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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR


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Zulfiqar Ahmad VS *Education Department*

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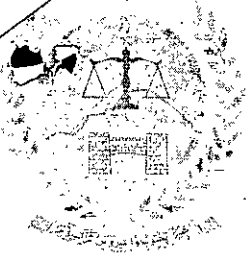
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Muharir Compilation


29/5/24
Incharge Judicial Branch

404. Akhtar Hussain s/o: Muntaj Khan Finance deptt
 405. Muhammad Adnan Khan s/o: Noor Afzal Finance deptt
 406. Irshad Ullah s/o: Insan Ullah Finance deptt
 407. Muhammad s/o: Saced Ullah Local govt deptt
 408. Muhammad Ibrahim s/o: Salda Jan Law deptt
 409. Imdad Ullah Governor sectt
 410. Kallmullah Jan s/o: Ali Jan CM Sectt
 411. Salim Ghulam s/o: Ghulam Masih Law deptt
 412. Nawaz Khan s/o: Wakil Khan Energy & Power deptt
 413. Fazle Wajid s/o: Israail Khan E & AD deptt
 414. Muhammad Umair s/o: Hafiz Muhammad Salman Home deptt
 415. Ghulam Muhammad s/o: Hajl Kher Muhammad Home deptt
 416. Haseeb ur Rahman s/o: Snyyed Ata ur Rahman Higher education deptt
 417. Muhammad Arshad Anwar s/o: Anwar Khan E & AD deptt
 418. Arshad Khan s/o: Shamroz Khan E & AD deptt
 419. Mubashir Hassan Health deptt
 420. Roolul amin E & SE deptt
 421. Fozal Gul s/o: Samar Gul energy & power deptt
 422. Shabir Khan s/o: Rooldar Khan P&D deptt
 423. Jan Alam s/o: Sher Afzal Home deptt
 424. Abdullh Jan s/o: Naseer ul Haq Law deptt
 425. Rizvan Ahmad s/o: Badhor Khan Local govt deptt
 426. Wasim ullah s/o: Khurshid Ali Khan Relief deptt
 427. Nawab Ali s/o: Raza Kha energy & power deptt
 428. Hassan Gul s/o Taj Gul Food deptt
 429. Sayyed Ibrahim Shah KP-PSRA
 430. Muhammad Faheem s/o: Hanif Shah afridi E & SE deptt
 431. Muhammad Ishfaq s/o: Abdur Razzaq Khan Finance deptt
 432. Shah Nawaz s/o: Usman Jan Relief deptt
 433. Muhammad Mohsin Khan s/o Abdul Latif & AD deptt
 434. Muhammad Arif s/o: Roshan Khan E & AD deptt
 435. Sayyed Ayaz Hussain Shah s/o: Sayyed Imtiaz Hussain Shah Finance deptt
 436. Falz ur Rahman s/o: Abdur Rashid energy & power deptt
 437. Inayat ur Rahman s/o: Noor Ul Hadie & SE deptt
 438. Qalm Khan s/o: Zalbar Khan E & AD deptt
 439. Fazle Amin s/o: Madad Khan Higher education deptt
 440. Gul Faraz s/o: Gul baz Irrigation deptt
 441. Ajmal s/o: Malrajuddin Labour deptt
 442. Muhammad Arif s/o: Sher zaman E & AD deptt
 443. Saif Ullah s/o: Habib ur Rahman transport deptt
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 447. Sana ullah s/o: Saad Ullah Finance deptt
 448. Iqbal s/o: Lal Muhammad ST & IT
 449. Asif Khan s/o: Ayoob Khan E & SE deptt
 450. Kifayat ullah s/o: Naimat ullah CM Sectt
 451. Sayyed Azhar Zaidi s/o: Sayyed Danish Raza Housing deptt
 452. Hazrat Ali Finance deptt
 453. Riaz Khan s/o: Darya Khan Social welfare deptt
 454. Muhammad Imran s/o: Habib ur Rahman E & AD deptt
 455. Fida Muhammad Labour deptt
 456. Hassan Ali Environment deptt
 457. Imran Ali s/o: Nigah Hussain Agriculture deptt
 458. Umar Faraz s/o: Sarfaraz Khan Finance deptt
 459. Muhammad Irfan s/o: Mahboob ur Rahman CM sectt
 460. Zubair Ahmad s/o: syed Umar Finance deptt
 461. Shahjehan s/o: Faqir Muhammad Finance deptt
 462. Ashfaq Ahmad s/o: Khalsta Rahman STI, E & AD deptt
 463. Muhammad Ashraf s/o: Abdul Samad E & AD deptt
 464. Saleem Khan s/o: Farooq Shah Auqaf deptt
 465. Bakhtzada s/o: Gulznda E & AD deptt
 466. Roman Khan s/o: Samin Jan Higher education deptt
 467. Malang Jan s/o: Nisar Ahmad Finance deptt
 468. Zakir ullah Governor Sectt
 469. Noman Ijaz s/o: Ijaz Ahmad Sports deptt
 470. Aneel Anwar s/o: Anwar Auqaf deptt
 471. Sajid Khan s/o: Naimat Ullah CM Sectt
 472. Naeem ullah s/o: Gul Hassan R-V section
 473. Muhammad Rizwan s/o: Muhammad Riaz E & SE deptt
 474. Amir Khan s/o: Gul Rahman Excise and taxation deptt
 475. Shakil Ahmad s/o: Sher Ahmad C & W deptt
 476. Sajjad Ahmad s/o: Asif Khan Irrigation deptt
 477. Sajid Khan s/o: sanab Gul Local deptt
 478. Bakhtbiland s/o: Hazrat Hussain Law deptt
 479. Gulfam ullah s/o: Bashir Muhammad Health deptt
 480. Sadar Islam s/o: Muhammad Sultan Khan Health deptt
 481. Inaam ullah s/o Ahmad Khan Administration deptt
 482. Shah Hassan s/o: Faqir Muhammad Law deptt
 483. Naeem Abbas s/o: Qadir Baksh E & AD deptt
 484. Sajjad Ali s/o Noor Karim Finance deptt
 485. Asif Shabir s/o Malik Muhammad Sadiq Transport deptt
 486. Arshad Alam s/o: Alam Khan Population deptt

Section Officer (Litigation)
 Government of KP
 Establishment Department



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KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 1120 /ST Dated 8 / 5 /2024

To

The Director,
Elementary and Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar

Subject

JUDGMENT IN SERVICE APPEAL NO. 487/2024,
TITLED ZULFIQAR AHMAD -VERSUS- GOVERNMENT OF
KHYBER PAKHTUNKHWA THROUGH SECRETARY
ELEMENTARY AND SECONDARY EDUCATION,
PESHAWAR AND OTHERS

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated 25.04.2024, passed by this Tribunal in the above mentioned service appeal for compliance.

Encl. As above.

(PIR MUHAMMAD KHAN AFRIDI)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.487/2024 titled "Zulfiqar Ahmad Vs. Government of F
Pakhtunkhwa through Secretary Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar and others"

ORDER

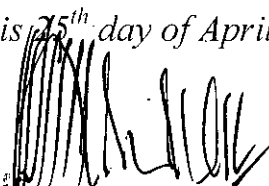
25th Apr. 2024 **Kalim Arshad Khan, Chairman.** Appellant in person present. Mr. Shoaib Ali, Assistant Advocate General alongwith Mrs. Samina Altaf, Directress Elementary & Secondary Education Khyber Pakhtunkhwa (Respondent No.2) present. Private respondent No.3 in person present. Private respondent No.4 (Arshad Masood) alongwith his counsel (via video link from Peshawar) present.

2. At the very outset, it was pointed out that all the three private litigating parties are from the Teaching Cadre and are striving for Management Cadre posts, to which, the appellant has very fairly submitted that on his transfer vide the impugned order, he had requested the District Education Officer (Male) Abbottabad that he might be transferred and adjusted against any post of Teaching Cadre in or around the city at a nearest school.


3. When confronted with the situation, respondent No.2 (Directress Education) stated the bar that the promotions of Headmasters, SSTs were under way and hopefully, those would be done within couple of days. She further stated that the appellant would be adjusted within the city within 10 days from today, if not more than that.

4. In this situation, the appellant does not press this appeal. Disposed of accordingly. Consign.

5. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 25th day of April, 2024.*



(Muhammad Akbar Khan)
Member (E)
Camp Court, Abbottabad



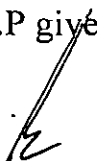
(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad


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- 23rd Apr. 2024
1. Mr. Muhammad Ibrahim, Advocate present and submitted Wakalat Nama in favor of the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present. Private respondents No.3 & 4 in person present.
 2. Replies are ready. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments, day after tomorrow i.e. on 25.04.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED
KPST
Peshawar

Mutazem Shah


(Muhammad Akbar Khan)
Member (E)
Camp Court, A/Abad


(Kalim Arshad Khan)
Chairman
Camp Court, A/Abad

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16th Apr. 2024

1. Appellant in person present. Mr. Umair Azam, Additional Advocate General for official respondents No.1 & 2 present. Private respondent No.3 in person present. Applicant Arshid Masood, ADEO, seeking impleadment as private respondent, is also present.
2. Reply on behalf of the respondents was still awaited. Learned AAG as well as private respondent No.3 requested for time to submit reply/comments. Granted with direction to submit the same within two days, in office.
3. The application for impleadment filed by one Arshid Masood ADEO is accepted to provide him chance to advance his stance. He is impleaded as private respondent No.4. Office is directed to enter his name in the panel of respondents with red ink. The said private respondent No.4 is also directed to submit reply within two days, positively. This case pertains to Camp Court Abbottabad, therefore, let it be fixed for arguments on 23.04.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

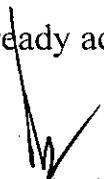
Mutazem Shah

SCANNED
KPST
Peshawar

02.04.2024

1. Appellant in person present. Preliminary arguments heard.
2. Points raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within ten days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. Thereafter notice be issued to the respondents for submission of reply/comments. To come up for reply/comments on 16.04.2024 before S.B.
3. Alongwith the service appeal there is an application for suspension of operation of the impugned order No. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad dated 01.04.2024 as well as transfer Notification No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO dated 21.03.2024 issued by respondent No. 1 till the final decision of the instant service appeal. In the meanwhile, the operation of impugned order No. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad dated 01.04.2024 as well as transfer Notification No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO dated 21.03.2024 is suspended to the extent of appellant till the next date, if not already acted upon.

SCANNED
KPST
Peshawar



 (Muhammad Akbar Khan)
 Member (E)

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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 02-04-24. Parcha Peshi given to the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

**SCANNED
KPST
Peshawar**

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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 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 .*

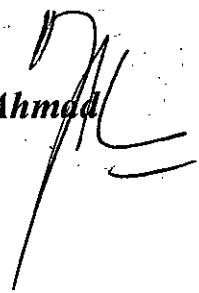
*It is, therefore, humbly prayed that on
acceptance of this application may kindly be fixed in
the above titled appeal .*

Dated 02-04-2024

Appellant

Through

Zulfiqar Ahmad
In Person



BEFORE THE SERVICE TRIBUNAL, PESHAWAR.
CHECK LIST.

1.	Case Title	Zulfiqar Ahmad VS Government of KPK & others		
2.	Case is duly signed		Yes	No
3.	The law under which the case is preferred been mentioned		Yes	No
4.	Approved file cover is used		Yes	No
5.	Affidavit is duly attested and appended		Yes	No
6.	Case and annexure are properly paged and numbered according to index		Yes	No
7.	Copies and annexure are legible and attested. If not, then better copies duly attested have been annexed.		Yes	No
8.	Certified copies of all the requisite documents have been filed		Yes	No
9.	Certified specifying that no case on similar grounds was earlier submitted in this Court, filed.		Yes	No
10.	Case is within time.		Yes	No
11.	The value for the purpose of Court fee and jurisdiction has been mentioned in the relevant column.		Yes	No
12.	Court Fee in shape of stamp paper is affixed. (For Writ Rs.100/- for other as required).		Yes	No
13.	Power of Attorney is in proper form.		Yes	No
14.	Memo of addresses. Filed		Yes	No
15.	List of books mentioned in the petition		Yes	No
16.	The requisite number of spare copies attached. (Writ Petition – 3 Nos, Civil Appeal (SB-I, DB-2) Civil Revision (SB-1, DB-2).		Yes	No
17.	Case (Revision / Appeal / Petition etc) is filed on the prescribed form.		Yes	No
18.	Power of Attorney is attested by jail authority (For Jail Prisons only)		Yes	No

It is certified that formalities / documentation as required in column 2 to 18 above, have been fulfilled.

Name: Zulfiqar Ahmad

Signature _____
(Handwritten signature)

Date: 02/04/2024

Case No. _____

Case Received _____

Complete in all respect: Yes / No (If No. the grounds: _____)

Date in Court _____

Signature _____
(Reader)

Date: _____

Countersigned: _____
(Deputy Registrar)

(10)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12039

Dated 2/4/24

**EFORE 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.

**SCANNED
KPST
Peshawar**

.....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

**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.

*9mpleaded
vide order sheet
16/04/2024*

(4) Arshid Masood ADEO Primary, DEO Office (Male) 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.**

*Filed to day
Registrar
2/4/24*

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:-

GROUND:-

- 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*.

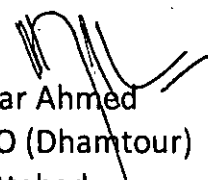
- g) That the respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 which is unjust, unfair, illegal, hence not sustainable in the eye of law.
- h) That under Section 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 had 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

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/ dard 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

**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.



[Signature]
02/04/24

DEPONENT

[Signature]

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/ZULFIOAR 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.



Shafiq

02/04/24

DEPONENT

13

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Annexure: A,
P-11/16

11



Khyber Pakhtunkhwa Peshawar
PH No. 091-9210389, 9210938,
9210437, 9210957, 9210468
Fax: 091-9210936
E-mail desekpk@yahoo.com

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: Katigan-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: Fateh Khel Sahibzadgan Tangi Nusrat Zai, Tehsil Tangi Charsadda	--Do--
3	Faridoon	Ghulam Nabi	Mardan	2	Distt: & Tehsil Mardan PO Garhi kapura Vill: 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 VPO Gujar Garhi Mardan	--Do--
5	Rahim Dad Khan	Taza Din	Mardan	2	Distt: & Tehsil Mardan VPO Gujar Garhi Moh: Sulaiman Dheri	--Do--
6	M. Shakir Azeem	Fazl-e-Azeem	Peshawar	2	H.#, O/s Lahori gate Sheikh Abad 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 Afghan Colony Peshawar city	--Do--
8	Rashid Ali	Shamsud Din	Peshawar	2	Vill: Garhi Suhbat Khan Pajaggi I/O Faqir Kalay	--Do--

Amir

65	Muhammad Uzair	Aziz ur Rehman	Abbottabad	5	Vill: Chhatri P/O Kutwal Via Nawar 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	Govt: RITE College (F) Ghazikot Mansehra	--Do--
70	Ibrar Nawaz Khan	Muhammad Nawaz Khan	Mansehra	5	Moh: Niral P/O Garhi Habibullah Distt: Mansehra Balakot Hazara Division	--Do--
71	Muhammad Ashfaq	Magbool ur Rehman	Mansehra	5	Moh: Mufti Abad Dhery 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/O Shoukat Abad Tehsil & Distt: Mansehra	--Do--
75	Muhammad Nasim	Shah Zaman	Mansehra	5	Vill: Sobrian 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: Tarwai P/O Dilbari Tehsil Oghi Distt Mansehra	--Do--
79	Muhammad Wajid	Muhammad Faridoon Khan	Mansehra	5	Vill: Hassa Tehsil & P/O Balakao Distt: Mansehra	--Do--
80	Muhammad Wazir	Muhammad	Mansehra	5	Vill: & P/O Chakia Tehsil & Distt: Mansehra	--Do--

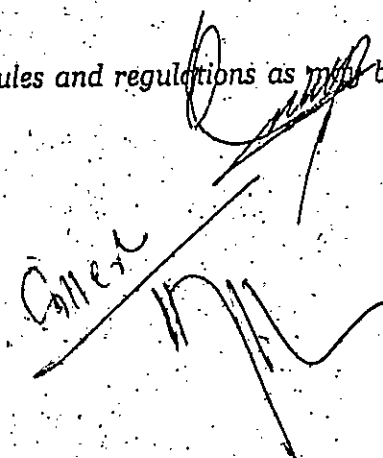
Handwritten signatures and initials are present at the bottom of the page, including a large signature that appears to be "Amir" and other smaller marks.

81	Mukhtar Ahmed	Muhammad Farooq	Mansehra	5	Vill: & P/O Shohal Najaf Khan Tehsil Balakot Distt: Mansehra	--Do--
82	Munir Ahmad	Khan Muhammad	Mansehra	5	Vill: Banada Bangish P/O Shamdhara Tehsil Oghi Distt: Mansehra	--Do--
83	Nadeem Akhtar	Muhammad Nazeer	Mansehra	5	Gout: 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 Gout.
- 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 Gout.

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 Annex

- 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 (E&SE)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

3/3/2012

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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/Apptt; dated 1/3/2012 and No; 646-769/File No; 2/A-14/SST/PSC/Apptt; 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 Amjad 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 Jaral	-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	
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 Kuknang	-do-

id conditions; given in above Notifications are reproduced -


- 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.
- 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. ¹⁹⁰¹⁻⁶²⁴⁶ /EB-I(M). Adjustment SST/PSC/Dated Attd 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

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Annexure "B"
P-17

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 (Managemet Cadre)	ADEO (E/Primary)	ADEO (Circle Hajla Gali)	Against Vacant Post
2	Muhammad Imran ASDEO (Managemet 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

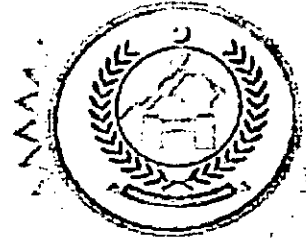
Endst: No. _____/EB-1/ADPO/

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.

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Certificate — of Appreciation —

This certificate is awarded to

Mr / Miss *ZULFIQAR AHMED ASDEO* CIRCLE *DHAMTOUR*

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

Amme & C

[Handwritten signature]

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



[Signature]
Miss Samina Altaf
Director (E&SE)
Khyber Pakhtunkhwa

Annexure "C"
P-1875 20
(27)
(18)

(61) *Handwritten notes in Urdu, including a list of names and dates.*

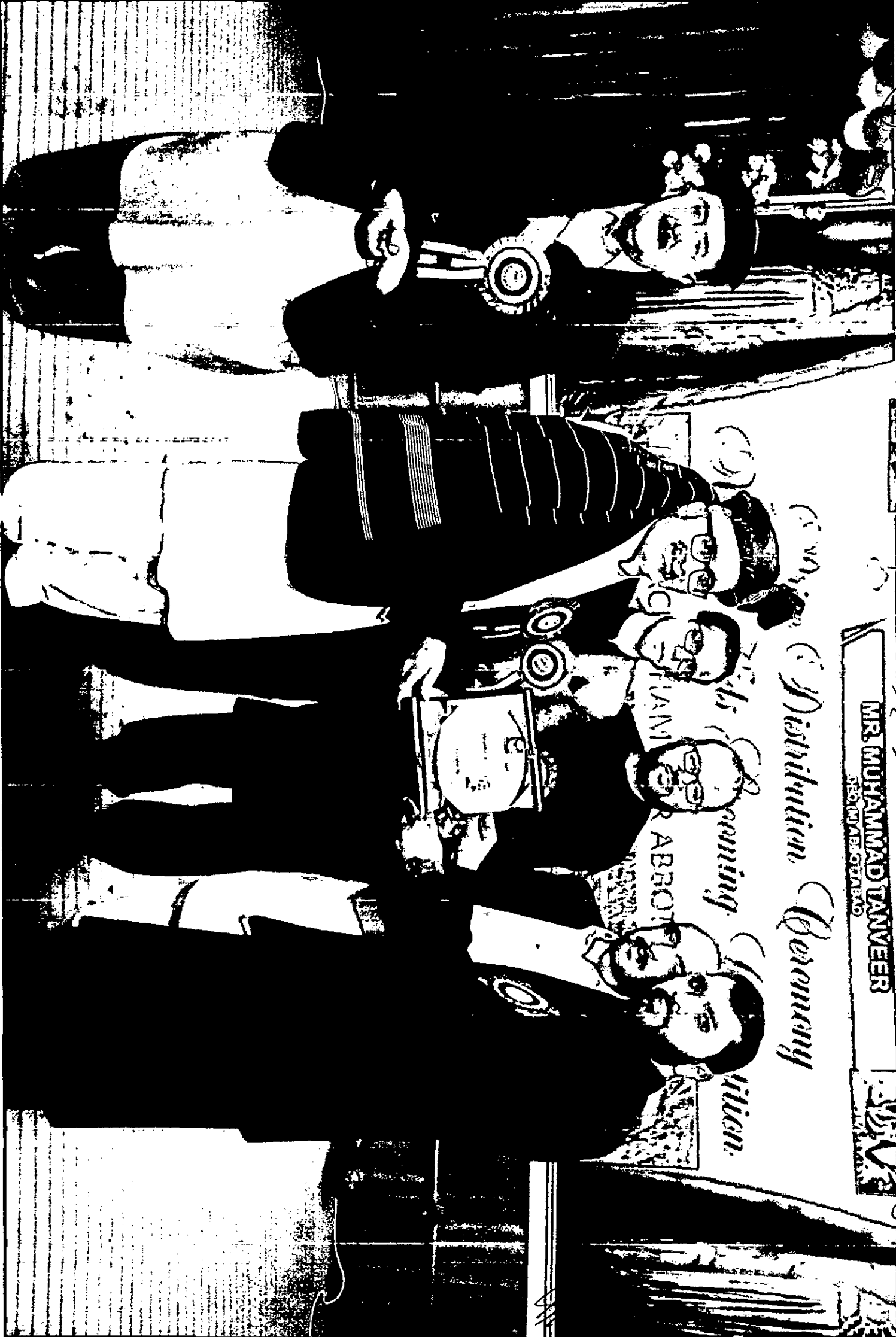


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(Handwritten notes and a signature)

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اساتذہ کرام! السلام علیکم وعلیٰ آئینکم وعلیٰ ربکم اجمعین۔



MR. MUHAMMAD TAYEER
SECRETARY
DISTRIBUTION

Distribution Germany

Dr. HANF

Dr. ABBOTT

Wien

(02-12-2023)
(جسٹریبل با آئی بی سی)

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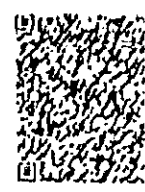
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Annexure "D"



GOVT 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 22.03.2024

NOTIFICATION

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

guc
[Signature]

**(NAVEED ULLAH SHAH)
DEPUTY SECRETARY (ESTABLISHMENT)**

[Signature]



(31) (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 Mahmood 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 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.


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

Haripur SST Transfer



Dated, the Peshawar 21st March 2024

NOTIFICATION

NO.SO(MC)E&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 Dhamlor Abbottabad	GHS Pattan Khurd Abbottabad
2.	Mr. Jaffar Rehman, (TC BS-16)	ASDEO (Primary) DEO (Male) Office Abbottabad	ASDEO Circle Dhamlor 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 Dhamlor 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.

(ARSALAN AHMED) 21/3/24.

SECTION OFFICER (Management Cadre)

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Annex-9

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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")

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OFFICE OF SECRETARY E&SED DEPTT:

Diary No. 37

Dated 26/3/2024

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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.SO (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.SO (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.



(35)

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

(28)

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)

ASBEO
Dhantor

(36) Paffan Ullah
Annex - I

(27)

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

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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.

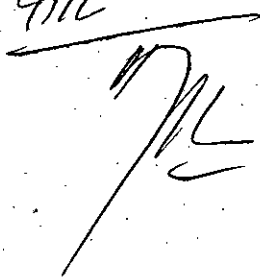
viii. No postings /transfers of the officers/officials on detailment basis shall be made.

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.

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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

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c. Within the Secretariat from on
Department to another.

with Head of Attached Department
concerned. Secretary (Establishment)

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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 Distinct 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 .

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

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[Signature]

**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

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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; (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

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.

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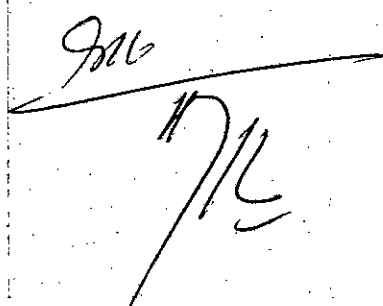
2. Posts in Basic Pay Scale 16. (a) In the case of Secretariat of the Government of Khyber Pakhtunkhwa, the Chief Secretary.
- (b) In case of High Court, the Chief Justice; and
- (c) In the case of Attached Department:
- (i) the Head of Attached Department concerned; and
- (ii) In any other case the 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 in charge of Administration or office, as the case may be.
5. ⁷Departmental 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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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 9/2024 **SCANNED**

Zulfiqar Ahmed S/O Khani Zaman, R/O Kukmang Tehsil & District **POST**
Abbottabad, presently posted as Assistant Sub Divisional Education Officer **Peshawar**
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.*

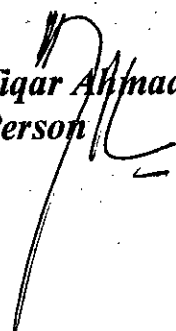
*It is, therefore, humbly prayed that on
acceptance of this application may kindly be fixed in
the above titled appeal.*

Dated 02-04-2024

Appellant

Through

Zulfiqar Ahmad
In Person



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SCANNED
KPST
Peshawar

Service Appeal No. 487/2024

Diary No. 12164

Dated 08.04.2024

Zulfiqar Ahmad

Versus

Government and others

SUBJECT: APPLICATION FOR IMPLEADMENT OF THE
APPLICANT AS A PRIVATE RESPONDENT IN THE PENAL
OF RESPONDENTS IN THE INSTANT APPEAL.

Respectfully Sheweth

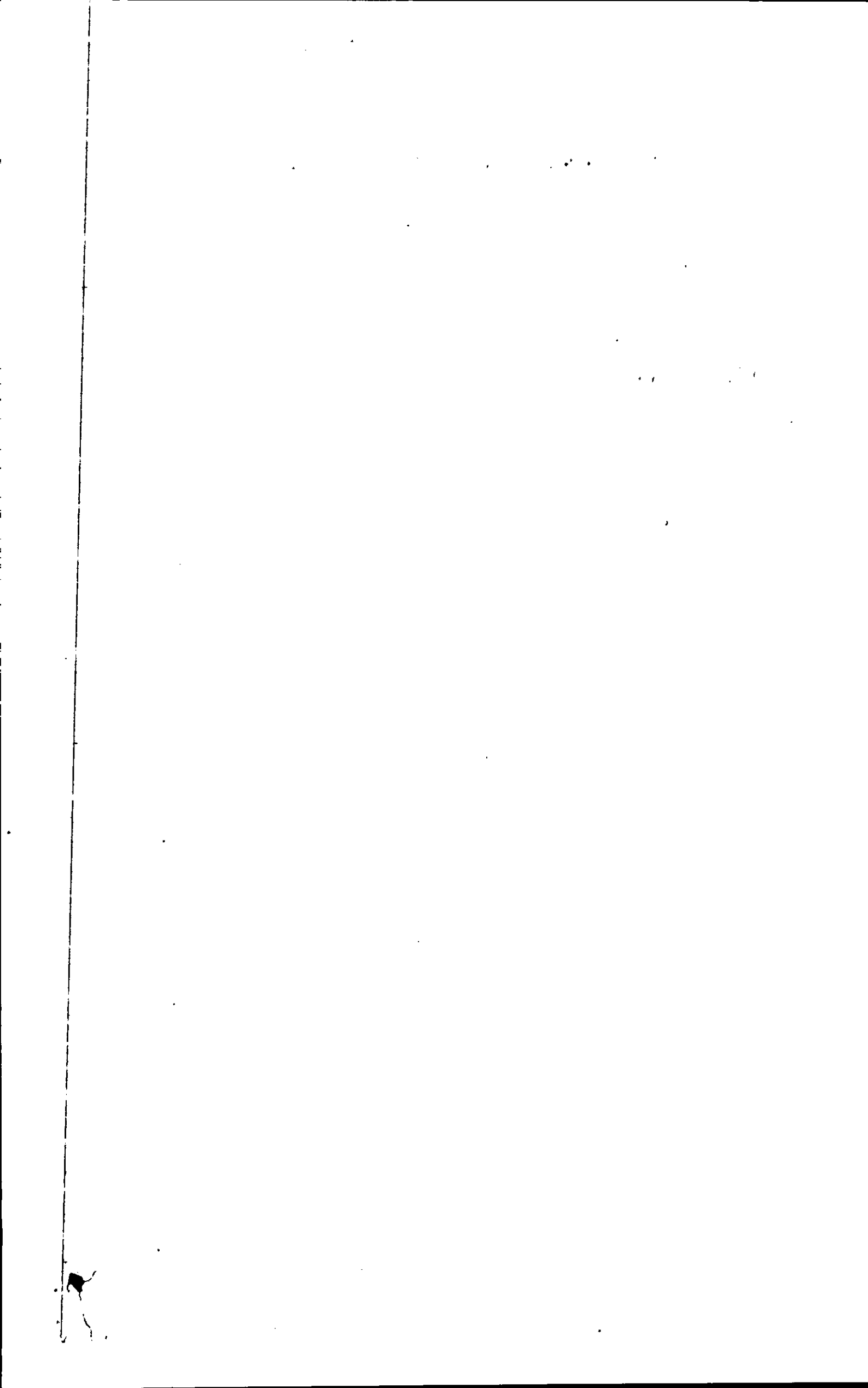
1. That the instant case is pending before the Khyber Pakhtunkhwa service Tribunal Peshawar in which the next date of hearing is 16.04.2024.
2. That in this appeal Mr. Zulfiqar Ahmad has requested to set aside order No. SO (MC) E&SED/4-16/2024/PT/MC/SDEO dated 21.03.2024 as my name is also present in this case at Serial No. 3, and suspension or cancelation of the said order will also hurt me.

It is therefore, most humbly prayed that on acceptance of this application the appellant may kindly be impleaded in the penal of Respondents.

Dated 08.04.2024

Arshid Masood 8/4/24
Appellant in Person
Arshid Masood
ADEO Primary
DEO Office Male
Abbottabad

Next date 16/4/24



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 487/2024

Zulfiqar Ahmad

Versus

Government and others

AFFIDAVIT

I, Arshid Masood SST General Teacher (BPS-16) do hereby solemnly affirmed and declare that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

DEPONENT Arshid Masood 8/4/24

CNIC No 13101-0850567-9

Cell NO. 0315-9505992

ATTESTED

Azmat Ali Akhund
Notary Public
Ministerial Complex Peshawar
[Signature]

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Appeal No. 487/2024
Zulfiqar Ahmad vs Govt

02.04.2024



1. Appellant in person present. Preliminary arguments heard.
2. Points raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within ten days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. Thereafter notice be issued to the respondents for submission of reply/comments. To come up for reply/comments on 16.04.2024 before S.B.
3. Alongwith the service appeal there is an application for suspension of operation of the impugned order No. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad dated 01.04.2024 as well as transfer Notification No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO dated 21.03.2024 issued by respondent No. 1 till the final decision of the instant service appeal. In the meanwhile, the operation of impugned order No. SO (MC) E&SED/2-3/2024/DA/Zulfiqar Ahmad dated 01.04.2024 as well as transfer Notification No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO dated 21.03.2024 is suspended to the extent of appellant till the next date, if not already acted upon.

(Muhammad Akbar Khan)
Member (E)

Date of Presentation of Application 08-4-24

Number of Words 17

Copying Fee 5/-

Urgent 5/1

Total 10/-

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Date of Completion 08-4-24

Date of Delivery of Copy 08-4-24

Certified to be true copy
08/4/24
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Dated, the Peshawar 21st March 2024

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NOTIFICATION

NO.SO(MC)E&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. Zulfiqar Ahmad, (TC BS-16)	ASDEO Circle Dhamtor Abbottabad	GHS Paltan 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/ASDEOs (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.

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

Arshad
Arshad

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

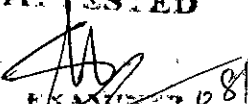
1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department (E&SED), Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa Peshawar.
3. Jaffar Mehmood, ADEO (E/P) o/o District Education Office Abbottabad.

.....RESPONDENTS

APPEAL

UNDER SECTION 4 OF NVFP (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.

Filed by

 Zulfiqar
 2/4/24

ACCEPTED

 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

23-04-2024

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At Camp Court about d.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12299

Dated 19-4-2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 487/2024

SCANNED
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Peshawar.

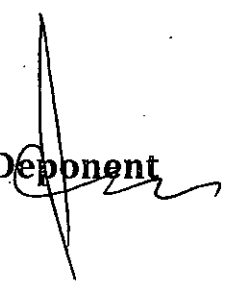
Mr. Zulfiqar Ahmad.....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

INDEX

S#	Description of Documents	Annex	Pages
1.	Affidavit	A	1
2.	Authority Letter	B	2
3.	Para-wise comments/reply	C	3-6
4.	Annexures	D	07-14

Deponent




BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 487/2024

Mr. Zulfiqar Ahmad..... Appellant

VERSUS

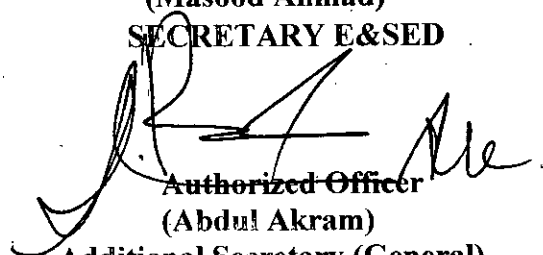
Govt. of Khyber Pakhtunkhwa & others..... Respondents

AFFIDAVIT

I, **Masood Ahmad**, Secretary, Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments, submitted by the respondents, are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondents have neither been placed ex-parte nor has their defense been struck off.

**(Masood Ahmad)
SECRETARY E&SED**



**Authorized Officer
(Abdul Akram)
Additional Secretary (General)
E&SE Department
(Respondent No. 01 & 02)**

2 53



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit parawise comments on behalf of Secretary Elementary & Secondary Education Department Peshawar **Service Appeal # 487/2024 Case Titled Mr. Zulfiqar Ahmad vs Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.

**(Masood Ahmad)
SECRETARY E&SED**

**Authorized Officer
(Abdul Akram)
Additional Secretary (General)
E&SE Department
(Respondent No. 01 & 02)**

(3) (54)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 487/2024

Mr. Zulfiqar Ahmad.....Appellant

VERSUS

Chief Secretary to Govt of KPK Peshawar..... Respondents

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01, 02 & 03

Respectfully Sheweth,

Preliminary Objections:

1. That according to Honorable Peshawar High Court Peshawar judgment on dated 18-11-2009 in writ petition No. 2937/2009. It has been observed that it is not befitting for teachers to hold administrative posts because they are getting benefits, but the students are suffering thus, they shall go to their respective places. Therefore, the present appeal is liable to be dismissed summarily.
2. That the Respondent has adopted the proper law and procedure by exercising powers u/s 10 of Civil Servant Act, 1973, which is as under:-

“10. Posting/Transfer every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government.

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve”

Therefore, in light of Section-10, desired posting is not the perpetual right of a civil servant and the department concerned can transfer any civil servant to serve at the given place as mentioned in the transfer/posting order, while the civil servant cannot refuse compliance.

3. That according to Central Administrative Tribunal-Delhi in the case of Sh. Jawahar Thakur-vs-Union of India held on 19th June, 2015 that it is more than stare decisis that transfer is an incidence of service and it is for the executive/administration to decide how to and where to use its employees subject to the conditions of their appointment in the best interest of the organization and public service. It is not always possible and feasible to record strong reasons for allowing an officer to continue at a particular station for a few years or more or less.
4. The Honorable Supreme Court in Mrs. Shilpis Bose and Others vs State of Bihar and others 1991 Supp.(2)SCC-659 went into in the issue of guidelines and has upheld the transfer orders of the employee in the following words:-

(4)

(55)

“In our opinion, the Courts should not interfere with a transfer order which are made in public interest and for administrative reasons (unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fid. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violated any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the Courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the Department. If the Courts continue to interfere with day to day transfer orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest. The High Court over looked these aspects in interfering with the transfer orders”

Therefore, in light of the above situation the present appeal is not maintainable and liable to be dismissed with costs.

5. The appellant has not come to this Tribunal with clean hands.
6. The appellant is not an aggrieved person nor has any locus standi to file the present appeal.
7. That the appellant has concealed material facts from this Tribunal.
8. That the appellant is estopped by his own conduct to file the present appeal.
9. That the present appeal is against the prevailing law and rules.
10. That the appellant is not entitled for any relief, he has sought from this Honorable Tribunal.
11. That the present appeal is liable to be dismissed being devoid of any merits.
12. That the present appeal is hopeless time barred, hence liable to be dismissed.
13. That the present appeal is just filed by the appellant to pressurized the respondents for getting illegal and unlawful benefits.
14. That the appellant is just wasting the precious time of this Honorable Tribunal through the instant frivolous appeal.
15. In an another famous case, *The State of U.P. and Others vs Goverdhan Lal*, : 2004 (3) SLJ 244 (SC) it has been held this:

“It is too late in the day for any Government servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of a civil servant is an essential condition of service in the absence of any specific indication to the contra, in the law governing or conditions of service”

Therefore, the appeal in hand is liable to be dismissed.

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Reply on Facts.

1. Pertains to service record of the appellant.
2. Pertains to record.
3. Para -03 is incorrect. The appellant has been found in Mal and corrupt practices during his posting as ASDEO (Circle Dhamtour) sub division District Abbottabad. The appellant and his friend has committed cheating by personation with PTC council of GPS Nari Hoter. (Detail inquiry report is annex-A which consists of four pages).
4. Pertains to record.
5. Incorrect, hence denied.
6. Incorrect, hence denied. The appellant has been given new task on 21-02-2024 through notification No. SO(MC)/E&SED/4-16/2024/PT/MC/SDEO according to his own cadre i.e. Teaching Cadre.
7. Incorrect, hence denied. The notification No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO dated 21-03-2024 was duly issued on 21-03-2024 in result of an inquiry as annexed above conducted against the fraud and cheating by personation of the appellant and his friend.
8. Incorrect, the appellant is not an aggrieved person.
9. In response of Para-09 it is stated that the appellant belongs to Teaching Cadre, while the post of ASDEO is Management Cadre, secondly the appellant is not trustworthy for any administration post due to his Mal & corrupt practice as stated above. Therefore, the appellant is not entitled for any relief.

On Grounds:

- a) Incorrect, hence denied. The appellant on one hand is involved in cheating by personation alongwith abetment and on the other hand the appellant does not belongs to Management Cadre. Therefore, notification dated 21-03-2024 is in accordance with law.
- b) Incorrect, hence denied. Already explained above.
- c) Incorrect, hence denied. Already explained above.
- d) Incorrect, hence denied.
- e) Incorrect and denied in toto. The appellant has made mis-representation before this Honorable Tribunal no doubt the appellant is involved in cheating by personation alongwith abetment and also the appellant do not belongs to Management Cadre.
- f) Incorrect, hence denied. Already explained above.
- g) Incorrect, the appellant has been treated in accordance with law.
- h) Incorrect, hence denied in toto.
- i) Incorrect, hence denied. The actual position has been explained above.
- j) Incorrect, hence denied.
- k) Incorrect, the case of the appellant is altogether different from the referred judgment and therefore is not liable for any relief.
- l) No need to reply.

(6)

(57)

m) The respondent also seeks for permission to raise additional grounds at the time of arguments.

n) Incorrect, the appeal is time barred.

It is therefore, most humbly requested that the appeal in hand may kindly be dismissed with heavy cost being merit less.

(Masood Ahmad)
SECRETARY E&SED



Authorized Officer
(Abdul Akram)
Additional Secretary (General)
E&SE Department
(Respondent No. 01 & 2)

(7) (58)

INQUIRY REPORT

Reference Assistant Director Elementary and Secondary Education
Peshawar No. 2425 dt. 16-6-2021 Complaint dated 08-09-2021 regarding Daput
No. 1 PSHT Government Primary School Nari Hoter Abbottabad

INQUIRY TEAM

- i. Dr Muhammad Javed Principal GHS Kabul Abbottabad
- ii. Muhammad Shanrez ADEO Sports office of DEO Male Abbottabad

Consequent upon the impost inquiry the concerned team visited the venue GPS Nari Hoter
DC Birote on 20-09-2021 and visited the following characters/personalities and inspected the same
one by one with attached statements in detail

MAIN CHARACTERS

- i. Muhammad Shakeel SPST Ex Secretary PTC GPS Nari Hoter
- ii. Mahammad Arshad Ex Head Teacher GPS Nari Hoter
- iii. Aziz Ur Rehman Ex chairman PTC GPS Nari Hoter
- iv. Muhammad Shafique Abbasi Member PTC GPS Nari Hoter
- v. Muhammad Haqiq present HT GPS Nari Hoter
- vi. Sajid Mahmood Abbasi Witness of payment receipt HT GPS Nari Hoter
- vii. Khan Govt Contractor village Bagh

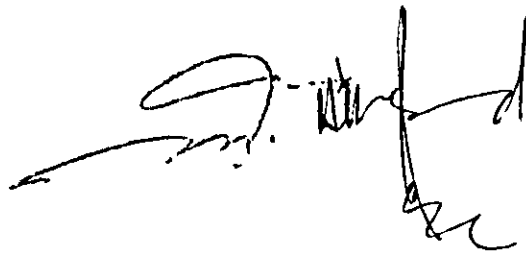
FACTS:

The said inquiry committee found/realized the facts given below.

- a) Rs 800000 was shifted in PTC account of GPS Nari Hoter Birote for the
of ACR in the year 2015-16 from GPS Majhot. See Annexure (A)
- b) Mr. Arshad Abbasi Ex PSHT was not agreed for construction due to his post
against SSF post. See Anx. (B)
- c) That Mr. Arshad Abbasi was relieved off after his promotion and Shakeel
SPST was transferred and took charge against PSHT in GPS Nari Hoter.
- d) That the presence of conditional grant in PTC account for construction of ACR
in the knowledge of ASDEO circle Birote. Anx (B)
- e. That the ASDEO circle reached in school along with a stranger who was
to the PTC council of GPS Nari Hoter as C&W registered contractor
Muhammad Yousuf. Anx (B&C)
- f) That the ASDEO circle convinced the HT & PTC council for construction
through the said stranger as contractor named Muhammad Yousuf. See Anx (B)
- g) That the ASDEO circle not only convinced the PTC but also presented
full plan of construction and method of payment to contractor Muhammad
See Anx (B, C & D)



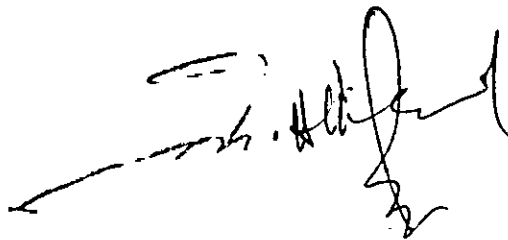
- 5) That all the things related to constructions were settled amongst the ASDEO circle council & contractor Muhammad Yousuf verbally on the trust and confidence of ASDEO circle. See Anx (D)
- 6) That the HT and chairman PTC made advance payment of Rs. 200000/- in cash to Muhammad Yousuf on verbal instructions, of ASDEO circle on 24-07-2017 See Anx(E)
- 7) That the contractor started work and deployed his labour on site. After 17 days the contractor demanded more release of amount (Rs.200000) but HT refused to pay said payment. The ASDEO pressurized the HT through telephonic call, ordered him to pay next release See the statement of Muhammad Shafique Abbasi Member PTC Anx(F).
- 8) That the complainant labours were deployed on the site for starting construction of Additional classroom. These labourers were introduced to Mr. Zulfikar (ASDEO) by kala Khan (contractor) in TMA office Abbottabad. Detail attached in Kala Khan Statement Anx(G)
- 9) That this labour firm was handed over to contractor Muhammad Yousuf (original name Muhammad Muneer) by concerned ASDEO circle and sent to the venue (PS NariHoter and after all construction planning finalized amongst PTC Chairman, Head Teacher and labours, work was started and reached at roofing stage after 40 days as per the statement of labours attached. Anx (H)
- 10) When the labourers demanded money for roofing expenditure, HT told them that their contractor Muhammad Yousuf had already received Rs. 450000 from him Anx (H)
- 11) The poor labours firm was surprised to listen this because they did not know any contractor but HT affirmed him that he knew their contractor, his name is Yousuf lives in Abbottabad and they should not need worry. The labourers returned their home after three days they came back to work but no payment was made to them and they once again returned back home. See Anx. (H)
- 12) That this inquiry committee found two receipts amounting of Rs. 200000 & 250000 copy from HT teacher Shakeel Abbasi of payment made to contractor Muhammad Yousuf signed by two witnessed. See Anx. (I&J)
- 13) That the inquiry committee submitted a questioner to ASDEO circle See Anx. (K)
- 14) That the ASDEO circle did not reply any question clearly and tried to hide the facts. For example, in reply to 1st question he mentioned only date not mentioned his post because he joined Education Department as a Junior Clerk. In reply of other question he did not give any importance to the questionnaire. See his replies in Anx (L)



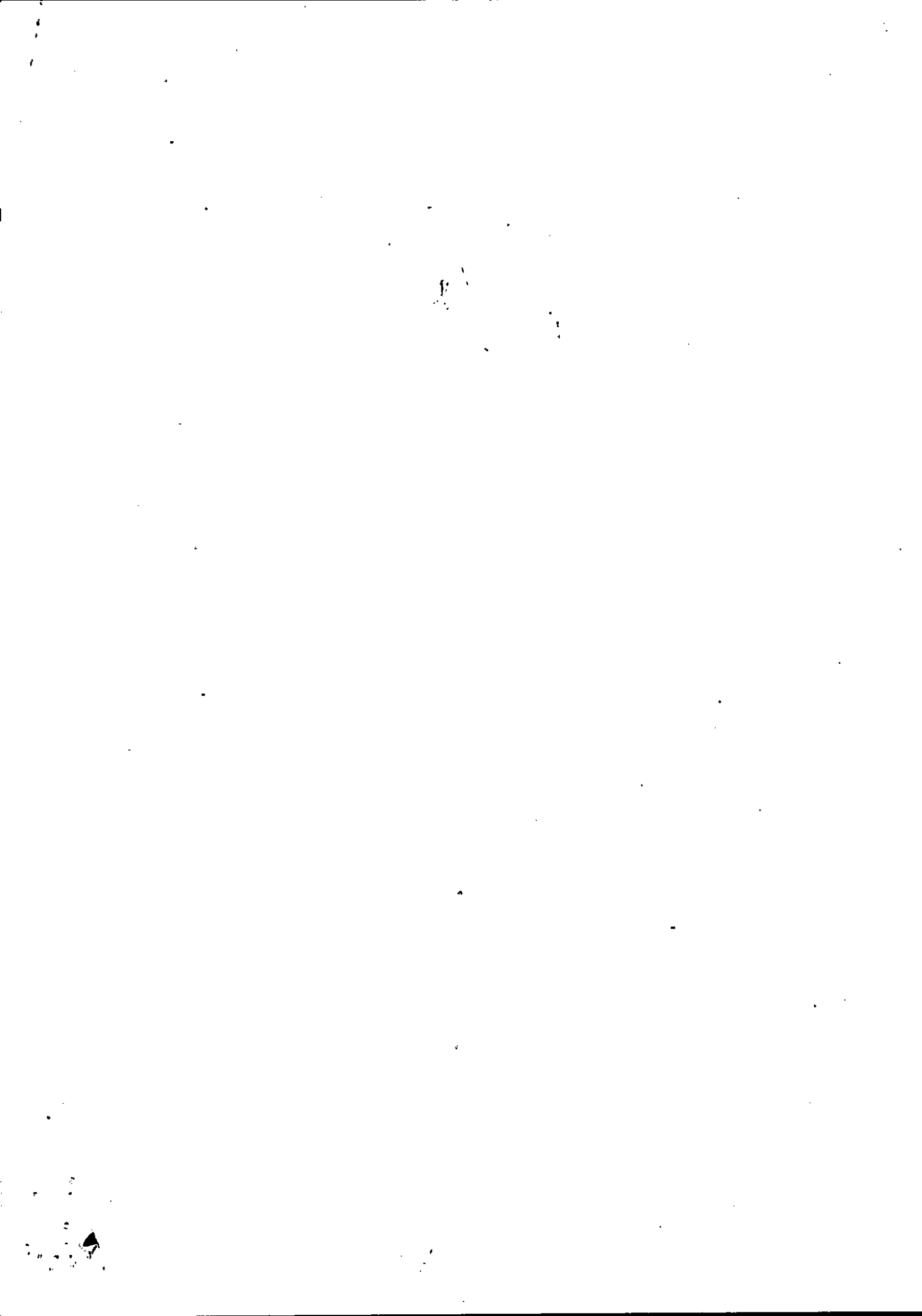
(19) (60)

In the light of above facts, the findings of this inquiry team are given below

- The inquiry team checked the Cell No. of Muhammad Yousaf through CDR and found that his original name is Muhammad Muneer son of Muhammad Siddique village of Nagri Tutial Tehsil Lora Distt. Abbottabad. CDR is attached in Anx (M) This was inquired through its own sources about him in his native village and came to know that he is a great cheater and migrated to Karachi to disappear himself due to fraudulent character.
- b) This inquiry team concluded that ASDEO circle hired Muhammad Yousaf to receive the PTC amount fraudulently. For this purpose a drama was created and Mr. Muneer played the role of contractor with the name of Muhammad Yousaf and got the trust of Mr. Shakeel SPST GPS Nari Hoteer and PTC of GPS Nari Hoteer. The PTC council GPS Nari Hoteer paid the cash on the pressure and confidence of ASDEO circle including wages of complainant labourers.
 - c) The ASDEO circle succeeded to get amount fraudulently and pressurized/threatened the teacher to complete the construction work by using his administrative powers. The said teacher sold the Ornaments of his wife and completed the construction of ACR.
 - d) All the evidences and statements of spots are against the ASDEO circle and show that he handed over the amount of PTC (Rs.450000) with technical mind through a fake contractor.
 - e) This inquiry committee called him for personal hearing in the light of his answer of last question but he did not justify any question of inquiry committee and behaved roughly and proudly with committee.
 - f) In personal hearing the Ex ASDEO Zulfiqar Ahmed SST (G) GHSS No. 1 Abbottabad claimed that he neither knows the complainant labourers nor labourers know him. The enquiry committee demonstrated and identity parade to justify all the blames and evidences secretly. The complainant labourers were called to DEO office where the ASDEO was already present and sitting in superintendent office. The labourers were asked to search the ASDEO in all rooms of DEO office and point out his presence in any room. The labourers entered in the building of DEO office and returned after two or three minutes with pointing out his presence in superintendent office. In personal hearing the ASDEO claimed that he doesn't know the complainant labour and the Complainant labour also don't know him.
 - g) 2 or 3 inquiries have been conducted before this inquiry which conclusion came to end without acknowledgment of originality of contractor Muhammad Yousaf original name Muhammad Muneer.
 - h) This inquiry proceeded due to CDR report and disclosed the originality of fake contractor which was already beneficiary of accused ASDEO Zulfiqar Ahmed SST (G) GHSS No. 1 Abbottabad.



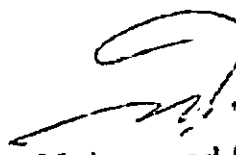
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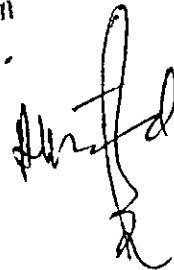
RECOMMENDATION

- * In the light of above facts and finding this inquiry committee recommends:
 - a) That the amount of waging of complainant labour should be recover from the ASDEO circle Mr. Zulfiqar Ahmed SST GHS No. 1 Abbottabad and be paid to the poor labour.
 - b) The Assets of Ex ASDEO Mr Zulfiqar Ahmed SST GHS No. 1 should be inquired through Anti-Corruption Department and National Accountability Bureau from a career as a Junior Clerk to SST (G) and ASDEO Circle Birote and till date
 - c) Due to misusing of authorities and departmental power the accused person (Ex ASDEO Birote) should be treated according to E&D rules.
 - d) Mr. Zulfiqar Ahmed should be declared/notified by the directorate of Elementary and Secondary Education Department Peshawar to disqualify and unfit for such an administrative post in Education Department in future through any source
 - e) Minor penalty stoppage of one increment should be imposed on Mr. Shakeel Abbasi SPST GPS Nari Hoter due to his negligence. Mr. Sajid Abbasi PSHI GPS Tarmothian Birote should be warned strictly for playing role of agent of officer in said ASDEO.
 - f) An FIR should be launched against fake Contractor Mr. Yousuf original name Muneer S/O Muhammad Sidique village Biannani UC Nagri Tutial to arrest him due to his fraud in Police Station Lora or Anti-Corruption Department.

Report is hereby submitted to all concerns for further necessary action with attached all record/documents please.


 Assistant Director
 Officer (IA) Abbottabad
 Muhammad Shamrez
 Member Inquiry Committee
 ADEO Sports DEO Male Abbottabad

Director of District Education



Dr. Muhammad Javed
Chairman Inquiry Committee
Principal GHS Kakul

Dr. Muhammad Javed
Principal
G.H.S Kakul Abbottabad



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.

17/4
11/4/24

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)

Attested

Section Officer (Management Cadre)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

Dated, the Peshawar 21st March 2024

NOTIFICATION

NO.SO(MC)E&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. Zuffiqar Ahmad, (TC BS-16)	ASDEO Circle Dhamlor Abbottabad	GHS Pattan Khurd Abbottabad
2.	Mr. Jaffar Rehman, (TC BS-16)	ASDEO (Primary) DEO (Male) Office Abbottabad	ASDEO Circle Dhamlor Abbottabad vice serial No. 1
3.	Mr. Arshad Masood, (TC BS-16)	GMS Sialkot 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.

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

Attested
Section Officer (Management Cadre)
Elementary & Secondary Edu: Deptt:
Govt: of Khyber Pakhtunkhwa

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To

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

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED TRANSFER NOTIFICATION NO.S0 (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")

*examined
P/posen*

*BR
27-3-24
Socres*

26/03/24

[Handwritten signature]

OFFICE OF SECRETARY E&SE DEPTT:

Diary No. 37

Dated 26/3/2024

Attested
[Signature]

Section Officer (Management Cadre)
Elementary & Secondary Education Deptt:
Govt. of Khyber Pakhtunkhwa

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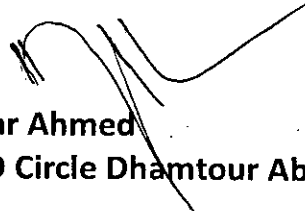
6. That according to 2009 Education policy ASDEO/ ADEO post belongs to Management Cadre, due to non availability of MC ASDEO, SST can be posted/ adjusted against the vacant post on stop-gap arrangement, but in the case of appellants another junior SST named Arshad Masood & Jaffer Rehman, who are not MC ASDEO were replaced with appellants due to political influence.
7. That another blunder that was made in issuing the transfer order by E&SED notification No.SO (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 of the above mentioned facts, it is requested to your gracious honors "That instant departmental appeal of the appellants may be accepted and impugned notification No.SO (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.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

Dated Peshawar, the 15-03-2024

NOTIFICATION

NO.SO(Lit-II)/E&SED/1-5/2021. The undersigned is pleased to authorize Additional Secretary (General) Elementary & Secondary Education Department to sign parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc on my behalf for submission before various courts of law/tribunals in the best public interest.

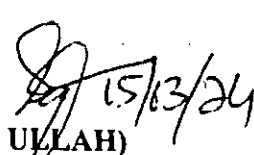
SECRETARY
Elementary & Secondary Education
Department, Khyber Pakhtunkhwa

Endst: No. 2519-B

Dated 15-3-2024

Copy forwarded to the:-

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department.
4. Registrar Peshawar High Court Peshawar.
5. Registrar Service Tribunal Peshawar.
6. All Section Officers (Litigation) E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Additional Secretary (General) E&SE Department.
9. PAs to Deputy Secretary (Legal-I&II) E&SE Department.


(SAJID ULLAH)
SECTION OFFICER (Lit-II)

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD

In S.A No.487/24

SCANNED
KPST
Peshawar

Zulfiqar Ahmed

Versus

Govt of KPK through Secretary Elementary Secondary
Education & Others.

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5.	Copy of impugned transfer order & charge report of respondent No.4	"D" & "E"	13-14
6.	Wakalatnama		15

Dated:18.04.2024

Zulfiqar Ahmed
Respondent No.4

Kabir Ullah Khatta
Kabir Ullah Khatta K
Advocates, High Court,
Peshawar.

(11) (68)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**

In S.A No.487/24

Zulfiqar Ahmed

Versus

Govt of KPK through Secretary Elementary Secondary
Education & Others.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12294

Dated 19/4/24

**WRITTEN COMMENTS ON BEHALF OF RESPONDENT
NO.4 NAMELY ARSHAD MASOOD**

Respectfully Sheweth,

That the Respondent No.4 humbly submitted as under:-

Preliminary Objections:

1. That the appellant has no cause of action and locus standie to filed the instant service appeal.
2. The Appellant has concealed material facts from this August Tribunal and had not come to this Hon'ble court with clean hands.
3. That the Appellant has stopped by his own conduct to file the instant appeal.

- (69) (2)
4. That the instant service appeal is not maintainable and its present form.
 5. That the appeal of the appellant is no maintainable in its present forum on the ground of mis-joinder and non-joinder of necessary parties.
 6. That the appellant has not claim any right of posting in a particular post as such according to section 10 of the Khyber Pakhtunkhwa Civil Servant Act 1973, a Civil Servant can be transferred to anywhere of the province.
 7. That the transferred order dated 06.05.2023 has no legal value as such it has been passed by incompetent authority.
 8. That the impugned transferred order No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO dated 21.03.2024 and rejection order dated 01.04.2024 has been passed according to law and rules.

ON FACTS:-

1. The Para No.1 is pertains to record.
2. That Para No. 2 pertains to record. However, the transferred order dated 6.05.2023 has

been passed by incompetent authority thus having no legal value.

3. That Para No.3 is pertains to record however every civil servant / employee is legally bound to performed his duty according to law and rules and for the entire satisfaction of his superiors, transfer/posting is part of service and according to section-10 of civil servant Act, 1973, every civil servant can be transferred to anywhere of the Province. Moreover at the year of 2021 a departmental inquiry was initiated against the appellant by the respondents departments. (Copies of notification dated 08.09.2021 and inquiry report are attached as annexure "A & B").

4. That Para No.4 is incorrect, the impugned transferred order was passed on 21.03.2024 while the ban on posting / transfer was imposed on 22.03.2024. (Copy of notification dated 22.03.2024 is attached as annexure "C").

5. Para No. 5 is incorrect.

6. That Para No.6 is pertains to record.

7. That Para No.7 is incorrect hence denied. However the impugned transferred order No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO dated 21.03.2024 has been passed according to law and rules and in the best public interest, as such the appellant was transferred in the same union counsel through the impugned transferred order dated 21.03.2024. It is pertinent to mentioned here that the appellant has not claim any right of transfer posting in particular post as such choice transfer posting is not a vested right of any person while the answering respondent is Senior to the appellant. (Copy of impugned transfer order & charge report of respondent No.4 are attached as annexure "D & E").

8. Para No.8 is pertains to record.

9. Para No.9 is pertains to record.

GROUNDS

A. Ground "A to C" are in correct. The impugned transfer order dated 21.03.2024 as well as the rejection order dated 01.04.2024 were passed according to law and rules as such according to section-10 of the civil servant act every civil servant can be transfer to anywhere of the Province in the best public interest.

72 5
B. Ground "D" is not related to the answering respondent.

C. Ground "E" is incorrect.

D. Ground "F" is also incorrect. However the impugned transfer order has been issued in public interest and according to law and rules.

E. Ground "G to J" are incorrect.

F. Grounds "K" is incorrect, already explain in the above para's, however the impugned transfer order has been passed in the best public interest, according to law and rules.

G. Ground "I" is incorrect.


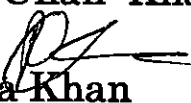
H. In response of Ground "M" the answering respondent seeks time of this Hon'ble Tribunal to raise additional grounds during the course of arguments with the prior permission of this Hon'ble Tribunal.

I. Ground "N" is incorrect.

It is, therefore, most humbly prayed that on acceptance of the instant written reply/comments, of respondent No.4 the appeal of the appellant may kindly be dismissed with heavy cost.

Dated: 18.04.2024


Respondent No. 4


Kabir Ullah Khattak
&

Roeda Khan
Advocate, High Court,
Peshawar.

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6

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**

In S.A No.487/24

Zulfiqar Ahmed

Versus

Govt of KPK through Secretary Elementary Secondary
Education & Others.

AFFIDAVIT

I, Arshad Masood SST General teacher (BPS-16), do hereby
solemnly affirm and declare on oath that contents of written
reply are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Hon'ble court.

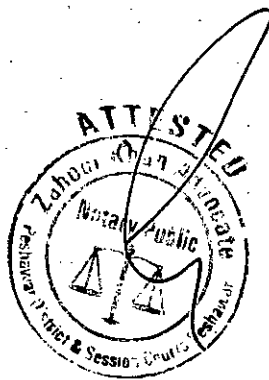
*It is, further stated that the answering respondent have
neither been placed ex-parte nor their defence
has been struck off / cost.*

[Signature]
Deponent

Verified by: *[Signature]*

Roeeda Khan

Advocate, High Court,
Peshawar.





74

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

Phone: 091-9225336, 9225342, E-mail: complaintcellese@gmail.com



NOTIFICATION

Dr. Muhammad Javed Principal (B-18), GHS Kakul Abbottabad, as a Chairman, and Muhammad Shamreez ADEO Sport DEO (M) Abbottabad, as a member are hereby appointed as Inquiry Officers to conduct inquiry against Master Shakeel Abbasi, Teacher, Govt Primary School, Narri Hotar Abbottabad (Copy of complaint attached)

The inquiry officers concerned are requested to submit his findings & clear cut recommendations to this office within two weeks, positively.

ASST. DISTRICT
EDUCATION OFFICER (Sports)
ABBOTTABAD

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 2455-59 File. 26-6//Complaint Cell/2019/Anti-Corruption
Dated Pesh: the 18/09/2021

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

1. Dr. Muhammad Javed Principal (B-18), GHS Kakul Abbottabad
2. Muhammad Shamreez ADEO Sport DEO (M) Abbottabad
3. District Education Officer (M) Concerned, with the remarks to provide relevant record to the above mentioned inquiry officer as and when required.
4. Assistant Director, Anti-Corruption Establishment Khyber Pakhtunkhwa, Peshawar
5. P.A to Director E&SE KPK.

Handwritten notes:
A & DEO ADEO (Sports)
Circle Box
for Assistance
MS 17/8

Signature
Assistant Director (Complaint)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Handwritten signature
E. Education Off.

(75) B (8) (S)

INQUIRY REPORT

Reference Assistant Director Elementary and Secondary Education Khyber Pakhtunkhawa Peshawar No. 2455-56/26-6/ Complaint dated 08-09-2021 regarding Inquiry Shakeel Abbasi PSHT Government Primary School Narri Hotar Abbottabad.

INQUIRY TEAM

- i. Dr. Muhammad Javeed Principal GHS Kakul Abbottabad
- ii. Muhammad Shamrez ADEO Sports office of DEO Male Abbottabad

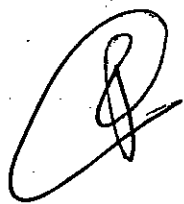
Consequent upon the impost inquiry the concerned team visited the venue GPS NariHoter UC Birote on 20-09-2021 and visited the following characters/personalities and inquired the matters one by one with attached statements in detail.

MAIN CHARACTERS

- i. Muhammad Shakeel SPST Ex Secretary PTC GPS NariHoter
- ii. Muhammad Arshad Ex Head Teacher GPS NariHoter
- iii. Aziz Ur Rehman Ex chairman PTC, GPS NariHoter
- iv. Muhammad Shafique Abbasi Member PTC GPS NariHoter
- v. Muhammad Haqiq present HT GPS NariHoter
- vi. Sajid Mehmood Abbasi Witness of payment receipt HT GPS TanmotianBerote
- vii. Kala Khan Govt: Contractor village Bagh

FACTS:

The said inquiry committee found/realized the facts given below.

- a) Rs. 800000 was shifted in PTC account of GPS Nari Hoter Berote for construction of ACR in the year 2015-16 from GPS Majhot. See Annexure (A)
 - b) Mr. Arshad Abbasi Ex PSHT was not agreed for construction due to his promotion against SST post. See Anx: (B)
 - c) That Mr. Arshad Abbasi was relieved off after his promotion and Shakeel Abbasi SPST was transferred and took charge against PSHT in GPS Nari Hoter.
 - d) That the presence of conditional grant in PTC account for construction of ACR was in the knowledge of ASDEO circle Birote. Anx (B)
 - e) That the ASDEO circle reached in school along with a stranger who was introduced to the PTC council of GPS Nari Hoter as C&W registered contractor named Muhammad Yousuf. Anx (B&C)
 - f) That the ASDEO circle convinced the HT & PTC council for construction of ACR through the said stranger as contractor named Muhammad Yousuf. See Anx (B&C).
 - g) That the ASDEO circle not only convinced the PTC but also presented/arranged the full plan of construction and method of payment to contractor Muhammad Yousuf. See Anx (B, C& D)
- 

- h) That all the things related to constructions were settled amongst the ASDEO circle, PTC council & contractor Muhammad Yousuf verbally on the trust and confidence of ASDEO circle. See Anx (D)
- i) That the HT and chairman PTC made advance payment of Rs. 200000/- in cash to Muhammad Yousuf on verbal instructions, of ASDEO circle on 24-07-2017. See Anx(E)
- j) That the contractor started work and deployed his labour on site. After 17 days the contractor demanded more release of amount (Rs.200000) but HT refused to pay said payment. The ASDEO pressurized the HT through telephonic call, ordered him to pay next release. See the statement of Muhammad Shafique Abbasi Member PTC Anx(F).
- k) That the complainant labours were deployed on the site for starting construction of Additional classroom. These labourers were introduced to Mr. Zulfiqar (ASDEO) by kala Khan (contractor) in TMA office Abbottabad. Detail attached in Kala Khan Statement Anx(G)
- l) That this labour firm was handed over to contractor Muhammad Yousaf (original name Muhammad Muneer) by concerned ASDEO circle and sent to the venue GPS NariHoter and after all construction planning finalized amongst PTC Chairman, Head Teacher and labours, work was started and reached at roofing stage after 40 days as per the statement of labours attached. Anx (H)
- m) When the labourers demanded money for roofing expenditure, HT told them that their contractor Muhammad Yousuf had Already received Rs. 450000 from him Anx. (H)
- n) The poor labours firm was surprised to listen this because they did not know any contractor but HT affirmed him that he knew their contractor, his name is Yousuf lives in Abbottabad and they should not need worry. The labourers returned their home after three days they came back to work but no payment was made to them and they once again returned back home. See Anx. (H)
- o) That this inquiry committee found two receipts amounting of Rs. 200000 & 250000 copy from HT teacher ShakeelAbbasi of payment made to contractor Muhammad Yousuf signed by two witnessed. See Anx. (I&J)
- p) That the inquiry committee submitted a questioner to ASDEO circle See Anx. (K)
- q) That the ASDEO circle did not reply any question clearly and tried to hide the facts. For example, in reply to 1st question he mentioned only date not mentioned his post because he joined Education Department as a Junior Clerk. In reply of other question, he did not give any importance to the questionnaire. See his replies in Anx. (L)

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FINDINGS

In the light of above facts, the findings of this inquiry team are given below.

- a) The inquiry team checked the Cell No. of Muhammad Yousuf through CDR and found that his original name is Muhammad Muneer son of Muhammad Siddique village binnani Nagri Tutial Tehsil Lora Distt: Abbottabad. CDR is attached in Anx. (M) This team inquired through its own sources about him in his native village and came to know that he is a great cheater and migrated to Karachi to disappear himself due to fraudulent character.
- b) This inquiry team concluded that ASDEO circle hired Muhammad Yousaf to receive the PTC amount fraudulently. For this purpose a drama was created and Mr. Muneer played the role of contractor with the name of Muhammad Yousaf and got the trust of Mr. Shakeel SPST GPS Narri Hoter and PTC of GPS Narri Hoter. The PTC council GPS Narri Hoter paid the cash on the pressure and confidence of ASDEO circle including wages of complainant labourers.
- c) The ASDEO circle succeeded to get amount fraudulently and pressurized/threatened the teacher to complete the construction work by using his administrative powers. The said teacher sold the Ornaments of his wife and completed the construction of ACR.
- d) All the evidences and statements of spots are against the ASDEO circle and show that he handed over the amount of PTC (Rs.450000) with technical mind through a fake contractor.
- e) This inquiry committee called him for personal hearing in the light of his answer of last question but he did not justify any question of inquiry committee and behaved roughly and proudly with committee.
- f) In personal hearing the Ex ASDEO Zulfiqar Ahmed SST (G) GHSS No. 1 Abbottabad claimed that he neither knows the complainant labourers nor labourers know him. This enquiry committee demonstrated and identity parade to justify all the blames and evidences secretly. The complainant labourers were called to DEO office where the ASDEO was already present and sitting in superintendent office. The labourers were said to search the ASDEO in all rooms of DEO office and point out his presence in any room the labourers entered in the building of DEO office and returned after two or three minutes with pointing out his presence in superintendent office. In personal hearing the ASDEO claimed that he doesn't know the complainant labour and the Complainant labour also don't know him.
- g) 2 or 3 inquiries have been conducted before this inquiry which conclusion came to ends without acknowledgment of originality of contractor Muhammad Yousuf original name Muhammad Muneer.
- h) This inquiry proceeded due to CDR report and disclosed the originality of fake contractor which was already beneficiary of accused ASDEO Zulfiqar Ahmed SST (G) GHS No. 1 Abbottabad.

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W


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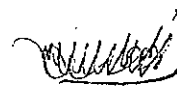
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RECOMMENDATION

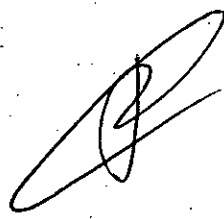
- * In the light of above facts and finding this inquiry committee recommends:
- a) That the amount of waging of complainant labour should be recover from Ex. ASDEO circle Mr. Zulfiqar Ahmed SST GHS No. 1 Abbottabad and be paid to the poor labour.
 - b) The Assets of Ex ASDEO Mr. Zulfiqar Ahmed SST GHS No. 1 should be inquired through Anti-Corruption Department and National Accountability Bureau from his career as a Junior Clerk to SST (G) and ASDEO Circle Birote and till date.
 - c) Due to misusing of authorities and departmental power the accused person (Ex. ASDEO Birote) should be treated according to E&D rules.
 - d) Mr. Zulfiqar Ahmed should be declared/notified by the directorate of Elementary and Secondary Education Department Peshawar to disqualify and unfit for such any administrative post in Education Department in future through any source.
 - e) Minor penalty stoppage of one increment should be imposed on Mr. Shakeel Abbasi SPST GPS Narri Hoter due to his negligence, Mr. Sajid Abbasi PSHT GPS Tarmothian Birote should be warned strictly for playing role of agent of officers like said ASDEO.
 - f) An FIR should be launched against fake Contractor Mr. Yousuf original name Muneer S/O Muhammad Sidique village Biannani UC Nagri Tutial to arrest him due to his fraud in Police Station Lora or Anti-Corruption Department.

Report is hereby submitted to all concerns for further necessary action with attached all record/documents please.


Assistant District
Officer (M) Abbottabad
Muhammad Shamrez
Member Inquiry Committee
ADEO Sports DEO Male Abbottabad
Assistant District Education
Abbottabad


Dr. Muhammad Javeed
Chairman Inquiry Committee
Principal GHS Kakul

Dr. Muhammad Javed
Principal
G.H.S Kakul Abbottabad



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"C"

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Annexure "A"



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 imp
complete ban on all kinds of posting/ transfers in Elementary & Secondary Education Departm
with immediate effect and till further orders, except the posting/adjustment orders to be made
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.

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**(NAVEED ULLAH SHAH)
DEPUTY SECRETARY (ESTABLISHMENT)**

Handwritten signature



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

Dated, the Peshawar 21st March 2024

NOTIFICATION

NO.SO(MC)E&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 Dhamtor Abbottabad	Circle 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.

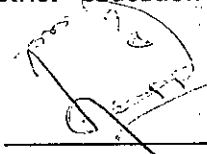
(ARSALAN AHMED) 21/3/24
SECTION OFFICER (Management-Cadre)

(81)
CHARGE REPORT

"E" (19)

In compliance to Secretary to Govt: of Khyber Pakhtunkhwa, Elementary and Secondary Education Department Peshawar Notification issued vide No. SO(MC)E&SED/4-16/2024/PT/MC/SDEO dated 21-03-2024 I Mr. Arshad Masood have on this day 25-03-2024 taken over charge against the post of ADEO (Establishment:Primary) BP-16 at o/o District Education Officer(M), Abbottabad.

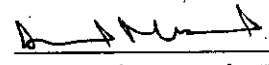
Signature of relieved:
Govt: servant:



Mr. Jaffar Rehman ADEO
Circle Dhamtour

STATION: DEO(M) ABBTTABAD

DATED: 25/3 /2024

Signature of relieving
Govt: Servant:


Mr. Arshad Masood ADEO(E/P)

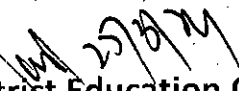

District Education Officer (M)
Abbottabad

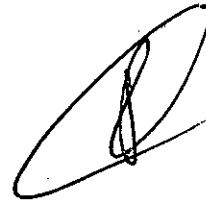
Endst: No. 1791-95

Dated 25-3-2024

Copy of the above is forwarded to:-

01. PS to Govt: of Khyber Pakhtunkhwa, Elementary and Secondary Education Department Peshawar
02. Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
03. District Comptroller of Accounts, Abbottabad along with copy of above noted order.
04. District Monitoring Officer (EMA) Abbottabad.
05. Official concerned.
06. Office file


District Education Officer (M)
Abbottabad



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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR AT CAMP COURT
ABBOTABAD.

SCANNED
KPSI
Peshawar

IN S.A No. 487/2024

Zulfiqar Ahmad

VERSUS

Govt of KPK through Secretary E& SE & others

INDEX

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
1.	Service Appeal		1-3
2.	Affiliation		4

Dated: 19/04/2024

Respondent No 3

Jaffer Rehman

ASDEO (M)

Circle Dhamtour

Abbottabad

10002
Jaffer Rehman

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR AT CAMP COURT
ABBOTABAD.

IN S.A No. 487/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12298

Dated 19/4/24

Zulfiqar Ahmad

VERSUS

Govt of KPK through Secretary E& SE & others

WRITTEN COMMENTS ON BEHALF OF
RESPONDENT NO 3 JAFFER REHMAN

RESPECTFULLY SHEWETH:

- 1) That the appellant has no right to file the instant service appeal.
- 2) The appellant has concealed material facts from this august tribunal.
- 3) That the instant appeal is not maintainable in its present form.
- 4) That the appellant cannot claim any right of posting on a particular post.
- 5) That the impugned transfer order dated 21-03-2024 has been passed according to law and rules.

On Facts:

1. Para 1 pertains to record.
2. That para 2 pertains to record but the transfer order 06-05-2023 has been passed by incompetent authority, having no legal value.
3. Para no 3 pertains to record.
4. Para 4 is incorrect, as the impugned order was passed on 21-03-2024, while the ban was imposed on 22-03-2024.
5. Para 5 is in incorrect.
6. Para 6 pertains to record.
7. Para no 7 is incorrect.
8. Para no 8 pertains to record.
9. Para no 9 pertains to record.

GROUND:

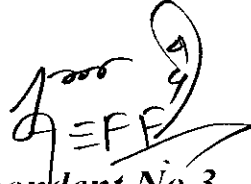
- A. *Grounds A to C are incorrect, As it is the right of any authority to accept or reject any appeal that comes in front of him.*
- B. *Ground D is not related to answer the respondent.*
- C. *Ground E is incorrect, as the appellant Mr. Zulfiqar Ahmad has given no evidence.*
- D. *Ground F is incorrect.*
- E. *Ground G to J are incorrect.*
- F. *Ground K is incorrect, as the order has been passed in the best public interest.*
- G. *Ground L is correct.*

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H. Ground M & N are correct.

It is therefore most humbly requested that on the basis of instant written reply/comments of respondent no 3 the appeal of the appellant may kindly be dismissed.

Dated 06/06/2014



*Respondent No 3
Jaffer Rehman
ASDEO(M)
Circle Dhamtour
Abbottabad*

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR AT CAMP COURT
ABBOTABAD.

IN S.A No. 487/2024

Zulfiqar Ahmadpetitioner

VERSUS

Govt of KPK through secretary E& SE & othersrespondents

AFFIDAVIT

I, Mr. Jafar Rehman ASDEO (Male) Circle Dham
 Tor (Abbottabad), do hereby affirm and declare on oath
 that the contents of this reply is true and correct to the
 best of my knowledge and belief nothing has been
 concealed from this honorable service tribunal.

it is further stated on oath that the answering
 respondent have neither been placed ex-parte
 nor his defence has been struck off.

DEPONENT



وکالت نامہ

بعدالت جناب سروس ٹریڈنگ سہ

مقدمہ بعنوان

ذوالفقار احمد بنام ایڈووکیٹ

Respond No 4

منجانب

سروس ایڈووکیٹ نمبر 487/24

علت

دعویٰ

مورخہ

جرم

تقاضی

باعث تحریر آنکہ

مقدمہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ / جملہ

آن مقام سروس ایڈووکیٹ کے لیے کوہنہ لکھنؤ سروس ایڈووکیٹ کے لیے کوہنہ لکھنؤ

کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا اہتمام ہوگا، میز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جواب دیہ جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو

وکیل صاحب پابند نہ ہونگے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سدر ہے

مقام سروس ایڈووکیٹ کے لئے منظور ہے

دستخط ایڈووکیٹ

دستخط
ایڈووکیٹ

دستخط
ایڈووکیٹ

دستخط
ایڈووکیٹ

کورٹ فیس

وکالت نامہ

23/4/24

Be For The Service Tribunal

بعدالت

Multan

عنوان: Court of Appeal

Appellant

مخانب:

487A/24

Sewn - Appeal

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

M. Ibrahim Khan Adv H.C

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرنے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہوا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برادر

استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: 23-4-2024

ARROTABAD

بمقام:

Accepted