


FORM OF ORDER SHEET

Court of _____

Appeal No. 1865/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/10/2024	<p>The appeal of Mr. Muhammad Noor Sultan resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 11.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p>  <p>REGISTRAR</p>

This is an appeal filed by Mr. Muhammad Noor Sultan today on 27.09.2024 against the orders dated 28.06.2024 & 19.07.2024 against which he preferred/made a departmental appeals on 11.07.2024 & 20.07.2024 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to file fresh appeal after maturity of cause of action.

No. 845 /Inst./2024/KPST.

Di 27/9/2024.

Amna Pilloo
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ahmad Sultan Tareen Adv.
High Court Peshawar.

Note: Respected Sirs,

As the appellant had already filed dept. appeal dated 17/07/24 against the original impugned order dated 28/6/24 and under the law and rules only one dept. appeal is permissible, therefore there is no need to file subsequent dept. appeal against the subsequent order dated

In view of the above, the instant appeal may kindly be filed before Honorable Bench.

Noor Muhammad Ratha
ASC

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

Muhammad Noor Sultan

Versus

Govt. of Khyber Pakhtunkhwa and others

**Application for fixation of the above titled
case before the Principal Seat of Khyber
Pakhtunkhwa Service Tribunal Peshawar**

Respectfully Sheweth:

1. That the above titled service appeal is being filed before this Hon'ble Service Tribunal.
2. That the case relates to jurisdiction of Camp Court D.I.Khan but there was no chance for availability of Court at D.I.Khan in near future.
3. That it is an urgent matter, if not fixed at Principal Seat Peshawar then the petitioner will suffer irreparable loss and the petition will become infructuous, hence this application.

It is, therefore, prayed that on acceptance of this application, the above titled case may kindly be fixed before the Principal Seat of Khyber Pakhtunkhwa Service Tribunal Peshawar.

Through

Applicant/Petitioner


Ahmad Sultan Tareen

Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. 1865 /2024

Muhammad Noor Sultan, Deputy DEO (Male) (Management Cadre),
District Dera Ismail Khan.

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Chief secretary Khyber
Pakhtunkhwa Peshawar and others

.....RESPONDENTS

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Dated: 27.09.2024

Your Humble Appellant


Muhammad Noor Sultan

Through

AHMAD SULTAN TAREEN
Advocate

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. 1865 /2024

Muhammad Noor Sultan, Deputy DEO (Male) (Management Cadre)-District Dera-Ismael Khan.

.....APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
3. Dr. Asim Saeed Senior SS Islamiat, (BPS 18) (Teaching Cadre) GHSS Ramak D.I.Khan. presently working as Deputy DEO (Male) DI Khan.

.....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE KP
SERVICE TRIBUNAL ACT 1974 AGAINST THE
NOTIFICATION BEARING NO SO(MC) E&SED/4-
16/2024/PT/DDEO(M)/DIK DATED 28-06-2024 AS WELL
AS SUBSEQUENT NOTIFICATION DATED 19-07-2024.

PRAYER:

On acceptance of present service appeal and by setting
aside notification bearing no SO(MC)E&SED/4-
16/2024/PT/ DDEO (M) / DIK dated 28-06-2024 as well as
subsequent notification dated 19-07-2024, the impugned
transfer of appellant from the post of DDEO(M) DIKhan
and subsequent notification dated 19-07-2024 may
graciously be cancelled and as result thereof the posting of
appellant as DDEO (M) DI Khan may graciously be
restored.

Respected Sheweth:-

BRIEF FACTS:-

The appellant through counsel respectfully submits as under:-

1. That the appellant is serving in the education department in Management cadre and addresses of the parties as given above are correct & sufficient for the purpose of service.
2. That vide notification no SO(MC)E&SED/4-16/2021/ posting/ transfer/MC dated 03.01.2022 petitioner was posted as SDEO (M) Paharpur DIKhan and after 1 day vide notification no (MC) E& SED/4-16/2021/posting/transfer/MC dated 04.01.2022 was transferred as SDEO(M) Alai Battagram and discontented with his transfer, appellant preferred service appeal no 76/2022 which was decided in appellant's favor and set aside the order dated 04.01.2022. (Copy of notification dated 03.01.2022, 04.01.2022 and judgement dated 05.07.2022 are annexed as Annexure A, B & C.
3. That in utter disregard and violation of the judgement dated 05.07.2022 of this honorable Tribunal as well as posting transfer policy of Khyber Pakhtunkhwa appellant was again transferred vide notification dated 27.03.2023 and appellant filed implementation petition no 223/2023 in line and with reference to service appeal no 76/2022 and respondent produced copy of notification dated 10.04.2023 vide which the petitioner has been posted as SDEO(M) Dikhan vide order sheet dated 18/05/2023. (Copy of order sheet dated 18/05/2023 in implementation petition no 223/2023 in service appeal no 76/2022 and notification dated 10/04/2023 are annexed as Annexure D&E.
4. That appellant again transferred vide notification dated 01/08/2023 and appellant again filed execution petition no 558/2023 in service appeal no 76/2022 and respondent withdrew the notification dated 01/08/2023 vide notification dated

04/08/2023. (Copy of notification dated 04/08/2023 is annexed as Annexure F).

5. That, the appellant was serving as SDEO (Male) DI Khan. He was authorized to look-after the charge of post of DDEO (Male) vide notification dated 27.09.2023 and subsequently was posted as DDEO (Male) DIKhan vide Notification dated 01.12.2023 (Copy of Notification dated 27.09.2023 & 01.12.2023 are Annexed as G&H).

6. That, being dissatisfied with Notification dated 27.09.2023 & 01.12.2023, the present respondent No.3 (Dr. Asim Saeed) filed service appeal No.2586/2023 before this Hon'ble Tribunal against respondent department as well as against appellant which was dismissed with some observations vide Judgement dated 12.02.2024, which is reproduced as under:-
"With observation to post the appellant (Present respondent no 3) on the position of Principal for which he was appointed".
(Copy of Judgement dated 12.02.2024 is annexed as I).

7. That, during the proceeding of the above said appeal, this Hon'ble Tribunal observed that present respondent No.2 belong to Teaching cadre whereas the post of DDEO (Male) is administrative post and also into consideration of his appointment order according to which he was appointed as Principal and being school specific post, he could not be transferred to any other position, not even any other post of teaching cadre. While issuing the impugned order dated 27.09.2023, this fact was not kept in view, in our opinion, it would have been in the fitness of mater to post the appellant on the position i.e Principal for which he was appointed. (Copy of Appointment Notification dated 25.08.2015 is annexed as J).

8. That, vide judgment dated 12.02.2024, this Hon'ble Tribunal was pleased to direct the official respondents to post the

appellant (present respondent No. 3) on the position of Principal for which he was appointed.

9. That, now the appellant was transferred and directed to report to Directorate of E&SE vide Notification dated 28.06.2024 and subsequently aggrieved of this notification, appellant preferred departmental appeal dated 29.06.2024 subsequent respondent No.2 diary No. 3759, dated 11.07.2024 but very surprisingly Dr. Asim Saeed Teaching cadre (*Appellant in Service Appeal No.2586/2023, which was dismissed vide Judgment dated 12.02.2024*), again has been appointed/posted as DDEO (Male) DI Khan vide Notification dated 19.07.2024, in gross violation of the verdict of the judgment dated 12.02.2024 of this Hon'ble Tribunal. Thereafter, appellant also preferred application/objection petition dated 20.07.2024 against order dated 19.07.2024. (Copy of notification dated 28.06.2024, representation dated 29.06.2024 with receipts, notification dated 19.07.2024 and application/objection petition dated 20.07.2024 with receipt are enclosed as Annexure K, L, M& N).

10. That after not considering the departmental appeal dated 29.06.2024 & passing of stipulated period, the appellant has been left with no option but to file present service appeal before this Honorable Tribunal for cancellation of transfer notification dated 28.06.2024 and subsequent notification dated 19.07.2024 on inter alia the following grounds:

GROUNDS:

- A. That the appellant was transferred several times in a short span of time before completing his normal tenure which is against the judgements of superior courts as well as the posting transfer policy of Govt. of Khyber Pakhtunkhwa.
- B. That the impugned notifications have been issued to oblige the political figure of the area and therefore the same is having no legal sanctity and not worth to be maintained.

C. That the appellant has not yet completed his ordinary tenure of the service as DDEO DI Khan and his transfer through the impugned notifications is based on malafide and due to political victimization, based on favoritism and also there are no compelling circumstances for the impugned transfer of appellant before completion of his ordinary tenure, and furthermore under the Khyber Pakhtunkhwa posting and transfer policy normal tenure of service is 3 years and transfer in the violation of such policy is simply to be recalled. Reliance is placed on 2001 PLC (CS) 172.

D. The Dr. Asim Saeed (respondent No.3) is Principal and belongs to teaching cadre whereas the petitioner is Management cadre. The act of the respondent department is not only against the mandate of the judgment dated 12.02.2024 of this Hon'ble Tribunal but also contemptuous one as this Hon'ble Tribunal clearly directed the respondents to post the respondent No.3 on the position of Principal for which he was appointed.

E. That, Dr. Asim Saeed (respondent No.3) is Principal belongs to teaching cadre and prior to the judgment dated 12.02.2024, he has been appointed as Teacher. Whereas this Hon'ble Tribunal also directed the respondent department to post the appellant on the position of Principal for which he was appointed. The petitioner also made representation to the official respondents regarding the appointment of Respondent No.3 (teaching cadre) against administrative post, but of no avail and respondent No.3 being Principal of teaching cadre is again appointed as DDEO (Male) DIKhan vide Notification dated 19.07.2024 which is also clear violation of the judgement of this Hon'ble Tribunal.

F. That, the acts of official respondents are clear violation of the judgment dated 12.02.2024, of this Hon'ble Tribunal and contemptuous of the judgment of this Hon'ble Tribunal.

G.

That Hon'ble Peshawar High Court while disposing off WP No.2937/2009 directed the Chief Secretary, Khyber Pakhtunkhwa and other official respondents to implement the Government Policy with full force ensuring that teaching cadre be posted in educational institutions to teach the students while those belonging to administrative cadre shall hold the post relating to administration and also this Judgement was endorsed to different Departments including Secretary Govt of Khyber Pakhtunkhwa E&SE Department, by Govt. of Khyber Pakhtunkhwa Establishment Department vide letter No.SG(E-1)E&AD/9-88/2019, dated 8th February 2019. (Copy of Judgement/ Order dated 18.11.2009 passed in WP No.2937/2009 and Order for implementation dated 08.02.2019 are enclosed as Annexure O&P).

H.

That the counsel for the appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore humbly prayed that the present service appeal may graciously be allowed as prayed for and thereby the impugned transfer of appellant vide notification dated 28.06.2024 and subsequently notification dated 19.07.2024 may kindly be cancelled and as a result thereof the posting of appellant as Deputy DEO.(M) DIKhan may kindly be restored;

Your Humble Appellant


Muhammad Noor Sultan

Through

AHMAD SULTAN TAREEN
Advocate
0333-9434837

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

Muhammad Noor Sultan, Deputy DEO (Male) (Management Cadre)
District Dera Ismail Khan.

..... APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Chief secretary Khyber
Pakhtunkhwa Peshawar and others

..... RESPONDENTS

AFFIDAVIT

I, Muhammad Noor Sultan, Deputy DEO, (appellant), do hereby solemnly
affirm and declare on oath that the para-wise contents of the instant service
appeal are true and correct to the best of my knowledge and belief and
nothing has been concealed from this Honourable Tribunal.

Identified by Counsel

M. Sultan
Deponent

12103-1489991-7

AHMAD SULTAN TAREEN
Advocate
0333-9434837

(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

CM No. _____/2024

In

Service Appeal No. _____/2024

Muhammad Noor Sultan, Deputy DEO (Male) (Management Cadre)
District Dera Ismail Khan.

.....APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Chief secretary Khyber
Pakhtunkhwa Peshawar and others

.....RESPONDENTS

APPLICATION WITH THE REQUEST TO SUSPEND
THE OPERATION OF NOTIFICATION No.
SO(MC)E&SED/4-16/2024/PT/DDEO/DIK DATED:
28.06.2024 AS WELL AS NOTIFICATION DATED
19.07.2024 ISSUED BY RESPONDENT NO 2, TILL
FINAL DECISION OF SERVICE APPEAL AND IN THE
MEANWHILE RESPONDENT MAY ALSO BE
ABSTAINED FROM TAKING ANY ACTION
DETRIMENTAL TO THE SERVICE CAREER OF THE
PETITIONER.

Respectfully Sheweth,

1. That, CM is being filed before this Honorable Tribunal and grounds of same may please be considered as an integral part of the subject service appeal.
2. That, appellant transferred from Deputy DEO(M) DI Khan to Directorate vide notification dated 28.06.2024 and Respondent No. 3(Teaching Cadre) appointed as Deputy DEO (M) DI Khan against management cadre post vide notification dated 19.07.2024 which is clear cut violation of the judgement of High Court as well as this Honorable Tribunal dated 12.02.2024.

- 3. That, the appellant has got a good prima facie case on law as well as on facts and there is every likelihood of the success of the service appeal. Hence balance of convenience tilts in favor of Appellant.
- 4. That, the Notifications are on the basis of nepotism and favoritism, because the tenure of petitioner has not been completed; therefore in case of non-suspension of notifications, the appellant will suffer an irreparable loss.

It is, therefore, humbly prayed that on acceptance of the present CM petition, the operation of Notification dated 28.06.2024 as well as subsequent notification dated 19.07.2024 may please be suspended and respondents may please be desisted from taking any action detrimental to the service career of appellant till decision of service appeal.

Your Humble Appellant

Muhammad Noor Sultan
 Muhammad Noor Sultan

Through

AHMAD SULTAN TAREEN
 Advocate
 0333-9434837

AFFIDAVIT

I, Mr. Muhammad Noor Sultan, DDEO (Male) (Management Cadre) do hereby solemnly affirm and declare on oath that all the Para-wise contents of this CM are true and correct to the best of my knowledge and nothing has been concealed deliberately from this Honorable Court.

Identified by Counsel

Muhammad Noor Sultan
 Deponent

12103-1489991-7

AHMAD SULTAN TAREEN
 Advocate
 0333-9434837

To be substituted for the notification bearing the serial number and date

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

Dated Peshawar the, January 03rd, 2022

CORRIGENDUM

No. SO MC) E&SED/4-16/2021 POSTING/TRANSFERS: In partial modification of this Department's Notification of even number dated 30-12-2021 & 31-12-2021, the Competent Authority is pleased to order the posting / transfers of the following teachers / officers of Elementary & Secondary Education, Khyber Pakhtunkhwa with immediate effect, in the public interest:-

Sr. No	Name & designation	From	To
1.	Mr. Rehmat Khan (TC BS-17)	Assistant Director, E&SE Khyber Pakhtunkhwa.	Assistant Director, MAS E&SE Khyber Pakhtunkhwa (Vice No-2)
2.	Muhammad Ashraf (TC BS-17)	Assistant Director, MAS E&SE Khyber Pakhtunkhwa	SDEO (Male) Mirali North Waziristan (AVP)
3.	Dr. Abdul Qayyum Khan (MC BS-17)	Under transfer as SDEO (Male) Miranshah North Waziristan.	Assistant Director, MAS E&SE Khyber Pakhtunkhwa (Vice No-4)
4.	Mr. Matiullah Khan (MC BS-17)	Assistant Director, MAS E&SE Khyber Pakhtunkhwa.	SDEO (Male) Miranshah North Waziristan (Vice No-3)
5.	Muhammad Wajhuddin (TC BS-17)	Monitoring Officer, E&SE Department, KP	Assistant Director, MAS E&SE Khyber Pakhtunkhwa (AVP).
6.	Mr. Nisar Ahmad (MC BS-17)	Under transfer as SDEO (Male) Kalkot Dir Upper	SDEO (Male) Rustam, Mardan (Vice No-9)
7.	Mr. Wisal Muhammad (MC BS-17)	Under transfer as SDEO (Male) Garhi Kapura Mardan.	SDEO (Male) Tangi Charsadda (AVP).
8.	Muhammad Noor Sultan (MC BS-17)	Under transfer as SDEO (Male) Bettani Lakki Marwat	SDEO (Male) Pharpur DI Khan (AVP)
9.	Hafiz Fazli Akbar (MC E&S-17)	Under transfer as SDEO (Male) Rustam Mardan	Services placed at the disposal of Directorate of E&SE KP, for further adjustment against the vacant post of AD (BS-17).
10.	Mr. Sultan Muhammad (MC BS-17)	Under transfer as SDEO (Male) Orakzai Lower	SDEO (Male) Ghari Kapura Mardan (Vice No-7)

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of Even No & date

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male) concerned.
4. District Accounts Officers concerned.
5. Director EMIS, E&SE Department with the request to upload the posting/ transfer notification on the official website of the department.
6. IPS to Minister for E&SE Department, Khyber Pakhtunkhwa.
7. IPS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

(HAFEEZ MR REHMAN SHAH)
SECTION OFFICER (Management Cadre)

ATTESTED



Annex **(B)**
(11)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223333

Dated Peshawar the January 04th, 2022.

NOTIFICATION

NO. SO(MC)E&SED/4-16/2021/POSTING/TRANSFER/MC: In partial modification of this Department's Notifications of even number dated 30-12-2021 and 03-01-2022, the Competent Authority is pleased to order the posting/transfer of the following Officers of Elementary & Secondary Education, Khyber Pakhtunkhwa with immediate effect, in the public interest. -

Sr. No	Name & designation	From	To
1	Muhammad Zareef (MC BS-17) ✓	SDEO (Male) Battagram	SDEO (Male) Pharpur DI Khan
2	Muhammad Noor Sultan (MC BS-17)	SDEO (Male) Pharpur DI Khan	SDEO (Male) Battagram ←

Altook 29/1/22

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT.

Endat: of even No. & date: -

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Battagram and DI Khan
4. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
5. District Accounts Officers Battagram and DI Khan.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Master file.

(Signature)
(HAREEZ-UJIR-REHMAN SHAH)
SECTION OFFICER (Management Cadre)
4/1/2022

Ames (C)
12

Service Appeal No.76/2022 filed "Muhammad Noor Sultan vs Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others", heard on 01.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mian Muhammad, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Camp Court Dera Ismail Khan and decided on 05.07.2022 at Peshawar

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**



BEFORE: KALIM ARSHAD KHAN :--- CHAIRMAN
MIAN MUHAMMAD :--- MEMBER (E)

Service Appeal No.76/2022

Muhammad Noor Sultan, Sub-Divisional Education Officer, Tehsil Paharur, District D.I.Khan.

.....(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar. (as written in the appeal twice).
3. Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department, Peshawar.
4. Director, Elementary & Secondary Education Department, Peshawar.
5. District Education Officer (M), Dera Ismail Khan.
6. District Education Officer (M), Battagram.
7. District Accounts Officer, D.I.Khan.
8. Muhammad Zareef, Sub-Divisional Education Officer (M), Alai Battagram.

.....(Respondents)

Present:

Mr. Ahmad Ali,
Advocate.....For appellant.

Mr. Anwar Awan,
Advocate.....For respondent No.8

Mr. Muhammad Adeel Butt,
Additional Advocate General

Mr. Farhaj Sikandar,
District Attorney.....For official respondents.

Date of Institution.....24.01.2022
Date of Hearing.....01.07.2022
Date of Decision.....05.07.2022

ATTESTED

ATTESTED

(Handwritten signatures and stamps)

Service Appeal No 76/2022 titled "Muhammad Noor Siddiqi vs Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others" (No. 76) on 01.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Afiaz Muhammad, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Camp Court Dera Ismail Khan and decided on 5-7-2022 at Peshawar.

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION BEARING NO. SO(MC) E&SED/4-16/2021/POSTING/TRANSFER/MC DATED 04.01.2022 ISSUED BY THE RESPONDENT NO.3.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: The appellant is aggrieved of notification NO. SO(MC)E&SED/4-16 /2021/ (Posting/ Transfer/MC dated 04.01.2022 issued by the Secretary to Government of Khyber Pakhtunkhwa E&SE Peshawar by way of which earlier notifications dated 30.12.2021 and 03.01.2022 were modified and the appellant was transferred to the post of SDEO (M) Alai Battagram.

2. *Facts surrounding the appeal are that on 15.09.2021 the appellant was transferred from the post of SDEO (M) Daraban to the post of SDEO(M) Paharur. After three months, the appellant was transferred to the post of SDEO(M) Bettari Lakki Marwat from where, on 03.01.2022, he was again transferred to the post of SDEO(M) Paharpur, where he assumed the charge of his post on the same day but on the very next date i.e on 04.01.2022, his notification of transfer, issued on 03.01.2022, was modified and he was, instead, transferred and posted as SDEO(M) Alai Battagram. Aggrieved of order dated 04.01.2022 he filed departmental appeal on 05.01.2022 and awaiting ninety days statutory period, when no reply was received from the respondents, he filed the instant appeal.

ATTESTED
ATTESTED
25/7/22

(M)

Service Appeal No 70/2022 filed "Muhammad Hoss Sultan vs Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others" decided on 02/07/2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mian Muhammad, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Camp Court Darul Ishaq Khan and decided on 07/2022 at Peshawar.

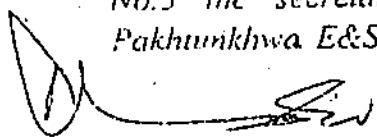
3. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who on putting appearance contested the appeal by filing written reply, raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant, learned Additional Advocate General for the official respondents and learned counsel for private respondent No.8.

5. Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same by supporting the impugned order(s).

6. It is in the reply of the official respondents, that on acceptance of the representation of private respondent No.8, he was transferred as SDEO (M), Ghazni Khel Lakki Marwat vide notification dated 15.11.2021 which was withdrawn because respondent No.8 had been declared as Returning Officer Allai Battagram during the Local Government Election 2021 phaase-I. It is further stated in the comments at para-6 and 7 read as under:

"6. Appellant filed representation before the respondents No.3 the secretary to the Government of Khyber Pakhtunkhwa E&SE Department. The worthy Secretary



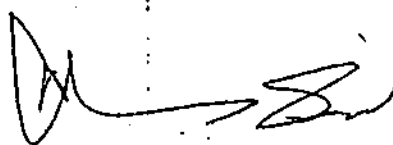
25/7/22



E&SE Department was pleased to call the appellant for personal hearing on 17.01.2022 after personal hearing of appellant the respondent No.3 was pleased to dismiss the appeal of the appellant being devoid of merit. It is further added that the private respondent No.8 appeal dated 10.12.2021 regarding his restoration as SDEO(M) Ghazni Khail, District Lakki Marwat was in process but in the mean while the post of SDEO(M) Ghazni Khail was filled with new incumbent named Mr. Abdul Qadeer Shah. Therefore, the respondent No.3 was pleased to transfer the private respondent to the post of SDEO(M) Paharpur D.I.Khan vide Notification dated 04.01.2022 being Senior Management Cadre Officer of this department.

"7. The appellant got promotion to the post of SDEO BS-17 vide notification dated 30.12.2021 and he was posted as SDEO Bhetanni District Lakki Marwat but after three days appellant got transfer to the post of SDEO(M) Paharpur D.I.Khan. This transferred order of the appellant was not justified in eye of law; therefore, competent authority has been pleased to the transfer the appellant to post of SDEO(M) Allai District Battagram. The service appeal of the appellant is an exercise in futility. Further proceedings in this regard would bear no fruit. It is, therefore, requested to this Hon'ble Tribunal to dismiss the service appeal of the appellant with cost.

7. When confronted with the situation as to what prompted the official respondents or what was the public interest involved in cancellation of the order issued on 03.01.2022 just after one day, the representative of the respondents as well as the learned AAG could not explain the situation. Therefore, it is found that impugned order is in utter violation of Clause (i) and (iv) the posting/transfer policy of the provincial government wherein it is contained that a government servant would complete normal tenure at a station it is also against the interest of public service.



05/7/22

(ATTESTED)


ATTESTED
Khyber Pakhtunkhwa Service Tribunal
Camp Court Dera Ismail Khan

ATTESTED

16

Service Appeal No 76/2022 titled "Muhammad Noor Sultan vs Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others". (No. 76/2022) dated 01.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Mian Muhammad, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Camp Court Dera Ismail Khan and decided on 05.07.2022 at Peshawar.

8. We are thus constrained to allow this appeal and as a resultant consequence, set aside the impugned order dated 04.01.2022 restoring the order dated 03.01.2022. The official respondents may, however, again transfer the appellant after completion of his normal tenure. Cost shall follow the event. As regards to private respondent No.8, the department may adjust him at a nearer station if his request is found genuine. Cost shall follow the event. Consign.

9. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 05th day of July, 2022.

KALIM ARSHAD KHAN
Chairman
Camp court D.I.Khan

MIAN MUHAMMAD
Member Executive
Camp court D.I.Khan

Certified in future copy
03/8/23
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 03/8/23
Number of pages 5
Copies 25
By 30/7/23
Date of Attestation 03/8/23
ATTESTED 03/8/23

EP 223/2023


Agree (D)
17

18th May, 2023


01. Counsel for the petitioner present. Mr Muhammad Jan, District Attorney alongwith Khalid Saeed Akhtar, ADEO (Litigation) for the respondents.

02. The said representative of the respondents produced copy of order dated 10.04.2023, vide which the petitioner has been posted as SDEO(Male) D.I.Khan on his personal consent. Placed on file. Counsel for the petitioner is satisfied of this order. The judgment of the Tribunal stands implemented. Consign

03. Pronounced in open Court at Camp Court D.I.Khan and given under my hand and the seal of the Tribunal on this 18th May, 2023.


(Parvina Paul)
Member (E)
Camp Court, D.I.Khan

For the Subhan P.S


03/8/23

Pages 2
15/5/1
03/8/23
03/8/23
03/8/23

(18)

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA

Implementation Petition No. 223 /2023

In line and with reference to
Service Appeal No. 76 of 2022

Muhammad Noor Sultan, Sub Divisional Education
Officer (male), Tehsil Paharpur, District D.I. Khan.

Petitioner

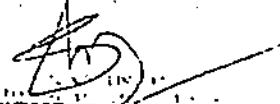
VERSUS

1. Government of Khyber Pakhtunkhwa through, Chief
Secretary Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary to Govt Of Khyber Pakhtunkhwa Peshawar,
3. Secretary to Govt of Khyber Pakhtunkhwa Elementary &
Secretary Education Department, Peshawar.
4. Director, Elementary & Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer Dera Ismail Khan, Education.
6. District Education Officer Battagram, Education.
7. District Account Officer, D.I. Khan
8. Muhammad Zareef SDEO (Male) Alai Battagram

Respondents

APPLICATION FOR IMPLEMENTATION OF
JUDGMENT DATED: 05.07.2022 PASSED
BY THIS HON'BLE TRIBUNAL IN SERVICE
APPEAL NO.76/2022, WHEREBY, THE
APPEAL OF PETITIONER WAS ACCEPTED
AND THE IMPUGNED NOTIFICATION
DATED: 04.01.2022 REGARDING
TRANSFER AND POSTING OF PETITIONER

ATTESTED



ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: 10th April 2023

NOTIFICATION

No.SO(MC)E&SED/4-16/2023/Posting/Transfer/MC/: The following posting/ transfer are hereby ordered with immediate effect, in the best public interest:-

S.#	Name & Designation	From	To	Remarks
1	Muhammad Noor Sultan MC BS-17	SDEO (Male) Paharpur	SDEO (Male) D.I.Khan	V.S.No.2 on his personal consent in the E.P No.22/233 in SA# 16/22
2	Dr. Abdul Hafeez MC BS-17	SDEO (Male) D.I.Khan	SDEO (Male) Daraband D.I.Khan	V.S.No.3
3	Muhammad Zareef MC BS-17	SDEO (Male) Daraband, D.I.Khan	SDEO (Male) Paharpur	V.S.No.1

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst of even No. & date:-

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE: Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male) Concerned.
5. District Accounts Officers Peshawar.
6. Additional Director General (Election-1) Election Commission of Pakistan, Islamabad.
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Master file.

SD
(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

G.No. 10th April, 2023

20

NO. S.D.MC/EA/ED/4-10/2023 (Posting/Transfer) The following posting/transfer orders hereby ordered with immediate effect, in the best public interest:-

Sr#	Name & Designation	From	To	Remarks
1	Muhammed Noor Sultan MC BS-17	SDEO (Male) Peshawar	SDEO (Male) D.I.Khan	V.S.No.2 on his personal request in the E.P No.22/233 in SA # 10/22
2	Dr. Abdul Hafeez MC BS-17	SDEO (Male) D.I.Khan	SDEO (Male) Dera Isband D.I.Khan	V.S.No.3
	Muhammed Zameer MC BS-17	SDEO (Male) Dera Isband D.I.Khan	SDEO (Male) Peshawar	V.S.No.1

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Encl: of even No. & date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male) Concerned.
5. District Accounts Officers Peshawar.
6. Additional Director (General (Election-1) Election Commission of Pakistan, Islamabad
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
9. Muster file.

114
10.4.23
(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

ATTEST



Amr (F) (2)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 991-9223583

Dated Peshawar the August 4th, 2023

NOTIFICATION

NO. SO(MC)E&SED/4-16/2022/POSTING/TRANSFER/MC: Consequent upon the Implementation Petition No. 558/2023 of Honorable Service Tribunal in Service Appeal No. 76/2022 filed by Mr. Noor Sultan Vs Government Of Khyber Pakhtunkhwa. The Competent authority is pleased to cancel/withdraw this Department's Notification of even number dated 01.08.2023.

**SECRETARY TO THE GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. Section Office (Litigation-II), E&SE Department Peshawar.
5. District Education Officers (Male) D.I.Khan.
6. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
7. District Accounts Officer D.I.Khan.
8. PS to Minister E&SE Khyber Pakhtunkhwa.
9. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
10. Officers concerned.
11. Master file.

111 / 4.8.2023
SECTION OFFICER (Management Cadre)



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

Dated: 27th September, 2023

NOTIFICATION

NO.SO(MC)E&SED/23/2022/Promotion/MCI/Asim Saeed/DDEO(M): Due to administrative exigencies Mr. Asim Saeed, (TC BS 18), Deputy DEO (Male) D.I.Khan is hereby transferred posted as Subject Specialist, (Islamiyat BS-18) GHSS Ramak D.I.Khan against the vacant post, with immediate effect.

2. Consequent upon the above, Muhammad Noor Sultan SDEO (M) D.I.Khan is hereby authorized to hold the Look After charge for the post of Deputy DEO (Male) D.I.Khan, in addition to his own duties, as stop gap arrangement, purely on temporary basis till the arrival of regular officer, in the best public interest.

SECRETARY TO THE GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department
4. Section Officer (School Male) E&SE Department.
5. District Education Officer (Male) D.I.Khan.
6. District Accounts Officer, D.I.Khan.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. Master file.

111 / 27.9.23
(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210676

Dated, 1st December 2023

NOTIFICATION

NO. SO (MC) E&SE/D/4-16/2023/PT(SDEO). The following posting/transfer of SDEOs are hereby ordered with immediate effect, in the best public interest.

Sr#	Name	From	To	Remarks
1.	Mr. Noor Sultan MC BS-17	SDEO (M) D.I.Khan	Deputy DEO (M) D.I.Khan in O/S	AVP
2.	Muhammad Humayun MC BS-17	SDEO (M) SD Darazanda DIK	SDEO (M) D.I.Khan	V.S.No 1
3.	Muhammad Rashid TC BS-17	Head Master (BS-17) GHS Sikandar Soul DIK	SDEO (M) SD Darazanda DIK	V.S.No.2

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Ends; of even No. & date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male) D.I.Khan.
5. District Accounts Officer D.I.Khan..
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)

ATTEST

SCANNED
KPST
Peshawar

Alex I



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

24

Service Appeal No. 2586/2023

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Dr. Asim Saeed son of Muhammad Saeed, resident of Basti Ustrana Shumali, Principal (BPS-18) presently serving under the domain of DEO (Male), Dera Ismail Khan. (Appellant)

Versus

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
4. Noor Sultan, SDEO (Sub Divisional Education Officer) (BS-17), Dera Ismail Khan. Presently posted as Deputy DEO (Male) office, D.I.Khan.....(Respondents)

Mr. Ahsan Bilal Langraw, Advocate ... For appellant
Mr. Asif Masood Ali Shah, Deputy District Attorney ... For the respondents
Mr. Khalid Mehmood Advocate ... For Private respondent No. 4

Date of Institution..... 14.12.2023
Date of Hearing..... 12.02.2024
Date of Decision..... 12.02.2024

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been

instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act,

1974 against the order dated 27.09.2023, whereby the appellant was transferred

as SSS (Islamiyat) at GISS Ramak, D.I.Khan, order dated 01.12.2023 and

against the order dated 11/12/2023, whereby the departmental appeal of the

ATTESTED

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

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appellant was rejected by the appellate authority. It has been prayed that on acceptance of the appeal, the impugned orders might be set aside/cancelled/withdrawn in the larger interest of justice.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was serving in the Education Department since 21.04.1999. Later on, he was selected and appointed as Principal (BPS-18) through Khyber Pakhtunkhwa Public Service Commission vide notification dated 25.08.2015. He, while serving as Deputy DEO (Male) D.I.Khan since 10.01.2022, was transferred and posted as Subject Specialist (Islamiyat) (BS-18) GHSS Ramak D.I.Khan and private respondent No. 4 was assigned to hold the look after charge of the post of Deputy DEO (Male) D.I Khan. Feeling aggrieved from the impugned order, the appellant preferred a departmental appeal on 02.10.2023, which was rejected by the appellate authority vide order dated 11.12.2023; hence the instant service appeal.

3. Respondents were put on notice. They submitted written rely/comments on the appeal. We heard the learned counsel for the appellant, learned Deputy District Attorney for the official respondents as well as learned counsel for private respondent No. 4 and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant had not exhausted his normal tenure of service as Deputy DEO (Male) D.I.Khan, hence the impugned order was premature and against the service rules and law. He further argued that as per service rules

every civil servant was liable to serve anywhere but it did not empower the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

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authority to cut short his normal tenure, particularly without assigning any reasons. He requested that the appeal might be accepted.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant belonged to the Teaching Cadre whereas respondent No. 4 was from the Management Cadre and hence were adjusted accordingly. He further argued that the Hon'ble Peshawar High Court vide its judgment dated 18.11.2009, in Writ Petition No. 2937/2009, had observed that it was not befitting for teachers to hold administrative posts and get benefits from it and the students suffered, therefore they should go to their respective places. He requested that the appeal might be dismissed.

6. Learned counsel for private respondent No. 4 added that the appellant was transferred vide notification dated 27.09.2023 and he was relieved from the post of Deputy DIO (Male) on 28.09.2023 and was at the strength of GISS Ramak, which the appellant challenged before the Service Tribunal on 14.12.2023. Later on, vide notification dated 01.12.2023, the competent authority had posted/transferred private respondent No. 4 as Deputy DEO (M) D.I.Khan, against which no appeal was preferred before the competent departmental authority, which was a pre-requisite under Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 and hence the service appeal was not maintainable under section 4(a) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. He further argued that the appellant had taken over

charge at GISS Ramak and private respondent No. 4 had also taken over the charge of the post of Deputy District Education Officer (M) D.I.Khan on

ACCEPTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ACCEPTED

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02.12.2023; hence the appeal had become infructuous. He requested that the appeal might be dismissed.

7. This is a service appeal against notification dated 27th September, 2023, whereby the appellant has been transferred from the post of Deputy District Education Officer (Male) BS-18, D.I.Khan to the post of Subject Specialist (BS-18) GISS Ramak, D.I.Khan. Record presented before us shows that he was posted as Deputy DEO (M) D.I.Khan vide a Notification dated 10.01.2022. It is pertinent to note here that the appellant is an officer of Teaching Cadre of the Elementary and Secondary Education Department and appointed as Principal (BS-18) through Khyber Pakhtunkhwa Public Service Commission. Terms and conditions of his service at sr. no. 6 mention that his recruitment shall be School Based and shall not be transferable to any other school. In various judgments of different courts, including this Tribunal, it has been held that officers of Teaching Cadre should not be appointed against positions of Management Cadre, but those clear instructions are frequently violated by the Elementary and Secondary Education Department on the grounds that they are short of Management Cadre Officers and that whenever and wherever need arises, officers of Teaching Cadre are posted on Management Cadre positions. It is an undisputed fact that under section 10 of the Civil Servants Act 1973, a civil servant can be posted at any position by his competent authority wherever his services are required and that he has to act according to the directions given to him. No civil servant can claim transfer/posting to any specific position of his own choice, unless his competent authority considers him fit and appropriate for such post. In the case

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

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under consideration, we see that the appellant, despite being a teaching cadre officer and specifically appointed as Principal, was posted on a management cadre post, where he completed almost one year and eight months before he was posted and adjusted against a teaching cadre post. The plea taken by the learned counsel for the appellant, that tenure of two years was not complete, does not seem genuine as he was short of only four months to complete his tenure of two years. Moreover one must not forget an important point that he was not posted on the right post, which for him was Principal of a school, being an officer specifically appointed for that position. It has been noted that the respondent department did not take into consideration his appointment order according to which he was appointed as Principal and being school specific post, he could not be transferred to any other position, not even any other post of Teaching cadre. While issuing the impugned order dated 27.09.2023, this fact was not kept in view. In our opinion, it would have been in the fitness of the matter to post the appellant on the position, i.e. Principal, for which he was appointed.


8. Learned counsel for the appellant through an amended appeal, impugned a notification dated 01.12.2023, which is again a transfer order of three officers, of which he is not a part. Against that notification, no departmental appeal had been preferred by him. From the diary number and date on the main service appeal, it appears that it was preferred on 14.12.2023 and by that date the notification dated 01.12.2023 had already been in field and under the rules, the appellant had to submit a departmental appeal first, which was not done and hence the same is not maintainable before us.

ATTACHED
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

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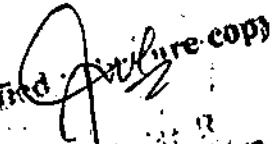
9. From the above discussion, we arrive at a conclusion that the service appeal is groundless and hence dismissed with the observation to post the appellant on the position of Principal for which he was appointed. Cost shall follow the event. Consign.

10. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 12th day of February, 2024.


(Parvatha Paul)
Member (I)


(Rashida Bano)
Member (J)

Fazle Subh in P.S

Certified  pure copy
Khyb. Service Tribunal,
Peshawar

Date of Presentation of Application	23-09-2024
Number of Words	6-P
Printing Fee	30/-
Stamp	5/-
Total	35/-
Date of Receipt	09-09-2024
Date of Delivery	23-09-2024

Ans

(30)

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GOVERNMENT OF KHYBER
PAKHTUNKHWA ELEMENTARY &
SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the August 25, 2015

NOTIFICATION

NO.SO(S)MDE&SYED/3-2/2014/Recruitment of Principal (BS-18) (Male) Consequent recommendations of Khyber Pakhtunkhwa Public Service Commission Peshawar, the competent Authority is pleased to appoint the following fifty five (55) candidates of Teaching Cadre as Principals (BS-18) (Rs. 25940-1950-64940) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government with immediate effect on the terms and conditions as given below:

Sr.#	Name, Father Name and Address	Domiciles/Zone
1	Mr. Alam Zeb, S/o Jehan Zeb, Yousaf Zal Medical Store Hospital Road Timergarah Tehsil Timergara Dir Lower	Dir/03
2	Mr. Anas-Ur-Rehman, S/o Toti Rehman, Moh: Ambar Cham District P.O and Tehsil Dir Upper.	Dir/03
3	Mr. Asif Ullah Khan S/o Ghulam Jan, Village and P.O Shahbaz Khel Tehsil & District Lakk Marwat	Lakki Marwat/04
4	Mr. Achang Zaib S/o Jahan Zen, House no.94 Sector No.4 Mohallah Dar Band Kalabat Town Ship Tehsil & District Haripur	Haripur/05
5	Mr. Faisal Khan S/o Missal Khan, C/O Star Hardware and Paint Store Milan Bazar Havelian Tehsil Havelian Distt: Abbottabad.	Abbottabad/05
6	Mr. Ghulam Rasid S/o Fazil Rasid Village Zakki Milana P.O Akbar Pura Tehsil & District Nowshera	Nowshera/02
7	Mr. Ghulam Zahir S/o Ghulam Farooq Village & P.O Bisham Tehsil Lal Qilla District Lower Dir.	Dir/03
8	Hafiz Shams-Ur-Rehman S/o Ahmed Ali, C/O Moulvi Ahmad Ali General Store Hospital Road P.O Sarai Naurang Lakki Marwat.	Lakki Marwat/04
9	Mr. Hayat Ullah S/o Shams-ul-Qamar, Mohallah Painda Khel P.O Charsadda Town Teh & District Charsadda	Charsadda/02
10	Mr. Hikmatullah S/o Ali Muhammad C/O Yousaf Medicos Hospital Road Sarai Naurang P.O Sarai Naurang Tehsil Sarai Naurang Distt: Lakki Marwat.	Lakki Marwat/04
11	Mr. Imtiaz Ali S/o Allah Dad Regional Institute of Teachers Education (Male) Haripur	Haripur/05
12	Mr. Inayat-Ul-Haq S/o Lufulullah C/O Doctor Ihsan-ul-Haq Al-Noor Medical Complex near Allaha-Akbar Mosque Saidu Sharif Swat.	Shangla/03
13	Mr. Irfanullah S/o Amin Ullah House # 850, Sadiq Abad Gul Dara Chowk P.O Namak Mandi Kakshal Peshawar.	Dir/03
14	Mr. Ishaq Ali Shah S/o Muhib Ali Shah Village & P.O Umar Payan Tehsil & District Peshawar	Peshawar/02
15	Mr. Jamil-ur-Rehman S/o Sald Akbar Khan Village Pabani Tehsil & District Swabi	Swabi/02
16	Mr. Jehad Muhammad S/o Shamsul Muhammad Mohallah Zakarya Khali village & P.O Kaddi Tehsil & Distt: Swabi.	Swabi/02
17	Mr. Kamal-ud-Din S/o Khesrow C/O Qamerudin Chatrali Mohd Dad Near Masjid Babus Salam Dabwali Peshawar.	Chitral/03
18	Mr. Khanus-Ul-Haq S/o Milan Habib Jan Village Panam Dheri P.O Mathra Tehsil & Distt: Peshawar.	Peshawar/02
19	Mr. Khan Afsar S/o Mir Afzal, Tanwal Book Depd: Cantt: Bazar Abbottabad.	Abbottabad/05
20	Mr. Khurshid Alam S/o Qamar Zaman, Village & P.O Dheri Allahdand Moh aikhel Tehsil Batkhel District Malakand.	Malakand/03
21	Mr. Khurshid Khan S/o Milan Jan, Govt. Higher Secondary School Takht Bhal District Mardan.	Mardan/03
22	Mr. Majeed Ullah S/o Gul Mula, Village and P.O Hathlan The: Takht Bhal District Mardan C/O Rehmanullah Shopkeeper Hashim.	Dir/03

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Sr.#	Name, Father Name and Address	Domicile/Zone
23	Mr. Mohabbat Shah S/o Aulfulah Jan C/o Tajak Doot Depoll Main Bazar Timergara Dir Lower.	Dir/03
24	Mr. Muhammad Ibrahim S/o Daud Khan, Mohallah, Walsayat Khali via Shahbaz Village P.O.Tordher Tehsil Lahore District Swabi	Swabi/02
25	Mr. Muhammad Ihsan Shah S/O Syed Daulat Shah, C/O Janbad Shah Chemist and Druggist Jamrud Bazar Khyber Agency.	Khyber Agency/01
26	Mr. Muhammad Irfan, S/o Faqir Gul 159 Durani House C/O Charsadda Medicose Street No. 06 Talabad Town P.O Peshawar University.	Peshawar/02
27	Mr. Muhammad Javid Khan S/o Mukmat Khan, Village & P.O Shabqadar Azim Khan Qilla Tehsil Shabqadar District Chasadda	Charsadda /02
28	Mr. Muhammad Saddique S/o Allm Shah, C/O Lub Gas Agency Tehsil road Karak.	Karak/04
29	Mr. Muhammad Siraj S/o Muhammad Ashraf, House # 5263/E Moh: Kandar Kohat Road Bhana Marl Peshawar.	Peshawar/02
30	Mr. Munir Khan S/o Zarif Khan, Rehman General Store Aziz Market Gargal Bazar Malakand.	Malakand /03
31	Mr. Nizar Ali S/o Sardar Ali GHSS Tarnab Charsadda.	Charsadda/02
32	Mr. Riz-ud-Din S/o Mohay-ud-Din, Village Gosam Tehsil Monda District Dir Lower.	Bajour Agy/01
33	Mr. Safer Ullah Khan S/o Ruck-nu-Din Village Lass Garhi Bostil Khel Dara Adam Khel F.R Kohat	FR Kohat /01
34	Mr. Sajid Faizi S/o Imam Din, C/O Waheed Cloth House, Sohrab Market Balakot, District Mansehra.	Mansehra/02
35	Mr. Sajjad Ahmad S/o Muhammad Ayub Govt Centendal Model School (GHS No.3) Mansehra.	UDA Mansehra/03
36	Mr. Sana-ul-Haq S/o Shams-ul-Haq Village & P.O Srikh Marora Tehsil Shabqadar District Charsadda.	Charsadda/02
37	Mr. Saqib Taneer s/o Sakhi Muhammad Tanver, 10 Civil Lines Jail Road D.I.Khan	D.I.Khan /04
38	Mr. Sarda Muhammad S/o Mirza Khan Village P.O Azakhel Payan Tehsil & Distt: Nowshera.	Nowshera/02
39	Sayed Zulfiqar Ali S/o Sayed Ali Bahadur Shah Village & P.O Nawagal Tehsil Mandam District Bunir	Bunir/03
40	Mr. Shaqat Hussain S/o Muhammad Ashraf, C/O Irshad Shopkeeper Near Makki Masjid Link Road Abbottabad.	Abbottabad/05
41	Mr. Shah Zada S/o Halder Khan, Village & P.O Dehri Alladand Mo: Miras Khel Malakand.	Malakand/03
42	Mr. Sher Mohammad S/o Shamsoor Rehman VIII: & P.O Chakesar Tehsil Chakesa District Shangla.	Shangla/03
43	Mr. Sher Yardan S/o Abdul Dayan, Village Kurm P.O Taru Jaba Tehsil & Distt: Nowshera	Nowshera/02
44	Mr. Taj Wali S/o Maq Ball, Village Sulaid Sung Moh: Wand Khle P.O Shagal Bazar Tehsil & District Peshawar.	Peshawar/02
45	Mr. Taqweem-ul-Haq S/o Abdur Rasid House F-46 Right Bank Colony Torbela Dam Tehsil Toppl District Swabi.	Swabi/02
46	Mr. Waqar Khan S/o Sifat Ullah, Village and P.O Masho Khel Kandi Fateh Khan Khel Kandi Tehsil and District Peshawar.	Peshawar/02
47	Mr. Zahoor Khan s/o Abdul Qayyum Khan Village Garhi Mail Khel P.O Badaber The& District Peshawar.	Peshawar/02
48	Mr. Amir Zeb S/o Mustafa Kamal, Govt High School Rustam P.O Rustam District Mardan.	Mardan/02
49	Mr. Asim Saeed S/o Muhammad Saeed, Basti Ustana North Near Boys Primary School Dara Ismail Khan.	D.I.Khan/04
50	Mr. Kifayatullah S/o Rafiullah Kahri Village & P.O Meyer Moh: Amukhel Tehsil & District Mardan.	Mardan/02
51	Mr. Muhammad Khan S/o Gul Rehman Village & P.O Gandai Mohallah Shabi Khel Tehsil Topi District Swabi.	UDA Swabi/03
52	Mr. Saif-ur-Rehman S/o Sultan Khan Hashem GHS Mandew Bannu	Lakki Marwal/04
53	Mr. Sarfaraz S/o B-N..... Girls School and College Dabgarl Gardan Peshawar.	Peshawar/02
54	Mr. Shakil Ahmad S/o Mehtab Khan Govt. High School No.2 Becket Gunj Mardan.	Mardan/02

34

Terms & Conditions of Service In r. o: officers from Sr. No. 1 to 55 above are as under:

1. Their services will be considered regular and they will be eligible for pension/deduction of GP fund in terms of Khyber Pakhtunkhwa Civil Servants Act 1973 as amended in 2013.
2. Their services are liable to termination on one month's notice from either side. In case of resignation without notice, their one month's pay/allowances shall be forfeited to the Govt.
3. They would be on probation for period of one year extendable for another one year.
4. They will be governed by such rules and regulations as may be issued from time to time.
5. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 as amended from time to time.
6. Their recruitment shall be School Based and shall not be transferable to any other School.
7. The appointees should join their posts within 30 days of the issuance of this notification. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar would furnish a certificate to the effect that the candidates have joined the posts otherwise, after one month of the issuance of this Notification, failing which their candidature shall expire automatically and no subsequent appeal etc. shall be entertained.
8. Charge report should be submitted to all concerned.
9. Notification can be downloaded from our website: www.knec.gov.pk
10. No TA/DA will be allowed to the appointees for joining their duty.

SECRETARY

Encl: as per No. & Date

Copy forwarded to:

- 1. Accountant General, Khyber Pakhtunkhwa
- 2. Director, E.S.E., Khyber Pakhtunkhwa, Peshawar
- 3. District Education Officers (Male) concerned
- 4. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
- 5. District Education Officers (Female) concerned
- 6. District Education Officers (Non-teaching) concerned
- 7. District Education Officers (Contract) concerned
- 8. District Education Officers (Temporary) concerned
- 9. District Education Officers (Part-time) concerned
- 10. District Education Officers (Ad-hoc) concerned
- 11. District Education Officers (Casual) concerned
- 12. District Education Officers (Special) concerned
- 13. District Education Officers (Specially) concerned
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- 54. District Education Officers (Specially) concerned
- 55. District Education Officers (Specially) concerned

Attested
[Signature]
[Stamp]

ATTESTED



Handwritten: (K) 25

Dated, the Peshawar 28th June, 2024

NOTIFICATION

NO.SO(MC)E&SED/4-16/2024/PT/DDEO(M)/DIK/529 Muhammad Noor Sultan (MC BS-17),
 DDEO (Male) in OPS, D.I.Khan, is hereby transferred and directed to report to Directorate
 of E&SE immediately, till further orders.

SECRETARY TO THE GOVT: OF KHYBER PAKHTUNKHWA
 E&SE DEPARTMENT

Endst: of even No.& date:

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male) D.I.Khan.
4. District Account Officer D.I.Khan.
5. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Master file.

Handwritten signature of Janbaz Ahmed

(JANBAZ AHMED)
 SECTION OFFICER (Management Cadre)

Handwritten: M. I. MEHMOOD

ATTESTED

Amir
D. No. 3759
11/7/2024
36

To

Secretary to the Government of Khyber Pakhtunkhwa;
Elementary & Secondary Education Department Peshawar.

Subject: APPEAL AGAINST NOTIFICATION DATED 28-06-2024

Respected Sir,

With profound regards it is submitted that I belong to Management Cadre and posted as Deputy District Education Officer (Male) DIKhan on OPS vide Notification No. SO(MC)E&SED/4-16/2023/PT/SDEOs/DIK Dated 01-12-2023 and the said orders were challenged in KP Service Tribunal by Assim Saeed (Teaching Cadre) vide service appeal No. 2586/2023 and decided on 12-02-2024. The said appeal was dismissed by the honourable KP Service Tribunal. Recently I have been ordered to report to the Directorate of JESED, Peshawar vide Notification NO. SO(MC)E&SED/4-16/2024/PT/DDEO(M)/DIK Dated 28-06-2024.

It pertinent to mention here that my tenure as DDEO has not been completed on this station. It is further stated that no complaint is lodged/pending against me.

Therefore, your good honor is requested to please withdraw the said notification issued on dated 28-06-2024 and oblige.

For this oblige I shall remain thankful to your good self.

Dated: 29.06.2024


Muhammad Noor Sultan
DDEO(M)DIKhan
0345-924-0885

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 address
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Pa. 37

37

Amir M (38)

BATTER COPY

Government of Khyber Pakhtunkhwa
Elementary and Secondary Education Department
Block "A" Opposite MPA Hostel, Civil Secretariat
Peshawar
Phone No. 091-9210626

Dated the Peshawar 19-July-2024

NOTIFICATION

No. SO(MC)E&SED/4-16/2024/PT/DDEO(M)/DIK Mr. asim saeed (TC BS-18), senior SS islamiat GHSS Ramak DI khan is here by transfered and posted as DDEO (Male) D.I khan against the vacant post with immediate effect, in the best public interest.

Secretary to the government of Khyber Pakhtunkhwa

E&SE Department

Endst: of even No. & date:

Copy forwarded for information to the:

1. Accountant general Khyber Pakhtunkhwa Peshawar.
2. Director E&SE Khyber Pakhtunkhwa Peshawar.
3. Director EMIS E&SE department with the request to upload the same on the official website of the department.
4. District education officers (Male) D.I khan.
5. District account officer D.I khan.
6. PS to secretary E&SE department, Khyber Pakhtunkhwa.

(JANBAZ AHMED)

Section Officer (Management Cadre)

ATTESTED

Handwritten notes and stamps at the top left.

Handwritten notes and stamps in the middle right area.

SECTION OFFICER (Management Cadre)

Signature of JANNAZ AHMED

- 1. Assistant General, Khuzdar, Peshawar.
- 2. District, F.A.S.T. Khuzdar, Peshawar.
- 3. District, F.A.S.T. Department with the request to upload the same on the official website of the department.
- 4. District, F.A.S.T. (State) D.I.Khan.
- 5. District Accounts Officer D.I.Khan.
- 6. District Secretary, F.A.S.T. Department, Khuzdar, Peshawar.

Copy forwarded for information to the:

Under of even No. & date

F.A.S.T. DEPARTMENT

SECRETARY TO THE GOVT. OF KHUZDAR PAKISTAN

Account post, with immediate effect, in the best public interest.

MISS. Raza D.I.Khan is hereby transferred and posted as D.I.O (E) D.I.Khan, against the

NO. 1000/2021 (F.A.S.T. DEPARTMENT) Mr. Asim Said (F.A.S.T. No. 187) Senior S.A. (D.I.Khan)

NOTIFICATION

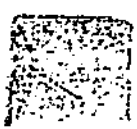
Dated the 15th day of July, 2021



GOVERNMENT OF KHUZDAR PAKISTAN
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 FEDERAL GOVERNMENT OF KHUZDAR PAKISTAN
 FEDERAL GOVERNMENT OF KHUZDAR PAKISTAN
 FEDERAL GOVERNMENT OF KHUZDAR PAKISTAN



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To

Secretary to the Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department Peshawar.

Subject: APPLICATION/OBJECTION PETITION AGAINST NOTIFICATION DATED 19-07-2024


Respected Sir,

With profound regards it is submitted that I belong to management cadre and posted as Deputy District Education Officer (M) DIKhan vide notification dated SO(MC)E&SED/4-16/2023/PT/SDEOs/DIK dated 01.12.2023 and said orders were challenged in KP Service Tribunal by Asim Saeed (Teaching Cadre) vide service appeal no 2586/2023 which was dismissed with the observation to post the appellant (Asim Saeed) on the position of Principal for which he was appointed vide judgement dated 12.02.2024.

That I have been ordered to report to directorate of E&SED Peshawar vide notification dated 28.06.2024 without observing posting transfer policy of Government regarding tenure and very astonishingly a person whose posting as Deputy DEO (M) DIKhan was restrained by Honorable Service Tribunal vide judgement dated 12.02.2024, is posted as Deputy DEO (M) DIKhan again which is clear cut violation of judgement.

Therefore, it is requested that the posting notification of Asim Saeed may be recalled and applicant may be restored to the position of Deputy DEO DIKhan & oblige.


I shall remain thank you to your good self.


Muhammad Noor Sultan
DDEO (M) DIKhan
03459240885

Dated 20/07/2024

ATTEST

41

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User : TPCHOWK.DIK Booking Date/Time : 20 Jul 2024 13:08:44 Origin : DERA ISMAIL KHAN Destination : PESHAWAR NTN NO : 2624502-4 Sales Tax Reg No: N3924502-J	Contact :		Val Declared : 100.00 R₹ Insurance : 0% 0.00 R₹ Rate : 460.00 R₹ NTD amount : 100.00 R₹ VAS : Trade Discount : 0.00 R₹ *10% Fuel Impact Included Net Amount : 100.00 R₹ Sales Tax : 15% 40.00 R₹ Payable Amount: 460.00 R₹ Description : CDX SHIPPER RISK Codes :
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ACCEPTED

Amf @ (42)

PESHAWAR HIGH COURT, PESHAWAR.

FORM OF ORDER SHEET

Court of

Case No.of.....

Serial No. of Order or Proceedings	Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
	18-11-2009	<p><u>W.P No. 2937/2009 with I.R.</u></p> <p><u>Present:</u> Mr. Muhammad Amin Khattak Lachi, Advocate, for the petitioners.</p> <p>****</p> <p><u>DOST MUHAMMAD KHAN, J:-</u> As the Provincial Government has taken a firm decisions that all those teachers belonging to teaching cadre shall be posted in the Education Institution to teach the students according to their qualifications while those belonging to administrative cadre shall only hold the posts relating to administration. Therefore, the petitioners must deliver according to the policy of the Government and because they are highly qualified teachers, it is not befitting to hold administrative posts, because they are getting benefits, but the students are suffering thus, they shall go to their respective places, where they are required to do the job. The plea of the learned counsel for the petitioners that similarly placed Teachers/ Professors/Lecturers belonging to Colleges have been retained on administrative posts.</p>

ATTESTED

43

2. If such statement is correct then, it is clearly in violation of the policy laid down by the Provincial Government, therefore, copy of this order be sent to the Secretary Higher Education, Government of NWFP, and the learned Advocate General and it is directed that the policy so laid down must be implemented in full and no pick and choose policy shall be adopted in the matter.

Petition disposed of.

Announced.
Dated: 18.11.2009.

~~Signature~~
JUDGE

~~Signature~~
JUDGE

~~Signature~~
SIGNED TO BE TRUE CO

Chief Justice
Provincial High Court, Peshawar
Authorized Under Article 57 of
the Constitution of Pakistan

14 JUN 2022

STATIONER
Stationer: M. Khan

ATTESTER

40877
Date of Preparation: 14/6/2009
No of Pages: 4-9
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Total: 16
Date of Preparation of copy: 14/6/2009
Date of Delivery of copy: 14/6/2009
Received By: [Signature]

M. Khan
Registrar
20-11-09



Amir (A)
44

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

NO. SO. (E-I)/E&AD/O-III/20
Dated Peshawar, the February 8, 20

To

- 1) The Secretary to Government of Khyber Pakhtunkhwa, High Education Department.
- 2) The Secretary to Government of Khyber Pakhtunkhwa, E&S Department.
- 3) The Secretary to Government of Khyber Pakhtunkhwa, Industries Department.

SUBJECT: - REQUISITIONING OF SERVICES.

Dear Sir,

I am directed to refer to the subject cited above and to say that competent authority has observed that certain Teaching cadre officers are posted out of their cadre since long. Moreover, some teachers/professors are seen requisitions from different Departments for posting against managerial/administrative posts, hindering deliverance of quality based education to students. Consequently, competent authority has desired to invite your attention towards the following judgment of Peshawar High Court Peshawar (in WP 2937/2009) (Copy enclosed):-

"As the Provincial Government has taken a firm decision that those teachers belonging to teaching cadre shall be posted to the Education Institution to teach the students according to their qualifications while those belonging to administrative cadre shall only hold the posts relating to administrative posts. Therefore, the petitioners must deliver according to the policy of Government and because they are highly qualified teachers, it is not befitting to hold administrative posts, because they are getting benefits, but the students are suffering thus, they shall go to their respective places, where they are required to do the job."

In view of the above, the competent authority has desired that the above mentioned judgment of the PMC be implemented. In letter and spirit intimation to this Department, for perusal of Competent Authority.

Yours faithfully,

Amir (A)

SECTION OFFICER (EST)

WAKALATNAMA

(Power of Attorney)

Before The Court Of Khyber Pakhtunkhwa Service Tribunal

Muhammad Noor Sultan

(Petitioner)
(Plaintiff)
(Applicant)
(Appellant)
(Complainant)
(Decree Holder)

VERSUS

Government of Khyber Pakhtunkhwa

(Respondent)
(Defendants)
(Accused)
(Judgment Debtor)

I/ We the undersigned appellant in the above noted Service appeal NO. _____ do hereby appoint and constitute **Ahmad Sultan Tareen & Mudassir Ali & Shabaz Khan Advocates Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Accepted and Attested


CLIENT

Ahmad Sultan Tareen,

Mudassir Ali

Shabaz Khan

Advocates High Court Peshawar

Office No. 17-G/7-B, Haroon Mansion, Khyber Bazar,

PESHAWAR.-Office: 091-2572888

BC No. 10-7716

ID No. 17301-12032566-1

Cell # 0300-5909359