

4th July, 2022

Appellant alongwith his counsel present.

Learned counsel for the appellant submits that vide notification No. SO(SM) E&SED/5-18/2022/PT/Principal dated 10.02.2022, the appellant was transferred from GHSS Umar Bala Peshawar and posted as Principal GHS Pashta Khara Payan on mutual request of two officers. That in compliance with the notification, the appellant assumed the charge of the post and started performing his duty when on 22.03.2022 the above transfer notification was withdrawn /cancelled and respondent No.5 was posted as Principal GHS Pashta Khara Payan through another notification of the same date. Learned counsel submits that the appellant was not allowed to complete his normal tenure. He filed departmental representation on 31.03.2022, which was not responded within statutory period of ninety days, compelling him to file this appeal which is within time. This appeal is thus admitted to full hearing subject to all just and legal objections by the other side. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 28.07.2022 before S.B.

Rs-700/-
Appellant Deposited
Security & Process Fee

A. J. / 7/22

As to the application for suspension of the operation of the impugned order dated 22.03.2022, it is directed that the operation of the impugned order dated 22.03.2022, shall stand suspended till the next date subject to the notices to the other side.




(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 1074/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/06/2022	<p>The appeal of Mr. Ihtiram Khan presented today by Mr. Rizwanullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">CHAIRMAN</p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Versus

..... Appellant

..... Respondents

<u>S NO</u>	<u>CONTENTS</u>	<u>YES</u>	<u>NO</u>
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?	×	
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:- Rizwanullah

Signature:- [Signature]

Dated:- 30-6-2022

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1074 /2022

1. Ihtiram Khan, Principal Government High School Pashta Khara Payan, Peshawar.

APPELLANT

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and others.

RESPONDENTS

I N D E X

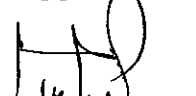
S.No	Particulars	Annexure	Pages #
1	Service Appeal	—	1-7
2	Affidavit	—	8
3	Copy of transfer order dated 10-02-2022	A	9
4	Copy of arrival report dated 14-02-2022	B	10
5	Copy of cancellation notification dated 22-03-2022	C	11
6	Copy of notification of transfer dated 22-03-2022	D	12
7	Copy of departmental appeal dated 31-03-2022	E	13
8	Copy of letter of Establishment Department dated 27-02-2013	F	14-15
9	Application for stay with affidavit	—	16-17
10	Wakalatnama	—	—

Through

Dated: 30-06-2022



Appellant


(4)
Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2022

1. Ihtiram Khan, Principal Government High School Pashta Khara Payan, Peshawar.

APPELLANT

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa Elementary and Secondary Education, Peshawar.
3. The Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. The District Education Officer (M) Peshawar.
5. Khalil ur Rehman, Principal Government High School Lowara Miana, Jamrud, District Khyber.

RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
PRE-MATURE AND POLITICALLY
MOTIVATED TRANSFER ORDER/
NOTIFICATION DATED 22-03-2022
PASSED BY THE SECRETARY
ELEMENTARY AND SECONDARY
EDUCATION, DEPARTMENT**

(RESPONDENT NO. 2) WHEREBY THE NOTIFICATION OF TRANSFER DATED 10-02-2022 IN RESPECT OF APPELLANT AND CO-EMPLOYEE WAS CANCELLED AND ONE KHALIL UR REHMAN, PRINCIPAL GOVERNMENT HIGH SCHOOL, LOWARA MAINA JAMRUD (RESPONDENT NO. 5), WHO WAS THE BLUE EYED CHAP OF THE AUTHORITY WAS POSTED IN HIS PLACE IN UTTER VIOLATION OF LAW. A DEPARTMENTAL APPEAL WAS FILED ON 31-03-2022 BUT THE SAME WAS NOT RESPONDED WITHIN THE STATUTORY PERIOD OF LAW.

Prayer in Appeal

By accepting this appeal, both the impugned notifications dated 22-03-2022 passed by the Secretary Elementary and Secondary Education, Department (Respondent No. 2) may very graciously be set-aside being politically motivated, pre-mature and passed in utter violation of the Constitution, posting/transfer policy of the Government of Khyber Pakhtunkhwa as well as law laid down by august Supreme Court of Pakistan in various judgments:

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth,

Short facts giving rise to the present appeal are as under:-

1. That the appellant was serving as a Principal Government Higher Secondary School, Urmar Bala Peshawar. He and one Raaz

Muhammad, Principal Government High School Pashta Khara Payan, Peshawar, made a joint request to respondent No. 2 for their mutual transfer which was accepted and formal notification whereof was duly issued in the best public interest on 10-02-2022.

(Copy of transfer order is appended as Annex-A)

2. That after receiving the above order, the appellant submitted arrival report on 14-02-2022. He was performing his duty with great zeal and devotion, and no complaint whatsoever was received against him to his superiors. Nevertheless, one Khalil ur Rehman (respondent No. 5) was indescribably and shockingly able to preponderate and prevail over the Competent Authority through unfair means to dislodge the appellant from his post and accommodate him in his place. The authority, firstly cancelled/withdrawn the Notification regarding transfer dated 10-02-2022 and thereafter, accommodated the respondent No. 5 in place of appellant and that the notification was made enforceable from 03-04-2022 vide Notification dated 22-03-2022 in utter violation of law.

(Copy of arrival order, Notification for Cancellation and Notification of transfer are appended as Annex-B, C and D respectively)

3. That the appellant felt aggrieved, filed a departmental appeal on 31-03-2022 praying therein that the impugned notifications dated 22-03-2022 may graciously be set aside on the grounds mention therein. But the same was not responded.

(Copy of Departmental Appeal is appended as Annex-E).

4. That the appellant now files this service appeal before this Hon'ble Tribunal inter-alia on the following grounds:-

GROUND OF APPEAL

- A. That respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973**. Therefore, the impugned notifications are against the spirit of administration of justice.
- B. That the Competent Authority was under statutory obligation to have retained the appellant as Principal Government High School Pashta Khara Payan, Peshawar till completion of his tenure as per Posting and Transfer Policy of Government of Khyber Pakhtunkhwa as well as law laid down by august Supreme Court of Pakistan in case reported in **PLD-2013-SC-195 (citation-h)**. The relevant citation is reproduced herein for facility of reference:

PLD-2013-SC-195(citation-h)

Civil Servants Act (LXXI of 1973)---

----Ss. 4 & 10---Constitution of Pakistan, Art. 184(3)---Tenure, posting and transfer of civil servants---Principles--- When the ordinary tenure for a posting had been specified in the law or rules made thereunder, such tenure must be respected and could not be varied, except for compelling reasons, which should be recorded in writing and were judicially reviewable--Transfers of civil servants by political figures which were capricious and were based on considerations not in the public interest were not legally sustainable.

Therefore, the impugned notifications are not sustainable in the eye of law.

- C. That the Establishment Department of Khyber Pakhtunkhwa vide letter No.SOR.VI(E&AD)1-4/2005/Vol-II dated 27-2-2013 directed all the Secretaries of the respective Departments in Province for strict implementation of the aforesaid dictum of august Supreme Court of Pakistan. But despite thereof, the respondent No. 2 has blatantly violated the above dictum by passing the impugned transfer notifications.

(Copy of letter of Establishment Department is appended as Annex-E).

- D. That it is well settled law that the decision of august Supreme Court of Pakistan is binding on each and every organ of the state by virtue of **Article 189 & 190 of the Constitution of Islamic Republic of Pakistan, 1973**. Reliance can be placed on the judgment of apex court reported in **1996-SCMR-284 (citation-c)**. The relevant citation is mentioned below:

1996-SCMR-284
(citation-c)

----Arts. 189 & 190---Decision of Supreme Court---Binding, effect of--Extent--Law declared by Supreme Court would bind all Courts, Tribunals and bureaucratic set-up in Pakistan.

But the respondent No. 2 has blatantly violated the above dictum of august Supreme Court of Pakistan by passing the impugned notifications.

- E. That the impugned notifications were the absolute outcome of malafide action and colorable exercise of powers by the concerned Authority who did not apply its independent mind and blatantly violated all Rules, Regulations and norms notwithstanding the short

tenure of appellant at the station. Thus, the impugned notifications are not tenable under the law.

- F.** That the Appellate Authority was under statutory obligation to have decided the departmental appeal filed by the appellant after application of mind with cogent reasons within reasonable time as per law laid down by august Supreme Court of Pakistan reported in 2011-SCMR-page-1. It would be advantageous to reproduce herein the relevant citation for facility of reference: -

2011-SCMR-page-1

Citation-b

S. 24-A---Speaking order-Public functionaries are bound to decide cases of their subordinates after application of mind with cogent reasons within reasonable time.

But the Appellate Authority has blatantly violated the above dictum of Apex Court of country by not disposing of the departmental appeal within the statutory period of law. Therefore, the impugned notifications are liable to be set aside on this count alone.

- G.** That the Notification in respect of appellant and co employee was cancelled without completing his lawful tenure and the same was obviously done to accommodate his blue-eyed chap. Thus, the same is nullity in the eye of law.
- H.** That the impugned notifications are against law, facts of the case and norms of natural justice. Therefore, the same are not warranted under the law.
- I.** That the respondent No. 2 has passed the impugned notifications in mechanical manner and the same is perfunctory as well as non-

speaking and also against the basic principle of administration of justice. Thus, not tenable under the law.

- J.** That the impugned notifications are based on conjectures and surmises. Hence, the same are against the legal norms of justice.
- K.** That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

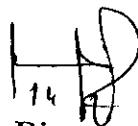
In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned notifications dated 22-03-2022 passed by the Secretary Elementary, and Secondary Education, Department (Respondent No. 2) may very graciously be set-aside being politically motivated, pre-mature and passed in utter violation of Constitution, posting/transfer policy of Government of Khyber Pakhtunkhwa as well as law laid down by august Supreme Court of Pakistan in various judgments.

Any other relief deemed proper and just in the circumstances of the case, may also be granted.



Appellant

Through



Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar

Dated: 30-06-2022

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2022

- 1. Ihtiram Khan, Principal Government High School Pashta Khara Payan, Peshawar.

APPELLANT

VERSUS

- 1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and others.

RESPONDENTS

AFFIDAVIT

I, Ihtiram Khan, Principal Government High School Pashta Khara Payan, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

ATTESTED

30 JUN 2022

Ch...
DEPONENT



Annex - A (9)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9221533

Dated Peshawar the February 10, 2022

NOTIFICATION

NO.SO(SM)E&SED/5-18/2022/PT/Principal : The following Principals of Elementary & Secondary Education Department is hereby transferred and posted (on mutual basis) as mentioned against each, with immediate effect, in the best public interest:-

S#	Name & Designation	From	To
1.	Mr. Ihtiram Khan Principal (BS-18)	GHSS Urmar Bala Peshawar	Principal (BS-18) GHS Pashta Khara Payan Peshawar vice S.No.02.
2.	Mr. Raaz Muhammad Principal (BS-18)	GHS Pashta Khara Payan Peshawar	Principal (BS-18) GHSS Urmar Bala Peshawar vice S.No.01.

**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) Peshawar.
4. District Accounts Officers, Peshawar.
5. Director, EMIS E&SE Department.
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Officers concerned.
10. Office order file.

*Attested
Char.
Appellanti*

Mansoor
10/2/2022
(HAFFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

ARRIVAL REPORT

Annex - B (10)

This is to certify that I Mr. Ihtiram Khan Principal GHSS Umar Bala Peshawar submit my arrival report on 14/2/ 2022 to the Principal Government Shaheed Maheer Rizwan High School Pushtakhara Payan vide Order No. SO (SM) E&SED/5—18—2022/ PT/ Principal: 10/2/2022.

Signature SA
Principal GHSS Umar Bala
Peshawar.

Copy Forwarded to:

1. SO School E&SE Peshawar.
2. District Account Officer Peshawar.
3. Director E&SE Peshawar.
4. DEO (M) Peshawar.
5. Officer Concerned.

Attested
Shan
Appellant

o/c

Signature Shan
14-2-20
Principal GHSS Umar Bala
Peshawar. Principal
Govt Higher Secondary School
Umar Bala Peshawar

Q. Arrival
received &
accepted.

Rafiq
14/2/2022
PRINCIPAL
Govt. Shaheed Maheer Rizwan
High School Pushtakhara
Payan Peshawar

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION
Block - A / Opposite MPA's Hostel, GHIS Pashta Khara Payan Peshawar
Phone No. 011-02133

11

Annex - C

Dated Peshawar, the March

NOTIFICATION

NO.SO(SM)E&SE/5-18/2022/PT/Principal: The posting/ Transfer Notification of even number dated 10-02 2022 is hereby withdrawn/ cancelled 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. PS to Minister for E&SE Department
7. PS to Secretary E&SE Department
8. PA to Deputy Secretary (Admn) E&SE Department.
9. Mr. Inlram Khan Principal GHIS Pashta Khara Payan Peshawar.
10. Mr. Raaz Muhammad Principal GHIS Umar Bala Peshawar.
11. Office order file.

Attested
Chanc
Appellant

(Signature)

(SYEDA ZAINAB NAQVI)
SECTION OFFICER (SCHOOLS MALE)

12

Dated Peshawar the 11th

NOTIFICATION

Annex-D

NO.SO(SM)E&SED/5-18/2022/ PT/G/SS/Principal: Mr. Khalil ur Rehman, Principal (BS-18) GHS Lowara Miana Jamrud Khyber is hereby transferred and posted as Principal (BS-18) at GHS Pashta Khara Payan Peshawar in the best public interest.

2. The above posting/transfer will take effect from 03-04-2022 due to the retirement of incumbent Principal.

**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. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admin) E&SE Department.
9. Mr. Khalil ur Rehman, Principal GHS Lowara Miana Jamrud Khyber
10. Office order file.

*Attest to
Char
Appellant*

Zainab

**(SYEDA ZAINAB NAQVI)
SECTION OFFICER (SCHOOLS MALE)**

Subj: Cancellation of withdrawal of posting order and adjustment of the new incumbent on vacant post.

The Secretary,
S.S.E.D.,
Khyber Pakhtunkhwa

Received
Section Officer
Education Department
Khyber Pakhtunkhwa

(13)

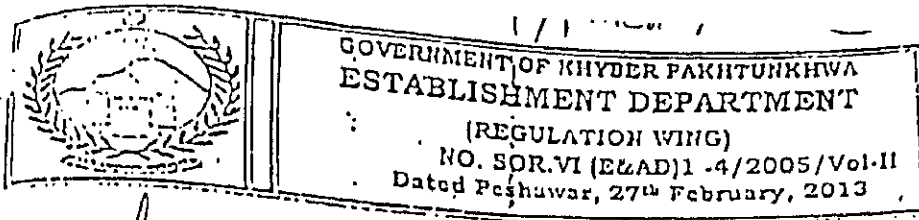
Amir F

Sir, This is to draw your attention towards the captioned subject and to state that I was posted as a result of mutual transfer to the post of Principals at GHS Paktakara Pongrain Feb 2022. I assumed charge of office, started work but to my astonishment I was conveyed that my order has been cancelled and a new incumbent Khalid ur Rehman who is by designation SS BS-18 was posted at my place on 23rd March 2022 after withdrawal of order.

Sir, Now how can I go back to my previous station although I remained there at GHS (former) for FIVE years whereas this Khalid ur Rehman passed only one and a half year on his station. I request you to kindly withdraw his order and who politically cancelled my order and allow me to continue my studies at GHS Paktakara. He has been posted at GHS (former) after the retirement of Rag Muhammad.

Thanks
31-3-22
Dilam Khan
Principal GHS Paktakara
Dilam Khan
31/3/2022
Alekh
Appelation

Annex-F
14



Seal

Handwritten notes on the right margin.

1. The Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
2. The Additional Chief Secretary (FATA) Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. All Commissioners in Khyber Pakhtunkhwa.

Subject: CONSTITUTION PETITION NO.23 OF 2012 OUT OF SUO MOTO CASE NO. 3/2012 (PETITION BY MS. JANFATURAL FOR PROTECTION OF CIVIL SERVANTS REGISTERED UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.)

Su.

I am directed to refer to the subject noted above and to state that the Supreme Court of Pakistan vide the subject cited judgment has enunciated the following principles of Law with regard to protection and ~~protection~~ of civil servants:

W
II

(i) Appointments, Removals and Promotions: Appointments, removals and promotions must be made in accordance with the law and the rules made thereunder, where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

2R
4/3

(ii) Tenure, Posting and Transfer: When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

Attested
14/2/13
Ady

(iii) **Illegal Orders:** Civil Servants owe their first and foremost allegiance to the law and the constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule based norms; instead, in such situations, they must record their opinion and, if necessary, dissent...

(iv) **OSD:** Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing. If at all an officer is to be posted as OSD, such posting should not exceed 03 months. If there is a disciplinary inquiry going on against him/her such inquiry must be completed at the earliest. The officer on special duty may be posted against a post of his/her equivalent pay scale/grade within 03 months of his/her order as OSD.

2. I am, therefore, directed to request you to note the above principles of law for strict compliance.

Alister
W

Yours faithfully,
Majam
(NAJ-MUS-SALAR)
SECTION OFFICER (REG-VI)

Encl: as above.

A copy is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
4. The Accountant General, Khyber Pakhtunkhwa.
5. The Registrar, Peshawar High Court, Peshwar.
6. The Secretary Khyber Pakhtunkhwa, Public Service Commission.
7. All Addl: Secretaries Establishment & Administration Department.
8. All Deputy Secretaries in Establishment & Administration Department.

Majam
SECTION OFFICER (REG-VI)

(16)

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2022

1. Ihtiram Khan, Principal Government High School Pashta Khara Payan, Peshawar.

APPELLANT

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and others.

RESPONDENTS

**APPLICATION FOR SUSPENDING
THE OPERATION OF THE
IMPUGNED NOTIFICATIONS
DATED 22-03-2022 PASSED BY
THE RESPONDENT NO. 2 TILL
THE DISPOSAL OF MAIN
APPEAL.**

Respectfully Sheweth:-

1. That the appellant has filed service appeal along with this application in which no date has been fixed so far.
2. That the facts enumerated and grounds taken in the body of service appeal may kindly be considered as an integral part of this application, which make out an excellent prima facie case in favour of the appellant.

3. That the impugned notifications were passed on the basis of political interference, favoritism / nepotism and also in utter violation of Posting & Transfer Policy as well as law laid down by august Supreme Court of Pakistan in case reported in **PLD-2013-SC-195**.
4. That the appellant was transferred without completing his lawful tenure in order to accommodate a favorite chap, and as such blatantly violated the posting and transfer policy of Government of Khyber Pakhtunkhwa as well as law laid down by the august Supreme Court of Pakistan in various judgments. This action of the respondent No. 2 was fallacious, malicious and politically motivated. Therefore, the impugned notifications are against the spirit of administration of justice.
5. That in case the operation of the impugned notifications are not suspended, the very purpose of appeal would be defeated and it would become infructuous as well.

It is, therefore, humbly prayed that the impugned orders dated 22-03-2022 passed by the respondent No. 2 may graciously be suspended till the disposal of main appeal.

Ch...

Appellant/Applicant

Through

Dated: 30-03-2022

Rizwanullah

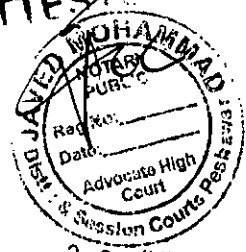
Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar

AFFIDAVIT

I, Ihtiram Khan, Principal Government High School Pashta Khara Payan, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanied Stay Application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

ATTESTED



Ch...

DEPONENT

30 JUN 2022

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

APPEAL No.....1074..... of 2022

Htiram Khan

Appellant/Petitioner

Versus

The Chief Secy Govt of KPK Peshawar
RESPONDENT(S)

Notice to Respondent No. 1 Appellant/Petitioner The Chief Secretary Govt of KPK Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28/7/2022 at 9 am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

copy of Appeal & stay Application is also Attached for Reply

25-7-22

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, SB
PESHAWAR.

No.

APPEAL No. 1074 of 20 22

H. Hiram Khan

Appellant/Petitioner

Versus

The Chief Secy: Govt. CF KPK

RESPONDENT(S)

Respondent No. 2
Notice to Appellant/Petitioner

The Secretary to Govt. CF
KPK ERJE KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28/7/2022 at 9: am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Copy of Appeal & Stay Application is Also Attached for Reply

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
SECRETARY DIARY
No. 12
Dated 28/7/2022

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

APPEAL No..... 1074 of 20 2022

Ihtiram Khan

Appellant/Petitioner

Versus

The Chief Secy. Govt. of KPK Peshawar.

RESPONDENT(S)

Respondent No. 3
Notice to Appellant/Petitioner The Director ERSE KPK
Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28/7/22 at 9:am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Copy of Appeal & Stay Application is also attached for Reply
[Signature]

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

APPEAL No. 1074 of 20 22

Ihtiyam Khan

Appellant/Petitioner

Versus

The Chief Secy. Govt. of KPK Peshawar

RESPONDENT(S)

Respondent No. 4
Notice to Appellant/Petitioner The Distt. Education Officer
(M) Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28/7/2022 at 9:00 am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

copy of Appeal & stay Application is also attached for Reply

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
25/7/2022