIFICATE OF TRANSFER OF CHARGE.

1. Certified that we have on the fore / afternoon of this day respectively handing over / taking over charge of the post of Superintendent of this office of the District Education Officer (Female) Peshawar. Vide order of the Director, Elementary & Secondary Education Khyber Pakhtunwhwa Peshawar No.3331-3381/F.No.A2/MS/Promotion /Supdt/2014/DD (F&A) Dated 26/5/2014.
2. Particular of cash and important secret and confidential documents handed over are noted on the reverse:-

Signature of Relieved

Government Servant \_\_\_\_\_

Station Peshawar

Designation Superintendent

Signature of Relieving

Government Servant \_\_\_\_\_

Dated

31/5/2014 (A-18)

Designation

Superintendent

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR.

Endst: No. 2590-2.2.1

Dated Peshawar/

7/6 /2014.

Copy forwarded for information to the:-

1. Director (E&SE) Khyber Pakhtunwhwa Peshawar w/r his Endst: No.3331-3381/F.No.A-23/MS/Promotion /Supdt: /2014/DD (F&A) 26-5-2014.
2. Accountant General Pakhtunwhwa Peshawar.
3. P/File.

(S)  
District Education Officer,  
(Female) Peshawar.

Approved: D  
(15)

OFFICE ORDER

The posting/transfer order in respect of Mr. Shams-ul-Arifeen Supdt: at DEO (Female) of Peshawar to DEO (Male) office Nowshera issued vide this office Endst: No. 3331-3381/A-23/MS/Promotion dated 26-05-2014 is hereby withdrawn to the extent of S.No.2 only.

Consequent upon the above, the services of Mr. Muhammad Siddique Supdt: at DEO (Female) Peshawar are hereby placed at the disposal of Directorate E&SE Khyber Pakhtunkhwa, Peshawar for further adjustment.

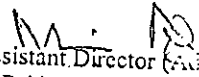
- Note:-
1. Charge reports should be submitted to all concerned.
  2. No TA/DA is allowed.

(DIRECTOR)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Endst No 1514-20 /F.No.A-23//MS/Peshawar/DD(F&A) Dated Peshawar the 9/7 /2014

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

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Male) Nowshera.
3. District Education Officer (Female) Peshawar
4. District Accounts Officer District Nowshera.
5. Officers concerned.
6. M/File.
7. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.

  
Assistant Director (E&SE)  
(E&SE) Khyber Pakhtunkhwa Peshawar



Appendix F  
16

The Resolution to the Government  
by the Kyrgyz Republic  
on the issue of Security Education  
in Kyrgyzstan

Subject: Appeal against the high-grade order  
of replacement of the appellants  
from the D.F. (D.F.)  
The Director (D.F.) of the  
Agency No 1514-20, dated 9-7-2014.

Sir, The Appellant respectfully submits  
at London.

1) That the appellants were working  
as Superintendent on duty through  
leave with the D.F. (D.F.)  
with order of the Director (D.F.)  
A-23/M.S. / 3331-3381 / NO  
(D.F.) dated 26-5-2014 and the  
was best agreement between part  
of Superintendent in the D.F. (D.F.)  
D.F. (D.F.) / Director (D.F.)  
as A)

2) That the Appellant took over the  
charge of this post on 31-5-2014  
(D.F.) (D.F.) (D.F.)  
Appellants from the - drawing part  
from the D.F. (D.F.)  
D.F. (D.F.) (D.F.) (D.F.)

(3) - That all of a sudden the the Director (EASE) KPK has withdrawn the order of passing of the appellant in the office of the D.E.O (F) Chann and placed him at the disposal of his Directorate.

(2) That the impugned replacement order of the appellant is against the established law and ethics. Therefore, the appellant is filing this appeal before your honour for repealing the impugned order on the following grounds - the other grounds

CAUSES

(1) That the impugned order dated 4-7-2014, is unlawful, arbitrary, void, mala fide and as such without lawful authority.

(2) That the impugned order has been issued in the colour of exercise of power for collateral purposes without contemplated by law and as such having mala fide but and out.


(C) That the Appellant is at the verge of retirement as he shall stand retired on 15-4-2015. Therefore under the prevailing policy he is entitled to stay in his home district (Pulwani) till his retirement.

The Director has replaced the Appellant unreasonably (Pulwani) <sup>(C)</sup>  
(D) That the impugned order is really a shocking order which has deeply shocked the Appellant. Now the Appellant shall be disturbed from his home at Dashaan and will be thrown out of District to far flung area.

It is humbly prayed that keeping in view the above the impugned order dated 9-7-2014 may kindly be repealed and the Appellant be allowed to continue his service in the office of the D.E.O of Pulwani till his retirement on 15-4-2015.

Dated 9-7-2014

Yours obediently

Director P.W. SE 10-P/14  
Pulwani  
  
Appellant.

Mubhammad Siddique  
Superintendent of  
D.E.O (P) Dashaan



**GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)**

**POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.**

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- ✓ iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) <sup>1</sup>{ }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained  
  
<sup>2</sup>While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.

<sup>1</sup> Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules.  
<sup>2</sup> Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement  
 \*DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;
- xii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept in consultation with Head of Attached Department concerned. Secretary (Establishment)

<sup>1</sup> Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

Empty rectangular box

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
  - a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/officials be considered.
  - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.
- xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.
  - i) Pre-mature posing/transfer or posting transfer in violation of the provisions of this policy.
  - ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed /implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

{Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003}.

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-19 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

**SPECIMEN NOTIFICATION.**

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

**NOTIFICATION**

NO. The Competent Authority is pleased to order the transfer of Mr. \_\_\_\_\_ Department and to post him as \_\_\_\_\_ in the interest of public service, with immediate effect.

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Endst. No. and date even.

Copy forwarded

- 1.
- 2.
- 3.
- 4.
- 5.

(NAME)  
SECTION OFFICER  
Administrative Department

{Authority: Letter No. SO (E-1) E&AD/9-12/2006 dated 22-12-2006}.

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of

posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.

{Authority: Letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008}.

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.

{Authority: Urdu circular No: SOR-VI (E&AD)/05 dated 28<sup>th</sup> Oct, 2005.}

.....  
The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;
- v) In case of direct submission of application to the Chief Minister Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

{Authority: Urdu circular No: SOR-VI/E&AD/1-4/2003, dated 86-2004. Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.}

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

{Authority: - Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005}

.....  
The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting offices/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are



working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

{Authority: - Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-6-2007}.

PLACEMENT POLICY.

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy as follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go to the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:
  - a) Permanent posting of an officer to the training institutions for 2-3 years;
  - b) Temporary attachment with the training intuitions for 3 to 6 months for some research project on helping in developing case studies;
  - c) Earmarked as a visiting faculty member for specific subject.
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.

\*\*\*\*\*

<sup>1</sup> Placement Policy has been made part of the posting/transfer policy vide Urdu circular No.SOR-VI(E&AD)1-4/06, dt 9-2-2007