

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M.A No _____ of 2022

IN

Service Appeal No: 228 of 2022

Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher(SPST),
Government Primary School Keri Kalanda(Circle Hajia Gali), Tehsil Havelain,
District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District
Abbottabad.

Applicant/Appellant

Versus

The Director, Directorate of Elementary & Secondary Education Department,
Peshawar & two others.

Respondents

APPLICATION FOR REQUISITION OF JUDICIAL FILE OF TITLED SERVICE
APPEAL FOR APPROPRIATE ORDERS OF THIS HONOURABLE TRIBUNAL
ON APPLICATIONS BEING URGENT MATTERS.

Respectfully Sheweth,

- 1) That the titled service appeal of Applicant/Appellant has been accepted by Honourable Tribunal on 17/06/2022 and next date was fixed as 19/08/2022, but unfortunately, the same tour of Camp Court Abbottabad has been cancelled.
- 2) That the titled service appeal is pending for adjudication and basic document is Promotion Notification dated 29/10/2021, respondents, after appearing and officially/legally known about titled appeal, after this very factually and legally circumstances, issued withdrawal of said Notification dated 29/10/2021 to the extent of Applicant/Appellant.
- 3) That under the above circumstances, applications are being filed before this Honourable Tribunal for appropriate orders.

It is therefore respectfully prayed that instant application may please be accepted and case file may please be requisitioned in the interest of justice.

Dated 31/08/2022

(Muhammad Pervez)
Applicant/ Appellant

Through

(Rashid Iqbal Khan Jadoon)
Advocate IBC Islamabad
Attorney Abbottabad.
Abbott Law Chamber

Office No 51, Ayub Tanoli lawyer plaza
Abbottabad. 0333-5025002, 0316-9343818

Put up to the court with
rebuttal appeal.

1/9/22

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M.A No _____ of 2022

IN

Service Appeal No: 228 of 2022

Muhammad Pervez

Applicant/Appellant

ORIGINAL

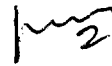
Versus

The Director, Directorate of Elementary & Secondary Education
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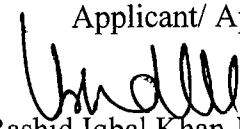
Respondents

S.No	DESC: OF DOCUMENTS	ANNEXURES	PAGE No
1	Memo; Application for suspension of Notification dated 05/08/2022	----	1 to 2
2	Application for add/enter the Notification dated 05/08/2022 in the heading and prayer of the service appeal.	-----	3
3	Application for initiation of contempt proceedings	-----	4
4	Joint affidavit	-----	5
5	Copy of impugned Notification dated 05/08/2022	J	6

Dated 31/08/2022


(Muhammad Pervez)
Applicant/ Appellant

Through


(Rashid Iqbal Khan Jadoon)
Advocate IBC Islamabad
Attorney Abbottabad.
Abbott Law Chamber

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Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher(SPST), Government Primary School Keri Kalanda(Circle Hajia Gali), Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District Abbottabad.

Applicant/Appellant

Versus

The Director, Directorate of Elementary & Secondary Education Department, Peshawar & two others.

Respondents

APPLICATION FOR SUSPENSION OF NOTIFICATION ISSUED UNDER ENDORSEMENT NO 4798-99 F.NO.116/SST(M) PROMOTION/ ABBOTTABAD DATED THE PESHAWAR 05/08/2022 BY THE RESPONDENT NO 1, WHEREBY APPELLANT'S PROMOTION NOTIFICATION NO 4979-85 DATED 29/10/2021 HAS BEEN WITHDRAWN TO THE EXTENT OF APPLICANT/APPELLANT, WITH IMMEDIATE EFFECT.

Respectfully Sheweth,

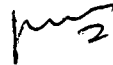
- 1) That the titled service appeal of Applicant/Appellant is, for issuance of directions relating to posting order as SST (Maths/Physics), under the promotion Notification dated 29/10/2021.
- 2) That the titled service appeal was instituted in February 2022 and heard preliminary on 22/03/2022 at principal seat of this Honourable Tribunal Peshawar and called for comments/reply to the respondents for 18/04/2022 at Camp Court Abbottabad, wherein respondents appeared and got adjournment for comments/reply and case was fixed for 17/06/2022.
- 3) That on the date fixed, respondents did not file reply/comments before the Tribunal and this Honourable Tribunal has been pleased to accept service appeal on 17/06/2022 and next date was fixed as 19/08/2022, but unfortunately, the tour of Camp Court Abbottabad was cancelled.
- 4) That Applicant/Appellant was informed by his concerned SDEO Circle Havelian, that as per information from DEO (M), his promotion Notification

dated 29/10/2021 to the extent of Applicant/Appellant, was withdrawn by the respondent No 1, whereupon Applicant/Appellant got a copy of withdrawal Notification dated 05/08/2022. Copy of Notification is annexed as Annexure "J"

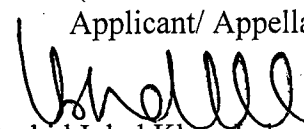
- 5) That the titled service appeal is pending for adjudication and basic document upon which case rotates is, Promotion Notification dated 29/10/2021, and respondents, after appearing and officially/legally known about titled appeal, after this very factually and legally circumstances, issuance of impugned Notification dated 05/08/2022 is apparently contempt of Court.
- 6) That under the above circumstances, respondents challenged the authority of this Honourable Tribunal, and titled service appeal of Applicant/Appellant is good strong prima facie case and there is every likelihood of success, and the balance of convenience also lies in his favour, similarly, if impugned Notification dated 05/08/2022 is not suspended, the Applicant/Appellant would suffer irreparable loss and he would be deprived from his valuable rights.

It is therefore respectfully prayed that impugned Notification dated 05/08/2022 may graciously be suspended and operation of impugned Notification may graciously be suspended/stayed till the disposal of Titled Service appeal

Dated 31/08/2022


(Muhammad Pervez)
Applicant/ Appellant

Through


(Rashid Iqbal Khan Jadoon)
Advocate IBC Islamabad
Attorney Abbottabad.
Abbott Law Chamber
Office No 51, Ayub Tanoli lawyer plaza
Abbottabad. 0333-5025002, 0316-9343818

3

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M.A No _____ of 2022

IN

Service Appeal No: 228 of 2022

Muhammad Pervez

Applicant/Appellant

Versus

The Director, Directorate of Elementary & Secondary Education Department,
Peshawar & two others.

Respondents

APPLICATION FOR ISSUANCE OF DIRECTIONS TO THE REGISTRAR/READER OF THIS HONOURABLE TRIBUNAL TO ADD/ENTER IN THE HEADING OF TITLED APPEAL, AS ("APPEAL ALSO AGAINST THE WITHDRAWAL NOTIFICATION ISSUED UNDER ENDORSEMENT NO 4798-99 F.NO.116/SST(M) PROMOTION/ABBOTTABAD DATED THE PESHAWAR 05/08/2022 ISSUED DURING PENDENCY OF TITLED APPEAL") ALSO ADD/ENTER IN PRAYER AS ("SET ASIDE THE IMPUGNED WITHDRAWAL NOTIFICATION DATED 05/08/2022").

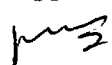
Respectfully Sheweth,

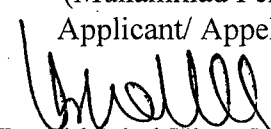
- 1) That the titled service appeal of Applicant/Appellant has been accepted by Honourable Tribunal on 17/06/2022 and next date was fixed as 19/08/2022, but unfortunately, the same tour of Camp Court Abbottabad has been cancelled.
- 2) That the titled service appeal is pending for adjudication and basic document is Promotion Notification dated 29/10/2021, respondents, after appearing and officially/legally known about titled appeal, after this very factually and legally circumstances, issued withdrawal of said Notification dated 29/10/2021 to the extent of Applicant/Appellant, through impugned Notification dated 05/08/2022, which is apparently, illegal unlawful, with out jurisdiction and contempt of Court too.
- 3) That under the above circumstances, though respondents illegally issued impugned Notification dated 05/08/2022, but it is required to set aside the said Notification, issued during the pendency of titled appeal, to avoid the factual and legal technicalities.

It is therefore respectfully prayed that instant application may please be accepted.

Dated 31/08/2022

Through


(Muhammad Pervez)
Applicant/ Appellant


(Rashid Iqbal Khan Jadoon)
Advocate IBC Islamabad
Attorney Abbottabad.

4

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

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Service Appeal No: 228 of 2022

Muhammad Pervez

Applicant/Appellant

Versus

The Director, Directorate of Elementary & Secondary Education Department,
Peshawar & two others.

Respondents


APPLICATION FOR INITIATING CONTEMPT PROCEEDING AGAINST THE
RESPONDENTS FOR ISSUANCE OF NOTIFICATION NO 4798-99
F.NO.116/SST(M) PROMOTION/ABBOTTABAD DATED THE PESHAWAR
05/08/2022, DURING THE PENDENCY OF TITLED SERVICE APPEAL.

Respectfully Sheweth,

- 1) That the titled service appeal of Applicant/Appellant has been accepted by Honourable Tribunal on 17/06/2022 and next date was fixed as 19/08/2022, but unfortunately, the same tour of Camp Court Abbottabad has been cancelled.
- 2) That respondents, through impugned Notification dated 05/08/2022, have challenged the judicial authority of this Honourable Tribunal, as after appearing and officially/legally known about titled appeal, after this very factually and legally circumstances, issued withdrawal of said Notification dated 29/10/2021 to the extent of Applicant/Appellant, which is apparently, illegal unlawful, with out jurisdiction and contempt of Court too.
- 3) That under the above circumstances, respondents have liable to initiate contempt proceedings on the issuance of illegally impugned Notification dated 05/08/2022.


It is therefore respectfully prayed that instant application may please be accepted.

Dated 31/08/2022


(Muhammad Pervez)

Applicant/ Appellant

Through


(Rashid Iqbal Khan Jadoon)
Advocate IBC Islamabad
Attorney Abbottabad.

5

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
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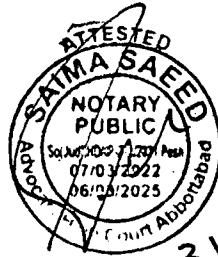
The Director, Directorate of Elementary & Secondary Education
Department, Peshawar & two others.

Respondents

AFFIDAVIT

I, Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher,
Government Primary School Keri Kalanda(Circle Hajia Gali), Tehsil
Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil
Havelian, District Abbottabad, do here by affirm on oath that contents of
foregoing applications etc, are correct and true according to my best
knowledge and belief and nothing has been suppressed from this
Honourable Tribunal.

Dated 31/08/2022



CNIC No 13101-6579932-1

(Muhammad Pervez)
Applicant/Appellant
DEPONENT

Annexure J,

6



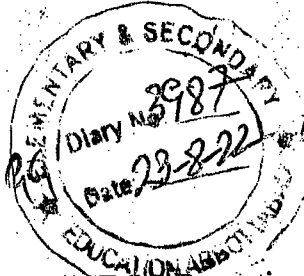
**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

Phone: 091-9225344

Email: establishmentmale1@gmail.com

NOTIFICATION

The Competent Authority is pleased to withdraw the promotion order of District Abbottabad bearing No. 4979-85 dated 29-10-2021 to the extent of Mr. Muhammad Pervez promoted to SST (M/P) only, occurring at serial No.01 under Item No.02, with immediate effect, in the light of DEO (M) Abbottabad letter bearing No.5361 dated 27-07-2022 in the interest of public service.



DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

4798-
Endst: No. _____ F.NO.116 /SST (M)/Promotion/Abbottabad Dated the Peshawar 5/8/2022

Copy forwarded to the:

1. District Education Officer (M) Abbottabad.
2. District Accounts Officer Abbottabad.
3. Ex-SST Concerned.
4. Master Copy

Assistant Director (Estab-M1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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needs full
22-8-22

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