


1338/2014

13.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted an application for withdrawal of the appeal.

In view of the application, this appeal is dismissed as withdrawn. File be consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
13.12.2017

A. No. 1338/2014  
M. JAM vs Govt

09.01.2017

None present for appellant. Addl. AG for the official respondents present. Cost of Rs. 1500/- received from the side of respondents 09.09.2016 by Reader concerned has not been disbursed to appellant or his counsel. He is directed to hand over the cost of Rs. 1500/- to the Reader of Bench-1 for depositing the same for appellant in Government Treasury. Notices be issued to the appellant and his counsel. To come up for rejoinder and final hearing for 16.5.2017 before D.B.


  
Member

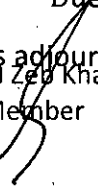
  
Chairman


16.05.2017

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG for the respondent present. Junior to counsel for the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 07.09.2017 before D.B.

07/09/2017

  
(Muhammad Amin Khan Kurdi)  
Due to general strike of the bar and Bench is incomplete,  
the case is adjourned for arguments on 13/12/2017 before DB.

  
(Gul Zeb Khan)  
Member

  
MUHAMMAD HAMID MUGHAL  
MEMBER

11.05.2016

Counsel for the appellant, M/S Sharifullah, ADO, Hameed-ur-Rehman, AD (lit.) and Khurshid Khan, SO alongwith Assistant AG for official respondents No. 1 to 4 present. Written reply by respondents not submitted despite extension of last opportunity subject to payment of cost of Rs. 500/- Learned Addl: AG requested for further time for submission of written reply on behalf of respondents. Last opportunity further extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 1500/- on 09.09.2016 before S.B.

  
Member

09.09.2016

None present on behalf of the appellant. M/S Sharifullah, ADO, Hameed-ur-Rehman, AD (lit.) and Khurshid Khan, SO alongwith Additional AG for official respondents No. 1 to 4 present. None present on behalf of private respondent No. 5. Proceeded ex-parte. Written reply on behalf of official respondents submitted. Cost of Rs. 1500/- also paid to the Reader of the Court. Since appellant and his counsel is not in attendance as such the Reader is directed to pay the same to appellant or his counsel subject to receipt. The appeal may be placed to the worthy Chairman for assigning the appeal to appropriate D.B for rejoinder and final hearing for 09.01.2017.

  
Member

24.08.2015

Appellant in person, M/S Sharifullah, ADO and Javed Ahmed, Supdt. alongwith Addl: A.G for official respondents No. 1 to 4 present. Requested for adjournment. To come up for written reply/comments on 10.11.2015 before S.B.

  
Chairman

10.11.2015

None present for appellant. Mr. Sharifullah, ADO alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 22.12.2015 before S.B.

  
Chairman

22.12.2015

Counsel for the appellant and Mr. Sharifullah, ADO alongwith Assistant AG for official respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 2.3.2016 before S.B.

  
Chairman

02.03.2016

Appellant in person and Mr. Sharifullah, ADO alongwith Addl: A.G for respondents present. Cost of Rs. 500/- paid and receipt thereof obtained. Learned Addl: AG requested for further adjournment as the written statement is not yet complete. One more opportunity is extended subject to payment of further cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments and cost on 11.5.2016 before S.B.

  
Chairman

11.05.2015

Appellant in person and Asstt: AG for the respondents present. Learned counsel for the appellant is not in attendance. Requested for adjournment. Adjourned to 25.05.2015 for preliminary hearing before S.B.

  
Chairman

25.05.2015

Appellant in person present. Counsel for the appellant is not in attendance due to strike of the Bar. Adjourned for preliminary hearing to 27.5.2015 before S.B.

  
Chairman

27.05.2015

Counsel for the appellant and Assistant A.G for respondents present. Learned counsel for the appellant argued that the appellant as well as private respondent No. 5 are serving as Chowikadar in Education Department. That on their mutual consent office order dated 11.4.2014 was passed by DEO (Male) Lakki Marwat vide which the appellant was allowed to perform the duty at the place of posting of private respondent No. 5 and vice-versa. That the appellant submitted application to the Minister of Education which was interested to DEO (M) with the observation that mutual transfer order in the shape of regular posting and transfer be made. That the said order was not implemented and hence the appellant was constrained to file service appeal on 21.10.2014.

That as per circular letter No SOR (E&AD)/1-4/2005, dated 9.9.2005 the appellant as well as private respondent No. 5 are entitled to posting/transfer order on mutual basis.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 24.8.2015 before S.B.

  
Chairman

Appellant Deposited  
Security & Process Fee



18.2.2015

Junior to counsel for the appellant present and requested for adjournment. Therefore, case to come up for preliminary hearing on 19.3.2015.

  
MEMBER

19.3.2015

Appellant with counsel present. Pre-admission notice be issued to the learned Addl.AG to assist the Tribunal. To come up for preliminary hearing on 14.4.2015.

  
MEMBER

14.04.2015

None present for appellant. Assistant A.G for respondents present. The appeal be relisted for preliminary hearing for 28.4.2015 before S.B.

  
Chairman

28.04.2015

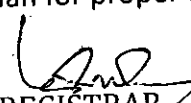



Appellant in person and Assistant A.G for respondents present. Counsel for the appellant is not in attendance. Requested for adjournment. Adjourned for preliminary hearing to 11.5.2015 before S.B.

  
Chairman

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1336/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	<p style="text-align: center;">T</p> <p style="text-align: center;">3</p>
1	13.11.2014	<p>The appeal of Mr. Muhammad Jan resubmitted today by Mr. Wali Khan Afridi Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;">   REGISTRAR </p> <p>This case is entrusted to Bench <u>II</u> for preliminary hearing to be put up there on <u>16-01-2015</u>.</p> <p style="text-align: right;">   CHAIRMAN </p>
2	<p>15-01-2015</p> <p style="text-align: center;">T</p>	<p>16.1.2015</p> <p>Notice of general strike received from the Khyber Pakhtunkhwa Bar Council. Notice be issued to appellatant and his counsel. To come up for preliminary hearing on 17.2.2015.</p> <p style="text-align: right;">   MEMBER </p>
	17.2.2015	<p>Counsel for the appellatant present. Due to shortage of time, case is adjourned to 18.2.2015 for preliminary hearing.</p> <p style="text-align: right;">   MEMBER </p>

The appeal of Mr. Muhammad Jan son of Sakhi Jan r/o village Pahar Khel Pacca Distt. Lakki Marwat received today i.e. on 21.10.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent No.5 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of departmental appeal against the impugned order dated 11.4.2014 is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.


No. 1507 /S.T,

Dt. 22-10 /2014.

  
**REGISTRAR**  
**SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA**  
**PESHAWAR.**

Mr. Wali Khan Afridi Adv. Peshawar.

*Resubmitted after completing  
due requirements*

  
*Wali Khan Afridi Adv.*



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No. 1338 / of 2014


Muhammad Jan son of Sakhi Jan... .. Appellant

VERSUS

District Education Officer (Male) Lakki Marwat etc... .. Respondents


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4.	Copy of Application dated 24.2.2014	'B'	6
5.	Copy of the order dated 11.4.2014	'C'	7
6.	Copy of the Application dated 17.9.2014 & appeal	'D'	8 - 9
7.	Vakalat Nama		10



Appellant

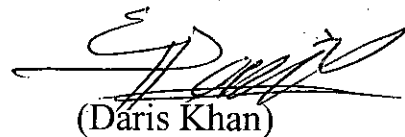
Through:

  
(Wali Khan Afridi)

Advocate

Supreme Court of Pakistan

And

  
(Daris Khan)

Advocate, Peshawar.

1-C, Haroon Mansion

Khyber Bazar Peshawar City

Cell # 0300-5977695

Dated: 29.10.2014

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1338 / of 2014

1985  
21-10-2014

Muhammad Jan son of Sakhi Jan, resident of  
Village Pahar Khel Pacca District Lakki Marwat

... Appellant

VERSUS

1. District-Education Officer (Male)  
Lakki Marwat.
2. Executive District Officer (E&S) Education  
Lakki Marwat.
3. Director (E&S) Education  
Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through  
Secretary Education, Civil Secretariat, Peshawar.
5. Hassan Jan son of Ali Jan, Chowkidas, GHS,  
Pahar Khel Pacca District Lakki Marwat...

... Respondents

APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT  
1974 AGAINST THE ORDER DATED 11.4.2014  
PASSED BY DISTRICT EDUCATION OFFICER  
(MALE) LAKKI MARWAT (RESPONDENT  
NO.1) WHEREBY THE APPELLANT WAS  
DETAILED AT GOVERNMENT HIGH SCHOOL  
PAHAR KHEL PACCA INSTEAD OF  
PERMANENT POSTING.

Respectfully Sheweth:

That the appellant, being land owner, was initially appointed as Naib  
Qasid in Government Middle School Pahar Khel District Lakki

1  
re-submitted to the  
and filed.

Registered

Marwat in BPS-1 vide Order Endst: No. 262/66/A-6/Class-IV dated 13.1.1999. (Copy of the Appointment Order dated 13.1.1999 is attached as annexure 'A').

2. That the appellant was serving as Naib Qasid in Government Middle School Pahar Khel, District Lakki Marwat while respondent No.5 namely Hassan Jan was serving in Government Primary School Pahar Khel Pacca No.2 Lakki Marwat as Chowkider.
3. That the appellant as well as respondent No.5 due to their domestic affairs, were mutually agreed with their free will and consent to make mutual transfer from one school to the other.
4. That the appellant as well as respondent No.5 applied for their mutual posting to the authority concerned vide their joint application dated 24.2.2014. (Copy of the Application dated 24.2.2014 is attached as annexure 'B').
4. That the authority concerned i.e. respondent No.1 District Education Officer (Male) Lakki Marwat was pleased to issue an order Endst: No. 1519-22 dated 11.4.2014 by virtue of which the appellant as well as respondent No.5 were detailed instead of permanent posting at their place of duty i.e. GHS Pahar Khel Pacca and GPS No.2 Pahar Khel Pacca respectively. (Copy of the order dated 11.4.2014 is attached as annexure 'C').
5. That the appellant is going to retire from service within next 3/4 months and he requests to be posted permanently in GHS Pahar Khel Pacca District Lakki Marwat.
6. That after issuance of order of detail dated 11.4.2014 the appellant as well as respondent No.5 applied for the permanent posting instead of detail through an application dated 17.9.2014 submitted to the Minister of Education Khyber Pakhtunkhwa Peshawar and the Minister of Education Khyber Pakhtunkhwa was kind enough to allow

application of the appellant and respondent No.5. (Copy of the application dated 17.9.2014 is attached as annexure 'D').

7. That inspite of issuing of No Objection Certificate from the concerned authority and order passed in favour of the appellant by the Honourable Minister of Education Khyber Pakhtunkhwa Peshawar, the order of detail dated 11.4.2014 is not converted into converted into permanent posting which adversely affect the appellant as well as respondent No.5.

It is, therefore, respectfully prayed that on acceptance of this Service Appeal this Honourable Service Tribunal may be pleased to modify the order of detail dated 11.4.2014 issued by respondent No.1 to the extent of **Permanent Posting** of the appellant at Government High School Pahar Khel Pacca District Lakki Marwat.

Any other order deemed appropriate in the circumstances of the case may also be passed in favour of the appellant.

*Handwritten signature*

Appellant  
Through:  
*wali Khan Afridi*  
(Wali Khan Afridi)  
Advocate  
Supreme Court of Pakistan  
And  
*Daris Khan*  
(Daris Khan)  
Advocate, Peshawar.  
1-C, Haroon Mansion  
Khyber Bazar Peshawar City  
Cell # 0300-5977695

Dated: 20/10.2014

CERTIFICATE:

Certified that as per instructions of my client, no such Service Appeal on behalf of the appellant has earlier been filed in this Honourable Tribunal on the subject matter.

*wali Khan Afridi*  
Advocate.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No. \_\_\_\_\_ / of 2014

Muhammad Jan son of Sakhi Jan... .. Appellant

VERSUS

District Education Officer (Male) Lakki Marwat etc... .. Respondents

MEMO OF ADDRESSES

Muhammad Jan son of Sakhi Jan, resident of  
Village Pahar Khel Pacca District Lakki Marwat ... Appellant

VERSUS

1. District Education Officer (Male)  
Lakki Marwat.
2. Executive District Officer (E&S) Education  
Lakki Marwat.
3. Director (E&S) Education  
Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa, through  
Secretary Education, Civil Secretariat, Peshawar.
5. Hassan Jan son of Ali Jan, <sup>GHS Choubidar</sup>  
Pahar Khel Pacca District Lakki Marwat... .. Respondents

\_\_\_\_\_   
Appellant

Through:

Wali Khan Afridi  
(Wali Khan Afridi)  
Advocate, Peshawar.

5

Annexure-A

OFFICE OF THE DISTT:EDUCATION OFFICER(M)SECY:LAKKIMARWAT.

APPOINTMENT ORDER :-

Mr. Muhammad Jan S/O Sakhi Jan, resident of village, Pahar Khel Thal/Pacca (District Lakki Marwat) is hereby appointed against the post of Naib Qasid/land donnar at Govt:Middle School Pahar Khel Pacca(District Lakki Marwat)in BES No.1 Rs.1245-35-1770 plus usual allowances as admissible to him under the rules subject to the provision of administrative approval in the best interest of public service with immediate effect/from the date of taking over charge.

TERMS & CONDITIONS:-

- (1) Charge report should be submitted to all concerned.
- (2) The candidate will be on probation period for three years and liable to termination without any notice/reason any time.
- (3) NO TA/DA/ETC is allowed to him.
- (4) The candidate is required to produce his Health and Age Certificate from the Medical Superintendent concerned.
- (5) The Age of the candidate should not exceed than 45 years and not below than 18 years.
- (6) The candidate is required to take over charge within 15 days of the issue of this order otherwise this order will be considered as cancelled.
- (7) Accountant local office is required to check all the documents of the candidate concerned before handing the charge.

( HAJI HAMIDULLAH JAN )  
District Education Officer  
(Male)Secondary, Lakki Marwat.

262-66

Endst:No. \_\_\_\_\_/A-6/Class-iv dated Lakki the 13/1/1999.

Copy of the above to the :-

- (1) Director Secondary Education, NWFP, Peshawar for information.
- (2) District Accounts Officer, Lakki Marwat.
- (3) Headmaster, Govt:Middle School, Pahar Khel Pacca.
- (4) Accountant local office.
- (5) Candidate concerned.

District Education Officer  
(Male)Secondary, Lakki Marwat

13/1/99

*[Handwritten signature]*

بخدمت جناب منسٹر ایجوکیشن خیبر پختونخوا

درخواست دربابہ باہمی تبادلہ

جناب عالی! گزارش ہے کہ ہم ساکنان گاؤں پہاڑ خیل پکے کے مستقل سکونتی ہیں۔ اور ہم دونوں باہمی رضامندی سے تبادلہ کرنا چاہتے ہیں۔

لہذا آپ صاحبان مہربانی فرما کر ساکنان کے باہمی تبادلے کے احکامات صادر فرما کر مشکور فرمائیں۔  
نوٹ:- ہمیں ایک دوسرے کے تبادلے پر کوئی اعتراض نہیں، بعد پوسٹوں کے تبادلے کے۔

(1) حسن جان ولد علی جان چوکیدار 2. GPS No. پہاڑ خیل پکے۔

(2) محمد جان ولد سخی جان نائب قاصد GHS پہاڑ خیل پکے۔

عین گزارش ہوگی!

مورخہ: 24-02-2014

العارضان  
DFO M D Lakki

Mutual Transfer allowed  
relaxation of 50% P.F.

Mik

NIC: 11201-6013771-3

P.A. To Minister for Elementary & Secondary Education  
Khyber Pakhtunkhwa

NIC: 11201-53054400-7

ED O M D Lakki

Please take action on  
per their request Mutual  
Transfer is recommended please  
Regards

No objection please.

Shah Jull

HEAD MASTER  
G.H.S Pahar Khel Paces  
Dist: Lakki Marwat

Atiqul  
Jull

No objection please

Dr. Amirellah Marwat  
HEAD TEACHER  
G.H.S No 2 Pahar Khel

31/3/2014

Dr. Amirellah Marwat  
Member National Assembly  
NA-27, Lakki Marwat

(7) 13

07/14  
4/2014

OFFICE OF THE DISTRICT EDUCATION OFFICER (M.A.E.) LAKKI MARWAT

OFFICE ORDER:-

Mr. Muhammad Jan N/Qasid GHS, Pahar Khel Pacea and Mr. Hussain Jan Chowkidar GPS, No.2 Pahar Khel Pacea are hereby mutually detailed for the purpose of duty till further order.

- Note:-
1. They will receive their pay from their respective institutions.
  2. The nomenclature of post will not change.
  3. They will not claim vacancy in case of retirement of any one.

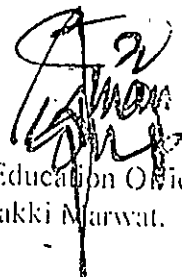
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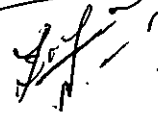
District Education Officer  
(Male) Lakki Marwat.

Endst. No. 1517-99 Dated. 11-04-2014

Copy to the:-

1. Head Master GHS, Pahar Khel Pacea.
2. SDEO(M) Pry: Lakki Marwat.
3. ASDEO (Circle) incharge.
4. PA to DEO (M) Local Office.

  
District Education Officer  
(Male) Lakki Marwat.

Allole  




Minister for Elementary & Secondary Education  
Khyber Pakhtunkhwa

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NIC# 11201-6016771-3

NIC# 11201-6016771-3

Muhammad Aftab  
Minister for Elementary & Secondary Education  
Khyber Pakhtunkhwa

الاجراءات

17/09/2011

تین ہزار پانچ سو سی

1519-22

GHS

GPS No. 2

...

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8

محرم ص 11 جناب ڈائریٹر صاحب ای اینڈ اس ای ایچ سجاد

اپنی بابت مستقلی تبادلو

1 یہ کہ مسائل بحیثیت نائب مامرد اور حسن جان بکثرت جو کچھ در  
گو مندرجہ ذیل کے مسائل پر لکھیں گے ان سے متعلقہ مسائل کے ساتھ  
دے دیا جاتا ہے۔

2 یہ کہ اگر کچھ مسائل کی صورت سے مسائل اور حسن جان نے یا کسی  
تبادلے کی صورت میں درخواست گزار کی اور پھر مورخ 11/14/54  
کو عجز اٹھا کر نہ ہو تو وہ حکم نامہ رضامندی تبادلے کا جاری  
کیا جائے۔ مستقلی تبادلے پر نہیں بلکہ عارضی طور پر۔

3 یہ کہ مسائل اور حسن جان نے عارضی تبادلے کے بدلے درخواست  
نہیں دیا تھا بلکہ مستقل تبادلے کے بدلے دیا تھا۔ لہذا درخواست  
علقہ اور حلوان قانون سے۔

4 لہذا استدعا ہے کہ حکم کی مورخ 11/14/54  
میں مستحق ہی جا کر عارضی تبادلے سے مستقل تبادلے  
میں ہی جاوے۔ شکریہ۔

مورخ 25/4/2014

الحاج

محمد جان ولد مسیحی جان نائب مامرد و مندرجہ ذیل مسائل  
پر لکھیں گے ان سے متعلقہ مسائل کے ساتھ  
دے دیا جاتا ہے۔

Attest  
[Signature]

بعدالت حد۔ ضمیمہ چھوڑنا اس کے لئے کہیں نہیں لکھا اور

ایک روپیہ	کورٹ فیس
--------------	-------------

20ء منجانب

ڈسٹرکٹ جج ایف ایس ایس (میں) ایف ایف ایف

مورخہ محمد جان ولد سید محمد خان سکنہ بنام  
مقدمہ گاڈن سیرسٹیل لیمیٹڈ صلح  
جرم سس مہرون  
دعویٰ

## سروس ریسٹ باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی

متعلقہ آن مقام لیسٹور کے لئے ولی خان آفریدی ایڈوکیٹ ہائیکورٹ پشاور

فیڈرل شریعت کورٹ آف پاکستان

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 برحلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی

تصدیق زر اس 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 مذکور 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 جملہ مذکورہ بالا اختیارات حاصل ہوں

گے۔ اور اس کا ساختہ پرواختہ منظور و قبول ہوگا۔ و دوران مقدمہ میں جو خرچہ و ہرجانہ 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 و دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب

پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھنا کہ سندر ہے۔

20ء

ماہ

المرقوم

ATTESTED

محمد شاہ شاہ

المرقوم

WALI KHAN AFRIDI  
Advocate Supreme Court  
of Pakistan

کے لئے منظور ہے

المرقوم

مقام

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

S.A.No.1338/2014

*Muhammad Jan*  
13/12/17

Muhammad Jan.....Appellant

Versus

D.E.O. (M) Lakki Marwat.....Respondents

---

APPLICATION FOR WITHDRAWAL OF THE  
CAPTIONED APPEAL.

---

***Respectfully Sheweth***

1. That the captioned appeal is subjudice before this Hon'ble court.
2. That the appellant has been retired from his service, therefore, no more interested to proceed with the case further, therefore, wants to withdraw the same.

It is, therefore, humbly prayed that this hon'ble Tribunal may be pleased to allow the appellant to withdraw the above titled appeal.

*Muhammad Jan*

Appellant

Through

*Wali Khan Afridi*  
Wali Khan Afridi  
Advocate Supreme Court,

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

S.A.No.1338/2014

Muhammad Jan.....Appellant

Versus

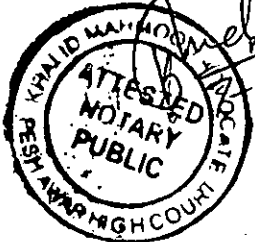
D.E.O. (M) Lakki Marwat.....Respondents

**AFFIDAVIT**

I, Mohammad Jan son of Sakhi Jan R/o Village Pahar khel Pacca District Lakki Marwat (appellant), do hereby affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal

  
Deponent

CNIC No.11201-6018771-3

  
ATTESTED  
NOTARY  
PUBLIC  
KHYBER PAKHTUNKHWA HIGH COURT  
11-17

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

S.A.No.1338/2014

Muhammad Jan.....Appellant

Versus

D.E.O. (M) Lakki Marwat.....Respondents

---

APPLICATION FOR WITHDRAWAL OF THE  
CAPTIONED APPEAL.

---

*Respectfully Sheweth*

1. That the captioned appeal is subjudice before this Hon'ble court.
2. That the appellant has been retired from his service, therefore, no more interested to proceed with the case further, therefore, wants to withdraw the same.

It is, therefore, humbly prayed that this hon'ble Tribunal may be pleased to allow the appellant to withdraw the above titled appeal.

*Wali Khan Afridi*

Appellant

Through

*Wali Khan Afridi*  
Wali Khan Afridi  
Advocate Supreme Court,

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

S.A.No.1338/2014

Muhammad Jan.....Appellant

Versus

D.E.O. (M) Lakki Marwat.....Respondents

**AFFIDAVIT**

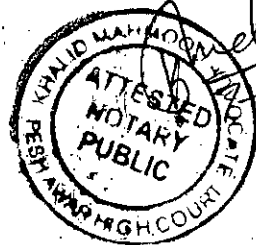
I, Mohammad Jan son of Sakhi Jan R/o Village Pahar khel  
Pacca District Lakki Marwat (appellant), do hereby affirm and  
declare on oath that the contents of the accompanying **Application**  
are true and correct to the best of my knowledge and belief and  
nothing has been concealed from this Hon'ble Tribunal



محمد جان

Deponent

CNIC No.11201-6018771-3



**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

S.A.No.1338/2014

Muhammad Jan.....Appellant

Versus

D.E.O. (M) Lakki Marwat.....Respondents

---

APPLICATION FOR WITHDRAWAL OF THE  
CAPTIONED APPEAL.

---

***Respectfully Sheweth***

1. That the captioned appeal is subjudice before this Hon'ble court.
2. That the appellant has been retired from his service, therefore, no more interested to proceed with the case further, therefore, wants to withdraw the same.

It is, therefore, humbly prayed that this hon'ble Tribunal may be pleased to allow the appellant to withdraw the above titled appeal.

*M. Jan*

Appellant

Through

*Wali Khan Afridi*  
Wali Khan Afridi  
Advocate Supreme Court,



**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

S.A.No.1338/2014

Muhammad Jan.....Appellant

Versus

D.E.O. (M) Lakki Marwat.....Respondents

**AFFIDAVIT**

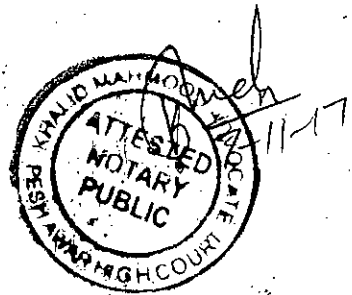
I, Mohammad Jan son of Sakhi Jan R/o Village Pahar khel  
Pacca District Lakki Marwat (appellant), do hereby affirm and  
declare on oath that the contents of the accompanying **Application**  
are true and correct to the best of my knowledge and belief and  
nothing has been concealed from this Hon'ble Tribunal



*Muhammad Jan*

Deponent

CNIC No.11201-6018771-3



**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

S.A.No.1338/2014

Muhammad Jan.....Appellant

Versus

D.E.O. (M) Lakki Marwat.....Respondents

---

APPLICATION FOR WITHDRAWAL OF THE  
CAPTIONED APPEAL.

---

***Respectfully Sheweth***

1. That the captioned appeal is subjudice before this Hon'ble court.
2. That the appellant has been retired from his service, therefore, no more interested to proceed with the case further, therefore, wants to withdraw the same.

It is, therefore, humbly prayed that this hon'ble Tribunal may be pleased to allow the appellant to withdraw the above titled appeal.



Appellant

Through

Wali Khan Afridi  
Advocate Supreme Court,

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

S.A.No.1338/2014

Muhammad Jan.....Appellant

Versus

D.E.O. (M) Lakki Marwat.....Respondents

**AFFIDAVIT**

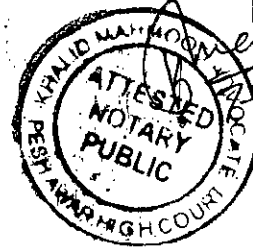
I, Mohammad Jan son of Sakhi Jan R/o Village Pahar khel Pacca District Lakki Marwat (appellant), do hereby affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal



*Deponent*

Deponent

CNIC No.11201-6018771-3



Before the KPIK Service Tribunal Peshawar

Service Appeal No. 1338/14

Muhammad Jan v/s Edu: Deptt:

Cost has been received in cash in this court.

Muhammad Jan

HA  
D. L.  
08.03.16.

1.

**BEFORE THE SERVICE TRIBUNAL GOVT; OF KHYBER PAKHTUNKHWA**  
**PESHAWAR**

**Service Appeal No: 1338 / 2014**

Mohammad Jan Son of Sakhi Jan ..... Appellant

**Versus**


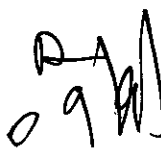
District Education Officer (Male) District Lakki & Two other  
..... Respondents

**Joint Para Wise Comments On Behalf Of Respondent 1,3 & 4**

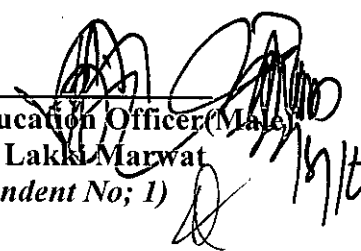
Respectfully Sheweth;  
**Preliminary Objections: -**

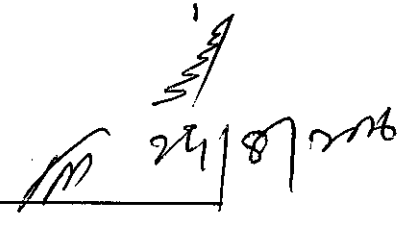
1. That the appellant has no cause of action and locus standi to bring the present appeal .
2. That the appeal of the appellant is not maintainable.
3. That the appellant has not come to the court with clean hands .
4. That the appeal of the appellant is bad for mis-joinder and non-joinder of necessary parties.
5. That the appellant has come to the court with malafide intention.

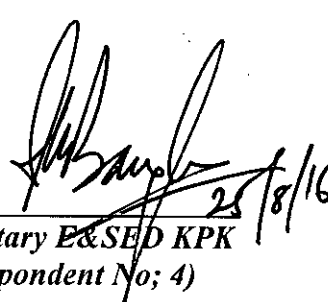
**FACTS:-**

1. Para pertains to record.
  2. As both were under separate drawing & disbursing officers as well as different DDO codes.
  3. Incorrect, the detail is mentioned in para NO.2.
  4. As per para NO.3.
  5. Correct to the extent that appellant is going on retirement however, mutual transfer was not possible as appellant was serving in GHS where as Respondent NO.5 was serving in GPS therefore, due to separate administrative units/DDOS, transfer creates problems in class-IV having separate nomenclature & sanction of posts in Primary, Middle & High schools.
  6. As per para NO.5
  7. Incorrect, As both were under separate drawing & disbursing officers as well as different DDO codes.
-   


It is therefore humbly prayed that on acceptance of these para-wise comments this Honourable Service Tribunal may very graciously be pleased to dismiss the instant appeal with costs through out.

  
 District Education Officer (Male)  
 District Lakki Marwat  
 (Respondent No; 1)

  
 Director (E&SE) KPK  
 (Respondent No; 3)


  
 Secretary E&SED KPK  
 (Respondent No; 4)

AFFIDAVIT

I, Sharif Ullah Khan A.D.E.O Education Lakki Marwat do hereby solemnly affirm and declare that the contents of the above reply are true and correct to the best of my knowledge and belief and that nothing has been kept or concealed.

Dated: -9.Sept'2016.

DEPONENT

  
 Sharif Ullah Khan AD  
 Lakki Marwat.

Receipt

I have received Rs. 1500/- of cost  
in appeal of Muhammad Jan vs  
Education Deptt. in appeal No. 1338/14  
vide dated 9/9/2016.

~~Khan~~ An Aridi Acker  
Advocate  
9/9/16.