

Appeal No. 1227/2015  
Sultan Badshah vs Govt

03.1.2017

Counsel for the appellant and Mr. Muhammad Zubair, Sr.GP for official respondents and counsel for private respondent No. 4 present.

Sultan Badshah Senior Clerk Government Girls College, Timergara Dir lower hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 14.10.2015 whereby the appellant was transferred from Government Girls College, Timergara to Government Post-Graduate College, and where-against his departmental appeal was also rejected vide order dated 27.10.2015.

Arguments of the learned counsel for the parties heard and record perused.

Vide impugned transfer order the appellant has been transferred from one college to another, in the same area, causing no inconvenience to the appellant. As such we find no substance in the present appeal and the same is therefore dismissed leaving the parties to bear their own costs. File be consigned to the record room.

Member

ANNOUNCED

03.01.2017

Chairman

Camp court, Swat

03.01.17

1227/15

07.09.2016

Counsel for the appellant, Mr. Muhammad Zubair, Sr.GP for the official respondents and agent of counsel for private respondent No. 4 present. Counsel for the appellant requested for adjournment as rejoinder has not been drawn. Adjourned for rejoinder and final hearing before the D.B on 08.11.2016 at camp court, Swat. The restraint order shall continue.



Member



Chairman

Camp Court, Swat

08.11.2016

Appellant with counsel, Mr. Muhammad Zubair Sr.GP for official respondents No. 1 to 3 and private respondent No. 4 in person present. Rejoinder submitted. Counsel for the private respondent No. 4 stated busy before the Hon'ble High Court; Mingora Bench (Dar-ul-Qaza) Swat. Adjourned for final hearing before DB on 3.1.2017 at camp court, Swat. Restraint order shall continue.



Member



Chairman

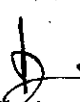
Camp court, Swat

09.03.2016 Appellant in person and Mr. Murad Khan, Supdt./  
alongwith Mr. Farooq Ahmad, AGP for official respondents  
present. Written reply not submitted. Cost of Rs.1000/- paid and  
receipt thereof obtained. Requested for further adjournment as the  
Law Officer admitted to Hospital due to heart attack. Last  
opportunity is extended subject to payment of further cost of  
Rs.1500/- which shall be borne by the official respondents. To  
come up for written reply/comments on behalf of official  
respondents No.1 to 3 and cost on 6.4.2016 before S.B at Camp  
Court Swat. Status-quo be maintained.

06.04.2015


Appellant in person and Mr. Irfanullah, AD alongwith Sr.GP for  
the respondents present. Written statement submitted by the official  
respondents. Cost paid and receipt thereof obtained from the  
appellant. Written statement by private respondent No. 4 already  
submitted. The appeal is assigned to D.B for rejoinder and final  
hearing for 07.6.2016 at camp court, Swat. The restraint order  
shall continue.


  
Chairman  
Camp Court Swat

  
Chairman  
Camp Court Swat

07.06.2016


Counsel for the appellant and Mr. Muhammad Zubair,  
Sr.GP for the official respondents No. 1 to 3 and counsel for private  
respondent No.4 present. Counsel for the appellant seeks  
adjournment to submit rejoinder. Adjourned for rejoinder and final  
hearing to 07.09.2016 before D.B at camp court, Swat. The  
restraint order shall continue.

  
Member

  
Chairman  
Camp court, Swat.

13.01.2016

Appellant in person, Mr. Aziz Ahmad, Teaching Assistant alongwith Mian Amir Qadir, G.P for official respondents No.1 to 3 and private respondent No.4 in person present. Written reply by private respondent No.4 submitted while request for further adjournment made on behalf of official respondents. Last opportunity granted. To come up for written reply/comments on behalf of official respondents No.1 to 3 on 3.2.2016 before S.B at Camp Court Swat. Status-quo be maintained.

  
Chairman  
Camp Court Swat

3.2.2016

Appellant with counsel, Mr. Ameer Qadir, GP for official respondents No. 1 to 3 and private respondent No 4 in person present. Written reply not submitted by official respondents No. 1 to 3 despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs.1000/-. To come up for written reply/comments and cost on 9.3.2016 before S.B at Camp Court Swat. Status-quo be maintained.

  
Chairman  
Camp Court Swat

12.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Senior Clerk at GGC, Timergara on the basis of transfer order dated 23.4.2015 when transferred to GPGC, Timergara vide impugned order dated 14.10.2015 on the basis of political intervention made by one of the Cabinet Members. That the appellant preferred departmental appeal against the said order on 20.10.2015 which was rejected on 27.10.2015 and hence the instant service appeal on 5.11.2015.

Appellant Deposited  
Security & Process Fee



That the impugned order is premature and based on political intervention as such not tenable in the eyes of law and, moreover, the management committee was competent to order posting/transfer of such employees vide notification dated 18.8.2015. That the appellant has not relinquished the charge.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 7.12.2015 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

  
Chairman

7.12.2015



Appellant in person, Assistant A.G for official respondents No.1 to 3 and private respondent No.4 in person present. Wakalat Nama submitted on behalf of private respondent. Requested for adjournment. To come up for written reply/comments on 13.01.2016 before S.B at Camp Court Swat. Status-quo be maintained.

  
Chairman  
Camp Court Swat

Form- A  
FORM OF ORDER SHEET

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

Case No. 1227/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.11.2015	<p style="text-align: center;">The appeal of Mr. Sultan Badshah presented today by Mr. Rehmanullah Shah Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;">   REGISTRAR </p>
2		<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12-11-2015</u>.</p> <p style="text-align: right;">   CHAIRMAN </p>

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

Service Appeal No. 1227/2015

Sultan Badshah (Senior Clerk) GGC,

Timargara, Dir Lower.....Appellant

**Versus**

Director Higher Education KPK, Peshawar & others.....Respondents

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Application for suspension		5
3.	Affidavit		6
4.	Addresses of parties		7
5.	Copy of impugned order dated 14.10.2015		8
6.	Order dated 23.04.2015	"A"	9
7.	Departmental appeal	"B"	10
8.	Order on departmental appeal	"C"	11
9.	Copy of notification dated 18.08.2015		12
10.	Copy of order dated 22.09.2015		13-17
11.	Copy of posting/ Transfer policy		18-22
	Wakalatnama		23

  
Appellant

Through



Date:02.11.2015

**Rehmanullah Shah**  
Advocate, High Court,  
Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. 1927 /2015

H.W.P. Province  
Service Tribunal  
Diary No. 1320  
Dated 05-11-2015

Sultan Badshah (Senior Clerk) GGC,  
Timargara, Dir Lower.....Appellant

**Versus**

1. Director Higher Education KPK, Peshawar.
  2. Deputy Director <sup>Higher Education</sup> (Establishment) KPK, Peshawar
  3. Secretary Higher Education, KPK, Peshawar.
  4. Farmaullah (Senior Clerk) GPGC, Timargara, Dir Lower.
- .....Respondents

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**SERVICE APPEAL UNDER SECTION 4 OF THE CIVIL  
SERVANT ACT 1974 READ WITH RELEVANT RULES  
AGAINST THE ORDER DATED 14.10.2015, WHEREBY  
The APPELLANT WAS TRANSFFERED FROM GGC TO  
GPGC, TIAMRGARA AND DEPARTMENTAL APPEAL OF  
THE APPELLANT WAS ALSO REJECTED ON 27.10.2015**

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Handwritten notes and signature:  
5/11/15  
[Signature]

**PRAYER:**

*On acceptance of this appeal the order of respondent No.1 dated 14.10.2015 may be set aside and appellant may be allowed to perform his duty at GGC, Timargara.*

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**Respectfully Sheweth:**

1. That appellant is serving as a Clerk from last 19 years under the respondent No.1 and performed his duty with zeal and zest and is a dedicated clerk having almost serving the department since long. During this period, no complaint or whatsoever has been preferred against the appellant.
2. That appellant was transferred on 23.04.2015 to GGC and performed his duty and total length of service at the same station is five & half months (copy of order is annexed as "A").
3. That appellant preferred departmental appeal against the order dated 14.10.2015; which was not redressed and was dismissed on 27.10.2015, (copy of departmental appeal is annexed "B" and dismissal of departmental appeal is annexed "C").
4. That appellant served on the post in question five & half months ago and was promoted to senior clerk few years ago and respondent No.4 is junior to the appellant and under the policy order of the appellant is totally illegal and against the law.
5. That the appellant approached this Hon,able tribunal for redress, inter-alia on the following grounds;-

**GROUNDS:**

- A. That the impugned order dated 14.10.2015 is against the law and facts and are liable to be set aside.
- B. That appellant served for a period of five & half months at GGC, Timargara and transfer of appellant is premature.

- C. That transfer of appellant is totally political and not on merits.
- D. That negligence lies on the part of respondents and not on the part of the appellant hence appellant may not be penalized.
- E. That the respondents are following the principle of nepotism and favoritism, which is clear violation of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- F. That superior courts always discourage repeated transfer and the efficiency of civil servant is also effected due to repeated transfer.
- G. That Supreme Court held in many judgments that repeated and premature transfer should be discouraged.
- H. That the appellant reserve his right to urge further grounds with leave of the tribunal at the time of arguments or when the stance of the respondents comes in black in white.

It is, therefore, prayed that on acceptance of this appeal the impugned orders dated 14.10.2015, may be declared illegal and based upon malafide and may be set aside.

Any other remedy to which the appellant is found fit in law, justice and equity may also be awarded.

  
Appellant

Through



Date:02.11.2015

**Rehmanullah Shah**  
Advocate, High Court,  
Peshawar

4

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. \_\_\_\_\_/2015

Sultan Badshah (Senior Clerk) GGC,  
Timargara, Dir Lower.....Appellant

**Versus**

Director Higher Education KPK, Peshawar & others.....Respondents

**A F F I D A V I T**

I, Sultan Badshah (Senior Clerk) GGC, Timargara, Dir Lower, do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this learned court.



*Sultan Badshah*  
Deponent

5

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. \_\_\_\_\_/2015

Sultan Badshah (Senior Clerk) GGC,  
Timargara, Dir Lower.....Appellant

**Versus**

Director Higher Education KPK, Peshawar & others.....Respondents

**APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER  
DATED 14.10.2015**

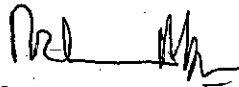
**Respectfully Sheweth:**

1. That the above titled case is being filed in which no date of hearing is fixed so far.
2. That this application may graciously be considered s integral part of the main appeal.
3. That the appellant has a very good prima facie case and is success of its decision in favour of the appellant.
4. That the balance of convenience also lies on the part of the appellant.
5. That in case the above order is not suspended the appellant would suffer irreparable loss.

It its, therefore, prayed that on acceptance of this application the impugned order dated 14.10.2015, may be suspended till the decision of this appeal.

  
Appellant

Through



Date:02.11.2015

**Rehmanullah Shah**  
Advocate, High Court,  
Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. \_\_\_\_\_/2015

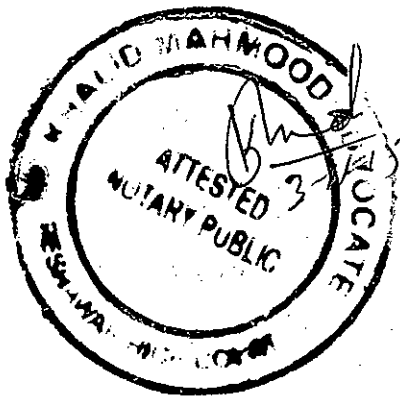
Sultan Badshah (Senior Clerk) GGC,  
Timargara, Dir Lower.....Appellant

**Versus**

Director Higher Education KPK, Peshawar & others.....Respondents

**A F F I D A V I T**

I, Sultan Badshah (Senior Clerk) GGC, Timargara, Dir Lower, do hereby solemnly affirm and declare that the contents of the accompanying *Application* are true and correct to the best of my knowledge and belief and nothing has been concealed from this learned tribunal.



*Sultan Badshah*  
Deponent

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR**

Service Appeal No. \_\_\_\_\_/2015

Sultan Badshah (Senior Clerk) GGC,  
Timargara, Dir Lower.....Appellant

**Versus**

Director Higher Education KPK, Peshawar & others.....Respondents


**ADDRESSES OF PARTIES**

**Petitioner:**

Sultan Badshah (Senior Clerk) GGC,  
Timargara, Dir Lower

**Respondents:**

1. Director Higher Education KPK, Peshawar.
2. Deputy Director <sup>Higher Education</sup> (Establishment) KPK, Peshawar
3. Secretary Higher Education KPK, Peshawar.
4. Farmaullah (Senior Clerk) GPGC, Timargara, Dir Lower.

  
Appellant

Through



Date:02.11.2015

**Rehmanullah Shah**  
Advocate, High Court,  
Peshawar



# DIRECTORATE OF HIGHER EDUCATION

KHYBER PUKHTUNKHWA, KHYBER ROAD PESHAWAR

Telephone No.091-9211025-9210217-9210242 Fax-921021

Dated 14/10/2015

8

## TRANSFER ORDER

The following transfer/adjustment of S/Clerks of Higher Education Department Khyber Pakhtunkhwa are hereby ordered in their own pay and scale in the interest of public service with immediate effect.

S.NO	NAME OF OFFICIAL	ADJUSTED AT	REMARKS
1.	Mr. Farman Ullah S/Clerk GPGC Timergara.	GGC Timergara.	V.S.No.2
2.	Mr. Sultan Badshah S/Clerk GGC Timergara.	GPGC Timergara.	V.S.No.1

### Note:-

- Charge report should be submitted to all concerned.

DIRECTOR HIGHER EDUCATION

Endst.No

25510-14

Copy of the above is forwarded to the.

- 1) Principal GPGC Timergara (Dir Lower).
- 2) Principal GGC Timergara (Dir Lower).
- 3) District Accounts officer (Dir Lower).
- 4) PA to Director Higher Education Khyber Pakhtunkhwa.
- 5) Officials concerned.

3. Bani  
DY: DIRECTOR (ESTABLISHMENT)

**ATTESTED**



# DIRECTORATE OF HIGHER EDUCATION

KHYBER PUKHTUNKHWA, KHYBER ROAD PESHAWAR

Telephone No.091-9211025-9210217-9210242 Fax-921021

Dated 23/4/2015

"Anct. A  
9"

## TRANSFER/ADJUSTEMENT

Mr. Sultan Badshah S/Clerk Govt; Post Graduate College Timergara (Dir Lower) is hereby transferred and adjusted against the vacant post of S/Clerk at Govt; Girls Degree College Timergara (Dir Lower) in his own pay and scale in the interest of the public service with immediate effect.

### Note:-

- i. Charge report should be submitted to all concerned.
- ii. No TA/DA is allowed.

DIRECTOR HIGHER EDUCATION

Endst;No. 10564-68

Copy of the above is forwarded to the.

1. Principal Govt; Post Graduate College Timergar (Dir Lower).
2. Principal Govt; Girls Degree College Timergara(Dir Lower).
3. District Account Officer Dir Lower.
4. PA to Director Higher Education Khyber Pakhtunkhwa Peshawar.
5. Official concerned.

*M. Bani*  
DY: DIRECTOR (ESTABLISHMENT)

*M*  
**ATTESTED**







**DIRECTORATE OF HIGHER EDUCATION**

Telephone No. 021-9211025-9210217-9210292 Fax-9211111

No. 26325 /CA-VI/Estt: Branch/A-157

Dated 27/10/2015

(11)

Annexure  
"C"

To

The Principal  
Govt; Girls Degree College  
Timergara(Dir Lower)

Subject: - Transfer.  
Memo:-

I am directed to refer to the appeal lodged by Mr. Sultan Badshah S/Clerk regarding cancellation of his transfer order with the remarks to relieve Mr. Sultan Badshah S/Clerk of your college immediately and direct him to report for duty to the principal GPGC Timergara under intimation to this office.

*Batwi*

BY: DIRECTOR (ESTABLISHMENT)

Endst.No 26326

Copy of the above is forwarded to the Principal GPGC Timergara with the remarks to comply the order please.

/

BY: DIRECTOR (ESTABLISHMENT)

*M*  
**ATTESTED**



(12)

**DIRECTORATE OF HIGHER EDUCATION**  
**KHYBER PAKHTUNKHWA PESHAWAR**

PHONE NO. 091-9211025-9210242-9211803 FAX NO.091-9210215

Dated Peshawar the 18/08/2015.

**NOTIFICATION.**

In Pursuance of the decision taken over the agenda item No.4 of the 3<sup>rd</sup> meeting of Provincial Management Council (PMC) held on 06/04/2015 under the Chairmanship of Secretary Higher Education Archives and Libraries Department, all co-ordinator of the Joint Management Council(JMC) are hereby authorized to exercise the power of posting/transfer of the Class-IV and Ministerial staff (from BPS-01 to BPS-16) within cluster Colleges (Male & Female) under intimation to this office.

*This is issued with immediate effect till further orders.*

**DIRECTOR HIGHER EDUCATION**  
**KHYBER PAKHTUNKHWA**

Endst No. 19732-112

Copy of the above is forwarded to the:-

1. PS to Secretary Higher Education Department Govt of Khyber Pakhtunkhwa.
2. All JMC co-ordinator Colleges in Khyber Pakhtunkhwa for strict compliance.
3. PA to Director Higher Education Khyber Pakhtunkhwa.

*ms*  
**ATTESTED**

*A. Basha*  
Deputy Director (Establishment)  
*21*



(13)

**DIRECTORATE OF HIGHER EDUCATION**

**HYDERABAD**

Phone # 091-9210242, 9211025/Fax # 9210215

Dated Peshawar the 22/9 /2015

**OFFICE ORDER**

Consequent upon the recommendation of the Departmental Promotion Committee (DPC), the Director Higher Education is pleased to promote the following Junior Clerks (BS-11) of the College cadre Higher Education Department to the post of Senior Clerk (BS-14) and to adjust them in the College/ office as mentioned below:

S. NO.	NAME & DESIGNATION AND ADDRESS	ADJUSTED AS SENIOR CLERK (B-14)	REMARKS
1.	Kamran Junior Clerk GGPGC, No. 1 Abbottabad.	GDC, Nathiagali (Abbottabad)	Vice S.No.07 below adjustment
2.	Abidul Haq Junior Clerk GPGC, Timergara.	GGC, Jandool (Dir Lower)	AVP. His services are more important to GGC, Jandool
3.	Ijaz Ahmad Junior Clerk GDC, Toru (Mardan)	GDC, No.2 Mardan	AVP
4.	Fayyaz Ahmad Junior Clerk GPGJC, S/Sharif (Swat).	GGC, Madyan (Swat)	Vice S.No.1 below adjustment
5.	Qaiser Rasheed Junior Clerk GGDC, No. 1 Abbottabad.	GPGC, No.1 Abbottabad	AVP
6.	Waqar Mehboob Junior Clerk GGDC, Nawansher (Abbottabad).	GDC, Katlang (Mardan)	AVP on the request of the Principal
7.			
8.	Fazli Hadi Junior Clerk GDC, Oghi (Mansehra).	GDC, Oghi (Mansehra)	AVP
9.	Imtiaz Junior Clerk GPGC, No. 1 Abbottabad	GDC, Kotha (Swabi)	AVP
10.	Mohammad Zubair Junior Clerk GPGC, No. 1 Abbottabad.	GPGC, Swabi	AVP
11.	Amanullah Junior Clerk GPGC, Matta (Swat).	GDC, Takht-e-Bhai (Mardan)	AVP/ on his own request
12.	Surat Khan Junior Clerk GDC, Hangu.	GDC, Hangu	AVP
13.	Sanaullah Junior Clerk GDC, Pabbi (Nowshera).	GGC, Hayatabad Peshawar	Vice S.No.12 below adjustment
14.	Mohammad Nadeem Junior Clerk GPGC, No. 1 Abbottabad.	GGC, Panjpir (Swabi)	AVP
15.	Israr Mohammad Junior Clerk GSSC, Peshawar	Govt. City Girls College Peshawar	Vice S.No.13 below adjustment
16.	Bashir Ahmad Junior Clerk GDC, Battagram	GDC, Battagram	AVP
17.	Aminullah Junior Clerk GDC, Dir (Upper)	GDC, Dir (Upper)	AVP
18.	Munawar John Junior Clerk Directorate of Higher Education	Directorate of Higher Education Peshawar	AVP
19.	Shafiqullah Khan Junior Clerk GDC, Tank.	GDC, Tank	AVP
20.	Wahid Gul Junior Clerk GDC, Ekka Ghund, Mohmand Agency	Services placed at the disposal of Director Education (FATA)	

(14)

21.	Gohar Ali Junior Clerk GDC, EkkaGhund(Mohmand Agency)	Services placed at the disposal of Director Education (FATA)	
22.	Farmanullah Junior Clerk GPGC, TimergaraDir (Lower)	GPGC, TimergaraDir (Lower)	AVP*
23.	Mohammad Saddiq Khan Junior Clerk GDC, No. 2 Bannu	GGDC, Surani (Bannu)	AVP
24.	Iqbal Hussain Junior Clerk GDC, Daggarr (Buner)	GGDC, Daggarr (Buner)	AVP
25.	Sher Ullah Junior Clerk GDC, Lakkaro (Mohmand Agency)	Service placed at the disposal of Director Education (FATA)	
26.	Anwar Khan Junior Clerk GDC, Tajori (LakkiMarwat)	GDC, Tajori (LakkiMarwat)	AVP
27.	Arifullah Junior Clerk GDC, Babuzai(Mardan)	GDC, Babuzai (Mardan)	AVP
28.	Saadat ullah Junior Clerk GDC, Mir Ali (NYWA) Kakki (Bannu)	Service placed at the disposal of Director Education (FATA) (Bannu)	
30.	Zahidullah Junior Clerk GPGC, Bannu	GDC, MamashKhel (Bannu)	AVP
31.	Ihsanullah Junior Clerk GPGGC, Kohat	GPGGC, Kohat	AVP
32.	Daud Jan Junior Clerk GPGC, Charsadda.	GDC, Tangi (Charsadda)	AVP
33.	Saad Mahmood Junior Clerk GDC, Domel (Bannu)	GDC, Domel (Bannu)	AVP
34.	Adnan Shahzad Junior Clerk GPGC, Manshera	GPGC, Manshera	AVP
35.	Mohammad Abid Junior Clerk GGC, Sheikh Maltoon (Mardan)	GGC, Sheikh Maltoon (Mardan)	AVP
36.	Falak Niaz Junior Clerk GPGC, Charsadda	GDC, Shabqadar (Charsadda)	AVP
37.	Fazli Mula Junior Clerk GGC, Zaryab Colony	Directorate of Higher Education Peshawar	AVP
38.	Mohammad Tahir Junior Clerk GFC(W) Peshawar	GGC, Gulshan Rahman Colony Peshawar	AVP
39.	Abdul Wahab Junior Clerk GDC, Thana (Malakand)	GDC, Thana (Malakand)	AVP
40.	Badshah Zada Junior Clerk GGDC, Kanju (Swat)	GGDC, Kanju (Swat)	AVP
41.	Abdullah Junior Clerk GPGJC, S/Sharif (Swat)	GDC, Alpuri (Shangla)	AVP
42.	Ashfaq Ahmad Junior Clerk GPGC, Mandian (Abbottabad)	GDC, Lahor (Swabi)	AVP
43.	Imran Khan Junior Clerk GDC	GDC, Sherran	AVP
44.	Shah Wazir Khan Junior Clerk GPGJC, S/Sharif (Swat)	GGDC, Julgram (Malakand)	AVP
45.	Mansoor Khan Junior Clerk GFC (W) Peshawar	GGDC, TakhtBhai (Mardan)	AVP
46.	Inayatullah Junior Clerk GC, Peshawar	Directorate Higher Education	AVP
47.	Mohammad Nasir Junior Clerk GGC, Tajo BibiCharsadda	Govt: Abdul Ali Khan Degree College, Charsadda	Vice S.No. 10 below adjustment
48.	Inamullah Junior Clerk Directorate of Higher Education	GDC, Pabbi (Nowshera)	AVP
49.	Gul Rehman Junior Clerk Directorate of Higher Education	Directorate of Higher Education Peshawar	AVP

(15)

50.	Shah Nawaz Junior Clerk GDC, Gumbat (Kohat)	GDC, Gumbat (Kohat)	AVP
51.	GGC, No. 1 Mansehra	GGC, Tank	AVP
52.	Sahar Gul Junior Clerk GDC, Tank	GGC, No. 2 D.I. Khan	AVP
53.	Ghulam Raza Sulamani Junior Clerk GDC, No. 1 D.I. Khan	GDC, Takht-e-Nasrati (Karak)	AVP
54.	Zahoor ur Rehman Junior Clerk GDC, Takht-e-Nasrati (Karak)	GDC, Samar Bagh Dir (Lower)	AVP
55.	Ghulam Rasool Junior Clerk GPGC, Manshera.	GPGC, Karak	AVP
56.	Aurangzeb Junior Clerk GPGC, Karak	GDC, Bilot Sharif (D.I. Khan)	AVP
57.	Mohammad Bakhsh Junior Clerk GDC, Bilot Sharif (D.I. Khan)	Services placed at the disposal of Director Education (FATA)	
58.	Barkat Shah Junior Clerk GDC, Ekka Ghund (Mohmand Agency)	Services placed at the disposal of Director Education (FATA)	
59.	Naseer Khan Junior Clerk GDC, Ekka Ghund (Mohmand Agency)	GDC, Badhber (Peshawar)	AVP
60.	Wasifullah Junior Clerk GCGC, Peshawar	GDC, Naguman (Peshawar)	AVP
61.	Ghazanfar Hayat Junior Clerk GC, Peshawar	Services placed at the disposal of Director Education (FATA)	
62.	Khalil Khan Junior Clerk GDC, Ara Khel.	Services placed at the disposal of Director Education (FATA)	
63.	Mohammad Islam Junior Clerk GDC, GGC, Dara Adam Khel Clerk GDC, Akbarpura (Nowshera).	(Nowshera)	
66.	Mohammad Dilawar Junior Clerk GFC (W) Peshawar	GGD, Zaryab Colony (Peshawar)	AVP
67.	Syed Attiqullah Shah Junior Clerk GDC, Ghazi (Haripur)	GDC, Ghazi (Haripur)	Vice S.No.10 below adjustment
68.	Sakhawat Junior Clerk GDC, Akhtar Nawaz Khan Shaheed (Haripur)	GDC, Akhtar Nawaz Khan Shaheed (Haripur)	AVP
69.	Syed Waseem Abass Kazmi Junior Clerk GGDC, Sarai Saleh (Haripur)	GGDC, Sarai Saleh (Haripur)	AVP
70.	Shahida Bibi Junior Clerk GGC, Ghazi (Haripur)	GGC, Ghazi (Haripur)	AVP
71.	Ashfaq Ahmad Junior Clerk GGC, Mankarai (Haripur)	GDC, Khanpur (Haripur)	AVP
72.	Ghulam Ali Shah Junior Clerk GPGC, Mansehra	GGC, Parhena (Mansehra)	AVP
73.	Aziz Farooq Junior Clerk GGPGC, Haripur	GGPGC, Haripur	AVP
74.	Inayat ur Rehman Junior Clerk GGDC, Dir (Upper)	GGDC, Dir (Upper)	AVP
75.	Umer Faridoon Junior Clerk GPGC, Haripur	GPGC, Haripur	AVP
76.	Asim Bilal Junior Clerk GDC, Mathra (Peshawar)	GDC, Lund Khwar (Mardan)	AVP

12/09/2010 12:00

AVP

77.	Noor Kamal Junior Clerk GGDC, Booni (Chitral)	GDC, Booni (Chitral)	Vice S.No.6 below adjustment
78.	Amjad Islam Junior Clerk GPGC, Charsadda	GPGC, Charsadda	Vice S.No.11 below adjustment
79.	Arshad Ali Junior Clerk GGDC, Pabbi (Nowshera)	GGDC, Pabbi (Nowshera)	AVP
80.	Khan Jahid Junior Clerk GPGC, Nowshera	GDC, Khan Kohi (Nowshera)	AVP
81.	Amir Nawaz Junior Clerk GPGC, Nowshera	GDC, Lachi (Kohat)	AVP
82.	Aftab Ahmad Junior Clerk GPGC, Nowshera.	GDC, Thall (Hangu)	AVP
83.	Uzair Ahmad Junior Clerk GGC, No. 1 Abbottabad	GDC, Wari Dir (Upper)	AVP
84.	Majid Khan Junior Clerk GGC	GGDC Rustam	AVP
85.	Malik Qaqas Khan Junior Clerk GPGC, No. 1 Abbottabad.	GGDC, Thall (Hangu)	AVP

### ADJUSTMENT

1.	Afarin Khan Senior Clerk GGC, Madyan (Swat)	GGC, Khwaza Khela	Against Vacant Post
2.	Abdur Rahim Junior Clerk working against the post of Senior Clerk GDC, Battagram	GDC, Battagram	Against the post of J/Clerk vacated by Bashir Ahmad at S.No.16
3.	Liaqat Junior Clerk working against the post of Senior Clerk GDC, Tangi	GPGC, Charsadda	Against the post of Junior Clerk vacated by Daud Jan at S.No.32 above.
4.	Sajid Rahman Junior Clerk working against the post S/Clerk at GDC, Takhte Nasrati	GDC, Takht-e- Nasrati	Against the post of Junior Clerk vacated by Mr. Zahoor ur Rahman at S.No. 54
5.	Mubashir Hassan Junior Clerk Directorate of Higher Education	GGC, Ghazi	Against the post of J/Clerk by Shahida Bibi at S.No. 70 above.
6.	Saifullah Senior Clerk GC, Booni	GGC, Chitral	AVP
7.	Shahzad Ahmad Senior Clerk GDC, Nathiagali	GDC, Havelian	AVP
8.	Naveed Ahmad Junior Clerk working against the Post of S/Clerk at GPGC, Haripur	GPGC, Haripur	Against the post of J/Clerk vacated by Aziz Farooq at S.No. 73 above.
9.	Saeed-Ur-Rahman Senior Clerk GDC, Ghazi (Haripur)	GPGC, Haripur	AVP

APPROVED

(17)

10.	Wakeel Khan S/Clerk Govt: Abdul Ali Khan Degree College, Charsadda.	GGC, No.1 Charsadda	AVP
11.	Sanobar S/Clerk GPGC, Charsadda	GGC, Umerzai Charsadda	AVP
12.	Umer Gul S/Clerk GGC, Hayatabad	Directorate of Higher Education Peshawar	AVP
	Govt City Girls College Peshawar.	Education Peshawar	

**NOTE:- Charge report should be submitted to all concerned.**

**DIRECTOR HIGHER EDUCATION**

Encl: No 23000-250 /A-167/GA-VII/Estab Branch DA-22-9-2-15

Copy of the above is forwarded to the :-

1. Accountant General, Khyber Pakhtunkhwa.
2. PS to Secretary Higher Education Khyber Pakhtunkhwa.
3. Director Higher Education FATA, at FATA Secretariat Warsak Road Peshawar.
4. All Govt; Colleges (Male & Female) concerned.
5. Agency Accounts Officer concerned.
6. All District Accounts Officer concerned.
7. Cashier, local Directorate.
8. PA to Director Higher Education Khyber Pakhtunkhwa.
9. All Official Concerned.

*S. Bani*  
BY: DIRECTOR (ESTABLISHMENT)

*h*  
ATTENDED

DEFINITION



(18)



**Government of Khyber Pakhtunkhwa**  
**Finance Department**

**Posting/Transfer Policy of the Provincial Government**

NO. SOR-II (E&AD) 1-1/85(VOL-II)  
Dated Peshawar the 15<sup>th</sup> 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 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 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

  
**ATTESTED**

(18)



**Government of Khyber Pakhtunkhwa**  
**Finance Department**

**Posting/Transfer Policy of the Provincial Government**

NO.SOR-II (E&AD) 1-1/85(VOL-II)  
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*W*  
**ATTESTED**

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
- c. Within the Secretariat from one Department to another.

2

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

--do--

--do--

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 with Head of Attached Department concerned. Secretary (Establishment)

*[Handwritten signature]*  
 AT: [Stamp]

21

xii) 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.

  
**ATTESTED**

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

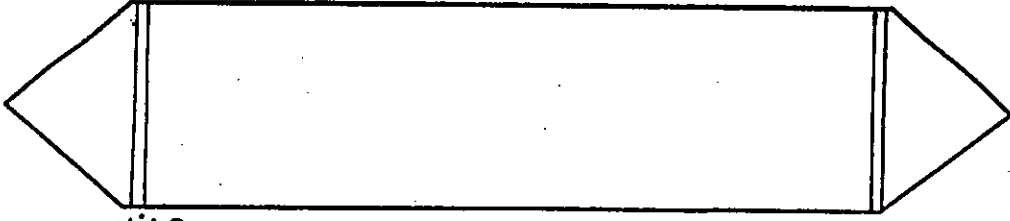
a. transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure; and

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.

  
**ATTESTED**

Before the Service Tribunal KPK, Peshawar  
بجراالت



Appellant

2. مخانب

بنام Sultan Badshah (Senior Clerk)  
GAC, Timergara

موزخه  
مقدمہ  
دعویٰ  
جرم

Disputed Higher Education KPK, Peshawar & others  
باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام Rehmanullah Shah & Partners Peshawar کے Advocates  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار دگا۔ نیز  
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Sultan Badshah

المرقوم 3 \_\_\_\_\_ ماہ نومبر 2015

بمقام لستشاور کے لئے منظور ہے۔

Attested & Accepted  
Ms. Mann

Attested & Accepted

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
CAMP COURT AT SWAT.**

Service Appeal No 1227/15

Sultan Badshah

Versus

Director Higher Education Khyber Pakhtunkhwa.

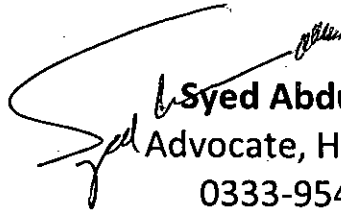
**INDEX**

S.NO	DESCRIPTION	ANNEXURE	PAGES
1.	Copy of application and press cuttings	A	1-12
2.	Copies of the relevant documents	B	13-20
3			



**(Farmaullah)**  
Respondent No.4

Through Counsel



**Syed Abdul Haq,**  
Advocate, High Court  
0333-9546154

(B)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
CAMP COURT AT SWAT.**

Service Appeal No 1227/15

Sultan Badshah  
Versus  
Director Higher Education Khyber Pakhtunkhwa.

**WRITTEN REPLY**  
**ON BEHALF OF RESPONDENT NO.4 NAMELY FARMANULLAH**

Respectfully Sheweth;

**PRELIMINARY OBJECTION**

1. That the appellant have no right to file the appeal above, as the  
appellant was transferred by the competent authority vide order  
dated 14.10.2015. Furthermore, if any person was transferred  
before expiry of stipulated period at a particular place by the  
competent authority such transfer order could not be termed as  
void ab-initio merely that it has been passed in violation of rules  
civil servant could not disobey transfer order.  
*and Cause of  
action*
2. That the appellant after transfer order to the government Degree  
Timergara filed representation on 20.10.2015 and the appellate  
authority conveyed directions to the principal Government Girl  
Degree Timergara Dir Lower, that the appellant of your college  
immediately to report for duty to GPGC Timergara But it is very



astonishing the concerned principal malafidely not relieved the appellant so the non-compliance of the transfer order of appellant having been established disentitle him to any relief.

3. That merely by filing a representation against the order of transfer appellant could not stay at a place of his own choice, if such like practice is not discourage it will give license to every Civil Servant to file a representation against the order of transfer and to stay at a place from which he did not want to move so this will create administrative Chaos so the appellant is not entitled under the law and the instant appeal is liable to be dismissed with cost.
4. That according to Civil Servant Act, 1973, every civil Servant under Provincial Government right of posting/ transfer vests in the exclusive jurisdiction of the competent authority and the said order cannot be challenged, Furthermore, Section-10 of the Act also stipulates that every civil Servant shall be liable to serve anywhere within or outside of the province.
5. That natural period of posting of Government Servant at a station be followed in ordinary circumstances unless for reason of exigencies of service such policy has to be departed from, so lot of complaints from the public representatives against the appellant clearly shows that there are hurdles in smooth working inside the

school so as per settled principal of good governance it is mandatory upon competent authority to transfer any civil servant anywhere. *(Copy of application and press cuttings are attached as annexure "A")*.

6. That the appellant approached to the Chief Minister Khyber Pakhtunkhwa wherein enquiry was initiated and detail report was submitted by the concern authority which shows the appellant is not ready to serve outside the Government Girl Degree College Timergara. So the act of appellant disentitled him for any relief. And Civil Servant had no absolute right to remain at a particular station for an indefinite period. *(Copies of the relevant documents are attached as annexure-B)*

### ON FACTS

1. "Para-1" is incorrect, hence denied. The complaints in shape of applications forwarded by the parents/public representatives to the concern quarter shows that the competent authority without mentioning in their transfer order rightly passed the order dated 14.10.2015.
2. In response of Para-2, the exact tenure where the appellant and respondent No.4 who served in Government Girls Degree

4

College Timergara and Government Degree Timergara has been highlighted by the concern Authority as per letter dated 31.12.2015.

3. "Para-3" is incorrect, that the competent Authority rightly directed the school principal to relieve and report for duty to the principal GPGC Timergara but the appellant had not took pain to honour the order of the competent Authority.
4. "Para-4" is in correct, hence denied.
5. No Comments.

### GROUNDS

- A. Incorrect, the impugned order passed by the competent authority in the public interest, furthermore everyone is equal before the law.
- B. Incorrect, the competent authority has passed the order honestly in the best welfare and interest of public, Furthermore, the non-compliance of an order by the appellant create serious administrative problems and no one is allowed to serve of his own choice.

C. Incorrect.

D. Incorrect.

E. Incorrect.

F. Incorrect. The transfer of appellant did not come in the ambit of repeated transfers, the detail reply already mentioned in preliminary objection, it is therefore, humbly prayed on acceptance of this reply the appeal may kindly be dismissed with cost.

*[Signature]*

(Farmaullah)  
Respondent No.4

Through Counsel

*[Signature]*

Syed Abdul Haq,  
Advocate, High Court  
0333-9546154

Affidavit: it is stated on oath the above facts narrated in reply are correct and nothing has been concealed.

*[Signature]*  
**ATTESTED**  
Akbar Ali Usmani, Advocate  
OATH OFFICER  
District Court  
13/1/2016

*[Signature]*  
Farmanullah  
Respt # 4

6

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
CAMP COURT AT SWAT.**

Service Appeal No 1227/15

Sultan Badshah

Versus

Director Higher Education Khyber Pakhtunkhwa.

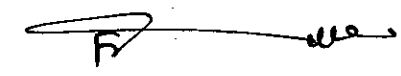
**REPLICATION**

**Respectfully Sheweth;**

1. No comments.
2. No comments.
3. Incorrect, that the appellant have no case at all and the competent Authority passed the transfer order according to Law, procedure and policy
4. Incorrect. The instant appeal is not maintainable, furthermore, the act of appellant for noncompliance the well-reason order disentitle him for any kind of relief.
5. Incorrect, if the impugned order was suspended, it will create hurdle in the smooth flow of administration. Furthermore, the transfer order is neither political nor illegal, The grounds taken by

respondent No.4 in his written reply may be deem and read with this replication.

*It is, therefore, humbly prayed that on acceptance of the aforementioned grounds, this application may kindly be dismissed with cost.*



**(Farmaullah)**  
Respondent No.4

Through Counsel



**Syed Abdul Haq,**  
Advocate, High Court  
0333-9546154

8

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
CAMP COURT AT SWAT.**

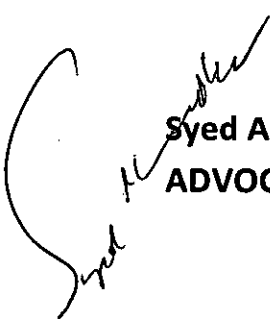
Service Appeal No 1227/15

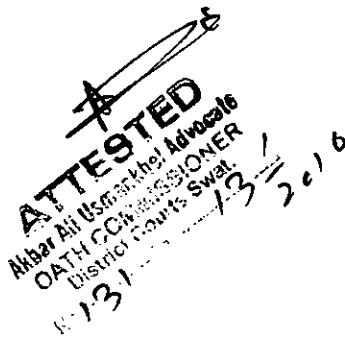
Sultan Badshah  
Versus  
Director Higher Education Khyber Pakhtunkhwa.

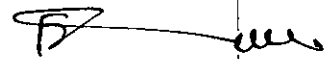
**AFFIDAVIT**

I *Farmanullah Senior Clerk resident of Sado* do hereby affirm that the contents of written reply in the above title service appeal are true and correct to the best of my knowledge and belief and nothing is concealed from this honourable Tribunal.

**Identified By**

  
**Syed Abdul Haq  
ADVOCATE**

  
**ATTESTED**  
Mbaz Ali Usman Khel Advocate  
OATH COMMISSIONER  
District Courts Swat  
13/1/2016

  
**FARMANULLAH**  
(Deponent)  
Cell#0345-9558691

بخدمت جناب ڈائریکٹر آف کالجز صوبہ کے پی کے بمقام پشاور

درخواست بمراد فراہمی دادرسی بشکل ٹرانسفر کرنے پر پہل صاحبہ بوجہ گورنمنٹ گرلز ڈگری کالج  
تیمرگرہ از کالج مذکورہ، دیگر مناسب کالج وغیرہ بوجہ عدم توجہ کالج اڈیوٹی و نیز غبار آلود  
ہونے ماحول کالج متذکرہ۔

جناب عالی! سائیلان/الہیان تیمرگرہ ذیل عرض رساں ہیں۔

- (1) یہ کہ سائیلڈ دیہہ تیمرگرہ کے معزز باشندہ گان اور پائنتانی شہری ہیں۔ نیز پشتون روایات پر کار بند لوگ ہیں۔
- (2) یہ کہ پرنسپل صاحب G.G.D.C تیمرگرہ قطعی طور پر کالج مذکور میں دلچسپی نہیں رکھتی بلکہ مسلسل غیر حاضر رہ کر ماہ میں صرف ایک دن ڈیوٹی بغرض وصولی تنخواہ دیتی۔ جبکہ بعد میں پورا مہینہ فرمائش خود سے غافل وغیر حاضر رہتی ہے۔ جسکی وجہ سے کالج متذکرہ شدید اور گوں ناگماں شکایات سے دوچار ہے۔ اور کالج کو کٹر کس کے رحم و کرم پر چھوڑ دیا ہے۔
- (3) یہ کہ پرنسپل صاحب کی عدم توجہ سے کالج کا ماحول انتہائی خراب ہے۔ اور پڑھائی تک نہیں ہوتی۔ اور کٹر کس منسرات نیز اخلاقی سرگرمیوں میں ملوث ہو کر یہاں تک کہ جرمانے بھی وصول کر کے اپنے جیبوں میں ڈال دیتے ہے۔ اسی طرح پرنسپل صاحبہ اور متعلقہ کلرک کی ٹائی بھگت سے جملہ کارروائی اور نگرانی مردان سے کنٹرول ہوتی ہے۔ جسکی وجہ سے پوری معاشرہ خصوصی طور پر تیمرگرہ اور طالبات حصول علم میں کافی بھگاڑ پیدا ہوئی ہیں۔
- (4) یہ کہ کالج مذکور میں محمد نعیم کلرک تقریباً 20 سال سے کام کر رہا ہے۔ چونکہ اب اسکے اسٹنٹ کے پوسٹ پر ترقی ہو کر موجودہ ایک سینئر اسٹنٹ کو غیر قانونی طور پر ہٹا کر اسکے پوسٹ پر براہما ہوا ہے۔ جو نرا سزا ظلم ہے۔
- (5) یہ کہ مذکورہ بالا واقعات کے نسبت سائیلان/الہیان کے ساتھ کافی معتدل ثبوت اثبات موجود ہیں۔ اور جناب عالی براہ راست بھی سائیلان کے ساتھ ڈسکس کر سکتا ہے۔ اور یوں مذکورہ واقعات کی روشنی میں پرنسپل صاحبہ کے خلاف عملی کارروائی میں لانا اور ٹرانسفر کرنا لازمی اور قرین انصاف ہے۔

محمد نعیم

پس عرض ہے۔ کہ بمطابق درخواست بذاتقانونی کارروائی عمل میں لائے  
جائے۔

العارض جملہ الہیان تیمرگرہ جملہ سیاسی رہنما تیمرگرہ شہر

اطلاع یابی۔

- |                                      |   |
|--------------------------------------|---|
| (1) چیف منسٹر KPK                    | (2) منسٹر آف ایجوکیشن KPK                           |
| (3) ڈی سی ڈیر ایجوکیشن بمقام تیمرگرہ | (4) ڈی ڈھاک چیئر مین MPA سید گل صاحبہ ضلع ڈیر ایوٹر |



جناب عالی!

مودبانہ گزارش کی جاتی ہے۔ کہ ہم اہلیان تیمرگرہ آپ کی توجہ چندا ہم مسائل کی طرف مبذول کرانا چاہتے ہیں۔ آپ کی کالج کا کلرک آفس جو کالج بلڈنگ کے اندر واقع ہے نے حجرے کا شکل اختیار کیا ہے۔ کالج ہذا کے کلرک صاحبان کے دوست احباب بغیر کسی اجازت کے ازادانہ طور پر کالج کے اندر جاتے ہیں اور وہاں پر گھنٹوں تک کالج ہذا کے کلرک صاحبان کے ساتھ خوش گپیوں کیون صرف رہتے ہیں حالانکہ اس دوران ہماری بہنیں، بیٹیاں اپنے ضروری کاموں کے سلسلے میں کلرک آفس جانے سے پھر کتراتے ہیں ہم اہلیان تیمرگرہ مذکورہ کلرک صاحبان کی اس فعل کی بھرپور مذمت کرتے ہیں اور آپ سے ایک مرتبہ پھر درخواست کرتے ہیں کہ اس مسئلے کا فوری حل نکالیں ورنہ پھر ہم اہلیان تیمرگرہ اپنے طرف سے اس کے خلاف سخت اقدامات کریں گے۔ کیونکہ یہ ہماری بہنیوں اور بیٹیوں کی کھلی بے عزتی ہے اور پختون قوم کی حیثیت سے یہ بے عزتی ہم مزید برداشت نہیں کر سکتے۔ آپ سے یہ بھی درخواست کی جاتی ہے کہ کالج ہذا کے کلرک آفس کے ساتھ دیوار تعمیر کر کے اس کو کالج کے بلڈنگ سے الگ کیا جائے تاکہ ہمارے بچیوں کو اپنے پردے کے سلسلے میں مشکلات کا سامنا نہ ہوں۔ اس کے علاوہ سید محمد جو کالج ہذا کا سابقہ ملازم تھا۔ اس کالج سے بے عزتی کے ساتھ گیا ہے اور اس کے علاوہ اس کی دوسری سرگرمیاں بھی مشکوک ہیں اور کالج ہذا کے موجودہ چوکیدار نے سید محمد کے ساتھ چپول کے لئے ایڑھی چوٹی کا زور لگایا ہے۔ اس لئے ہم آپ سے پُر زور اپیل کرتے ہیں کہ اگر سید محمد کو دوبارہ اس کالج میں ڈیوٹی کے لئے لایا گیا تو ہم اس کے خلاف سخت اقدامات کریں گے۔ اس لئے آپ سے درخواست کی جاتی ہے کہ مذکورہ بالا مسائل کو جلد از جلد حل کریں تاکہ اس علاقے کی بیٹیاں عزت کے ساتھ تعلیم کے زیور سے آراستہ ہوں۔

	(سابقہ ایم، این اے)	صاحب زادہ یعقوب	منجانب:
	(سیاسی سماجی کارکن)	ملک فاتح الرحیم	
	(سابقہ ناظم)	ملک شیر بہادر	
	(صدر پاکستان تحریک انصاف ضلع دیر)	ملک انعام	
	(سیاسی سماجی کارکن تیمرگرہ)	ملک نور اسلام	
	(سیاسی سماجی کارکن تیمرگرہ)	لائق زادہ	
	(سیاسی سماجی کارکن تیمرگرہ)	ملک اجبر	
	(سیاسی سماجی کارکن تیمرگرہ)	میاں گل شیخ الاسلام	
	(سیاسی سماجی کارکن و سابقہ کونسلر تیمرگرہ)	محمد یوسف عرف بابو	
	(سیاسی سماجی کارکن تیمرگرہ)	ملک توحید	
	(سیاسی سماجی کارکن تیمرگرہ)	انور بھائی جان	
	(سیاسی سماجی کارکن تیمرگرہ)	میاں گل شعیب	



خان  
لیس

انقتان کیا۔ اور نئے داخل ہونے والے 70 بچوں کو  
سے بات چیت کی اور انہیں تعلیم کی، بلکہ میں تمہارے  
طلباء کو خوش آمد بد کہا۔ ان وقت میں ان میں سے  
سربراہ ملک عارف نے خان سے کہا کہ اس وقت یہ اس وقت  
روز پاک فوج کے سیکٹر کا ٹرینر گنڈ سیر ضلع الاسلام نے

### گرلز ڈگری کالج تیمرگرہ کی پرنسپل کی حاضری پر عمائدین کا شدید احتجاج

### حکام فوری طور تبدیل کر کے ان کی جگہ فرض شناس پرنسپل کو تعینات کریں

نی کے باوجود ان ایک سنیہ اسٹنٹ اور جی۔ آئی۔ طور  
پر ہٹا کر اس کے پوسٹ پر براہیاں ہے، من مہین علاقہ  
نے وزیر اعلیٰ پردیز خٹک، وزیر تعلیم، ڈی پی ای پائین  
سے مطالبہ کیا کہ مذکورہ پرنسپل کو فوری طور تبدیل کر کے ان  
کی جگہ فرض شناس پرنسپل کو تعینات کیا جائے۔

”لوئیر دیر (نامہ نگار) گورنمنٹ گرلز ڈگری کالج تیمرگرہ  
کی پرنسپل طویل غیر حاضری پر عمائدین علاقہ کا شدید  
احتجاج، طالبات کا مستقبل داؤ پر لگ گیا۔ تیمرگرہ کے عما  
دیدین تحریک انصاف کے سابق امیدوار ملک انعام خان  
، اربن کونسل کے سابق ممبر کونسل محمد یوسف خان، اے  
این پی دیر پائین کے نائب صدر ملک افتخار خان، میاں  
گل شعیب الاسرار، ملک ظاہر شاہ، سابق کونسلر رحیم شادو  
دیگر نے اپنے اخباری بیان میں الزام عائد کیا ہے کہ گور  
نمنٹ گرلز ڈگری کالج تیمرگرہ کی پرنسپل مسلسل ڈیوٹی سے  
غیر حاضر ہے اور مہینے میں صرف ایک دن تنخواہ کے لئے کا  
ج آتی ہے، پرنسپل اور کلرک کی ملی بھگت سے جملہ امور کو  
گمراہیہ کنٹرول کرتی ہے، اسٹنٹ کے پوسٹ پر

### عبدالرحمن انتقال کر گئے

چکدرہ (نامہ نگار) زربند مسجد کے خطیب قاری  
عنایت الرحمن کے والد عبدالرحمن انتقال کر گئے  
اپنے آبائی گاون بھٹان میں سپرد خاک کر دیا گیا  
عطا الرحمن، حضرت ہلال، کے بھی والد محترم  
جنازہ میں کثیر تعداد میں لوگوں نے شرکت کی

Handwritten signature or note in Urdu script.

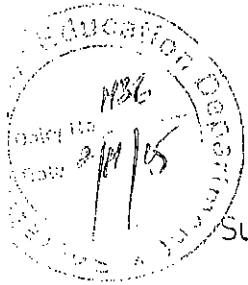
CHIEF MINISTER' SECRETARIAT  
KHYBER PAKHTUNKHWA  
PESHAWAR.

13  
2

No. SO-1/CMS/KPK/3-1/2015 / 13884/we  
Dated Peshawar, the October 29, 2015

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Higher Education, Archives and Libraries Department.



Subject:-

**DEPARTMENTAL APPEAL FOR CANCELLATION OF OFFICE  
ORDER NO. 25510-14 DATED 14-10-2015**

Dear Sir,

I am directed to forward herewith a copy of self-explanatory application received from Mr. Sultan Badshah, Senior Clerk, GGDC Timergara Dir (Lower) on the above cited subject and to say that the Hon'able Chief Minister has ordered to conduct an inquiry into the matter and submit report to this Secretariat, at the earliest, please.

Yours Faithfully,

(Hina Saeed)  
SECTION OFFICER-I

Ends: No and Date Even:-

Copy for information is forwarded to:-

1. Protocol Officer to the Chief Minister, Khyber Pakhtunkhwa.
2. PS to Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa.

SECTION OFFICER-I

(PSC)

2/11

ef. 12 Put up Al. 2/11

3/11  
Saeed

Suptt.  
3/11



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

No. \_\_\_\_\_/CA-VII/Estt: Branch/A-167/ Dated Peshawar the 31/12/2015

To

The Section officer (C-IV)  
Govt. of Khyber Pakhtunkhwa  
Higher Education Department Peshawar.

Subject: - DEPARTMENTAL APPEAL FOR CANCELLATION OF OFFICE  
ORDER NO.25510-14 DATED 14.10.2015.

I am directed to refer to your letter No.SO(C-IV)HE/19-1/2015/924 dated 05.11.2015 on the subject noted above and to state that this office inquired into the issue of transfer of an applicant and probed into the matter by getting service book from their concerned colleges wherefrom it is shown as under.

1. Stay of Mr. Sultan Badshah, Senior Clerk at GGDC/Timergara(Annexure-A).
  - i. 01.11.2008 to 28.02.2014 GGC Timergara = 6 years.
  - ii. 01.03.2014 to 30.04.2015 GDC Timergara = 1 years.
  - iii. 01.05.2015 to till date GGC Timergara = 08 months.
2. Stay of Mr. Farmanullah at GDC Timergara (Annexure-B).
  - i. 01.03.2005 to till date GDC Timergara.

The perusal of the paras reveal that Mr. Farmanullah had sufficient stay at GDC Timergara and on the recommendation of the Finance Minister (Annexure-C), Mr. Farmanullah whose tenure was quite mature, was transferred to GGDC Timergara and Mr. Sultan Badshah to GDC Timergara.

The plea of Mr. Sultan Badshah is not based on facts and if agreed to, disciplinary proceeding against him may be initiated for concealing facts and misguiding appeal.

DY: DIRECTOR (ESTABLISHMENT)

ENCL. NO. 33179-8/1

Copy of the above is forwarded to the.

1. Assistant Director Litigation Local Directorate.
2. Principal GDC Timergara.
3. Principal GGDC Timergara.

DY: DIRECTOR (ESTABLISHMENT)

Arrival Report

15

With due veneration I beg to say

That Mr. Farman Ullah S/clerk have arrived

at Govt Degree Girls Degree college Timergara

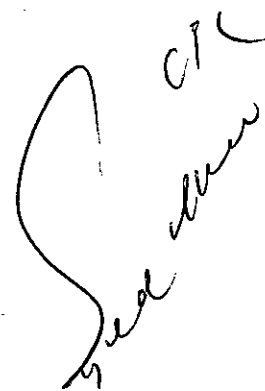
Female vide <sup>DHE,</sup> Snd 255/14 dated 14-10-2015,

on 17-10-2015.

Allowed

~~As~~  
your obediently  
Farman Ullah S/clerk

  
PRINCIPAL  
G.G.D.C Timergara  
Distt: Lower Dir

  
S/c

CERTIFICATE OF TRANSFER OF CHARGE.

16

Certified that we have on the afternoon of this day on 02-11-2015 respectively made over/received charge of the post of Senior Clerk at GGDC Timergara Dir Lower on eve of Transfer/Adjustment Vide Director of Higher Education Department Khyber Pukhtoonkhwa Peshawar Endst: No. 25510-14 dated 14.10.2015.

Station.GGDC Timergara Dir Lower.

Signature of relieved  
Govt; Servant. \_\_\_\_\_

Name in B/Letters. SULTAN BADSHAH

Designation . SENIOR CLERK

Signature of relieving  
Govt: Servant. P. Farmanullah

Name in B/Letters. FARMANULLAH

Designation. SENIOR CLERK

Dated \_\_\_\_\_

OFFICE OF THE PRINCIPAL GOVT GIRLS COLLEGE TIMERGARA DIR LOWER

Endst:No. \_\_\_\_\_ /

Dated Timergara, the \_\_\_\_/11/2015.

Copy forwarded to the:-

1. Director Higher Education Khyber Pukhtoonkhwa, Peshawar.
2. District Accounts Officer Dir Lower.
3. Principal GPGC Timergara Lower Dir.
4. P/File.

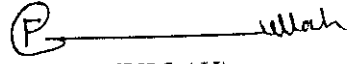
PRINCIPAL  
GOVT;GIRLS COLLEGE  
TIMERGARA DIR (L)

Signature of Principal  
C.K.

CERTIFICATE OF TRANSFER OF CHARGE.

17

Certified that we have on the afternoon of this day on 02-11-2015 respectively made over/received charge of the post of Senior Clerk at GGDC Timergara Dir Lower on eve of Transfer/Adjustment Vide Director of Higher Education Department Khyber Pukhtoonkhwa Peshawar Endst: No. 25510-14 dated 14.10.2015.

  
(FARMANULLAH)

SENIOR CLERK  
GGDC TIMERGARA  
LOWER DIR

Station.GGDC Timergara Dir Lower  
Dated \_\_\_\_\_

OFFICE OF THE PRINCIPAL GOVT GIRLS COLLEGE TIMERGARA DIR LOWER

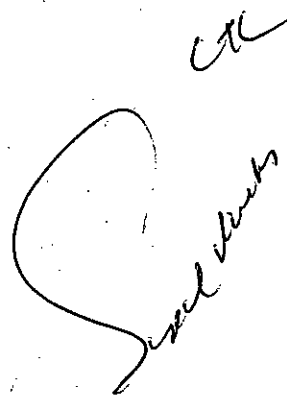
Endst:No. \_\_\_\_\_ / Dated Timergara, the \_\_\_\_/11/2015.

Copy forwarded to the:-

1. Director Higher Education Khyber Pukhtoonkhwa, Peshawar.
2. District Accounts Officer Dir Lower.
3. Principal GPGC Timergara Lower Dir.
4. P/File.

PRINCIPAL  
GGDC TIMERARA  
DIR (LOWER)



  
Principal





# GPGC.TIMERGARA DIR(LOWER) KPK



PH#0945-821530

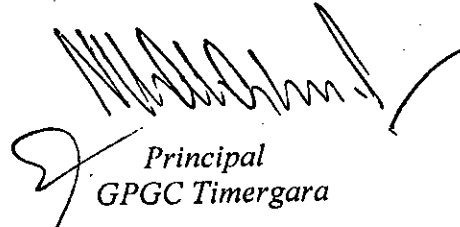
E.Mail:gpgctmg@yahoo.com

No. 1941-

Dte: 31/10/2015

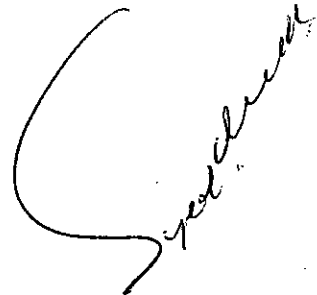
## RELIEVING SLIP

In response with the Transfer~~ed~~ order Vide Directorate of Higher Education Khyber Pukhtunkhwa Peshawar No 25510-14 Dated Peshawar the 14.10.2015. Mr. Farmanullah Senior Clerk is hereby relieved of his duties today on 31.10.2015(After Noon) and directed to report to the Principal GGDC Timergara Dir Lower .

  
Principal  
GPGC Timergara

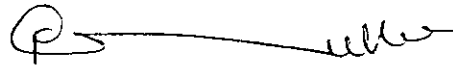
To,

The Principal  
GGDC Timergara

ETC  


RELEIVING SLIP

It relinquished the charge of S/Clerk GPGC Timergara Dir Lower  
Today on <sup>(17.10)</sup> 31.10.2015 in compliance with the notification No.25510-14 Dated peshwar the  
14.10.2015



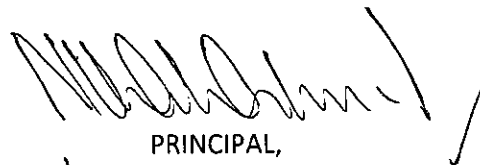
FARMANULLAH S/CLERK

GPGC TIMERGARA DIR (L)

No: 1941 /Dated GPGC TIMERGARA THE; 31/10 /2015

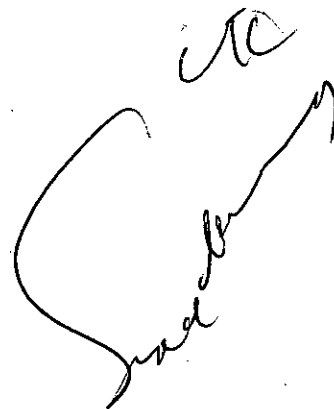
Copy of the above is forwarded to the;

1. Principal GG DC Timergara dir lower for information.
2. Official concerned .



PRINCIPAL,

HS  
GPGC TIMERGARA.



20

CERTIFICATE OF CLEARANCE

Certified that Mr, Farmanullah Senior Clerk of govt; post graduate Timergara Dir Lower has nothing out standing against him.

CHIEF PROCTOR  
G.P.C COLLEGE  
TIMERGARA DISTRICT

- 1. Chief Proctor; \_\_\_\_\_
- 2. Controller of Examination; [Signature]
- 3. Librarian; [Signature]
- 4. D.P.E; \_\_\_\_\_
- 5. College Account; [Signature]
- 6. Head Clerk; \_\_\_\_\_

[Signature]

PRINCIPAL,

GPGC TIMERGARA.,

[Signature]



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR**

Phone # 9210242, 9211025/Fax # 9210215  
No. 26877-96 CA-II/Estt. Branch/A-12/General File

Dated Peshawar the 29/10/2015

(23)

**MOST IMMEDIATE**

The Principals/ Coordination for JMCs

1. Govt; College, Peshawar.
2. Govt; Post Graduate College, Charsadda.
3. Govt; Post Graduate College, Nowshera.
4. Govt; Post Graduate College, Mardan.
5. Govt; Post Graduate College, Swabi.
6. Govt; Post Graduate Jehanzeb College, S/Shairf (Swat).
7. Govt; Degree College, Thana (Malakand Agency).
8. Govt; Post Graduate College, Timargara Dir (Lower).
9. Govt; Degree College, Daggar (Buner).
10. Govt; Degree College, Chitral.
11. Govt; Post Graduate College, Kohat.
12. Govt; Post Graduate College, Karak.
13. Govt; Post Graduate College, Bannu.
14. Govt; Post Graduate College, Lakki Marwat.
15. Govt; Degree College, No. 1 D.I.Khan.
16. Govt; Post Graduate College, Haripur.
17. Govt; Post Graduate College, No. 1 Abbottabad.
18. Govt; Post Graduate College, Mansehra.

SUBJECT: **COMPLIANCE REPORT.**

I am directed to refer to this office letter No. 25932/49 CA-II/ Estt. Branch/A-12/ General File dated 21-10-2015 on the subject cited above and to state that the teaching staff who have recently been transferred/adjusted at various Colleges and who have not complied with orders, may be immediately relieved by their respective Principals under intimation to this office within 24 hours of the receipt of this letter.

In case of non-compliance the concerned Principal will be held responsible for the consequences.

The same may be circulated amongst your cluster Colleges immediately for similar necessary action.

*[Signature]*  
DY: DIRECTOR (ESTABLISHMENT)

CTL  
*[Signature]*

**OFFICE OF THE PRINCIPAL GOVT PG JAHANZEB COLLEGE SAIDU SHARIF SWAT**

Encl: No. 107/Circular/J-15

Dated: 29/10/2015

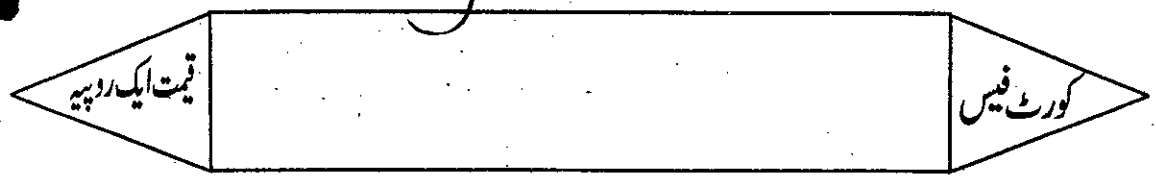
Copy forwarded for information and necessary action to:-

1. The Director Higher Education Khyber.Pakhtunkhwa. Peshawar.
- 2-13 All the Principals of Govt Colleges M/F in District Swat and Shangla for compliance please.

*[Signature]*  
*[Signature]*

Principal  
Govt P.G. Jhanzeb College Swat.

# بعدالت صبا سے رو سائبر نیوز / ایکسپریس ریلوے



مورخہ 2 فروری 2012ء منجانب ایس ایم اے  
 مقدمہ سدا فابارٹا نام حکومت  
 دعویٰ رو سائبر نیوز  
 جرم باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کیس نمبر 2012/1000/1000 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا یہ مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

المرقوم 2012 ماہ فروری 2012ء

العبد گواہ شاہد العبد

Attested and Accepted by  
 کے لئے منظور ہے

مقام  
 سدا فابارٹا  
 حکومت

سدا فابارٹا  
 حکومت

۱۰۰

عبد السلام بن بادشاہ سیرنگرن نے آجے ٹورم 09-3-2016

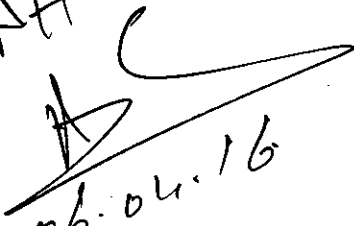
ایک ہزار روپے (-/۱۰۰۰) وصول کیے -

Abdullah  
عبد السلام  
سیرنگرن

~~Abdullah~~  
09.03.16

سید سلطان بادشاہ سید ملک گورنمنٹ گرنرز ڈگری کالج  
تمیزگرہ ڈی ایچ ٹیوڑہ 06-04-2016 کو 1500/- روپے وصول  
کے۔

سلطان بادشاہ  
سید ملک گورنمنٹ گرنرز  
ڈگری کالج تمیزگرہ ڈی ایچ ٹیوڑہ

Attest  
  
06.04.16

**Service Appeal 1227 of 2015**


Mr. Sultan Badshah..... Appellants

VERSUS

1. Secretary Higher Education Department Khyber Pakhtunkhwa
2. Director Higher Education Department..... Respondents.

**AFFIDAVIT**

I, Irfan Ullah khan Assistant Director Litigation Higher Education Department do hereby declare and affirm on oath that the contents of Para Wise Comments are correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'able Tribunal.

  
Deponent 6/4/2016

CNIC No.11101-6409112-3

Identify by



**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT SWAT.**

**Service Appeal 1227/2015**

Mr. Sultan Badshah..... Appellant

VERSUS

Govt of Khyber Pakhtunkhwa through Director Higher Education  
..... Respondents.

Subject: - **PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 3**

**PRELIMINARY OBJECTIONS:-**

Respectfully Sheweth:-

- I. That the appellant has got no cause of action to file the instant appeal.
- II. That the appellant has not come to the court with clean hands.
- III. That the appellant has forgotten the law that he is a Civil Servant and Transfer/posting is part and parcel of service.
- IV. That the appellant is not inclined to serve in a place against his choice.
- V. The appellant is an idler and a confirmed malingerer.

**REPLY ON FACTS:-**

1. Pertains to record. Hence no comments.
2. Correct.
3. Correct.
4. Incorrect and misconceived under section-10 of Civil Servant Act the appellant as Civil servant is liable to serve anywhere, he is posted. The transfer/posting of civil servants is the prerogative of the Provincial Government. Posting of one own choice is not the vested right of Civil Servant. The appellant is transfer purely in public interest as he served more than 06 years at his choice station. Now he has to serve in the exegesis of service at the prerogative of the provincial Government in public interest. Such like tendencies needs to be curbed to deter likeminded appellant in future.
5. Correct.


**ON GROUNDS:-**


- A. Incorrect and misconceived as explained in preceeding paras on facts.
- B. Correct. The present tenure of the appellant at Govt Girls Degree College Timergara is more than five months. However he has no vested right to stick to it at his choice. The Government has the power to transfer the officers/officials anywhere in the best public interest.
- C. Incorrect. The appellant was transferred in the best public interest. Transfer/Posting is not politically motivated.

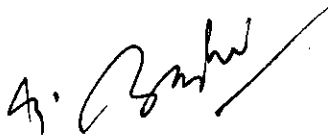
- D. Incorrect. The respondents are very responsible and that is why he was posted at proper station befitting him.
- E. Incorrect and misconceived and exaggerated.
- F. Correct that Supreme Court of Pakistan discouraged, malice repeated transfer but case is quite different from the one quoted by the appellant.
- G. Incorrect and misconceived. The Supreme Court has held in its judgement that Posting/ Transfer at the choice of the civil servant, is not the right of the appellant, so official can be transferred anywhere by the Government.
- H. The respondents shall also assist the Honourable Court further on the date of hearing for the rebuttal of the appeal of appellant. Therefore, the appeal in hand being without any merit, may be dismissed with cost.

**PRAYERS:-**

It is therefore, humbly prayed that the appeal is not maintainable as it is based on misconception hence the appeal may graciously be dismissed.

  
Secretary Higher Education Department  
Govt of Khyber Pakhtunkhwa Respondent No.3

  
Director, Higher Education  
Khyber Pakhtunkhwa Respondent No.1

  
Deputy Director, Higher Education  
Khyber Pakhtunkhwa Respondent No.2

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT SWAT.**

**Service Appeal 1227/2015**

Mr. Sultan Badshah..... Appellant

VERSUS

Govt of Khyber Pakhtunkhwa through Director Higher Education  
..... Respondents.

**REPLY TO APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER DATED 14/10/2015.**

**PRELIMINARY OBJECTIONS:-**

Respectfully Sheweth:-

- I. That the appellant has got no cause of action to file the instant application.
- II. That the appellant has not come to the court with clean hands.
- III. That the appellant has forgotten the law that he is a Civil Servant and Transfer/posting is part and parcel of service.
- IV. That the appellant is not inclined to serve in a place against his choice.
- V. The appellant is an idler and a confirmed malingerer.


**REPLY ON FACTS:-**


1. Correct.
2. The applicant has filed an appeal for cancellation of his transfer. The application for suspending the transfer comes in complete relief, which is not tenable under law.
3. The applicant has not made out a good case and prima facie as he is not entitled for the relief as prayed for.
4. The balance of convenience does not lie in favour of the applicant.
5. The applicant shall not suffer any loss if the transfer/posting order is not cancelled.

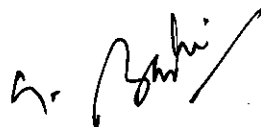
It is further submitted that accompanying parawise comments for the rebuttal of service appeal may be treated as integral part of the reply to this application.

**PRAYERS:-**

It is therefore, humbly prayed that the appeal is not maintainable as it is based on misconception hence the appeal may graciously be dismissed.

  
Secretary Higher Education Department  
Govt of Khyber Pakhtunkhwa Respondent No.3

  
Director Higher Education  
Khyber Pakhtunkhwa Respondent No.1

  
Deputy Director Higher Education  
Khyber Pakhtunkhwa Respondent No.2

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

*Service Appeal No. 1227 of 2015*

*Sultan Badshah.*

*...Appellant*

**VERSUS**

*The Government of Khyber Pakhtunkhwa through  
Director Higher Education and Others.*

*...Respondents*

**REJOINDER BY THE APPELLANT**

*Respectfully Sheweth:*

*Preliminary Objections:*

- 1. Objection 1 is incorrect, against the law and rules on the subject, moreover the same is based on the personal whims and misconceptions. The respondents have concealed to refer to the fact of yielding to political and extraneous pressure, which in itself is discouraged by the law as well as the Apex Supreme Court in plethora of judgments time and again. Hence the objection is specifically denied.*
- 2. Objections 2 as drafted is also incorrect and devoid of merits and whimsical. The appellant had a legal remedy which he has availed in accordance with the law and rules, therefore, the same is denied.*
- 3. Objection 3 as drafted is incorrect, misconstrued. The appellant has done all the acts in accordance with law and rules and never have transgressed or*

violated the same in any manner, therefore, the objection being devoid of merits is denied.

4. Objection 4 as drafted is misconstrued and devoid of merits. The respondents have failed to point out the exception to the rule that in case of extraneous or political influence, then such action will be nullity in the eyes of law, which fact the respondents have tried to conceal. Hence the objection is denied.
5. Objection 5 as drafted is incorrect, baseless, devoid of merits and in need of proof. Furthermore there is no term as natural period in the law, moreover there is no mention of any exigency of any sort in the order, thus the objection being baseless is denied. However, the complaints and letters mentioned and annexed reflects nowhere the name of the appellant.
6. Objection 6 as drafted is misconstrued, devoid of merits and facts. The appellant, if had committed any act of commission or omission under any law should have proceeded against departmentally. Moreover, the report is clear and supports the stance of the appellant, therefore the objection is denied.

On Facts:

1. Para 1 of the comments as drafted is incorrect, baseless and irrelevant as far as the appellant is concerned. All these letters and complaints mentions others, to the exclusion of the appellant. Moreover in this regard the letter of satisfaction, signed by the relevant persons is enclosed as Annexure "A". Hence the para is denied.

2. *Para 2 of the comments as drafted supports the stance of the appellant of premature transfer, hence no comments.*
3. *Para 3 of the comments by the official respondents is being admitted, hence needs no comments, however the reasons for rejections have not been given.*
4. *Para 4 of the comments of the official respondents as drafted is incorrect, baseless and devoid of merits and against the facts and record. The appellant has never served for 6 years on the present post rather has been transferred prematurely, as admitted by them, hence the para is denied.*
5. *Para 5 of the comments being admission, hence needs no comments.*

On Grounds:

- A. *Ground A of the comments as drafted is misconstrued, incorrect and against the law and rules on the subject, hence denied.*
- B. *Ground B of the comments as drafted is misconstrued and also against the law and policy of the Government, moreover the respondents have yielded to political pressure, hence is denied.*
- C. *Ground C of the comments as drafted is incorrect and based on misstatements, copy of the letter of the Finance Minister is already enclosed, hence the para is denied.*

D. Ground D of the comments as drafted is also incorrect and devoid of merits, hence the para is denied.

E. Ground E of the comments as drafted is incorrect, baseless and against the facts, hence is denied.

F. Ground F of the comments as drafted is vague and evasive, hence amounts to admission, therefore, needs no comments.

G. Ground G of the comments as drafted is misconstrued and against the law and rules, the respondents have yielded to political pressure and the same is not tenable in the eyes of law, hence the para is denied.

H. Ground H of the comments as drafted needs no comments.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally.

Appellant  
*Asghar*  
Sultan Badshah

Through Counsels,

*Aziz-ur-Rahman*  
Aziz-ur-Rahman

*Imdad*  
Imdad Ullah  
Advocates Swat

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

Service Appeal No. 1227 of 2015

Sultan Badshah.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Director Higher Education and Others.

...Respondents

**AFFIDAVIT**

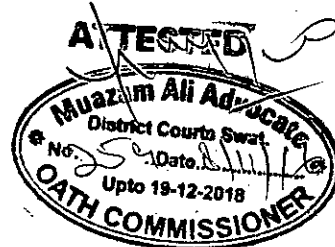
*It is solemnly stated on Oath that all the contents of  
this rejoinder are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or concealed thereto.*

Deponent

*Sultan Badshah*  
Sultan Badshah

Identified By:

*Imdad*  
Imdad Ullah  
Advocate Swat







**KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

No. 1025/68 /CA-VII/Estt: Branch/A-167/

Dated Peshawar the 17/5 2016

To

- The Principals,
1. Govt. Home Economics College, Abbottabad.
  2. Govt. Post Graduate Girls College, Bannu.
  3. Govt. Girls College, Jandool.
  4. Govt. Girls College, Timergara.
  5. Govt. Girls College, Saidu Sharif.
  6. Govt. Girls College, Tank.
  7. Govt. Girls College, Thana.
  8. Govt. Girls College, Panjpir(Swabi).
  9. Govt. Girls College, Barikoat.
  10. Govt. Girls College, Kanju(Swat).

**Subject: - SURPRISE VISIT OF MONITORING OFFICER.**

Memo:-

I am directed to refer to the subject noted above and to enclose herewith Monitoring reports of the Females colleges for the month of March 2016 received from Monitoring Officer, HEMIS, Government of Khyber Pakhtunkhwa, Higher Education Department and to state that during the visit of Monitor, some ministerial staff members of your respective colleges were either found absent from their duties/having prolong/habitual absentees or arrived late.

It is, therefore, requested to apprise this office as to what action has been taken against the officials who have been absent from their duties since long and liable to be proceeded under E&D Rules, 2011 as well as against those officials who arrived late or were found absent on that particular date.

Your reply should reach to this office within two days positively of the receipt of this letter, failing which disciplinary action will be initiated against you.

*M. Zuber*  
DY: DIRECTOR (ESTABLISHMENT)

Endst.No \_\_\_\_\_

Copy of the above is forwarded to the Monitoring Officer, HEMIS Govt. of Khyber Pakhtunkhwa Higher Education Department Peshawar.

DY: DIRECTOR (ESTABLISHMENT)

*Attatched  
Indexed  
ADW*

DETAIL OF FEMALE COLLEGE OFFICIALS HAVING PROLONG/ HABITUAL ABSENTEES

S.No	Name of the College	Monitor Visit Date	Name of Official	Designation	Absent since/Remarks
1	GGDC Tank	29/03/16	Rozeena	Sweeper	Absent since long
2	GGDC Tank	29/03/16	Kiramat	Driver	Absent since long
3	GGDC Tank	29/03/16	Alam Shah	Mali	Absent since long
4	GGDC Timergarah		Farman Ullah	Senior Clerk	Absent since 13/11/2015. He was transferred to the present college from GPGC Timergara, however the person whom against he transferred got stay order from the court. The monitoring officer checked his presence in GPGC timergara but after the court order he is not performing duty at either place.
5	GGDC Thana Malakand	21/03/16	Rozi Khan	Behishti	In custody of Security agencies since 01/8/09
6	GGDC Punj Pir Swabi	15/03/16	Muhammad Yousaf	Sweeper	Absent Since 1/12/15
7	GGDC Barikot Swat	03/03/16	Shahbana Gul	Lab Assistant	Absent since 01/3/16
8	GGDC Kanju Swat	29/03/16	Adiya Bibi	Class IV	Shot by taliban during 2009, resultantly she became handicapped to perform her duty. However her daughter performing the duty on her place

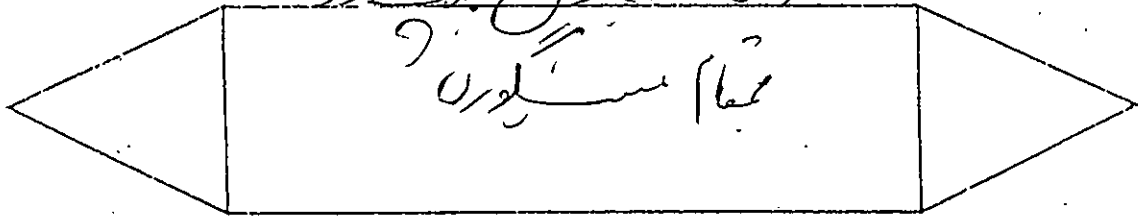
*Attended the college on 30-4-2016*

*Accepted  
Indexed  
Rah*

Your reply should reach to this office within two days positively of the receipt of



بعدالت سرپس ٹریبونل کیم کورٹ



مورثہ 07 - دسمبر 2016ء منجانب ریٹائرڈ ریٹ 4

مقدمہ سلطان آباد سٹیشن بنام حکومت

دعویٰ Service Appeal

جرم زبردفعہ

## پاعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام سرپس ٹریبونل کیم کورٹ میں کی گئی ہے۔ مقدمہ الحقیقی ریٹائرڈ ریٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی حق کارروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کوراشی نامہ و تقریر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور دسولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و اس پر دستخط کر نیز اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی اور دائر کرنے۔ اپیل نگرانی و نشر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور یہ صورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساخت پر داخست منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا اختیار حاصل ہوگا۔ اگر کوئی تاریخ پیشی مقام بذایا حد سے باہر کو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مقدمہ مذکور کریں۔ لہذا نکالت نامہ لکھ دیا تاکہ سند رہے

المترقبہ دسمبر 2016ء

Attested and Accepted

Syed Abdul-Haq, Advocate  
cell # 03339546154

Father Name:	Syed Abdul-Khaliq
CNIC No:	15308-8118430-5
Address:	Vill: Rani Tal, Balochistan Dist: Dir (Lower)
Date of Birth:	03-01-1988
Blood Group:	B+
Phone No:	0311 0950952
Fax No:	
Cell No:	0333 9546154
Peshawar High Court Bench Mingora, Bar Association	
E-mail: Phcbmba@yahoo.com Phcbmba1@hotmail.com	

Peshawar High Court Bench Mingora	
Bar Association	
SYED ABDUL - HAQ	
Advocate	
President	Secretary General
Member PHC, BABA	

نورمان اللہ صاحب

03459458691

CNIC # 15302-3852030-7