

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.170/2024

Fazal Rehman

Vs Secretary to Govt. of KP etc.

I N D E X

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Through

Respondent No.4


Muhammad Amin Khattak Lachi
Advocate Supreme Court

18-04-24

(1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service appeal no.170/2024

Fazal Rehman S/o Jabbar Khan R/o Jungle Khel District Kohat presently posted as senior Clerk district Education Officer Male Kohat.

VERSUS

Secretary to Govt of Khyber Pukhtoon Khwa & Others.

Khyber Pakhtunkhwa
Service Tribunal
Dist No. 12258
Date 18-04-2024

REPLY TO THE APPEAL FILED BY THE PETITIONER ON BEHALF
OF RESPONDENT NO 04.

PRAYER:

ON ACCEPTANCE OF THIS WRITTEN REPLY, THE APPEAL FILED
BY THE APPELLANT MAY KINDLY BE DISMISSED WITH COST.

Preliminary Objections.

1. *That instant appeal is not maintainable and is liable to be rejected.*
2. *That instant appeal is filed on malafide basis just to torture the respondent no 4.*
3. *That instant appeal has got no legal backing and filed just to defame respondent no 4.*
4. That the instant appeal is based on false facts and misstatement, Real and material facts had been concealed from this honorable court.
5. That appellant has got no cause of action and locus Standi to file the instant appeal.
6. That instant appeal is anfractuous hence appellant suppress the permanent adjustment order of Sajjad ahmad trough order dated

22.02.2024 and all the three civil servant appellant, Sajjad ahamd and respondent no.04 are serving on permanent post as senior clerk.

FACTS:

1. Para no.01 is correct.
2. Para no.02 pertain to record has got no concern with defendant no.04.
3. Para no.03 is correct to the extent that appellant promoted to senior clerk on 15.02.2021 but as a matter of fact he remain served in this office for a period of 26 years as a junior clerk (**Order is attached as annexure A**).
4. Para no.04 is incorrect, the appellant served for a period of 26 years in the office of District Education Officer Kohat but on promotion appellant was transferred from District Education Officer Kohat to Govt higher secondary School Muslim Abad as a senior clerk. (**Order is attached as annexure B**) and he served there for a period of two years, then on completion of two years appellant was again transferred to District education officer male Kohat. (**Order is attached as annexure C**).
5. Para no.05 is totally incorrect, the order dated 11.04.2023 is recalled on 15.09.2023 but again on 18.09.2023 the order dated 15.09.2023 recalled so in this way the appellant retain in the office of District Education Officer and service appeal no.1473/2023 of respondent no.04 was dismissed.
6. Para no.06 is correct.
7. Para no.07 is correct to the extent that order dated 22.09.2023 the appellant was adjusted against the leave vacancy post of Mr Sajjad

Ahmad senior Clerk while respondent no.04 was retained in the same office on the original post of senior clerk but through order dated 10.10.2023 Mr sajjad ahmad senior clerk was adjusted against the vacant post of computer operator and he cancelled his leave on his request (**Order dated 10.10.2023 is annexure D**). and after 3 months through order dated 22.02.2024 sajjad ahmed was adjusted permanent on the post of senior clerk due to promotion of Abdul Khaliq as a assistant(**Order dated 22.02.2024 is annexure E**) thus all the 3 employs appellant, sajjad ahmad And respondent no.04 all were permanently adjusted as a senior clerk on vacant post and it is correct that due to dismissal of appeal of respondent no.04 bearing no.1473/2023 appellant was adjusted as senior clerk in the office of district education officer Kohat.

8. Para no.08 pertained to record but it was may be noted that impugned order dated 22.09.2023 become anfractuous when sajjad ahmad through order dated 22.02.2024 was adjusted on permanent post as a senior clerk and appellant was also on the same post as a senior clerk so the instant appeal of the appellant before this tribunal is also become anfractuous. (**All the order of the 3 employs are attached as annexure F,F-1**).

Grounds:

- A. Ground "A" is incorrect, the impugned order dated 22.09.2023 as already become anfractuous as and when the sajjad ahmad was adjusted on permanent seat as senior clerk and appellant was

also adjusted in same office as senior clerk on vacant post.

- B. Ground "B" is incorrect needs no reply but appellant is already adjusted on permanent seat as well as sajjad ahmad.
- C. Ground "C" is totally incorrect the appellant concealed the real fact and suppressed the orders dated 10.10.2023 & order dated 22.02.2024 through which sajjad ahmad was permanently adjusted on vacant post due to promotion of Abdul Khaliq senior clerk to assistant.
- D. Ground "D" is incorrect the appellant remained in the office of District education officer for period of 26 years while the respondent no.04 remain in the same office for a period of 8 years.
- E. Ground "E" is totally incorrect.
- F. Ground "F" is incorrect.
- G. Ground "G" is incorrect because the order dated 22.09.2023 become anfractuous through order dated 22.02.2024.

It is therefore prayed that on acceptance of this written reply, the appeal of the appellant may kindly be dismissed with cost.

Respondent no.04

Through

Muhammad Amin Khattak Lachi.
Advocate Supreme Court.

AFFIDAVIT:

It is solemnly affirm and declared on oath that all the contents of accompanying written reply are true and correct to the best of my knowledge and believe and nothing has been concealed from this honorable court. The respondent have neither placed ex-parte nor their defence has been

ATTESTED
Abdul Khaliq
 Comm. Secy
 Advocate High Court

Deponent



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(9)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHAT

OFFICE ORDER

Consequent upon the consideration on long tenure basis at office of DEO/SDEOs mentioned against their names, the following Ministerial staff is hereby transferred against the post mentioned below with immediate effect.

Necessary entries to this effect should be made in their service books accordingly.

Sr	NAME WITH DESIGNATION	FROM	TO	REMARKS/TENURE
1.	Zafar Mehmood S/C BPS-14	DEO (M) Kohat	GHSS Muslim Abad	5 Years 11 Months
2.	Dil Hobaz S/Clerk BPS-14	DEO (M) Kohat	GHS No 3 Kohat	7 years
3.	Muhammad Tahir BPS -14 S/C	DEO (M) Kohat	GHSS NO1 Kohat	More than 8 years
4.	Waheed Gul S/C BPS -14	DEO (M) Kohat	GHS No 2 Kohat	More than 5 years
5.	Wasil Shah S/C BPS-14	DEO (M) Kohat	GHSS Muhammad Zai Kohat	More than 2 years
6.	Abdul Khaliq S/C BPS-14	SDEO (M) Kohat	GHS Billitang	More than 2 years
7.	Anwar Abbas S/C BPS-14	SDEO (M) Kohat	GHSS Gumbat	Vice S.No 16 More than 3 years
8.	Fazal Rehman J/C BPS-11	DEO (M) Kohat	GHSS Togh Bala	More than 26 years
9.	Sohail Khan J/C BPS-11	DEO (M) Kohat	GCMHS No.4 Kohat	Vice S.No 29 More than 3 years
10.	Lutf Ur Rehman J/C BPS-11	DEO (M) Kohat	GCHS Kohat	More than Three Years
11.	Badshah Khan J/C BPS-11	DEO (M) Kohat	GHSS Mandqori	More than Three Years
12.	Syed Muzamil Shah J/C BPS -11	DEO (M) Kohat	GHS Behzadi Chakar Kot	More than 5 Years
13.	Asif Sajjad J/C BPS-14	SDEO (M) Kohat	GHSS Muhammad Zai	More than 5 years
14.	Tahir Mehmood J/C BPS-11	SDEO (M) Kohat	GHSS Togh Bala	More than 2 years
15.	Muhammad Asif S/C BPS-14	GHSS Gumbat Kohat	DEO (M) Kohat	Vice S.No 1
16.	Zahid Shafiq S/C BPS-14	GHS No 3 Kohat	DEO (M) Kohat	Vice S.No 2
17.	Mujeeb Ur Rehman S/C BPS-14	GHS No 1 Kohat	DEO (M) Kohat	Vice S.No 3
18.	Muhammad Zubair S/C BPS-14	GHS No 2 Kohat	DEO (M) Kohat	Vice S.No 4
19.	Iftikhar Ahmad S/C BPS-14	GHSS Muhammad Zai	DEO (M) Kohat	Vice S.No 5
20.	Shabir Ahmad S/C BPS-14	GHSS Billitang	DEO (M) Kohat	Vice S.No 6
21.	Shaukat J/C BPS-11	GHSS Togh Bala	DEO (M) Kohat	Vice S.No 8


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Sr	NAME WITH DESIGNATION	FROM	TO	REMARKS/TENURE
22.	Muhammad Nouman J/C BPS-11	GCHS Kohat	DEO (M) Kohat	Vice S.No 10
23.	Abdul Majeed J/C BPS-11	GHSS Muhammad Zai	SDEO (M) Kohat	Vice S.No 13
24.	Saad J/C BPS -11	GCMHS No.4 Kohat	DEO (M) Kohat	Vice S.No 12
25.	Ahsan J/C BPS-11	GHS Ziarat Sheikh Allah Dad	DEO(M) Kohat	Vice S.No 9
26.	Dalil Ahmad J/C BPS-11	GHS Chashma Mitha Khan	DEO (M) Kohat	Vice S.No 11
27.	Ansar J/C BPS-11	GHS Bahzadi Chakerkot	GHS Doli Banda	AVP/NCP
28.	Fawad J/C BPS-11	GHSS Togh Bala	SDEO (M) Kohat	Vice S.No 14

Note:- Charge Report should be submitted to all concerned.

No TA/DA is allowed.


DISTRICT EDUCATION OFFICER
(MALE) KOHAT

Endst: No. 5695-5783 /Transfer Ministerial Staff dated 27/11/2020.

Copy to the:-

1. PS to Secretary (E&SED) Khyber Pakhtunkhawa Peshawar.
2. Director (E&SE) Khyber Pakhtunkhawa Peshawar.
3. SDEOs concerned.
4. District Account Officer Kohat.
5. Principal/Head Master Concerned.
- 6-30 All Concerned.


DISTRICT EDUCATION OFFICER
(MALE) KOHAT


ATTN



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

Phone: 091-9225344

E-mail: ddadmno,exc@jgmail.com

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NOTIFICATION

Consequent upon the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 17-09-2020, the following Junior Clerks (B-11) working in and under the Directorate of EBSE/ DC&TE/ PITE/ HMTO are hereby promoted to the post of Senior Clerk (B-14) on regular basis and posted/ adjusted /shuffled against vacant post of Senior Clerk (B-14) in the Offices/institutions as noted against each in the interest of public service with effect from the charge assumption of the newly promoted Assistants: -

Ser No	Name	Father's Name	Present station	Proposed	Remarks
1.	M/Zul Zareen	Muhammad Miskeen	GHS Kantilali Abbottabad	DCTE Abbottabad	A.V.P
2.	Abdul Jameel	Abdul Bari	GHSS Olandar Shangla	DEO Female Shangla	A.V.P
3.	Abdullah Khan	Muhammad Shah	SDEO (F) Takhti Nasrati Karak	SDEO (F) Takhti Nasrati Karak	A.V.P
4.	Alamzeb	Subhanuddin	GHS Azam Warsak SWTD	Service placed at the disposal of DEO SWTD for further adjustment.	
5.	Irshad Ahmed	Mufariq Shah	GGHS Gulbahar Peshawar	GGHS Gulbahar Peshawar	A.V.P
6.	Matiullah	Habibullah	GHS Khecha sub Div Jandola Tank	DEO Female Tank	A.V.P
7.	Shah Nawaz Khan	Haji Danish	GGHS Civil Colony Peshawar	Directorate NMD Peshawar	A.V.P
8.	Miranshah	Muhibullah	GHS Pir Tangi Sub Div: Jandela Tank	DEO Female Tank	A.V.P
9.	Muhammad Ismail	Muhammad Qahar	GHSS Shapur Shangla	GHSS Shapur Shangla	A.V.P
10.	Mumtaz Ali	Shamsul Qamar	GHS Asota Sharif Swabi	DEO (F) Swabi	A.V.P
11.	Amir Ullah Khan	Muhammad Zar Ali Khan	GHS Sedghi Many Khan SDW Bannu	GHSS Domel Bannu	A.V.P
12.	Sher Ali Khan	Gulab Shah	GGHS Thrall Dir Lower	SDEO Female Samar Bagh Dir Lower	A.V.P
13.	Sharifullah	Sher Ghazi Khan	GHS Shagram Chitral Upper	GHSS Shagram Chitral Upper	A.V.P
14.	Rahmat Illahi	Zindagani	GGHS Mustuj Chitral Upper	Service placed at the disposal of DEO (F) Upper chitral for further adjustment	A.V.P
15.	Hassan Gul	Zarin Gul	GHSS Mali Khel Bala Nowshera	GHSS Mali Khel Bala Nowshera	A.V.P
16.	Noor Zali Khan	Nazr Ali Khan	GGHS Bazar Ahmad Khan Bannu	GGHS No.2 Bannu	A.V.P
17.	Fazal Rehman	Jabbar Khan	DEO Male Kohat	GHSS Muslim Abad Kohat	A.V.P
18.	Bulbul Aziz	Ali Rahmat	GGHS Booni Chitral Upper	DEO Female Upper Chitral at Booni	A.V.P
19.	Aman Ullah	Faiz Muhammad	GHS Potah DIK	GHSS No.2 DIKhan	A.V.P

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479.	Muhammad Islam S/C	GCMHS Mardan	GGHSS Chamdheri Mardan	A.V.P
480.	Zuhra Mumtaz J/Clerk	GGHSS Bannat Dabgari Peshawar	GGHSS Hayatabad Peshawar	A.V.P
481.	Pervaiz Khan J/Clerk	GGHS Spilano Kass Jamrud	GGHS Jamrud	A.V.P
482.	Muhammad Inam J/Clerk	GHS Ghalcho Orakzai	GGHSS Ghalcho Orakzai	A.V.P
483.	Muhammad Rizwan J/Clerk	GGHS Urmar Miana Peshawar	GGHSS Begum Shahabudin Peshawar	A.V.P
484.	Arshad Iqbal J/Clerk	GHS Teri Karak	SDEO Male B.D.Shah Karak	V.S.No.463
485.	Abbas Khan Junior Clerk	(Working Against S/Clerk Post) GHS Khair Abad	SDEO Female Mardan	A.V.P
486.	Muhammad Tufail Khan J/Clerk	GHS Mera Urmar Payan Peshawar	Directorate of E&SE KPK	A.V.P
487.	Muhammad Abbas J/Clerk	GHS Mazghund Swabi	GGHSS Kalo Khan Swabi	A.V.P
488.	Waisal Khan Junior Clerk	GHSS Ahmad Khel Peshawar	GGHS Bannat Dabgari Peshawar	V.S.No.480
489.	Sharif Ullah Senior Clerk	GHSS Darosh Lower Chitral	GGHS Shiaqotak Lower Chitral	A.V.P
490.	Awais Waheed Junior Clerk	GHS Khaira gali Abbottabad	GGHS Uper Kial Abbottabad	A.V.P
491.	Latiffullah S/C	GGHSS Larama Peshawar	Directorate of E&SE KPK	Against vacant post of KPO
492.	Muhammad Saifdar KPO	Directorate NMD	DEO Khyber	Against vacant post of KPO
493.	Sajid Mehmood Senior Clerk	RITE Male Mardan	GHSS Nawan Sher Abbottabad	A.V.P
494.	Awal Sardar S/Clerk	GHSS Khojaki Karak	GHSS Warana Karak	A.V.P
495.	Muhammad Usman J/Clerk	GHS Charsadda Khass	GGCMHS Charsadda	A.V.P
496.	Jan Bakht Said S/Clerk	GGMHSS Timergarah Dir Lower	Services placed at the disposal of DEO Female Dir Lower for further adjustment.	
497.	Faisal Saleh Hayat J/C	GGCMHS Tehkal Bala	SDEO (F) Town-III Peshawar	Against Account Assistant Post
498.	S.Muhammad Hassan J/C	DEO Male Hangu	GHSS Ludhi Khel Hangu	A.V.P

Note:-

1. Charge report should be submitted to all concerned.
3. All the DEO (M & F) concerned are directed to handover charge to the newly promotee S/Clerks in the station mentioned against each if the said post is filled by your office the same may be vacated for the newly promotee persons.

Dr Hafiz Muhammad Ibrahim
DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


ATTESTED


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931290-931370
 Encl: No. _____ / A-23/MS/Promotion JC to SC/2020. Dated Peshawar the 15/02/2021

Copy of the above is forwarded for the information and necessary to the:-

1. Account General, Khyber Pakhtunkhwa Peshawar.
2. Director Curriculum & Teaching Education, Khyber Pakhtunkhwa, Abbottabad.
3. Additional Director of Education (Newly Merged Tribal Districts) Peshawar.
4. Director PITE Khyber Pakhtunkhwa, Peshawar.
5. District Education Officers (Male & Female) concerned.
6. District Account Officers concerned.
7. Principals/ Headmasters/Headmistresses concerned.
8. Sub: Division Education Officers (Male & Female) concerned.
9. Officials concerned.
10. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.
11. Master File.


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


 ATTESTED



OFFICE ORDER

10

The Posting/transfer in respect of the following Ministerial Staff is hereby ordered in their own pay and BPS in the interest of public service with effect from the date of their taking over charge.

S. #	Name/Design:	Present Posting	Adjusted at	Remarks
1	Mr. Tahir Mehmood Senior Clerk	DEO (M) Kohat	GHSS Muslimabad KOHAT	VS No 2
2	Mr. Fazal Rehman Senior Clerk	GHSS Muslimabad Kohat	DEO (M) Kohat	VS No 1

Note:-

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Entst: No. 3915-8 F.No. /A-23/MS/Posting transfer/2021/Vol-I

Dated Peshawar the 22/04 2023

Copy forwarded to the:-

1. District Education Officer (Male) Kohat
2. District Accounts Officer concerned.
3. Principal Concerned.
4. Officials concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

ATTESTED

Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
KOHAT



OFFICE ORDER: -

Consequent upon the approval of the competent authority, leave already sanctioned vide this office Endst No. 6862-65 dated. 14.09.2023 w. e. f. 01.10.2023 to 28.01.2024 (120 Days) with full pay and w. e. f. 29.01.2021 to 21.09.2025 (602 Days) with half pay in r/o Mr. Sajjad Ahmad S/Clerk BPS-14 of local office is hereby cancelled on his own request. Furthermore he is hereby adjusted against the vacant post of Computer Operator in this office on OPS w. e. f. 01.10.2023.

1. His lien already transferred to GHSS Muslim Abad Kohat may be treated as cancel.
2. Charge report should be submitted to all concerned.

District Education Officer
(Male) Kohat

Endst No. 7588-93

Dated Kohat the 10 /10/2023

Copy of the above is forwarded to the:

1. District Account Officer Kohat.
2. District Monitoring Officer Kohat.
3. DEMIS Local Office.
4. Accountant Local Office.
5. Official concerned.
6. Office Copy.

Dy. District Education Officer
(Male) Kohat

ATTESTED



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) KOHAT



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OFFICE ORDER

Mr. Sajjad Ahmed Senior Clerk working against the post of computer operator local office is hereby adjusted against the expected vacant post of senior clerk (Mr. Abdul Khaliq S/Clerk local office already promoted to the post of Assistant and further adjustment is in process/pipeline). Mr. Sajjad Ahmad will take over charge after relieving of Mr. Abdul Khaliq from his present post.

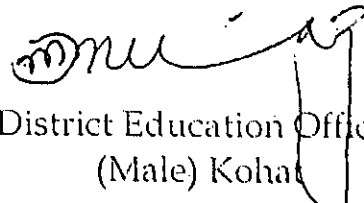
Muhammad Sheraz Khan
District Education Officer
(Male) Kohat


Endst No. 1012-15

Dated Kohat the 22/02/2024

Copy of the above is forwarded to the: -

- 1) District Accounts Officer, Kohat
- 2) Accountant Local Office Kohat
- 3) Official concerned.
- 4) Office Copy


District Education Officer
(Male) Kohat


ATTESTED



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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
(KOHAT)

OFFICE ORDER

On the direction of competent authority office work is assigned to the following clerks, mentioned against each with the directions to discharges your duties in the assigned section mentioned with efficiency and entire satisfaction of competent authority.

S.No.	Name	Section/Branch	Work assigned.
1.	SAJJID AHMED	Estab: II	D/A for EMA
2.	FAZAL UR REHMAN	P&D	P&D work already assigned.

Note: Section head is directed to ensure their compliance report with in three days positively failing which the competent authority will bound to take action.

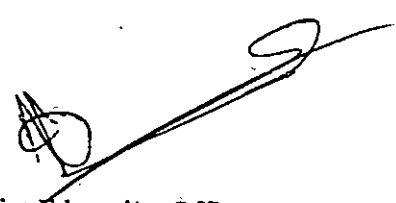
District Education Office,
(Male) Kohat.

Ends: No. 2118-23 /

dated Kohat the 01/04/2024

Copy of the above is forwarded for information to the:-

1. PA to District Education Officer, (Male) Kohat.
2. Head of Branch concerned.
3. Official concerned.
4. Office File.


Deputy District Education Office,
(Male) Kohat.


ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

KOHAT

CHARGE REPORT

14

Certified that I Mr. Muhammad Tahir S/Clerk on this day 26/9/2023 (E.N) took over charge of the post of S/Clerk (Primary Establishment Section) in O/O DEO(MALE) KOHAT Vide Director E&SE Office Order No.8353-58 dated 22/09/2023.

Station : Kohat

Dated : 26/09/2023

Signature of Relieved Govt. Servant

Name: _____

Designation: _____

Signature of Relieving Govt. Servant

Name : Muhammad Tahir

Designation: S/Clerk

Endst: No. 7109-12

Dated: 26/09/2023

Copy of the above is forwarded to:

1. PA to Director E&SE Peshawar.
2. The District Accounts Officer, Kohat.
3. Accountant Local Office.
4. P/File

DMU 26/9/2023
DISTRICT EDUCATION OFFICER
(MALE) KOHAT

Note : Mr. Fazal Rehman S/C is directed to report to PPD branch for assistance ADEO PPD in planning and development matters.

ATTESTED

DMU
DISTRICT EDUCATION OFFICER
(MALE) KOHAT
26/9/2023



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
KOHAT

15



LEAVE SANCTION:-

Consequent upon the approval of the competent authority, sanction is hereby accorded to the grant of Earned Leave w. e. f. 01/10/2023 to 28/01/2024 (120 Days) with full pay and w. e. f. 29/01/2024 to 21/09/2025 (602 Days) with half pay in respect of Mr. Sajjad Ahmed S/Clerk (BPS-14) office of the undersigned pay as admissible to him under the revised leave rules 1981.

Necessary entry should be made in his service book accordingly.

District Education Officer
(Male) Kohat

Endst No. 6862-65 /

Dated Kohat the 14 /09/2023

Copy of the above is forwarded to the:-

1. District Monitoring Officer Kohat.
2. District Comptroller of Accounts Kohat.
3. Accountant Local Office
4. Official Concerned.
5. Office copy.

14 /09/2023
Dy: District Education Officer
(Male) Kohat

ATTESTED