



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 091-9223533 Email: sschoolmale@gmail.com

Peshawar Dated: 24.01.2024

**ORDER**

**NO.SO(SM)E&SED7-1/2023/Muhammad Ilyas:** WHEREAS Muhammad Ilyas IPE (BS-17) was transferred vide this department Notification NO.SO(SM)E&SED/5-17/2023/PT/G dated 14.04.2023 from GHSS Bodla Abbottabad to GHSS No.1 Abbottabad.

2. **AND WHEREAS:** Feeling aggrieved from the transfer Notification ibid, Mr. Wali Ullah Khan IPE (BS-17) filed departmental appeal which was accepted and notified vide Notification bearing NO.SO(SM)E&SED/5-17/2023/PT/G dated 09.05.2023.

3. **AND WHEREAS:** Feeling aggrieved from the Notification dated 09.05.2023, Mr. Muhammad Ilyas IPE (BS-17) impugned the same before the Hon'ble Peshawar High Court Abbottabad Bench in W.P No. 801-A/2023.

4. **AND WHEREAS:** The Honorable Peshawar High Court Abbottabad Bench vide Judgment dated 14.06.2023 disposed of the Writ Petition on the following terms:

"We accordingly order conversion of this writ petition into departmental appeal filed before Chief Secretary Khyber Pakhtunkhwa Peshawar. Office is directed to send a copy of this petition along with this order to Chief Secretary Khyber Pakhtunkhwa Peshawar for consideration in accordance with law"

5. **AND WHEREAS:** The petitioner was heard personally on 30.10.2023 and perusal of the relevant record it was found that the departmental appeal is devoid of merit on the following grounds:-

- i. The petitioner did not prefer any appeal to Departmental Authority rather directly approached High Court regarding cancellation of his transfer order which is contrary to the provision of Section-3 of Khyber Pakhtunkhwa Civil Servants Appeal Rules 1986.
- ii. Petitioner after cancellation of transfer from GHSS NO.1 Abbottabad neither relinquish the charge nor reported to GHSS Bodla Abbottabad, thus disobeying the orders of the Competent Authority which tantamounts to misconduct under the E&D Rules, 2011.
- iii. The Petitioner is a Civil Servant and as per section 10 of Civil Servant Act, 1973 "every Civil Servant shall be liable to serve anywhere within or outside the province in any post under the Federal Government, or any Provincial Government or any local authority, or a corporation or body set up or established by any such Government".
- iv. It is not vested right of Civil Servant to get posting of his choice.

6. **NOW, THEREFORE,** The Competent Authority (Chief Secretary) after considering the personal hearing, departmental appeal, judgment of the Hon'ble Court & material available on record hereby rejects the appeal with direction as " *I am of the considered opinion that merits of this case do not require any interference from the undersigned in the capacity of the appellant authority and the instant appeal being without merits is dismissed. Appellant is directed to report for duty at his new place of posting*".

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

**Endst: of even No. & Date**

Copy forwarded to the:

1. Registrar, Peshawar High Court, Abbottabad Bench.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (M) concerned.
4. District Accounts Officer concerned.
5. Section Officer (Lit-IV), E&SED.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Petitioner/Applicant concerned.

8- EMIS.

(SAJID ULLAH)  
SECTION OFFICER (SCHOOLS MALE)