


FORM OF ORDER SHEET

Court of _____

Appeal No. 1473/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/09/2024	<p>The appeal of Mr. Saleem Javed presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No 1473 / 2024

MR. SALEEM JAVED

V/S

EDU: DEPTT:

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Dated: 16-09-2024

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1473 /2024

Mr. Saleem Javed, CT (BPS-15)
GPS Manki Lahor (Swabi)
Under transfer to GPS Jalbai Shamali Swabi

..... **APPELLANT**
VERSUS

- 1- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (M) Swabi.
- 3- Muhammad Arif Shah, CT GMS Jalbai under transfer to GPS Manki Lahor Swabi.

..... **RESPONDENTS**

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, 1974 AGAINST THE IMPUGNED ORDER 11/06/2024 WHEREBY THE APPELLANT WAS TRANSFERRED AND AGAINST THE INACTION OF THE APPELLATE AUTHORITY, BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF 90 DAYS.

Prayer:-

That on acceptance of the instant service appeal, the impugned office order dated 11/06/2024 may very kindly be set aside and the respondents may kindly be directed not to transfer the appellant. Any other remedy which this august Tribunal deem fit may also be awarded in favour of the appellant.

R/SHEWETH:
ON FACTS:

- 1) That the appellant is the employee of the respondent department and serving as CT (BPS-16) in the respondent department quite efficiently and upto the entire satisfaction of his superiors.
- 2) That while performing his duty at concerned school/station, the respondents issued the impugned order dated 11/06/2024, whereby the appellant has been transferred from the said school and posted at GMS Jalbai Shamali.

Copy of the impugned order dated 11/06/2024 is attached as annexure.....**A**

3) That appellant feeling aggrieved from the impugned order dated 11/06/2024 preferred departmental appeal before the respondent No 2, but the same has not been decided till date. Copy of departmental appeal is attached as annexure.....**B**

4) That feeling aggrieved from the impugned order and not deciding the departmental appeal of the appellant, the appellant and his other colleagues challenged the impugned order before the court of Senior Civil Judge Swabi through declaratory suit, whereby through order dated 29/06/2024 status quo has been granted in favour of the appellant and the operation of the impugned order has been suspended. Copies of the plicant, status quo order dated 29/06/2024 are attached as annexure.....**C&D**

5) That the status quo granted by the learned Civil Court was repeatedly extended from time to time vide interim orders dated 03/08/2024, 12/08/2024 & 30/08/2024. Copies of order sheets are attached as annexure.....**E**

6) That after notice to the defendant in the suit, the suit has been argued on the ground of maintainability and through order dated 03/09/2024, the suit of the appellant has been returned on the ground of jurisdiction. Copy of order dated 03/09/2024 are attached as annexure.....**F**

7) That it is important to mentioned here that the respondent No 2 through order dated 09/09/2024 cancelled the transfers of the those employees who were plaintiffs with the appellant in the suit before the court of Civil Judge Swabi with retrospective date, however, it is too astonishing that transfer order of the appellant remained intact. Copy of the order dated 09/09/2024 is attached as annexure.....**G**

8) That in light of above scenario, the appellant is in hanging position and as such having no other remedy, but to preferring the instant Service Appeal before this Honourable Tribunal inter alia on the following grounds:-

GROUND:

- A- That the impugned office order dated 11/06/2024 are against the law, facts, norms of natural justice and material on the record, hence not tenable and liable to be set aside.
- B- That the respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 04 & 25 of the Constitution of Islamic Republic of Pakistan 1973, which act is unjust, unfair and hence not sustainable in the eye of law.
- C- That the impugned order dated 11/06/2024 is violative of the Transfer/Posting Policy of Provincial Government, therefore, not tenable and are liable to be set aside. (copy attached as Annex H)
- D- That the impugned order of dated 11/06/2024 have not been passed in the public interest, nor exigencies of public service, therefore, not tenable and liable to be set aside.
- E- That the treatment meted out to the appellant is discriminatory in nature as the transfer of his other colleagues has been cancelled by the respondent No 2.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: -09-2024

Noor Muhammad Khattak

APPELLANT

THROUGH:

**NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

UMAR FAROOQ MOHMAND

WALEED ADNAN

KHANZAD GUL

ADVOCATES HIGH COURT

CERTIFICATE:

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.

Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO _____ / 2024

MR. SALEEM JAVED

V/S

EDU: DEPTT:

AFFIDAVIT

I, Mr. Saleem Javed, (appellant), do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble tribunal.

Saleem Javed
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No _____ / 2024

MR. SALEEM JAVED

V/S

EDU: DEPTT:

APPLICATION FOR SUSPENSION OF OPERATION OF THE IMPUGNED ORDER DATED 11/06/2024 WHEREBY THE APPELLANT WAS TRANSFERRED TILL THE DISPOSAL OF THE MAIN APPEAL.

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned order dated 11/06/2024.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned orders of even dated 11/06/2024 in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of impugned orders of even dated 11/06/2024 may very kindly be suspended till the disposal of the above mentioned service appeal.

Dated: /6 -09-2024

(Signature)
APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Mr. Saleem Javed, (appellant), do hereby solemnly affirm and declare on oath that the contents of this **application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble tribunal.

(Signature)
DEPONENT



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI

"A"
-6-

CORRIGENDUM ORDER

In partial modification of this Office transfer order issued under E/No. 7945-G/ Dated 10-06-2024, the following correction/place of posting/adjustment in respect of below mentioned teachers may be read/noted as under:-

S#	Name of teacher with designation & CNIC	From	To	May be read as
1	Saddique Ahmad SCT 16202-0893290-5	GCMHSS Marghuz	GHS No.2 Tordher	Cancelled
2	Saleem Javed CT 15702-2488286-7	GMS Manki	GMS Jalbai Shamali	GMS Chontray
3	Muhammad Arif Shah CT 16201-0729859-7	GMS Jalbai Shamali	GMS Manki	Cancelled
4	Sajid Ali SST (BC) 16701-55448010-1	GHS Lahor Sharqi	GHS Ghazi Kot	Cancelled
5	Ahmad Junaid SST BC 16202-7059247-7	GHS Ghazi Kot	GHS Serai	Cancelled
5	Sahibzada Amir Sultan SST G 16202-8623877-3	GHS Shera Ghund	GMS Jangal Khel kalu khan	Cancelled
7	Sher Wali khan SPET 16202-0921015-3	GHS Pak Kaya	GHS Spin Kani	GHS Kotha
8	Waseem Zahir Khan PET 16202-2044092-3	GHS Spin Kani	GHSS Panjpir	Cancelled
9	Faqir Hussain SCT 16201-0682173-5	GHS Haryan	GHSS Kunda	GHSS Jehangira
10	Akhtar Munir CT 16202-7309537-9	GHS Malak Abad	GHS Dodher	Cancelled
11	Sareer Ahmad AT 16201-9827881-9	GMS Panawal	GHS Haryan	Cancelled

(IRFAN ALI)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst No 7980-G / Dated:- 11/06/2024

Copy forwarded for information and N/A to the:-

1. District Accounts Officer Swabi.
2. District Monitoring Officer Swabi.
3. Principal/Head Master concerned school.
4. ADEO (Estab)/B&AO/EMIS Local Office.
5. Official concerned.

Dy. DISTRICT EDUCATION OFFICER
(MALE) SWABI

13-6-2024

Page No = 243

Lahore

G.M.S. M.A. J.I.

Headmaster

Handwritten notes and scribbles in the top left corner, including some illegible text and a signature.

Handwritten text in Urdu, possibly a title or header, including the word "Gms" and "C.T."

Main body of handwritten text in Urdu, consisting of several paragraphs. The text is dense and appears to be a detailed report or letter. It includes various phrases and some numbers, such as "1000" and "10000".

A small handwritten mark or signature at the bottom right corner of the page.

(2) یہ کہ حال ہی میں مدعا علیہم نے سیاسی اثر و رسوخ و سیاسی انتقام کا نشانہ بناتے ہوئے ماورائے

قانون مدعیان کی مختلف جگہوں پر ٹرانسفر/تبدیلیاں کی ہیں جنکی تفصیل دعویٰ ہذا سے منسلک لسٹ میں موجود ہیں۔ (نقل لف ہے)

(3) یہ کہ مدعیان اپنی اپنی جگہ/سکولوں میں اپنی ڈیوٹیاں حسن طریقے سے سرانجام دے رہے ہیں

اور ان سے متعلقہ ویج کونسل کے اور پیرنٹس ٹیچر کونسل کے چیئرمین کے ساتھ ساتھ عوام الناس اور بطور خاص طالب علم بھی پوری طرح مطمئن ہیں۔

(4) یہ کہ مدعا علیہم کی یہ کاروائی غلط، ناجائز، خلاف قانون اور خلاف واقعات ہے جس نہ صرف

مدعیان کے حقوق متاثر ہو رہے ہیں بلکہ عوام الناس کے حقوق بھی بری طرح متاثر ہو رہے ہیں۔

(5) یہ کہ 2012 کی پالیسی کے مطابق یونین کونسل کی سطح پر Transfer/Posting

ہو گئے جبکہ ملازم سے درخواست کی صورت میں Choice مانگا جاتا ہے اور یوں Process کے بعد ٹرانسفر کیا جاتا ہے۔

(6) یہ کہ تمام ٹرانسفر Public Interest میں کیے جاتے ہیں نہ کہ Personal

Interest میں اور نہ ہی Political Victimization کی بنیاد پر ٹرانسفر کئے جاتے ہیں

متعلقہ احکامات مبنی بر بدعتی ہے اور متعصبانہ ہے اور مفاد عامہ میں نہیں ہیں اور جن جن کے کئے گئے ہیں۔

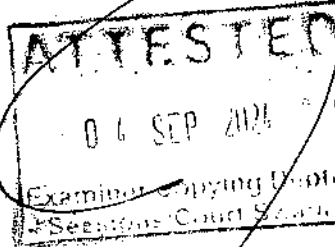
(7) یہ کہ متعلقہ خالی آسامیاں ترقی Promotion پر پُر کی جائیگی نہ کہ ٹرانسفر پر۔

(8) یہ کہ مدعا علیہم کو ہر چند خاگی طور پر کہا گیا کہ وہ ٹرانسفر مدعیان نہ کرے اور مدعیان کو اپنی اپنی

جگہ/سکولوں میں اپنی ڈیوٹیاں سرانجام دینے دیں لیکن وہ لیت و لعل کر کے اب عرصہ چند یوم سے صاف

انکاری ہیں بدیں وجہ دعویٰ ہذا کی ضرورت لاحق ہوئی۔

(9) یہ کہ مالیت مقدمہ بغرض کورٹ فیس، مالیت بغرض اختیار سماعت، بنائے دعویٰ و بنائے محامصت



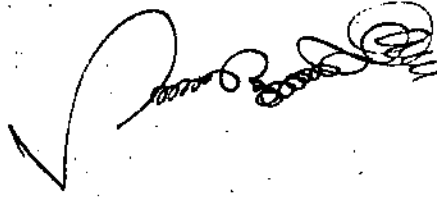
درج عنوان عرضی دعویٰ ہے اور عدالت حضور کو اختیار سماعت حاصل ہے۔

لہذا استدعا ہے کہ دعویٰ مدعیان حسب تشریح و صراحت عنوان عرضی دعویٰ بحق مدعیان
برخلاف مدعا علیہم ڈگری صادر فرمائی جاوے۔

المرقوم: 29-06-2024

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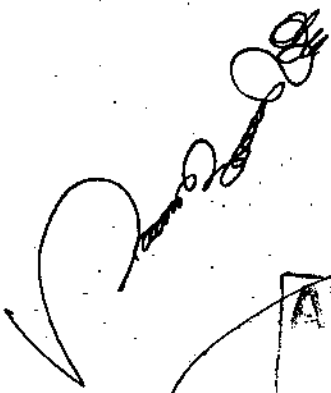
زرولی، گورنمنٹ پرائمری سکول نمبر 4 جہانگیرہ، وغیرہ۔۔۔۔۔ (مدعیان)
بذریعہ وکیل خود




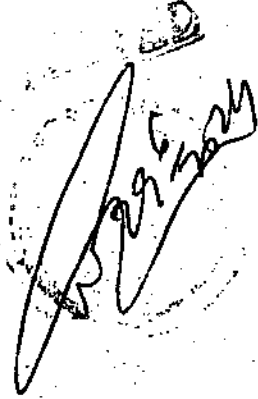
بیان حلفی

حلفاً یہاں ہوں کہ جملہ مراتب عرضی دعویٰ بذات احد علم و یقین میرے درست ہے اور کوئی
امر عدالت حضور سے پوشیدہ نہیں رکھا گیا ہے، لہذا یہاں حلفی تحریر ہے۔

زرولی، گورنمنٹ پرائمری سکول نمبر 4 جہانگیرہ، وغیرہ۔۔۔۔۔ (مدعیان)







ATTESTED
04 SEP 2024
Examiner Copying Dept
Sessions Court Sialkot

Endst No 8146-52 dated 13-06-2024

جگنا تھ 23774	جی پی ایس نمبر 4 جھاگیرہ جی پی ایس نمبر 2 جھاگیرہ	زرولی SPST
جی پی ایس جگنا تھ	جی پی ایس توڑ ڈھیر نمبر 2	ذاکر اللہ SPST
شیر اللہ بانڈہ	جی پی ایس شیخ بابا	ظاہر خان PSHT
جی پی ایس نمبر 4 جھاگیرہ 27787	جی پی ایس ڈھوک لوہارن	محمد شفیق PSHT
Endst No. 7980-G, dated 11-06-2024		
G.M.S جلپئی شمال	G.M.S ماگی	سلیم جاوید C.T
Endst No. 8165-G, dated 13-06-2024		
جی ایم ایس گاڈا کاخیل	جی ایچ ایس بازار	عزیر علی شاہ PET

IN THE COURT OF SENIOR CIVIL JUDGE, SWABI



Instant Civil suit presented by the plaintiff(s) through counsel Put up after scrutiny.

Baddar Munir,
Senior Civil Judge (Judl;),
Swabi

3) Respected Sir
29 Case file contains
29 Plant
29 application stale quo
29 documents
29 Wakalat nama
3) list of documents is annexed

Order No. 02
29/6/2024

Plaintiff alongwith counsel present. Admits and verifies the contents of plaint as true and correct. Be entered in the relevant register. Defendant(s) be summoned for 8-7-24.

Preliminary arguments on temporary injunction heard and record gone through. Hence; status quo is hereby granted to plaintiffs, subject to notice to defendants and further subject to any contrary order the superiors Courts. Operation of the transfer order of plaintiffs is hereby suspended till next date.

ATTESTED
04 SEP 2024
Examiner Copying Dept.
Sessions Court Swabi

Baddar Munir,
Senior Civil Judge (Judl;),
Swabi

ATTESTED
04 SEP 2024
Examiner: Gyan Singh
Sessions Court Sialkot

Haroon Ullah
Magistrate
Sialkot

اس لئے
پریسٹنٹ جج صاحب نے اس کی
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Interim Order
30.8.2024

A. HANAD
CIVIL JUDGE, SIALKOT (S. 10)
SIALKOT

any suspicious agents. He be put
up before the court concerned on
date fixed.

14-11-24

Interim Order
03.08.2024

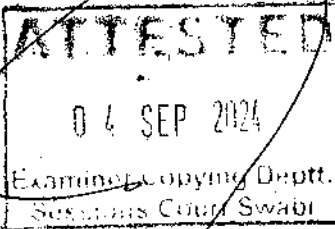
Case file requisitioned in MOD upon early hearing application and requested for extension of temporary injunction. Record received.

Perusal of case file reveals that earlier temporary injunction has already been granted vide order dated 29.06.2024, hence, the same is hereby extended for 14 Days and parties are directed to maintain the status quo in the light of the said order dated 29.06.2024, subject to notice to defendants and contrary to any orders of superior/competent courts.

Case file returned to the court concerned.

Bilal Khan Tanoli
MOD/Judge, Lahor (Swabi)

crd-05
17.08.2024 casefile is requisitioned on the application/request of plaintiffs who requested for extension in status quo. Perusal of record reveals that status quo is already granted/extended from time to time & the same is expired. Therefore, status quo already granted is hereby extended for next 14 days subject to notice to respondents & contrary orders of



ATTESTED
04 SEP 2024
Examined & Copying Done
Court Secretary

Senior Civil Judge (Judicial Magistrate)
Badrakh Munit
Lwadi

Handwritten text in Urdu script, likely a legal statement or affidavit, starting with "میں نے" (I have) and "میں نے" (I have).

Handwritten signature or name in Urdu script.

Handwritten text in Urdu script, possibly a date or reference number.

Handwritten text at the bottom of the page, including "3911-16" and "SARFED" (likely SARFED).

چونکہ آج عام تعطیل ہے، لہذا اسل حسب سابقہ مورخہ 18/7/24 کے لیے رکھی جاتی ہو۔
ریڈر عدالت

نوٹ ریڈر
08.07.2024

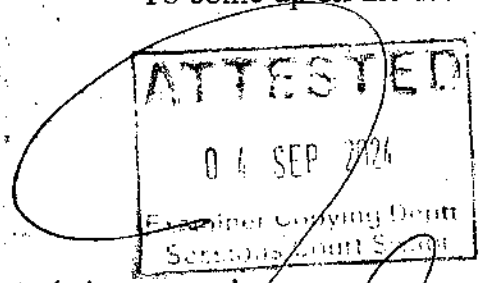
Postscript
09.07.2024

Case file requisitioned for today upon application of plaintiffs for early hearing. Reader of the court is directed to enter the same in today's diary.

Counsel for plaintiffs moved another application for extension of status quo. Record reveals that status quo has already been granted to plaintiffs hence, the same is hereby further extended till date fixed, subject to notice to the defendants and further subject to any contrary order of the apex court.

Moreover, plaintiffs' counsel is directed to argue the maintainability of suit in hand on the date already fixed.

To come up on the date already fixed. i.e - 18-7-24



Baddar Munir,
Senior Civil Judge (Judl;),
Swabi

Handwritten notes in Urdu: "وکیلان کا نام - رائد ارمان خان" (Lawyers' names - Raed Arman Khan), "ADEO Est" (ADEO Est), "DEO سوابی کا نام - فواد علی" (DEO Swabi's name - Fawad Ali), "G.P کا نام - محمد امجد علی" (G.P's name - Muhammad Amjad Ali), "عدالت سوابی کے لیے نوٹ 23-7-24 کو" (Notice for Swabi Court on 23-7-24). Includes "ex-3" and "18-7-24".

Baddar Munir
Senior Civil Judge (Judl;)

"F"
-18-

Order # 06
02.09.2024

Case file requisitioned for today upon an application filed by the one Asim Ullah C.T Teacher for initiating contempt proceedings against Head Master Ayaz Ahmad. Application is placed on file. Notice of the same be issued to Head Master Ayaz and DEO. They are directed to appear before the court personally.

File to come up on the date fixed.

Baddar Muhr,
Senior Civil Judge (Judl;),
Swabi

Order # 7
03.09.2024

Present: the parties as before. Petitioner Asim C.T Teacher and Head Master Dr. Ayaz Ahmad also in attendance.

This order is aimed to decide maintainability of instant case filed by the plaintiffs.

Brief facts of the case as per the averments of plaint are that plaintiffs are employees of Education Department and performing their duties in different cadres. That, recently the plaintiffs have been transferred/posted at various places by the defendants, using political influence and political vendetta against them. That the plaintiffs are performing their duties in the schools at their respective places and concerned village council, parents-teacher council and especially students are fully satisfied with their performance. That this act of the defendants are wrong, illegal, against the law and facts and not only the rights of plaintiffs are being affected, but also the rights of public at large are being adversely affected. That as per policy 2012, the transfer and posting should be done at Union Council level and the choice of the employee should be sought in shape of application and after due process, transfer should be done. That the transfer and posting are usually made in

ATTESTED

04 SEP 2024

Examiner - Ayaz Deptt.
Sessions Court Swabi

Contd: Or.7

03.09.2024

-19-

the public interest and not in the personal interest on the basis of political influence; hence, the transfer and posting order of the plaintiffs by the defendants is malicious, biased and is not in the public interest, which is made arbitrarily. That the concerned vacant posts should be filled on promotion and not on transfer. That the defendants were asked time and again to stop transfer and posting of the plaintiffs but in vain; hence, the present suit.

Respondents were summoned who appeared through representative. Thereafter, both the parties were asked to argue the maintainability of instant case.

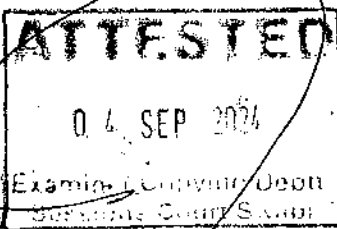
I have heard learned counsel for the parties at length and gone through available record with their assistance.

According to Article 212 of Constitution of Pakistan, if Special forum is provided for the redressal of grievance of a particular class then Civil Courts have no jurisdiction. The plaintiffs are teachers. They have challenged transfer order through instant suit. In this matter, KPK Civil Servant Act is applicable. Section 23-B of the Act clearly was the jurisdiction of Civil Court. Even otherwise, Section 56-D Specific Relief Act provides that no injunction can be granted which will amount to interfere with the public duties of any department. As the jurisdiction of Civil Court has expressly barred; therefore, suit in hand cannot be proceeded with. Resultantly, plaint be returned to the plaintiffs with the all the necessary endorsements.

Status quo, already granted to plaintiffs is hereby vacated. File of this Court be consigned to record room.

Announced: 03.09.2024

Baddar Munir
Senior Civil Judge
Swabi





-20-

DISTRICT EDUCATION OFFICE (MALE) SWABI
(Office Phone & Fax No 0938280239)



OFFICE ORDER

As the interim relief/stay granted against this Office following transfer orders has been vacated by Honorable Court of Senior Civil Judge Swabi and the case has been dismissed.

Therefore, all the heads of schools are hereby directed to relieve concerned teachers immediately with intimation to this Office.


1. Transfer Order E/No. 8165-G /Dated: 13/06/2024
2. Transfer Order E/No. 8146-52/Dated: 13/06/2024

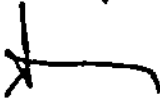
(MIDRAR ULLAH)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst. No. 10227-34 Dated 04-09-2024

Forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Swabi.
3. District Monitoring Officer Swabi.
4. ADEO(E)Sec/B&AO/EMIS Cell Local Office.
5. Principal/Head Master concerned schools.
6. SDEOs (Male) concerned.
7. Teacher concerned/Office file.


Dy. DISTRICT EDUCATION OFFICER
(MALE) SWABI





9^s -21-

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI
CANCELLATION OF TRANSFER ORDER

The transfer order of the following teachers issued vide this office Endst No.8146-52 dated 13-06-2024 is hereby cancelled from the date of it's issue in the best interest of public service with immediate effect.

S#	Name & Desig:	Transferred to
1	Mr. Zakir Ullah SPST	GPS Jaga Nai
2	Mr. Muhammad Shañiq PSHT	GPS-04 Jehangira
3	Mr. Zahir Khan PSHT	GPS Sher Ullah Banda

Note: -

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

(MIDRAR ULLAH)
District Education Officer,
(Male) Swabi

Endst: No. 10413-17 / F.No.210-2023/Transfer PST (M)/Dated: 09-09-2024

Copy of the above is forwarded to the: -

1. Sub-Divisional Education Officer (M) Concerned
2. District Monitoring Officer Swabi
3. District Accounts Officer Swabi.
4. AD-EMIS Section Local Office.
5. Officials concerned.

11/9/24
Dr. District Education Officer,
(Male) Swabi



DISTRICT EDUCATION OFFICE (MALE) SWABI

(Office Phone & Fax No 0938280239, Email: swabi@yahoogroups.com)



CORRIGENDUM ORDER

In partial modification of this office transfer/adjustment orders issued under given endorsement numbers, the place of posting/adjustment in respect of the following teachers may be read/noted as follows in the best interest of public service with immediate effect.

S#	Name & designation	Order No	Station/school where adjusted	to be read/considered as	Remarks
1.	Uzair Ali Shah PET	8165-G/ 13.06.2024	From GHS Bazar to GMS Gar Akakhel	Cancelled.	Return to GHS Bazar.
2.	Muhammad Idrees PET	-do-	From GMS Gar Akakhel to GHS Hund	Cancelled.	Return to GMS Gar Akakhel.
3.	Adnan Amin PET	-do-	From GHS Hund to GHS Bazar	Cancelled	Return to GHS Hund.
4.	Asimullah Jan CT	8115-G/ 12.06.2024	From GHS Lahar Shraqi to GMS Manki	GMS Jahangira.	A/P

Note:

1. TA/DA is not allowed for joining duty.
2. Charge reports should be submitted to all concerned.

(MIDRAR ULLAH)
DISTRICT EDUCATION OFFICER
(MALE) SWABI

Endst No 10400-06 /Dated: 09/09/2024.

Copy forwarded for information and N/A to the

1. Deputy Commissioner Swabi.
2. District Accounts Officer Swabi.
3. District Monitoring Officer Swabi.
4. ADEO(E)Sec/B&AO/EMIS cell local office.
5. Principals/Head Masters concerned.
6. Teacher concerned.
7. Office file.

9/9/24
Dy. DISTRICT EDUCATION OFFICER
(MALE) SWABI



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(Regulation Wing)

H
-23-

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) { }
- vi) While making postings/transfer from settled areas to FATA and vice-versa, specific approval of Governor, NWFP needs to be obtained
²While 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-IFATA 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 DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thanna) of his area/residence is situated.
- 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.

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-1, 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.
2
Added vide Urdu circular letter No. SOR-VI(E&AD)1-4/2003, dated 21-09-2004

A

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.

¹ 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;

xii) 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, 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.
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:

- 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.
- Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.

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:-

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.

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-19 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.

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appell No 12029

Saleem Javed

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Dept

(RESPONDENT)
(DEFENDANT)

I/We

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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. ___/___/202

S Javed

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

WALEED ADNAN

UMAR FAROOQ MOHMAND

KHANZAD GUL

&

**ABID ALI SHAH
ADVOCATES**

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)