

6584/2021

22.03.2022

None present on behalf of the appellant. Notice be issued to appellant and his counsel for next date. To come up for preliminary hearing on 06.04.2022.

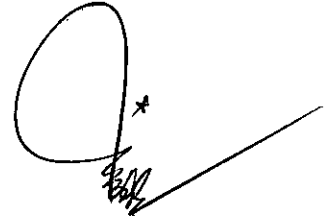


Chairman

06.04.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl; AG for respondents present.

Clerk of learned counsel for the appellant seeks adjournment on the ground that learned counsel is not available today due to general strike of the bar. Adjourned. To come up for preliminary hearing on 27.06.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

27.06.2022

Learned Member (Executive), is on leave. Therefore, the case is adjourned to 03.08.2022 for the same as before.



READER

06.10.2021


Ms. Roeeda Khan, Advocate, for the appellant present and requested for adjournment on the ground that certain documents requires to her for preparing arguments has not been provided by the appellant. Adjourned. To come up for preliminary arguments before the S.B on 02.12.2021.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

02.12.2021

Counsel for the appellant present.


Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 24.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

24.01.2022

Counsel for the appellant present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 22.03.2022 before S.B.





(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6584 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/06/2021	<p>The appeal of Mr. Muhammad Iqbal presented today by Roeeda Khan 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-	09.08.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant requests for time for further preparation. Request is accorded. To come up for preliminary hearing on 06.10.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 6584 /2021

Muhammad Iqbal

VERSUS


Secretary Elementary Education KPK Peshawar
& others

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APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 22/06/2021

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2021

Muhammad Iqal S/o Aman Ullah R/o Mohallah
Kashmir Khel Kari Haider P/O Kari Haider Teshil
and District Tank.

Appellant

VERSUS

1. Secretary Elementary & Secondary Education
KPK Peshawar.
2. Director Elementary & Secondary Education KPK
Peshawar.
3. District Education Officer Sub Division Jandola
District Tank.

Respondents

SERVICE APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 28/05/2021
VIDE ORDER NO.6900-02/A-12 WHEREBY THE
SERVICE OF THE APPELLANT AS ASSISTANT
DISTINCT EDUCATION OFFICER (ADEO)
(P&D) HAS BEEN WITHDRAW/CANCELLED
AGAINST WHICH THE APPELLANT FILED
DEPARTMENTAL APPEAL DATED 03/06/2021
WHICH HAS BEEN REJECTED ON 21.06.2021
ON NO GOOD GROUNDS.

Prayer:-

②

ON ACCEPTANCE OF THIS SERVICE APPEAL BOTH THE IMPUGNED ORDER DATED 28/05/2021 & 21/06/2021 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RESTORED ON HIS ORIGINAL POST AS ASSISTANT DISTRICT EDUCATION OFFICER (ADEO) (P&D) ALONG WITH ALL BACK BENEFITS.

Respectfully Sheweth.

1. That the appellant was initially appointed as SST on 18.10.2017.
2. That after appointment the appellant performed of his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.
3. That on 20.04.2021 the Additional charge of the Assistant District Education Officer (ADEO) (P&D) has been granted to the appellant by the respondent Department. (Copy of order is attached as annexure "A")
4. That the appellant properly take over charged of the said post on 21.04.2021. (Copy of charge report is attached as annexure "B").

(3)

5. That on 28.05.2021 the respondent department without any reason and without fulfilling the codal formalities withdraw / cancelled the service of the appellant as ADEO (P&D). (Copy of withdraw order is attached as annexure "C").
6. That the appellant submitted departmental appeal on 03.06.2021 against the impugned order dated 28.05.2021 which has been rejected on 21.06.2021. (Copies of departmental appeal & rejection order are attached as annexure "D" & "E").
7. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.
- B. That the impugned order is against the law, rules and principle of natural justice
- C. That the impugned order is illegal, void and premature and is liable to be set-aside.

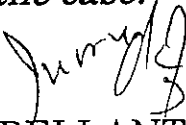
(4)

D. That no show cause notice and no opportunity a personal hearing has been provided to the appellant so the appellant was condemned unheard.


E. That the impugned order is premature, political motivated and against the law and rules.

It is therefore, most humbly prayed that
On Acceptance Of This Service Appeal Both The Impugned Order Dated 28/05/2021 & 21/06/2021 May Kindly Be Set Aside And The Appellant May Kindly Be Restored On His Original Post as Assistant District Education Officer (ADEO) (P&D) Along With All Back Benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.


APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 22/06/2021

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal


Advocate.

5

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2021

Muhammad Iqbal

VERSUS


Secretary Elementary Education KPK Peshawar & others

AFFIDAVIT

I, Muhammad Iqbal S/o Aman Ullah R/o Mohallah
Kashmir Khel Kari Haider P/O Kari Haider
Teshil and District Tank, do hereby solemnly affirm
and declare that all the contents of the **instant appeal**
are true and correct to the best of my knowledge and
belief and nothing has been concealed or withheld from
this Hon'ble Court.


DEPONENT

Identified by:


Roeda Khan
Advocate High Court
Peshawar.



6

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2021

Muhammad Iqbal

VERSUS

Secretary Elementary Education KPK Peshawar & others

ADDRESSES OF PARTIES

PETITIONER.


Muhammad Iqbal S/o Aman Ullah R/o Mohallah
Kashmir Khel Kari Haider P/O Kari Haider
Teshil and District Tank.

ADDRESSES OF RESPONDENTS

4. Secretary Elementary & Secondary Education
KPK Peshawar.
5. Director Elementary & Secondary Education KPK
Peshawar.
1. District Education Officer Sub Division Jandola
District Tank.


APPELLANT

Through


Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 22/06/2021



DIRECTORATE OF ELEMENTARY &
SECONDARY EDUCATION KHYBER
PAKHTUNKHWA

PHONE: 09920000000
FAX: 09920000000

NOTIFICATION

The Competent Authority is pleased to withdraw the Additional Charge of the post of Assistant District Education Officer Sub Division Jandola District Tank from Mr. Mirza All Khan SST GMS Kazim Kor Sub Division Jandola District Tank in the interest of public service with immediate effect.

Furthermore, the District Education Officer Sub Division Jandola District Tank is directed to hand over charge of ADEO (P&D) to Muhammad Iqbal SST GMS Shirza Sub Division Jandola Tank under intimation to this Office.

Director
Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst. No. 5796-98/IA-12/Mirzali Khan

Dated Peshawar the 20/04/2021

Copy to:

1. District Education Officer Sub Division Jandola District Tank
2. District Accounts Officer Tank
3. PA to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

Deputy Director (Estab)
Merged Areas

(B) (8)

CERTIFICATE OF TRANSFER OF CHARGE.

1. Certified that I Muhammad Iqbal SST GMS Shuza Sub-Division Jandola Tank have on the fore noon of this day 21/04/2021, respectively made over and received charge as ADEO (P & D) Sub: Division Jandola Tank, in compliance with order vide Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Endst: No.5796-98/A-12/Mirzali Khan Dated 20/04/2021
2. Particulars of cash and important secret and confidential documents handed over are noted on the reverse. Nil

Station: DEO Office SD Jandola

(a) Signature of Relieved

Name. Vacant Post

Designation. ADEO (P&D) SD Jandola

Dated: 21/04/2021

b) Signature of relieving

Name: Muhammad Iqbal

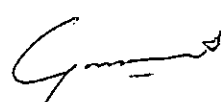
Designation ADEO (P&D) SD Jandola

Endst: NO. 456-95

Dated 21/04 /2021.

Copy to the:

1. Director Elementary & Secondary Education, KPK Peshawar.
2. Addl:Director of Education (Estab) Merged Areas Peshawar.
3. Additional Director (P & D) Merged Areas Peshawar.
4. Deputy Commissioner, District Tank.
5. Executive Engineer C & W Division SD Jandola
6. District Monitoring Officer Tank.
7. Assistant Commissioner TSD Tank..
8. District Accounts Officer, Tank.
9. Manager, National Bank concerned.
10. Record Clerk Local office.


District Education Officer
Sub Division Jandola Tank



C 9

**DIRECTORATE OF EDUCATION
MERGED AREAS
ELEMENTARY & SECONDARY
KHYBER PAKHTUNKHWA PESHAWAR**



NOTIFICATION

Consequent upon approval of the competent authority, the Notification issued vide this Directorate under Endorsement 5798-98 dated 20.4.2021 in respect of Mr. Mirza Ali Khan SST and Muhammad Iqbal SST Sub Division Jandola District Tank is hereby withdraw/cancelled in the interest of Public Service with immediate effect.

Compliance report should be sent to all concerned.

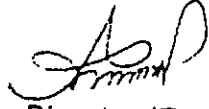
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Endst. No. 6900-02 IA-12

Dated Peshawar: the 28/5/2021.

Copy forwarded to the: -

1. District Education Officer Sub Division Jandola Tank.
2. District Accounts Office Tank
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.


Deputy Director (Estab:)
Merged District Areas. 9

To

The Director Education Merged Area
Elementary & Secondary Education KPK
Peshawar.

Subject:-

DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED ORDER DATED 28-05-2021 VIDE
ORDER NO. 6900-02/A-12, WHEREBY THE
SERVICE OF THE APPELLANT AS
ASSISTANT DISTRICT EDUCATION
OFFICER (ADEO) (P&D) HAS BEEN
WITHDRAW / CANCELLED WITHOUT ANY
REASON.

Prayers:-

On acceptance of this department appeal the impugned order dated 28-05-2021 vide No. 6900-02/A-12 may kindly be set-aside and the appellant may kindly be restore on his original post along with all back benefits.

Dear Sir,

Respectfully Sheweth

Facts:

1. That the appellant was initially appointed as SST on 18.10.2017.

(11)

2. That on 20.04.2021 the ADEO (P&D) charged has been handed over to the appellant.
3. That the appellant properly take over charge of the said post on 21.04.2021.
4. That on 28.05.2021 the respondent department without any reason and without fulfilling the codal formalities with draw / canceled the service of the appellant as ADEO (P&D).

GROUND:

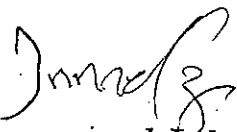
- A. That the impugned order is against the law Rules and principle of natural Justice hence void-abinitio.
- B. That the impugned order is illegal void and premature and is liable to be set-aside.
- C. That no show cause notice and opportunity of personal hearing has been provided to the appellant.
- D. That even the appellant was not provided opportunities to defend himself so the appellant was condemned unheard.

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E. That the impugned order is premature, political motivated and against the law and rules.

It is, therefore, requested that on acceptance of the instant departmental appeal the impugned order dated 28-05-2021 may kindly be set aside and the appellant may kindly be restore on his original post as ADEO (P&D) along with all back benefits.

Dated :- 03-06-2021


Muhammad Iqbal Khan
S/o Aman Ullah

"E" (13)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR

NOTIFICATION

1. **WHEREAS**, the appellant namely Mr. Muhammad Iqbal Khan, Sub-Division Jandola is serving as SST (General).
2. **AND WHEREAS**, the appellant was handed over the charge of ADEO (P &D), District Education Office, Sub-Division Jandola vide Notification No. 5796-98/A-12/Mirzali Khan dated 20-4-2021 and consequent upon the said notification the appellant took over the charge of the of post of ADEO (P &D) dated 21-04-2021.
3. **AND WHEREAS**, the Additional charge of ADEO (P &D) was withdrawn vide another Notification No.6900-02 dated 28-05-2021 from the appellant under the provision of General Clause Act 1897 by the undersigned.
4. **AND WHEREAS**, while aggrieved from the aforesaid notification dated 28-5-2021, the appellant filed an appeal to the Director Elementary & Secondary Education Department Khyber Pakhtunkhwa dated 4-6-2021 with the request that the impugned order dated 28-5-2021 may kindly be set aside and the appellant may kindly be restored on the said post as ADEO (P &D) along with all back benefits.

Now therefore, in consultation with the relevant provisions of law and rules in field & in exercise of the power conferred upon the undersigned, being competent authority, the appeal in hand is hereby stand rejected in the interest of Public Service.

DIRECTOR,
(E&SE) Department Khyber
Pakhtunkhwa, Peshawar.

Endst: No: 10026-29 / Dated Peshawar the 21/6/2021
Copy forwarded for information & n/action to the: -

- 1 Addl: Director (Estab), Directorate of Education, Merged Areas.
- 2 District Education Officer (M) Sub-Division Jandola.
- 3 Mr. Muhammad Iqbal Khan, SST, Sub-Division Jandola
- 4 PA to Director local office.

Deputy Director (Estab)
Merged Areas

قیمت
50 روپے

86768



ایڈوکیٹ:

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر: 03330265955

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

مخاطب: اندلس	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
	باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کے لئے روئے رکنے کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کہنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور مستثنیٰ، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہر اہم کام کے لئے اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واضح طور و قبول ہوگا دوران مقدمہ میں جو چیز کہہ جانے اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:
PESHAWAR BAR ASSOCIATION
KHAYRABAD

کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted By

"A"

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

No. (Regd)

SB

APPEAL No. 6584 of 2021.

Muhammad Iqbal

Appellant/Petitioner

Versus

Secy E&SE, KPK, Peshawar

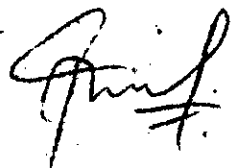
RESPONDENT(S)

✓
Notice to Appellant/Petitioner Muhammad Iqbal S/o Aman Ullah R/o
Mohallah Kashmir Khel Kasi Haidar R/o Kasi
Haidar Tehsil and District Tank

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 06/04/2022 at 9:00.

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.

Fo/


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 6584 of 20 21 ^{SB}

Muhammed Iqbal

Appellant/Petitioner

Versus

Secy E&SE, Peshawar, KPK

RESPONDENT(S)

Notice to Counsel Appellant/Petitioner Roeda Khan Advocate High
Court Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 06/04/2022 at 9:00

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.

For ² [Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
30/3/2022