

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ **1147/2022** _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/07/2022	<p>The appeal of Mr. Nisar Ahmad presented today by Mr. Muhammad Rahim Shah Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____ . Notices be issued to the appellant his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>

URGENT FORM

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA,
PESHAWAR

CASE TITLE

Nisar Ahmad

..... Appellant

VERSUS

Government of KP to Secretary E & SE Department, and others.

..... Respondents

Will you kindly treat the accompanying C. M /Civil Revision/Service appeal/ Writ Petition as urgent and in accordance with the provision of Rules 9 chapter 3-A, Rules orders of the High Court Lahore Volume V.

The grounds of Urgency is as under:

That urgent matter is involved in the captioned service appeal, therefore the captioned appeal may very kindly be fixed as early as possible.

Your obediently



M. Rahim Shah Khan

Advocate High Court

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Nisar Ahmad **Versus**

Govt of K.P.K etc

..... Appellant

..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Advocate</u> <u>Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Muhammed Rahim Khan

Signature:-

Dated:- 22/07/2022

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA,
PESHAWAR

Service Appeal 1147 of 2022

MR

Nisar Ahmad

VERSUS

Government of KP to Secretary E & SE Department,
and others.

INDEX

S.#	Description	Annexure	Pages No
1.	Service appeal along with certificate, list of Books & addresses of the parties.		1-5
2.	Affidavit	----	6
3.	Suspension application with Affidavit	----	7-8
4.	Copy of Transfer order along with better copy	"A"	9-10
5.	Copy of the representation along with better copy	"B"	11-12
6.	Copy of the vacancy list	"C"	13
7.	Wakalatnama	----	14

Appellant

Through Counsel

MR

Muhammad Rahim Shah

Advocate, High Court

Continental Plaza Makanbagh
Room No. 22,23 Mingora Swat

CELL # 03459524225

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA,
PESHAWAR

Service Appeal _____ of 2022

Nisar Ahmad S/O Shahi Room Principal GHSS Munjai
Dir Lower.

..... Appellant

VERSUS

1. Government of KP to Secretary E & SE
Department, Peshawar.
2. Chief Secretary KP, Peshawar.
3. Chief Minister KP through principal secretary at
Peshawar.

.....RESPONDANTS

APPEAL AGAINST THE OFFICE ORDER NO. SO(SM) E&SED/5-19/2022/PT/SS WHERE BY APPELLANT WAS TRANSFER FROM GHS MUNJAI DIR LOWER TO GHSS GARAM CHASHMA CHITRAL.

M. R.

Respectfully Sheweth:

Background:

1. That appellant is the bona fide resident of District Dir Lower, highly qualified, contributing great role in the imparting education in District Dir Lower. Appellant was initially appointed as Assistant BPS-11 on the education department by the competent authority on 20-12-1992 after completion of codel formalities.
2. That on 27-04-2017 the appellant was promoted to the post of principal GHS munjai BPS-19 after rendering meritorious and satisfactory services to the department.

3. That the laborious efforts of the appellant brought fruitful results in shape of improving result of the said institute till date, i.e. in 2017 the result of the said school was 56.05%, in 2018 the devotions of appellant enhance the result of the said school from 56.05% to 72.5%, similarly in 2019 the school further enhance the percentage from 72% to 87% and finally in 2020 the school result is declared 100% percent by the concern board. Therefore, appellant was rewarded best performance award of the year.
4. That all of a sudden appellant received person specific transfer order No. NO,SO(SM) E&SED/5-19/2022/PT/SS dated 15-04-2022 from GHS munjai to GHSS Garam Chashma Chitral. **(Copy of transfer letter is attached as Annex "A")**.
5. That appellant file a departmental appeal to Respondent No. 2 & 3 for the declaration of the above mention transfer letter being illegal void abenitio and liable to be set aside, which is still pending. **(Copy of the representation is attached as Annex "B")**.
6. That the above mention transfer letter of the appellant is based on mala fide, political motivation and the result of the colorable exercise of the power used by the respondent because more than 13 vacancies(principal BPS-19) are still lying vacant in different schools of the District Dir Lower, which is yet to be filled. **(Copy of the vacancy list is attached as Annex "C")**.

Now the appellant approach this honorable tribunal on the following ground inter alia:

MD

GROUNDS

1. That the impugned order of the respondent is illegal, against law and violation of the mandatory provision of law available on the subject because no prior approval has been obtained from the competent authority.
2. That the impugned order is the result of mala fidely and political motivation because the petitioner was sent to Chitral to give him harsh punishment because the son of the sitting MPA horribly lost election of tehsil chairman ship and the allegation was put on appellant.

3

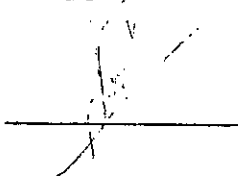
3. That the impugned order is illegal and against the public interest for the reason that till date no one has yet been appointed, which accrue huge loss to the bright future of the school students. Furthermore, even the name of the appellant was wrongly mention along with the school in the order.
4. That without any prior approval has been sought by the respondent from the competent authority but merely illegally issued the said order, which is against law and rules available on the subject.
5. That the person specific order of the respondent shows harshness and revengefulness by transferring the appellant to far flung area to teach him evil lesson.
6. That more than 13 vacancies of principal BPS-19 are still available to be filled by the respondent but no head was paid to even fill those vacant posts, which suggest the non-seriousness attitude of the respondent.
7. That the indifferent attitude of the respondent reflects that they are not interested in the education of the state therefore intentionally ignorance of the respondent, no one was transfer yet to fill up the vacancy in the said school.
8. That appellant having 98 years old sick mother is laying on bed, who needs care and proper management, while the petitioner was transfer to far flung area more than 700 KM away from his hometown, which is a kind of physical, mental and financial torture for him.

mra

PRAYER

It is therefore most humbly prayer that on the acceptance of this instant service appeal the impugned order dated 15-04-2022 issued by the respondent No. 1 may kindly be declare illegal, void abenitio, against law and liable to be set aside.

Appellant



Appellant

Through Counsel



Muhammad Rahim Shah

Advocate, High Court

(4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA,
PESHAWAR

Service Appeal _____ of 2022

CERTIFICATE

Certified that no such like service appeal has been filed earlier by the appellant before this Honorable tribunal as per instruction of my client.

LIST OF BOOKS

1. Service Law.
2. Other relevant Books, rules & case laws.

Appellant

Through Counsel

M. Rahim Shah

Muhammad Rahim Shah

Advocate, High Court

(5)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA,
PESHAWAR

Service Appeal _____ of 2022

Nisar Ahmad

VERSUS

Government of KP to Secretary E & SE Department,
and others.

ADDRESSES OF THE PARTIES

PETITIONER

Nisar Ahmad S/O Shahi Room principal GHSS Munjai
Dir Lower.

nic :- 15302-0971660-7

cell :- 03469384943

MR

RESPONDANT

1. Government of KP to Secretary E & SE
Department, Peshawar.
2. Chief Secretary KP, Peshawar.
3. Chief Minister KP through principal secretary at
Peshawar.

Appellant
Through Counsel

MR
Muhammad Rahim Shah
Advocate, High Court

(6)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA,
PESHAWAR

Service Appeal _____ of 2022

Nisar Ahmad

VERSUS

Government of KP to Secretary E & SE Department,
and others.

MBL

AFFIDAVIT

I, Nisar Ahmad S/O Shahi Room R/O Zafar Abad Khongai,
PO Khongai Bala, Timergara, District Dir Lower, do hereby
affirm and declare that all the contents of this service
appeal are true and correct to the best of my knowledge
and nothing has been kept Concealed before this
Honorable Court.

REQUESTED
TARIQ AZIZ ADVOCATE
(NOTARY PUBLIC)
L.No.SQ/JUD/HD/MP/227/2020/Vol-I
District Courts, Swat
S.No. 514 Date 27/10/2022

DEPONENT _____

Nisar Ahmad S/O Shahi Room

CNIC: 15302-0971660-7

(7)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHTWA,
PESHAWAR

CM _____ of 2022

In

Service Appeal _____ of 2022

Nisar Ahmad

VERSUS

Government of KP to Secretary E & SE Department, and others.

APPLICATION FOR THE SUSPENSION OF THE OPERATION OF THE
IMPUGNED NOTIFICATION NO. SO(SM) E&SED/5-19/2022/PT/SS
DATED 15-04-2022.

Respectfully Sheweth;

1. That the above title appeal has been filed before this honorable tribunal, which is yet to be fixed.
2. That strong prime facie case exist in favor of applicant because the order dated 15-04-2022 is not issued by the competent authority nor any prior approval has been obtained from the concerned authority therefore illegality floating on the surface of the record.
3. That if the above mention order has not been suspended then applicant would suffer irreparable loss, which cannot be substituted through any others mean.
4. That balance of convenience lies in the favor of applicant.

It is therefore most humbly prayed that on acceptance of this application the operation of the impugned notification dated 15-04-2022 may kindly be suspended till the final disposal of instant service appeal.

Applicant
Through council

M. Rahim
Muhammad Rahim Shah
Advocate high court

8

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA,
PESHAWAR

CM _____ of 2022

In

Service Appeal _____ of 2022

ML

Nisar Ahmad

VERSUS

Government of KP to Secretary E & SE Department,
and others.

AFFIDAVIT

I, Nisar Ahmad S/O Shahi Room R/O Zafar Abad Khongai,
PO Khongaj Bala, Timergara, District Dir Lower, do hereby
affirm and declare that all the contents of this suspension
application are true and correct to the best of my
knowledge and nothing has been kept Concealed before
this Honorable Court.

TESTED
TARIK AZIZ ADVOCATE
(NOTARY PUBLIC)
L No SC/110/PHDIMP-227/2020/Vol-1
District Court Swat
S.No-54 Date-21/07/2022

DEPONENT _____

Nisar Ahmad S/O Shahi Room

CNIC: 15302-0971660-7



(9)
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533

Dated Peshawar the April 15, 2022

NOTIFICATION

NO.SO(SM) E&SED/5-19/2022/ PT/SS: Mr. Muhammad Nisar, Principal (BS-19)
GHSS Munjai Dir Lower is hereby transferred and posted as Principal (BS-19) GHSS
Garam Chashma Chitral Lower against the vacant post with immediate effect in the best
public interest.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Accounts Officers, concerned.
5. Director, EMIS E&SE Department.
6. Principals concerned.
7. PS to Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PA to Deputy Secretary (Admn) E&SE Department.
10. Mr. Muhammad Nisar, Principal, GHSS Garam Chashma Chitral Lower.
11. Office order file.

*Attested
m Nisar*

15/4/22
SECTION OFFICER (SCHOOLS MALE)

Better copy (10)

GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Block 'A' Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No.091-9223533

Dated Peshawar the April 15, 2022

NOTIFICATION

NO.SO(SM) E & SED/5-19/2022/PT/SS:

Mr. Muhammad Nisar, principal (BS-19) GHSS Munjai Dir

Lower is hereby transferred and posted as Principal (BS-19) GHSS Garam Chashma Chitral Lower against the vacant post with immediate effect in the best public interest.

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

Endst: of even No. & Date

Copy forwarded to the

1. Accountant general Khyber pakhtunkhwa Peshawar.
2. Director, E & SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Accounts Officers, concerned.
5. Director, EMIS E&SE Department.
6. Principals concerned.
7. PS to Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. PA to Deputy Secretary (Admn) E&SE Department.
10. Mr. Muhammad Nisar, Principal, GHSS Garam Chashma Chitral Lower.
11. Office order file.

SECTION OFFICER (SCHOOL MALE)

*Attested
m. Rahim Khan*

Ankur 'B'

(u)

To:

Chief Secretary,
Khyber pakhtunkhwa Peshawar.

Subject:- APPEAL/REVIEW

DECLARING THE TRANSFER ORDER (NO. SO(SM)E&SED/5-19/2022/PT/SS AGAINST LAW, RULES & VIOLATION OF THE GOVERNMENT POLICIES.

Respected Sir,

With profound reverence it is stated that the undersigned serving as a Principal at GHS Munjai and has been transferred to GHSS Garam Chashma Lower Chitral Vide letter No.SO(SM)E&SED/5-19/2022/PT/SS dated 15 April 2022 for without known reason. The undersigned Official Hard copy is yet to be received. The impugned transfer order is illegal against the law and public interest. The said post is yet lying vacant and no one has been appointed / transferred.

It is worth to mentioning here that the posts of principals in GCMHS Timergara, GHS Hajji Abad, GHSS Hayaserai and GHS Shawa (about 13 posts of BS- 19) situated in the district Dir Lower are lying vacant. The incumbent have small School kids and 98 years old sick mother, which needs look after with vigilant eyes. all these responsibilities lying on the only shoulder of the undersigned.

The transfer of the incumbent in a far flung area of GHSS Garam Chashma Lower Chitral which is about 700 KM from undersigned home town is not less than physical, mental and financially torture for the incumbent.

It is therefore, humbly requested that the above mentioned transfer order may please be withdrawal & the undersigned be retained at GHS Munjai Lower Dir. Your kind consideration in the instant issue will be highly regarded.

(Signature)
NISAR AHMAD
Principal BS-19
20-4-2022

GHS Munjai Lower Dir

Copies:-

1. Chief Minister Khyber pakhtunkhwa Peshawar.
2. Secretary E & SE Department Pukhtunkhwa Peshawar.
3. Director E & SE Department Pukhtunkhwa Peshawar.

*Attest
m. Khatun*

(Signature)
NISAR AHMAD
Principal BS-19
GHS Munjai Lower Dir

Behtar GPT

To

Chief Secretary,
Khyber pakhtunkhwa Peshawar.

Subject:- APPEAL/REVIEW

DECLARING THE TRANSFER ORDER NO.SO(SM) E&SED/5-19/2022/PT/SS AGAINST LAW, RULES & VIOLATION OF THE GOVERNMENT POLICIES.

Respected sir,

With profound reverence it is stated that the undersigned serving as a principal at GHS Munjai and has been transferred to GHSS Garam Chashma Lower Chitral Vide letter No. SO(SM) E&SED/5-19/2022/PT/SS dated 15 April 2022 for without known reason. The undersigned official hard copy is yet to be received. The impugned transfer order is illegal against the law and public interest. The said post is yet lying vacant and no one has been appointed/ transferred.

It is worth to mentioned here that the posts of principals in GSMHS Timergara, GHS Hajji Abad, GHSS Hayaserai and GHS Shawa (about 13 posts to BS-19) situated in the district Dir Lower are lying vacant. The incumbent have small school kids and 98 years old sick mother, which need look after with vigilant eyes. All these responsibilities lying on the only shoulder of the undersigned.

The Transfer of the incumbent in a far flung area of GHSS Garam Chashma Lower Chitral which is about 700 KM from undersigned home town is not less than physical, mental and financially torture for the incumbent.

It is therefore humbly requested that the above mentioned transfer order may please be withdrawal & the undersigned be retained at GHS Munjai lower Dir. Your kind consideration in the instant issue will be highly regarded.

NISAR AHMAD
Principal BS - 19
GHS Munjai Lower Dir

Copies:-

- 1. Chief Minister Khyber pakhtunkhwa Peshawar.
- 2. Secretary E&SE Department pukhtunkhwa Peshawar.
- 3. Director E&SE Department pukhtunkhwa Peshawar.

*Attest
M. Raza*

NISAR AHMAD
Principal BS - 19
GHS Munjai Lower Dir

(13)

820

163 (10)

Detail of Vacant Posts of Principal BS-19 (E&SE) Male Dir Lower.

S.No.	District	School Name GHSS	Post/ Designation	Vacant	Remarks
1	Dir Lower	GCMHS Timergara	Principal B- 20	1	
1	Dir Lower	GHS Haji Abad	Principal B- 19	1	
2	Dir Lower	GHSS Sarai Bala	Principal B- 19	1	
3	Dir Lower	Haya Serai	Principal B- 19	1	
4	Dir Lower	GHS Badwan	Principal B- 19	1	
5	Dir Lower	GHSS Tawoda China	Principal B- 19	1	
6	Dir Lower	GHSS Kambat	Principal B- 19	1	
7	Dir Lower	GHSS Manial	Principal B- 19	1	
8	Dir Lower	GHSS Mian Brangola	Principal B- 19	1	
9	Dir Lower	GHSS Zaimdara	Principal B- 19	1	
10	Dir Lower	GHSS Lalqilla	Principal B- 19	1	
11	Dir Lower	GHS Chinarkot	Principal B- 19	1	
13	Dir Lower	GHS Shawa	Principal B- 19	1	

[Handwritten Signature]

01/07/2022

District Education Officer (Male)

District Education Officer
(Male) Dir Lower

*Attestation
m. Rabia Siddiqi*

(13)

820

163 (10)

Detail of Vacant Posts of Principal BS-19 (E&SE) Male Dir Lower.

S.No.	District	School Name GHSS	Post/ Designation	Vacant	Remarks
1	Dir Lower	GCMHS Timergara	Principal B- 20	1	
1	Dir Lower	GHS Haji Abad	Principal B- 19	1	
2	Dir Lower	GHSS Sarai Bala	Principal B- 19	1	
3	Dir Lower	Haya Serai	Principal B- 19	1	
4	Dir Lower	GHS Badwan	Principal B- 19	1	
5	Dir Lower	GHSS Tawoda China	Principal B- 19	1	
6	Dir Lower	GHSS Kambat	Principal B- 19	1	
7	Dir Lower	GHSS Manial	Principal B- 19	1	
8	Dir Lower	GHSS Mian Brangola	Principal B- 19	1	
9	Dir Lower	GHSS Zaimdara	Principal B- 19	1	
10	Dir Lower	GHSS Lalqilla	Principal B- 19	1	
11	Dir Lower	GHS Chinarkot	Principal B- 19	1	
13	Dir Lower	GHS Shawa	Principal B- 19	1	

[Signature]

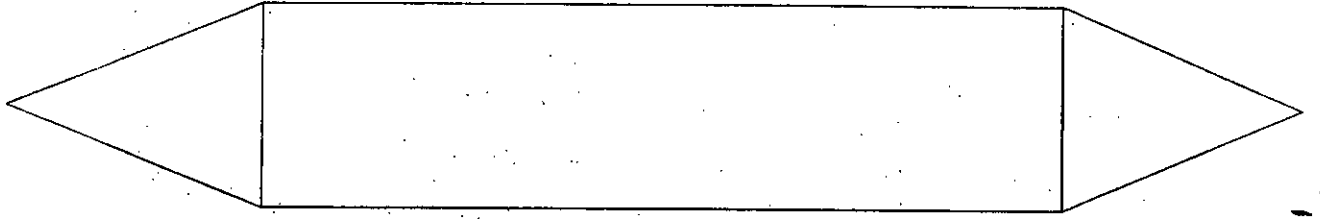
01/07/2022

District Education Officer (Male)

District Education Office

(Male) Dir Lower

*Attestation
m. Rahimullah*



۲۰۲۲ء منجانب ایڈووکیٹ

۲۱ جولائی

مورخہ

مقدمہ

دعویٰ

جرم

حاجا نثار احمد بنام حکومت خیر کنوں کو آواز

سندھ ایڈووکیٹ

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کے کارروائی متعلقہ آن مقام پشاور۔ کیلئے محمد رحیم شاہ خان ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دیے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا۔ و دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

۲۰۲۲ء

۲۱ جولائی

۲۱

المرقوم

العج گواہ ش

لے منظور ہے۔

پشاور

بمقام

M. Rah

Accepted

محمد رحیم شاہ خان ایڈووکیٹ

0345 952 4225

N