

Appeal No. 298/2014
Mr. Raheem Daud Khan.

18.07.2014

Counsel for the appellant present and requested for

withdrawal of the appeal. In this respect his statement also recorded. As such the appeal is dismissed as withdrawn in limine.

File be consigned to the record.

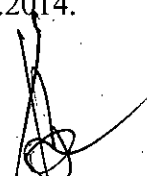
ANNOUNCED
18.07.2014.



Member

05.06.2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments partly heard. During the course of arguments the learned counsel for the appellant stated that he has properly filed an affidavit regarding filing of departmental appeal. The learned Government Pleader to file counter affidavit to that effect with date, if any, on the date fixed. To come up for further preliminary hearing on 26.06.2014.


Member

26.06.2014

Counsel for the appellant present. Preliminary arguments could not be heard due to non-availability of the learned GP. To come up for preliminary hearing as per order sheet dated 05.06.2014 on 18.07.2014.


Member

3.
I want withdraw this
instead Appeal want please be withdraw.
18-7-2014

28.03.2014

Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the Government Pleader to assist the Tribunal on the point of limitation as well as maintainability. To come up for preliminary hearing on 14.04.2014.



Member

14.04.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for preliminary hearing on 05.05.2014.



Member

05.05.2014

Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 05.06.2014.




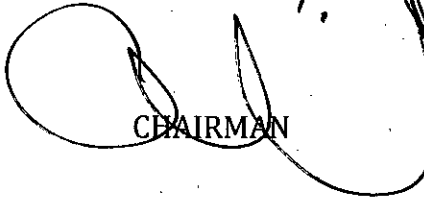
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 298/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/02/2014	<p>The appeal of Mr. Rahim Dad Khan resubmitted today by Mr. Amanullah Khan Marwat Advocate, may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR </p>
2	3-3-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>28-3-2014</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

The appeal of Mr. Rahim Dad Khan Tehsildar Haripur received today i.e. on 24.02.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 289 /S.T.


Dt. 25/02 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amanullah Khan Marwat Adv. Pesh.

That I have submitted departmental Appeal against impugned order dated 12-5-2013. In this effect, Affidavit of the appellant is attach at the end of memo of Appeal. The same may please be requested from the department closed

28-2-2014


Amanullah
Marwat

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 298 /2014


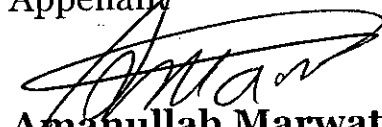
Rahim Dad Khan.....Appellant

VERSUS

Secretary to Govt of KPK,
Revenue & Estate Deptt, Peshawar and others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal & affidavit		1-6
2.	Application for suspension with affidavit		7-8
3.	Addresses of Parties		9
4.	Copy of orders dt.20.07.2013	A	10
5.	Copy of order dt.12.07.2013	B	11-12
6.	Copy of W.P & order dt.11.02.2014	C	13-26
7.	Wakalat Nama		27


Through Appellant

Amanullah Marwat
Advocate High Court
Cell: 0345-9054585

Date: 24.02.2014

1

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 298 /2014

979
24-2-14

Rahim Dad Khan,
Tehsildar Haripur, District Haripur.....**Appellant**

V E R S U S

1. Secretary to Govt of KPK,
Revenue & Estate Department, Peshawar
2. Senior Member Board of Revenue, KPK, Peshawar
3. Commissioner, Hazara Division, Abbottabad
4. Deputy Commissioner/ DRO,
Hazara Division, District Haripur.....**Respondents**
- 5- *Waheed Ahmad Tehsildar Haripur, Distt, Haripur*

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 974 against the order dated 12.07.2013 of respondent No.3, whereby appellant was illegally transferred from Haripur to Dasu, District Kohistan after 9 days service assumption of charge as Tehsildar in Haripur.

24/2/14

Prayer in Appeal:

On acceptance of the instant service appeal, the impugned office order dated 12.07.2013 dated issued

as submitted to DRO and filed.

28/2/14

2

by respondent No.3 may kindly be set aside and the appellant may kindly be posted in his original position as Tehsildar Haripur.

OR

Any other remedy which deems fit by this Honourable Tribunal in the interest of justice, may also be granted in favour of appellant.

Respectfully Sheweth:

1. That the appellant was serving as Tehsildar, Abbottabad, who was transferred to Haripur vide order dt.02.07.2013 issued by respondent No.3 where appellant assumed the charge accordingly after 10 days, since assumption of his charge, he was again transferred illegal from Haripur to Dasu, District Kohistan by respondent No.3 vide order dt.12.07.2013. (Copy of orders dt.20.07.2013 & order 12.07.2013 are Annexure "A & B").
2. That on 02.10.2013, the appellant initially approached Peshawar High Court, Abbottabad Bench by filing writ petition bearing No.555-A of 2013, which was contested by respondents, and lateron, dismissed the writ petition and held as under:

"Wherein it is held that this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 has no jurisdiction

to interfere in the matter relating to the terms and conditions of the civil servant. However, this Court is of the view that the alternate remedy is available to the petitioners for redressal of their grievances. As such, case of petitioner is not maintainable under the provision of Article 199 of Constitution”

(Copy of writ petition and order dt.11.02.2014 is Annexure “C”).

3. That appellant preferred departmental representation against the impugned order dt.12.07.2013 but remained un-responded.
4. That the appellant assails the impugned order dated 12.07.2013 before this Honourable Tribunal, inter alia, on the following grounds:

G R O U N D S:

- A. That the impugned transfer order dated 12.07.2013 of respondent No.3 is illegal, arbitrary and without lawful authority, hence liable to be set aside.
- B. That the impugned transfer order of the appellant is manifest discrimination on the part of respondent No.1, hence hit at the core of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C. That the appellant is at the verge of retirement probably after one year, he would be retired from service, so, under the law he cannot be transferred to far-flung areas, thus, such transfer is without lawful authority and jurisdiction.

4

- D. That there was no complaint neither any other allegations against the appellant and thus, without letting him to complete his tenure, he was posted which on the face, it is sheer malafide.
- E. That appellant had not completed his tenure in Haripur and after 10 days he was again transferred to Dasu, District Kohistan. Such action of the respondent is violation of policy, which governs the transfer posting of civil servants.
- F. That even prior to the order dated 02.07.2013, the appellant had not completed his tenure and despite he was transferred, but after having been transferred vide order dt.02.07.2013, the appellant had spent hardly 10 days at the new places of their postings, but without assigning any reasons, they were sent to a far-flung area.
- G. That in order to maintain a transparency, it is quite essential, that the official shall not be transferred except under compelling circumstances and such like compelling circumstances are lacking in this particular case.
- H. That the impugned act of respondents is contrary to Article 24 of the Constitution of Islamic Republic of Pakistan, 1973.

- 5
- I. That the transfer order of the appellant is clear-cut violation of transfer/ posting and appointment rules and tenure policy has been virtually brought to zero.
- J. That any other ground may be agitated at the time of arguments with the kind permission of the Honourable Tribunal.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned office order dated 12.07.2013 dated issued by respondent No.3 may kindly be set aside and the appellant may kindly be posted in his original position as Tehsildar Haripur.

OR

Any other remedy which deems fit by this Honourable Tribunal in the interest of justice, may also be granted in favour of appellant.

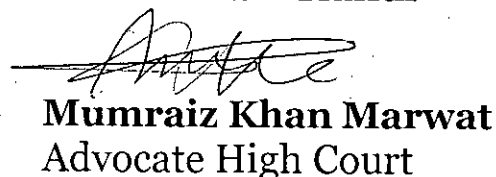

Appellant

Through


Amanullah Marwat


Abdul Salam Kundi

&


Mumraiz Khan Marwat
Advocate High Court

Date: 24.02.2014

6

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2014

Rahim Dad Khan.....**Appellant**

VERSUS

Secretary to Govt of KPK,
Revenue & Estate Deptt, Peshawar and others.....**Respondents**

AFFIDAVIT

I, Rahim Dad Khan, Tehsildar Haripur, District Haripur, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




DEPONENT

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2014

Rahim Dad Khan.....**Appellant**

V E R S U S

Secretary to Govt of KPK,
Revenue & Estate Deptt, Peshawar and others.....**Respondents**

Application for suspension of the impugned transfer order dated 12.07.2013 or not to take any adverse action whatsoever against applicant/ appellant, till the final decision of the accompanying service appeal


Respectfully Sheweth:

1. That the above noted service appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the facts and reasons stated in the accompanying service appeal may please be read integral part of this application, petitioner/ appellant is at the verge of retirement and hardly he is expected to be retired after one year, so, the petitioner/ appellant has got a good prima facie and arguable case and is sanguine about its success.
3. That the balance of convenience also lies in favour of the petitioner/ appellant.

8

4. That transfer of the petitioner/ appellant to the far-flung area at the end of retirement, is against the rules and policy.
5. That if the impugned transfer order is not suspended, then the petitioner/ appellant would suffer irreparable loss.

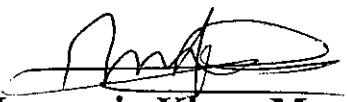
It is, therefore, respectfully prayed that on acceptance of this application, the impugned transfer order dated 12.07.2013 may kindly be suspended, till the final decision of the case. *May please be allowed as per heading of application.*


Petitioner/ Appellant
Through


Amanullah Marwat


Abdul Salam Kundi

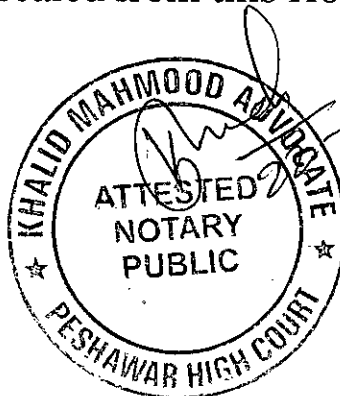
&

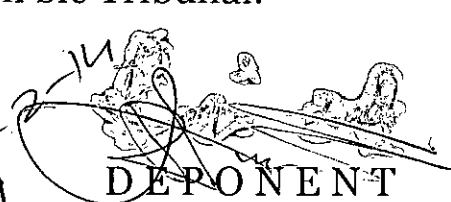

Mumraiz Khan Marwat
Advocate High Court

Date: 24.02.2014

AFFIDAVIT

I, Rahim Dad Khan, Tehsildar Haripur, District Haripur, do hereby solemnly affirm and declare that as per instructions of my client the contents of the 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

9

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2014

Rahim Dad Khan.....Appellant

V E R S U S

Secretary to Govt of KPK,
Revenue & Estate Deptt, Peshawar and others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Rahim Dad Khan,
Tehsildar Haripur, District Haripur

RESPONDENTS

1. Secretary to Govt of KPK,
Revenue & Estate Department, Peshawar
2. Senior Member Board of Revenue, KPK, Peshawar
3. Commissioner, Hazara Division, Abbottabad
4. Deputy Commissioner/ DRO,
Hazara Division, District Haripur


Appellant

Through


Amanullah Marwat
Advocate High Court

Date: 24.02.2014




OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

ORDER

The following posting/transfers amongst the Revenue Officers are hereby ordered in the best public interest:

S No.	Name of Revenue Officer	From	To	Remarks
1.	Mr. Rahim Dad	Tehsildar Abbottabad	Tehsildar Haripur	Vice S. No.2 below
2.	Mr. Ziafat Khan	Tehsildar Haripur (OPS)	Tehsildar Abbottabad (OPS)	Vice S No.1 above


(Muhammad Khalid Khan Umerzai)
Commissioner Hazara Division
Abbottabad

No. Estab/ 5730-57 /

Copy forwarded to the:

Dated Abbottabad the 2/07 /2013

1. Deputy Commissioner Abbottabad.
2. Deputy Commissioner Haripur.
3. District Comptroller of Accounts Abbottabad.
4. Senior District Accounts Officer Haripur.
5. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
6. Officers concerned.
7. Personal files.


Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad



(11) '13'

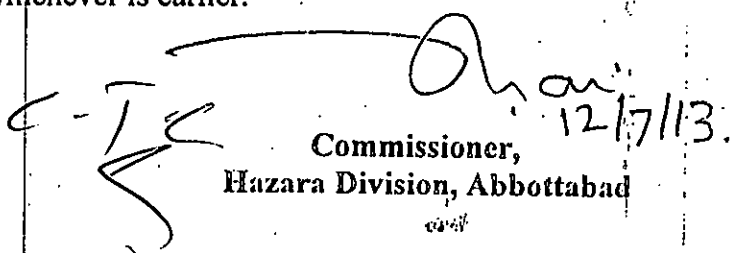
**OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD**

O-R-D-E-R

Consequent upon promotion of Tehsildar BS-16 and in compliance with Board of Revenue directive issued vide No.Estt:I/65/PT/12619-25 dated 20-06-2013, the following postings transfers amongst the Tehsildar and Naib Tehsildars are hereby ordered in the public interest with immediate effect:

S.No	Name	From	To	Remarks
1.	Mr. Iftikhar Ahmad Tehsildar(BPS-16)	Waiting for posting	Tehsildar Balakot	Vice No.2
2.	Mr. Faraz Qureshi Naib Tehsildar (BPS-14)	Tehsildar Balakot (in his own Pay & Scale)	Naib Tehsildar Land Acquisition Mansehra	Vice No. 3
3.	Qazi Muhammad Aslam Naib Tehsildar (BPS-14)	Naib Tehsildar Land Acquisition Mansehra	Naib Tehsildar Abbottabad	Vice No.4
4	Mr. Ejaz Ahmed Naib Tehsildar (BS-14)	Naib Tehsildar Abbottabad	Naib Tehsildar Allai	Against Vacant Post
5	Mr. Ziafat Khan, Naib Tehsildar (BS-14)	Tehsildar Abbottabad(in his own Pay and Scale)	Tehsildar Pattan (in his own Pay & Scale)	Vice No.6
6	Mr. Mohammad Taj, Tehsildar (BS-16)	Tehsildar Pattan	Tehsildar Mansehra	Vice No.7
7	Mr. Fayaz Ahmad Naib Tehsildar (BS-14)	Tehsildar Mansehra(in own Pay and Scale)	Tehsildar Palas (in his own Pay & Scale)	Vice No.8
8	Mr. Abdul Haleem, Tehsildar (BS-16)	Tehsildar Palas	Tehsildar Abbottabad	Vice No.5
9	Mr. Waheed Ahmed, Tehsildar (BS-16)	Tehsildar Allai	Tehsildar Haripur	Vice No.10
10	Mr. Rarhim Dad Khan, Tehsildar(BS-16)	Tehsildar Haripur	Tehsildar Dassu	Vice No.11
11	Mr. Sher Dil, Naib Tehsildar (BS-14)	Tehsildar Dassu (in his own pay & Scale)	Tehsildar Oghi (in his own Pay & Scale)	Vice No.12
12	Mr. Iftikhar Ahmad Tanoli, Tehsildar (BS-16)	Tehsildar Oghi	Tehsildar Land Acquisition Abbottabad	Against vacant Post
13	Mr. Fazal-ur- Rehman, Naib Tehsildar(BS-14)	Naib Tehsildar Haripur	Naib Tehsildar Dassu	Vice No.14
14	Mr. Ghulam Murtaza, Naib Tehsildar(BS-14)	Naib Tehsildar Dassu	Naib Tehsildar Haripur	Vice No.13
15	Mr. Muhammad Nazir	Naib Tehsildar Kandar Tor Ghar	Naib Tehsildar Mansehra	Against Vacant Post

The posting of (BS-14) officials at Serial No. 5, 7 & 11 in their own Pay & Scale against the posts of Tehsildar (BS-16) is made only as a stop gap arrangement due to shortage of Tehsildar (BS-16) and will be revised as and when Tehsildar (BS-16) are placed at the disposal of this office, for which Board of Revenue has already been requested vide this office No. 4/9-Estab:2240 dated 12.07.2013, or till their posting out on administrative grounds whichever is earlier.


12/7/13.
Commissioner,
Hazara Division, Abbottabad

(5)

Handwritten scribbles and faint markings at the top of the page.

A horizontal line of faint, illegible markings.

A horizontal line of faint, illegible markings.

~~Handwritten scribbles and markings, possibly including a signature or initials.~~

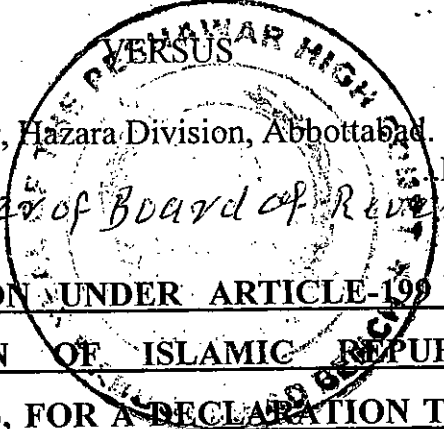
(13) "C"

**BEFORE THE PESHAWAR HIGH COURT
BENCH ABBOTTABAD**

W.P.NO. SSS-A/2013

- (1) Rahim Dad Khan Tehsildar Haripur, District Haripur.
- (2) Ziafat Khan, Naib Tehsildar, Abbottabad, District Abbottabad.....Petitioners

- ① The Commissioner, Hazara Division, Abbottabad. Respondent
- ② Senior Member of Board of Revenue.



WRIT PETITION UNDER ARTICLE-199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, FOR A DECLARATION THAT THE
TRANSFERS OF PETITIONERS FROM HARIPUR,
ABBOTTABAD TO DASSU AS TEHSILDAR AND
TEHSILDAR PATTAN, IN HIS OWN PAY AND SCALE
ARE ARBITRARY, FANCIFUL, DISCRIMINATORY,
WITHOUT LAWFUL AUTHORITY OR ANY OTHER
DIRECTION OR INSTRUCTION WHICH IS DEEMED
APPROPRIATE IN THE CIRCUMSTANCES OF THE
CASE MAY GRACIOUSLY BE ISSUED.

PRAYER

On acceptance of writ petition the impugned order for transfers of the petitioners may kindly be set aside.

Respectfully Sheweth!

The brief facts leading to the instant petition are arrayed as follows:-

*No 2209
15.7.14*

FILED TODAY

Certified to be True Copy

Additional Registrar & Extra Judge
Peshawar High Court
Abbottabad Bench
Authorized Under Section 71, Act of 1973

15.7.14

1. That, petitioner Rahim Dad Khan was serving at Haripur, whereas, petitioner No.2 was serving as Tehsildar Abbottabad in his own pay and scale.
2. That, petitioner No.1 was serving as Tehsildar Abbottabad, who was transferred to Haripur as Tehsildar, whereas, petitioner No.2 was serving as Tehsildar Haripur and he was transferred to Abbottabad as Tehsildar vide order No.5750-57 dated: 2.7.2013. (Copy of transfer order is attached as Annexure "A").
3. That, both the petitioners after having been transferred vide order mentioned above resumed their respective charges at their respective places of posting.
4. That, respondent NO.1 passed an order bearing No.4/9-Establishment 2252-83 dated: 12.7.2013 vide which petitioner No.1 was transferred from Haripur to Dassu as Tehsildar, whereas, petitioner No.2 was transferred from Abbottabad to Pattan as Tehsildar in his own pay and scale i.e. BPS-14. (The copy of the order dated: 12.07.2013 is attached as Annexure "B").
5. That, the petitioner has no other efficacious remedy, except to approach this Honourable Court on the following amongst other grounds.

FILED TODAY

Additional Registrar
Peshawar High Court
Abbottabad Bench

[Signature]

Certified to be True Copy

15
 Registrar
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Section 20 of the Ordinance



GROUNDS

- A. That, the impugned order of posting of petitioners from Abbottabad, Haripur to Dassu and Pattan are against the policy and law and thus the order is not maintainable in the eye of law.
- B. That, the ink of the order dated: 2.7.2013 has not yet dried and in the mean while another order dated: 12.07.2013 was passed which would tantamount to repeated orders.
- C. That, even prior to the order dated: 2.7.2013, the petitioners had not completed their tenure and despite they were transferred, but after having been transferred vide order 2.7.2013, the petitioners had spent hardly 10 days at the new places of their postings, but without assigning any reasons, they were sent to a far flung area.
- D. That, there was no complaint nor any other allegations against the petitioners and thus without letting them to complete their tenure, they were posted which on the face would show sheer malafide.
- E. That, in order to maintain a transparency, it is quite essential, that the official shall not be transferred except under compelling circumstances and such like compelling circumstances are lacking in this particular case.

FILED TODAY

Certified to be True Copy

Additional Registrar
 Peshawar Bench
 Abbottabad Bench
 High Court
 Peshawar Bench
 Abbottabad Bench
 Made Under Sec 75 Act's Ordms

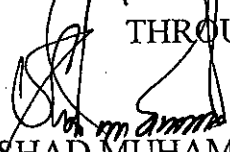
It is therefore, humbly prayed that on acceptance of writ petition the impugned order of posting may kindly be set aside and the order may kindly be quashed.

INTERIM RELIEF

It is further requested that till the decision of writ petition the operation of impugned order may graciously be suspended.

Dated; 15-7-13



Rafim Dad Khan etc.
.....Petitioners

THROUGH

SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN
(MANSEHRA)

VERIFICATION

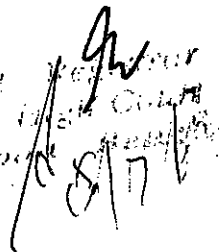
It is certified that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable Court.

Dated; 15-7-13


Rafim Dad Khan
.....Deponent

Certified to be True Copy
Examiner
Peshawar Bench
Abbottabad Bench
Authorized Under Sec 75 Act 2001

FILED TODAY

Additional
Peshawar Bench
Abbottabad Bench


17

**BEFORE THE PESHAWAR HIGH COURT
BENCH ABBOTTABAD**

Rahim Dad Khan etc.....Petitioners

VERSUS

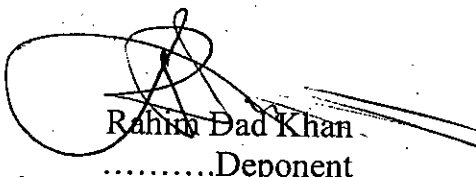
The Commissioner, Hazara Division, Abbottabad.
....Respondent

WRIT PETITION

AFFIDAVIT

I, Rahim Dad Khan Tehsildar Haripur, District Haripur, do hereby solemnly affirm and declare that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable Court.

Dated: 15-7-13


Rahim Dad Khan
.....Deponent

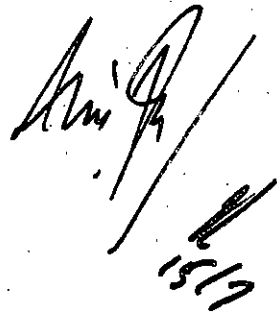
14801-23/3283-3

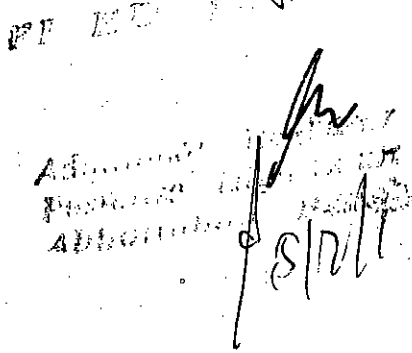
2622/129

129

Certified to be True Copy
Peshawar High Court
Abbottabad Bench
Authorized Under Section 25 of the Courts Act, 1973

Attd
15 *July 13*
Rahim Dad Khan Tehsildar
Haripur


15/7


Administrative stamps and signatures at the bottom left.

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

A.W.P No. 555 /2013

1. Rahim Dad Khan Tehsildar Haripur, District Haripur.
2. Zaifat Khan, Naib Tehsildar, Abbottabad, District Abbottabad.

...PETITIONERS

VERSUS

1. Secretary Govt. of Khyber Pakhtunkhwa, Revenue & Estate Department, Peshawar.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Commissioner, Hazara Division, Abbottabad.

...RESPONDENTS

AMENDED WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973, FOR A DECLARATION THAT THE EFFECT THAT NOTIFICATION DATED 10/09/2013 PASSED BY RESPONDENT NO. 1, WHEREBY PETITIONERS HAVE BEEN SUSPENDED ON ACCOUNT OF WILFUL ABSENCE FROM DUTY AND THE EARLIER OFFICE ORDER DATED 12/07/2013, WHEREBY THE PETITIONERS HAVE BEEN TRANSFERRED FROM HARIPUR, ABBOTTABAD TO DASSU AS TEHSILDAR AND TEHSILDAR PATTAN, IN THEIR OWN PAY AND SCALE ARE MALAFIDE,

FILED TODAY

Resister
Peshawar High Court
3/10/13

No 3015
3-10-13

Certified to be True Copy

15.2.14
Peshawar High Court
Abbottabad Bench
Authorized Under Sec 75 A of the Act

52

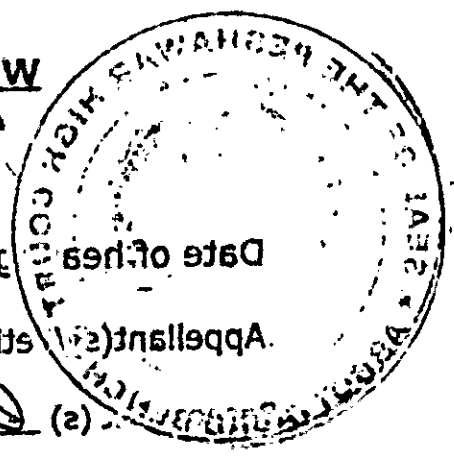
JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.
JUDICIAL DEPARTMENT

W.P. No. 525-A of 2013

JUDGMENT

11-02-2014



Appellant(s) Commissioner of Police, Abbottabad (s)
Respondent(s) Mrs. Irshad Qaiser, J.:-

MRS. IRSHAD QAISER, J.:- Rahim Dad Khan

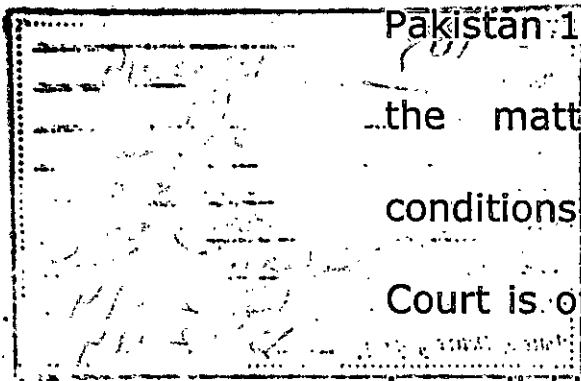
and Zafat Khan, petitioners seek the Constitutional jurisdiction of this Court and praying that;

"On acceptance of writ petition, both the impugned orders of suspension and transfer of the petitioners may graciously be set aside, any other direction or instruction which is deemed appropriate in the circumstances of the case may graciously be issued."

2. We have heard learned counsels for the parties and perused the available record with their assistance.
3. Admittedly, petitioners are provincial government employees and transfer of the petitioners fall within the scope of terms and

12/02/14
Certified to be True Copy
Abbottabad Bench
Peshawar High Court

conditions of service and this Court under the Constitutional jurisdiction in view of bar contained in Article 212 cannot exercise jurisdiction in such like matter, in particular, after the decision of Constitutional petition in W.P No.3442-P/2012 dated 06.02.2013, wherein it is held that this Court under Article 199 of the Constitution of Islamic Republic of Pakistan 1973 has no jurisdiction to interfere in the matters relating to the terms and conditions of the civil servant. However, this Court is of the view that the alternate remedy is available to the petitioners for redressal of their grievances. As such, case of petitioners is not maintainable under the provision of Article 199 of Constitution.



4. Accordingly, for the reason stated above, the petition being devoid of any merit is dismissed.

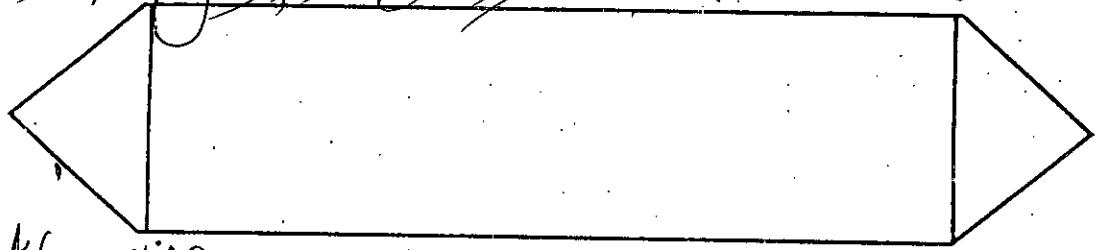
Announced:
11.02.2014

SD: *[Signature]*

Certified to be True Copy

[Signature]
Special Bench
Abbottabad Bench
Authorized Under Sec 75 of the Ordinance

بعدالت صاحب سروس ٹریڈنگ پ. ک. ک. 19



2 مخانب سال
رہیم داد بنام گورنمنٹ

مورخہ
مقدمہ 10/4
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام _____ کیلئے آج کاروائی کیلئے _____
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی 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
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔
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 لکھدیا کہ سند ہے۔

المبروم _____ ماہ _____ 20

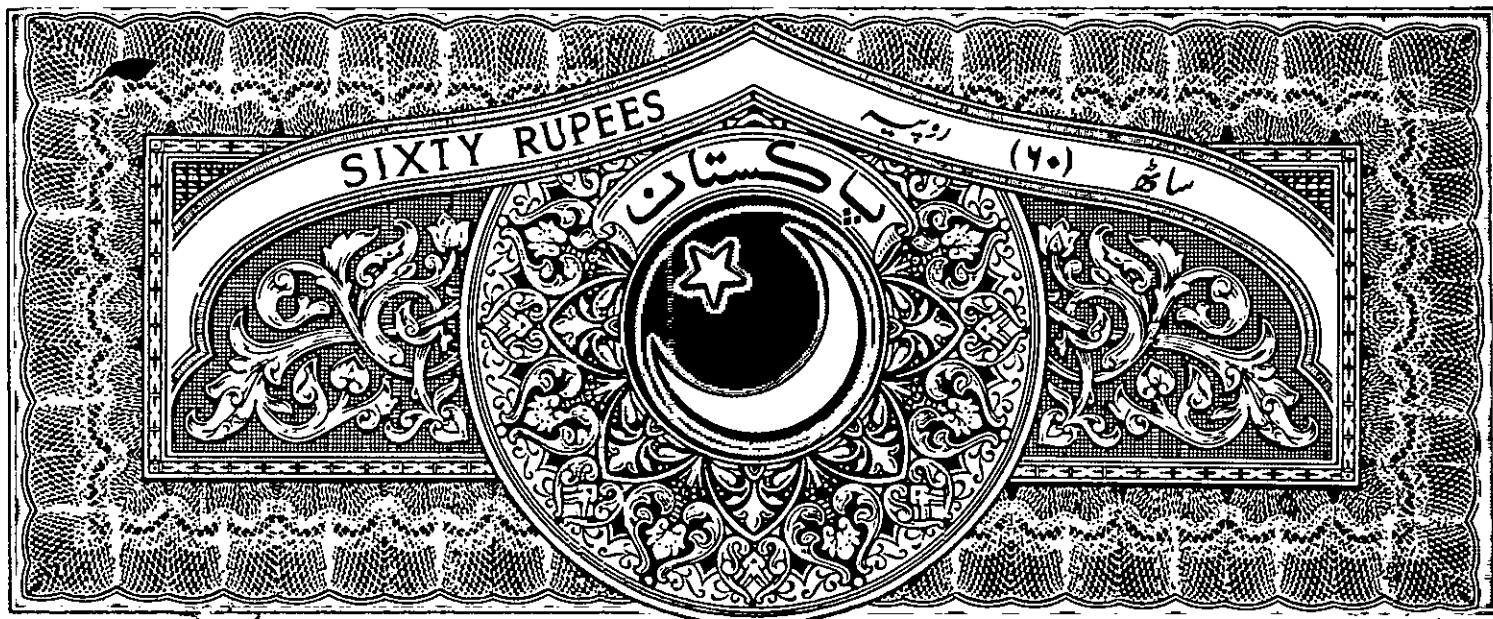
24-2-2014

_____ واہ الع

کے لئے منظور ہے۔
Accepted

AN

بمقام



AFFIDAVIT

I, Mr. Rahim Dad Khan (Tehsildar) S/o Lais Khan R/o Tappi Kohat stated on oath that I have preferred Departmental Appeal before respondent against impugned order dated 12.07.2013

I have submitted original copy and the Photostat copy has been lost.

The above statements/Contents are true and correct to the best of my knowledge and belief and nothing has been concealed.

Dated: 26-2-2014.

Deponent

Rahim Dad Khan (Tehsildar)
S/o Lais Khan
R/o Tappi Kohat.

ADT
17/3