

02.10.2019


Junior to counsel for the appellant present. Addl: AG  
alongwith Mr. Fawad Afzal, Senior Clerk for respondents  
present.

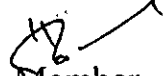
Respondents have not submitted reply/cometns  
despite last opportunity. The appeal is posted to D.B for  
arguments on 18.12.2019.

  
Chairman

18.12.2019


Junior to counsel for the appellant and Mr. Muhammad Jan  
learned Deputy District Attorney present. Junior to counsel  
for the appellant seeks adjournment as senior counsel for the  
appellant is not in attendance. Adjourn. To come up for  
arguments on 01.01.2020 before D.B.

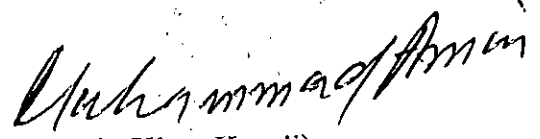
  
Member

  
Member

01.01.2020

Learned counsel for the appellant present. Mr. Riaz Paindakhel  
learned Assistant Advocate General alongwith Mr. Ibrahim Shah  
Superintendent for the respondents present. Representative of the respondents  
submitted Transfer order Endst. No. 12611-15/E4/NWA dated 10.10.2018  
whereby the appellant was Transfer/Adjusted against the vacant post of  
Junior Clerk at District Education Office Tribal District North Waziristan on  
his own pay & scale, copy of the same is handed over to the learned counsel  
for the appellant. Learned counsel for the appellant seeks withdrawal of the  
instant service appeal, in this regard signature of the learned counsel for the  
appellant obtained in the margin of order sheet. Consequently the present  
service appeal is dismissed as withdrawn. No order as to costs. File be  
consigned to the record room.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

Announced  
01.01.2020

*Sir, In light of the order dated  
10/10/2018, I want to withdraw  
the instant service appeal. Mr. Riaz Paindakhel*

17.06.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for adjournment. Adjourned to 11.07.2019 for written reply/comments before S.B.



(Muhammad Amin Khan Kundi)  
Member

11.07.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for adjournment to procure written reply of the respondents. Adjourned to 04.09.2019 before S.B on which date the written reply shall positively be submitted.

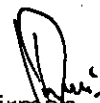


Chairman

04.09.2019

Junior to counsel for the appellant present. Nemo for the respondents.

Fresh notices be issued to the respondents for submission of reply/comments by way of last chance on 02.10.2019 before S.B.



Chairman



DIRECTORATE OF EDUCATION  
NEWLY MERGED DISTRICTS KHYBER  
PAKHTUNKHWA PESHAWAR

WARSAK ROAD PESHAWAR, PAKISTAN  
PH: 091-9210166, FAX: 091-9210216

TRANSFER ORDER.

Mr. Shah Muhammad Junior Clerk (B-11) Govt High School Ali Khel Miran Shah Tribal District North Waziristan is hereby transferred / adjusted against the vacant Post of Junior Clerk at District Education Office Tribal District North Waziristan on his own pay & scale, with immediate effect in the interest of public service.

**Note.**

1. Charge report should be submitted to all concerned.
2. TA/DA is not allowed.

Director Education NMTD

Endst No. 12611-15 / E4/ NWA

Dated 10/10/2018

**Copy to the:-**

1. Agency Education Officer Tribal District North Waziristan.
2. Agency Accounts Officer Tribal District North Waziristan.
3. Head Master GHS Ali Khel Miran Shah District North Waziristan.
4. PA to Director Education NMTD.
5. Official Concerned.

*[Signature]*  
Deputy Director (FA)  
10/10/18

gnifractuous

Infractuous

17.04.2019 Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 28.05.2019 before S.B.



Member

28.05.2019 Counsel for the appellant present.

Learned counsel argued that on 22.01.2016 he was transferred to EDO Office North Waziristan Agency, however, was not given charge of the post due to filing of Appeal No. 479/2016 by one Noorul Amin. The appeal was dismissed on 19.09.2017, however, the order dated 22.01.2016 was not materialized and instead the appellant was transferred to GHS Ali Khel on 20.09.2017. The impugned transfer order was communicated to the appellant on 17.04.2018 during the execution proceedings in respect of implementation of judgment in Appeal No. 479/2016. A departmental appeal was preferred on 18.04.2018 which remained un-responded. It is further contended that the impugned transfer order dated 20.09.2017 was premature in respect of appellant for all intents and purposes even read independently of the proceedings in Appeal No. 479/2016 and the issue involved therein.

In view of the arguments of learned counsel instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 17.06.2019 before S.B.

Appellant Deposited  
Security & Process Fee

3/6/19



Chairman

20.12.2018

Clerk to counsel for the appellant and seeks adjournment as learned counsel for the appellant not in attendance. Adjourn. To come up for preliminary hearing on 16.01.2019 before S.B

  
Member

16.1.2019 Mr. Muhammad Mahaz Madni, Advocate for appellant present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Adjourned to 14.02.2019 before S.B.

  
Chairman

14.02.2019

Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 18.03.2019 before S.B.


  
Member

18.03.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for adjournment in order to produce the appellant before the Tribunal in view of order dated 07.09.2018.

Adjourned to 17.04.2019 before the S.B.

  
Chairman

07.09.2018

Learned counsel for the appellant present and stated that in the present service appeal the appellant has challenged the order dated 20.09.2017 of his transfer from AEO Office NWA to GHS Ali Khel. Learned counsel for appellant requested for issuance of order of status quo.

From the perusal of the file it transpired that the appellant submitted the present service appeal in the capacity of Junior Clerk Government High School Spulga District North Waziristan while in the impugned order he has been transferred from AEO Office NWA to GHS Ali Khel. From the material on record it also transpired that the appellant has been transferred from AEO Office NWA before his taking charge in the said office. As such the order vide which the appellant was posted in the AEO Office NWA was indeed not actualized. Execution petition was also filed by the appellant before this Tribunal. Appellant is not available today to clarify his position. Learned counsel for the appellant seeks adjournment for further assistance to produce the appellant before this Tribunal to clarify the current situation. Adjourned. To come up for preliminary hearing on 27.09.2018 before S.B



Member

27.09.2018

Mr. Amir Zaman, clerk of counsel for the appellant present. Due to general strike of the bar, counsel for the appellant is not in attendance. Requested for adjournment. Granted. To come up preliminary hearing on 02.11.2018 before S.B.

  
Chairman

02.11.2018





Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 20.12.2018.

  
READER

Form- A  
FORM OF ORDER SHEET

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

Case No. 1025/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2018	<p>The appeal of Mr. Shah Muhammad resubmitted today by Mr. Noor Muhammad Khattak 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 17/8/18</p>
2-	<p style="text-align: center;"><i>18-8-2018</i></p> <p style="text-align: center;">24.08.2018</p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-8-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 06.09.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>
	06.09.2018	<p>Counsel for the appellant present. Adjourned. To come up for preliminary hearing on tomorrow i.e 07.09.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>




The appeal of Mr. Shah Muhammad Junior Clerk GHS Spulga Distt. North Waziristan received today i.e. on 15.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 1692 /S.T,

Dt. 15/8 /2018.

  
REGISTRAR 15/8/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

*Note:*

*Sir*

*The above mentioned objections has been removed hence re-submitted today dated 16/8/2018.*

*16/8/2018*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

APPEAL NO. 1025 /2018

**SHAH MUHAMMAD**

**VS**


**GOVT: OF KP & OTHERS**

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5.	Reply	<b>C</b>	13 - 14
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**APPELLANT**

THROUGH:

  
**NOOR MUHAMMAD KHATTAK**  
**Advocate, Peshawar.**

Room No. 3 & 4 Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar City.  
0345-9383141

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

**APPEAL NO. 1025 /2018**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1284

Shah Muhammad, Junior Clerk (BPS-11)  
Govt. High School, Spulga, District North Waziristan.

Dated 15-8-2018

..... **APPELLANT**

**VERSUS**

1. The Additional Chief Secretary (~~TRIBLE~~), FATA Secretariat, Warsak Road, Peshawar.
2. The Director Education (~~TRIBLE~~), Warsak Road, Peshawar.
3. The District Education Officer, North Waziristan District.
4. Mr. Arbab Khan, Junior Clerk, Govt. High School Ali Khel, District North Waziristan.

..... **RESPONDENTS**

**APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20-09-2017 WHEREBY THE APPELLANT HAS BEEN TRANSFERRED IN UTTER VIOLATION OF LAW & RULES AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL DATED 18-04-2018 OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYERS**

That on acceptance of this appeal the impugned order dated 20-09-2017 may very kindly be set aside and the appellant be retained in Govt. High School Spulga. Any other remedy which this Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day  
Registrar

**R/SHEWETH:**  
**ON FACTS:**

- 1- That the appellant was appointed as Junior Clerk in the respondent Department and has served the respondent Department for quite considerable time efficiently and up to the entire satisfaction of his superiors.
- 2- That the appellant while posted at Govt. High School Spulga was transfer to the office of Respondent No. 3 (Agency Education Officer NWA now District Education Officer District North Waziristan) vide order dated 22-01-2016 against which one Mr. Noor ul Amin, Junior Clerk filed Service Appeal No. 479/2016 which was dismissed on 19-09-2017. Copy of the judgment is attached as annexure ..... **A.**

Re-submitted to-day  
and filed.

Registrar  
17/8/18

- 3- That, the appellant was being private respondent no. 4 in the Service Appeal no. 479/2016 filed execution petition No. 239/2017 before this Honourable Tribunal the implementation of the judgment dated 19-09-2017. Copy of the execution petition is attached as annexure ..... **B.**
- 4- That, respondents while submitting reply on the above mentioned execution also submitted the impugned order dated 20-09-2017 which was intimated to the appellant on 17-04-2018. Copy of the reply, impugned order & order sheet is attached as annexure ..... **C,D&E.**
- 5- That the appellant feeling aggrieved from the impugned order dated 20-09-2017 filed Departmental Appeal dated 18-04-2018 before respondent no. 1 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others Copy of Departmental Appeal is attached as annexure ..... **F.**

**GROUND:**

- A- That the impugned orders dated 20-09-2017 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That, the appellant has been discriminated by the act of the respondents while issuing the impugned order dated 20-09-2018 against the appellant.
- D- That, the impugned transfer order dated 20-09-2017 is not issued in the exigencies of services hence the order is not tenable and liable to be set aside.
- E- That, the act of the respondents by issuing the impugned order dated 20-09-2018 is violative to Clause-I, II & IV of the Posting/Transfer Policy.
- F- That, the impugned order dated 20-06-2017 has been issued in arbitrary and malafide manner just to accommodate their blue eyed person.
- G- That, respondents have issued the impugned orders dated 20-06-2017, just to harass the appellant and is penalized for the unknown reason.

H- That seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 02-08-2018

APPELLANT

  
SHAH MUHAMMAD

Through:

  
NOOR MOHAMMAD KHATTAK

  
MUHAMMAD MAAZ MADNI  
Advocate, Peshawar

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

**APPEAL NO. \_\_\_\_\_ /2018**

**SHAH MUHAMMAD VS GOVT: OF KP & OTHERS**

**APPLICATION FOR SUSPENSION OF OPERATION OF**  
**IMPUGNED ORDER DATED 20-06-2017 TILL THE**  
**FINAL DISPOSAL OF THIS APPEAL**

**R/SHEWETH:**

- 1- That the appellant filed the above mentioned appeal along with this application before this august Service Tribunal in which no date has been fixed so for.
- 2- That all the three ingredients necessary for the stay is in favor of the appellant.
- 3- That the impugned transfer order dated 20-09-2017 is against the transfer/ posting policy as laid down for the subject matter.
- 4- That the grounds of main appeal may also be considered as integral part of this application.

It is, therefore, most humbly prayed that on acceptance of this application the impugned order dated **20-09-2017** may very kindly be suspended till disposal of this appeal.

DATED: 02-08-2018

**APPELLANT**

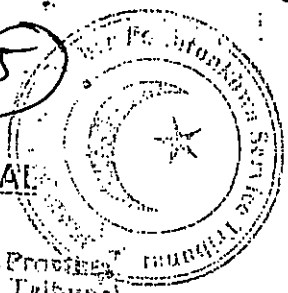
  
**SHAH MUHAMMAD**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**

  
**MUHAMMAD MAAZ MADNI,**  
ADVOCATES, PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**



APPEAL NO. 479 /2016

Ch. W. P. Proceedings  
Service Tribunal  
Diary No. 441  
Dated 09-05-2016

Mr. Noor Ul Amin, Junior Clerk (BPS-12)  
O/O the Agency Education Officer, North Waziristan Agency,  
Under transfer to GHS Spulga, NWA ..... Appellant

**VERSUS**

- 1- The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
  - 2- The Director of Education FATA, FATA Secretariat, Warsak Road, Peshawar.
  - 3- The Agency Education Officer, North Waziristan Agency.
  - 4- Mr. Shah Mohammad, junior Clerk, GHS Spulga under transfer to O/O the AEO North Waziristan Agency.
- ..... Respondents

**APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 22.1.2016 WHEREBY THE APPELLANT WAS TRANSFERRED FROM THE OFFICE OF AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY TO GHS SPULGA IN VIOLATION OF TRANSFER/ POSTING POLICY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:** That on acceptance of this appeal the impugned order may be set aside and the respondents may be directed that not transfer the appellant from the office of Agency Education Officer North Waziristan Agency. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of appellant.

**ATTESTED**

*[Signature]*  
R. SHEWETH:  
ON FACTS:

**R. SHEWETH:  
ON FACTS:**

- 1- That appellant is serving the respondent Department as Junior Clerk (BPS-12) for quite considerable time. That appellant right from appointment till date has served the respondent department quite efficiently and up to the entire satisfaction of his superiors.
- 2- That lastly the appellant was posted as Junior Clerk (BPS-12) in the office of Agency Education officer, North Waziristan Agency on the direction of this august Tribunal vide order

**ATTESTED**

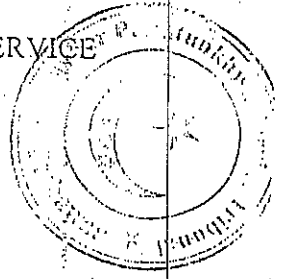
*[Signature]*

ed  
JW  
3/20



6

S.No.	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	19/9/2017	<p style="text-align: center;">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</p> <p style="text-align: center;">Appeal No. 479/2016 Date of Institution...2/5/2016 Date of Decision.....19/9/2017</p> <p style="text-align: center;">Noor-ul-Amin Versus Additional Chief Secretary FATA, FATA Secretariat, KPK, Peshawar and others. <b>JUDGMENT</b></p> <p style="text-align: center;"><u>GULZEB KHAN, MEMBER</u>:- Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for official respondents and counsel for private respondent present.</p> <p>2. Noor-Ul-Amin, Junior Clerk, hereinafter referred to as the appellant, has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 22/1/2016 vide which he was transferred from Agency Education Office, North Waziristan Agency to GHS Spulga, North Waziristan Agency and where against departmental appeal dated 25/1/2016 was not responded constraining him to prefer the instant appeal on 2/5/2016.</p> <p>3. Learned counsel for the appellant argued that the appellant was posted as Junior Clerk at Agency Education Office, North Waziristan Agency vide order dated 13/2/2014 on the strength of the Khyber Pakhtunkhwa Service Tribunal Judgment in appeal No. 1573/2011 dated 10/1/2014 but again transferred him</p>



ATTESTED

*[Signature]*  
 Secretary  
 Peshawar

ATTESTED

*[Signature]*



from the said office to GHS Spulga NW Agency in sheer disregard to the posting/transfer policy at S.No. iiv and as contained in the Government of Khyber Pakhtunkhwa Establishment Department notification dated 24/6/2013 as well as in violation of the basic rights as contained in Article 4 & 25 of the Constitution, as the said transfer order has been issued on administrative grounds and not in the public interest or the exigencies of service. Learned counsel for the appellant further contended that the impugned order is void ab-initio on the ground that transfer can not be awarded as punishment, as the same is not covered under the list of penalties mentioned in the Khyber Pakhtunkhwa E&D Rules 2011. He further contended that the impugned order dated 22/1/2016 issued by the respondent No. 3 is against the law, facts, norms of natural justice and materials on the record and hence not tenable in the eyes of law and therefore liable to be set aside.

4. On the other side, the learned Deputy District Attorney argued before the court that the appellant has been transferred by the competent authority due to his negligence in the performance of official duties, as it is the basic duty and legal obligation of the respondents department to make it sure that the office work is made public friendly for all the visitors and guard it against

*[Handwritten signature]*

**ATTESTED**

*[Signature]*  
 MANAGER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

**ATTESTED**

*[Handwritten signature]*

any tendency towards mal-practices and delaying tactics. Moreover, the appellant has already completed his normal tenure on the said station on the strength of the stay order. In this regard the learned Deputy District Attorney pressed into section-10 of Khyber Pakhtunkhwa Civil Servant Act-1973 where under a civil servant is required to serve anywhere in the province. He further argued that the instant appeal is badly time barred and without any substance, hence may be dismissed with costs.

5. We have heard arguments of learned counsel for the parties and perused the record.

6. Admittedly the appellant has completed his normal tenure at Agency Education Office, North Waziristan Agency. Furthermore, the impugned order was issued by the competent authority in the public interest with due regard to Section-10 of Khyber Pakhtunkhwa Civil Servant Act-1973, therefore under these circumstances, no case for the indulgence of this Tribunal is made out. Hence the appeal is dismissed.

Parties are left to bear their own costs. File be consigned to the record.

Announced. SD/- Gul Zeb Khan,  
Member

19.09.2017

SD/- M. Hamid Mughal,  
Member

ATTESTED

*[Signature]*

Date of Presentation of Petition: 25-09-2017  
Number of Words: 1600  
Copying Fee: 10/-  
Budget: 10/-  
Total: 10/-

Name of Case: *[Signature]*  
Date of Completion of Case: 11-10-17  
Date of Delivery of Copy: 11-10-17

*[Stamp]*  
19.09.2017

1

B = 9

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**



Execution petition No. 239/2017

In

Service Appeal No: 479/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1036

Dated 08/12/2017

Mr. Shah Muhammad Junior Clerk GHS Spulga  
transfer to O/o to AEO North Wazirstan Agency.

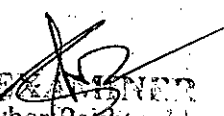
.....Appellant

**V**ersus

1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road Peshawar.
2. Director of Education FATA, FATA Secretariat Warsak Road Peshawar.
3. The Agency Education Officer, North Wazirstan Agency.
4. Mr. Noor Ul Amin, Junior Clerk (BPS-12) O/o Agency Education Officer, North Wazirstan Agency transfer to GHS Spulga, North Wazirstan Agency.

.....Respondents

**ATTESTED**

  
Attesting Officer  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**EXECUTION PETITION FOR**  
**DIRECTING THE**  
**RESPONDENT NO. 4 TO**  
**IMPLEMENT THE JUDGMENT**  
**OF THIS HON'BLE TRIBUNAL**  
**IN LETTER AND SPIRIT AS**

**ATTESTED**



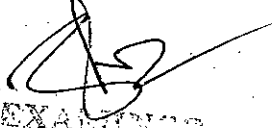
(10)

WELL AS DIRECTING  
RESPONDENT NO. 1 TO 3 TO  
ENFORCE TO  
IMPLEMENT/OBEY THE  
JUDGMENT

Respectfully Sheweth,

1. That Respondent No. 4 filed service appeal No. 479/16 in this August Tribunal against the order dated 22-01-2016 whereby Respondent No. 4 was transferred from the office of Agency Education Officer North Waziristan Agency to GHS Spulga.
2. That this Hon'ble Tribunal dismisses the service appeal of Respondent NO. 4 on 19-09-2017. (Dismissal appeal order is attached as annexure "A")
3. That although this Hon'ble Tribunal dismisses Respondent NO. 4 appeal even then Respondent No. 4 is not leaving the charge from the office of Agency Education Officer Waziristan and the

**ATTESTED**

  
EXAMINING  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**ATTESTED**



regard Respondent No. 2 issue a letter to Respondent No. 3 for the implementation of Judgment of this Hon'ble Court. (Copy of Implementation letter is attached as Annexure "B")

4. That the director of establishment wrote a letter to Respondent No. 3 for the disposal of the said case. (Copy of letter is attached as Annexure "C")
5. That the Judgment is still in field and has not been suspended or set aside by Supreme Court of Pakistan , therefore Respondent No. 4 is legally bound to implement the Judgment of this August Tribunal in its true sense.
6. That the Petitioner has no remedy to file the execution Petition.

ATTESTED

*It is, therefore, humbly prayed that respondent No. 4 may kindly be directed to*

*[Signature]*  
 K. M. A. B. Qureshi  
 Advocate (Tribunal)  
 Petitioner

implement the Judgment and Respondent No. 1 to 3 give direction to enforce Respondent No. 4 to implement/Obey the Judgment of Hon'ble Court in letter and spirit.

Dated: 07/12/2017

Appellant

Through

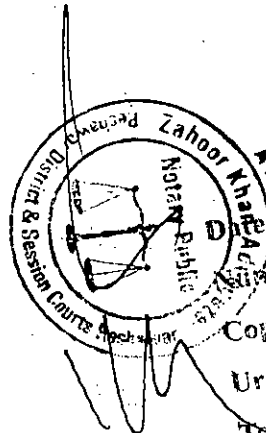
R  
Rozeeda Khan,  
& Afshan Manzoor  
Advocates, High Court  
Peshawar

AFFIDAVIT

I, Mr. Shah Muhammad Junior Clerk GHS Spulga transfer to O/o to AEO North Wazirstan Agency, do hereby solemnly affirm and declare on oath that all the contents of above application are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon'ble Court.

Certified to be true copy

Khyber Pakhtunkhwa  
Service Commission,  
Peshawar



DEPONENT

Shah Muhammad

Date of Presentation of Application: 01-08-18  
 Number of Words: 2800  
 Copying Fee: 16/-  
 Urgent: 2/-  
 Total: 18/-  
 Name of Copyist: \_\_\_\_\_  
 Date of Completion: 01-08-18  
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C - 13

Before Khyber Pakhtunkhwa Service Tribunal Peshawar

Execution petition No.239/2017

in

Service Appeal No.479/2016



Shah Muhammad.....Appellant

VS

ACS FATA & Others.....Respondents

Reply on behalf of Respondent No.2 & 3

1. The Service appeal of respondent No.4 was dismissed vide Judgment dated 19.9.2017 copy attached as Annexure-A.
2. The judgment dated 19.9.2017 have been implemented by respondents department vide transfer order dated 2.6.2017 copy attached as Annexure-B and respondent No.4 has been taken over charge at new station i.e. GHS Spulga NWA.
3. Incorrect. The judgment dated 19.9.2017 has been implemented, however, it is pertinent to mentioned over here that no legal benefit could accrued out of the said judgment to the appellant concerned who has been transferred vide order dated 20.9.2017 by competent authority in public interest as directions were issued from high ups for complete overhauling of ministerial staff of NWA office. Therefore, for efficient and smooth administration and in compliance of above mentioned direction appellant was also transferred. Copy of direction attached as Annexure-C and transfer order attached as Annexure-D.
4. As explained above in Para-3.
5. Implementation of judgment dated 19.9.2017 has already been carried out by respondents department and present COC appeal has become infructuous. If the appellant want to challenge his own transfer order he may have his own course of law.

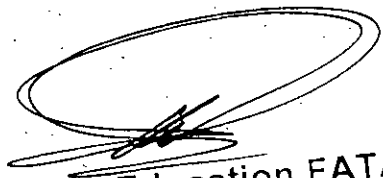
**ATTESTED**

Secretary  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

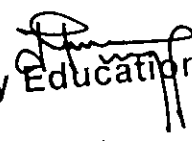
14

Pray.

In light of the above stated legal and factual position, it is humbly requested that the instant COC petition being devoid of merits may kindly be order as dismissed.


  
Director Education FATA

Respondent No.2

  
Agency Education Officer  
NWA

Respondent No.3

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



Annex = 10

D-15 108

OFFICE OF THE AGENCY EDUCATION OFFICER NORTH WAZIRISTAN AGENCY

TRANSFER ORDER.

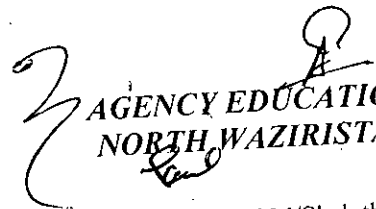
As per direction by PS to Secretary Social Sector Department FATA Secretariat vide his No & dated 13-09-2017, the following J-Clerks BPS No-11 are hereby transferred on their own pay scale & BPS to the school mentioned against each with immediate effect in the interest of public services.

S.No	Name & Designs	From	To	Remarks
1-	Mr. Arbab Khan J-Clerk	GHS Ali Khel NWA	AEO Office NWA	Vice S.No-2
2-	Mr. Shah Mehmood JC	AEO Office NWA	GHS Ali Khel	Vice S.No-1

22/11/2016

**NOTE:**

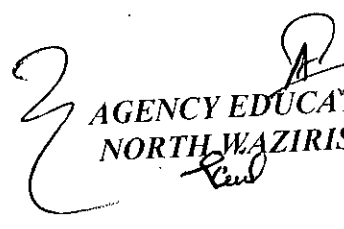
- 1-No TA/DA is allowed.
- 2-Charge report should be submitted in duplicate to all concerned.

  
AGENCY EDUCATION OFFICER  
NORTH WAZIRISTAN AGENCY

Endstt: No: 5796-5802 /Transfer/J-Clerk/AEO/NWA/Dated M/Shah the 20 /09/2017

**Copy to the:**

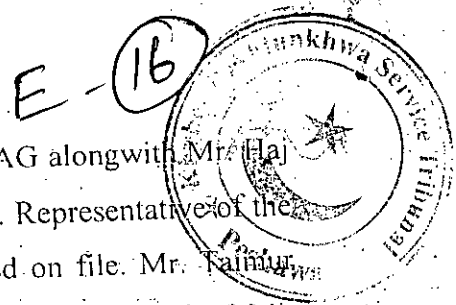
- 1- Secretary Social Sector FATA Secretariat Peshawar w/r to his No & date 13-09-2017.
- 2- Director of Education (FATA) Khyber Pakhtoonkhwa Peshawar for information please.
- 3- Agency Accounts Officer North Waziristan Agency at M/Shah.
- 4- Principal GHS Ali Khel
- 5- J-Clerks Concerned.
- 6- Accountant local office.
- 7- Personal file.

  
AGENCY EDUCATION OFFICER  
NORTH WAZIRISTAN AGENCY

ATTESTED



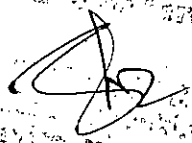
17.04.2018



Counsel for the petitioner and Adl: AG alongwith Mr. Haj Muhammad, AAEO for respondents present. Representative of the respondents submitted reply which is placed on file. Mr. Tahir, Ali Khan, Advocate submitted wakalat nama on behalf of Mr. Arbab Khan as well as application for impleadment of Mr. Arbab Khan as respondent. He also submitted reply on behalf of impleaded respondent, a copy of which was handed over the learned counsel for the petitioner. To come up for further proceedings on 11.07.2018 before S.B.

*Sd/- Ahmed Hassan,  
Number*

Certified to be true copy

  
Khushwa  
Service Tribunal  
Faisalabad

حکومت ڈائریکٹر ایجوکیشن فائنا ورسک رورڈ لیٹاور

F-17

درخواست برادر: منسوخی ٹرانسفر آرڈر مورم 2017/09

جناب عالی!

مؤدبانہ گزارش کی جاتی ہے کہ سائل تبادلہ مورم 22/1/2016 کو پورا تھا جس کے خلاف نور الامین، جو نیشنل ٹرک کرنے سے سروس ٹریبونل میں اپیل دائر کی تھی جو مورم 19/2017 کو خارج ہو گئی۔ جس کے خلاف میں نے اجراء حوالہ ٹرنڈی کیونکہ میں اس میں Respondant No 4 تھا۔ تاہم فیصلے پر عمل درآمد ہو کر مجھے اپنی ٹیکٹ (Post) پر بحال رکھا جائے۔ لیکن اجراء کے جوار رہنے کے دوران مورم 17/2018 کے سبب تبادلے کا ایک اور حکم نامہ عدالت حضور میں پیش کیا جسکا نتیجہ نہ تو علم تھا اور نہ ہی مجھے موصول ہوا ہے جو کہ آج اور پورے عدالت حضور میں نے وصول کیا مورم 17/2018 کو۔

اس لیے آپ صاحبان سے التجا کی جاتی ہے سائل کے تبادلے کے احکامات جو کہ مورم 2017/09 کو جاری ہوئے ہیں منسوخ فرما کر سائل کو اپنے Post پر رکھا جائے سائل عہدہ ایگزیکیوٹو ڈپٹی سیکرٹری ہذا کے طور پر ہے۔

الغرض

الموافق مورم 18/04/2018 آئی ٹی ایف ایف

شاہ محمد  
جو نیشنل ٹرک کرنے  
نارنگو وزیر پستان ٹریبونل

ATTACHED

Handwritten signature

**VAKALATNAMA**

Before the KP Service Tribunal Peshawar

\_\_\_\_\_ OF 2018

Shah Mohammad

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Educators Deptt:

(RESPONDENT)  
(DEFENDANT)

I/We Shah Mohammad

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2018

Shah  
\_\_\_\_\_  
**CLIENT**

Accepted  
**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

**&**

Muhammad MAAZ MADNI  
**MUHAMMAD MAAZ MADNI**  
**ADVOCATES**

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No. **0345-9383141**