

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 393/2024

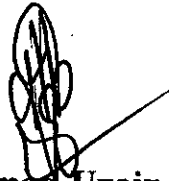
Ashfaq Ahmad..... Appellant.

Versus

**District Education officer (M) District Khyber & Others...
Respondents.**

INDEX

S. No	Description of Documents	Annexure	Pages
1	Index		
2	Comments		1, 2, 3, 4
3	Affidavit		5
4	Authority letter		6
5	Civil service act 1973	A	7
6	EMA Data report (DSC)	B	8-8A
7	Sub-divisional officer proposal	C	9 & 10



(Muhammad Uzair Ali)

District Education Officer (M)

Khyber at Jamrud

Dated 15/04/2024

18/4/24

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Appeal No. 393/2024

Ashfaq Ahmad..... Appellant.

Versus

District Education officer (M) District Khyber & Others.....Respondents.

Comments on behalf of Respondents No. 4 & 5.

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 12249
Dated 17/4/24

Preliminary objections.

- That the appellant has got no cause of action/locus standi to file the instant appeal.
- Section 10 of the KP Civil Servant Act, 1973 stipulates that every government civil servant shall be liable to serve anywhere within out side de province. Annexure-A
- That the transfer was made for the improvement of teaching learning process in single school teacher within the Tehsil/subdivision of the appellant's domicile.
- That the appellant has not come to this honorable tribunal with clean hands.
- That appellant concealed material facts from this honorable tribunal.
- That the appellant is estopped by his own to bring the present appeal.
- That the appeal is bad due to mis-joinder and non-joinder of necessary parties
- That the appeal is barred by law.

Respectfully Sheweth;

ON FACTS.

1. No comments.
2. That the section 10 of the KP Civil Servant Act, 1973 regarding posting and transfers lays down that every government civil servant shall be liable to serve anywhere inside or outside the province, in any post under the federal government, or provincial or local authority and that every official is to serve where transferred in public interest.

Annexure-A

3. No comments
4. Incorrect, hence denied. Various schools in the district were having single teacher and that the subject was often noted in the District Steering Committee meetings on report of the EMA, therefore, the said transfers were made in those schools in need of a second teacher. Hence, this transfer aims double the teachers in single teacher schools to enhance the teaching-learning process in a single-school teacher purely in the public interest. The respondents cannot afford to have a school at the mercy of a single teacher to avoid closure of the school in case that one teacher go on a leave or vacation.-B

5. No comments. As elucidated in Para 4.

6. No comment. The respondent department has treated the appellant in accordance with laws and rules as elucidated in para 2.


Ground;

- A. Incorrect. Hence denied. The respondent department treated the appellant strictly in accordance laws and rules.
- B. Incorrect. Hence denied. The respondents made the transfer in accordance with the students' needs and public interest.
- C. Incorrect. Hence denied. As elucidated para 2 and 4.
- D. Incorrect. Hence denied. The respondent department has treated the appellant in accordance with laws and rules.
- E. Incorrect. Hence denied. As elucidated para 2 and 4
- F. Incorrect. Hence denied. The respondent department has treated the appellant in accordance with laws and rules as the respondents cannot afford a school to a single teacher which may have the risk of closure on leave by the single teacher in it.
- G. Incorrect. Hence denied. As elucidated 4
- H. No comments. The appellant has already taken the charge of his post in concerned school and the appeal is infructuous.
- I. The respondents ordered the transfer in accordance with the proposal of the sub-divisional officer concerned purely in public interest. Annexure-C.
- J. The respondent also seeks of this Hon'ble Tribunal to advance other grounds at the time of hearing the case.

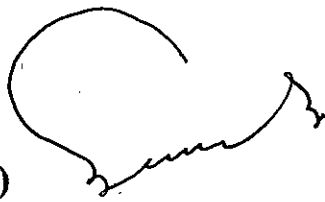
Pray:

In light of the above stated facts, it is submitted that the case of the appellant may be ordered as dismissed with cost.

Respondent No. 4



Muhammad Uzair Ali
District Education Officer (m)
District Khyber

Respondent No.5


(Ziaullah)
Assistant Director (Estab) of E&SE
Khyber Pakhtunkhwa

Affidavit

I, Muhammad Uzair Ali District Education Officer Khyber (M) do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments submitted by the respondents is correct to the best of my knowledge and belief and nothing has been concealed from this honorable service tribunal. It is further stated under oath that respondent's defense was neither stuck off or nor ex-party in the aforementioned instant case.


(Muhammad Uzair Ali)
District Education Officer (M)
Khyber at Jamrud

ATTESTED
(Miss Rozina Qureshi)
Advocate
OATH COMMISSIONER
Judicial Complex Peshawar

17-04-024

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Affidavit

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(Muhammad Uzair Ali)

District Education Officer (M)

Khyber at Jamrud

ATTESTED
(Miss Rashida Qureshi)
Advocate
OATH COMMISSIONER
Judicial Complex Peshawar

17-04-2024

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

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Comments on behalf of Respondents No. 4 & 5.

Authority Letter

Mr. Munawar Khan focal Person of (Litigation) District education Officer Khyber is hereby authorized to submit para-wise comments in the court on the behalf of respondent.



(Muhammad Uzair Ali)

District Education Officer (M)

Khyber at Jamrud 

Posting and Transfer Policy

Statutory Provision.

Section 10 of the KP Civil Servants Act, 1973.

Posting and 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 a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Posting/transfer policy of the Provincial Government.

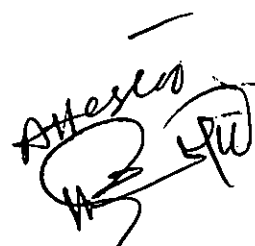
- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, cannot be posted against any other post.
- iv) Tenure of posting/transfer for settled areas shall be two years for unattractive areas. 1½ years and for hard areas one year.
- vi Deleted vide No. SOR-VI/I-4/2008/VOL-VI DATED 3-6-2008
- vi) *While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, KP needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, KP shall be obtained.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

*Para VI added vide No. SOR-VI/E&AD/I-4/2010/VOL-VIII dated 20-03-2010

vi (a) deleted vide No. SOR-VI/E&AD/I-4/2010/VOL-IX dated 24-11-2017

- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except Deputy Commissioner and Superintendent of Police. Similarly Deputy Superintendent of Police shall not be posted at a place where the Police Station (Thana) of his area/residence is situated.
- viii) No posting/transfers of officers/officials on detailment basis shall be made.
- viii-A) *Guide lines to facilitate posting of husband and wife at the same station:-
 - a. Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.

Attested


P-8
Annex-B

District Steering Committee

Education Monitoring Authority Khyber

September - 2023

AGENDA

- Review of the previous decisions
 - Temporary Closed Schools
 - Teaching and Non-Teaching Staff Absenteeism
 - Student Absenteeism
 - Single Teacher 's Schools
 - Habitual Absenteeism Teaching Staff / Special cases
 - Administrative Visits
 - Basic Facilities
 - School Specific Issues
-

AM
2/2/23

P-3A
Ann-B

Single Teacher 's Schools Details – September 2023

Gender	BARA	JAMRUD	LANDI KOTAL	Total
Boys	4	0	9	13
Girls	19	9	6	34
Total	23	9	15	47

Attested
[Signature]

Amx-9

OFFICE ORDER

Consequent Upon the proposal of SDEO Bara letter No. 601 dated, 14/11/2023 and SDEO Landi Kotaj Letter No. 297 dated, 22/11/2023, the competent authority is pleased to order the following teachers to single school teacher as per direction of the high ups in the interest of public service till further order with immediate effect.

S.No.	Name/Desig.	School from	School to	Remarks
1	Muhammad Haroon STT	GPS Lal Muhammad Bara	GPS Sama Ghari No.1 Bara	High Enrollment
2	Abdul Hanan PST	GPS Khawangi Bara	GPS Ismail Killi Bara	Single Teacher
3	Mir Akbar PST	GPS Mandi Kassi Bara	GPS Jamal Khan Ghari Bara	Single Teacher
4	Muhammad Ishaq PST	GPS Siera Khan Bara	GPS Habib Shah Bara	Single Teacher
5	Muhammad Ishaq PST	GPS Barami Alam Sher Bara	GPS Mastak Bara	Single Teacher
6	Karna Khel PST	GPS Raza Khan Bara	GPS Sra Ghari Bara	Single Teacher
7	Abdul Qadeem PST	GPS Karna Khel Bara	GPS Khana Mir Bara	Single Teacher
8	Ghiran Shah PST	GPS Mesri Khel Mela Bara	GPS Khapoor Said Rasan Bara	Single Teacher
9	Muhammad Ibrahim TT	GPS Madghali Attari Bara	GPS Mamai Mela Bara	Single Teacher
10	Ishaq Khan PST	GPS Waris Khan Bara	GPS Mesri Khan Takhtaki	Single Teacher
11	Tariq TT	GPS Hissara No.2 Bara	GPS Haji Ghulam Killi Bara	Single Teacher
12	Muhammad Mustafa TT	GPS Yazamad Bara	GPS Mathra Dada Nika Bara	Single Teacher
13	Maz Ullah PST	GPS Sultan Khel Bara	GPS Zafar Killi Bara	Single Teacher
14	Abdul Qadeer PST	GPS Jan Khan Bara	GPS Amrozi Toor Toor Bara	Single Teacher
15	Irfan Ullah PST	GPS Kariger Ghari Bara	GPS Sher Khan Ali Bara	Single Teacher
16	Haider Ali SPST	GPS Ashraf Killi	GPS Cheena BZK	Single Teacher
17	Zia Ul Haq PST	GPS Latif Khan	GPS Muhammad Raheem Killi	Single Teacher
18	Sarif Shah SPST	GPS Noor Khel	GPS Zarjan BZK	Single Teacher
19	Dilshad Khan TT	GPS Ghulam Dastagir	GPS Nazar Khel BZK	Single Teacher
20	Bakhmal Khan TT	GPS Muhammad Khan Killi	GPS Malang Killi BZK	Single Teacher
21	Muhammad Akif PST	GPS Landi Kotaj No. 01	GPS Hakeem Khan Killi BZK	Single Teacher
22	Zahoor Ahmad TT	GPS Abdul Latif Khan Killi	GPS Malaki BZK	Single Teacher
23	Adil Nawaz PST	GPS Gul Ahmad	GPS Raees Killi BZK	Single Teacher
24	Arbab Khan PST	GPS Zintara	GPS Pastoki	Single Teacher
25	Shah Hussain PST	GPS Gul Ahmad	GPS Amal Din BZK	Single Teacher
26	Hakam Khan PST	GPS Shah Zamir	GPS Fateh Shah BZK	Single Teacher
27	Muhammad Raza TT	GPS Sher Rehman Allacha	GPS Gagreena BZK	Single Teacher
28	Hayat Ullah SPST	GPS Rehmat Ullah	GPS Tagheer BZK	Single Teacher
29	Farid Ullah PST	GPS Landi Kotaj No.02	GPS Kharay Mela	Single Teacher

	Akhtar Zada PST	GPS Ugda Dara	GPS Sarabi Loi Shalman	Single Teacher
	Akbar Ullah TT	GPS Ugda Dara	GPS Bar Shanoli Loi	Single Teacher
27	Mustaqim TT	GPS Kam Shalman	GPS Dargai Loi Shalman	Single Teacher
33	Tenseen Ullah PST	GPS Amir Khan	GPS Ugda Dara	Single Teacher
34	Uqat Ali TT	GPS Sadu Khel	GPS Ugda Dara	Single Teacher
35	Mazrat Akbar PST	GPS Muhammad Khan Kilil	GPS Samsal Sind Ghara	Single Teacher
36	Abdul Bari TT	GPS Loi Shalman	GPS Bacha Subidar	Single Teacher
37	Abid Ali PST	GPS Ahmad Gul Kilil	GPS Badshah Mir BZK	Single Teacher
38	Azbern Ullah PST	GPS Muhammad Khan Kilil	GPS Khali Bat BZK	Single Teacher
39	Waseem Akram TT	GPS Ashraf Kilil Landi Kotal	GPS Tood Kamar BZK	Single Teacher

Note:

1. Charge report should be submitted to all concerned.
2. TA/DA is not allowed.

Encl: No. 13434-79

- Copy of the above is forwarded to the:
1. Director Education (Merged Areas) at Peshawar.
 2. Deputy Commissioner District Khyber at Peshawar.
 3. District Accounts Officer District Khyber.
 4. SDFOs Concerned.
 5. EMIS Local Office.
 6. Official Concerned.

DISTRICT EDUCATION OFFICER
DISTRICT KHYBER AT JAMRUD
Dated 29/11 2023

Handwritten signature and initials

Handwritten signature
DISTRICT EDUCATION OFFICER
DISTRICT KHYBER AT JAMRUD