




Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 294/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.04.2024	<p>The implementation petition of Mr. Imran Khan submitted today by Mr. Khalid Mahmood Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the Petitioner.</p> <p style="text-align: right;">By the order of Chairman</p> <div style="text-align: right;">  REGISTRAR </div>

**BEFORE THE HONORABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA**

Implementation Petition No. 294 /2024

In line and with reference to
Service Appeal No. 409 of 2019

Imran Khan BPS-16 (Management Cadre) directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar being representative of Management Cadre officers.

Petitioner

V E R S U S

1. **Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department Peshawar.
2. **Director Elementary & Secondary Education Department** Khyber Pakhtunkhwa.

Respondents

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Yours Humble Petitioner

Imran Khan
(Imran Khan)
Through Counsel

Dated: 30/3 /2024

Khalid Mahmood
Khalid Mahmood
Advocate High Court
Stationed at D.I.Khan

BEFORE THE HONORABLE SERVICE TRIBUNAL

KHYBER PAKHTUNKHWA

Implementation Petition No. 294 /2024

In line and with reference to

Service Appeal No. 409 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12252

Dated 18-04-2024

Imran Khan BPS-16 (Management Cadre) directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar being representative of Management Cadre officers.

Petitioner

V E R S U S

3. **Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department Peshawar.
4. **Director Elementary & Secondary Education Department** Khyber Pakhtunkhwa.

Respondents

IMPLEMENTATION PETITION FOR DIRECTING THE RESPONDENTS TO IMPLEMENT THE JUDGEMENT DATED 07.08.2019 IN SERVICE APPEAL NO. 409/2019 TITLED MUHAMMAD USMAN VS GOVT OF KPK ETC.

Respectfully Sheweth:

1. That the petitioner belong to a Management cadre and recently is replaced by a teaching cadre officer vide order dated: 21-03-2024 by respondent No.2 and on same day petitioner was placed at the disposal of directorate of E&SE vide notification dated: 21-03-2024 by respondent No. 1. Annex-A & A-I.
2. That judgment dated 07-08-2019 is a judgment in REM therefore for non-implementation of judgment dated 07-08-2019 in service appeal No. 409/2019 causes irreparable loss to Management Cadre Officers and is also violations of rules.

3. That above mentioned appeal has been decided by this august service tribunal vides judgement dated 07-08-2019 in favor of Management Cadre Officers also. (2)

4. That the appeal No. 409/2019 titled Muhammad Usman Vs Govt of KPK etc allowed in favor of petitioner as well as Management Cadre officers vide judgment dated 07-08-2019 with direction reproduced as under:


“In the light of above, the respondent department is directed to appoint suitable officers belonging to administrative Cadre, as ADEO (Sports) District Tank. The posting orders of both the appellant and private respondent No.07 against the administrative cadre post of ADEO (sports) Tank shall be treated as cancelled. The respondent department is also directed to forthwith recall, all the transfer orders of the teachers against the administrative post. The present service appeal is disposed of above terms”. Copy of judgment dated 07-08-2019 is Annexure-B

5. That the petitioner knocked the door of respondents for implementation of the afore mentioned judgement but they are not paying heed to it nor implementing the same but also in violation of judgment a bid respondents continuously being keeping on posting of teaching cadre on the post of Management Cadre. The copies of orders of posting of teaching cadres on Management cadres are annexed as Annexure-C & D

It is therefore, humbly prayed that respondents may please be directed to make fully and effusively compliance of the Judgment dated 07-08-2019 in service appeal No. 409/2019 of this Honorable Tribunal in true essence & spirit without any further delay.

Yours humble Petitioner
Imran Khan
Through Counsel

Dated: 30/3/2024


Khalid Mahmood
Advocate High court.
Stationed at D.I.Khan

(3)

**BEFORE THE HONORABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA**

Implementation Petition No. _____/2024

In line and with reference to

Service Appeal No. 409 of 2019

Imran Khan BPS-16 (Management Cadre) directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar being representative of Management Cadre officers.

Petitioner

V E R S U S

1. **Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department Peshawar.
2. **Director Elementary & Secondary Education Department** Khyber Pakhtunkhwa.

Respondents

AFFIDAVIT

I, **Imran Khan**, son of Gul Zaman Khan presently posted at directorate of elementary & secondary education Peshawar, the petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this **Petition** are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above petition is false and nothing material has been deliberately concealed.


Identified by Counsel:

Khalid Mahmood AHC


Deponent

1301-0899345-5



BEFORE THE HONORABLE SERVICE TRIBUNAL,

(W)

KHYBER PAKHTUNKHWA

CM Petition No. _____/2024

in .

Service Appeal No. 409 of 2019

Imran Khan

.....*APPELLANT*

VERSUS

1. **Secretary to Govt. of Khyber Pakhtunkhwa**, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.
2. **Director**, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.

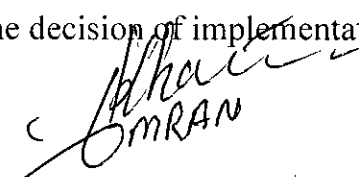
.....*Respondents*

APPLICATION WITH THE REQUEST TO SUSPEND THE NOTIFICATION DATED 21.03.2024 BY RESPONDENT NO.2 AND NOTIFICATION DATED 21.03.2024 BY RESPONDENT NO.1 TILL THE DECISION OF IMPLEMENTATION PETITION.

Respectfully Sheweth,

1. That Implementation Petition is being filed before this Tribunal and the grounds of same may please be considered as an integral part of the subject petition.
2. That the Petitioner has got a good prima facie case on law as well as on facts and there is every likelihood of the success of the service appeal. Hence balance of convenience tilts in favor of Petitioner.
3. That all Teaching Cadre orders against the post of Management cadre are on the basis of nepotism and favoritism therefore in case of non- allowing of CM, the Petitioner will suffer an irreparable loss.

It is, therefore, humbly prayed that on acceptance of the present CM petition, to suspend the notification dated 21.03.2024 by respondent no.2 and notification dated 21.03.2024 by respondent no.1 till the decision of implementation petition.


Yours Humble Appellant

Imran Khan

Through Counsel


Khalid Mahmood,
Advocate High Court

Dated: 30 / 3 /2024

BEFORE THE HONORABLE SERVICE TRIBUNAL,

KHYBER PAKHTUNKHWA

CM Petition No. _____/2024

in

Service Appeal No. 409 of 2019

Imran Khan

.....**APPELLANT**

VERSUS

1. **Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.**

2. **Director, Elementary & Secondary Education Department, Peshawar Khyber Pakhtunkhwa Peshawar.**

.....**Respondents**

AFFIDAVIT

I, **Imran Khan**, posted at Directorate of Elementary and Secondary Education Peshawar, the petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this CM petition are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above CM petition is false and nothing material has been deliberately concealed.

W.D.

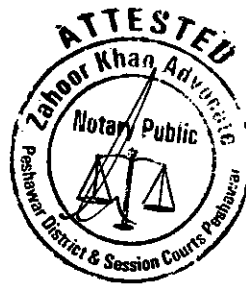
Identified by Counsel:

**Khalid Mahmood
Advocate High Court**

Stationed at D.I.Khan

Imran Khan
IMRAN

Deponent



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

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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.

Sl#	Name & Designation	From	To (posted as)	Remarks
1.	Mr. Abdul Waheed SST(G)	GIS Mang Haripur	O/O SDEO (M) Khan Pur Haripur	Vice Sr.2
2.	Mr. Imran Khan ASDEO (MC)	O/O SDEO (M) Khan Pur Haripur	ASDEO (M) Circle Dhamtour Abbottabad	AVP
3.	Mr. Waqar Ahmad ASDEO (MC)	ASDEO Kot Najibullah Haripur	Services placed at the disposal of DEO (M) Haripur	
4.	Mr. Khalid Mehmood SST (G)	GIS 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 Payeen 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-gap arrangement till the arrival of Management Cadre officers.
- 2- The order of the above named SSTs will be effective subject to the condition that they will give an undertaking/affidavit on legal paper/stamp paper to DEO (M) Haripur to the effect, not to claim seniority of Management Cadre.
- 3- Charge Report should be submitted to all concerned.
- 4- No TA/ DA is allowed.
5. The terms & conditions mentioned in his appointment order as SST Teaching cadre will 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.

ATTESTED

[Signature]

KHALID MEHMOOD
Advocate High Court
Stationed at D.I.Khan

[Signature]
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/4-10/2024/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. Zulliqar Ahmad, (TC BS-10)	ASDEO Circle Dhamtor Abbottabad	GHS Paltan 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 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.

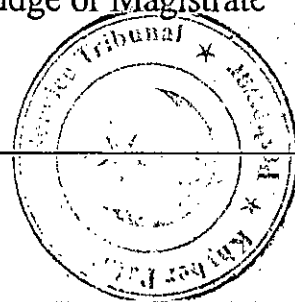

(ARSALAN AHMED) 21/3/24
SECTION OFFICER (Management Cadre)

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Annex (B)

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Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 409/2019

Date of Institution 01.04.2019
 Date of Decision 07.08.2019

Muhammad Usman S/o Khan Gul District Tank presently
 SST/ADEO (Sports), District Education Office, Tank.

Appellant

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar.
2. Deputy Secretary (Estab), Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
4. Assistant Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer, (Male) Tank.
6. Muhammad Farooq, SST, GHS Umar Adda, Tehsil & District Tank.

Respondents

Mr. Muhammad Hamid Mughal-----**Member(J)**
Mr. Ahmad Hassan-----**Member(E)**

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: Appellant

present. Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for official respondents present.

Private respondent No.7 alongwith his counsel present.

2. Brief facts of the case are that Director Elementary &

ATTESTED

[Signature]
KHALID MEHMOOD
 Advocate High Court
 Stationed at D.I.Khan

07.08.2019

ATTESTED

[Signature]
Khyber Pakhtunkhwa
 Peshawar

Peshawar

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Secondary Education Department Khyber Pakhtunkhwa, Peshawar (respondent No.3) vide order dated 16.08.2018 transferred the appellant Muhammad Usman (SST General) from GMS Kot Kat, District Tank and posted him as ADO (Sports) at the office of District Education Officer (Male) Tank. On the very next month of issuance of above mentioned order dated 16.08.2018, the respondent No.3 placed the services of the appellant at the disposal of DEO (Male) Tank for further adjustment at the vacant post of SST while private respondent No.7 (SST) was appointed in his place as ADEO (Sports), vide order dated 28.09.2018. Again on 06.11.2018 the previous transfer posting order dated 28.09.2018 regarding adjustment of the appellant as SST was withdrawn, resultantly the position of the appellant as ADEO (Sports) was restored. Finally on 17.12.2018 the above mentioned order dated 06.11.2018 was cancelled and the order in respect of private respondent No.7 as ADEO (Sports) was restored. This led to the present service appeal for restoration of transfer posting of the appellant as ADEO (Sports) Tank.

3. Learned counsel for the appellant argued that the impugned order dated 17.12.2018 is the outcome of malafide and a result of political victimization and that the same was issued to oblige the political figure.

4. As against that learned DDA assisted by the learned counsel for private respondent No.7 argued that the appellant has no vested right to claim posting of his choice; that the appellant being an

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KHALID MEHMOOD
Advocate High Court
Stationed at D.I.Khan

18.2019

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

8/10

influential person, got himself transferred to the post of ADEO (Sports) by using political channel; that earlier the appellant filed civil suit to regain his position as ADEO (Sports) District Tank; that initially the appellant was appointed as Class-IV official who secured promotion on the basis of 3rd Division B.A Degree and thereafter the appellant submitted BA Degree of 2nd Division which is illegal; that on the complaint of private respondent No.7 inquiry was also initiated against the appellant.

5. Arguments heard. File perused.

6. Both the appellant and private respondent No.7 belong to teaching cadre but were blessed with administrative cadre post one after the other.

7. Hon'ble Peshawar High Court Peshawar vide its judgment dated 18.11.2009 in Writ Petition No. 2937/2009 has 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

8. The above mentioned judgment of Hon'ble Peshawar High Court Peshawar was implemented vide Notification dated 08.02.2019.

9. From the arguments advanced by the parties and record particularly the posting transfer orders available on file, it appeared that the Director Elementary & Secondary Education concerned has no capability to face political pressure and that his actions, as made impugned in the pleadings of the parties, fall within the ambit of

ATTESTED

KHALID MEHMOOD
Advocate High Court
Stationed at D.I.Khan

ATTESTED

7.8.2019
KHALID MEHMOOD
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(11)

misuse of authority.

10. The parties (SSTs) could not demonstrate any exigency due to which they were adjusted against the administrative cadre post.

11. In the light of above, the respondent department is directed to appoint suitable officer belonging to administrative cadre, as ADEO (Sports) District Tank. The posting orders of both the appellant and private respondent No.7 against the administrative cadre post of ADEO (Sports) Tank shall be treated as cancelled. The respondent department is also directed to forthwith recall, all the transfer orders of the teachers against the administrative post. The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ATTESTED

KHALID MEHMOOD
Advocate High Court
Stationed at D.I.Khan

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
05.08.2019

Certified to be true copy

Khatun
Secretary
Peshawar

Date of Presentation 02-01-2020
Number of Pages 1600
Number of Vols 18-0
Urgent 4-0
Total 22-00
Name [Signature]
Date of 02-01-2020
Date of Delivery of Copy 02-01-2020



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

Dated. 3rd October, 2023

NOTIFICATION

NO.SO(MC) E&SED/4-16/2023/Posting/Transfer/ASDEO/Lakki Marwat: Muhammad Ali Shah SST (M/P) GSBKHS Sarai Naurang Lakki Marwat is hereby transferred and posted as ASDEO (Male) Sarai Naurang Lakki Marwat, against vacant post, with immediate effect, as a stop gap arrangement, purely on temporary basis, till arrival of the regular officers, in the best public interest.

SECRETARY TO 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. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male) Lakki Marwat.
5. District Accounts Officers Lakki Marwat..
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Master file.

111 / 100
3.10.2023
(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

Amaz @
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(13)

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

NOTIFICATION

1. Whereas, the services of Mr. Imran Khan ASDEO (M) Circle Hajla Gali District Abbottabad was placed at the disposal of this Directorate vide Endst: No. 2648-52 Dated: 05-05-2022.
2. And Whereas, he was adjusted against the vacant post of Computer Operator (BPS-16) at Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar vide Endst: No. 6203-5 Dated: 22-05-2023.
3. And Whereas, his case was sent to Accountant General Khyber Pakhtunkhwa, Peshawar for release of his salaries which was not entertained/accepted on the basis of technical ground vide No. QA&MC/DAO/Pension/Position/2022-23/528 Dated: 09-12-2022.
4. And whereas, he lodged an appeal before the undersigned for adjustment against the post of ASDEO (M) Circle Khanpur District Haripur for which he was granted Ban Relaxation by the Competent Authority.

Now Therefore, in exercise of powers conferred upon the relaxation of ban on posting/transfer accorded by the Competent Authority as per para-3 of the letter issued vide No. SO(SM) E&SED/5-17/2023 Peshawar dated 12-06-2023 and approval of the Competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar), after having examined the evidences on record, is pleased to accept his appeal and adjust him against the post of ASDEO (M) Circle Khanpur District Haripur being officer of Management Cadre and the services of Mr. Abdul Waheed SST (G) TC ASDEO (M) Circle Khanpur District Haripur is hereby placed at the disposal of DEO (M) Haripur being transferred against MC post as stop-gap arrangement for further adjustment in the best interest of public.

(Dr. Iqbal Khan)
DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Endst: No. _____/F.No. H-1/ADEO's (M) Transfers/Haripur Dated: _____/2023

Copy forwarded for information to the:-

- ✓ 1. District Education Officer (Male) Haripur.
2. District Accounts Officer Haripur.
3. P.A to Director E&SE, Local Directorate, Peshawar.
4. Master File.

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



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.Gul Faraz MC BS-17	DDEO (Male) Lakki Marwat in OPS	Services placed at the disposal of Directorate of E&SE
2.	Mr. Shoukat Ali Khan, TC BS-17	GHS Wanda Baru Lakki Marwat	DDEO (Male) Lakki Marwat in OPS vice Sr. No. 1

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


KHALID MEHMOOD
Advocate High Court
Stationed at D.I.Khan



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223588

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Dated; 22nd November, 2022

NOTIFICATION

NO.SO(MC)E&SED/4-16/2022/Posting/Transfer/MC: The following posting/ transfers are hereby ordered with immediate effect, in the best public interest: -

Sr. No	Name of officer	Present place of posting	Proposed Posting
1.	Mst. Gul Faraz MC (BS-17)	Deputy DEO (Male) Tank in OPS	Deputy DEO (Male) Lakki Marwat in OPS
2.	Dr.Zain Ullah Principal (BS-18)	GHSS Hathala D.I.Khan	Deputy DEO (Male) Tank V.S.No.1

2. The officers are directed to submit compliance report within a week time positively.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officer Tank/Lakki Marwat.
5. District Accounts Officer Tank/Lakki Marwat.
6. PS to Minister E&SE Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Master file.

ATTESTED

KHALID AHMAD MOOD
Advocate High Court
Stationed at D.I.Khan

(NASEER ABBAS KHALIL)
SECTION OFFICER (Management Cadre)

Scanned with CamScanner

Scanned with CamScanner



MANAGEMENT CADRE OFFICERS ASSOCIATION
(E&SE) Khyber Pakhtunkhwa
Contact # 0311-8511159, 03361977445

Amer D

16

Office Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

No 0007/MC/Chief Secretary/Appeal

Dated: 25/02/2024

To
The Worthy Chief Secretary Khyber Pakhtunkhwa

The Worthy Secretary Education Khyber Pakhtunkhwa

Subject: IMPLEMENTATION OF JUDGMENT DATED 7/8/2019 AND SERVICE APPEAL 409/2019

Respected Sirs,

We are writing to bring your attention the matter of utmost importance regarding the implementation judgment dated 7/8/2019 and Service Appeal in 409/2019. As representatives of the management cadre we wish to highlight the following points:

1. The applicants involved in this matter belong to the Management Cadre and are acting as representatives of Management Cadre officers.
2. The aforementioned judgment, dated 7/8/2019, was passed in favor of management cadre officers.
3. The judgment explicitly directs the concerned departments to implement the judgment by transferring management cadre officers to administrative posts. In the terms of reference of the present service appeal, it is clearly stated that "in recall, all the transfer order of teachers against the administrative posts, the present service appeal is disposed in the above terms," clearly outlines the directive (copy attached).
4. Unfortunately, despite the clarity of the judgment, it has not been implemented effectively. Teachers are to be adjusted against the posts designated for management cadre officers, thereby violating the terms of the judgment.

In light of the above, we respectfully request that the judgment dated 7/8/2019 be implemented in both its letter and spirit without any further delay. It is imperative to uphold the integrity of the judiciary and ensure that justice is served in accordance with the law.

We trust that you will give this matter the attention it deserves and take appropriate action to ensure compliance with the court's directive. Thank you for your prompt attention to this matter.

Yours sincerely,


(Mr. Imran Khan Jadoon)
General Secretary MCOA


(Ms. GulRaj)
Chairperson

Copy to:

1. Worthy Director of Elementary & Secondary Education Khyber Pakhtunkhwa



وکالت نامہ

17

KHALID MEHMOOD

Advocate

bc-15-5415

Date of issue: November 2022

Valid upto: November 2025



Secretary
KP Bar Council

کورٹ
فیس

حساب جسٹس خواجہ شہباز احمد صاحب

منجانب محمد شمس الدین نام کوٹلی

دعویٰ یا جرم Implementation of contract

تفصیل دعویٰ یا جرم by S.A 409/2019

باعث خیرانگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جواب دہی پر پیشہ تصدیق مقدمہ بنا کر
خالد محمود ایڈووکیٹ ہاؤس کورٹ - خیرپور

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت آپ کے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا چھپے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا چھپے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔
کوکل ساختہ پر واخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسٹانڈنڈ ڈگری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر پیروی مقدمہ مذکور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوفی ڈگری یک طرفہ یا درخواست حکم استغاثی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ضمانت پیروی کا اختیار ہوگا اور تمام ساختہ پرواخذت صاحب موصوف مثل کردہ از خود منظور و قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دہی اور دینے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہوگا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 2024 10 10 تاریخ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
کاتب

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حصن کاہیر سٹرا اندرون سکین زر بار کیتش با تقابل جانور ہول ڈیڑہ ساہیل خان ٹون: 774812

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