



21.08.2019

Counsel for the appellant present. Mr. Muhammad Bilal, learned Deputy District Attorney alongwith Mr. Shuja Ali, ADO for respondents present. Learned counsel for the appellant stated that grievance of the appellant has been redressed and requested for withdrawal of the instant appeal.

In view of the above, the present service appeal is dismissed as withdrawn. No order as to costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member
Camp Court A/Abad

Announced:
21.08.2019

23.05.2019

Appellant in person and Mr. Saqib Shehzad, Assistant alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Representative of the department submitted written reply. Adjourned to 20.08.2019 for rejoinder and arguments before D.B at Camp Court Abbottabad.

MA
(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

20.08.2019

Clerk to counsel for the appellant present. Mr. Muhammad Bilal learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as counsel for the appellant is not available. Adjourn. To come up for arguments on 21.08.2019 before D.B at camp court Abbottabad.

Grievance of the appellant has been redressed.
M. Ashraf Ali

[Signature]
Member

[Signature]
Member

~~Counsel for the appellant, Camp Court Abbottabad
learned Deputy District Attorney along with Mr. Saqib
Shehzad, respondents present. Counsel for the
appellant stated that grievance of the appellant has been
redressed and request for withdrawal of the instant appeal.~~

~~In view of the above, the present writ appeal is
dismissed as withdrawn. No order as to costs. File to be
consigned to the record room.~~

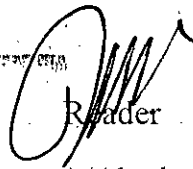
~~(Muhammad Hassan)
Member~~

~~(Mr. Hamid Mirza)
Member
Camp Court Abbottabad~~

~~(Attounced)
21.08.2019~~

13.11.2018

None for the appellant. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 16.01.2019 at camp court Abbottabad.


Reader
A/Abad

16.01.2019

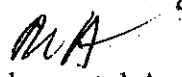
Clerk to counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Mr. Hajaj Shah Litigation Officer for the respondents present. Written reply not submitted. Representative of the respondents seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 20.03.2019 before S.B at Camp Court Abbottabad.


Member

Camp Court Abbottabad

20.03.2019

Appellant in person present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Sohail Ahmed Zeb, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney requested for further adjournment. Adjourned to 23.05.2019 for written reply/comments before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

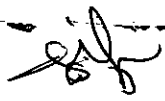
19.09.2018


Appellant Akhtar Nawaz in person alongwith Mr. Muhammad Arshad Tanoli, Advocate present. Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant heard on preliminary.

The main grievance of the appellant is that before completion of tenure, he has been transferred frequently without any justification.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections, if raised by the respondents. 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 18.10.2018 before the S.B at camp court, Abbottabad. Notice of stay application be given to the respondents for the date fixed.

Appellant Deposited
Security & Process Fee




Chairman
Camp court, A/Abad

18.10.2018

Appellant with counsel present. Mr. Shujaa Ali, ADO alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted. Learned District Attorney requested for adjournment. Adjourned. To come up for written reply/comments on main appeal as well as reply/arguments on stay application on 13.11.2018 before S.B at camp court, Abbottabad.


Member
Camp Court, A/Abad

18.09.2018

Mr. Akhtar Nawaz appellant alongwith his counsel Mr. Muhammad Arshad Tanoli, Advocate present and heard.



The main contention of the appellant is that he has been transferred time and again prior to completion of his tenure, however, through the impugned 22.06.2018, he has been transferred on the report of SDEO. So let pre-admission notice be issued to the respondents for tomorrow. To come up for preliminary hearing on 19.09.2018 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1127/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/09/2018	The appeal of Mr. Akhtar Nawaz presented today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR 10/9/18
2-	10-9-18	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18-9-2018</u> At- Camp Court Abbottabad.  CHAIRMAN

THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 1127 /2018

Akhtar Nawaz Khan, PSHT, GPS Mallah.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 8	
2.	Copy of corrigendum order dated 11/03/2017	9	"A"
3.	Copy of second transfer order dated 03/05/2017	10-11	"B"
4.	Copy of transfer order No. 1014-18 dated	12	"C"
5.	Copy of impugned transfer/ cancellation order dated 22/06/2018	13	"D"
6.	Copy of adjustment order	14-15	"E"
7.	Copy of departmental appeal and rejection letter	16-22	"F"
8.	Wakalatnama	23	

...APPELLANT

Dated: 10/9 /2018

Through


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 1127 /2018
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1421

Dated 10-9-2018

Akhtar Nawaz Khan, PSHT, GPS Mallah,

District Abbottabad

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer E&SE (Male) District Abbottabad.

...RESPONDENTS

Filed to-day

Registrar

10/9/18

SERVICE APPEAL UNDER ARTICLE 4 OF KPK
SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT HAS BEEN TRANSFERRED FROM
GPS MALLAH TO GPS LANJIAN SYEDAN VIDE
IMPUGNED TRANSFER ORDER NO.

7183/LORA/VOL-I DATED 22/06/2018, WHICH IS PERVERSE, MALAFIDE, AGAINST THE LAW, TENURE POLICY, SPOUSE POLICY AND THE SAME IS LIABLE TO BE SET ASIDE.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL IMPUGNED TRANSFER ORDER DATED 22/06/2018 MAY GRACIOUSLY BE SET ASIDE AND RESPONDENTS' DEPARTMENT MAY BE DIRECTED TO RESTORE TRANSFER ORDER ENDORSEMENT NO. 1014-18 DATED 10/01/2018 OF THE APPELLANT ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth:-

Brief facts of the case are as under:-

1. That the petitioner is serving as PSHT in the respondent department and the total service of the petitioner comes to 23 years in education department. The petitioner was transferred on

promotion from GPS Neelo to GPS Summa, vide corrigendum order dated 11/03/2017. Copy of corrigendum order dated 11/03/2017 is attached as Annexure "A".

2. That, respondent No. 3 without completion of tenure of service of the appellant at GPS Summa, the appellant has again been transferred from GPS Summa to GPS Langian Syedan vide second transfer order dated 03/05/2017 which is attached as Annexure "B".
3. That the appellant has thrice been transferred from Langian Syedan to GPS Mallah vide transfer order No. 1014-18 dated which is annexed as Annexure "C".
4. That, it is worth to mention that GPS Mallah is situated in Union Council of the appellant which is also near to the place of his abode but again after Five Months transfer order dated 10/01/2018 has been cancelled vide impugned cancellation order Endst No. 7183/Lora/Vol-I dated 22/06/2018. Copy of impugned transfer/ cancellation order dated 22/06/2018 is annexed as Annexure "D".

5. That, it is submitted that spouse of the appellant namely Somia Bibi PST is serving in GGPS Mallah. In this regard, adjustment order of the spouse of the appellant is attached as Annexure "E".
6. That the appellant feeling aggrieved from impugned cancellation order dated 22/06/2018, the appellant filed departmental appeal to the next higher authority i.e respondent No. 2 on 25/06/2018, which has been rejected on 20/08/2018 and was communicated to the appellant on 07/09/2018, vide letter of respondent No. 3 dated 04/09/2018. Copy of departmental appeal and rejection letter are attached as Annexure "F".
7. That feeling aggrieved, the instant service appeal is filed inter-alia on the following grounds:-

GROUND:-

- a. That the impugned transfer order dated 22/06/2018 is perverse, discriminatory, fanciful, and is null and void on the rights of the appellant.

- b. That, the appellant has been transferred four time within a period of Two Years and the last transfer order has been issued within the period of Five Months which is premature, against the tenure policy as well as against the spouse policy. As per law, both the spouses are to serve at same station with peace of mind.
- c. That, as per dictum of Apex Court, frequent transfers/ postings of civil servant are malafide and the same have been declared illegal. Hence four transfer orders of the appellant have been issued by the competent authority and in the light of judgment of Apex Court, impugned transfer order dated 22/06/2018 is liable to be set aside.
- d. That, no stretch of the imagination allow to the respondents to transfer the appellant from one place to another to victimize the appellant physically and mentally. As a result, the entire dependant family members of the appellant are suffering from undue hand ships.

- e. That, the place of posting of the appellant is 100 Miles away from his residence. Therefore it is impossible for the appellant to look after his ailing and old age mother from far flung area.
- f. That, respondents' department are to act according to the prescribed rules. Besides, all discretionary powers which are conferred by statutes, must be exercised in terms of well established principals of administrative law, which were of longstanding authority and enunciated and articulated in many judgments of the Apex Court. Therefore, transfer/cancellation order dated 22/06/2018 is liable to be set aside.
- g. That the matter in the instant service appeal relates to terms and conditions of service, therefore service tribunal has jurisdiction to entertain the service appeal of the appellant. It is further submitted that the appeal of the appellant is within the period of limitation.
- h. That other points shall be urged at the time of arguments.

It is therefore, humbly prayed that on acceptance of the instant service appeal impugned transfer order dated 22/06/2018 may graciously be set aside and respondents' department may be directed to restore transfer order endorsement No. 1014-18 dated 10/01/2018. Any other relief which this Honourable tribunal deem appropriate in the circumstances of the case may also be granted to the appellant.

INTERIM RELIEF:-

That the appellant has brought a good prima facie case and in case, status quo in favour of the appellant is not granted the appellant shall suffer irreparable loss.

Therefore, it is prayed that impugned transfer order dated 22/06/2018 may graciously be ordered to be suspended and status quo may be ordered to be maintained till final disposal of the instant appeal.


...APPELLANT

Through

Dated: 10/9 /2018


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2018

Akhtar Nawaz Khan, PSHT, GPS Mallah.

...APPELLANT

VERSUS

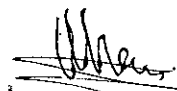
Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary
Education, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Akhtar Nawaz Khan, PSHT, GPS Mallah, do hereby solemnly affirm and
declare that the contents of foregoing appeal are true and correct to the best
of my knowledge and belief and nothing has been concealed therein from
this Honourable Court.



DEPONENT

9

Annex A

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

COORIGENDUM

The following amendment in this office promotion order issued under Endst: No. 7671078 dated 15.9.2015 & No.6064-70 dated 04.8.2016 is hereby ordered in the interest of public service with immediate effect.

S.No.	Name of teacher	From	To	Remarks
1.	Akhtar Nawaz Khan, PSHT	GPS Neelo	GPS Summa ⁹	Please read GPS Summa instead of GPS Neelo of above noted order.
2.	Ahmed Khan PSHT	GPS Dhagan	GPS Bagla No.2	Please read GPS Bagla No.2 instead of GPS Dhagan of above noted order


- SA -

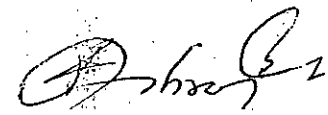
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

Endst: No. 2646-49 / Promotion/Vol-II

Dated 11-3 /2017

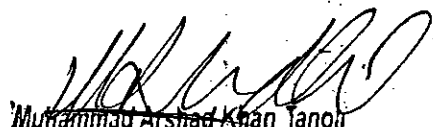
Copy forwarded to the:-

1. Sub Divisional Education Officer (Male) Abbottabad
2. ASDEO Circle Lora
3. Incharge EMIS Local Office.
4.  Teachers concerned.



Attested

DY: DISTRICT EDU: OFFICER (M)
ABBOTTABAD



Muhammad Arshad Khan Janon
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

10 Annex "B"

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) HAVELIAN

No. _____

OFFICE ORDER

As approved by the competent authority following the adjustment of stations mentioned against their names in the interest of public service.

S. No	Name & Designation	From	To	Remarks
1	Hanif Khan SPST	GPS Mamada	GPS [unclear]	On rationalization grounds
2	Amjad Khan SPST	GPS Funnara	GPS Goh Buzga	On rationalization grounds
3	Yasir Mehmood SPST	GPS Amalila	GPS Wazir	On rationalization grounds
4	Akhtar Nawaz PSHT	GPS Sumria	GPS Langlan syedan	Against vacant post

DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

Endstt: No. 241-45

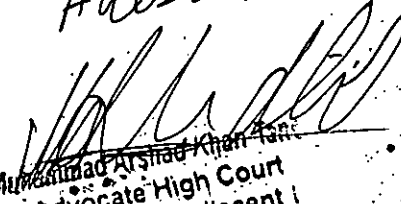
Dated: 3/5/2017


Note: ... No TA/DA is allowed

Charge reports should be submitted at the office concerned.

Copy to

1. DISTRICT EDUCATION OFFICER (M)
2. DMO ABBOTTABAD
3. LIAO ABBOTTABAD
4. ASDEO (M) CONCERNED
5. TEACHER CONCERNED
6. LOCAL OFFICE

Attested

 Muhammad Arshad Khan
 Advocate High Court
 Office No 33 Adjacent to
 Dist Bar Abbottabad


 SUB-DIVISIONAL EDUCATION OFFICER (MALE) HAVELIAN

BETTER COPY

11

OFFICE OF THE SUB DIVISIONAL EDUCATIONAL EDUCATION
OFFICE (MALE), HAVELIAN

No. _____ /

Dated: _____

OFFICE ORDER:

As approved by the competent authority following teachers are hereby adjusted at stations mentioned against their names in the interest of public service with immediate effect.

S. No	Name & Designation	From	To	Remarks
1.	Hanif Khan SPST	GPS Mamada	GPS Chamba	On rationalization grounds
2.	Amjad Khan SPST	GPS Hurnara	GPS Gohra Bazgran	On rationalization grounds
3.	Yasir Mehmood SPST	GPS Amalila	GPS Waziran	On rationalization grounds
4.	Akhtar Nawaz PSHT	GPS Summa	GPS Langian Syedan	Against vacant post

DISTRICT EDUCATION OFFICER
(MALE) ABBOTTABAD

Endstt No. 241-45

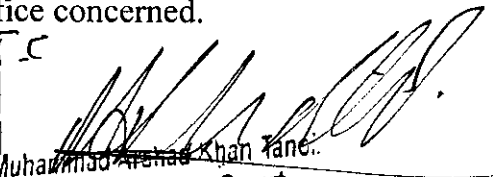
Dated: 03/05/2017

Note: No TA/DA is allowed

Charge reports should be submitted at the office concerned.

Copy to:

1. District Education Officer (M)
2. DMO Abbottabad.
3. DAO Abbottabad.
4. ASDEO (M) Concerned.
5. Teacher Concerned
6. Local Office

C.T.C

Muhammad Arshad Khan Advocate
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

SUB DIVISIONAL EDUCATION OFFICER
(MALE) HAVELIAN

Annex E

12

EDUCATIONAL EDUCATION OFFICER

No _____

date _____

TRANSFER ORDER

As approved by the competent authority following teachers are hereby transferred against the mentioned posts in the interest of public service with immediate effect.

S. No	Name & Designation	From	To	Remarks
1	ABDUL BASIT PSHT	GPS MOHRA JHANGRA 02	GPS 02 HAVELIAN	AVP
2	AKHTAR NAWAZ PSHT	GPS LANJIAN SYEDAN	GPS MALLAH	AVP
3	HAZAM KHAN PSHT	GPS TIPPER	GPS BANDI BARSEEN	AVP
4	HIDER ZAMAN PSHT	GPS NALA THUMER THALLA	GPS BANDA SHEIKHAN	AVP

Enclst No 10/4-18

Note: 1. No TA/DA is allowed

2. Charge reports should be submitted at the office concerned.

Copy to:

1. DISTRICT EDUCATION OFFICER (M)
2. DMO ABBOTTABAD
3. DAO ABBOTTABAD
4. ASDEO(M) CONCERNED
5. TEACHER CONCERNED
6. LOCAL OFFICE

SUB DIVISIONAL EDUCATION OFFICER
(MALE) HAVELIAN

Dated: 10-1-2018

Attested
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist. Govt. Abbottabad

Mamun
SUB DIVISIONAL EDUCATION OFFICER
(MALE) HAVELIAN

(13) Annex "D"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

CANCELLATION

Consequent upon the submission of report by SDEO (M) Havelian vide his letter No.1459 dated 10.5.2018, transfer order issued vide his office Endst: No.1014-18 dated 10.01.2018 standing at S.No.2 is hereby cancelled with immediate effect..

He is directed to report at GPS Lanjian Sydian immediately.

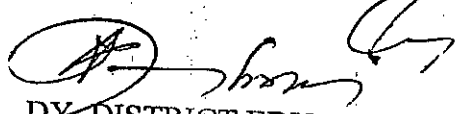
Sd/xxxxx
DISTRICT EDUCATION OFFICER (M)
ABBOTTABAD

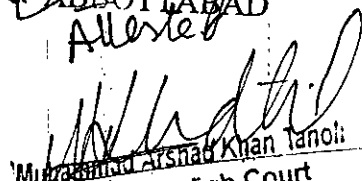
Endst: No. 7183 /Lora/Vol-I

Dated 22/16 /2018

Copy for information to the:-

1. Sub Divisional Education Officer (Male) Havelian w/r to his No. & dated cited above.
2. Teacher concerned.


DY. DISTRICT EDU. OFFICER (M)
ABBOTTABAD
Ahsan


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

40 927
97

(14) Annex - E

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) ABBOTTABAD

ADJUSTMENT

Consequent upon the Relaxation of Ban on the Transfer/Posting, vide Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Notification No. SO(PH)4-5/Meeting/2016/Transfer/Posting dt: 15-7-2017, the following Transfer/Posting/Adjustment of the Establishment of the Govt Girls Primary Schools District Abbottabad are hereby made on their own Pay & Grade/APS in the interest of the Public service with effect from the date of taking over of charge:-

SNO.	NAME/SCHOOL'S NAME	ADJUSTED AT	REMARKS
1.	Mst: Somia Bibi PST GGPS Sultanpur	GGPS Malla	Ag: V/P being Surplus.
2.	Mst: Nusrat Iqbal PST GGPS Nagri Payeen	GGPS Barseen	Ag: V/Post ...do....
3.	Mst: Alesameerat un Noor PST GGPS Lora	GGPS Jab Gran	Ag: v/post.
4.	Mst: Fozia Nazir PST GGPS Khokhar Maira No.2	GGPS Hvn: Station	Need Basis.
5.	M. Shoukat Chow: GGPS Manjia	O/O SDEO(F) Hvn:	Ag: V/post.

NOTE

1. No TA/DA/TC is allowed to any one.
2. Charge Report should be sent to all concerned.

Encl: No. 1679/1680

- Dated A/Abad, the 17/8/2017.
- Copy to:-
1. The Director, of E & SE KPk, Peshawar.
 2. The DAO, Abbottabad.
 - 3.4 The SDEO(F) Abbottabad & Havelian.
 5. ADO concerned Circle.

District Education Officer
(Female) Abbottabad.

District Education Officer
(Female) Abbottabad.

Noted

Muhammad Aslam Khan Jangli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

15

BETTER COPY

OFFICE OF THE DISTRICT EDUCATION OFFICER (F) ABBOTTABAD

ADJUSTMENT:

Consequent upon the relaxation of Ban on the Transfer/Posting, vide Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Notification No.SO(PI)4-5/ Meeting/2016/Transfer/Posting dt:15/07/2017, the following Transfer/Posting/Adjusting of the Establishment of the Govt. Girls Primary Schools District Abbottabad are hereby made on their own pay and grade/BPS in the interest of the public service with effect from the date of taking over of charge:-

S.No.	Name/School's Name	Adjusted at	Remarks
1.	Mst. Somia Bibi PST GGPS Sultanpur	GGPS Malla	Ag: V/P being surplus.
2.	Mst. Nusrat Iqbal PST GGPS Nagri Payeen	GGPS Barseen	Ag: V/P being surplus.
3.	Mst. Al Sameerat un Noor PST GGMS Lora	GGPS Jab Gran	Ag: V/P being surplus.
4.	Mst. Fozia Nazir PST GGPS Khokhar Maira No.2	GGPS Station Hvn:	Need basis.
5.	M. Shoukat Chow: GGPS Manjia	O/O SDEO (F) Hvn:	Ag: V/P being surplus.

Note:

1. No TA/DA/TG is allowed to any one.
2. Charge Report should be sent to all concerned.

**District Education Officer
(Female) Abbottabad**

Endst: No.1679-1683/ Dated A/Abad, the 09/08/2017.

Copy to:-

1. The Director of E&SE KPK, Peshawar.
2. The DAO, Abbottabad.
3. The SDEO (F) Abbottabad & Havelian.
4. ADO concerned Circle.

Ahmed
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist Bar Abbottabad

S. A. K.
**District Education Officer
(Female) Abbottabad**

(16)

Annex

S.F.

To,

The Director
Elementary & Secondary Education
KPK Peshawar

Through: THE DEO(M) Abbottabad

Subject: Departmental Appeal/ Representation for Cancellation for order Endst No 7183/Lora/Vol-1 Dated 22/06/2018

Respected Sir,

I have the honor to submit this departmental appeal/Representation for your kind consideration and favorable action on the following facts and grounds.

1. That I was promoted as PSHT on 04/08/2016 and adjustment was made at GPS Summa circle Lora and then transferred to GPS Lanjian on 03/05/2017 in the same circle (Copy Order Annexed-A)
2. That I applied for transferred on spouse policy against vacant post of PSHT at GPS Mullah in the same sub division adjustment order. (Annexed-B)
3. That there was three others PSHT whose transfer / adjustment was made in the same order of adjustment order No 1014-18 dated 10/01/2018 is evident as Annex-B.
4. That it is pertinent to mention here that in the very same order no other cancellation was made but only the transfer of appellant, which is clear cut personal grudges.
5. That, it is also pertinent to mention here that reason for cancellation is made the report of AS DEO (M) circle lora which is not correct. The copy of Log book report is annexed C
6. That being aggrieve from the cancellation No . 7183/ Lora / Vol -1 dated 22/06/2018, I request through this departmental representation for with drawal on the following grounds.

Grounds.

- A. That, the DEO (M) Office Abbottabad has not treated me in accordance with law and rules.
- B. That I and my family have been highly discriminated I have been deprived of the benefit of spouse policy.
- C. That There was no any plausible reason for cancellation order in the light of Log-book remarks (As copy attached Annex-C)
- D. That the Supreme Court of Pakistan and Election Commission Pakistan has been legal complete ban on transfers, but no honour was given the said order.
- E. That I am entitled for the adjustment at GPS Mallah circle havelian as per rule of spouse policy as that signal cancellation was made without any legal & justifiable reason.

Attested

Muhammad Asif Khan (Lanoli)
Advocate High Court
Office No 33 Adjacent to
Peshawar

17

It is therefore humbly requested that on acceptance of this Departmental appeal on your honour may graciously be pleased to set-aside the impugned notification no.7183 / Lora/ Vol-1 Dated 22/06/2018 as per law and rules.

You're Obediently
Akhtar Nawaz Khan
PSHT GPS Mallah
Circle Havelian
Phone No : 25/6/018

M. Akhtar Nawaz Khan
PSHT
Govt. Primary School
Mallah, Havelian

Copy To:

Secretary Education KPK
Secretary Election Commission Pakistan
Deputy Commissioner Abbottabad

Akhtar Nawaz Khan
M. Akhtar Nawaz Khan
Muhammad Akhtar Nawaz Khan Janoli
Advocate High Court
Office No 33 Adjacent to
Distt. Court Abbottabad

لاگ بک (حصہ دوم)

ریورٹ کی روشنی میں سکول امتحان کے لئے جو کارڈز دیئے گئے	رائے / ریورٹ معائنہ	Dated
	معائنہ پرنٹل ریسکارڈ CPSA، لہستان میدان	22 Feb, 2018
	آج بروز 22 جنوری 2017 کو ریورٹ کے ساتھ معائنہ پرنٹل (PSHT) دیواروں کے ساتھ (PSHT) سکول کے ریسکارڈ کی پرنٹل کی سرٹیفکیٹ نمبر 29 تا 46 کی پرنٹل کی کاپی کے اندراجات درست یا غلط	SLC File 13
	از سلسلہ نمبر 714 تا 735 کی پرنٹل کی کاپی جو درست یا غلط	درجہ داخلہ
	ساتھ ہیٹ میلے	سورٹس فنڈز
	آمن سال برائے 2017	
	3618	
	2200	
	1418	
	انراجات کی روایں	
	تمام اندراجات کی پرنٹل کی کاپی جو درست یا غلط	درجہ اولیا، جسر
	مکمل ہے	یونیورسٹی ڈائری
	تمام اندراجات کی پرنٹل کی کاپی جو درست یا غلط	سٹارڈسٹ
	مکمل ہے Continue	TGM رجسٹر
	مکمل ہے Continue	Exon رجسٹر
	تمام اندراجات درست اور بریب وار ہے	آرڈر بک
	مکمل ہے	Visitor رجسٹر
	مکمل ہے	کتاب رجسٹر
	مکمل ہے	PTC قرار داری رجسٹر
	مکمل ہے	Advise رجسٹر
	تمام اندراجات درست یا غلط	

Attended

Muhammad Arshad Khan Tandon
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbotabad

MUNIB UR REHMAN ABBASI
Asstt. Sub Divisional Education Officer (M) Abbotabad
Abdoo Circle, Casa

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OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.

NOTIFICATION.

1

Consequent upon recommendation of the Departmental Promotion Committee & in pursuance to the Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification issued vide No. SO (B&A) -18/PS-SE/2012 dated 11-07-2012 and Finance Department Endst: No. SO (B&A) /FD/ 10-22(E)/2010 dated 16-07-2012, whereby the following (21) SPST (BPS-14) are hereby promoted to the post of PSHT in BPS-15 (13510-1120-47110) plus usual allowances as admissible under the rules on regular basis under the existing policy of Provincial Government in teaching cadre on the terms and conditions given below and further posted as recorded against their names with immediate effect.

S.No.	SE No	Name of Teacher	Present School	Place of Posting.	Remarks
1	2		4	5	6
1	1752	Muhammad Nawaz Khan	GPS Chaloota	GPS Gavera.	Promoted & Posted against vacant post of PSHT.
2	1794	Sarfar Hayyat	GPS Maira Bandi.	GPS Narcela.	Promoted & Posted against vacant post of PSHT.
3	1795	Yasir Arafat	GPS Phalla	GPS Dheri Rakhala.	Promoted & Posted against vacant post of PSHT.
4	1796	Muhammad Basharat	GPS Kangar Maira	GPS Banwari.	Promoted & Posted against vacant post of PSHT.
5	1797	Mamoon ur-Rasheed	GPS Kangar Maira	GPS Chan Kot.	Promoted & Posted against vacant post of PSHT.
6	1798	Nisar Ahmed	GPS Bandi Atti Khan	GPS Baswair.	Promoted & Posted against vacant post of PSHT.
7	1799	MUHAMMAD NASEER	GPS TARHERI.	GPS Arwar.	Promoted & Posted against vacant post of PSHT.
8	1802	NAZAR MUHAMMAD	GPS Kasala.	GPS Ramkot.	Promoted & Posted against vacant post of PSHT.
9	1803	Khawaj Muhammad	GPS Kathlala Begh.	GPS Dheri.	Promoted & Posted against vacant post of PSHT.
10	1808	Akhter Nawas Khan	GPS Nowshera.	GPS Neslo.	Promoted & Posted against vacant post of PSHT.
11	1813	Muhammad Amjad	GPS Bamochl.	GPS Hill Saghana.	Promoted & Posted against vacant post of PSHT.
12	1815	Muhammad Safer	GPS Manja.	GPS Phalkote.	Promoted as PSHT & adjusted on Medical Grounds.
13	1818	Muhammad Nisar.	GPS Chahi Batangi.	GPS Chahi Batangi.	Promoted & Posted against vacant post of PSHT.
14	1819	Muhammad ASGHAR	GPS KHATAR BAGAN	GPS Ander Kot.	Promoted & Posted against vacant post of PSHT.
15	1820	Jamil Akhtar	GPS Fatch Abad	GPS Katha.	Promoted & Posted against vacant post of PSHT.
16	1822	S. ZUBAIR HUSBAIN SHAH	GPS Garianian.	GPS Maira Rehmal.	Promoted & Posted against vacant post of PSHT.
17	1830	Ghulam Jilani	GPS Bandi Phullan.	GPS Utli Gandfan.	Promoted & Posted against vacant post of PSHT.
18	1832	Muhammad Akram.	GPS DOBATHAR	GPS Chabgran.	Promoted & Posted against vacant post of PSHT.
19	1836	Naseer Ahmed	GPS Gali Bander.	GPS Panjooth.	Promoted & Posted against vacant post of PSHT.
20	1838	Tariq Mahmood	GPS Pathian	GPS Maira Bal.	Promoted & Posted against vacant post of PSHT.
21	1845	Anayat Ur Rehman	GPS Upper Kunj.	GPS Longal.	Promoted & Posted against vacant post of PSHT.

signed
Muhammad Arshad Khan Janjani
Advocate High Court
Office No 33 Adjacent to
Distt. Office Abbottabad

MUNIBUR REHMAN ABBASI
Asstt. Sub Divisional Educator
Officer (M) Abbottabad.
ASDEO Circle Coda



21

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 3577 F. No. 12 Vol:III/PSHT(M)Transfer

Dated Peshawar the 21/8 /2018.

To:

The District Education Officer(M)
Abbottabad.



Subject: - APPEAL.

Memo:-

I am directed to refer to your letter No.8695 dated 07.08.2018 on the subject cited above and to state that the appeal of Mr.Akhtar Nawaz Khan PSHT GPS Mallah Circle Havelian District Abbottabad in light of DEO (M) Abbottabad report is hereby rejected.

I am further directed to ask you to inform the teacher concerned accordingly.

[Signature]
Deputy Director (Estab)
Elementary & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.

5737
29-8-18

16/8/18

Encl: No. _____

Copy forwarded to the:-

- 1. P.A to Director Elementary and Secondary Education local office.

ADo(E)
[Handwritten signature]

[Signature]
Deputy Director (Estab)
Elementary & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.

[Signature]
Muhammad Arshad Khan-Tanc
Advocate High Court
Office No 33 Adjacent

28/8/18

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No. 9677 /Lora/Vol-I

Dated 4/9 /2018

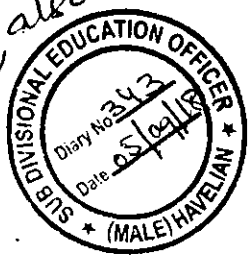
The Sub Divisional Education Officer (M)
Havelian

Subject: APPEAL
Memo:

I am directed to refer to the subject cited above and to enclose herewith copy of letter No.3572 dated 20.8.2018 received from Deputy Director (Estab) Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa and ask you to intimate Mr.Akhtar Nawaz Khan, PSHT GPS Mallah.

[Signature]
DY. DISTRICT EDU. OFFICER (M)
ABBOTTABAD

ASDEO (Har) Zaman sb
Please intimate the
teacher concerned, also
put copy to ASDEO,
Lora.
4/9/18
ASDEO (Har):



Conveyed Telephonically
through M. Indheers (PSHT)
GPS Mallah & Inayat
PSHT GPS Mallah on 6/9/18.
Com # 03128103437/03449454860.

Received this
letter copy dated
7/9/18

4/9/18
Attested
[Signature]
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent

23

وکالت نامہ

کورٹ فیس

بعدالت جناب سر جسٹس صاحب محترم کونٹون سٹیٹ

عنوان: اختر کونز نام گورنمنٹ و ہمسایہ

منجانب: علی مسٹر

نوعیت مقدمہ: سرس و سیل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آل مقام

محمد ارشد خان ٹولی و دیگر وکیل

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جگہ تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت ناش بصیغہ مغربی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند ہو

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

المرقوم: 15/9/18

اختیار تواریخ

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 1127/2018

Akhtar Nawaz Khan.....Appellant

VERSUS

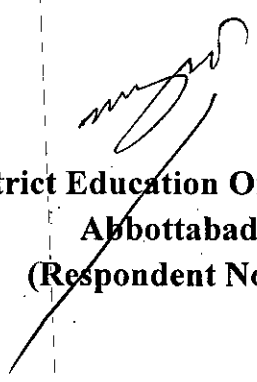
Govt. Of KPK & Others.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

INDEX

Sr.No	Description	Page Nos	Annexures
1	Comments alongwith affidavit	1 to 4	
2	Copy of Complaint dated 26-03-2018	5	"A"
3	Copy of letter dated 10-05-2018	6	"B"

Dated: 30/03/2019


District Education Officer (M)
Abbottabad
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 1127/2018

Akhtar Nawaz Khan.....Appellant

VERSUS

Govt. Of KPK & Others.....Respondents

SERVICE APPEAL

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

Joint Para Wise Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no locus standi.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present appeal has been filed just to pressurize and blackmail the respondents.
6. That as per Section 10 of Civil Servant Act 1973, every Government Servant is bound to serve anywhere within the District in the best interest of public service without raising any objection in this regard.
7. That the instant appeal is not maintainable in its present form.
8. That all the proceedings have been done by the competent authority as per Rule & Law hence, the appeal is liable to be dismissed without any further proceeding.

Factual Objections:-

1. That Para No. 1, of the instant appeal relates to service record of the appellant's.

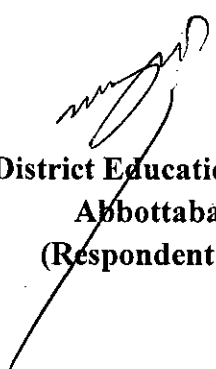
2. That Para No. 2, of the instant appeal relates to record.
3. That Para No. 3, of the instant appeal relates to record.
4. That Para No. 4, of the instant appeal as composed is incorrect hence, denied as transfer order dated 10-01-2018 was cancelled consequent upon the submission of complaint lodged by one Mr. Fida Hussain Shah Incharge of GPS Lanjian Syedan circle Lora, Abbottabad vide letter No. 1459 dated 10-05-2018 to the effect that appellant has misused the amount of conditional grants regarding additional rooms and play area and his transfer order may be cancelled and he be proceeded under the Rules hence, transfer order dated 10-01-2018, was cancelled to the extent of appellant. (Copy of complaint dated 26-03-2018 and letter dated 10-05-2018 are annexed herewith as annexure "A" & "B").
5. In reply to Para No. 5, of the instant appeal it is submitted that due to the embezzlement in PTC Funds transfer order of the appellant was cancelled.
6. That Para No. 6, of the instant appeal it is submitted that departmental appeal of the appellant is rejected by appellate authority vide letter No. 3572 dated 20-08-2018. (Copy of departmental appeal and rejection letter dated 20-08-2018 has already been annexed with the Service Appeal of the appellant as annexure "F").


GROUND:-

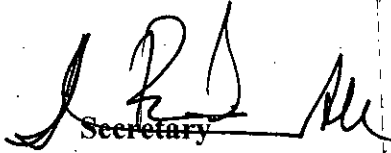
- a. That ground a, as composed is incorrect hence, denied.
- b. That ground b, as composed is incorrect hence, denied as complete reply has already been given in Para No. 4 of the Factual Objections.
- c. That the ground c, as composed is incorrect hence, denied as transfer order of appellant was not cancelled with the malafide as the same was cancelled due to the embezzlement of PTC Funds.
- d. That the ground d, as composed is incorrect hence, denied.
- e. That the ground e, as composed is incorrect hence, denied.
- f. In reply to ground f, it is submitted that transfer order was cancelled on the basis of complaint filed by the incharge of the GPS Lanjian Syedian as he misused the amount of PTC Funds.

- g. In reply to ground g, it is submitted that as per Section 10 of Civil Servant Act 1973, every Government Servant is bound to serve anywhere within the District in the best interest of public service without raising any objection in this regard.
- h. No comment.
- i. No comment.
- j. That the respondents seek permission of this Honorable Tribunal to advance further grounds during arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the appeal in hand may graciously be dismissed with cost throughout.


District Education Officer (M)
Abbottabad.
(Respondent No.3)


Director
E&SE Khyber Pakhtunkhwa
Peshawar.
(Respondent No.2)


Secretary
E&SED Khyber Pakhtunkhwa
Peshawar.
(Respondent No.1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 1127/2018

Akhtar Nawaz Khan.....Appellant

VERSUS

Govt. Of KPK & Others.....Respondents

SERVICE APPEAL

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Qazi Tajamal Hussain, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT

SDEO صاحب پرائمری (M) ہویلیاں، ایبٹ آباد

عنوان: رپورٹ بحلاف اہل کفو از PSHT GPS لہجیاں سیدال کورہ حال GPS

صاحب عالی!

تقریبات مذکورہ ذیل ہیں

- 1- اہل کفو از PSHT GPS لہجیاں سیدال (کورہ) سے GPS ملدہ (ہویلیاں) میں آفسی آرڈر SDEO مردانہ ہویلیاں نمبر — 1014-18 تا 10/01/2018 کے سفر ٹیپر کے
- 2- مذکورہ درجی GPS لہجیاں سیدال سے ناگال باقاعدہ طور پر relieve نہیں ہوئے۔
- 3- 2 مارچ 2018 کو GPS لہجیاں سیدال میں حاضر ہوئے اس دن باقی چلے سٹاف حاضر تھا۔ انہوں نے ریٹائرمنٹ سٹاف پر 12-01-2018 کو relieve ہونے کا نوٹ لکھا اور ملازم درجہ چاہم کے نام آرڈر تک فروری اور کسی ٹیپر سے فرانت نامہ حاصل نہیں کیا۔
- 4- مذکورہ ٹیپر مبلغ 1600000 روپے کنٹریکٹ ٹرانٹ برائے دو اضافی عمرہ جات، مبلغ 1200000 روپے کنٹریکٹ ٹرانٹ برائے لے ایریا اور مبلغ 450000 روپے

مبالغہ بچت کا ذمہ دار ہے۔

صاحب سے التماس ہے کہ مذکورہ ٹیپر کا سفر آرڈر کنسل کیا

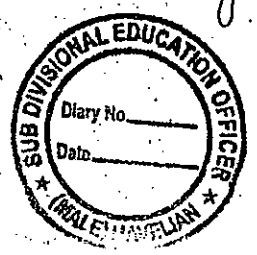
جائے اور اسکے بحلاف اختیارات کے ناجائز استعمال پر کارروائی کی جائے۔

Head Teacher
Govt. Primary School
Lanjan Syedan, Abbottabad

القاری

فراہین شاہ SPST (موجودہ انچارج)

Forwarded to SDEO (M) Havelian for n/g please. GPS لہجیاں سیدال (کورہ)



Munibur-Rehman
26/03/2018
MUNIBUR-REHMAN ABBASI
Asst. Sub Divisional Education Officer (M) Abbottabad

تاریخ 26-03-2018

Anx "B"
06
83

OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (M) HAVELIAN.

No: 1459

Dated Havelian the 10/05 /2018.

To

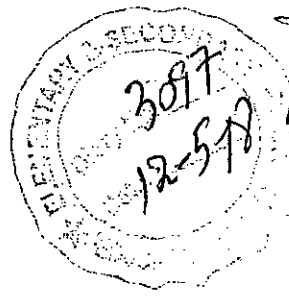
The District Education Officer (Male)
Abbottabad.

Subject;- COMPLAINT.
Memo;-

Enclosed please find herewith a complaint against Mr. Akhtar Nawaz Khan PSHT (Now GPS Mallah) Circle Havelian received from the Head Teacher GPS Lanjian Syedan (Circle Lora) duly recommended by the ASDEO Circle Lora .

This office has issued explanation for non provision of record /clearance certificate etc of GPS Lanjian Syedan vide this office No: 1367 dated 10-04-2018(copy attached). The teacher concerned also submitted his reply to this office dated 25-04-2018. (Copy attached). However the case is submitted for your kind perusal and further necessary action please.

[Signature]
SUB DIVISIONAL EDU; OFFICER (M)
HAVELIAN



ADOLE (P)

No do clear
need per

11/5/18