

29.11.2018

Appellant absent. Learned counsel for the appellant absent. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.



Member

ANNOUNCED.

29.11.2018

29/11/2018

29-11-2018

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1223 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/10/2018	<p>The appeal of Mr. Sannaullah presented today by Mr. Fazle-Haq Kohidamani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 5/10/18</p>
2-	9-10-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16-10-18</u>.</p>
16.10.2018		<p>Neither appellant nor his counsel present. Case to come up for further proceedings on 29.11.2018 before S.B. CHAIRMAN</p> <p style="text-align: right;"><i>[Signature]</i> (Ahmad Hassan) Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES,
TRIBUNAL, PESHAWAR

S.A.No. 1223 /2018

Sanaullah Patwari HalqaAppellant

Versus

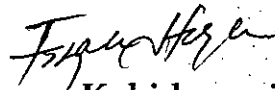
Deputy Commissioner Peshawar and others.....Respondents

I N D E X

S#	Description of documents.	Annexure	Pages.
1.	Grounds of Appeal.		1-5
2.	Affidavit		6
3.	Application for suspension of order.		7-8
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6.	Copy of order dated:19.06.2017	A	11-12
7.	Copy of order dated 30.05.2018	B	13
8.	Application to Commissioner & Directions	C	14-15
9.	Wakalatnama		

Appellant

Through



Fazle Haque Kohidamani

Advocate High Court.

Cell: 0333-9402284

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES,
TRIBUNAL, PESHAWAR**

S.A.No. 1223/2018

Khyber Pakhtunkhwa
Service Tribunal

Petition No. 1460

Dated 05/10/2018

Sanallah Patwari Halqa
Village Tarnab , District Peshawar

.....Appellant

Versus

1. Deputy Commissioner Peshawar.
2. Commissioner Peshawar Division Peshawar.
3. Asadullah Patwari Halqa Moza Regi Lalma, Peshawar

.....Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL
ACT, 1974 AGAINST THE ORDER DATED
30.05.2018 OF THE RESPONDENT NO.1,
WHEREBY The appellant was Transferred vide
ORDER NO.849/DC/ADC(P) DATED 30.05.2018
from village Regi Lalma to village Tarnab as
Patwari Halqa.

Filed to-day

Registrar

5/10/18

Prayer:

On acceptance of this appeal, the impugned order dated No.849/DC/ADC(P) dated 30.05.2018 of the respondent No.1 may kindly be set aside and order and posting of the appellant may kindly be maintained on

village Regi Lalma as Patwari Halqa in the
light of order dated 19.06.2017.

Respectfully Sheweth

1. That appellant has been appointed as Patwari Halqa on 10.05.2010.
2. That the appellant was posted in the various Halqas as Patwari Halqa on the different occasions but lastly posted as Patwari Halqa Village Regi Lalma, Peshawar on 19.06.2017 vide order dated 12122-74/DC(P)/DK. (Order attached as Annexure A)
3. That vide order No.849/DC/ADC(P) dated 30.05.2018 appellant was transferred from village Regi Lalma to Village Tarnab. (Order D.C dated: 30.05.2018)
4. That appellant preferred an appeal before respondent No.2 on 12.06.2018 vide dairy No.6543 and similarly through order No.D.Appeal/Misc/AR/2018/8986 dated 02.07.2018, the comments were asked but in vain through not speaking order till yet.
5. That transfer order of respondent No.1 is illegal, unlawful, against law and facts on the following grounds:-

GROUND

- A. That impugned order No.849/DC/ADC(P) dated 30.05.2018 of respondent No.1 is illegal, against law and facts and not tenable in the eye of law.

- B. That appellant has got 8 years long service with unblemished record of service and no complaint has been received from any person against appellant.
- C. That respondent No.1 has issued transfer order on 30.05.2018 on the basis of no reason from the village Regi Lalma to Village Tarnab.
- D. That the impugned order dated 30.05.2018 was issued through political pressure/ influence as the appellant having no nexus with the political party who while compelling to work as in the incoming election and remained in the rural area and on the refusal that the impugned order has been passed.
- E. That the respondent No.1 is not competent to issue such like impugned order as the same order was issued through not the respondent No.1 but it was ordered through Additional Deputy Commissioner Peshawar.
- F. That as the General Elections held on 25 July 2018, and a general notification was issued by the Election Commission of Pakistan regarding ban on transferring and posting of the government servants from 31.05.2018, but in fact the transfer order of appellant was issued on 30.05.2018 but just to save the skin from the touching of banned boundary line of the date issued by the Election Commission the impugned order was shown on 30.05.2018.
- G. That appellant has not completed normal tenure of posting at Village Regi Lalma as per provided by the services law because the petitioner was transferred to village Regi Lalma vide Order No. 121122-74/DC(P)/DK dated 19.06.2017.

- H. That no such reason has been disclosed by the respondent No.1 in the impugned order.
- I. That no such objection has been raised on the appellant from any where.
- J. That the appellant having the residence near to the village Regi Lalma and the children are also admitted in the education institutions while due to the transfer order the kins of the appellant were also suffering.
- K. That impugned order dated 30.05.2018 is not in public interest.
- L. That impugned order is against the Transfer Policy.
- M. That there is a sense of deprivation/ insecurity amongst Civil Servants. Moreover, the impugned order is just like to hand with the enemies of the appellant.
- N. That remedy of departmental appeal was availed through application but the respondent No.2 instead acceptance or rejection are still awaited.
- O. That the appellant seeks leave of the court to urge additional grounds at the time of arguments.

It is, therefore, humbly prayed that On acceptance of this appeal, the impugned order dated No.849/DC/ADC(P) dated 30.05.2018 of the respondent No.1 may kindly be set aside and order and posting of the appellant may kindly be maintained on village Regi Lalma as Patwari Halqa in the light of order dated 19.06.2017.

Any other relief deemed fit may also be graciously granted.



Appellant

Through

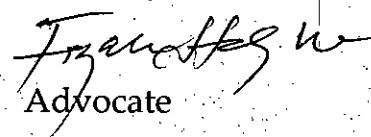


Fazle Haque Kohidamani

Advocate High Court

CERTIFICATE:

Certified as per information furnished by appellant that no such like appeal has earlier been filed before this Hon'ble Tribunal.



Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES,
TRIBUNAL, PESHAWAR**

S.A.No. _____/2018

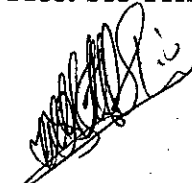
Sanaullah Patwari HalqaAppellant

Versus

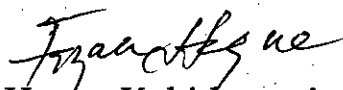
Deputy Commissioner Peshawar and others.....Respondents

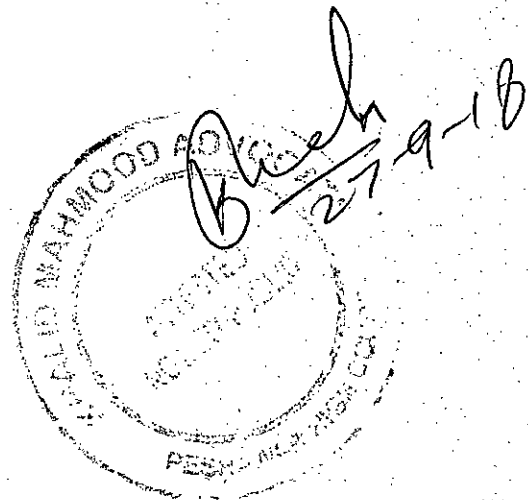
AFFIDAVIT

I, Sanaullah Patwari Halqa Village Tarnab Peshawar, do hereby affirm and declare on oath that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent
CNIC No:17301-6428909-5

Identified By:


Fazle Haque Kohidamani
Advocate High Court



**BEFORE THE KHYBER PAKHTUNKHWA SERVICES,
TRIBUNAL, PESHAWAR**

C.M.No. _____/2018

IN

S.A.No. _____/2018

Sanaullah Patwari HalqaPetitioner

Versus

Deputy Commissioner Peshawar and others.....Respondents

APPLICATION FOR SUSPENSION OF
IMPUGNED ORDER DATED 30.05.2018
TILL DISPOSAL OF INSTANT APPEAL.

Respectfully Sheweth;

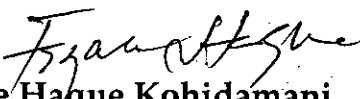
- 1) That the above titled appeal is being filed before this Hon'ble Tribunal in which no date has yet been fixed.
- 2) That appellant/ petitioner has a good prima facie case and sanguine about its success.
- 3) That if the operation of the impugned order is not suspended the petitioner/ appellant will suffer irreparable loss.
- 4) That on the basis of the impugned order, it is hope that respondent being higher of the appellant, shall became biased, therefore, the respondents may kindly be restrained not to issue any adverse action or order against the petitioner.

- 5) That if the impugned order were not suspended the appellant be tried for an irreparable loss.

It is, therefore, requested that on acceptance of this application, operation of impugned order dated 30.05.2018 may kindly be suspended till final disposal of instant appeal.

Appellant/ Petitioner

Through


Fazle Haque Kohidamani
Advocate High Court

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES,
TRIBUNAL, PESHAWAR**

S.A.No. _____/2018


Sanaullah Patwari HalqaPetitioner

Versus

Deputy Commissioner Peshawar and others.....Respondents

AFFIDAVIT

I, Sanaullah Patwari Halqa Village Tarnab Peshawar, do hereby affirm and declare on oath that the contents of accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

CNIC No:17301-6428909-5

Identified By:



Fazle Haque Kohidamani
Advocate High Court



**BEFORE THE KHYBER PAKHTUNKHWA SERVICES,
TRIBUNAL, PESHAWAR**

S.A.No. _____/2018

Sanaullah Patwari HalqaAppellant

Versus

Deputy Commissioner Peshawar and others.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT


Sanaullah Patwari Halqa
Village Tarnab , District Peshawar

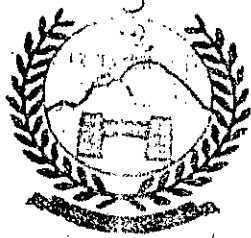
RESPONDENTS:

1. Deputy Commissioner Peshawar.
2. Commissioner Peshawar Division Peshawar.
3. Asadullah Patwari Halqa Moza Regi Lalma, Peshawar

Appellant

Through


Fazle Haque Kohidamani
Advocate High Court



(11)

**OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR.**
Dated Peshawar the 19/08/2017.

OFFICE ORDER.

Annexure A

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. Didar 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 Niarni	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. Anwarzaib	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. Ghaffoor Kh in	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

(12)

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. Sanaullah	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. 12122-74 /DC(P)/DK

Dated Peshawar the 19.10.2017

Copy forwarded to the:-

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

Deputy Commissioner,
Peshawar.


ATTESTED



13

OFFICE OF THE
DEPUTY COMMISSIONER PESHAWAR

Address: Gate No: 3, Opposite Pearl Continental Hotel, Khyber Road, Peshawar.
Phone: 091-9212302 Fax: 091-9212303 Email Address: dcpeshawar@hotmail.com

No. 849/DC/ADC(P)
Dated Peshawar the 30/5/2018

OFFICE ORDER.

The following posting/transfers amongst the Patwaris are hereby ordered with immediate effect in the public interest.

Annexure B

S.No.	Name of Patwari	From	To
1.	Mr. Asad Ullah	P.H. Tarnab	P.H. Regi Lalma vice S.No. 2
2.	Mr. Sana Ullah	P.H. Regi Lalma	P.H. Tarnab vice S.No.1 above.

No Joining time is allowed.

M. [Signature] 30/5/18

DEPUTY COMMISSIONER
PESHAWAR

Endst No: 950-855/DC/ADC(P)
Copy forwarded to the:

1. Commissioner Peshawar Division Peshawar.
2. Additional Deputy Commissioner Peshawar.
3. PS to SMBR, Khyber Pakhtunkhwa Peshawar.
- ✓ 4. Tehsildar Peshawar.
5. Superintendent, Deputy Commissioner Office, Peshawar.
6. Patwari concerned.

M. [Signature] 30/5/18

DEPUTY COMMISSIONER
PESHAWAR

6049/18
11-6-18

[Signature]
11-6-18

[Signature]
ATTESTED

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محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

درخواست / محکمانہ اپیل

جناب عالی!

گزارش ہے کہ سائل موضع ریگی لہمہ کا پٹواری مورخہ 19/6/2017 کو تعیناتی ہوئی ہے اور مورخہ 19/07/2017 کو موضع ریگی لہمہ میں چارج سنبھالا ہے۔ مگر مورخہ 30/5/2018 کو من سائل کا تبادلہ غیر قانونی طریقہ پر اس بناء پر کی گئی ہے کہ سائل کی Tenure ابھی باقی ہے۔ دوسرا یہ کہ متنازعہ حکم 30/5/2018 ڈپٹی کمشنر صاحب پشاور دیکھایا گیا۔ حالانکہ ڈائری ADC صاحب پشاور ڈالی گئی ہے۔ نیز مورخہ 30/5/2018 کو سرے سے یہ حکم ہوا نہیں ہے بلکہ 11/6/2018 کو ہوا ہے اور پرانا تاریخ اس بدینتی سے ظاہر کیا گیا ہے، کیونکہ حالیہ انتخابات کے حوالے سے الیکشن کمیشن آف پاکستان نے 31/05/2018 سے تبادلہ پر پابندی عائد کی ہے۔ من سائل کے خلاف کوئی اعتراض بھی موجود نہ ہے اور ڈیوٹی احسن طریقہ سے سرانجام دی جا رہی ہے۔ نیز حکم من سائل کو آج مورخہ 11/06/2018 موصول ہوئی۔

AR

6543 12⁶/₁₈

المرقوم:- 11/06/2018

العارض

سائل:- ثناء اللہ خان پٹواری حلقہ موضع ریگی لہمہ پشاور۔

ATTESTED

11/06/2018



15

OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR

No. D.Appeal/Misc/AR/2018 | 8986 -
Date: 02.07.2018

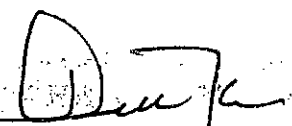
To

The Deputy Commissioner
Peshawar.

Subject: **DEPARTMENTAL APPEAL BY MR. SANULLAH PATWARI**

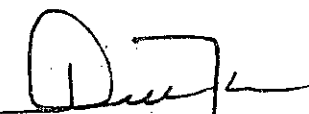
I am directed to enclose herewith a departmental appeal filed before this court by Mr. Sanaullah Patwari of district Peshawar being aggrieved of his transfer order made vide order dated 30.05.2018.

It is requested that comments in the subject departmental appeal may be furnished to this office at the earliest please.


Assistant to Commissioner (Rev/GA)
Peshawar Division Peshawar.

No. D.Appeal(Sanaullah)/AR/2017 | 8987

Copy forwarded to PS to Commissioner Peshawar.


Assistant to Commissioner (Rev/GA)
Peshawar Division Peshawar.


ATTESTED

