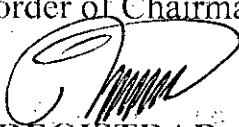


FORM OF ORDER SHEET

Court of _____

Appeal No. 487/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 02/04/2024 | <p>The appeal of Mr. Zulfiqar Ahmad presented today by him. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi given to the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p> |


BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. ___/2024

Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil & District
Abbottabad, presently posted as Assistant Sub Divisional Education Officer
Circle Dhamtour Sub Division Abbottabad.

.....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary
Education Department, Khyber Pakhtunkhwa & Others

.....RESPONDENTS

APPLICATION FOR HEARING AT PRINCIPAL SEAT
OF THIS HON'BLE SERVICE TRIBUNAL
PESHAWAR.

RESPECTFULLY SHEWETH:

*That the instant appeal is of urgent nature, it is
therefore humbly prayed that the same may kindly be
heard at principal seat Peshawar of this Hon'ble
Service Tribunal.*

*It is, therefore, humbly prayed that on
acceptance of this application may kindly be fixed in
the above titled appeal.*

Dated 02-04-2024

Appellant

Through

Zulfiqar Ahmad
In Person



(3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No. 487/2024

Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil & District Abbottabad, presently posted as Assistant Sub Divisional Education Officer Circle Dhamtour Sub Division Abbottabad.

.....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa & Others

.....RESPONDENTS

SERVICE APPEAL

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Dated: 02/04/2024

.....Appellant in Person



①

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

Appeal No. 487/2024

Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil & District
Abbottabad, presently posted as Assistant Sub Divisional Education
Officer Circle Dhamtour Sub Division Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Department (E&SED), Khyber Pakhtunkhwa,
Peshawar.
2. Director, Elementary & Secondary Education (E&SE), Khyber
Pakhtunkhwa Peshawar.
3. Jaffar Mehmood, ADEO (E/P) o/o District Education Office
Abbottabad.

.....RESPONDENTS

APPEAL

**UNDER SECTION 4 OF NWFP (NOW KPK) SERVICE
TRIBUNAL, ACT, 1974 AGAINST THE IMPUGNED
ORDER NO. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad
DATED: 01-04-2024 ISSUED BY RESPONDANT NO.1
WHEREBY DEPARTMENTAL APPEAL HAS BEEN
REJECTED BY RESPONDENT NO.1 ON THE BASIS OF
POLITICAL INTERFERENCE, WITHOUT PUBLIC
INTEREST WHICH IS ILLEGAL, AGAINST THE
TRANSFER POSTING POLICY OF PROVINCIAL
GOVERNMENT 2003, WITHOUT JURISDICTION,
ARBITRARILY, VOID ABINITIO, AND HAVING NO
LEGAL EFFECT UPON THE VESTED RIGHTS OF
APPELLANT.HENCE THE SAME IS LIABLE TO BE SET
ASIDE.**

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER ENDST: NO. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad DATED: 01-04-2024 ISSUED BY RESPONDENT NO.1 MAY GRACIOUSLY BE SET-ASIDE AND TRANSFER ORDER NO.3060-65 /EB1/ADEO/ DATED 06/05/2023 OF APPELLANT MAY KINDLY BE RESTORED. ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

Respectfully Sheweth:-

1. That the appellant is Secondary School Teacher, SST (G) (BPS-16) appointed through Public Service Commission in the Education Department under Endst No. 646-769/File No. 2/A-14/SST/PSC/APTT dated 03-03-2012 and the appellant is presently working as Assistant Sub Divisional Education Officer Circle Dhamtour BPS 16 in the Sub Division Abbottabad. (Copy of Appointment order is annexed as **Annexure "A"**)
2. That the appellant was transferred from Govt: Higher Secondary School No. 1 Abbottabad to the post of ASDEO circle Dhamtour vide Notification No. 3060-65 dated 06-05-2023. (Copy of the Notification dated 06-05-2023 is annexed herewith as **Annexure "B"**).
3. That during appellant's tenure which is less than one year, performance of the circle Dhamtour was up to the mark which was acknowledged by Respondent No. 1 & 2 twice by issuing Appreciation Certificates to appellant. (Copies of the Appreciation Certificates are Annexed as **Annexure "C"**)
4. That Respondent No. 1 imposed complete ban on all kind of transfer/ posting vide Notification Endst No

SO(S/M)E&SED/MIS/11-1/2024 dated 22-03-2024. (Copy of Notification dated 22-03-2024 is annexed as Annexure "D")

5. That in spite of imposition of ban appellant was astonished to see transfer orders on 25-03-2024 at dawn circulating in social media which is evidently signed after imposition of ban.
6. That on 21-03-2024 respondent No 2 issued back dated Notification under Endstt: No. 2272-76 dated 21 /03/ 24, Mr. Imran Khan ASDEO was transferred from District Haripur to ASDEO Circle Dhamtour Abbottabad during the imposition of ban malafidely as well as on the basis of political interference and appellant has not been posted / assigned at any station. (Copy of Notification dated 2272-76 dated 21 -3 24 is annexed as Annexure "E")
7. That 21-3-2024 respondent No 1 also issued back dated Notification No. SO (MC)E&SED/4-16/2024/PT/MCSDEO dated 21-3 2024 and appellant was transferred from ASDEO circle Dhamtour Abbottabad to GHS Pattan Khrud Abbottabad in order to accommodate blue eyed baby Mr. Arshad Masood SST (G) as ADEO (E/P) in the office of District Education Office (M) Abbottabad and Mr. Jaffar Rehman as ASDEO circle Dhamtour inspite of the fact that both the respondent No. 03 & 04 are most juniors to the appellant in teaching cadre it is worth to mentioned here that in the Notification dated 21-03-2024, there is no mention upon which post the appellant has been transferred. (Copy of Notification No. SO (MC)E&SED/4-16/2024/PT/MCSDEO dated 21-3 2024 is annexed as Annexure ("F")).
8. That feeling aggrieved from the said impugned order appellant filed departmental appeal before the respondent No. 1 on 26-

03-2024 vide dairy No 37. (Copy of departmental appeal is annexed herewith as Annexure "G").

9. That on 01-04-2024 vide Notification No. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad respondent No. 1 rejected the departmental appeal filed by the appellant. (Copy of Notification dated 01-04-2024 is annexed herewith as Annexure "H").

Now appellant seeks indulgence of this Honourable Tribunal for setting - aside the impugned order dated 01-04-2024 inter-alia on the following grounds amongst many others:-

GROUNDS:-

- a) That the impugned order dated 01-04-2024 reflects high injustice weakness and yielding before political pressure without any regard to Rule & Law and Service Discipline.
- b) That the impugned order is illegal passed in highly capricious manner which is void abinitio and without legal authority as it has been issued under the political involvement.
- c) That the impugned order dated 01-04-2024 passed without lawful authority and clear cut violation of Transfer & Posting Policy of the provincial Government 2003, which is reproduce as under: -

"Tenure Posting and Transfer, when the ordinary tenure for a posting has been specified in the law or Rules made thereunder, such tenure must be respected and cannot be varied except for compelling reasons which should be recorded in writing and are judicially reviewable."

Therefore, the impugned order dated 01-04-2024 is against the prevailing Law & Policy hence, liable to be struck down. (Copy

of Transfer & Posting Policy 2003, is annexed herewith as Annexure "I").

- d) That as per APT Rules 1989 respondent No 2 i.e Director E&SE KP is competent authority to issue the transfer order whereas in the instant case transfer order was issued by Respondent No. 01 i.e Secretary E&SED KP which is illegal. (Copy of APT Rules 1989 is annexed herewith as Annexure "J")
- e) That the impugned transfer order of the appellant has been issued purely on political motivation and hasty manner is palpable from both the orders as respondent No. 1 who is the appellate authority has assumed the jurisdiction of respondent No. 2 and in similarly, respondent No. 2 in the situation when order of respondent No. 1 is in field, issued another transfer order. Now, the question would arise as to which order is lawful and which is unlawful, the answer would that both the orders are unlawful and unjustified because if order of respondent No. 1 is considered correct or in accordance with law then the respondent No. 2 was having no jurisdiction to issue the order and if order of respondent No. 2 is considered correct then what would be the status of respondent No. 1 . Hence, the impugned order is not sustainable in the eye of law and liable to be set aside.
- f) That the respondents transferred / posted the appellant without mentioning any reasons, under political pressure, ignoring all the rules and regulations on the subject, only to accommodate their well-wisher(s) and blue eyed, which is not only against the law/ rules on the subject but is not violation of Article 4, 8 and 25 of the constitution *ibid*.

- g) That the respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 which is unjust, unfair, illegal, hence not sustainable in the eye of law.
- h) That under Section 24-A of General Clauses Act, 1897, where any authority is vested with the power to make any order, such power shall be exercised reasonably, fairly, justly and for the advancement of the purposes of the enactment under which the power is conferred but in the case in hand the power was not exercised as much, rather, the same was misused arbitrarily to the detriment of appellant without any rhyme or reason, therefore, the impugned act of respondents is not legally maintainable.
- i) That it is inalienable right of every citizen to be treated in accordance with law and especially when placed in similar position with the other persons, thus, the impugned act being nullity in the eye of law is liable to be struck down.
- j) That the impugned notification if seen from any angle, both factually and legally is not maintainable, hence liable to be set-aside.
- k) That the impugned order dated 01-04-2024 issued by the respondent No. 01 is against the norms of justice and principle laid down by the August Supreme Court of Pakistan in CP No. 23/12 announced on 18-10-2012 in case titled Anita Turab VS Govt: of Sindh, KP, Baluchistan & Punjab which is binding on the subordinate courts as well as other authorities of Federal Government & Provincial Government under Article 189 of the Constitution of Islamic Republic of Pakistan. Therefore, the

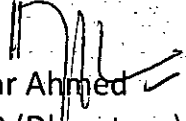
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impugned order passed by the respondent No.01 is against the above referred judgment hence, liable to be set-aside.

- l) That the addresses of the parties are correctly mentioned in heading of appeal.
- m) That the appellant seeks leave of this Honourable Tribunal to raise additional grounds during the course of arguments with the permission of Honourable Tribunal.
- n) That the instant service appeal is well within time.

It is, therefore, very humbly prayed that on acceptance of instant appeal the impugned rejection order Endst: No. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad DATED: 01-04-2024, as well as transfer order dated 21/3/2024 issued by respondent No.1 may graciously be set-aside and transfer order No 3060-65/EB-1/ADE)/dared 6-5-2023 of appellant may kindly be restored in his place a posting as ASDEO circle Dhamtour Abbottabad, and impugned order may kindly be suspended till the disposal of instant service appeal. Any other relief deemed fit and proper in the circumstances of the case.

Dated: 02/04/2024


Zulfiqar Ahmed ✓
ASDEO (Dhamtour)
Abbottabad
....Appellant in Person

①

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

Appeal No. ____/2024

Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil & District
Abbottabad, presently posted as Assistant Sub Divisional Education
Officer Circle Dhamtour Sub Division Abbottabad.

.....APPELLANT

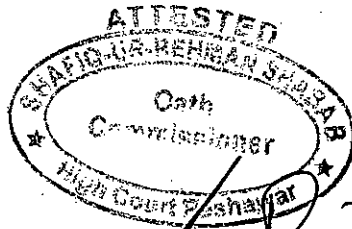
VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Department, Khyber Pakhtunkhwa & Others

.....RESPONDENTS

AFFIDAVIT

I, Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil &
District Abbottabad, presently posted as Assistant Sub Divisional
Education Officer Circle Dhamtour Sub Division Abbottabad do hereby
solemnly affirm and declare that the contents of foregoing appeal are true
and correct to the best of my knowledge and belief and nothing has been
concealed from this Honourable Tribunal.



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02/04/24

DEPONENT

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

Appeal No. ____/2024

Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil & District Abbottabad, presently posted as Assistant Sub Divisional Education Officer Circle Dhamtour Sub Division Abbottabad

.....**APPELLANT**

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa & Others

.....**RESPONDENTS**

**APPLICATION FOR SUSPENSION OF OPERATION
OF THE IMPUGNED ORDER NO. SO (MC) E&SED/2-
3/2024/DA/ZULFIQAR AHMAD DATED: 01-04-2024
TILL THE DECISION OF THE ABOVE TITLED
SERVICE APPEAL.**

Respectfully Sheweth:-

That the petitioner/appellant submits as under:-

1. That the above referred service Appeal is going to be filed in this Honourable Tribunal and instant application may please be considered as integral part of the appeal in hand.
2. That the service appeal of the petitioner /appellant is prima facie in nature as the impugned order dated 01-04-2024 was issued without lawful authority and clear cut violation of Transfer & Posting Policy of the provincial Government 2003, APT Rules 1989 as well as judgment of Anita Turab case passed by Supreme Court of Pakistan.
3. That the balance of connivance is also in the favour of appellant.
4. That in case of non-suspension of operation of impugned order dated 01-04-2024 the appeal of the appellant would become infructuous and appellant would be suffered irreparable loss.

5. That all the basic ingredients regarding suspension of the operation of impugned order dated 01-04-2024 temporary injunction are fulfilled under the law.

It is, therefore, respectfully prayed that on acceptance of instant application operation of the impugned order No. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad DATED: 01-04-2024 as well as transfer order issued by respondent No.1 may kindly be suspended till the decision of titled Service Appeal.

....APPELLANT

AFFADAVIT

I, **Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil & District Abbottabad**, presently posted as Assistant Sub Divisional Education Officer Circle Dhamtour Sub Division Abbottabad, do hereby affirm and declare on oath that the contents of forgoing application are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



Signature
02/04/24

DEPONENT
Signature



Khyber Pakhtunkhwa Peshawar

PH No. 091-9210389, 9210938,

9210437, 9210957, 5210468

Fax 091-9210936

E-mail desekpk@yahoo.com

Annexure: A

P-117516

Notification.

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of Secondary School Teacher (SST Gen) in BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect and further their Services are placed at the disposal of EDO(E&SE) concerned for further posting against vacant SST Gen posts:-

| SNO | Name | Father name | Domicile District | Zone | Permanent Address | Place of Posting |
|-----|-----------------|-----------------|-------------------|------|--|---|
| 1 | Kashif Ullah | Wazir Gul | Charsadda | 2 | VPO Utmanzai Moh: Katijan H.# 140 Charsadda | Services placed at the disposal of EDO(E&SE) Charsadda for further posting against vacant SST Gen posts |
| 2 | Sohail Jan | Abdul Fattah | Charsadda | 2 | Moh: Faten Khel Sanibzadgan Tangi Nusrat Zai, Tehsil Tangi Charsadda | --Do-- |
| 3 | Faridoon | Ghulam Nabi | Mardan | 2 | Distt: & Tehsil Mardan PO Garhi kapura Vili: Kot Daulat Zai Moh: Awan Faridoon | Services placed at the disposal of EDO(E&SE) Mardan for further posting against vacant SST Gen posts |
| 4 | Murad Ali | Ali Haider | Mardan | 2 | Moh: Poswal VFO Gujar Garhi Mardan | --Do-- |
| 5 | Rahim Dad Khan | Taza Din | Mardan | 2 | Distt: & Tehsil Mardan VFO Gujar Garhi Moh: Sulaiman Cheri | --Do-- |
| 6 | M. Shakir Azeem | Fazl-e-Azeem | Peshawar | 2 | H.#, O/s Zahori gate Sheikh Abcd No.1 Garhiban Colony Peshawar City | Services placed at the disposal of EDO(E&SE) Peshawar for further posting against vacant SST Gen posts |
| 7 | Nadeem Ahmad | Muhammad Shafiq | Peshawar | 2 | St. 7, Ittehad Colony near Afghar Colony Peshawar city | --Do-- |
| 8 | Rashid Ali | Shamsud Din | Peshawar | 2 | Vill: Garhi Suhbat Khan Pajaggi PO Faqir Kalay | --Do-- |

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| | | | | | | |
|----|-------------------------|------------------------|------------|---|---|---|
| 65 | Muhammad Uzair | Aziz ur Rehman | Abbottabad | 5 | Vill: Chhatri P/O Kutwal Via Nawan Shahr Tehsil & Distt: Abbottabad | --Do-- |
| 66 | Naveed Akhtar | Aurang Zeb | Abbottabad | 5 | C/O Postmaster Jhangi P/O Abbottabad | --Do-- |
| 67 | Zulfiqar Ahmed | Khani Zaman | Abbottabad | 5 | Vill: Riali P/O Kukmong Tehsil & Distt: Abbottabad | --Do-- |
| 68 | Amir Aziz | Muhammad Maroof | Mansehra | 5 | Vill: Rasheeda P/O & Tehsil Oghi Distt: Mansehra | Services placed at the disposal of EDO (E&SE) Mansehra for further posting against vacant SST Gen posts |
| 69 | Arshad Munir | Gul Zaman | Mansehra | 5 | Gout: RITE College (F) Ghazikot Mansehra | --Do-- |
| 70 | Ibrar Nawaz Khan | Muhammad Nawaz Khan | Mansehra | 5 | Moh: Niral P/O Carhi Habibullah Distt: Mansehra Ealakat Hazara Division | --Do-- |
| 71 | Muhammad Ashfaq | Maqbool ur Rehman | Mansehra | 5 | Moh: Mufti Abad Chery Tehsil & Distt: Mansehra | --Do-- |
| 72 | Muhammad Ashraf | Noor Dad | Mansehra | 5 | Vill: Inayat Abad P/O Baffa Tehsil & Distt: Mansehra | --Do-- |
| 73 | Muhammad Ishaq | Issa Khan | Mansehra | 5 | Vill: Khabbal P/O Oghi Distt: Mansehra | --Do-- |
| 74 | Muhammad Ishtiaq | Habib ur Rehman | Mansehra | 5 | Vill: & P/C Shoukat Atad Tehsil & Distt: Mansehra | --Do-- |
| 75 | Muhammad Nasim | Shah Zaman | Mansehra | 5 | Vill: Sobriah P/O & Tehsil Balakot Distt: Mansehra | --Do-- |
| 76 | Muhammad Sajjad Hussain | Abdul Wahid | Mansehra | 5 | Vill: Bela Jared P/O Jared Tehsil Balakot Distt: Mansehra | --Do-- |
| 77 | Abdul Nasir Waheed | Abdul Waheed Abbasi | Mansehra | 5 | H/No. 342/C Moh: Girls High School Near Kangar Masjid Mansehra | --Do-- |
| 78 | Muhammad Bashir | Muhammad Nazir | Mansehra | 5 | Vill: Tarwal P/O Diloari Tehsil Oghi Distt: Mansehra | --Do-- |
| 79 | Muhammad Wajid | Muhammad Faridoon Khan | Mansehra | 5 | Vill: Hassa Tehsil & P/C Balakot Distt: Mansehra | --Do-- |
| 80 | Muhammad Wazir | Muhammad Wazir | Mansehra | 5 | Vill: & P/O Chakia Tehsil & Distt: Mansehra | --Do-- |

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| | | | | | | |
|----|------------------|----------------------|----------|---|--|--------|
| 81 | Mukhtar Aamed | Muhammad Farooq | Mansehra | 5 | Vill: & P/O Shrial Najaf Khan Tehsil Balakot Distt: Mansehra | --Do-- |
| 82 | Munir Ahmad | Khair Muhammad | Mansehra | 5 | Vill: Banada Bangish P/O Shamdhara Tehsil Oghi Distt: Mansehra | --Do-- |
| 83 | Nadeem Akhter | Muhammad Nazeer | Mansehra | 5 | Govt: RITE College (F) Mansehra | --Do-- |
| 84 | Naheem ud Din | Hamid ud Din | Mansehra | 5 | Vill: & P/O Paras Tehsil Balakot Distt: Mansehra | --Do-- |
| 85 | Syed Sibtain Ali | Syed Mehboob Hussain | Mansehra | 5 | Vill: Bagrian P/O Dilbori Tehsil Oghi Distt: Mansehra | --Do-- |

Terms and conditions:-

- 1 His services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. He will however be entitled to Contributory Provident Fund in such a manner and at such rates as per prescribed by the Govt.
- 2 In case, he is already in Government service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel and selection by the Commission, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to him under his previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to him under new appointment.
- 3 His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
- 4 He should join his post within 30 days of the issuance of this notification. In case of failure to join their post within one month of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 5 He would be on probation for a period of one year extendable for another one year.
- 6 He will be governed by such rules and regulations as may be issued from time to time by the Govt.

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- 7 His services can be terminated at any time, in-case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 8 Charge report should be submitted to all concerned.
- 9 The EDOs concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of his posting orders.
- 10 The EDOs concerned will verify their documents before release of pay.
- 11 His seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
- 12 No TA/DA will be allowed to the appointee for joining his duty.

(Muhammad Rafiq Khattak)

Director

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. 646-769 / File No.2/A-14/SST/PSC/Apptt: Dated Peshawar the 03/03/2012.

Copy forwarded for information and necessary action to the: -

- 1. Accountant General Khyber Pakhtunkhwa Peshawar.
- 2. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
- 3. Executive District Officer (E&SE) Concerned
- 4. District Accounts Officer Concerned
- 5. Official Concerned.
- 6. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
- 7. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 8. M/File

Dy: Director (Hstab)

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

3/3/2012

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(15)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ELEM&SE) A.ABAD

ADJUSTMENT

In pursuance of the appointment notification in respect of SST(General)B-16 issued by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar on the recommendation of Public Service Commission Khyber Pakhtunkhwa Peshawar under Endst No;75-442/File No;1/A-14/SST/PSC/Appt; dated 1/3/2012 and No;646-769/File No;2/A-14/SST/PSC/Appt;dated 3/3/2012, the following SSTs (General) are hereby adjusted against vacant posts in the schools noted against their names on the usual terms and conditions contained in their appointment notifications in the interest of public service from the date of taking over charge.

| S/NO; | Name with father's name | Place of Adjustment | Remarks |
|-------|--|----------------------|--------------------------------------|
| 1 | Muhammad Anjad Khan Jadoon s/o Muhammad Sarwar Khan | GHS Bagh | Against vacant post of SST (General) |
| 2 | Muhammad Kamran Waqar s/o Shahzada Waqar | GHSS Rich Bhen | -do- |
| 3 | Akmal Hussain s/o Muhammad Akram | GHS Khaira Gali | -do- |
| 4 | Khalil-Ur-Rehman s/o Muhammad Yaqoob | GMS Mari | -do- |
| 5 | Muhammad Sheraz s/o Abdul Hayee | GHS Jarral | -do- |
| 6 | Muhammad Sohail s/o Muhammad Naseem | GMS; Dhari Kehal | -do- |
| 7 | Muhammad Usman Qureshi s/o Muhammad Arshid Qureshi | GHSS Langrial | -do- |
| 8 | Muhammad Zaheer s/o Muhammad Ayub | GHS Chamad | -do- |
| 9 | Obaid Ullah Jan s/o Abdullah | GHS Chamiali | -do- |
| 10 | Rafaqat Hussain s/o Abdul Majeed | GHS Toheed Abad | -do- |
| 11 | Shahid Hasnain s/o Muhammad Shaabbir | GHS Ghora Bazgran | -do- |
| 12 | Siddique-ur-Rehman s/o Nek Muhammad | GHS Stora | -do- |
| 13 | Amjid Nawaz s/o Muhammad Iqbal | GHS Jhangra | -do- |
| 14 | Abid Sarfaraz Abbasi s/o Muhammad Sarfaraz Abbasi | GHS Moolia | -do- |
| 15 | Arshid Mehmood s/o Abdur Rehman | GHS Beerangali | -do- |
| 16 | Khaliq-uz-Zaman s/o Sub: Mir Afzal Khan | GHS Makol Payeen | -do- |
| 17 | Muhammad Uzair s/o Aziz-ur-Rehman | GHS Chamiali | -do- |
| 18 | Naveed Akhtar s/o Aurangzeb | GHSS Mohri Bed Behan | -do- |
| 19 | Zulfaqar Ahmed s/o Khani Zaman | GMS Kukmung | -do- |

Ames
[Signature]

and conditions; given in above Notifications are reproduced -

- 1. His services will be considered regular but without pension & Gratuity in terms of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. He will however be entitled to Contributory Provident Fund in such a manner at such rates as prescribed by the Govt.
- 2. In case he is already in Govt service and working against pension able post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel and selection by the Commission, is appointed and allowed choice of option either to retain benefit of pension and gratuity as allowed to him under his previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to him under new appointment.
- 3. His service are liable to termination on one month's notice from either side. In case of resignation without notice his one months pay /allowances shall be forfeited to the Govt.
- 4. He should join his post within 30 days of issuance of this notification. In case of failure to join their post within one month of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 5. He would be on probation for a period of one year extendable for another one year.
- 6. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 7. His services can be terminated at any time in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
- 8. Charge report should be submitted to all concerned.
- 9. The EDO concerned would furnish a certificate to the effect that the candidate has join the post or otherwise after one month of the issue of his posting order.
- 10. The EDO concerned will verify their documents before release of pay.
- 11. His seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission
- 12. NO TA/DA will be allowed to appointee for joining his duty.

(MUHAMMAD RIAZ SWATI)
EXECUTIVE DISTRICT OFFICER
ELEM&SECY,EDU,ABBOTTABAD

Endst No. 19/01-6246 /EB-I(M). Adjustment SST/PSC/Dated Atd 8/3/2012

Copy of the above is forwarded for information & necessary action to the;

- 1. Director Elem&Secy; Education Khyber Pakhtunkhwa Peshawar.
- 2. District Coordination Officer Abbottabad.
- 3. District Comptroller of Accounts Abbottabad with the remarks not to release the pay of above named SSTs till verification of documents by concerned Board/Universities etc through post.
- 3.24 Principals/Headmasters of concerned schools with the directions to follow the conditions contained in appointment orders. It is also directed not to release the pay of the above SSTs concerned till the verification of the documents by the Board/Universities etc
- 25.46 Concerned for compliance.

EXECUTIVE DISTRICT OFFICER
ELEM&SECY,EDU,ABBOTTABAD

(17)

Annexure B

P-IT

OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

TRANSFER ORDER.

The transfer of the following officials is hereby ordered on their own pay & BPS as recorded against their names in the interest of public service with effect from the date of taking over charge.

| S. No | Name / Designation | From | To | Remarks |
|-------|--|------------------------------------|-----------------------------|---|
| 1 | Toufeeq ur Rehman ASDEO (Management Cadre) | ADEO (E/Primary) | ADEO (Circle Hajja Gali) | Against Vacant Post |
| 2 | Muhammad Imran ASDEO (Management Cadre) | ASDEO (Circle Dhamtour) | ADEO (E/Primary) | Vice Serial # 01 |
| 3 | Zulfiqar Ahmad SST(G) (Teaching Cadre) | SST(G) GHSS No.01 Abbottabad | ASDEO (Circle Dhamtour) | Vice Serial # 02 (Under stop gap arrangement) |

Note: -

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

Sd—
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD.

3060-65

Endst: No. _____/EB-I/ADEO/

Dated A/Abad the 6-5/2023.

Copy for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts Abbottabad.
3. District Monitoring Officer (EMA) Abbottabad.
4. SDEO Male Concerned
5. Budget & Accounts Officer Local Office.
- ✓ 6. ASDEO/SST concerned.
7. AP EMIS branch local office.

(18)



Certificate of Appreciation


This certificate is awarded to

Mr / Miss *ZULFIYR AHMED ASDEO* CIRCLE *DHARNTOUR*

On His / Her Excellent Services For The Improvement
Of Education In The Province.

Amr. 18 - 20
15.20

Amr. 18 - 20
15.20


Mr. Masood Ahmad
Secretary (E&SE) Department
Khyber Pakhtunkhwa




Miss Samina Altaf
Director (E&SE)
Khyber Pakhtunkhwa

(19)



تعمیر

11/11/71

(19)

سید ذہنور احمد ڈیوالڈ نیواں، تهرين کارکردگی پر جا - مسعود احمد - لڈلری (E&S) اور ڈائریکٹر تعمیرات سے شریک



سنگل دھندلر سقاؤفقا ذوالفضلا اور بہترین کارکن کی سائبرٹری (1954ء) میں جرائد سے تالیف وصول کر کے ہے -

Handwritten signature or initials.

24

Annexure "D"



GOVERNMENT OF KHYBER PAKHTUNKHWA
 ELEMENTARY & SECONDARY EDUCATION
 DEPARTMENT
 Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
 Phone No. 091-9223533 Email: sschoolmale@gmail.com



Peshawar Dated 22.03.20

NOTIFICATION

NO.SO(S/M)E&SED/Mis/11-1/2024: The Competent Authority is pleased to impose complete ban on all kinds of posting/ transfers in Elementary & Secondary Education Department with immediate effect and till further orders, except the posting/adjustment orders to be made in connection with:

1. Appointment through Public Service Commission
2. Promotions through PSB or DPCs.
3. Court cases.

SECRETARY
 TO GOVT OF KHYBER PAKHTUNKHWA

Endst: of even No. & Date

Copy forwarded to the:

1. PS to Minister for E&SE Department.
2. Accountant-General, Khyber Pakhtunkhwa Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Director, EMIS E&SE Department.
5. All District Education Officers (M/F).
6. District Accounts Officer concerned.
7. PS to Secretary E&SE Department.
8. Office order file.

(NAVEED ULLAH SHAH)
 DEPUTY SECRETARY (ESTABLISHMENT)



(22)

Annexure "E" P-22

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION:

Consequent upon approval of the Competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar), the posting/transfer of the following officers/teachers are hereby ordered in their own pay scales, with immediate effect in the interest of public.

| S# | Name & Designation | From | To (posted as) | Remarks |
|----|-------------------------------------|----------------------------------|---|-----------|
| 1. | Mr. Abdul Waheed SST(G) | GHS Mang Haripur | O/O SDEO (M) Khan Pur Haripur | Vice Sr.2 |
| 2. | Mr. Imran Khan ASDEO (MC) | O/O SDEO (M) Khan Pur Haripur | ASDEO (M) Circle Dhamtour Abbottabad | AVP |
| 3. | Mr. Waqar Ahmad ASDEO (MC) | ASDEO Kot Najibullah Haripur | Services placed at the disposal of DEO (M) Haripur | |
| 4. | Mr. Khalid Mehmood SST (G) | GHS Pind Gujjaran Haripur | ASDEO Circle Kot Najibullah Haripur | Vice Sr.3 |
| 5. | Mr. Rizwan Siddique ASDEO Kohala | O/O SDEO (M) Khan Pur Haripur | Services placed at the disposal of DEO (M) Haripur | |
| 6. | Mr. Zaffar Iqbal SST (G) | GMS Kohala Paycen Haripur | ASDEO Kohala O/O SDEO (M) Khan Pur Haripur | Vice Sr.3 |

TERMS & CONDITIONS:

- 1- Posting/Adjustment of Teaching Cadre Officers shall be considered as stop-g arrangement till the arrival of Management Cadre officers.
- 2- The order of the above named SSTs will be effective subject to the condition that they will give an undertaking/affidavit on legal paper/stamp paper to DEO (M) Haripur to the effect, not to claim seniority of Management Cadre.
- 3- Charge Report should be submitted to all concerned.
- 4- No TA/DA is allowed.
5. The terms & conditions mentioned in his appointment order as SST Teaching cadre remain intact.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 2272-76 H-1/ADEOs (M)/Transfer Haripur Dated: 21-3- /2024

Copy forwarded to the:

1. District Education Officer (M) Haripur.
2. District Education Officer (M) Abbottabad.
3. District Accounts Officer Haripur.
4. District Accounts Officer Abbottabad.
5. Officers Concerned.
6. PA to Director E&SE KPK Peshawar.
7. Mr. Salman Khan, Focal Person iEMIS.

Haripur SST Transfer

Assistant Director (Estab M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar



Dated, the Peshawar 21st March 2024

NOTIFICATION

NO.SO/MCIE&SED/4-16/2024/PT/MC/SDEO: The following posting / transfers are hereby ordered with immediate effect, in the best public interest: -

| Sr. No | Name of officer | From | To |
|--------|----------------------------------|--|--|
| 1. | Mr. Zulfqar Ahmad, (TC BS-16) | ASDEO Circle Dhamtor Abbottabad | GHS Pattan Khurd Abbottabad |
| 2. | Mr. Jaffar Rehman, (TC BS-16) | ASDEO (Primary) DEO (Male) Office Abbottabad | ASDEO Circle Dhamtor Abbottabad vice serial No. 1 |
| 3. | Mr. Arshad Masood, (TC BS-16) | GMS Abbottabad | ASDEO (Primary) DEO (Male) Office Abbottabad vice serial no. 2 |

2. Consequent upon above, Mr. Imran Khan, MC BS-16 under transfer as ASDEO (Male) Circle Dhamtor Abbottabad posted vide Notification No. 2272-76/H-1/ADEOs (M)/Transfer Haripur, dated 21-03-2024 is hereby directed to report to Directorate of E&SE for further posting.

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

Endst: of even No. & date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male) concerned.
4. District Account Officer concerned.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. SDEO (Male) concerned.

AS
M/26

(ARSALAN AHMED) 21/3/24
SECTION OFFICER (Management Cadre)

(24)

Annex - 6
P-24-25

To

**The Worthy Secretary
(E&SED) Khyber Pakhtunkhwa**

Subject:

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED TRANSFER NOTIFICATION
NO.50 (MC) E & SED/4-16/2024/ PT/MC/SDEO: DATED 21 MARCH, 2024.**

Respected Sir,

It is submitted to your gracious honors:

1. That the appellant was appointed as SST vide Director E&SED under Endst No. 646-769/FILE No. 2/A-14/SST/PSC/APTT: dated 3/3/2012. in line with the recommendation of PSC. (Copy of Notification attached as Annexure "A")
2. That the appellant was performing his duties very amicably as SST at GHSS No 1 Abbottabad, the department has assigned the duty of ASDEO Circle Dhamtour vide Endst No. 3060-65 EB/I/ADEO/ dated 06-05-2023, Without my any application for it, Both the duties station i.e No.1 GHSS Abbottabad and circle Dhamtour was near to my residence. I rendered my new assignment whole heartedly, very actively considering it as national service that was acknowledged by worthy Director and by your good self. (Copies of Adjustment Order and best performance certificates are attached herewith as Annexure" "B & C")
3. That the tenure of the appellant was less than one year, but the performance was evident that the appellant was appreciated by your good self and Worthy Director (E&SED) twice times.
4. That there is complete ban on all kinds of Posting/ Transfer in (E&SED) till further order vide Notification dated 22-03-2024. (Copy of Notification is attached as Annexure "D")
5. That inspite of ban on posting / Transfer in (E&SED), the appellant was astonished to see two transfer Orders on 25-3-24 at dawn circulating in social media. The station at which the appellant is adjusted/ posted is about 225 KM away from his residence. (Copies of both Notifications of Same date are attached as Annexure "E & F")

124. Sir
[Signature]

OFFICE OF SECRETARY E&SE DEPTT:

Diary No. 37

Dated 26/3/2024

25

6. That according to 2009 Education policy ASDEO/ ADEO post belongs to Management Cadre, due to non availability of MC ASDEO, SST can be posted/ adjusted against the vacant post on stop-gap arrangement, but in the case of appellant another junior SST named Arshad Masood & Jaffer Rehman, who are not MC ASDEO were replaced with appellant due to political influence.
7. That: an other blunder that was made in issuing the transfer order by E&SED notification No.SD (MC) E &SED/4-16/2024/ PT/MC/SDEO: dated 21/03/2024 is the hierarchy of authority. As per APT rules 1989, The Director (E&SED) is the Competent authority of posting /Transfer of BPS-16 not the worthy secretary (E&SED). (Copy of APT rule 1989 is attached herewith as Annexure " G")

In view above mentioned facts, it is requested to your gracious honors "That instant departmental appeal of the appellant may be accepted and impugned notification No.SD (MC) E &SED/4-16/2024/ PT/MC/SDEO: dated 21/03/2024 be set aside/ withdrawn please.

I shall be very obliged for your act of kindness;

Dated: 26/03/2024

Your sincerely


Zulfiqar Ahmed
ASDEO Circle Dhamtour Abbottabad.






26

Annex - H

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmed
Dated: 1st, April, 2024

To

Mr. Zulfiqar Ahmed,
Under transfer to GHS Pattan Khurd Abbottabad.

Subject: - **DEPARTMENTAL APPEAL AGAINST THE TRANSFER NOTIFICATION
NO. SO(MC) E&SED/4-16/2024/MC/SDEO: DATED 21 MARCH, 2024.**

I am directed to refer to the subject noted above and to state that your departmental appeal No. Nil dated 26.03.2024 regarding cancellation of posting order examined and found not maintainable, hence, filed.

(ARSALAN AHMED)

SECTION OFFICER (Management Cadre)

Endst: Even No. & Date:

Copy forwarded to the:-

1. PS to Secretary, E&SE Department Khyber Pakhtunkhwa Peshawar.

SECTION OFFICER (Management Cadre)

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17/4

(27)

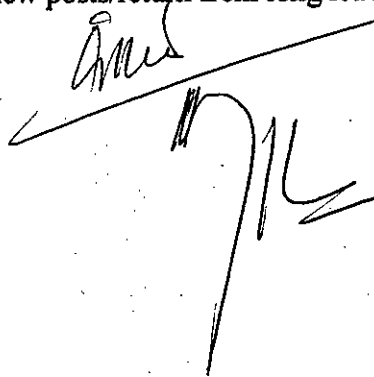
Annex - I
P-

NO.SOR-II (E&AD) 1-1/85(VOL-II)
Dated Peshawar the 15th February 2003.

Subject: POSTING /TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT.

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following posting Transfer Policy.

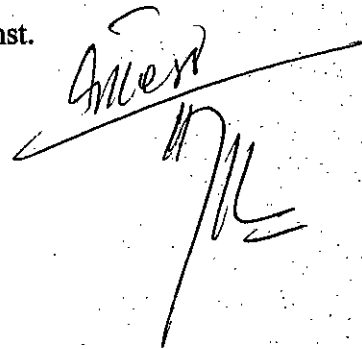
- i. All the postings /transfers shall be strictly in public interest and shall not be abused misused to victimize the Government servants.
- ii. All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting /transfer authorities for seeking posting /transfers of their choice and against the public interest.
- iii. All contract Government employees, appointed against specific posts, cannot be posted against anyother 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 hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v. Months of March and July are fixed for posting /transfer of the officers /officials excluding the officers in B-19 and above in the Province. Posting /transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting /transfers in July. There shall be a ban on posting/transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where posting /transfer of Government employees become inevitable in other months due to promotion /retirement /creation of new posts/return from long leave/involvement in



28

disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.

- vi. While making postings transfers from settled areas to FATA and vice versa specific approval of the Governor, NWFP needs to be obtained.
- vii. Officers may be posted on executive /administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thana) of his area /resident is situated.
- viii. No postings /transfers of the officers/officials on detailment basis shall be made.
- ix. Regarding the posting of husband /wife, both in Provincial services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- x. All the posting /transferring authorities may facilitate the postings /transfers of the unmarried female Government Servants at the station of the residence of their parents.
- xi. Officers /officials except DCOs and 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 their till the retirement.
- xii. In terms of Rules-17 (1) and (2) read Schedule-III of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against.

Amir


1

Outside the Secretariat

i. Officers of the all Pakistan Unified Group i.e DMG , PSP including Provincial Police Officers in BPS-18 and above.

ii. Other officers in BPS-17 and above to be posted against schedule posts, or posts normally held by the APUG, PCS (EG) and PCS (SG).

iii. Head of Attached Departments and other Officers in B-19 & above in all Departments.

In the Secretariat:

iv. Secretaries .

v. Other Officers of and above the rank of Section Officers:-
a. Within the Same Department.
b. Within the Secretariat from one Department to another.

vi. Officials upto the rank of Superintendent:-
a. Within the same Department.
b. To and from an Attached Department.

2

Chief Secretary in consultation with the Establishment Department and the Department concerned with the approval of the Chief Minister.

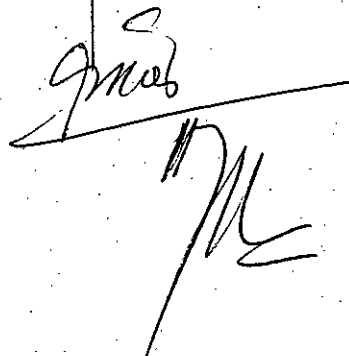
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Chief Secretary with the approval of Chief Minister.

Secretary of the Department concerned .
Chief Secretary /Secretary Establishment.

Secretary of the Department concerned.
Secretary of the Department in consultation



c. Within the Secretariat from on
Department to another.

with Head of Attached Department
concerned. Secretary (Establishment)

ms
[Signature]

30

xiii. While considering postings /transfers proposals all the concerned authorities shall keep in mind the following:

a. To ensure the posting of proper persons on proper posts, the 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.

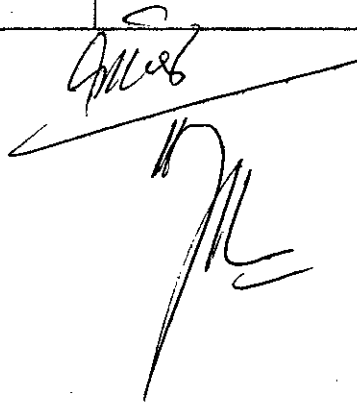
ix) Governments servants including District Govt. employees feeling aggrieved due to the orders of ,posting/transfers authorities may seek remedy from the next higher authority/(the appointing authority) as the case may be through an appeal to be submitted within seven days of the receipt of such orders. 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 posting/transfer or posting/transfer in violation of the provisions of this policy.

ii) Serious and grave personal (humanitarian) grounds.

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 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 Officer in BPS-17 and above posted in the District. | Provincial Government . |



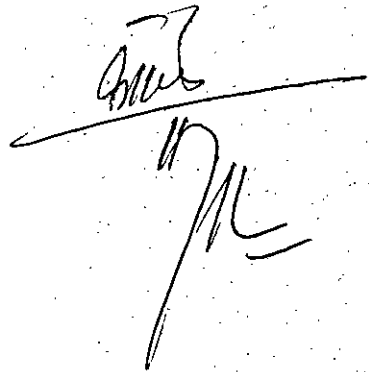
| | | |
|----|-------------------------------|--|
| 4. | Official in BPS-16 and below. | Executive District Officer in consultation with District Coordination Officer. |
|----|-------------------------------|--|

As per Rule 25(2) of the Rules 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; and

b. require an officer to hold charge of more than one post for a period exceeding two months.

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

Handwritten signature and initials, possibly 'A. M.' and 'M.', written in black ink.

33

Annexure "J"
P-33 to 35

**UPDATED VERSION OF THE KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989
[UPTO 20.02.2023]**

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:**-(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

¹ (d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

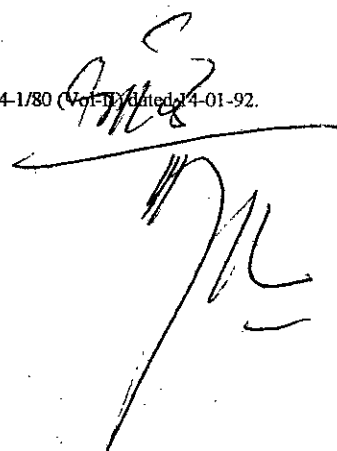
² (dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment / appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

¹ Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol. II) dated 14-01-92.
² Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994



³(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

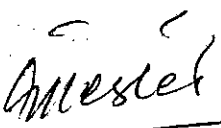

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

| S.No.! | Posts | Appointing Authority |
|--------|---|----------------------|
| 41. | (a) Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services; <ul style="list-style-type: none"> (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and (iii) Provincial Civil Secretariat Service. | Chief Minister |
| | (b) Posts in Basic Pay Scale 17 other than those covered by (a) above. | Chief Secretary |

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3 Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

4 Substituted by Notification No. SOR-I(S&GAD)4-1/75/Vol-I, dated 22-08-1991.

- 2. Posts in Basic Pay Scale 16.
 - (a) In the case of Secretariat of the Government of the Khyber Pakhtunkhwa, the Chief Secretary.
 - (b) In case of High Court, the Chief Justice; and
 - (c) In the case of Attached Department:
 - (i) the Head of Attached Department concerned; and
 - (ii) In any other case the Secretary of the Department concerned.

- 3. Posts in Basic Pay Scales ⁵[6 to 15].
 - (a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief Justice; and
 - (b) In other cases
 - (i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or
 - (ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/ Office, as the case may be.

- 4. Posts in Basic Pay Scale ⁶[3 and 5]. Deputy Secretary incharge of Administration or office, as the case may be.

5. Departmental Promotion & Selection Committee/Board - (1) In each Department or office of Government there shall be one or more Departmental Promotion

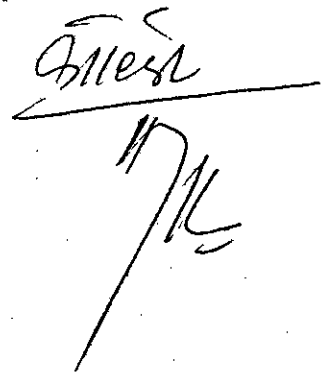
⁵ The Figures and word "3 to 15" substituted with figures and word "6-15 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016.

⁶ The Figures and word "1 and 2" substituted with figures and word "3 and 5 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016

Note:- For the purpose or appointment to a post bound on the Ministerial Establishment of a Civil Secretariat in basic pay scale 06-15 "Secretary to Government" means the Secretary to Government, Establishment & Administration Department and in other cases the Secretary of the department concerned..

⁷ The heading of rule 5 substituted by Notification No. SOR-I(S&GAD)2-7/86, dated 8-12-1994.

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Amma-k

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. ___/2024

Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil & District
Abbottabad, presently posted as Assistant Sub Divisional Education Officer
Circle Dhamtour Sub Division Abbottabad.

.....**APPELLANT**

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary
Education Department, Khyber Pakhtunkhwa & Others

.....**RESPONDENTS**

APPLICATION FOR HEARING AT PRINCIPAL SEAT
OF THIS HON'BLE SERVICE TRIBUNAL
PESHAWAR.

RESPECTFULLY SHEWETH:

*That the instant appeal is of urgent nature, it is
therefore humbly prayed that the same may kindly be
heard at principal seat Peshawar of this Hon'ble
Service Tribunal.*

*It is, therefore, humbly prayed that on
acceptance of this application may kindly be fixed in
the above titled appeal.*

Dated 02-04-2024

Appellant

Through

Zulfiqar Ahmad
In Person

