


# FORM OF ORDER SHEET

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

**Appeal No.** 827/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2024	<p>The appeal of Mr. Amin ur Rehman presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.06. 2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

**SERVICE APPEAL NO. 827 /2024**

Amin Ur Rehman

V/S.

Education Department

**APPLICATION FOR FIXING THE INSTANT  
APPEAL AT PRINCIPLE SEAT AT PESHAWAR.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal in this Honorable Service Tribunal against the order dated 04.03.2024, whereby the appellant was prematurely transferred from the office of DEO (F) Dir Upper to DCTE Abbottabad in utter violation of posting/ transfer policy and circular dated 27.02.2013. and against not taking action on departmental appeal of the appellant within the statutory period of ninety days along with suspension application.
2. That instant appeal is in the jurisdiction of Camp Court Swat of this Honorable Tribunal, but the appellant engaged counsel who is doing legal practice at Peshawar and the appellant also wants to peruse his case at principle seat at Peshawar.
3. That it will be convenient for the appellant as well as for his counsel if the instant appeal is fix at principle seat at Peshawar.

It is therefore most humbly prayed that on the acceptance of this application, the instant appeal may kindly be fixed at principle seat at Peshawar of this Honorable Tribunal.

THROUGH:

**APPELLANT**



**TAIMUR ALI KHAN  
ADVOCATE HIGH COURT**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

SERVICE APPEAL NO. 827 /2024

Amin UR Rehman

V/S

Education Department

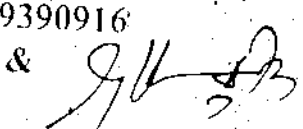
**INDEX**

S.NO.	Documents	Annexure	Page No.
01	Memo of appeal	-----	01-04
02	Affidavit	-----	05
03	Suspension application	-----	06-07
04	Copy of corrigendum dated 07.09.2022	A	08
05	Copy of order dated 03.11.2022	B	09
06	Copy of order dated 29.08.2023	C	10
07	Copy of order dated 14.11.2023	D	11
08	Copy of order dated 04.03.2024	E	12
09	Copy of departmental appeal	F	13
10	Copy of posting transfer/policy	G	14-20
11	Copy of circular dated 27.02.2013	H	21-22
12	Vakalat Nama	-----	23

APPELLANT

THROUGH:

(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT.  
0333-9390916

&   
(SHAKIR ULLAH TORANI)  
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. 827 2024

Mr. Amin Ur Rehman, Senior Scale Stenographer,  
R/O District Dir Upper posted at DCTE Abbottabad.

(APPELLANT)

VERSUS

1. The Secretary, Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director Elementary & Secondary Education Department, Khyber  
Pakhtunkhwa, Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

-----

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ORDER DATED 04.03.2024, WHEREBY THE  
APPELLANT WAS PREMATURELY TRANSFERRED FROM  
THE OFFICE OF DEO (F) DIR UPPER to DCTE  
ABBOTTABAD IN UTTER VIOLATION OF POSTING/  
TRANSFER POLICY AND CIRCULAR DATED 27.02.2013  
AND AGAINST NOT TAKING ACTION ON  
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN  
THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE  
IMPUGNED TRANSFER ORDER DATED 04.03.2024 MAY  
KINDLY BE SET ASIDE BEING PREMATURE AND PASSED  
IN THE VIOLATION OF POSTING/TRANSFER POLICY AND  
CIRCULAR DATED 27.02.20213. THE RESPONDENTS MAY  
FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE  
APPELLANT PREMATURELY AND IN VIOLATION OF  
POSTING/TRANSFER POLICY AND CIRCULAR DATED  
27.02.2013. ANY OTHER REMEDY WHICH THIS  
HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE  
THAT MAY ALSO BE AWARDED IN FAVOUR OF  
APPELLANT.

**RESPECTFULLY SHEWETH:  
FACTS:**

1. That the appellant is working in the respondent department as Senior Scale Stenographer and, is performing his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed regarding his performance by his superiors.
2. That the appellant on promotion the post of Senior Scale stenographer was posted on the post of Office Assistant at DEO (M) Dir Upper vide corrigendum dated 07.09.2022 and was performing his duty at the Office DEO (M) Dir Upper with the entire satisfaction of his superiors. **(Copy of corrigendum dated 07.09.2022 is attached as Annexure-A)**
3. That the appellant then transfer from the office of DEO (M) Dir Upper and adjusted against the post of Computer Operator at Directorate of E&SE Khyber Pakhtunkhwa vide order dated 03.11.2022. **(Copy of order dated 03.11.2022 is attached as Annexure-B)**
4. That the appellant then transfer from Directorate of E&SE Khyber Pakhtunkhwa and adjusted against the vacant post of Computer Operator at the office of SDEO Barawal Dir Upper vide order dated 29.08.2023. **(Copy of order dated 29.08.2023 is attached as Annexure-C)**
5. That the appellant was then transfer from the office of SDEO (F) Barawal Dir Upper to the office of DEO (F) Dir Upper and adjusted against the vacant post of Assistant vide order dated 14.11.2023. **(Copy of order dated 14.11.2023 is attached as Annexure-D)**
6. That the appellant was performing his duty his with the entire satisfaction of his superiors at the office of DEO (F) Dir upper, but he was again transferred from the office of DEO (F) Dir Upper to DCTE Abbottabad vide order dated 04.03.2024. **(Copy of order dated 04.03.2024 is attached as Annexure-E)**
7. That being aggrieved from successive transfers and not completing his normal tenure at the office of DEO (F) Dir Upper, the appellant filed departmental appeal on 05.03.2024 against the transfer order dated 04.03.2024, which was not responded within the statutory period of ninety days. **(Copy of departmental appeal is attached Annexure-F)**
8. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal on the basis of following grounds amongst others.

**GROUNDS:**

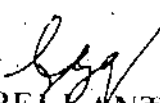
- A) That the impugned transfer order dated 04.03.2024 and not taking action on the departmental appeal of the appellant within the statutory period of ninety days are against the law, facts, norms of justice, premature, violation of posting/transfer policy and Government circular dated 27.02.2013, therefore not tenable and liable to be set aside.
- B) That according to posting transfer/policy, the normal tenure of posting shall be two (02) years, but just after 04 months the appellant was transferred from the office of DEO (F) Dir Upper to DCTE, Abbottabad vide order dated 04.03.2024 without completing his normal tenure at DEO (F) Dir Upper, which is total violation of Government posting/transfer policy. Thus the impugned transfer order dated 04.03.2024 is liable to be set-aside on this score alone. **(Copy of posting transfer/policy is attached as Annexure-G)**
- C) That the transfer of the appellant is also violation of circular based on the Anita Turab case dated 27.02.2013 in which it was clearly mentioned that 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, but in the case of the appellant the tenure was not respected and was transferred from the office of DEO (F) Dir Upper vide order dated 04.03.2024 without completing his normal tenure at DEO (F) Dir Upper and without giving compelling reason for such transfer of the appellant by the competent authority. **(Copy of circular dated 27.02.2013 is attached as Annexure-H)**
- D) That the impugned transfers order dated 04.03.2024 is premature as the appellant has not completed his normal tenure at DEO (F) Dir Upper and as such the impugned order is liable to be set aside.
- E) That the appellant has successive transferred in short span of time due to which he is unable to perform his duty with best of his ability and capability and such successive transfers is also discouraged by the Superior Courts in plethora of judgments and such the impugned orders are liable to be set aside.
- F) That according to transfer posting/policy, posting/transfer orders of all the officers up to BS-19 except the Head of the Attached

4


Department irrespective of the grade will be notified by the concerned Administrative Department with the prior approval of the Competent Authority obtained on the Summary, but in the case of the appellant, no prior approval of summary for transfer has obtained, which is violation of the posting/transfer policy.

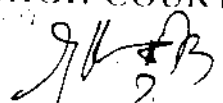
- G) That the appellant belong to District Dir Upper and was transfer to far flung area of Abbottabad and being law paid employee it is very inconvenient for the appellant to perform his duty remote area of Abbottabad and as such the impugned order dated 04.03.2024 is liable to be set aside for the convenient for the appellant to perform his duty his best of ability at DEO (F) Dir Upper.
- H) That in the impugned order dated 04.03.2024 no substitute was provided on the post of the appellant at DEO (F) Dir upper and the post is still vacant which also effect the smooth running of the office and no one can be effected if the impugned order is set aside.
- I) That no exigencies or public interest has shown in the impugned transfer order dated 04.03.2024 by the respondent department, which is against the norms of justice and fair play.
- J) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on the acceptance of this appeal, the impugned transfer order dated 04.03.2024 may kindly be set aside being premature and passed in the violation of posting/transfer policy and circular dated 27.02.2013. The respondents may further please be directed not to transfer the appellant on prematurely and in violation of posting/transfer policy and circular dated 27.02.2013. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant.

  
APPELLANT  
Amin Ur Rehman

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT.

  
&  
(SHAKIR ULLAH TORANI)  
ADVOCATE

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO. \_\_\_\_\_/2024.

Amin Ur Rehman

VS  
-----

Education Department

AFFIDAVIT

I, Amin Ur Rehman, Senior Scale Stenographer, R/O District Dir Upper posted at DCTE Abbottabad; (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

  
DEPONENT



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

SERVICE APPEAL NO. \_\_\_\_\_ /2024

Amin Ur Rehman

V/S


Education Department

**APPLICATION FOR SUSPENDING THE OPERATION OF**  
**IMPUGNED TRANSFER ORDER DATED 04.03.2024 TILL**  
**THE DECISION OF MAIN APPEAL.**

**RESPECTFULLY SHEWETH.**

1. That the appellant has filed an appeal against the order dated 04.03.2024, whereby the appellant was prematurely transferred from the office of DEO (F) Dir upper to DCTE Abbottabad along with this application in which no date is fixe so for.
2. That the impugned transfer order dated 04.03.2024 is premature as the appellant has not completed his normal tenure at DEO (F) Dir Upper, which is violation of posting/transfer policy and circular dated 27.02.2013 and as such the impugned transfer order dated 04.03.2024 is liable to be suspended.
3. That the appellant has successive transferred in short span of time due to which he is unable to perform his duty with best of his ability and capability and such successive transfer is also discouraged by the Superior Courts in plethora of judgments and as such the impugned transfer order dated 04.03.2024 is liable to be suspended.
4. That the post of the appellant is still vacant as no substitute was provided on the post of the appellant at DEO (F) Dir Upper in the impugned transfer order dated 04.03.2024 and no other employee can be effected if the impugned transfer order dated 04.03.2024 is suspended.
5. That the grounds of main appeal may also be considered as integral part of this application.
6. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

7  
It is therefore most humbly prayed that the operation of the impugned transfer order dated 04.03.2024 of the appellant may kindly be suspended till the decision of main appeal.

  
APPELLANT  
Amin Ur Rehman

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT.

&   
(SHAKIR ULLAH TORANI)  
ADVOCATE

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.

  
DEPONENT



CORRIGENDUM

In partial modification of this Directorate's notification of exam No. 19-08-2022, Mr. Amin Ullah Khan Senior Scale Senior Scale SPS in appointment & Teacher Education Abroad against the vacant post after a re-creation of the post in the interest of Public Service.

Note: Compliance report should be submitted in the interest of Public Service.

Director  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

Copy forwarded to the  
 Director, DCTE Abbottabad  
 District Education Officer concerned  
 District Accounts Officer concerned  
 Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

Assistant Director (Admin)  
 Directorate of Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

8/21/22

DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION

KHYBER PAKHTUNKHWA PESHAWAR

Phone: 091-9225344

Email: ddadm.ee@gmail.com

CORRIGENDUM

In partial modification of this Directorate Notification of event No. 2488-95 dated 29-08-2022, Mr. Amin-ur-Rehman Senior Scale Stenographer BPS-16 appearing at S.N. 03 will actualize his promotion for one day as senior Scale Stenographer at Directorate of Curriculum & Teacher Education Abbottabad against the vacant post. After actualization of his promotion he will join the post of Assistant (BPS-16) at District Education Officer (Male) District Dir Upper in the best interest of Public Service.

**Note:-**

1. Compliance report should be submitted to all concerned.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 1600-03/F.No.A-23/MS/Promotion JSS to SSS/2022

Copy forwarded to the:-

Dated Peshawar the 07/09/2022

1. Director, DCTE Abbottabad.
2. District Education Officer concerned.
3. District Accounts Officer concerned.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Sd/-  
**Assistant Director (Admn)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar.



TO BE SUBSTITUTED BEARING SAME NO. & DATE  
DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR  
Phone: 091-0225314 Email: ddadm.ecs@gmail.com

B  
/ 9

**OFFICE ORDER**

Mr. Amin-ur-Rehman Senior Scale Stenographer BS-16 (working against the post of Assistant BS-16) in the Office of District Education Officer (Male) Dir Upper is hereby transferred/adjusted against the vacant of Computer Operator BS-16 at Directorate of E&SE Khyber Pakhtunkhwa Peshawar in the interest of public service with immediate effect.

1. No TA/DA is allowed.
2. Charge Report should be submitted to all concerned.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 5928-33/A-23/MS/Transfer/Posting Vol-II KPK 2021

Dated Peshawar the 03/11/2022.

Copy of the above is forwarded to the: -

1. Director Curriculum & Teacher Education Khyber Pakhtunkhwa Abbottabad.
2. District Education Officer (Male) Dir Upper.
3. District Account Officer Concerned.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File

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

~~TESTER~~

*Better copy*

9

TO BE SUBSTITUTED BEARING SAME NO. &amp; DATE

DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION

KHYBER PAKHTUNKHWA PESHAWAR

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

OFFICE ORDER

Mr. Amin-ur-Rehman Senior Scale Stenographer BS-16 (working against the post of Assistant BS-16) in the Office of District Education Officer (Male) Dir Upper is hereby transferred/adjusted against the vacant of Computer Operator BS-16 at Directorate of E&SE Khyber Pakhtunkhwa Peshawar in the interest of public service with immediate effect.

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

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5928-33/MS/Transfer/Posting Vol-II KPK 2021

Dated Peshawar the 03/11/2022

Copy of the above is forwarded to the:-

1. Director Curriculum & Teacher Education Khyber Pakhtunkhwa Abbottabad
2. District Education Officer (Male) Dir Upper.
3. District Accounts Officer Concerned.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
6. Master File.

Sd/-  
Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

DIRECTOR AID OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR  
Phone: (091) 9223 117  
Email: ddadmission@gnm.com

*[Handwritten signature]*

Consequent upon approval of the competent authority Mr. Anis Ur Rahman  
working as Computer operator) in Directorate of E&S, Khyber Pakhtunkhwa  
by transferred/inducted against the vacant post of Computer Operator, JS-16 in SI  
in his own pay and HPS in the interest of public service with effect from the date of

Charge report should be submitted to all concerned.  
NO FA/DA etc is allowed.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

/A No./A-23/MS/Posting transfer/DI

Dated Peshawar the 29/06/2023

Copy forwarded to the:  
1. District Education Officer (P) D.I Upper  
2. District Accounts Officer Concerned  
3. SDO (P) Barawal Dir Upper  
4. Official concerned.  
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar  
6. Master File.

PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar

Assistant Director (Admin)  
Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

*[Handwritten signature]*  
23/8

Attest (Signature)

*Better Copy*

(10)

**DIRECTORATE OF ELIMENTARY AND SECONADARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR**

**Phone:** 091-9225344

**EMAIL:** ddadmn.cse@gmail.com

**OFFICE ORDER.**

Consequent upon the approval of competent authority **Mr. Amin Ur Rahman** senior scale stenographer BS-16 (working as computer operator) at Directorate of E&SE Khyber Pakhtunkhwa Peshawar is hereby transferred/adjusted against the vacant post of computer operator BS-16 at SDEO (F) Barawal Dir Upper in his own pay and BPS in the interest of -public service with the effect from taking over charge.

**Note:**

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

**DIRECTOR**

Elementary & secondary Education  
Khyber Pakhtunkhwa, Peshawar.

Endst: No 3534-37/F.No./A-23/MS/Posting transfer/Dir

Dated Peshawar the 29/08/2023

Copy forwarded to the:-

1. District Education Officer (F) Dir Upper.
2. District account officer concerned.
3. SDEO (F) Barawal Dir Upper.
4. Official concerned.
5. PA to Director Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master file.

**Assistant Director (Admn)**

Director Elementary and secondary Education  
Khyber Pakhtunkhwa Peshawar.





DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.  
Phone: 091-9225344  
Email: ddadmneso@gmail.com

D

17

### Office Order

Consequent upon approval of the competent authority Amln Ur Rohman Senior Scale Stenographer at SDEO (F) Barawal Dir Upper is hereby transferred/ adjusted against the vacant post of Assistant at DEO (F) Dir Upper on his own pay and BPS in the interest of public service with immediate effect.

Note

- 1 Charge report should be submitted to all concerned
- 2 No TAVDA is allowed.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst No.

7008-11

/F No. / A-23/MS/Posting Transfer/Dir

Dated Peshawar the 14, 11/2023

Copy forwarded to the -

District Education Officers (F) Dir Upper

District Accounts Officer Dir Upper

SDEO (F) Barawal Dir Upper

concerned

File

Director Elementary & Secondary Education Khyber Pakhtunkhwa

14/11/2023  
Assistant Director (Admin)  
Directorate of E&SE, Khyber Pakhtunkhwa



OFFICE ORDER

E

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. No.	Name/Design:	Present Posting	Adjusted at	Remarks
1.	Amin Ur Rehman Senior Scale Stenographer	DEO(F) Dir Upper	DCFE Abbottabad	A.V.P
	Mr. Sami (H.Haj) Computer Operator	DEO(F) Dir Upper	Service is placed at the Disposal of DEO(M) Dir Upper	

Note:

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

DIRECTOR

Elementary & Secondary Education  
 Khyber Pakhtunkhwa, Peshawar

F.No. /A-23/MS/complaint/transfer posting/Dir Upper

Dated Peshawar the 04 / 03 / 2024

Copy forwarded to the:

1. Director DCFE Abbottabad
2. District Education Officer (Male/Female) Dir Upper.
3. District Accounts Officer Dir Upper and Abbottabad.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File

*[Handwritten signature]*

4/3/24

Deputy Director (P&A)  
 Directorate E& Secondary Education  
 Khyber Pakhtunkhwa, Peshawar

*[Handwritten signature]*

12

**KHYBER PAKHTUNKHWA PESHAWAR**

Phone: 091-9225344

Email: ddadm.ee@gmail.com

**OFFICE ORDER**

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	Amin Ur-Rehman Senior Scale Stenographer	DEO(F) Dir Upper	DCTE Abbottabad	A.V.P
2	Mr. Sami-Ul Haq Computer Operator	DEO(F) Dir Upper	Service is placed at the Disposal of DEO(M) Dir Upper	

Note:-

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

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No.6008-11/F.No./A-23/MS/complaint/transfer posting/Dir Upper

Dated Peshawar the 04/03/2024

Copy forwarded to the:-

1. Director DCTE Abbottabad
2. District Education Officer (Male/Female) Dir Upper.
3. District Accounts Officer Dir Upper and Abbottabad.
4. Official concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
6. Master File.

Sd/-  
**Deputy Director (F&A)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar.

**ATTACHED**

Senior stenographer/Assistant BPS-16  
(1) (DEC) (English) Du Upper  
15704/1228470-5  
315-9295701-

Ammur Rahman

Sincerely Yours

regards

I am pleased that my appeal will be cordially accepted thanks.

and the post is still vacant.

my please be withdrawn and retained me on the vacant post as no

more requested to kindly withdraw the Notification order No:-6008-

which badly effect my career as well as physical & financial

be above that my transfer order is being issued in nepotism and

attached

I was working to my entire satisfaction, but once again my transfer order has been  
issued to DCTT Abbottabad vide No. GRX-11 Dated: 01/03/2024 (Copy of adjustment  
attached)

SSP

dated -14/11/2022 (Copy attached)

Transfer to the post of Assistant BPS-16 at DEO(F) Office Upper Dir vide No:-7008-11  
Further my transfer order was issued vide Director E&SE Khyber Pakhtunkhwa

order (Copy attached)

SCERT (The Barawal Band) Dir Upper against vacant post vide No 2534-37 Dated: 29.08.2023

Later in my adjustment was made as computer Operator BPS-16 at the office of

Vide No:-5928-33 Dated: -03/11/2022 (Adjustment order attached).

was posted against the vacant post of Computer Operator: 16 at the office Director E&SE

With immense veneration I would like to bring for your kind consideration that I

If so

APPEAL FOR CANCELLATION OF TRANSFER ORDER DATED: 14.03.2024

13

F

To

The Secretary,  
E&S Education Department,  
Govt. of Khyber Pakhtunkhwa, Peshawar.

13

Subject:-

APPEAL FOR CANCELLATION OF TRANSFER ORDER DATED: 04-05-2024

R/Sir

With immense veneration I would like to bring for your kind consideration that I was posted against the vacant post of Computer Operator BPS-16 at the office of Director E&SE Vide No.5928-33 Dated: 03/11/2022. (Adjustment order attached).

Later on my adjustment was made as Computer Operator BPS-16 at the office of SDEO(F) Barawal Bandi Dir Upper against vacant post vide No.3534-37 Dated: 29.08.2023, order Copy (attached).

Further my transfer order was issued vide Director E&SE Khyber Pakhtunkhwa Peshawar to the post of Assistant BPS-16 at DEO(F) Office Upper Dir vide No.7008-11 dated: 14/11/2023. (Copy attached).

I was working to my entire satisfaction, but once again my transfer order has been issued to DCTE Abbottabad vide No.6008-11 Dated: 04/03/2024 (Copy of adjustment attached).

In view of the above that my transfer order is being issued on nepotism and political influences which badly effect my career as well as physical & financial implication. It is therefore requested to kindly withdrawn the Notification order bearing No.6008-11 Dated: 04/03/2024 my please be withdrawn and retained me on the vacant post as no substitute has been provided and the post is still vacant.

It is humbly requested that my appeal will be cordially accepted thanks.

Thanking you and regards.

Sincere Yours

Sd/-

Aminur Rahman  
Senior scale Stenographer/Assistant BPS:16  
O/O DEO(Female) Dir Upper.  
15702-1228270-5  
0315-9295701

16

① ② ③ ④

Transfer Policy - updated till 10 Jan, 2009



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(Regulation Wing)

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 posting/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) The normal tenure of posting shall be three years subject to the condition that for the officers/officials posted in unattractive areas the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v) While making postings/transfers from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained.
- vi) While making postings/transfers of officers/officials up to BS-17, from settled areas to FATA and vice-versa approval of the Chief Secretary NWFP needs to be obtained. 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 NWFP shall be obtained.
- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for atleast eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DFOs/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/residence is situated.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make posting/transfer subject to observance of the policy and rules. Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

ATTESTED

nwfp.gov.pk

mushkaiwanji

ATTESTED

15

Posting - Transfer Policy - updated till 10 Jan, 2005

- viii) No posting/transfers of the officer's/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 subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/transfer of the unmarried female government Servants at the station of the residence of their parents.
- xii) Officers/officials exempt DCOs and DPOs/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 there till the retirement. DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales.
- xiii) In terms of Rule-17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column 2 thereof.

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e. DMG, PSF including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-17 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department. b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent:	

Added vide Urdu circular letter No: SCR-VI (E&ADYI-4/2005, dated 9-9-2005.

ATTESTED

ATTESTED

ATTESTED

18

16

Posting - Transfer Policy - updated till 10 Jan, 2009

a) Within the same Department.	Secretary of the Department concerned.
b) To and from an Attached Department	Secretary of the Dept in consultation with Head of Attached Department concerned.
c) Within the Secretariat from one Department to another	Secretary (Establishment)

xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:

- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/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.

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority in 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) Premature posting/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2) 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 shown against each are as under:

S. No.	Officers	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

ATTESTED

nwfp.gov.pk

mus shalwanji

ATTESTED



(17)

3. As per Rule 25(2) of the Rules mentioned 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.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed / implemented.

All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer. (Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

It has been decided by the Provincial Government that posting/transfer orders of all the officers up to BS-18 except Heads of Attached Departments irrespective of grades will be notified by the concerned Administrative Departments with prior approval of the Competent Authority obtained on the Summary. The Notifications/orders should be issued as per specimen given below for guidance.

All posting/transfer orders of BS-20 and above and Heads of Attached Departments (HAD) shall be issued by the Establishment Department and the Administrative Departments shall send approved Summaries to E&A Department for issuance of Notifications.

SPECIMEN NOTIFICATION

GOVERNMENT OF NWFP  
NAME OF ADMINISTRATIVE  
DEPARTMENT

Dated Peshawar, \_\_\_\_\_

NOTIFICATION

NO. \_\_\_\_\_ The Competent Authority is pleased to order the transfer of Mr. \_\_\_\_\_ Department and to post him as \_\_\_\_\_ in the interest of public service, with immediate effect.

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Encl. No. and date even.  
Copy forwarded

- 1.
- 2.
- 3.
- 4.

ATTESTED

ATTACHED

(NAME)  
SECTION OFFICER  
Administrative Department

(Authority: Letter No. SO (E-I) E&AD/9-12/2006 dated 22-12-2006)

The competent authority has been pleased to direct that Para 1(v) of the Posting/Transfer Policy contained in this Department letter No:SOR-I (E&AD) 1-1/85 Vol-II, dated 15-2-2003 shall stand deleted, with immediate effect, consequently allowing the authorities, competent under the NWFP Government Rules of Business, 1985 and the District Government Rules of Business, 2001 or any other rules for the time being in force, to make posting/transfers of Government servants, any time during the year, in genuinely deserving and necessary cases, in public interest, subject to strict observance of all other provisions of posting/transfer policy contained and notified vide circular letter under reference. Hence there will be no ban on posting/transfer of Government Servants in any part of the year while carrying out postings/transfers of Government Servants.

The authorities concerned will ensure that no injustice whatsoever is caused to any civil servant, public work is not suffered and service delivery is improved.

I am therefore directed to request that the provisions of posting/transfer policy, as amended to the extent above, may kindly be followed in letter and spirit in future so as to keep good governance standard in this regard.  
(Authority: Letter No: SOR-VI (E&AD) 1-4/2003/Vol-VI, dated 3-6-2003)

.....  
According to the policy of the provincial Government, maximum tenure on a post is three years. Contrary to the Policy, Store Keepers, Cashiers, Accountants and other ministerial staff remains posted in their particular field for long time, which may result in misuse of this position, due to which not only public exchequer may sustain loss but general public also suffers. The Provincial Government has taken serious notice of this situation & decided that all Administrative Secretaries and DCOs may submit a certificate within one month to the effect that above mentioned officials, having completed three years on their posts, have been adjusted on posts other than those they held previously.  
(Authority: Urdu circular No: SOR-VI (E&AD) 1/06 dated 28th Oct, 2005.)  
.....

The Chief Minister NWFP has directed that:-

- i) Submission of summary would not be required in case of mutual transfer.
- ii) Posting/transfer shall be made according to the policy;
- iii) Government Servants shall avoid direct submission of applications to the Chief Minister;
- iv) In genuinely deserving case, they should approach the Administrative Secretaries who could process the case according to policy;

ATTESTED

ATTESTED

- v) In case of direct submission of application to the Chief Minister, Secretariat for Posting/ Transfer, the concerned govt servants shall be proceeded against under the prevalent rules and regulations.

(Authority: Urdu circular No: SOR-VI/E&AD/1-4/2003, dated 8-6-2004.  
Urdu Letter No: SOR-VI/E&AD/Misc: /2005, dated 3-1-2005.)

It has been decided with the approval of the competent authority that:-

- i) Mutual transfer would be allowed if both the concerned employees agree; except the Government Servants holding Administrative posts;
- ii) NWFP Government Rules of Business 1985 shall be observed while issuing posting/transfer orders.

(Authority: Urdu circular letter No: SOR (E&AD)/1-4/2005, dated 9-9-2005)

The competent authority has decided that in order to maintain discipline, enhance performance of the departments and ensure optimum service delivery to the masses, the approved /prevalent policy of the posting/transfer shall be strictly followed. Government Servants violating the policy and the NWFP Govt Servants (Conduct) Rules 1987 shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance 2000. As required under the NWFP Govt Rules of Business 1985, the Administrative Secretaries shall ensure compliance with the policy and defaulting officers/officials be taken to task & entries to this effect shall be made in their PERs/ACRs. In case subordinate officers are working on sites or proceeding for the purpose of inspection, they shall submit inspection Report to their Administrative Secretaries. Administrative Secretaries shall ensure submission of such reports.

(Authority: Urdu circular No: SOR-VI (E&AD)/1-4/06, dated, 29-4-2007)

#### PLACEMENT POLICY

In order to utilize the expertise of the officers who have received foreign training in various fields, the provincial Government has decided to adopt the Placement Policy, approved by the Prime Minister of Pakistan, and make it a part of its Posting/Transfer Policy. Placement Policy is follows:-

- i) All placements would be made on the basis of merit and keeping in view the needs of the organization.
- ii) The first priority in placement must go the parent organization of the participant from where the individual had applied. This will be in consonance with the concept of establishing the "Need" for the department and fulfilling the need through "capacity building for the organization.
- iii) In order to follow the "bottom up approach" for Devolution, the priority within departments must go to the Districts, the Provinces and then the Federal Government.
- iv) The second priority in placement should go to up-grading the existing training Institution within the country. The knowledge gained by the

Placement Policy has been made part of the posting/transfer policy vide Urdu circular No SOR-VI/E&AD/1-4/06, dt 9-9-2005

22

22

20

22

Posting - Transfer Policy - Updated (11 10 Jan, 2009)

officers, will be of immense value to bring about a qualitative change in the training institutions. The following proposals are made in this regard:

- a) Permanent posting of an officer to the training institutions for 2-3 years;
- b) Temporary attachment with the training institutions for 3 to 6 months for some research project on helping in developing case studies;
- c) Earmarked as a visiting faculty member for specific subject;
- v) Individuals posted to their parent organizations will also organize training for their subordinates within the department, in order to transfer the knowledge and bring about a qualitative change internally;
- vi) The Normal tenure of posting as already provided in the policy would be ensured;
- vii) No participant should be allowed to be posted on deputation to multinational donor agencies for at least 5 years;
- viii) No participant will decline/represent against his/her posting.

\*\*\*\*\*

ATTESTED

~~ATTESTED~~

21

23

H

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ESTABLISHMENT DEPARTMENT  
 (REGULATION WING)  
 NO. SOR.VI (E&AD) 1-4/2005/Vol-II  
 Dated Peshawar, 27<sup>th</sup> February, 2013.

Recd  
 28 Feb 2013  
 Establishment Department  
 Peshawar

To  
 [Handwritten signature]

1. The Additional Chief Secretary (F&D), Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (PATA), Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUD MOTO CASE NO. 3/2012 (PETITION BY MS. ANITA TURAB FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Sir,

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and conduct of civil servants.

(i) **Appointments, Removals and Promotions:** Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

4/2

(ii) **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.

4/2

SAC / Secy  
 [Handwritten signature]

SE / Secy / So Est  
 [Handwritten signature]

ATTESTED

~~ATTESTED~~

~~ATTACHED~~

SECTION OFFICER (REG-VI)

*Mahmud*

- 1. The Principal Secretary to Government, Khyber Pakhtunkhwa.
- 2. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
- 3. The Registrar, Peshawar High Court, Peshawar.
- 4. The Secretary, Khyber Pakhtunkhwa Public Service Commission.
- 5. All Addl. Secretaries, Establishment & Administration Department.
- 6. All Deputy Secretaries in Establishment & Administration Department.

A copy is forwarded to:

SECTION OFFICER (REG-VI)

(MVA) (MPS-SAVARY)

*Mahmud*

Yours faithfully,

principles of law for strict compliance.

1. All officers directed to request you to note the above principles of law for strict compliance.

2. (iv) GSD Officers should not be posted as GSD except for compelling reasons which must be recorded in writing. If all officers are to be posted as GSD, such posting should not exceed 03 months. If there is a disciplinary inquiry against him/her, such posting must be completed at once. The officer on special duty may be posted on a post in this department by special order within 03 months of his/her order as GSD.

(v) GSD Officers should not be posted as GSD except for compelling reasons which must be recorded in writing. If all officers are to be posted as GSD, such posting should not exceed 03 months. If there is a disciplinary inquiry against him/her, such posting must be completed at once. The officer on special duty may be posted on a post in this department by special order within 03 months of his/her order as GSD.

22

29

**BETTER COPY PAGE NO. 24**

- iii. **Illegal orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule base norms instead in such situations, they must record their opinion and if necessary.
- iv. **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale / grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Yours faithfully

(Sd/-  
(Naj-Mus-Sahar)  
Section Officer (Reg-VI)

Encl: as above

A copy is forwarded to:

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshawar.
6. The Secretary, Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

*Section Officer (Reg-VI)*

**ATTESTED**

**VAKALAT NAMA**

NO. \_\_\_\_\_/2024

IN THE COURT OF Khyber Pakhtun Khwa Service Tribunal

Amin-ur-Rahman (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Deptt (Respondent)  
(Defendant)

I/We, Amin-ur-Rahman

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT AND SHAKIR ULLAH TORANI ADVOCATE**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/2024

[Signature]  
(CLIENT)

**ACCEPTED**

[Signature]  
**TAIMUR ALI KHAN**  
Advocate High Court

**BC-10-4240**

**CNIC: 17101-7395544-5**

**Cell No. 03339390916**

[Signature]

**SHAKIR ULLAH TORANI**  
Advocate Peshawar

**BC-22-4994**

**03409146056**