

11.09.2018


Appellant Fazal Ur Rehman in person present. Miss. Uzma Syed, Advocate put appearance on behalf of counsel for the appellant and made a request for adjournment. Granted. Case to come up for preliminary hearing on 06.11.2018 before S.B.


Chairman

6.11.18

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the is adjourned to come up for the same on

of 23-11-2018


Reader

23.11.2018

Appellant Fazal-ur-Rehman alongwith his counsel Mr. Arbab Saif-ul-Kamal Advocate present and stated at the bar that he want to withdraw the appeal. In this regard signature was also obtained at the margin of order sheet as a token of proof. Accordingly the present service appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
23.11.2018


Muhammad Amin Khan Kundi
Member

وہ نے اپنا اپیل واپس لے کر چلا گیا
I want to withdraw his appeal (11)

Service Appeal No. 69/2018

24.04.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 10.05.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

10.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 10.07.2018.


Reader

10.07.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 27.07.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

27.07.2018

Neither appellant nor his counsel present. Case to come for preliminary hearing on 11.09.2018 before S.B.


Chairman

Fale Rahman

23.11.2018

DFA

Appellant Fazal-ur-Rehman alongwith his counsel for the appellant Mr. Arbab Saif-ul-Kamal Advocate present and stated at the bar that he want to withdraw the appeal. In this regard signature was also obtained at the margin of order sheet as a token of proof. Accordingly the present service appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED

23.11.2018

**Muhammad Amin Khan Kundi
Member**

8- That appellant feeling aggrieved from the impugned Notification dated 21.5.2015 issued by the respondents filed Departmental appeal/ review but the same was rejected on good grounds vide dated 10.8.2015. Copies of Departmental appeal/ review and rejection order are attached as annexure
..... **E and F.**

9- That appellant having no other remedy filed the instant appeal on the following grounds amongst the other.

GROUND:

A- That the impugned Notifications dated 21.5.2015 and 10.8.2015 issued by the respondents are 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 Pakistan 1973 while issuing the impugned Notifications dated 21.5.2015 and 10.8.2015.

C- That the procurement committee was constituted under the chairmanship of Secretary Social Sector Department FATA, i.e. respondent No.3 along with seven members including the appellant meaning thereby that all the members are equally responsible for the irregularities/ flaws if any in the proceedings but in this case the appellant have been made scape goat to save the skin of high ups who are actually responsible for the said irregularities/ flaws.

D- That before the separation of the population Welfare Department FATA from the Health Directorate of FATA, the purchase of medicines for the population welfare Department were used to be made by the Health Department as this Department by the FATA secretariat was administratively attached to that Department but after separation it was for the first time that the procurement of medicines for population welfare set up was made by the population welfare Directorate meaning thereby that all the members of the procurement committee were inexperienced except the Secretary Social sector. That it was the sole responsibility of the high ups to nominate the well experienced members for the procurement committee.

E- That in the whole case the respondents has been failed to prove/ establish any of the allegations against the appellant but inspite of that respondent Department issued the impugned Notification dated 21.5.2015 against the appellant.


01.03.2018

Mr. Arbab Saif-ul-Kamal Advocate present and submitted fresh Wakalatnama and also requested for adjournment. Adjourned. To come up for preliminary hearing on 16.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member


16-3-17

Appellant present in person and requested for adjournment granted. To come up for preliminary hearing on 6-4-2018.


Ahmad Hassan

06.04.2018




Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 24.04.2018 before S.B.


(Ahmad Hassan)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 69/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19/1/2018	<p>The appeal of Mr. Fazal-ur-Rehman resubmitted today by Mr. Muhammad Jameel Warsak Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	23/01/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.02.2018	<p>Counsel for the appellatant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 01.03.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member(E)</p>

The appeal of Mr. Faiz-ur-Rehman son of Fazal Muhammad r/o village Tehkal Bala Distt. Peshawar received today i.e. on 10.01.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- In the memo of appeal the name of the appellant has been written as Faiz-ur-Rehman while the documents attached with the appeal show the name of the appellant as Fazal-ur-Rehman which may be rectified.
- ④- Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 72 /S.T,

Dt. 11/01/2018


REGISTRAR 11/1/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Jamil Warsak Adv.

*Dear Sir, the need full case and
8-submitted plus the inst
Case may put up before the
Tribunal.*

Adv
1
17-1-2018

BEFORE THE HONOURABLE
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 60 /2018

~~Fazal-ur-Rehman~~
FAZAL-UR-REHMAN

(Appellant)

VERSUS

Director of Elementary & Secondary Education, KPK Peshawar etc.


(Respondents)

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Appellant

Through


Muhammad Jamil Warsak
ASC

Saeed Muhammad
Advocate High Court,
Peshawar



Dated: 10.01.2018

①

BEFORE THE HONOURABLE
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 60 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 29

Dated 10-1-2018

FAZAL-ur-Rehman S/o Fazal Muhammad

R/o Village Tehkal Bala, Tehsil & District Peshawar

(Appellant)

V E R S U S

- 1) Director of Elementary & Secondary Education, KPK Peshawar
- 2) District Education Officer (Male), KPK Peshawar
- 3) Accountant General, KPK Peshawar
- 4) Headmistress Govt. Girls High School, Tehkal Bala, Peshawar
- 5) Iftikhar hUssain, Chowkidar, Govt. Girls Cenitanial Model High School, Tehkal Bala, Peshawar

(Respondents)

Service Appeal Under Section 4 of KPK
Service Tribunal Act, 1974 against the
order dated 07.02.2014 whereby post of
the petitioner was changed from Baheshti
to Chowkidar by the respondent No. 4.

Respectfully Sheweth,

Brief facts of the instant appeal arising as under:

Filed to-day

Registrar

Registered to-day

Registrar
19/1/18

2

- 1) That the appellant was appointed for the post of Baheshti on 12.01.1991. (Copy of appointment order is attached)
- 2) That on 07.02.2014 the respondent No. 4 passed an order whereby post of the appellant was changed from Baheshti to Chowkidar. (Copy of order dated 07.02.2014 is attached)
- 3) That earlier the appellant submitted an appeal No. 1087/2015 before this hon'ble tribunal wherein the appellant challenged the impugned order dated 03.07.2015 and order dated 18.08.2015 and also challenged his post form Baheshti to Chowkidar, but inadvertently did not challenged the order dated 07.02.2014. (Copy of the appeal along with order is attached)
- 4) That the appellant submitted an application before the highups for his redressal but in vain, therefore the appellant present service appeal, inter alia on the following grounds.

GROUND:

- 1) That according to rules and regulations the respondent No. 4 is not competent to change the post of the appellant from Behashti to Chowkidar, therefore the above noted order is illegal against the law, without jurisdiction, void ab-initio, hence not maintainable.
- 2) That the appellant had challenged in his above noted appeal and prayed for changing for his post Baheshti to Chowkidar but categorically did not mentioned the impugned order date.
- 3) That the post on which the appellant has served is still vacant, no fresh appointment is made and appellant will suffer

irreparable loss if he is not reverted to his original post of Baheshti.

- 4) That the alleged act of the respondents are against the principle of the policy and against the fundamental rights.
- 5) That the respondents used their supervisory, discretionary, administration power which is against the law of land, hence not tenable.
- 6) That there is no estoppel, waiver, limitation against law and void order.
- 7) That the appellant had served about 25 years and by appointment at new post / cadre his carrier will ruined. Moreover his seniority has also abolished for mutation transfer change of cadre by this illegal impugned orders.
- 8) That the appellant given no consent at all for his mutual transfer / posting from Baheshti to Chowkidar.
- 9) That the appellant is an aged person and is not fit for any other job except his own post of Baheshti.
- 10) That no factual controversy is involved in the instant lis, so the appellant got no adequate / affective remedy except to approach this hon'ble tribunal.
- 11) That the discretionary powers is to be exercised, honestly, fairly, objectively.
- 12) That even the order of the respondents is against the Section 24 A of the General Clause Act.

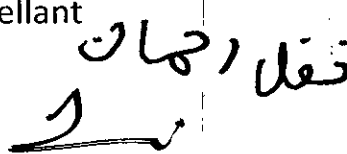
(4)


- 13) That the appointing authority of the education department has already written a letter to the respondents to rectify the mistake committed by the respondent No. 4 rather the respondents also seek the permission for taking departmental proceedings against the respondent No. 4. (Copy of letter is attached)
- 14) That the appellant seek prior permission of this hon'ble tribunal to raise any point not specifically pleaded in the instant appeal.

It is, therefore, humbly prayed that on acceptance of the instant appeal the impugned order dated 07.02.2014 may very kindly be set aside and the appellant be restored on his original post i.e. Baheshti, as the appellant had already taken the plea of his restoration on his original cadre / post in the prayer clause, and the reply of the department has already available on case file in earlier Service Appeal No. 1087/2015, therefore it is most humbly prayed that this appeal may please be considered as a review petition in the above noted already decided appeal or if the review petition is not maintainable then it may be entertained as original service appeal.

Appellant

Through


Muhammad Jamil Warsak
ASC


Saeed Muhammad
Advocate High Court,
Peshawar

Dated: 10.01.2018

(5)

BEFORE THE HONOURABLE
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2018

FAZALur-Rehman

(Appellant)

VERSUS

Director of Elementary & Secondary Education, KPK Peshawar etc.

(Respondents)

AFFIDAVIT

I, **Faiz**ur-Rehman S/o Fazal Muhammad R/o Village Tehkal Bala, Tehsil & District Peshawar, do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated therein.

فازل رحمان

DEPONENT

CNIC No. 17301-1291275-5



OFFICE OF THE DIVL:DIRECTORATE OF EDU:(S), PESHAWAR DIVISION PESHAWAR/

APPOINTMENT

int Appointment of the following Persons is/are hereby ordered against the post of _____ / on temporary basis at Rs. 500/- /P.M. ~~fixed~~ plus usual allowances as admissible under the rules in EPS No. _____ / (Rs. 500-15-000 /at the Institutions/Offices noted against each name.

S.No.	Name/Qualification & Address.	Posted at.	Remarks
1/0	Mr. Nazim Rehman S/O Yasool Rehmanat Village Belkhal Dala Tehsil and Distt: Peshawar.	W.P.S. No. 1 Peshawar Cantt.	Vice Peshawar Khan Behshti promoted.

Attended by S

TERMS & CONDITIONS

1. The appointment is purely temporary and liable to termination any time without any assigning/reasons or notice.
2. In case of resignation he will have to submit one month's prior notice to the Govt:
3. He is required to produce health and age certificates from the Medical authorities concerned before taking over charge provide he is not in Govt: Service.
4. He is not allowed to take over charge if his age is less than 18 years or above 25 years.
5. His appointments is subject to further condition that he is Domicile of NWFP.
6. His antecedents forms should be obtained duly verified by the local police authorities and submit to this office together with application for apptt: on prescribed form and under taking declaration of moveable and immoveable property for record in this office.
7. All original Educational Character and Domicile Certificates should be verified from the Institutions concerned.
8. If he fails to take over charge of the post of within a week of the receipt of these orders the offer of appointment shall stand cancelled.
9. Charge report should be submitted to all concerned.
10. No TA/DA etc: is allowed.
11. He should be given test in Nazira Quran and Pakistan studies and result intimated to this office.

(HAJI ABDUL QAHR KHAN)
DIVL:DIRECTOR OF EDU:(SCHOOLS)
PESHAWAR DIV:PESHAWAR.

Dated Pesh:the 12/11/91

Enst.No. 6706-11/

Copy to the:-

1. Distt:Edu:Officer(M) Peshawar
2. Sub Divl:Edu:Officer(M) Peshawar
3. Head Master,
4. Supdt:Estt:Branch No. 1 Peshawar Cantt.
5. Candidate concerned.
6. P/File.

[Signature]
D.E.S. *[Signature]*
For/Divl:Director of Edu:(Schools),
Peshawar Div: Peshawar.

ATTESTED BY
ILTAF SAMAD ASC
0333-9127292

IAE A
14.1.91

D No
577
14/1/91

"Annexure"

①

PNo. 26011

A-7

Revised Basic Scale w.e.f. 1.7.2005

Vide. Finance Deptt; notification NO: FS(PRC)1-1/2005 dated 9.7.2005

- 1) Name of Government servant and personal NO: Fazle Rehman
- 2) Post II old 30.6.2005 Behishtti
- 3) Department Education
- 4) Existing basic pay scale NO. B-01 (B. 1870-55-3520)
- 5) Revised basic pay scale NO: B-01 (A. 2150-65-4100)
applicable from 1/7/2005
pay fixation on point to point bases 33207-

- 1) Basic pay ~~scale~~ on 30.6.2005 28607-
- 2) NO. of stages available in basic pay scale up to 30.6.2005 18
- 3) Personal pay beyond the maximum of BPS -
- 4) NO of stages to be given in revised basic pay scale 1.7.05 18
- 5) Pay fixed in the basic pay scale 2005 on 1.7.1005 33207-
- 6) Date of next increment on 1.12.2005 33857-

Amal
 District Officer (Female)
 Schools & Literacy Peshawar,
 NWFP PESHAWAR.

Amal
 District Officer
 Literacy

Amal

Amal
 District Officer

ATTESTED BY
 ILTAF SAMAD ASC
 0333-9127292

Annexure B

OFFICE OF THE HEADMISTRESS

Govt Girls High School
Tehkal Bala Peshawar

OFFICE ORDER

Exchange of post between Mr. Mst. Fikhar Hussain, Chowkidar, Govt GHS High School, Tehkal Bala Peshawar and Fazau Rahman, Bahisht, Govt Girls High School, Talkal Bala Peshawar is hereby on their own pay and scale in the interest of public service with immediate effect.

Note - Charge reports should be submitted to all concerned.

E.D.O Samina
Exchange of the post
of Mr. Fikhar Hussain Chowkidar
with Mr. Fazau Rahman Bahisht
Council

Engineer
Mansoor-ul-Jamal
Member National Assembly
NA-2
26/2/15

(BUSHRA YOUSAF)
Headmistress
Govt Girls High School
Tehkal Bala Peshawar

Instt. No. 50-52

General file
Copy of the above is forwarded to the

Dated 07/02/2014

- 1- Accountant General Khyber Pakhtun Khwa Peshawar.
- 2- Headmistress concerned.
- 3- Officials concerned.
- 4- B & A O District Education Officer (Female) Peshawar.

Handwritten initials and signature

Headmistress
Govt Girls High School
Tehkal Bala Peshawar

ATTESTED BY
ILTAF SAMAD ASC
0333-9127292

BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR

S.A.No. 1037/2015

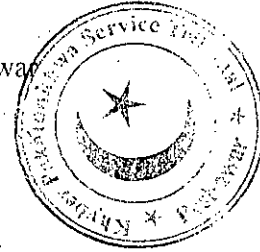
Fazur Rehman S/o Fazal Mohammad
R/o Village Tehkal Bala Tehsil & District Peshawar

M. W. F. Peshawar
Service Tribunal
Case No. 1026
Dated 15-9-15

.....Appellant

VERSUS

- 1) Director of Elementary & Secondary Education, KPK, Peshawar
- 2) District Education Officer (male), KPK, Peshawar.
- 3) Accountant General KPK, Peshawar.
- 4) Headmistress Got. Girls High School, Tehkal Bala, Peshawar.



.....Respondents

*Impugned as
resp. on merit order
in the direct AT.
18.8.16*

Service Appeal u/s 4, of KPK service Tribunal Act, 1974 against the order dated 03.07.2015 of posting and transfer and & order dated 18.08.2015 of relieving from the post of Baheshti to the post of Chowkidar.

Prayer

On acceptance of this appeal, the impugned order dated 03.07.2015 and 18.08.2015 may kindly be set-aside/ cancelled and the appellant may graciously be transferred to his original post and school.

Respectfully Sheweth:-

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant is the peaceful, law abiding citizen of Pakistan and belongs to a respectable and poor family, and are the only bread earner of their family.
- 2) That the appellant has been appointed as Baheshti on 12.01.1991 (Copy of appointment order is attached as Annexure "A" & "A/1")
- 3) That the exchange of post between the appellant and one Muhammad Iftikhar Chowkidar is made on 07.02.2014. (Copy of order dated 07.02.2014 is annexure "B")
- 4) That the transfer and posting of the appellant is made on 03.07.2015. (Copy of order dated 03.07.2015 is Annexure "C")

*Filed
to-day
15/9/15.*

*be-submitted
to-day
5/10/15*

Adm-O

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

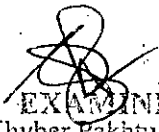
- 5) That relieving order of the appellant is made on 18.08.2015. (Copy of order dated 18.08.2015 is Annexure "D")
- 6) That the appellant filed a departmental appeal/ representations on 04.07.2015 and 16.07.2015, which is not replied. (Copy of appeals/ representation are attached as Annexure "E" & "E/1")
- 7) That being aggrieved of the orders dated 03.07.2015 of posting and transfer and also order dated 18.08.2015 of relieving the appellant filed this appeal, inter alia, on the following grounds.

GROUNDS

1. That the appellant is appointed as Baheshti in Government Department.
2. That the whole family's life of the appellant is suffered.
3. That the appellant has been condemned unheard. No right of proper inquiry is given to the appellant and the right of natural justice is violated.
4. That the post on which the appellant has served is still vacant, no fresh appointment is made and appellant suffers irreparable loss if he is transfer to his post of Baheshti.
5. That the alleged act of the respondents are against the principle of the policy and against the fundamental rights.
6. That the respondents used their supervisory, discretionary, administration power which is against the law of land, hence, not tenable.
7. That there is no estoppel, waiver, limitation against law.
8. That the petition is suffered from the hot and cold of the department and the appellant got reoccurring cause of action. The appellants' right to life is involved.
9. That the appellant is discriminated.
10. That the appellant is deprived of due process of law and justice.
11. That the appellant given no consent at all for his mutual transfer/ posting from Baheshti to Chowkidar.
12. That there is no laches against law.

*Amir-ud-
26*

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(H)

- 13. That at present the appellant is aged person and not fit for any other job except his own post of Baheshti.
- 14. That the appellant has a career of 25 years service to the concerned department.
- 15. That no factual controversy is involved in the instant lis, so the appellant got no adequate/ affective remedy except to approach this Hon'ble Court.
- 16. That the discretionary powers is to be exercised, honestly, fairly, objectively.
- 17. That even the order of the respondents is against the Section-24-A of the General Clause Act.
- 18. That the appellant may permitter to raise any point not specifically pleaded in the instant appeal.

It is, therefore, humbly prayed that on acceptance of this appeal:

- a. That orders dated 03.07.2015 and 18.08.2015 may kindly be set-aside / cancelled and the appellant may graciously be posted and transferred to his original post i.e. Baheshti and transfer and posting as Chowkidar be set-aside.
- b. That till the decision of this appeal, the appellant may kindly be permitted to work on his original post.

Fazur Rehman
Appellant
Fazur Rehman

Through *Altaf Samad*
Altaf Samad Advocate
Supreme Court of Pakistan
Cell: 0333-9127292

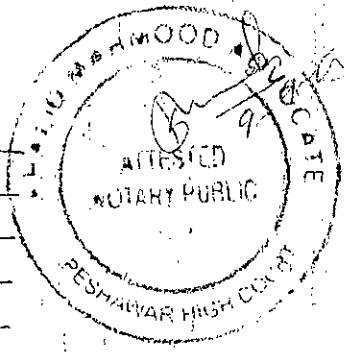
AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

Ant-w-d
2

Deponent

Date of Presentation of Application 29-12-17
 Number of Words 1200
 Copying Fee 800
 Urgent 200
 Total 1000
 Name of Copyist [Signature]
 Date of Completion of Copy 29-12-17
 Date of Delivery of Copy 29-12-17



Certified to be true copy
[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Appeal No. 1987/2015</p> <p style="text-align: center;">Date of Institution ... 15.09.2015 Date of Decision ... 13.12.2017</p> <p>Faizur Rehman S/o Fazal Muhammad, R/o Village Tehkal Bala Tehsil & District Peshawar.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">VERSUS</p> <p>The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar & 03 others.</p> <p style="text-align: right;">Respondents</p> <p>Mr. Yasir Saleem Advocate --- For appellant.</p> <p>Mr. Riaz Painsa Khel, Assistant Advocate General --- For respondents.</p> <p>MR. GUL ZEB KHAN --- MEMBER MR. MUHAMMAD HAMID MUGHAL --- MEMBER</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>GUL ZEB KHAN, MEMBER:</u> Learned counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present.</p> <p>2. Appellant Faizur Rahman has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the</p>		



ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

13.12.2017

[Handwritten Signature]
Awtelur
M
Ar

transfer order dated 03.07.2015 and relieving order dated 18.08.2015 whereunder the appellant stand transferred from


GGCMHS Tahkal Bala Peshawar to GHSS Tehkala Bala Peshawar.

3. Learned counsel for the appellant argued that the appellant was appointed as Beheshti on 12.01.1991 which post was exchanged by the respondents No. 1 with Muhammad Iftikhar Chowkidar vide order dated 07.02.2014. That the appellant has subsequently been transferred from GGCMHS Tahkal Bala Peshawar to GHSS Tehkal Bala Peshawar as a punishment after conducting an inquiry regarding theft on the complaint of female staff of the school. That transfer as a punishment is not covered under the list of penalties mentioned in the E&D Rules, 2011. In this respect learned counsel for the appellant relied on 2012-PLC (C.S)-187 and 1998-PLC-888. That the transfer order being illegal and void ab-initio may be set aside.

4. As a rebuttal, the learned Assistant Advocate General stated at the bar that it is a fact that the appellant was transferred due to serious complaint against him, but has been adjusted in another school within the same locality/area. Further argued that the post of Chowkidar is occupied by the appellant due to his mutual arrangements with Iftikhar Hussain, hence the instant service appeal may kindly be dismissed.

5. We have heard arguments of the learned counsel for the appellant and learned District Attorney for the respondents and have gone through the record available on file.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Attended
J

6. The appellant had not challenged the order dated 07.02.2014 of his mutual transfer/posting from Baheshti to Chowkidar unless and until the issuance of impugned order dated 03.07.2015. It is an admitted fact that the appellant has impugned the transfer order dated 03.07.2015 wherein he has been transferred from GCMHS Tehkal Bala Peshawar and adjusted at GHSS Tehkal Bala Peshawar and it is also a fact that both the schools are situated within the same locality/area, so there seems no problem at all. Further, being a Civil Servant, the appellant is liable to serve anywhere under Section-10 of the CSA-1973 as per directions of the competent authority. Consequently, the present appeal is hereby dismissed. Parties are liable to bear their own costs. File be consigned to the record room.

Announced
13.12.2017 *Self Gulzeb Khan,*
Member

Self M. Hamid Nughal,
Member

Certified to be true copy

W. A. P. R.
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application: 29-12-2017
 Number of Words: 1200
 Copying Fee: 800
 Urgent: 2-0
 Total: 1000
 Name of Copyist: [Signature]
 Date of Completion of Copy: 29-12-17
 Date of Delivery of Copy: 29-12-17

Attended
[Signature]

15

Most Immediate



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)E&SED/1-20/Peshawar/17
Dated Peshawar the 12-05-2017

To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: - UNLAWFUL ADJUSTMENT/CHANGE OF CADRE
Dear Sir,

I am directed to refer to the office order No. 50-52/General file dated 07/02/2014 issued by Headmistress, GGHS Tehkal Bala Peshawar and your office order No. 637-39/F.No. A-20/C-IV/Peshawar dated 03/07/2015 and to state that the Competent Authority has desired to clarify the following and furnish a detail report at the earliest so as to proceed further in the matter:

1. Who is authorised to change cadre?
2. If cadre is changed unlawfully, how can the delinquent officer be proceeded against under E&D rules?

Yours faithfully,

Encl: as above.

Endst: of even Number & Date:
Copy to:

1. PS to Secretary, E&SE Department, Peshawar.
2. PS to Special Secretary, E&SE Department, Peshawar.
3. PA to Deputy Secretary (A/B), E&SE Department, Peshawar.

sd
SECTION OFFICER (PRIMARY)

*Auth-ated
sd*

Annexure 3

16

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.

Office Order.

The posting/transfer in respect of the following Chowkidar District Peshawar is hereby ordered on their own pay and BPS in the interest of public service with effect the date of their taking over charge in relaxation of ban.

S.#	Name/Design:	Present Posting	Adjustment at	Remarks
1	Fazal Rehman Chowkidar	GGCMHS Tehkal Bala Peshawar	GHSS Tehkal Bala Peshawar	V.S.No. 01
2	Manzoor Chowkidar	GHSS Tehkal Bala Peshawar	GGCMHS Tehkal Bala Peshawar	V.S.No. 02

Note:-

1. Compliance report should be submitted to all concerned.
2. No TA/DA etc is allowed.

exchanged
کادریں

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 637-39 /F.No. A-20/C-IV/Peshawar. Dated Peshawar the 3/7/2015.

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (Male) Peshawar.
3. District Education Officer (Female) Peshawar w/r to his letter No. 985 dated 24.06.2015.
4. Principal/Headmistress concerned.
5. Officials concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

[Signature]
2/7
Assistant Director (Admn)

Directorate of Elementary & Secy: Education
Khyber Pakhtunkhwa, Peshawar

Amirul

ATTESTED BY
ILTAF SAMAD ASC
0333-9127292

"Annature" D

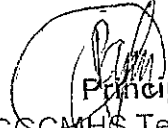
17

OFFICE OF THE PRINCIPAL GGCMHS TEHKAL BALA PESHAWAR

RELIEVING CHIT

Mr. Fazal Rahman chowkidar of this school is hereby relieved of his duties in compliance to the Director of E&SE KP Peshawar order No. 637-39/F.No. A-20/C-IV/ Peshawar dated 03/07/2015 today on 18/8/15 (Forenoon/ Afternoon).


He is hereby directed to report to Principal GHSS Tahkal Bala Peshawar for duty.


Principal
GGCMHS Tehkal Bala
Peshawar.

Endst: No. 3142-47 dated Peshawar the 18/08/2015.

Copy forwarded to the:-

1. Accountant General KP Peshawar.
2. District Officer (M) Peshawar.
3. District Officer (F) Peshawar.
4. Principal GHSS Tahkal Bala Peshawar.
5. PA to Director E&SE KP Peshawar.
- ✓ 6. Official concerned.


Principal
GGCMHS Tehkal Bala
Peshawar
G.G.C.M School
Tehkal Bala Peshawa

Attested
✓
l

ATTESTED BY
ILTAF SAMAD ASC
0333-9127292

Director
مختار سہیل ڈائریکٹر سب ایجوکیشن

اپیل

ضابطہ عالی میں بیان کیے گئے ہیں۔ مختار سہیل ڈائریکٹر سب ایجوکیشن
مختار سہیل ڈائریکٹر سب ایجوکیشن کے پوسٹ میں کام کرتا ہے۔

مختار سہیل ڈائریکٹر سب ایجوکیشن کے پوسٹ میں کام کرتا ہے۔
ان کے پوسٹ میں قانونی طور پر پوسٹ میں تبدیل نہیں کیا گیا۔

آپ جونیئر Director صاحب نے میرے تیار کیے گئے احکامات

مبارکی کیے ہیں۔ ان کے ذریعے 127-29/3/7/08

پست میں سہیل ڈائریکٹر سب ایجوکیشن کے پوسٹ میں
مختار سہیل ڈائریکٹر سب ایجوکیشن کے پوسٹ میں

مختار سہیل ڈائریکٹر سب ایجوکیشن کے پوسٹ میں
(مستثنیٰ) میں جہاں تیار کیا جائے گا اسے پست میں

Aut-21

مختار سہیل ڈائریکٹر سب ایجوکیشن
مختار سہیل ڈائریکٹر سب ایجوکیشن

ATTESTED BY
ILTAF SAMAD ASC
0333-9127292

AD (Admin) / Report (Admin)
For 2/12 PL
1/17

خدمت حساب ڈائریکٹر ایجوکیشن، سندھ ڈائریکٹوریٹ ایجوکیشن، حیدرآباد، خواجہ شام
Annexures
اپیل برائے محکمہ ایجوکیشن

EX
(19)

حساب عالی
گذارش ہے کہ مسائل محلہ ندر اعلیٰ کثیت لائسنس 12/1/1991 سے کام کرنا ہے۔

مسائل لائسنس برائے لائسنس حاکم ہائی اسکول کی ذمہ داری
شعبانہ کی قبول کی۔ لیکن اس کے بعد میٹریکس میں تبدیلی
اسی لیے آرڈر ایس 550-2-2014 مورخہ 7-2-2014 کے تحت
مسائل کی لائسنس کی تبدیلی کر دی اور لائسنس کی بجائے
حاکم ہائی اسکول بنا دیا۔ بعد میں لائسنس اسسٹنٹ کے
تبدیلی کی بجائے لائسنس لکھی۔

اب آئیٹاب کے دفتر سے جاری شدہ آرڈر ایس 637-3
مورخہ 2015-7-3 کے تحت مسائل کے تبادلہ کے تحت لائسنس
سکول لائسنس ہاؤس کے تحت لائسنس اسکول لائسنس ہاؤس
کرنا ہے۔ اور اس آرڈر میں لائسنس کو حاکم ہائی اسکول بنا دیا
لائسنس حساب والا ہے (اپیل کرنا ہے کہ مسائل
متعلق لائسنس کی لائسنس پر عمل درآمد سے کام کرنا ہے
ذرا مسائل کو اس لیے لائسنس پر مقرر کرنا ہے
مشورہ کرنا ہے۔

Attested
at
[Signature]

ATTESTED BY
ILTAF SAMAD ASC
0333-9127292

167
2013
[Signature]

مفتاحیہ
فضل الرحمن لائسنس (حاکم ہائی اسکول)
گورنمنٹ ٹیچنگ ٹریننگ اسکول لائسنس ہاؤس

Forwarded in original to Director BPS Edu.
PRINCIPAL
G.G.C.M. 1001
Tehkal Rala Panchayat

0342-9063984

20

OFFICE OF THE HEADMISTRESS

Govt. Girls High School
Tehkal Bala, Peshawar

OFFICE ORDER

Exchange of post between Mr. Iftikhar Hussain, Chowkidar, Govt. Girls High School, Tehkal Bala Peshawar and Fazlu Rahman, Bahawal, Govt. Girls High School, Tehkal Bala Peshawar is hereby on their own pay and scale in the interest of public service with immediate effect.

Note: Charge report should be submitted to all concerned.

E.D.O Samina Bibi
Exchange of the post Chowkidar
of Mr. Iftikhar Hussain may
be done by Mr. Fazlu Rahman
Committee

6/2/14
Engineer
Hammad ul-Hasan
Member National Assembly
NA-2

(BUSHRA YOUSAF)
Headmistress
Govt. Girls High School
Tehkal Bala Peshawar

Inst. No. 50-52 /General file

Dated 07/02/2014

Copy of the above is forwarded to the:

1. Accountant General, Khyber Pakhtun Khwa Peshawar.
2. Headmistress concerned.
3. Officials concerned.
4. B & A O District Education Officer (Female) Peshawar.

7

Headmistress
Govt. Girls High School
Tehkal Bala Peshawar

Amirul

قیمت 50 روپے	ہجرت	22070
ایڈوکیٹ:	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر:		
رابطہ نمبر:		
0301-8212-6		

بجراالت جناب: سید عتیق حسین صاحب مستحق عدالت خواجہ

منجانب: <u>سید عتیق حسین</u>	دعوی:
فضل الرحمن بنام <u>سید عتیق حسین</u>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام سید عتیق حسین کیلئے محمد حسین سید عتیق حسین 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 کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے 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 مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے 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: 8-1-18

المقام سید عتیق حسین کے لیے منظور ہے۔

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

نقل احسان

قیمت
50 روپے



29204

ایڈوکیٹ: ارسل سید
بار کونسل ایسوسی ایشن نمبر:
رابطہ نمبر: 0300 9072738

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

مخانب: <u>Applicant</u>	دعویٰ: <u>Summe Appeal</u>
فصل الہذا تلم وغرہ	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی مختلفہ
آن مقام ساور کیلئے ارسل سید اور ارسل سید کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے 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 مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے 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: 4/3/18

العبد _____ واہ شد _____ العبد

مقام _____ کے لیے منظور ہے۔
Arslan

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

ضلع کھاران