


FORM OF ORDER SHEET

Court of _____

Appeal No. 1074 /2024

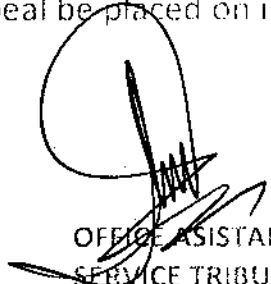
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/07/2024	<p>The appeal of Mr. Abdur Rehman resubmitted today by Mr. Mir Zaman Safri Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Abdur Rehman received today i.e on 29.07.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Copy of departmental appeal against the impugned order dated 30.04.2024 is not attached with the appeal be placed on it.

No. 482 /Inst./2024/KPST,

Dt. 29/7 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mir Zaman Safi Adv.
High Court at Peshawar.

Sir,

*objection no.1 has been removed, while
as per objection no.2 the order dated 30.4.2024
has been issued during pendency of departmental
appeal against the impugned order dated
8.04.2024, therefore, the same order is a
subsequent order and has no need of any
departmental appeal against such order, hence
the appeal in hand may very kindly be put
up before the bench.*

Mr. Qanoor
31/07/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1074 /2024

ABDUR REHMAN

VS

**SECRETARY E&SE DEPTT:
& 3 OTHERS**

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Affidavit	4.
3.	Notification dated 08.11.2023	A	5- 6.
5.	Departmental appeal	B	7- 9.
6.	Notification dated 28.03.2024	C	10.
7.	Posting order 08.04.2024	D	11.
8.	Relieving chit	E	12.
9.	Charge assumption report	F	13.
10.	Impugned order	G	14.
11.	Departmental appeal	H	15.
12.	Orders dated 24.04.2024 & 30.04.2024	I & J	16- 17.
13.	Transfer/posting policy	K	18- 20.
14.	Vakalat nama	21.

APPELLANT

THROUGH:

M. Zaman Safi
**MIR ZAMAN SAFI,
ADVOCATE**

Room No. 6-E, 5th Floor,
Rahim Medical Centre,
Hashtnagri, Peshawar
0333-9991564

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 1076 /2024

Mr. Abdur Rehman, Junior Clerk (BPS-11),
O/O Sub Divisional Education Officer, District Charsadda.

..... APPELLANT

VERSUS

- 1- The Director, Elementary & Secondary Education Officer, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (Female), Charsadda.
- 3- Mr. Faiz Ur Rehman, Junior Clerk (BPS-11), O/O SDEO (Female), Charsadda.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER ENDST: NO. 4125-32 DATED 08.04.2024 WHEREBY THE POSTING ORDER AT O/O THE SDEO (F), CHARSADDA HAS BEEN WITHDRAWN AND AGAINST THE SUBSEQUENT ORDERS DATED 24.04.2024 AND 30.04.2024 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order endst: No. 4125-32 dated 08.04.2024 and subsequent orders dated 24.04.2024 and 30/04/2024 may very kindly be set aside and be posted the appellant against his original post at Office of the Sub Divisional Education Officer (Female), Charsadda. Any other relief which this august Tribunal deems fit that may also be awarded in favor of appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present writ petition are as under:

- 1- That the appellant is the employee of Elementary & Secondary Education Department and was serving as Junior Clerk (BPS-11) at Office of the Sub Divisional Education Officer (Female), Charsadda quite efficiently and upto the entire satisfaction of his superiors.
- 2- That the appellant while performing his duty as Junior Clerk (BPS-11) at Office of the Sub Divisional Education Officer (Female) Charsadda

- 2- That the appellant while performing his duty as Junior Clerk (BPS-11) at Office of the Sub Divisional Education Officer (Female) Charsadda was removed from service vide Notification dated 08.11.2023 by the Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar. Copy of the removal order Notification is attached as annexure.....A.
- 3- That the appellant feeling aggrieved from the removal Notification dated 08.11.2023 preferred departmental appeal before the appellate authority i.e. Secretary, E&SE Department which was accepted and the appellant has been re-instated into service against his original post of Junior Clerk at O/O of the Sub Divisional Education Officer (F), Charsadda w.e.f 08.11.2023 vide Notification dated 28.03.2024. Copies of the Departmental appeal & Notification dated 28.03.2024 are attached as annexure.....B & C.
- 4- That in light of the Notification dated 28.03.2024 the District Education Officer (F), Charsadda issued order dated 08.04.2024 and posted the appellant against his original post at Office of the Sub Divisional Education Officer (F), Charsadda by relieving the respondent No.4 from the said post. That in compliance of the order dated 08.04.2024 the appellant took over the charge against the said post and started performing his duty quite efficiently and upto the entire satisfaction of his superiors. Copies of the order dated 08.04.2024, relieving and charge assumption report are attached as annexure.....D, E & F.
- 5- That astonishingly the respondent No.3 withdrawn the posting order of the appellant vide impugned order under endst No. 4125-32 dated 08.04.2024 on the basis of malafide intention. That the appellant feeling aggrieved from the impugned order under endst No.4125-32 dated 08.04.2024 preferred departmental appeal before the respondent No.2 but no reply has been received so far. Copies of the impugned order and departmental appeal are attached as annexureG & H.
- 6- That it is pertinent to mention here that during pendency of appeal the respondent department issued subsequent orders dated 24.04.2024 and 30.04.2024 whereby the appellant has been posted at GHS No.3 Tangi, Charsadda. Copies of the orders are attached as annexure.....I & J.
- 7- That appellant having no other remedy but to file the instant writ petition on the following grounds amongst the others.

GROUND:

- A- That the impugned order dated 08.04.2024 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.

- B- That APPELLANT has not been treated by the respondents in accordance with law and Rules on the subject noted above and as such respondents violated Article-4 and 25 of the Constitution of Pakistan 1973.
- C- That ignoring the posting at office of the SDEO (F), Charsadda and subsequent orders dated 08.04.2024, 24.04.2024 and 30.04.2024 have not been issued by the respondents in the public interest nor in exigencies of service.
- D- That the respondent Department acted in arbitrary and malafide manner while issuing the orders dated 08.04.2024 just to accommodate his blue eyed person i.e. private respondent No.4.
- E- That the impugned order dated 08.04.2024 is violative of Clause-I and IV of the transfer/posting policy of the Provincial Government, hence the same is not tenable and liable to be set aside. Copy of the Policy is attached as annexure.....K.
- F- That the APPELLANT seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellants may be accepted as prayed for.

Dated: 26/06/2024

APPELLANT

ABDUR REHMAN

THROUGH:

MIR ZAMAN SAFI
ADVOCATE

VERIFICATION:

It is, verified that no other earlier appeal was filed between the parties.

DERONENT

LIST OF BOOKS:

1. Constitution of Pakistan.
2. Services Laws Books.
3. Any other Case law as per need.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE, PESHAWAR

APPEAL NO. _____/2024

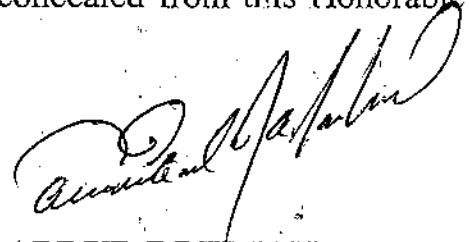
ABDUR REHMAN

VS

EDUCATION DEPTT:

AFFIDAVIT

I, Abdur Rehman S/O Noor Muhammad R/O Mohallah Mandozai, Sherpao, Tehsil Tangi, District Charsadda, do hereby solemnly affirm that the contents of this APPEAL are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



**ABDUR REHMAN
(APPELLANT)**

CNIC NO. 17102-9327776-7

CELL NO: 0300-2091821



**IDENTIFIED BY:
MIR ZAMAN SAFI,
ADVOCATE, HIGH COURT,
PESHAWAR**



129 JUL 2024

A- (1) (5)



**Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar**

NOTIFICATION

1. WHEREAS, this office received a letter bearing No. 6515 dated 27-06-2023 from DEO(M) Charsadda regarding verification of proceedings of Standing Medical Board in respect of Muhammad Tayyub PSHT (BPS-15) GPS Gul Khilab Karoona District Charsadda, alluding to this office letter No.1271 dated 05-05-2023, enclosing copy of the same letter.
2. AND WHEREAS, upon examining and observing the letter No.1271 dated 05-05-2023, was found fake with scanned signature of Assistant Director(Estab:M:1) Directorate of Elementary and Secondary Education Khyber Pakhtukhwa, Peshawar.
3. AND WHEREAS, in the meanwhile another fake letter bearing No.1278 dated 05-05-2023 addressed from this office to DEO(M) Charsadda in connection with the proceedings of Standing Medical Board in respect of Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda was also received by this office under the scanned signature of the same officer.
4. AND WHEREAS, this office ordered inquiry into the case to determine the factual position by nominating Mr. Liaqat Ali the then DEO(M) Mohmand as inquiry officer vide notification bearing No.5579-82 dated 6-07-2023.
5. AND WHEREAS, the inquiry officer submitted its report to this office vide letter No.8624 dated 15-07-2023. as per findings of the inquiry report both the teachers were involved in money deal with Mr. Abdur Rehman J/Clerk (BPS-11) at office of the DEO(F) Charsadda being the bigwig and Muhammad Ibrar S/Clerk(BPS-14) being an accomplice for handing over the case of the Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda to Mr. Abdur Rehman J/C(BPS-11) SDEO(F) Charsadda.
6. AND WHEREAS, this office issued Showcause notices to all involved vide letter No.5028 dated 13-09-2023, it was followed by a reminder bearing No.668 dated 18-10-2023.
7. AND WHEREAS, DEO (Male) Charsadda forwarded their replies vide letter No.11828 dated 17-10-2023. As per replies of the accused teachers, they admitted submission of their cases to Mr. Abdur Rehman J/C(BPS-11) at office of the DEO(F) Charsadda. Muhammad Ibrar S/C(BPS-14) at office of the SDEO(M) Charsadda also admitted that he received the impugned letter from Mr. Abdur Rehman J/C(BPS-11) and forwarded it to Mr. Noor Ullah Jan PSHT(BPS-15) GPS Mian Sahib Gul Qilla Tangi District Charsadda via whatsapp.
8. AND WHEREAS, this office called them for personal hearing scheduled at this

05.09.2023
[Signature]

(6)

9 AND WHEREAS, they attended this office accordingly and appeared before the Committee. Questionnaire were served to them individually. They were also interrogated.

NOW, THEREFORE, in exercise of the powers conferred under Section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, I, Dr. Iqbal Khan Director Elementary & Secondary Education Khyber Pakhtunkhwa, as the Competent Authority, after examining the inquiry recommendations, their written replies to the showcause notices and personal hearing is pleased to impose major penalties as mentioned against each under Rule-4, of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, reproduced below in the larger interest of public service.

S.No.	Name & Designation	School/Office	Penalty Awarded
1.	Muhammad Ibrar S/Clerk (BPS-14)	SDEO (M) Charsadda	Demotion to Junior Clerk (BPS-11) for the period of Three Years under Rule 4(b)(i) of Rules ibid
2.	Mr. Abdur Rehman J/Clerk (BPS-11)	SDEO (P) Charsadda	Removal from Service under Rule 4(b)(iii) of Rules ibid

Note:-

1. Necessary entry to this effect should be made in his service Book accordingly.

(Dr. Iqbal Khan)

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Indst. No. 5611-15 / F.No./C-333/Estab (M-1)

Dated Pesh: the 08/11 2023.

Copy forwarded for information to the: -

1. District Education Officer (Male) Charsadda.
2. District Accounts Officer Charsadda.
3. Muhammad Ibrar Junior Clerk (BPS-11) SDEO (M) Charsadda.
4. Mr. Abdur Rehman Ex- Junior Clerk (BPS-11) SDEO (P) Charsadda.
5. P.A. to Director Elementary & Secondary Education, Local Directorate, Peshawar.

[Signature]
Assistant Director (Admin)
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

8/11/2023

N-9

9. AND WHEREAS, they attended this office accordingly and approved before the committee. Questionnaire were served to them individually. They were also interrogated.

NOW THEREFORE, in exercise of the powers conferred under Rule-14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, I, Dr. Iqbal Khan Director, Elementary & Secondary Education Khyber Pakhtunkhwa as the Competent Authority after examining the inquiry recommendations, their written replies to the show cause notices and personal hearing is pleased to impose major penalties as mentioned against each under Rule-4, of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules 2011, reproduced below in the larger interest of public service.

S.No.	NAME & Designation	School/Office	Penalty Awarded
1.	Muhammad Ibrar S/Clerk (UPS-11)	SDEO (M) Charsadda	Darnation to Junior Clerk (BPS-11) for the period of Three Years under Rule 4(b) (i) of Rules Ibid
2.	Mr. Abdur Rehman 1/Clerk (BPS-11)	SDEO (F) Charsadda	Removal from Service under Rule 4(b) (iii) of Rules Ibid

Note:-

1. Necessary entry to this effect should be made in his service Book accordingly.


(Dr. Iqbal Khan)

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 5611-15/F.No./C-333/ Estab (M-1)

Dated Pesh: the 08/11/2023

ATTN: 

7

B

To

The Honourable Secretary Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

SUBJECT: Departmental appeal before The Honourable Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar, in Reference to the Notification Endst No.-333/Estab(M-1) Dated Pesh: the 08/11/2023 whereby the undersigned was awarded major penalty of removal from service.

Honourable Sir

With utmost esteem and reverence I have the honour to submit that vide the Notification Endst No.-333/Estab(M-1) Dated Pesh: the 08/11/2023 whereby the undersigned / I was awarded major penalty of removed from service. Sir, I avail this opportunity to submit the following submissions:
Sir, the impugned Notification was issued by the orders / approval of Director Elementary & Secondary Education Khyber Pakhtunkhwa in response of inquiry / investigation conducted by the Inquiry officer, with great respect who are not legally empowered to conduct the inquiry / investigation. The situation was vigorously replied and all the allegations were rebutted with reasonable justification.

Respected Sir!

- (i) The undersigned has been serving this esteem constitutional institution from the date of appointment till the impugned removal order dated:08.11.2023 and since his appointment the appellant was working with great devotion and honesty, whatsoever, assigned to him.
- (ii) That the appellant while serving as Service as Junior Clerk in SDEO (Female) Charsadda and the false allegations were leveled against the Appellant regarding involvement in processing of Medical Board cases and fabrication of sings etc.
- (iii) On Keeping up the expectations of the high ups, the undersigned was posted in the Office of SDEO (female).and the different tasks were given during

SO (Duty)
h
ant

RECEIVED
M. J. J.

2

8

the targeted period and as per direction of high ups which was achieved timely and as per expectations.

- (iv) That the I was removed from service on the basis of so called allegations and inquiry on the ground of processing the retirement cases of the employees on medical grounds on fake signatures and mis-conduct which is totally incorrect and against the real facts and evidence available on record. Since my appointment, I have been performing my duties efficiently and honestly and this fact can be gathered from the service record of the appellant. The history / service record of the appellant negates the stance of inquiry officer and the impugned order is also in contradictory to recommendations of the inquiry officer.
- (v) That there are some reservation / allegations of those un-succeeded candidates of medical board and made so many attempts and filed complaints before the high ups which were filed / stopped after scrutinizing as per law the matter of their eligibility but those failed peoples did not left any stone unturned to harass and humiliates the innocent peoples like undersigned and others and on the other hand the department without applying the judicial mind passed the impugned Order dated: 08.11.2023 which needs a second look for granting relief to undersigned.
- (vi) That there is nothing on record which could prove the question of involvement in illegal activities or mis-conduct on part of undersigned.
- (vii) That the aforementioned orders of removal from service of the undersigned is illegal unlawful without authority / jurisdiction and being based on the malafide intention is liable to be set-aside.
- (viii) That no inquiry proceedings as prescribed under the prevailing laws were ever conducted, still in the findings of the inquiry officer only the transfer of the appellant has been recommended but surprisingly awarding the major penalty of removal from service without mentioning any reasons, hence, the impugned Order of removal is in contradiction to inquiry report / findings.
- (ix) That no process/procedure as prescribed in the service laws were ever adopted by the respondent department, nor he was ever served with statement of allegation and a final show cause notice nor the appellant has been provided any opportunity to cross examine the complainant / witnesses who deposed against the appellant because this is the basic requirement under the prevailing service laws/rules.

na

[Handwritten signature]

① 9

- (x) That in the inquiry report it has been come to surface that the fake letter / documents has been recovered from one Mr. Muhammad Tayyab which speak a volume of innocence of the appellant.
- (xi) That it is also against the law and natural justice that on the same inquiry report some of the employees has been exonerated and some has been awarded minor punishment but it is strange to enough that after recommendation for transfer from the existence post to any other post and office but the impugned Order has been issued with mala fide and ulterior motive, which needs to be set at naught.
- (xii) That no legal requirement has ever been fulfilled in the undersigned case and this factum is clear from the impugned orders, hence, the orders were passed in haphazard manner and liable to be set aside.

Sir, The impugned notification / order is contrary to the facts and my responses.

Sir,

I duly disclosed all real facts through this elaborative representation and nothing / never concealed anything from the Department.

PRAYERS;

Honourable Sir, with these humble submissions I leave myself at the mercy of your good self with prayer that on acceptance of my representation the Notification Endst No.-333/Estab(M-1) Dated Pesh: the 08/11/2023 whereby the appellant was awarded major penalty of removal from service may kindly be set aside and the appellant may kindly be restored to earlier position and rank with all back benefit.

Any other relief which your honor deems fit and necessary may also be awarded for the safe administration of justice.

Thank you

Yours Obediently,



Abdul Rehman

Ex-Junior Clerk SDEO (Female)
Charsadda

Dated: 20/11/23

RECEIVED

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the March 28th, 2024.

NOTIFICATION

No. SO(Inq)ESSED/1-1/2023/Mr. Abdur Rehman/Ex-Junior Clerk/SDEO (F) Charsadda:

WHEREAS Mr. Abdur Rehman, Junior Clerk (BS-11), office of Sub Divisional Education (Female), Charsadda, was proceeded against under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011.

2. AND WHEREAS, in exercise of the powers conferred under Rules-4 (b) (iv) of E&D Rules- 2011, the Competent Authority (Director E&SE), imposed major penalty of "Removal from Service" upon Mr. Abdur Rehman, Ex-Junior Clerk (BS-11), office of Sub Divisional Education (Female), Charsadda, Vide notification endst No. 5611-15/F.No.C-333/Estab(M-1) dated 08-11-2023.

3. AND WHEREAS, Mr. Abdur Rehman, Ex-Junior Clerk (BS-11), office of Sub Divisional Education (Female), Charsadda, preferred a Departmental appeal to the Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa (Appellate Authority) against the Notification Endst No. 5611-15/F.No.C-333/Estab(M-1) dated 08-11-2023.

4. AND WHEREAS Mst. Fanoos Jamal, DEO (Female), Karak was nominated as Inquiry Officer Vide notification No. SO(IQ)E&SED/1-1/2023/Appeal/Abdur Rehman/Ex-JC/Charsadda dated 08-11-2023, to conduct denovo inquiry under the ibid Rules, against Mr. Abdur Rehman, Ex-Junior Clerk (BS-11), office of Sub Divisional Education (Female), Charsadda, for the charges leveled against him.

5. AND WHEREAS the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused, has submitted the report.

6. AND WHEREAS the Appellate Authority (Secretary E&SED) after having considered the charges and evidence on record, inquiry report, explanation of the accused and personal hearing granted to him by Additional Secretary (General), E&SE Department on behalf of the Appellate Authority on 21.03.2024 is of the view that charges against the accused have not been proved.

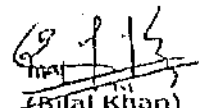
7. NOW THEREFORE, in exercise of powers conferred under Rule 17 (2) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Secretary E&SE Khyber Pakhtunkhwa being Appellate Authority is pleased to re-instate into government service in respect of Mr. Abdur Rehman, Ex-Junior Clerk (BS-11), office of Sub Divisional Education (Female), Charsadda, and set aside the Notification Endst No. 5611-15/F.No.C-333/Estab(M-1) dated 08-11-2023.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date:

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Charsadda.
4. District Accounts Officer Charsadda.
5. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
6. Mr. Abdur Rehman, Ex-Junior Clerk (BS-11), office of Sub Divisional Education (Female), Charsadda.


(Bilal Khan)
Section Officer (Inquiries)



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARSADDA.
OFFICE ORDER.

Consequent upon the recommendation vide notification No.SO(Inq)ESSED/1-1/2023/Mr.Abdur Rehman/Junior Clerk/SDEO Female Chasradda Dated Peshawar the 28/03/2024 and set aside the notification Endstt No. 5611-15/F.No.C-333/Esttb:(M-1) dated 08/11/2023, the following Junior Clerks are hereby posted / Adjusted on their own pay scale & grade in the intreset of Public service with immediate effect.

S.No	Name of teacher	Designation	From	To	Remarks
1	Mr Abdur Rahman	Junior Clerk BPS-11	Re-instated on his original post i-e SDEO (F) Charsadda	SDEO (Female) Charsadda	V.S.No. 02
2	Mr. Faiz Ur Rahman	Junior Clerk BPS-11	SDEO (Female) Chasradda	On the Disposal of DEO (Female) office Charsadda	V.S.No.01

- Note:- 1. Charge report should be submitted to all concerned.
2. No. TA/DA is allowed.

(MST: SURRAYA KHATTAK)
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA.

Endstt: No. 4108-16 /Dated/ 08/04/2024.

Copy to the:

1. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Charsadda.
3. SDEO (Female) Charsadda.
4. Supdtt Local Office.
5. Official Concerned.
6. Office Copy.

Surraya Khattak 8/04/24
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA

APPROVED
[Signature]



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAJDA

12
E-10

**Subject: RELIEVING OF MR. FAIZ UR RAHMAN J/C BPS-11 SDEO
(Female) Charsajda.**

Consequent upon the acceptance of the appeal and reinstatement into Government Service vide worthy Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar Notification No.SO(Inq)ESSED/1-1/2023/Mr.Abdur Rehman Ex-Junior Clerk/SDEO (F) Charsajda Dated Peshawar the March 28th, 2024.


Therefore in the light of the above Notification and office order endst. No. 4108-16 dated 08/04/2024 Mr. Faiz Ur Rahman J/Clerk BPS-11 SDEO (F) Charsajda is hereby relieved from his duty today on 08/04/2024.

(Mst. Surraya Khattak)
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAJDA

Endst. No 4117-22 /Dated 08/04 2024.

Copy for information & n/action to the:-

- 1- PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 2- SO Inquiries E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 3- PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 4- District Account Officer Charsajda.
- 5- SDEO (Female) Charsajda.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAJDA

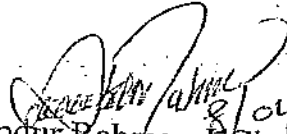
To,

DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA

Subject: ASSUMPTION OF CHARGE

Consequent upon the acceptance of the appeal and reinstatement into Government Service vide worthy Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar Notification No.SO(Inq)ESSED/1-1/2023/Mr.Abdur Rehman Ex-Junior Clerk/SDEO (F) Charsadda Dated Peshawar the March 28th, 2024.

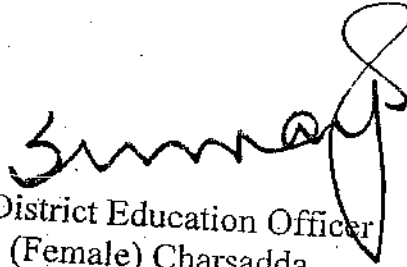
Certified that I have on the forenoon on 08/04/2024 of this day respectively made over charge of the post of Junior Clerk BPS-11 at SDEO (Female) Charsadda vide Endst. No 4108-16 dated 08/04/2024 of this office.



Abdur Rahman J/Clerk BPS-11
Sub: Div Education Officer
(Female) Charsadda

Endst. No 4123-28 /Dated 08 104 2024.

Copy for information & n/action to the:-

- 1- PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 2- SO Inquiries E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 3- PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 4- District Account Officer Charsadda.
- 5- SDEO (Female) Charsadda.


District Education Officer
(Female) Charsadda


M/S

(14)

G

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) CHARSAKDA.

OFFICE ORDER.

The transfer / adjustment order issued vide this office Endstt No. 4108-16 dated 08-04-2024 is hereby withdrawn with immediate effect.

Note:-

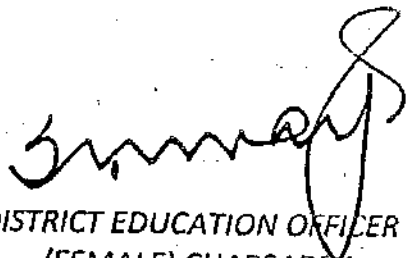
1. Charge report should be submitted to all concerned.
2. No. TA/DA is allowed.

(Mst: Surraya Begum)
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAKDA.

Endstt No. 4125-32 /dated/ 8/1/2024.

Copy to the:

1. PA to Deputy Commissioner Charsakda.
2. District Account officer Charsakda.
3. The District Monitoring Officer Charsakda.
4. SDEO (Female) Charsakda.
5. ADO B&AO/Supdt: Local office.
6. Cashier Local Office.
7. Official Concerned.
8. Office Copy.


DISTRICT EDUCATION OFFICER
(FEMALE) CHARSAKDA.

ATTN: 

15

H-40

To,

The Director,
E&SE Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED ORDER EVEN ENDST: NO. 4125-32 DATED
08.04.2024 WHEREBY POSTING ORDER DATED
08.04.2024 HAS BEEN WITHDRAWN.

Respected Sir,

With due respect it is most humbly stated that the applicant is the employee of your good self department and is serving as Junior Clerk (BPS-11) at Office of the Sub Divisional Education Officer (Female), Charsadda quite efficiently and upto the entire satisfaction of his superiors.

That the applicant while performing his duty as Junior Clerk (BPS-11) at Office of the Sub Divisional Education Officer (Female) Charsadda was removed from service vide Notification dated 08.11.2023 by the Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

That the applicant feeling aggrieved from the removal order dated 08.11.2023 preferred departmental appeal before the appellate authority i.e. Secretary, E&SE Department which was accepted in light of the inquiry report and the applicant has been re-instated into service against his original post of Junior Clerk at O/O of the Sub Divisional Education Officer (F), Charsadda w.e.f 08.11.2023 vide appellate order dated 28.03.2024.

That in light of the Notification dated 28.03.2024 the District Education Officer (F), Charsadda issued order dated 08.04.2024 and posted the applicant against his original post at Office of the Sub Divisional Education Officer (F), Charsadda. That in compliance of the order dated 08.04.2024 the applicant took over charge against the said post and started performing his duty quite efficiently and upto the entire satisfaction of his superiors.

That astonishingly the District Education Officer (F), Charsadda once again withdrawn the posting order of the applicant vide order impugned dated 08.04.2024 on the basis of malafide intention. That the applicant feeling aggrieved from the impugned order dated 08.04.2024 preferred this departmental appeal before your good self.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the impugned order endst: No.4125-32 dated 08.04.2024 may very kindly be set aside and the directed the District

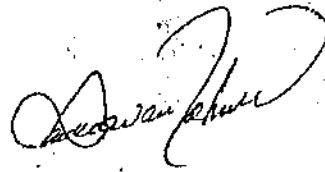
15

15/A

~~15/A~~


Education Officer (F), Charsadda not to disturb the applicant from his original post at Office of the Sub Divisional Education Officer (F), Charsadda.

Dated: 18.04.2024.



APPLICANT

ABDUR REHMAN, Junior Clerk,
O/O the SDEO, Charsadda

ATTESTED


15/B

47 Insurance Notices see reverse. Rs. Ps.

RGL124345788

uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due

ed a registered* _____ Date Stamp _____

ed to _____

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary

of Receiving Officer _____

insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____

Name and address of sender _____

Weight Kilo Grams

(in words)



**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION**

KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9225344

Email: ddadm.n.ese@gmail.com

OFFICE ORDER.

Services of Mr. Abdur Rahman Ex-Junior Clerk BPS-11 O/O SDEO (F) Charsadda are hereby placed at the disposal of District Education Officer (Male) Charsadda for further adjustment on his own pay and BPS in the interest of public service.

Note:

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

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Enst: No. 1181-82 /F.No.121/A-23/MS/Complaint/Charsadda
Dated Peshawar the 24/4/2024 /2024.

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Section Officer (Inquiry) Govt. Of Khyber Pakhtunkhwa E&SE KP Peshawar w/r to his letter No. SO(Inq)E&SED/1-1/2023 Mr. Abdur Rahman Ex-Junior Clerk O/O SDEO (F) Charsadda dated 28/03/2024.
3. District Education Officer (Male/Female) Charsadda.
4. District Accounts Officer Charsadda.
5. Official Concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Master File.

Deputy Director (F&A)
Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

"J"

17



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) E&SE CHARSADDA



091-9220481-82



emischarsadda@yahoo.com



facebook.com/Deomcharsadda



OFFICE ORDER:

Consequent upon, the office order issued by Director (E&SE) Khyber Pakhtunkhwa Peshawar vide Endst: No. 1186-82/F.No.121/A-23/ MS/ Complaint /Charsadda dated 24.04.2024, the service placed on the disposal of this office Mr. Abdur Rahman Ex-Junior Clerk SDEO (Female) Charsadda is hereby adjusted at GHS No.03 Tangi Charsadda against the vacant post of Junior Clerk on his own pay and scale in the interest of public service with immediate effect.

Note: - No TA, DA is allowed.

Charge report should be submitted to all concerned.

(Dr. ABDUL MALIK)
DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Endst: No 4298-4305 / Dated Charsadda the 30 / 4 / 2024

Copy for information to the: -

1. Director (E&SE) Khyber Pakhtunkhwa
2. District Accounts Officer Charsadda
3. DEO (Female) Charsadda.
4. SDEO (Female) Charsadda.
5. Head Master GHS No.03 Tangi Charsadda
6. Official concerned.
7. Office file

DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

(Handwritten signature)
2

"K" (18) "K" (18)

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, 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) ¹[]
- vi) ² While making postings/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary Khyber Pakhtunkhwa needs to be obtained. Save Tehsildars / Naib Tehsildars within a division in respect of whom the concerned Commission will exercise the same power. Whereas, in case of posting / transfer of officer in BS- 18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, Khyber Pakhtunkhwa shall be obtained.

Provided that the power of transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in additional Secretary FATA.

vi (a) [.....]³

1 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 Khyber Pakhtunkhwa 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.

2 Added vide circular letter No. SOR-VI(E&AD)1-4/2010/Vol-VIII dated 20.03.2010

3 Deleted vide Notification No. SO (Policy) /E&AD/1-4/2010/Vol. IX dated 24.11.2017

19



- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officer's/officials on detailment basis shall be made.
- viii-A) The competent authority has been pleased to prescribe the following guideline to facilitate posting of husband and wife at the same station:-
- (a) Where a request is made for posting at a different station in same department / service / cadre in which an employ is already serving, the request may be accepted subject to the availability of a post in a same PBS.
 - (b) If request involves temporary deputation to another department, it may be processed in consultation with the concerned department and may be accepted on prescribed terms of deputation subject to availability of a post in the same BPS.
 - (c) If there is a tie between two or more government servants for posting at the same station in the same department / unit of an organization, the government servant with greater length of service may be preferred.
 - (d) Request for posting by spouse facing serious medical problems may be accorded highest priority.
 - (e) Spouses already posted at one station, including those posted on deputation may normally not be disturbed without compelling reason of public interest. Request for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.
- ix) Regarding posting of husband / wife, both in Provincial service, 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.
- xi) Officers/officials except 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.

20

12

88 . ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

¹DCOs 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;

² [(xi-A) Officer in BPS-17 and above should not be posted in district of their domicile. ³[Doctors, Lecturers, Instructors, Subject Specialists, Principals / Vice Principals and other Teachers in BPS-17 & above working in Health and Education Departments in all the districts of Government of Khyber Pakhtunkhwa shall be exempted from the application of the said policy. However the subject policy shall remain applicable on all Administrative / Executive positions in BPS-17 & above across the province.]

[(ii B) Cancellation of posting transfer order issued with the approval of the competent authority may not be made without seeking formal approval of the competent authority through summary / note.]

(xii) In terms of Rule-17(1) and (2) read with Schedule-III of the Khyber Pakhtunkhwa 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, PSP 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-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.

1. Added vide Urdu circular letter No. SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.
2. Added vide Notification No. SOR-VI (E&AD)/1-4/2010/Vol-VIII dated 11.11.2013.
3. Text added vide Notification No. SOR-VI (E&AD)/1-4/2010/Vol-VIII dated 21.3.2014.
4. Added vide Notification No. SOR-VI (E&AD)/1-4/2010/Vol-VIII dated 14.02.2014.

[Handwritten signature and initials]

20/A

20

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: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Dept. in consultation with Head of Attached Department concerned. 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 as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posing/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

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

OF 2024

Abdur Rehman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

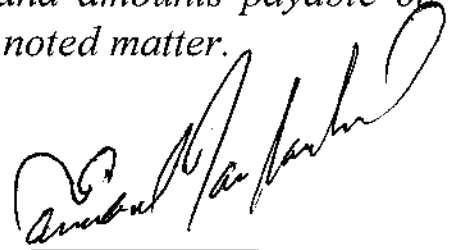
Education Deptt:

(RESPONDENT)
(DEFENDANT)

I/We Abdur Rehman

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** 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 cost. 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.

Dated. ___ / ___ /2024



CLIENT



ACCEPTED

MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0333-9991564
0317-9743003