



27.09.2018

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Due to general strike of the bar adjourn. To come up for arguments on 28.09.2018 before D.B.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

28.09.2018


Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Atta Ullah Assistant Secretary for official respondents present. Private respondent alongwith his counsel also present. Learned counsel for appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 03.10.2018 before D.B.



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

03.10.2018

Learned counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Vide separate judgment of today of this Tribunal placed on file of appeal No.379/2018 filed by Amjid Sohail, the present service appeal bearing No.378/2018 is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

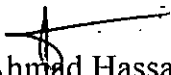

(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED
03.10.2018

30.07.2018

Appellant absent. Learned counsel for the appellant is also absent. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Attaullah, Assistant Secretary for official respondents No. 1 to 3 and private respondent No. 4 with counsel present. Adjourned. To come up for arguments on 20.09.2018 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

31.07.2018


extension of
Application for grant of status quo received. Learned counsel for the appellant appeared. Admittedly orders of status quo have earlier been issued in the present service appeal. As such the application is allowed and status quo be maintained till the next date now fixed as 17.08.2018 in view of extension of interim relief. Notice be issued to the respondent party for the date fixed.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

17.08.2018


Junior to counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourned. To come up for arguments on 27.09.2018 before D.B.

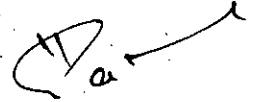

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

28.06.2018

Appellant absent. Rejoinder received and placed on file. Adjourned. To come up for arguments on 13.07.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

13.07.2018

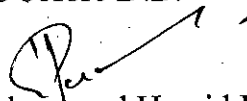
Junior to counsel for the appellant present. Request made for adjournment. Adjourned. To come up for 23.07.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

23.07.2018

Appellant alongwith his counsel present. Mr. Attaullah, Assistant Secretary and Mr. Muhammad Ilyas, Patwari alongwith Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 to 3 and private respondent No. 4 in person present. Learned counsel for the appellant made a request for adjournment. Granted. To come up for arguments on 30.07.2018 before D.B.


(Muhammad Hamid Mughal)
Member

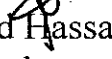
28.05.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Mir Zaman D.K on behalf of official respondents present. Respondent No.4 in person present and submitted written reply/comments. Representative of official respondents seeks time to file written reply/comments. In the present case transfer order has been made impugned and status quo has also been granted by this Tribunal. As such the present service appeal is assigned to D.B for further proceedings. To come up for reply of official respondents and final hearing on 11.06.2018 before D.B. Status quo be maintained till the date fixed.


Member

11.06.2018

Appellant with counsel present. Learned DDA alongwith Mr. Muhammad Zaman D.K and Mr. Atta Ullah Assistant Secretary for official respondents present. Written reply/comments submitted on behalf of official respondents. None present on behalf of private respondent No.4 hence placed ex-parte. Adjourned. To come up for rejoinder/arguments on 28.06.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

17.04.2018

Counsel for the appellant and Addl. AG alongwith Mr. Atta Ullah, Assistant Secretary for the respondent no. 1 present. None present on behalf of respondent No. 2 to 4. Therefore, fresh notices be issued to the respondent No. 2 to 4 to attend the court positively. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 02.05.2018 before S.B.


Member

02.05.2018

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Atta-ur-Rehman, Assistant Secretary for official respondents No. 1 to 3 and private respondent No. 4 with junior counsel also present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 25.06.2018.


Reader

17.05.2018

Appellant Anwar Zaib in person alongwith counsel Mr. Muhammad Adeel Butt, Advocate present. Mr. Attaullah, Assistant Secretary on behalf of respondent No. 1, Mr. Kabirullah Khattak, Addl. AG for respondents No. 1 to 3 and respondent No. 4 Sajjad alongwith Kamran Khan, Advocate, junior to Mr. Noor Muhammad Khattak, Advocate present. Respondents made a joint request to submit written reply which is granted but as a last chance. Case to come up for written reply/comments on 28.05.2018 before S.B. In the meanwhile status quo be maintained till the date fixed.


Chairman

Appeal No. 378/2018
Anwar Zaib vs Govt

16.03.2018

Appellant alongwith counsel present. Preliminary arguments heard. The learned counsel for the appellant argued that the appellant was transferred prematurely on 23.02.2018 after only 8 months service at the station. Against which he filed departmental appeal on 06.3.2018 which was rejected on 08.3.2018 and thereafter, he filed the present service appeal on 15.3.2015.

The grounds as argued by the learned counsel for the appellant are that the transfer is against the posting/transfer policy. That the transfer was made on political consideration. That during the senate selection the same transfer was made.

The Points raised need consideration. The appeal is admitted to 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 02.04.2018 before S.B.

The learned counsel for the appellant also moved a misc. application for suspension of transfer order. Notice of application should also be issued to the respondents for the date fixed. Status quo be maintained till the date fixed.

Appellant Deposited
Security & Process Fee

Chairman

02.04.2018

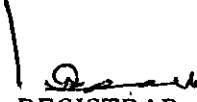

Clerk of the counsel for appellant and Additional: AG alongwith Mr. Atta Ullah, Assistant Secretary for official respondent no. 1 to 3 present. Junior counsel for private respondent present and submitted fresh wakalat nama on behalf of private respondent no. 4 which is placed on file. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 17.04.2018 before S.B. Status quo be maintained till the date fixed.

(Ahmad Hassan)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 378/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15/03/2018	<p>The appeal of Mr. Anwar Zeb presented today by Mr. Muhammad Adil Butt 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-	16-3-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16-3-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. 378, 2018

Anwar Zeb Halqa patwari Kakshal Peshawar

Appellant

V/S

The Senior Member Board of Revenue

Index

S.No	Description of documents	Annex	Page
1	Grounds of Appeal along with Affidavit		01-04
2	Addresses of the Parties		05
3	Application for interim relief/suspension order		06
4	Copy of the Transfer Order dated 19/06/2017	A ₁ -A ₂	07-08
5	Copy of the transfer Order dated 23/02/2018	"B"	09
6	Copy of the departmental appeal 06/03/2018	C	10
7	Rejection Order dated 08/03/2018	D	
8	Wakalatnama		

Appellant

Through

Muhammad Adeel Butt,
Advocate, Peshawar

(1)

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. 378, 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 392

Dated 15/03/2018

Anwar Zeb Halqa Patwari Kakshal, Peshawar.

Appellant

V/S

1. The Senior Member Board of Revenue
2. Commissioner of Peshawar
3. Deputy Commissioner of Peshawar.
4. Sajjad Tehsil Revenue Accountant. *Peshawar*

Respondents

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED WHEREBY THE DEPARTMENTAL OF THE APPELLANT HAS BEEN REJECT AGAINST THE PRE MATURE TRANSFER ORDER DATED 23/02/2018 FOR NO GOOD GROUNDS.

PRAYER

ON THE ACCEPTANCE OF THIS APPEAL IMPUGNED ORDERS DATED 23/02/2018 AND 08/03/2018 MAY BE SET ASIDE BEING PRE-MATURE PASSED IN THE VIOLATION OF POSTING/TRANSFER POLICY. THE RESPONDENTS DEPARTMENT MAY FURTHER PLEASE BE DIRECTED NOT TO TRANSFER THE APPELLANT BEING PRE MATURELY AND IN VIOLATION OF POSTING/TRANSFER POLICY. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND

Filed to-day

Law
Registrar
15/3/18.

APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOR OF APPELLANT.

RESPECTFULLY SHEWETH,

Facts


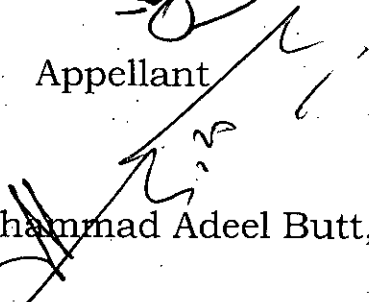
1. That the appellant is working in Revenue department as Patwari and performing his duty with entire satisfaction of his superiors and no complaint has been filed by the Appellant .
2. That previously the Appellant was transferred from the post of Halqa Patwari Bazed Kheil to P.H Kakshal , Peshawar vide Order dated 19/06/2017 and since then performing his duty with great zeal and devotion.(Copy of the Ordr dated 19/06/2017 is annexed as Annexure "A").
3. That without completing the normal tenure, just after hardly 8 months , the appellant is transferred to Tehsil Revenue Accountant (TRA) from P.H Kakshal vide order dated 23/02/2018.(Copy of the impugned transfer order is annexed as Annexure "B").
4. That against the impugned transfer order the Appellant filed the departmental Appeal on 06/03/2018 which was rejected on 08/03/2018 for no good ground.(Copy of the departmental appeal and rejection order is Annexed as Annexure "C" and "D").
5. That the Appellant has no other remedy but come to this August Tribunal on the basis of following grounds amongst others.

GROUND:

- A. That the impugned order dated 23/02/2018 and 08/03/2018 are against the law, facts, norms of justice, being pre maturely, violation of Posting/transfer Policy , therefore, not tenable and liable to be set aside.
- B. That transfer of the Appellant is in total violation of government posting/transfer policy and circular based on the Anita Turab Case dated 27/02/2013, thus the impugned order is liable to be set aside on this score alone.

- C. The impugned Transfer Order is also pre mature as the Appellant without completing his normal tenure, just after hardly 8 months , as envisaged in posting/transfer policy , at the current station i-e P.H Kakshal , which is clear violation of posting/transfer Policy, hence liable to be suspended and not tenable in the eyes of law.
- D. That the impugned transfer order is the outcome of political influence and has no legal sanctity of law during the days of Senate elections.
- E. That the Appellant has not been treated according to law and rules and has been pre maturely transferred in clear violation of posting/transfer policy .
- F. That the Appellate Order is passed in arbitrary and haste manner ,as no ground that has been mentioned in the Departmental Appeal, discussed ,hence the Respondent No. 2 passed the non speaking order which is an utter disgrace to the judgments of Higher Courts ,having no sanctity in the eyes of law.
- G. That the Appellant seeks the 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.


 Appellant
 Through

 Muhammad Adeel Butt,
 Advocate, Peshawar.

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. _____, 2018

Anwar Zeb Patwari Halaqa Patwari halqa KakShal

V/S

The Senior Member Board of Revenue and others

Affidavit

It is affirmed that the contents of the application are correct to the best of my knowledge and nothing has been concealed from this August Tribunal .



Deponent.



BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. _____, 2018

Anwar Zeb Patwari Halqa Patwari halqa Kakshal

V/S

The Senior Member Board of Revenue and others

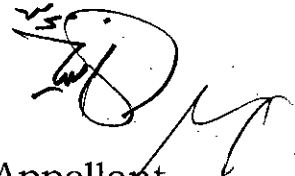
Address of Parties

Appellant

Halqa Patwar Kakshal

Respondents.

1. Senior Member Board of Revenue, Civil Secretariat
, Peshawar
2. Commissioner Office Peshawar Cantt.
3. Deputy Commissioner Office, Peshawar Cantt



Appellant

Through
Muhammad Adeel Butt,
Advocate, Peshawar

(6)

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. _____, 2018

Anwar Zeb Patwari Halaqa Patwari halqa KakShal

V/S

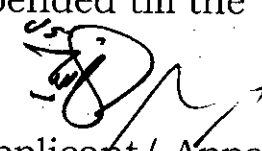
The Senior Member Board of Revenue and others

**APPLICATION FOR SUSPENDING THE OPERATION OF
ORDER DATED 23/02/2018 TILL THE DISPOSAL OF
MAIN APPEAL .**

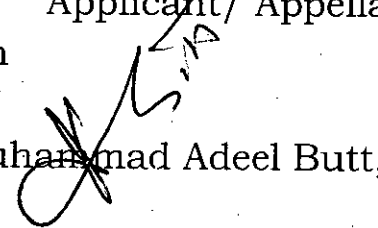
RESPECTFULLY SHEWETH

1. That the Appellant has filed the appeal along with this application in which no date is fixed so far.
2. That impugned transfer order is passed being prematurely and in violation of posting/transfer policy.
3. that the grounds of main appeal may also be considered as integral part of this application.
4. That the appellant has a good prima facie case and all the three ingredients are in favor of the Appellant.

It is therefore most humbly prayed that the operation of the Order dated 23/02/2018 may be suspended till the decision of the main appeal .


Applicant/ Appellant

Through


Muhammad Adeel Butt,

Advocate, Peshawar



Dated Peshawar the 15/10/2017. Ametuz A, (7)

OFFICE ORDER.

Pursuant to the directions/instructions of the Board of Revenue Khyber Pakhtunkhwa, the following postings/transfers amongst the Patwaris of District Peshawar are hereby ordered in the public interest with immediate effect:-

S#	Name of Patwari	From	To
1	Mr. Arshad	P.H Dalazak	P.H Haryana Bala
2	Mr. Riaz Ahmed	P.H Babu Zai	P.H Choha Gujar
3	Mr. Dilbar Khan	P.H Kankola	P.H Babu Zai
4	Mr. M. Israr	P.H Chuha Gujar	P.H Kankola
5	Mr. Gulzar Ahmed	P.H Gulozai	P.H Daag
6	Mr. Tariq Hussain	P.H Haryana Bala	P.H Dalazak
7	Mr. Sikandar Khan	P.H Daag	P.H Gulozai
8	Mr. Naeem	P.H Mulazai	P.H Haryana Payan
9	Mr. Javed Khan	P.H Bhana Marhi	P.H Abadi Peshawar
10	Mr. Tariq	P.H Achar	P.H Garhi Chandan
11	Mr. Riaz	P.H Niemi	P.H. Sheikh Muhammadi
12	Mr. Aftab Ahmed	P.H Sangu	P.H Nodeh Bala
13	Mr. Mian Inamullah	P.H Maryumzai	P.H Palosi Atozai
14	Mr. Anwarzai	P.H Bazid Khel	P.H Kakshal
15	Mr. Zarshad	P.H Urmar Payan	P.H Achini Payan
16	Mr. Salahud Din	P.H Sufaid Dheri	P.H Lala Ahmed
17	Mr. Haroon Khan	P.H Lala Ahmed	P.H Mullazi
18	Mr. Kamran	P.H Tukra No.3	P.H Qilla Shah Beg
19	Mr. Ghafoor Khan	P.H Shahdand	P.H Fatu Abdurahimia
20	Mr. Naveed Ahmed Khan	P.H Regi	P.H Charpriza
21	Mr. Mumtaz Ali Shah	P.H Kakshal	P.H Bhatian
22	Mr. Noor Ul Qamar	P.H Mera Haderabad	P.H P.H Nasir Pur
23	Mr. Wali Khan	P.H Achini Payan	P.H Urmar Payan
24	Mr. Saeed Ahmed Khan	P.H Mashogagar	P.H Bazid Khel
25	Mr. Imtiaz Khan	P.H Malakander	P.H Urmar Miana
26	Mr. Riaz	P.H Nothia	P.H Pishtakhara Bala
27	Mr. Arif	P.H Qilla Shah Baig	P.H Shah Dhand.
28	Mr. M. Nadeem	P.H Azakhel	P.H Bhana Marhi
29	Mr. Noor Hussain	P.H Sufaid Sang	P.H Wadpaga
30	Mr. Ikram Ullah	P.H Ahmed Khel	P.H Malakander
31	Mr. Abdul Ghaffar	P.H Kafoor Dheri	P.H Kukar
32	Mr. Ilyas	P.H TRA.Tehsil	P.H Swati Charkhana
33	Mr. Dastagir	P.H Garhi Chandan	P.H Achar
34	Mr. M. Saeed	P.H Fatu Abdur Rahima	P.H Mashogagar.
35	Mr. Majid	P.H Kagawala Alizai	P.H Achini Bala
36	Mr. Rehmat Elahi	P.H Haryana Payan	P.H Sufaid Dheri
37	Mr. Mansoor Ahmed	P.H Jogani	P.H Tauda

ATTESTED

39	Mr. Malik Zahid Ullah	P.H Kukar	P.H Kagawala Alizai
40	Mr. Inam Ullah	P.H Nasir Pur	P.H Sarband
41	Mr. Sadaqat Ullah	P.H Sarband	P.H Nothia
42	Mr. Sanauallah	P.H Nodeh Bala	P.H Regi
43	Mr. Amjed Suhail	P.H Bhatian	P.H Tukra-3
44	Mr. Iftikhar	P.H Sheikh Muhamamdi	P.H Urmar Bala
45	Mr. Roohul Amin	P.H Charpariza	P.H Maira Haiderabad

Deputy Commissioner,
Peshawar.

No. 12.12.2017 /DC(P)/DK

Dated Peshawar the 19/12/2017

Copy forwarded to the:-

1. Commissioner Peshawar Division Peshawar.
2. Additional Deputy Commissioner, Peshawar.
3. Assistant Commissioner, Peshawar.
4. PS to SMBR, Khyber Pakhtunkwaha.
5. Tehsildar Peshawar.
6. Naib Tehsildar Qasba Circle.
7. Patwari concerned for immediate compliance.

Deputy Commissioner,
Peshawar.

ATTESTED

DEPUTY COMMISSIONER
PESHAWAR

Dated Peshawar the February 23, 2018

9

Annexure B

OFFICE ORDER

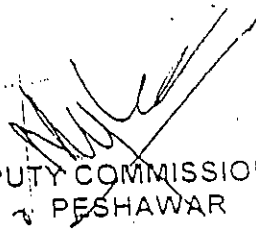
No. 505 /ACP. The following revenue officials are hereby transferred/posted with immediate effect in the public interest.

S#	Name of Patwari	Current Posting	To
1	Mr. Amjad Sohail	P.H. Tukra No. 3	P.H. Sarakhna vice Sr. No. 2
2	Mr. Qaiser Khan	P.H. Sarakhna	P.H. Tukra No. 3 vice Sr. No. 1
3	Mr. Sajjad	TRA	P.H. Kakshal vice Sr. No. 4
4	Mr. Anwar Zeb	P.H. Kakshal	TRA vice Sr. No. 3


DEPUTY COMMISSIONER,
PESHAWAR

Copy forwarded for information to the

1. Commissioner Peshawar Division Peshawar.
2. Additional Deputy Commissioner Peshawar.
3. Assistant Commissioner Peshawar.
4. Additional Assistant Commissioner(R) Peshawar.
5. All Additional Assistant Commissioners Peshawar
6. Superintendent DC Office Peshawar
7. District Kanungo Peshawar.
8. Officials concerned.


DEPUTY COMMISSIONER,
PESHAWAR

ATTESTED

حکمانہ ایمل بر طرف حکم طرف 3 فروری 2018ء بر طرف
گڑھی کشن صاحبک در بابت غیر قانونی تباد

ضاب عالی! سائل ذیل مرض اسماں ہیں۔

1 - یہ کہ سائل حکمہ مال میں کیفیت سواری (BPS-9) حورفہ مال
2005ء سے تصیبات ہیں۔

2 - یہ کہ سائل کا تباد حورفہ 19⁰⁶/₂₀₁₇ کو موضع بازرہ ضلع حورفہ
کاشت مال ہو چکا ہے۔

3 - یہ کہ حورفہ 3 فروری 2018ء کو سائل کا تباد حورفہ کاشت
سے TRA قسمل کر دیا ہے۔

4 - یہ کہ حکم نہ کورہ خورفہ قانون ہے۔ سائل قسمل ~~184~~ 244 دن تصیبات
ہو چکا ہے۔ حالانکہ سول سروسٹ لائنز و رولز کے مطابق تباد
تصیبات حورفہ نہ ہے۔

5 - یہ کہ حکم حورفہ 23⁰⁹/₂₀₁₈ سے ساسی تباد ہو چکا ہے۔

6 - یہ کہ سائل کا خورفہ کوئی شکایت نہ ہے۔

7 - یہ کہ سائل کے جڈ جب بندہ کا تباد کیا گیا ہے وہی کا تباد

شدہ جڈ نہ سب کم عمر ہو چکا ہے۔
اسٹیشن۔ حکم حورفہ 3 فروری 2018ء کو

مخبرہ کرنے کا حکم۔ مختص جڈ۔
23⁰⁹/₂₀₁₈ (امری) کے
انور زید حورفہ کاشت مال

ATTESTED

(11)

Annexure D

**IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

DATE OF INSTITUTION 06.03.2018.
DATE OF DISPOSAL 08.03.2018
APPEAL No. 102/2018

MR. ANWAR ZEB PATWARI HALQA MOUZA KAKSHAL PESHAWAR.

(APPELLANT)

VS

DEPUTY COMMISSIONER PESHAWAR.

(RESPONDENT)

Claim:
ORDER

DEPARTMENTAL APPEAL

1. This order will dispose of the appeal filed by the above named appellant challenging the order dated 23.02.2018 of the Deputy Commissioner/District Collector Peshawar, whereby the appellant was transferred from Patwar Halqa Kakshal and posted as Tehsil Revenue Accountant(TRA). Aggrieved of the same the appeal in hand was filed by the appellant with pray for setting aside the impugned order, terming it illegal and premature. Facts of the case leading to filing of instant appeal are that the appellant was transferred to Patwar Halqa Kakshal, Peshawar vide order dated 19.06.2017 and after serving there for more than 08 months, again transferred vide impugned order dated 23.02.2018 from the said Halqa in violation of the posting/transfer policy.
2. Case record perused. Perusal of the record reveals that no illegality or irregularity in passing the impugned order has been committed by the District Collector Peshawar as posting/transfer of revenue field staff/Patwaris is a routine matter and are made by the competent authority, being part and parcel of the job. The Instant transfer of the appellant has also been made in this context purely in public interest.
3. Keeping the above in view, the appeal of the appellant stands dismissed/rejected and office order dated 23.02.2018 of the District Collector is upheld. File to GRR after necessary completion.

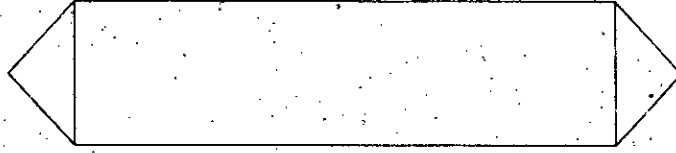
Announced
08.03.2018

Attended
A. 12/3/2018

Reader to Commissioner FCR
Peshawar Division Peshawar

Mahab Akh.
COMMISSIONER
PESHAWAR DIVISION PESHAWAR

DELETED
ATTESTED



Appellate
SMBR

2018 پنجاب

الدر زید بنام
ولدہ یا ائدہ خصل

مورخہ
مقدمہ
دعویٰ
جزم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام سکاؤر کیلئے محمد علی علی اللہ لکھنوی
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 پر حلف 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
زرائیں 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 مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے
سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھد یا کہ سندر ہے۔

2018

ماہ 03

الرقوم 159

تاریخ

الع د گ و اہ الع

کے لئے منظور ہے۔

مقام سکاؤر

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 378/2018

ANWAR ZEB

VS

REVENUE DEPARTT:

REPLY ON BEHALF OF PRIVATE RESPONDENT NO.4
(Mr. SAJJAD, TEHSIL REVENUE ACCOUNTANT)

R/SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appellant has concealed materials facts from this Honorable Tribunal.
4. That the instant appeal is not maintainable in its present form.
5. That the appeal is bad due to Non-Joinder & Mis-Joinder of necessary parties.
6. That the appeal is not maintainable U/S 10 of the civil servant Act 1973.
7. That the appeal of the appellant is time barred.
8. That the appellant is estopped by his own conduct to file the instant appeal.

ON FACTS:

1. Pertains to the appellant's own service record, hence needs no comments.
2. Correct to the extent of transfer order which is purely a routine transfer order passed by the competent authority in the public interest and in light of section-10 of the Civil Servant Act, 1973.

3. Incorrect and misconceived. That the transfer order dated 23.02.2018 has been issued by the competent authority in the public interest and in light of the section-10 of the Civil servant Act, 1973. That according to section-10 transfer is the prerogative of the employer and the same cannot be claimed as a matter of right.
4. Subject to record hence need no comments.

GROUND:

- A- Incorrect and misconceived. That the order dated 23.2.2018 has been issued by the competent authority in accordance with law and rules.
- B- Incorrect and misconceived. That the appellant has been transferred as per transfer/posting policy of the Provincial Government of Khyber Pakhtunkhwa.
- C- Incorrect and misconceived hence denied.
- D- Incorrect and misconceived. That no political interference is involved in the mentioned order rather it is the appellant who want to stick himself to one station.
- E- Incorrect. That appellant has been treated in accordance with law and prescribed rules and as such no violation has been made by the authority while issuing the order dated 23.2.2018.

It is therefore, most humbly prayed that on acceptance of this reply the appeal of the appellant may kindly be dismissed with cost.

PRIVATE RESPONDENT NO. 4


SAJJAD

THROUGH:


NOOR MOHAMMAD KHATTAK


MUHAMMAD MAAZ MADNI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESAHWAR

Appeal No. 378/2018

ANWAR ZEB

VS

REVENUE DEPARTT:

REPLY ON BEHALF OF PRIVATE
RESPONDENT No.4 IN RESPONSE TO THE
APPLICATION SUBMITTED BY APPELLANT
FOR THE GRANT OF STATUS QUO

R/SHEWETH:

- 1- That the above mentioned appeal is pending for adjudication before this august Service Tribunal and is fixed for 25.5.2018.
- 2- That in the above mentioned case this august Tribunal granted status quo in favor of the appellant vide order dated 2.4.2018.
- 3- That the appellant cannot satisfy all the three necessary ingredients under order 39 rule 1 and 2 which is must according to the Supreme Court judgments.
- 4- That no prior notice has been issued to the appellant before issuance of the status quo order dated 2.4.2018.
- 5- That as the order has been passed by a proper Government authority; therefor under 56 (d) of Specific Relief Act such orders can not be stayed/suspended.

It is therefore most humbly prayed that on acceptance of this replication the status Quo granted in favor of the appellant may kindly be set aside.


RESPONDNET NO.4

SAJJAD

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Appeal No.378-P/2018

Anwar Zeb Halqa Halqa Patwari Kakshal, Peshawar

.....(Appellant)

VERSUS

1. Senior Member Board of Revenue
2. Commissioner Peshawar Division.
3. Deputy Commissioner Peshawar
4. Sajjad Tehsil Revenue Accountant, Peshawar

.....(Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 TO 3

Respectfully Sheweth,

Preliminary Objections.

1. That the appellant in the instant case has no locus standi or cause of action to institute present writ petition.
2. That the appellant has not come to this honourable court with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appellant is not maintainable in the present form.
5. That the instant appellant is barred by law.

OBJECTION ON FACTS.

1. Correct to the extent that he is performing duty as Patwari in District Peshawar.
2. Correct.
3. Incorrect. The transfer of appellant was based on administrative base and in the largest public interest.
4. Correct.
5. No comments.

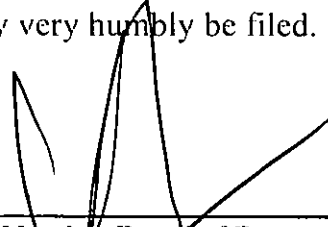
GROUND


- A. Incorrect. The transfer order is according to the rules, regulations, based on administrative ground and in the largest public interest.
- B. Incorrect.
- C. Incorrect. As per para-A above.
- D. Incorrect. There is no political influence in issuance of the said order. The Posting/Transfer orders are issued on administrative ground and in the largest public interest.


(Continued on Page-2)

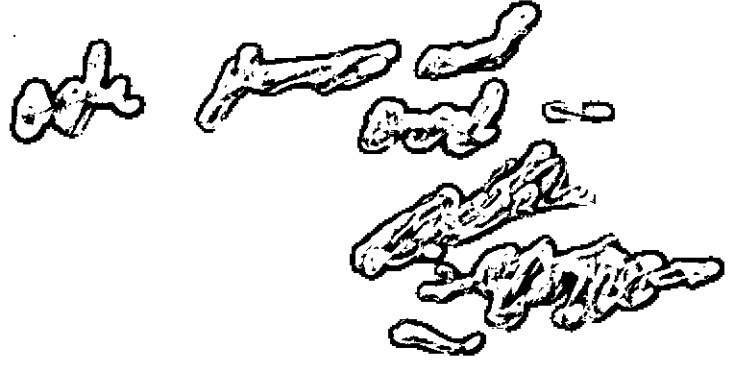
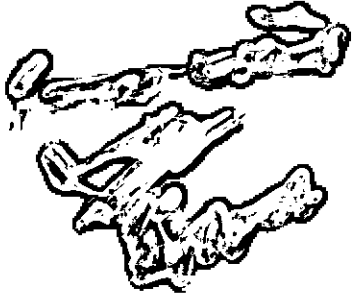
- E. Incorrect.
- F. Incorrect.
- G. No comments.

It is therefore prayed before the honourable court that appeal in hand having no weight may very humbly be filed.


Senior Member Board of Revenue/
Secretary, Govt. of Khyber Pakhtunkhwa,
Board of Revenue, Peshawar
(Respondent No.1)
Senior Member
Board of Revenue
Khyber Pakhtunkhwa


Commissioner Peshawar Division,
Peshawar
(Respondent No.2)
Commissioner Peshawar Division
Peshawar


Deputy Commissioner,
Peshawar,
Deputy Commissioner/Collector
Peshawar
(Respondent No.3)



BEFORE THE SENIOR TRIBUNAL PESHAWAR

SERVICE APPEAL NO 378-P/2018

Anwar Zeb

VERSUS

SMBR and others

REJOINDER ON BEHALF OF APPELLANTS

Respectfully Sheweth,

Preliminary objections:

**ALL THE PRE-LIMINARY OBJECTIONS ARE
INCORRECT, FALSE AND CONCOCTED, HENCE DENIED
DRAFTED.**

Objection on Facts:-

1. The respondents are admitted as correct
2. No Comments
3. Para No 02 Denied as drafted. The transfer order of appellant is based on malafide against the law, rules and policy etc. furthermore the respondents has not replied Para No 3 in accordance with pleading Rules, in other way admitted the version of appellant
4. Para No 4 denied as drafted the respondents have in other way admitted the version of appellants as mentioned in the body of appeal.
5. Incorrect, the appellant has got come a cause of action file instant appeal

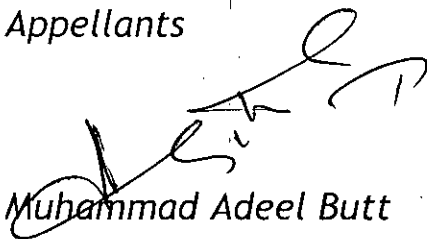
Grounds:-

- A. Denied as drafted. The version of the respondent is as against the rules and regulation based on malafide intention and not in the interest of public.
- B. As replied above.
- C. As replied above.
- D. Denied as drafted. Any action taken or order made against the rules and policy reflects political influence or other influence that leads to the malafide, intention, hence, not tenable in the eyes of law. The transfer order issued against the policy and rules.
- E. Incorrect denied as drafted. The appellant was not treated as per law.
- F. Denied as drafted. As reply as in ground "A".
- G. No Comments.

It is therefore prayed before the honourable tribunal that the appeal in hands may having merits may very humbly accepted.

Through

Appellants


Muhammad Adeel Butt
Advocate High Court
Peshawar

Before The Service Tribunal, KPK.

Answer Feb 24/18 SMBR.
E' dried detail

Put up to the court
with relevant app.

APPLICATION FOR THE
GRANT OF EXTENSION

~~31/7/18~~
31/7/18.

OF STATUS QVO

31.7.2018

Respectfully

Respectfully presented

1) That the above captioned case is pending adjudication before this Honorable Tribunal wherein the last date of hearing was 30⁷/₂₀₁₈ and the next date of hearing is 20⁹/₁₈.

2) That ^{on} the ^{date of} ~~hearing~~ ^{hearing} Pre liminary hearing, the Honorable Tribunal was pleased to grant the interim relief in favor of Applicant / Appellant and hence, the instant application for the grant of extension of Status QVO

It is, therefore, humbly requested to allow this application

Applicant
M. Azeem Bilal