

Sr. No	Date of order/ proceeding	Order or other proceedings with signature of Judge or Magistrate
1	2	<p style="text-align: center;">3</p> <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Appeal No. 379/2018</p> <p style="text-align: center;">Date of Institution 15.03.2018 Date of Decision ... 03.10.2018</p> <p style="text-align: center;">Mr. Amjid Sohail halqa Patwari tukra No.3 Peshawar. -----Appellant</p> <p>1. The Senior Member Board of Revenue. 2. Commissioner of Peshawar. 3. Deputy Commissioner of Peshawar. 4. Qaiser Khan Tehil Revenue Accountant Peshawar.</p> <p style="text-align: right;">-----Respondent</p> <p>Mr. Hussain Shah.....Member Mr. Muhammad Hamid Mughal.....Member</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>HUSSAIN SHAH, MEMBER:-</u> Appellant, learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney on behalf of the official respondents present.</p> <p>2. This Single/common judgment, shall dispose off the above captioned service appeal bearing No. 379/2018 filed by Mr. Amjid Sohail halqa Patwari and service appeal No. 378/2018 filed by Mr. Anwar Zaib Halqa Patwari as both these service appeals have arisen from the same transfer/posting order dated 23.02.2018,</p>

[Handwritten signature]

03.10.2018

whereby the appellant Amjid Sohail was transferred from the post of Patwari Halqa Tukra No.3 and posted as Patwar Halqa Sarakhna, whereas the appellant Anwar Zaib has been transferred from the post of Patwari Halqa kakshal and posted as Tehsil Revenue Assistant (TRA).

3. The learned counsel for the appellant argued that the impugned transfer order is premature as it is against the posting transfer policy of the government. The learned counsel for the appellant further argued that the impugned order was issued on political reason and has no legal sanctity being premature.

4. The learned Deputy District Attorney contested the arguments of the appellant's counsel and stated that the transfer of the appellant was based on administrative ground and in the public interest. He further argued that the Posting/Transfer of the revenue field Staff/Patwari is a routine matter and are being made by the competent authority in public interest.

5. Arguments heard. File perused.

6. Appellant and the leaned counsel for the appellant contended that the impugned transfer order is on political consideration and the transfer is premature. However no evidence

8/1/20

of any political intervention could be placed before the tribunal though the tribunal specifically asked for it. The tribunal agrees to the arguments of the learned Deputy District Attorney that the tenure mentioned in the posting transfer policy is subject to the public interest and the administrative expediencies. Moreover the posting is within the same station, the city of Peshawar and has not caused any hardship to the appellant.

7. In view of the above conclusion the present service appeal bearing No. 379/2018 as well as the connected service appeal as mentioned in Para Two (2) of this judgment are 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

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. Learned counsel for private respondent 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.

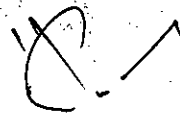

(Hussain Shah)
Member


(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, the present service appeal bearing No.379/2018 as well as the connected appeal are dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)
Member

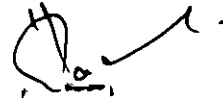

(Muhammad Hamid Mughal)
Member

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


Application for grant of *extension of* status quo received and placed in service appeal No.378/2018. 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

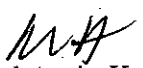
Junior to counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourned. To come up for arguments on 27.09.2018 before D.B.

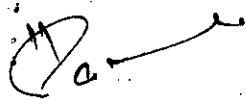

(Muhammad Amin Kundi)
Member


(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.

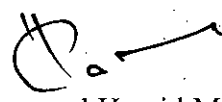

(Muhammad Amin Kundi)
Member


(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 present. Learned Additional Advocate General alongwith Mir Zaman D.K for the respondents present. Representative of the respondents seeks time to written reply. In the present service appeal transfer order has been made impugned and status quo has also been granted by this Tribunal hence in the

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. Adjournd. To come up for rejoinder/arguments on 28.06.2018 before D.B. Respondents are directed to furnish written reply/comments on or before the date fixed. Fresh notice be issued to the respondent No.4 for the date fixed. In the meanwhile status quo be maintained till the date fixed.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

MEMBER


28.05.2018

Learned counsel for the appellant present. Learned Additional Advocate General alongwith Mir Zaman D.K for the respondents present. Representative of the respondents seeks time to file written reply. In the present service appeal transfer order has been made impugned and status quo has also been granted by this Tribunal hence in the given circumstances in order to avoid further delay in the disposal of the present service appeal the present service appeal is consigned to D.B for further proceedings on 11.06.2018. Respondents are directed to furnish written reply/comments on or before the date fixed. Fresh notice be issued to the respondent No.4 for the date fixed. In the meanwhile status quo be maintained till the date fixed.


Member

11.06.2018

Appellant with counsel present. Learned DDA alongwith Mr. Mir 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. Adjournd. 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 Amjad Sohail 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 present. Respondents made a joint request to submit written reply which is granted but as a last chance. As per information by the parties before the court, respondent No. 4 has gone to perform Umra. 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. 379/2018
Anjid Sohail 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 15.3.2018.

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 the respondents present. 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. 379/2018

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. Amjid Sohail 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> 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> CHAIRMAN</p>

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. 378, 2018

Amjad Sohail Halqa Patwari Tukra No.3 Peshawar

Appellant

V/S

The Senior Member Board of Revenue

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7	Rejection Order dated 08/03/2018	D	11
8	Wakalatnama		

Appellant

Through

Muhammad Adeel Butt,

Advocate, Peshawar

(1)

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. 379, 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 393

Dated 15/03/2018

Amjad Sohail halqa Patwari tukra No.3 Peshawar.

Appellant

V/S

1. The Senior Member Board of Revenue
2. Commissioner of Peshawar
3. Deputy Commissioner of Peshawar.
4. Qaiser Khan 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

Filed to-day

Registrar

15/3/18

**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 TRANFER THE APPELLANT BEING PRE
MATURELY AND IN VIOLATION OF
POSTING/TRANSFER POLICY.ANY OTHER REMEDEY
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND**

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 Bhatian 1 to P.H Tukra No.3 , 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.

(1)

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA

Service Appeal No. _____, 2018

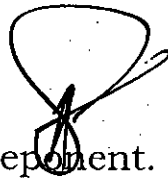
Amjad Sohail Patwari Halaqa Tukra No.3, Peshawar.

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.



5

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

Amjad Sohail Patwari Halaqa Tukra No.3, Peshawar

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 Ammir 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:-

SH	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 Bhotian
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 Pishtakhora 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

38	Mr. Sajjad	P.H Tauda	P.H TRA Tehsil
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. Sanauillah	P.H Nodeh Bala	P.H Regi
43	Mr. Amjed Suhail	P.H Bhatiana	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. 12122-74 /DC(P)/DK

Dated Peshawar the 9/10/2017

Copy forwarded to the:-

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

Deputy Commissioner,
Peshawar.

ATTESTED

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 Karikola	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. Anwarzajb	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 Bhatlan
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

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. Saraklna vice Sr. No. 2
2	Mr. Qaiser Khan	P.H. Saraklna	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

حکومت دہلی بر خلاف حکم حروف 23 فروری 2018ء ڈی ایچ کے تحت
صاحب کٹ اور بابت غیر قانونی تبادلات

- 1 - صاحب ملک! سائل ذیل عرض کرتا ہے۔
- یہ کہ سائل حکم مال میں کمیٹی برابری (BPS-9) حروف مال
2010ء سے تفتیش ہے۔
- 2 - یہ کہ سائل کا تبادلہ حروف 19/17 کو موضع حقینان سے موضع
نگرا انگریزی پٹ میں ہو چکا ہے۔
- 3 - یہ کہ اب حروف 23 فروری 2018ء کو سائل کا تبادلہ موضع
نگرا انگریزی پٹ میں موضع سرخند کر دیا گیا ہے۔
- 4 - یہ کہ حکم مذکورہ خلاف قانون ہے۔ سائل شخص 244 دن
موضع نگرا انگریزی پٹ میں تفتیش رہا ہے۔ حالانکہ سول سروس
قانون و رولز کے مطابق متعدد تفتیشی پورا نہیں ہے۔
- 5 - یہ کہ حکم تبادلہ حروف 23/2 2018 کو سیاسی بنیاد پر ہوئی ہے۔
- 6 - یہ کہ سائل کے خلاف کوئی شکایت نہیں ہے۔
- 7 - یہ کہ سائل کی جگہ جس بندے کا تبادلہ کیا گیا ہے۔ اس کا
بھی تبادلہ شدہ جگہ پر 3 سال پورے نہیں ہوئے ہیں۔

استعمال ہے۔ حکم تبادلہ حروف 23 فروری 2018ء
کو منسوخ کرنا حکم کھٹا ہے۔
تاریخ 2/3/2018
محمد سید عیسیٰ علی صاحب موضع نگرا انگریزی پٹ

ATTESTED

Amjad

D
11

IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

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

MR. AMJAD SOHAIL PATWARI HALQA MOUZA TUKRA NO. 3 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 Tukra No. 3 to Patwar Halqa Sarkhana. 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 Tukra No. 3, 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.

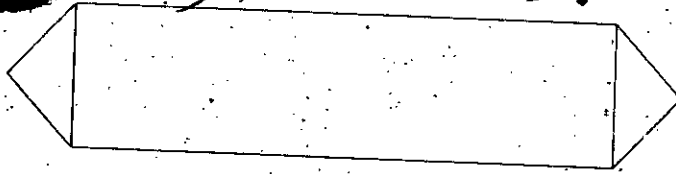
Announced
08.03.2018

Attested

Mahabab Athi
COMMISSIONER
PESHAWAR DIVISION PESHAWAR

Amb
12/3/2018
Reader to Commissioner FCR
Peshawar Division Peshawar

ATTESTED



2018ء منجانب

انجمن کھیل دہلی
بنام
ملک حفیظ اللہ

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام 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 ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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 پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندرے۔

2018ء

ماہ 3

الرقوم 15

العہدہ گواہ الغیہ

کے لئے منظور ہے۔

مقام

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Appeal No.379-P/2018

Amjad Sohail Patwari Halqa Patwari Tukra No.3 Peshawar(Appellant)

VERSUS

1. Senior Member Board of Revenue
2. Commissioner Peshawar Division.
3. Deputy Commissioner Peshawar
4. Qaiser Khan Patwari Sarkana, 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 appeal.
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 appeal 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. Pertains to record.
3. Incorrect. The transfer of appellant was based on administrative ground and in the largest public interest.
4. The injection order is based on sound and cogent reason.
5. The appellant has got no cause of action to file instant appeal.

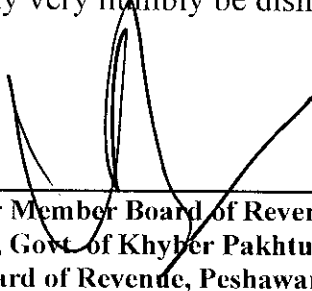
GROUND


- A. Incorrect. The transfer order is according to the rules, regulations, based on administrative ground and in the largest public interest.
- B. Incorrect. As replied above.
- C. Incorrect. As per para-A above.

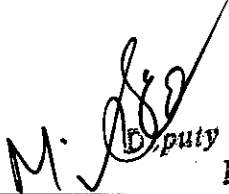
(Continued on Page-2)

- 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.
- E. Incorrect. The appellants were treated as per law.
- F. Incorrect. As replied in ground A.
- G. That the respondents also seek permission to raise additional grounds at the time of arguments.

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


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 379-P/2018

Amjid Sohail

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 to file instant appeal

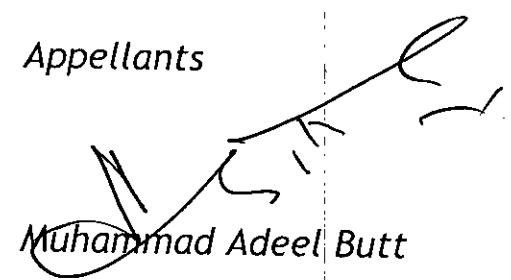
Grounds:-

- 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