


FORM OF ORDER SHEET

Court of _____

Appeal No. 1572/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2024	<p>The appeal of Mr. Sher Wali Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 26.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

The appeal of Mr. Sher Wali Khan received today i.e on 13.09.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos.1 & 4 are un-necessary/improper parties, 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.

No. 778 /Inst./2024/KPST,


Dt. 13/9 /2024.


OFFICE ASISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Noor Muhammad Khattak Adv.
High Court Peshawar.

R/Siv

Re-submitted after necessary
completion.


23/9/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1572 /2024

SHER WALI

VS EDUCATION DEPTT:

I N D E X

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APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE, SUPREME COURT OF PAKISTAN.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1572 /2024

Mr. Sher Wali khan, Assistant (BPS-16),
O/O District Education Officer (F), Swabi.

..... APPELLANT

VERSUS

- 1- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- Mr. Noor Ul Amin, Assistant (BPS-16), SDEO (F), Topi, Swabi under transfer to o/o DEO (F), Swabi.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED OFFICE ORDER DATED 09.05.2024 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED PRE MATURELY AND DUE TO POLITICAL INFLUENCE AND AGAINST THE INACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN THE STIPULATED TIME PERIOD OF NINTY DAYS.

PRAYER:

That on acceptance of this appeal the impugned office order dated 09.05.2024 may kindly be set aside and the appellant may not be transferred from the post of Assistant (BPS-16), DEO (F), Swabi till completion of his normal tenure. That the respondents may further lease be directed to conduct inquiry to dig out the real culprits involved in the matter. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the law abiding citizen of Pakistan and is serving the respondent department as Assistant (BPS-16) quite efficiently and upto the entire satisfaction of his superior.
- 2- That vide Notification dated 26.3.2024 the appellant has been promoted to the post of Assistant (BPS-16) on the proper

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1572 /2024

Mr. Sher Wali khan, Assistant (BPS-16),
O/O District Education Officer (F), Swabi.

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Education officer (F), Swabi.
- 5- Mr. Noor Ul Amin, Assistant (BPS-16), SDEO (F), Topi, Swabi under transfer to o/o DEO (F), Swabi.

..... **RESPONDENTS**

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R/SHEWETH:

ON FACTS:

- 1- That appellant is the law abiding citizen of Pakistan and is serving the respondent department as Assistant (BPS-16) quite efficiently and upto the entire satisfaction of his superior.
- 2- That vide Notification dated 26.3.2024 the appellant has been promoted to the post of Assistant (BPS-16) on the proper

- recommendation of the Departmental promotion committee and was posted as at the office DEO (F), Swabi. Copy of the Notification is attached as annexure **A.**
- 3- That upon posting the appellant submitted his charge report and started performing his duty as Assistant quite efficiently.
- 4- That astonishingly vide impugned office order dated 09.05.2024 the appellant was transferred to the office of SDEO (F), Topi by malafidely mentioning/showing mutual consent of the appellant and private respondent, by favoring the private respondent for posting in the office of DEO (F), Swabi. Copy of the Office Order dated 09.05.2024 is attached as annexure.....**B**
- 5- That feeling aggrieved from the impugned Office Order dated 09.05.2024 the appellant preferred departmental appeal wherein the appellant denied his consent regarding mutual transfer but the same has not been decided by the respondents within the stipulated time period. Copy of the Departmental appeal is attached as annexure..... **C**
- 6- That appellant feeling aggrieved and having no other efficacious remedy preferred the instant service appeal on the following grounds.

GROUND:

- A- That the impugned office order dated 09.05.2024 being contrary to law and rules and in utter violation of the transfer and posting policy of the Government, hence not tenable in the eye of Law and needs interference of this Honorable Tribunal to set aside the order impugned.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned transfer order dated 9.5.2024 has been issued by the respondents against the desire/consent of the appellant, therefore not tenable and liable to be set aside.
- D- That upon complaint of the appellant the Deputy Commissioner has taken up the matter between Director E&SE and DEO (F), swabi and directed for initiating inquiry but till dated no inquiry has been conducted. Copies of the letters are attached as annexure **D & E.**
- E- That respondents has violated clauses I and IV of the transfer/posting policy of the Provincial Government while issuing

the impugned office order dated 09.05.2024 as the same is premature. Copy of the policy is attached as annexure F

- F- That the private respondent No.4 is junior to the appellant and also remain sub ordinate to the appellant but despite of that the respondents posted the private respondent in place of the appellant.
- G- That the treatment meted out to the appellant is a clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan 1973.
- H- That the impugned office order has neither been issued in the public interest nor exigencies of public service, therefore not tenable in the eye of law and liable to be set aside.
- I- 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 appellant may be accepted as prayed for.


APPELLANT

SHER WALI KHAN

THROUGH

**NOOR MUHAMMAD KHATTAK
ASC**


UMAR FAROOQ MOHMAND

&


**MUJEEB UR REHMAN
MANDUKHEL
ADVOCATE**

AFFIDAVIT:

I, Mr. Sher Wali Khan, DEO (BPS-16), District Education Officer (F), Swabi Under transfer to SDEO (F), Topi, do hereby on oath 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 Tribunal


DEPONENT

- 4 -

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. _____/2024

SHER WALI KHAN

VS

EDUCATION DEPTT:

APPLICATION FOR SUSPENSION OF THE OPERATION OF
THE IMPUGNED ORDER DATED 09.05.2024 TILL THE
DISPOSAL OF THE SERVICE APPEAL.

R/SHEWETH:

- 1- That the above-mentioned appeal along with this application has been filed before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above-mentioned service appeal against the transfer order dated 09.05.2024.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the transfer order dated 09.05.2024, had been issued by the respondents in utter disregard of judgment and, law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the order dated 09.05.2024 may very kindly be suspended till the disposal of the instant service appeal.


APPLICANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT:

I, Mr. Sher Wali Khan, DEO (BPS-16), District Education Officer (F), Swabi Under transfer to SDEO (F), Topi, do hereby on oath 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 Tribunal


DEPONENT



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

No. 2916 /F.No.JA-23/MS/Promotion S/C to Assistant/2023

Dated Peshawar the 26/12/2024

Phone: 091-9225344

Email: education@kpk.gov.pk

Notification

On the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 28-12-2023, the competent Authority (Director Elementary & Secondary Education Khyber Pakhtunkhwa) is pleased to promote the following Senior Clerk BPS-14 to the post of Assistant BPS-18 on regular basis with immediate effect.

S. No	Name	Present Station	Adjusted at	Remarks
1.	Muhammad Riaz	GHSS Talhatta, Mansehra	SDEO (M) Balakot, Mansehra	A.V.P
2.	Muhammad Yousaf	DCTE, Abbottabad	DCTE, Abbottabad	A.V.P
3.	Amal Khan	GHSS Nadir Bodi, Khel, Bannu	DEO (M) Bannu	A.V.P.
4.	Azimuiddin	RPDO (M) Mir Ali, NWTD	RPDC Kotka Habib Ullah, Bannu	A.V.P.
5.	Denab Jan	GGHSS Ghiljo, Orakzai	GGHSS Ghiljo Orakzai	A.V.P
6.	Abdul Malik	GHSS Eldak, NWTD	DEO (M) NWTD	A.V.P
7.	Muhammad Isa	GHSS Kabel, Swat	SDEO (M) Kabel, Swat	A.V.P
8.	Gul Muhammad	SDEO (F) Babuzai, Swat	Disposal of DEO (F) Swat for further adjustment	
9.	Fazal Ahsan	GHSS No.3 Mingora, Swat	Disposal of DEO (M) Swat for further adjustment	
10.	Ihsan Ullah Khan	DEO (F) Swat	Disposal of DEO (F) Swat for further adjustment	
11.	Roidar Muhammad	GGHSS Ouch, Dir Lower	DEO (M) Malakand	A.V.P
12.	Muhammad Farooq	DEO (M) Swat	Disposal of DEO (M) Swat for further adjustment	
13.	Dawa Khan	GGHSS No.2 Saidu Sharif, Swat	SDEO (F) Babuzai, Swat	A.V.P
14.	Wazir Khan	GGHSS Koper, Malakand	DEO (F) Dargal Malakand	A.V.P
15.	Murtaza Khan	GHSS Ghulam Jah Bakka Khel, Bannu	DEO (M) Bannu	A.V.P
16.	Muhammad Bashir	GHSS Chellan, Haripur	DEO (M) Haripur	A.V.P
17.	Zafar Ullah	DEO (M) Bajaur	SDEO (F) Timergara, Dir Lower	A.V.P
18.	Umar Khatab	GGHSS Hathian, Mardan	DEO (M) Mardan	A.V.P
19.	Rizq Ahmed	GHSS Shekhan, Peshawar	SDEO (F) Town-III Peshawar	A.V.P
20.	Muhammad Iqbal	SDEO (M) Tangi, Charsadda	SDEO (M) Tangi Charsadda	A.V.P
21.	Amin Gul	DEO (F) Malakand	DEO (M) Malakand	A.V.P
22.	Muhammad Zahir Shah	GHSS No.1 Dheri, Alledand, Malakand	DEO (M) Malakand	A.V.P
23.	Sher Wali Khan	GHSS Gulo Dheri, Swabi	DEO (F) Swabi	A.V.P
24.	Ajmir Khan	DEO (F) Mardan	DEO (F) Mardan	A.V.P
25.	Muhammad Amin	SDEO (M) Batkhela, Malakand	SDEO (M) Batkhela, Malakand	A.V.P
26.	Jehanzeb	DEO (M) Bajaur	DEO (M) Dir Lower	A.V.P
27.	Farmah Ullah	Directorate of E&SE KP Peshawar	Directorate of E&SE KP Peshawar	A.V.P
28.	Muhammad Parvez Khan	DEO (F) Nowshera	DEO (F) Nowshera	A.V.P
29.	Muhammad Sher Ali Khan	GHSS Sherpao, Charsadda	DEO (F) Charsadda	A.V.P
30.	Afridi Khan	GHSS Mayor, Mardan	DEO (F) Mardan	A.V.P
31.	Muhammad Azam	GHSS Saral Bala, Dir Lower	DEO (M) Dir Lower	A.V.P
32.	Gohar Ali	GGHSS Kaddi, Swabi	SDEO (M) Lahore, Swabi	A.V.P
33.	Fazal Rahman	GHSS Manglor, Swat	DEO (F) Shangla	A.V.P
34.	Muhammad Bashir	DEO (F) Abbottabad	DEO (M) Abbottabad	A.V.P

35.	Tajbar Khan	GHSS Mazdoor Abad, Mardan	DEO (M) Mardan	A.V.P
36.	Nihad Ali	DEO (M) Mardan	DEO (M) Mardan	A.V.P
37.	Farid Nawaz	GCMHS No.1, Lakki Marwat	DEO (M) Lakki Marwat	A.V.P
38.	Khalil Ur Rehman	GHSS Tejwal, Abbottabad	DEO (M) Torghar	A.V.P
39.	Shahid Ullah	GHSS No.1 Cantt, Peshawar	SDEO (F) Town-IV, Peshawar	A.V.P
40.	Badshah Rahman	GHSS Sakhakot, Malakand	GHSS Sakhakot, Malakand	A.V.P
41.	Abdul Waheed	GGHSS Havelian, Abbottabad	DEO (F) Havelian, Abbottabad	A.V.P
42.	Muhammed Harif	DEO (M) Mansehra	DEO (M) Mansehra	A.V.P
43.	Shahid Gul	DEO (F) Charsadda	DEO (F) Charsadda	A.V.P
44.	Musharaf Khan	DEO (F) Kohat	DEO (F) Kohat	A.V.P
45.	Hidayatullah Rahman	DEO (F) Chitral Lower	DEO (F) Chitral Lower	A.V.P
46.	Muhammad Nasir	GHSS No.3 Peshawar City	GGHSS Comprehensive, Peshawar	A.V.P
47.	Ishfaq Ahmad Qureshi	GHSS Panian, Haripur	SDEO (M) Ghazi, Haripur	A.V.P
48.	Sardar Abdul Razaq	DEO (F) Abbottabad	DEO (F) Abbottabad	A.V.P
49.	Abdul Wasil	SDEO (F) Lower Chitral	SDEO (F) Chitral Lower	A.V.P
50.	Noor Illahi	DEO (M) Lower Chitral	DEO (M) Chitral Lower	A.V.P
51.	Musafar Shah	GGHSS Ziam, Charsadda	DEO (F) Nowshera	A.V.P
52.	Waheed Ullah	SDEO (F) Tangi, Charsadda	SDEO (F) Tangi, Charsadda	A.V.P
53.	Zahoor Ul Haq	GGHS New Darband, Mansehra	DEO (F) Torghar	A.V.P
54.	Nazir Muhammad	GGHSS Kitayara, Dir Lower	Disposal of DEO (F) Chitral Upper for further adjustment	
55.	Umar Ahmad	RPDC (M) Lower Chitral	RPDC (Male) Darosh, Chitral Lower	A.V.P
56.	Haider Ali	GCMHSS Wadudia, Swat	SDEO (M) Kabal, Swat	A.V.P
57.	Ahmad Ghani	GHSS Dheral, Swat	Disposal of DEO (M) Swat for further adjustment	A.V.P
58.	Sohrab Khan	GCMHSS Wadudia, Swat	RPDC (F) Dir Lower	A.V.P
59.	Imkhar Ud Din	GGHSS Manglor, Swat	DEO (F) Shangla	A.V.P
60.	Muhammed Shualb	GHSS Shewar, Swat	SDEO (M) Matla Swat	A.V.P
61.	Zahir Sheh	GHSS Sijbari, Swat	SDEO (F) Dassu, Kohistan	A.V.P
62.	Subhani Shah	SDEO (M) Banda Daud Shah, Karak	SDEO (M) BD Shah, Karak	A.V.P
63.	Ali Rahman	DEO (M) Swat	DEO (M) Swat	A.V.P
64.	Pir Muhammad Khan	GHSS Kokaral, Swat	DEO (M) Dir Lower	A.V.P
65.	Syed Ahmad Rashid	GHSS Charbagh, Swat	DEO (M) Kohistan Upper	A.V.P
66.	Muhammad Khalid Hussain	GHSS Baffa, Mansehra	DEO (M) Battagram	A.V.P
67.	Nasir Pasha	GGHSS Gandhian, Mansehra	DEO (F) Torghar	A.V.P
68.	Noor Ul Amin	GHSS Tarakal, Swabi	SDEO (F) Lahore, Swabi	A.V.P
69.	Safeem Shah	GHSS Barikot, Swat	RPDC Barikot, Swat	A.V.P
70.	Ashfaq Ahmad	DEO (F) Haripur	Disposal of DEO (F) Haripur for further adjustment	
71.	Muhammad Tahir	GGHSS Thathi Khurd, Mansehra	DEO (F) Mansehra	A.V.P
72.	Muhammad Kamran	SDEO (F) Haripur	DEO (F) Torghar	A.V.P
73.	Riasat Hussain	SDEO (M) Balakot	SDEO (F) Battagram	A.V.P
74.	Ghulam Qadir	RPDC (F) Swabi	RPDC (F) Swabi	A.V.P
75.	Muhammad Jehanzeb Siddiqi	Directorate of E&SE KP Peshawar	Directorate of E&SE NMDs KP Peshawar	A.V.P
76.	Sajid Ali	DEO (F) Charsadda	DEO (F) Charsadda	A.V.P
77.	Islam Gul	DPD KP Peshawar	DPD KP Peshawar	A.V.P

78.	Zahir Hussain	GHSS Aliza, Kurram	GHSS Aliza, Kurram	A.V.P
79.	Farid Khan	DEO (M) SWTD	DEO (M) SWTD Upper	A.V.P
80.	Niaz Bad Shah	DPD KP Peshawar	DPD KP Peshawar	A.V.P
81.	Ahsan Zeb Khan	GHSS Butyal, Shangla	DEO (F) Shangla	A.V.P
82.	Meher Dil Khan	DEO Orakzai	DEO (F) Hangu	A.V.P
83.	Shahid Khan	DEO (F) Nowshera	DEO (F) Nowshera	A.V.P
84.	Tajir Hussain	DEO (F) Kurram	DEO (M) Kurram	A.V.P
85.	Javed Akbar	DPD KP Peshawar	RPDC (F) Jamrud, Khyber	A.V.P
86.	Mukhtiar Ali	SDEO (F) Lahore, Swabi	SDEO (F) Lahore, Swabi	Notional Promotion due to death/retirement w.e.f 03/03/2024
87.	Habib Saidu	GGHSS Ghallanai, Mohmand	Disposal of DEO (F) Mohmand for further adjustment	
88.	Sham Sher Ali	GHSS No.1 Mingora, Swat	DEO (M) Shangla	A.V.P
89.	Riaz Gul	DEO (M) Mohmand	DEO (M) Mohmand	A.V.P
90.	Yaqoob Khan	DPD KP Peshawar	SDEO (M) Town-III, Peshawar	A.V.P
91.	Muhammad Javed	GGCHSS Abbottabad	DEO (F) Battagram	A.V.P
92.	Akhtar Shafi	Directorate of E&SE NMDs KP Peshawar	Directorate of E&SE NMDs KP Peshawar	A.V.P
93.	Amjad Ali	Govt. Fida Muhammad Khan High School Yar Hussain, Swabi	DEO (M) Swabi	Notional Promotion due to retirement w.e.f 20/03/2024.
94.	Sultan Ahmad Shah	GHS Serf Goria, Mansehra	DEO (M) Battagram	A.V.P
95.	Khalid Ur Rehman	GHSS Battal, Mansehra	DEO (M) Battagram	A.V.P
96.	Muhammad Ishaq	SDEO (F) Charsadda	SDEO (F) Charsadda	A.V.P
97.	Abdul Khalid	DEO (M) Kohat	SDEO (M) Lachi, Kohat	A.V.P
98.	Ghulam Habib	DEO (M) Haripur	SDEO (M) Alial, Battagram	A.V.P
99.	Muhammad Ijaz	GHSS Mardan	SDEO (M) Mardan	A.V.P
100.	Gula Khan	GOMHS No.1 Hangu	SDEO (M) Hangu	A.V.P
101.	Abdur Rezaq	GHSS Shahidan Banda, Karak	DEO (M) Karak	A.V.P
102.	Amir Mahmood	DEO (F) Kohat	DEO (F) Kohat	A.V.P
103.	Muhammad Tariq Alam	GGHSS Kerf Sheikhani, Kohat	GCHSS Kohat	A.V.P
104.	Ahmad Sher Khan	GHSS Hayaseri, Dir Lower	DEO (M) Dir Lower	A.V.P
105.	Khalid Khan	GGHSS Mathra, Peshawar	SDEO (M) HSD, Peshawar	A.V.P
106.	Wahed Gul	DEO (M) Kohat	DEO (F) Kohat	A.V.P
107.	Ziara Khan	Directorate of E&SE KP Peshawar	Directorate of E&SE KP Peshawar	A.V.P
108.	Shaukat Hayat	GHSS No.1 Saidu Sharif, Swat	DEO (F) Dir Lower	A.V.P
109.	Ajab Khan	GGHSS Tarangi Bala, Mansehra	DEO (M) Torghar	A.V.P
110.	Muhammad Amin	Directorate of E&SE NMDs KP Peshawar	Directorate of E&SE NMDs KP Peshawar	A.V.P

D:\Seniority List New 2023\Seniority List of Senior Clerk\Adjustment & Promotion Order.doc

S.No	Name	Present Post	Posted at	Remarks
1.	Tang Khushid	Directorate of NMDs KP Peshawar	Directorate of NMDs KP Peshawar	A.V.P of Senior Clerk BPS-14
2	Musa Khan	Directorate of NMDs KP Peshawar	Directorate of NMDs KP Peshawar	A.V.P of Senior Clerk BPS-14
3	Mr. Azhar Gul	Directorate of NMDs KP Peshawar	Directorate of NMDs KP Peshawar	A.V.P of Senior Clerk BPS-14
4	Shahid Ali	Senior Clerk BPS-14 Assistant Post BPS-16	DEO (F) Charadda	A.V.P of Senior Clerk BPS-14
5	Mr. Alam	Senior Clerk BPS-14 Assistant Post BPS-18	SDEO (F) Tangi, Charadda	A.V.P of Senior Clerk BPS-14
6	Naseer Khan	Senior Clerk BPS-14 Assistant Post BPS-16	DEO (F) Charadda	A.V.P of Senior Clerk BPS-14
7	Bashir Khan	Senior Clerk BPS-14 Post working against CT	DEO (M) Charadda	A.V.P of Senior Clerk BPS-14
8	Rafi Ullah	Senior Clerk BPS-14	DEO (F) Charadda	A.V.P of Senior Clerk BPS-14
9	Wasil Ullah Senior	Senior Clerk BPS-14	GHSS Ballagram, Charadda	A.V.P of Senior Clerk BPS-14
10	Yar Muhammad	Senior Clerk BPS-14	DEO (M) Mardan	A.V.P of Senior Clerk BPS-14
11	Noor Alim Senior	Senior Clerk BPS-14	GHSS Sherpao, Charadda	A.V.P of Senior Clerk BPS-14

Consequential Posting/Transfer

111.	Noor Salim Khan	GHSS Ballagram, Charadda	RPDC (F) Peshawar	A.V.P
112	Muhammad Iqbal	GHSS Chantfort, Mardan	BDEO (M) Mardan	A.V.P
113.	Fazl Chahar	Directorate of E&SE NMDs KP Peshawar	Directorate of E&SE NMDs KP Peshawar	A.V.P
114.	Maqbool Ahmad	GHSS Nagrai Payan, Dir Lower	DEO (M) Dir Lower	A.V.P
115.	Misar Ashraf	GHSS Bereela, Haripur	DEO (M) Swabi	A.V.P
116	Sultan Ali	GHSS Boobek, Charadda	DEO (M) Nowshera	A.V.P
117.	Rashid Zaman	DEO (M) Haripur	DEO (M) Swabi	A.V.P
118.	Syed Abd Raza	Directorate of E&SE KP Peshawar	Directorate of E&SE KP Peshawar	A.V.P
119.	Rustam Khan	GHSS Nizatta, Charadda	DEO (M) Peshawar	A.V.P
120.	Amir Shah	DEO (M) Mohmand	GHSS Ghallani, Mohmand	A.V.P
121.	Fahat Ullah	Directorate of E&SE KP Peshawar	Directorate of E&SE KP Peshawar	A.V.P
122.	Ashraf Hussain	DEO (M) Charadda	DEO (M) Charadda	A.V.P

26/3/24
 Deputy Director (E&S)
 Directorate E&S Secondary Education
 Khyber Pakhtunkhwa Peshawar

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Elementary & Secondary Education Khyber Pakhtunkhwa.
3. Director, Directorate of Curriculum & Teacher Education Abbottabad.
4. Director, Directorate of DPD Peshawar.
5. Additional Director, Directorate of E&SSE NMDA Peshawar.
6. District Education Officer (Male/Female) Khyber Pakhtunkhwa including NMDA.
7. District Account Officers Concerned.
8. SDEOs Concerned.
9. Principals/Head Masters Concerned.
10. Officials Concerned.
11. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
12. Master File.

Endst: No. Even No & date

Copy forwarded to the:-

BYEDA SAMINA ALTAF
 Director
 Elementary & Secondary Education
 Khyber Pakhtunkhwa, Peshawar

1. The above named officials promoted to the post of Assistant BPS-16 shall remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules-15(1) of Khyber Pakhtunkhwa Civil Servant Act (Appointment, Promotion and Transfer) Rule, 1989 which is extendable to another year with the specific orders of the Appointing Authority within a period of two months on the expiry of the first year of probation as specified in Rule-15(2) of the bid rules.

23	Javed Khan Senior Clerk BPS-14	Directorate of E&S NMDs KP Peshawar	Directorate of E&S KP Peshawar	A.V.P of Senior Clerk BPS-14
22	Rashid Hussain Senior Clerk BPS-14	DEO (M) Peshawar	Directorate of E&S KP Peshawar	A.V.P of Senior Clerk BPS-14
21	Jalal Ud Din Senior Clerk BPS-14	GHS Ayun, Chitral	SDEO (F) Chitral	A.V.P of Senior Clerk BPS-14
20	Fazil Rahim Senior Clerk BPS-14	GHS Ibrahim Zai, Hangu	DEO (M) Orakzai	A.V.P of Senior Clerk BPS-14
19	Tahir Nur Junior Clerk BPS-11	GHS GU Khat District Malakand	District Malakand	A.V.P of Senior Clerk BPS-14
18	Ali Amin Senior Clerk BPS-14	GHS No.3 Peshawar Cantt	Directorate of E&S KP Peshawar	A.V.P of Senior Clerk BPS-14
17	Inam Ullah Senior Clerk BPS-14	GHS Saddique Kot NWTD	RPDC (M) Mir Ali, NWTD	A.V.P of Senior Clerk BPS-14
16	Ghani Ur Rahman Senior Clerk BPS-14	GHS Pailnow, Malakand	Charadda	A.V.P of Senior Clerk BPS-14
15	Mahboob Ali Senior Clerk BPS-14 working against Post	RPDC (M) Lower Chitral	DPD KP Peshawar	A.V.P of Senior Clerk BPS-14
14	Aziz Rahman Senior Clerk BPS-14 working against Computer Operator Post	DEO (M) Mardan	GHS Ghallani Mardan	A.V.P of Senior Clerk BPS-14
13	Mukhtaram Senior Clerk BPS-14 working against Computer Operator Post	SDEO (F) Shabqadar, Charadda	GHS Zaim, Charadda	A.V.P of Senior Clerk BPS-14
12	Juma Khan Senior Clerk BPS-14 working against Computer Operator Post	GHS Barwat, Orakzai	GHS GMI/D, Orakzai	A.V.P of Senior Clerk BPS-14
	Senior BPS-14 working against Post	Charadda	Charadda	BPS-14

Received on 01.06.2024 "B"

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

Phone: 091-9225344

Email: ddadm.ee@gmail.com

DA-III
22/5/24
215

-10-1205
22/5/24

OFFICE ORDER

Consequent upon approval of the competent authority and ban relaxation, the Mutual transfer/adjustments in respect of the following officials are hereby ordered on their own pay and BPS in the interest of public service with immediate effect.

1	Mr. Sher Wali Khan, Assistant BPS-16	DEO (F) Swabi	SDEO (F) Topi	V.S.No.2
2	Mr. Noor Ul Amin, Assistant BPS-16	SDEO (F) Topi	DEO (F) Swabi	V.S.No.1

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. 3709-12 / F.No./A-23/MS/ Transfer/Swabi/2021

Dated Peshawar the 09-05 /2024

Copy forwarded to the:-

1. District Accounts Officer, Swabi
2. DEO (F) Swabi
3. SDEO (F) Topi.
4. Officials concerned.
5. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
6. Master File.

Deputy Director (F&A)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

9/5/24

To

The Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

"C"

DNO. 1255/01-06-24

- 11 -

Subject:-

DEPARTMENTAL APPEAL FOR CANCELATION OF TRANSFER ORDER & CONDUCTION OF INQUIRY AGAINST THE TRAGEDY / CONSPIRACY OF TRANSFER Vide No. No.3709-12/F.NO./A-23/MS/Transfer/Swabi/2021 dated Peshawar the 09/05/2024 received to the appellant on 01/06/2024

Respected Sir/ Madam

It is humbly requested in your honor: -


1. That the subject transfer is pre mature, in ban period, against the interest & desire of the appellant, issued by the Dy: Director of E&SED KPK without proper investigation of the facts
2. That the subject transfer is a tragedy / conspiracy against the life of appellant
3. That Tehsil Topi is the area of the appellant's enemies
4. That the appellant's late brother has been assassinated in the area on 25/-7/1995
5. That some time ago the murderer has also been assassinated in the District of Hazara Division by some unknown persons while FIR has not been lodged against the appellant but the enmity is still running between the parties
6. That the area of SDEO Female in Tehsil Topi is not a secure duty station for the life and honor of the appellant
7. That the appellant has been shifted about 50 KM away from his native village of Tehsil Topi to Tehsil Swabi along with family due to enmity /security reason
8. That a mafia group of (Government civil servants) working in the Elementary & Secondary Education Department against the life and interest of appellant since 2012
9. Therefore' this pre mature transfer in ban period against the desire / interest of appellant is a tragedy / planned plot of conspiracy
10. This is the second attempt of this mafia for sending the appellant to the area of his enemies
11. That the appellant have submitted the applications along with FIR of his late brother to the DEO Female Swabi, DEO Male Swabi, Deputy commissioner Swabi, Commissioner Mardan Division Mardan, Secretary Education KPK, Chief Secretary of KPK, Governor of KPK and to the President House Aiwan e Sadar Islam Abad for inquiry but the inquiry is still pending on the part of State departments

It is therefore' requested in your honor: -

1. That the subject transfer may please be canceled immediately
2. That the Inquiry of the tragedy may please be made as soon as possible
3. That the matter may please be reported to the Honorable minister for E&S Education as soon as possible

Prior copies for information and necessary action are forwarded to: -

1. The President House Aiwan e Sadar Islamabad
2. The Honorable Governor KPK Peshawar
3. The Chief Secretary KPK Peshawar
4. The Minister for Education KPK Peshawar
5. The Secretary Education KPK Peshawar
6. The Commissioner Mardan Division Mardan
7. The Deputy commissioner Swabi


SHER WALI KHAN S/O HUKMAT KHAN
ASSISTANT DEO FEMALE SWABI
CNIC NO 16202-0668822-3
MOBILE NO 0346 93 23 783

01-06-2024



"B" -12-

18.11.2022

DEPUTY COMMISSIONER SWABI

Tel #: 0938 - 920013

e-mail. adcswabi@gmail.com

fax #: 0938 - 920006 - 90007

No. 1888 /ADC/GC/Swabi


Dated 18 /11/2022

To:

The District Education Officer (F),
Swabi.


Subject: PROTEST AGAINST NEGLIGENCE AND LAWLESSNESS.

Enclosed find herewith a copy of self-explanatory letter No. 1182/ Sec/ Com/ 3294 dated 14-09-2022 along with its enclosures received from Secretary to Commissioner, Mardan Division Mardan on the subject noted above and request that the record may be handed over to the applicant and his other grievances may be redressed as per law/ rules, please.


Addl: Deputy Commissioner (G),
Swabi

Copy to the:

1. Secretary to Commissioner, Mardan Division, Mardan with respect to his letter mentioned above.
2. PS to Deputy Commissioner, Swabi


Addl: Deputy Commissioner (G),
Swabi

13³/₂₀₂₃

1E' -13-



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9225540

No. Gov/NO(C.)E&SED/KPK/1-7/2022/Sher Wali/SE-2859-2327

Dated 13.03.2023

To

The District Education Officer (Female),
District Swabi.

Subject: APPEAL FOR INQUIRY AGAINST INHUMAN AND ILLEGAL TREATMENT
IN EDUCATION DEPARTMENT OF KPK.

I am directed to refer to the subject cited above and to state that during personal hearing dated: 07.03.2023 it was decided to reply the questionnaire (copy enclosed) raised by the complainant Mr. Sher Wali Khan, S/Clerk GHSS Ghulo Dheri Swabi, within one week time positively, please.

Encl: As Above:


SECTION OFFICER (COMPLAINT)

Ends: of even number & date:

Copy of the above is forwarded to the:

1. PS to Secretary, Elementary & Secondary Education Department
2. PA to Additional Secretary (Monitoring), E&SE Department.
3. PA to Deputy Secretary (Monitoring, Admn), E&SE Department.


SECTION OFFICER (COMPLAINT)

postal Receipt No. 766 No. 124325320

4/6/2024

-14-



DISTRICT EDUCATION OFFICE (FEMALE) SWABI



Phone No: 0938-280339
deofemaleofficeswabi

Email: emisfewabi@yahoo.com



No 1326 /F: No. AD/VII/Earned Leave /Dated 03/06 2024

TO,

Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


Subject: **DEPARTMENTAL APPEAL FOR CANCELATION OF
TRANSFER ORDER & CONDUCTION OF INQUIRY
AGAINST THE TRAGEDY / CONSPIRACY OF
TRANSFER vide No.3709-12/F.NO./A-23/MS/Transfer/
Swabi/2021 dated Peshawar the 9/5/2024, received to the
appellant on 01/06/2024**

Memo:

Enclosed Please find herewith an original application on the subject cited above, in respect of Sher Wali Khan Assistant of DEO Female Swabi for further necessary action please


Enclose: -

1. Copy of transfer order


DY: DISTRICT EDUCATION OFFICER,
(FEMALE) SWABI

Copy forwarded for information to the: -

1. The official concern


03/06/2024
DY: DISTRICT EDUCATION OFFICER,
(FEMALE) SWABI



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/transfer 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 quotas in the Provincial Services should compulsorily serve in FATA for at least 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 (DCOs) and DPOs 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.
- viii) No posting/transfers of the officer s/officials on detention 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.

Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No. SOR-VI(B&AD) 4/2008/NO-I dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules for 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 the force of the policy and rules. Added vide Urdu circular letter No. SOR-VI(B&AD) 4/2003 dated 21-09-2004.

- 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.
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:
- 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:-

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:

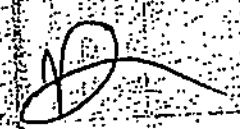
- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

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/I-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.



VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 12024

Shah Wali Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/We Shah Wali Khan

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. / / 2022


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)