

760/13

17.9.2013

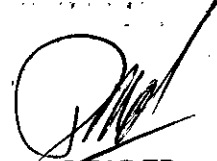
None is available on behalf of the appellant. The appeal has been admitted to regular hearing on 14.5.2013 but security and process fee have not been deposited till date. As such the appeal is dismissed under Rule 10 sub-rule 2 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974. File be consigned to the record.

ANNOUNCED  
17.9.2013

  
MEMBER

24.05.2013.

Clerk to counsel for the appellant, and Muhammad Jan, GP present. Notices have not been issued to the respondents. In pursuance of promulgation of Khyber Pakhtunkhwa Ordinance 2013, the Tribunal is incomplete. To come up for the same on 25.6.2013.

  
READER  
READER

27.6.2013

Clerk to counsel for the appellant Mr. Muhammad Jan, GP present. In pursuance of promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance 2013, the Tribunal is incomplete. To come up for the same on 17.7.2013.

  
READER

17.7.2013

None is available on behalf of the appellant as well as respondents. Security and process fee have not been deposited. Be deposited within 10 days. Notices be issued to the respondents. To come up for written reply on main appeal as well as reply/arguments on stay application on 17.9.2013.

  
MEMBER

  
MEMBER

Appeal No. 760/2013.

Mr. Muhammad Sirej

3. 14.5.2013


Counsel for the appellant present and heard.

Contended that the appellant was posted at Patwar Halqa Rashida on 8.12.2011. He has been transferred from Patwar Halqa Rashida to Peshawar Halqa Kaga Wala Aizai and the appellant was replaced by one Noor Husain who was posted at Patwar Halqa Rashida but being under suspension has not taken over the charge from the appellant and the appellant is still holding the charge of the post at Patwar Halqa Rashida.


Counsel for the appellant further contended that the appellant has not completed his normal tenure at Patwar Halqa Rashida which is against the policy of the Government. The appellant preferred a departmental appeal on 18.4.2013 but the same has been rejected on 19.1.2013. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days.

Thereafter, notices be issued to the respondents. Counsel for the appellant has also submitted an application for suspending the operation of the impugned Notification dated 15.4.2013.

Notice of application also be sent to the respondents. Case adjourned to 25.6.2013 for submission of written reply on main appeal and reply/arguments on application on 24.5.2013.

  
Member.

4. 14.5.2013


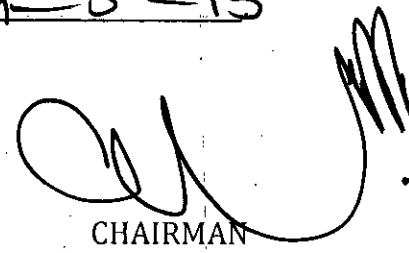
This case be put before the Final Bench  for further proceedings.

  
Chairman.

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 760/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/04/2013	<p>The appeal of Mr. Siraj Muhammad resubmitted today by Mr. Ghulam Mohyuddin Malik 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	13-5-13	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>14-5-13</u></p> <p style="text-align: right;"> CHAIRMAN</p>

This is an appeal filed by Mr. Siraj Muhammad today on 25/04/2013 against the order dated 15.04.2013 against which he preferred a departmental appeal on 18/04/2013 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

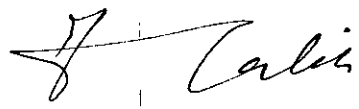
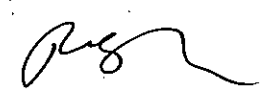
No. 671 /ST,

Dt. 25/04/2013

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR. GHULAM MOHYUDDIN MALIK ADV. PESH.

*As represent has been disposed off by the department & now appeal is mature for this Honorable Tribunal.*

  
M. Farooq Malik  
Advocate,  
H. C  


**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

Service Appeal No. 760 /2013

Siraj Muhammad .....Appellant

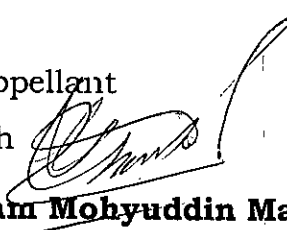
VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary &  
others.....Respondents

**INDEX**

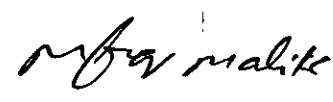
S.No.	Description of documents	Annex	Pages
1.	Appeal with Affidavit		1-4
2.	Application for Suspension with Affidavit		5-6
3.	Addresses of Parties		7
4.	Copy of order dated 08.12.2011	A	8
5.	Copy of transfer order dated 15.04.2013	B	9-11
6.	Copy of Representation/Appeal <i>order</i>	C & C1	12-14
7.	Copy of suspension order of Respondent No.6	D	15
8.	Office Order of Deputy Commissioner Peshawar dated 18/04/2013	E	16
9.	Office Order of Deputy Commissioner Peshawar dated 23/04/2013	F	17
10.	Wakalatnama		18

Appellant

Through 

**Ghulam Mohyuddin Malik,**  
Advocate,  
Supreme Court of Pakistan.

And



**Mohammad Farooq Malik,**  
Advocate  
High Court Peshawar.

Dated 25/04/2013

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

Service Appeal No. 760 /2013

G.W.P. Peshawar  
Case No. 815  
25/4/13

Siraj Muhammad s/o Wali Muhammad R/O Wadpaga Tehsil & District Peshawar presently posted as Patwar Halqa Rashida District Peshawar.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Revenue & Estate Department, Peshawar.
3. Commissioner Peshawar Division, Peshawar.
4. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Commissioner Peshawar.
6. Noor Hussain, Patwari Halqa Kaga Wala Alizai District Peshawar.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 15/04/2013 WHEREBY APPELLANT HAS BEEN TRANSFERRED FROM PATWAR HALQA RASHIDA TO PATWAR HALQA KAGA WALA ALIZAI DISTRICT PESHAWAR AND IN HIS PLACE MR.NOOR HUSSAIN HAS BEEN POSTED.**

*[Handwritten signature]*  
25/4/13

**Respectfully Sheweth**

1. That the appellant is a senior most Patwari, serving in the Revenue Department under control and command of Deputy Commissioner Peshawar.
2. That the appellant has served at many stations in Peshawar District as Patwari Halqa and lastly he is posted at Patwar Halqa Rashida vide order No.5302/DOR&E/DK dated Peshawar the 08.12.2011. (copy of order is Annexure A at page 8 )
3. That Respondent No.4 vide his order dated 15.04.2013 have transferred a large number of patwaries from one place to another for no good reason at all. The appellant is one of them who has been transferred from Patwar Halqa Rashida to Patwar Halqa Kaga Wala Alizai in place of Noor Hussain mentioned at Serial No.63 of transfer order (copy of transfer order is Annexure B at page 9-11 )
4. That the appellant feeling aggrieved by the impugned order has filed Representation/Appeal before the Commissioner Peshawar Division, Peshawar (Respondent No.3) which has ~~been~~ <sup>Rejected</sup> ~~been~~ (copy of representation is Annexure C at Page 12-14) & order dated 19-4-2013 is C1/14-A)
5. That the impugned posting and transfer order dated 15.04.2013 is void and without lawful authority which is liable to be set aside, inter alia, on the following grounds:-



GROUNDS

- a. That the transfer order of the appellant is politically motivated, on the recommendations of Ex-MPA who is on amicable <sup>Good</sup> terms with the respondents, so the impugned order on the face of record is void, unlawful and violative of Rule-21(2) r/w schedule-V of Rules of Business Khyber Pakhtunkhwa 1974.
- b. That the transfer of the appellant is pre mature and in his place blue eyed person of the political and influential Ex-MPA has been posted and thus the impugned transfer order is based on malafide and ulterior motive.
- c. That it is necessary to mention that the successor in office of the petitioner was under suspension and without any order about his reinstatement, he has been posted in place of petitioner being under suspension. So the posting of Respondent No.6 is patently illegal and void abinitio. (copy of suspension order is Annexure D at page 15 )
- d. That the respondents particularly Respondent No.5 has not acted in accordance with law in view of Article-IV of the constitution ~~of~~ r/w section 24-A of the General Clauses Act 1987 and thus the impugned order passed without merit is not sustainable in the eyes of law.
- e. That in the impugned transfer order mutual transfers have been made in favour of favourities of the aforementioned group in the revenue department as under:-

- i. Serial No.4 & Serial No.41
- ii. Serial No.31 & Serial No.72
- iii. Serial No.42 & Serial No.61
- iv. Serial No.44 & Serial No.67
- v. Serial No.50 & Serial No.74
- vi. Serial No.53 & Serial No.68

**It is, therefore, prayed that on acceptance of this Appeal, the impugned order of Respondent No.5 may graciously be set aside and the appellant be restored/reposted to his previous place of posting i.e. Patwar Halqa Rashida.**

*[Signature]*  
Appellant

Through *[Signature]*

**Ghulam Mohyuddin Malik,**  
Advocate,  
Supreme Court of Pakistan.

And

*[Signature]*

**Mohammad Farooq Malik,**  
Advocate  
High Court Peshawar.

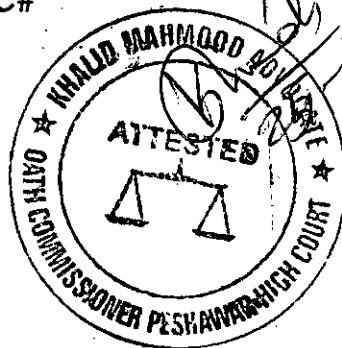
Dated 25/04/2013

**AFFIDAVIT**

I, Siraj Muhammad s/o Wali Muhammad R/O Wadpaga Tehsil & District Peshawar presently posted as Patwar Halqa Rashida District Peshawar (appellant) do hereby solemnly declare that the accompanying **Appeal** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*[Signature]*  
Deponent

NIC#



5

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2013

Siraj Muhammad .....Petitioner

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary &  
others.....Respondents

**APPLICATION FOR SUSPENSION OF IMPUGNED ORDER DATED**  
**15/04/2013 PENDING FINAL DECISION OF MAIN APPEAL.**

**Respectfully Sheweth,**

1. That the petitioner/appellant has filed Appeal before this Hon'ble Tribunal in which no date of hearing has been fixed so far.
2. That the appellant has got a good prima facie arguable case, the impugned order is without lawful authority and unsustainable in law, balance of convenience lies in his favour and in case operation of impugned order is not suspended, the very purpose of appeal would be defeated and it would infructuous as well.

6

It is, therefore, prayed that the operation of impugned order dated 15.04.2013 may graciously be suspended till final decision of Appeal.

*[Signature]*  
Petitioner

Through

*[Signature]*  
**Ghulam Mohyuddin Malik,**  
Advocate,  
Supreme Court of Pakistan.

Dated 25.04.2013

**AFFIDAVIT**

I, Siraj Muhammad s/o Wali Muhammad s/O Wadpaga Tehsil & District Peshawar presently posted as Patwar Halqa Rashida District Peshawar (appellant) do hereby solemnly declare that the accompanying **Application** is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*[Signature]*  
Deponent

NIC#



7

**BEFORE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2013

Siraj Muhammad .....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary &  
others..... Respondents

**ADDRESSES OF PARTIES.**

**APPELLANT**

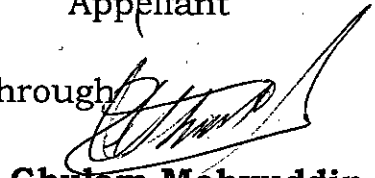
Siraj Muhammad s/o Wali Muhammad R/O Wadpaga Tehsil &  
District Peshawar presently posted as Patwar Halqa Rashida District  
Peshawar.

**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary  
Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Revenue &  
Estate Department, Peshawar.
3. Commissioner Peshawar Division, Peshawar.
4. Senior Member Board of Revenue, Khyber Pakhtunkhwa,  
Peshawar.
5. Deputy Commissioner Peshawar.
6. Noor Hussain, Patwari Halqa Kaga Wala Alizai District  
Peshawar

  
Appellant

Through



**Ghulam Mohyuddin Malik,**  
Advocate,  
Supreme Court of Pakistan.

ANNEX

A  
6

OFFICE ORDER.

As recommended by Enquiry Officer, Mr. Siraj Ahmed Patwari is hereby re-instated in service with immediate effect and posted at his Patwar Halqa Rashida.

*[Signature]*  
District Officer  
Revenue and Estate Peshawar

No. 5702-5 /DOR&E/DK Dated Peshawar the 8 / 12 /2011  
Copy forwarded to the :-

- 1-Tehsildar Peshawar.
- 3-RBC DOR Office Peshawar.
- 4-Official concerned.
- 5-Office order file.

*[Signature]*  
District Officer  
Revenue and Estate Peshawar

Attested  
*[Signature]*  
to be true copy

Better copy

  
B/A

OFFICE ORDER

As recommended by the Enquiry Officer, Mr. Siraj Ahmed Patwari is hereby re-instated in service with immediate effect and posted at his Patwar Halqa Rashida


District Officer  
Revenue and Estate Peshawar

No.530205/DOR&E/DK dated Peshawar the 08.12.2011

Copy forwarded to the:-

1. Tehsildar Peshawar
2. RBC DOR office Peshawar
3. Official concerned
4. Office order file.

District Officer  
Revenue and Estate Peshawar

Attested  
  
to be true copy



**OFFICE OF THE  
DEPUTY COMMISSIONER PESHAWAR.**

Dated Peshawar the 5<sup>th</sup> /04/2013

*ANNEX B*

9

**OFFICE ORDER**

**IMPLEMENTATION OF DIRECTIONS OF ELECTION COMMISSION OF PAKISTAN - NEUTRALITY ASSESSMENT.**

In pursuance of Establishment Department, Government of Khyber Pakhtunkhwa Peshawar letter No.SO(E-1)E&AD/9-49/2012, dated 13.4.2013 coupled with the directives of Election Commission of Pakistan, a meeting was convened in the office of the undersigned to assess the necessary neutrality assessment of the Revenue Field Staff and consequently the following postings/transfers amongst the Patwaris of Peshawar District are hereby ordered in the public interest, with immediate effect:-

S/#	Name of Patwari	From	To
1.	Mr. M. Yaseen	P.H Falu Abdur Rahima	P.H Ram Kishin vice No.12
2.	Mr. Mohammad Iqbal	Waiting for posting	P.H Tarnab vice No.4
3.	Mr. Abdul Wahab	P.H Khulizai	P.H Urmar Bala vice No.21
4.	Mr. Fazle Muhtaq	P.H Tarnab	P.H Daman Hindki vice No.41
5.	Mr. Payo Gul	P.H Garhi Sherdad	P.H Achini Bala Vice No.43
6.	Mr. Nisar Mohammad	P.H Shah Dhand	P.H Pharipura vice No.17
7.	Mr. Riaz Ahmed	LAC Branch	P.H Pishlakhara Payan vice No.48
8.	Mr. Sadiq Akber	P.H Khazana	P.H Takhtabad Awal vice No.11
9.	Mr. Saeed Ahmed Khan	P.H Tukra No.1	P.H Pajaggi vice No.32
10.	Mr. Mohammad Qayas	P.H Achini Payan	P.H Pishlakhara Bala vice No.49
11.	Mr. Shaukat Ali	P.H Takhtabad Awal	P.H Tukra No.1 vice No.9
12.	Mr. Mohammad Aslam	P.H Ram Kishin	P.H Chilli Kander Khel vice No.40
13.	Mr. Zikriya Khan	P.H Sulaman Khel	P.H Dab Buryadi vice No.56
14.	Mr. Tilawatir Rehman	P.H Jala Bela.	P.H Khazana vice No.8
15.	Mr. Mohammad Ali Jan	P.H Passani.	P.H Mahal Gabri vice No.62
16.	Mr. Didar Khan	P.H Nauthia	P.H Sulaman Khel vice No.13
17.	Mr. Tariq Javed Gul	P.H Pharipura	P.H Shah Dhand vice No.6
18.	Mr. Mukammal Shah	P.H Hazar Khawani	P.H Nauthia vice No.16
19.	Mr. Fazal Rabi.	Waiting for posting.	P.H Hazar Khawani vice No. 18
20.	Mr. Mir Zaman	P.H Tauda	P.H Passani vice No.15
21.	Mr. Gulzar Ahmed	P.H Urmar Bala	P.H Jala Bela vice No.14
22.	Mr. Qaiserud Din	Waiting for posting	P.H Pakha Chulam vice No. 66
23.	Mr. Riaz Khan	Waiting for posting	P.H Shagi Hinkgayan vice No.24.

*Attested*

*[Signature]*



24.	Mr. Mohammad Abid	P.H Shari Hindkiyan	Acqn: Branch
25.	Mr. Ikramullah	P.H Takkal Bala No.1	P.H Sarband vice No.46
26.	Mr. Lalak Naz	P.H Ahmed Khel	P.H Khulozai vice No.3
27.	Mr. Siraj Mohammad	P.H Rashida	P.H Kagawala Ali /ai vice No.64
28.	Mr. Anwar Zeb	P.H Mullaazai	P.H Urman Miana vice No.29
29.	Mr. Alamzeb	P.H Urman Miana	P.H Haji Pando vice No. 58
30.	Malik Zainul Abideen.	P.H Lala Ahmed	P.H Choha Gujar vice No. 47
31.	Mr. Sikander	P.H Kaniza	P.H Daag vice No. 72
32.	Mr. Mohammad Younas	P.H Pajraqi	P.H Garhi Sherdad vice No.5
33.	Mr. Sher Wali	P.H Surizai Bala	Report to Office
34.	Mr. Iftikhar Alam	P.H Badaber Maryanzai	P.H Tauda vice No.20
35.	Mr. Nacem Jan	P.H Sulaia Sang	P.H Mullaazai vice No.28
36.	Mr. Amjed Khan Khalil	P.H Chagharmalli	P.H Lala vice No.26
37.	Mian Inamullah	P.H Lala	P.H Shahi Bala vice No.38
38.	Mr. Ibrahim Shah	P.H Shaha Bala	P.H Daman Afghani vice No.28
39.	Mr. Shindi Gul	P.H Daman Afghani	P.H Chaghar Malli vice No.25
40.	Mr. Mohammad Ejaz	P.H Ghalji Kander Khel.	Report to office.
41.	Waqar Ahmed	P.H Daman Hindki.	Report to Office
42.	Mr. Ghafoor Khan	P.H Sardar Garhi	P.H Hargoni vice No. 61
43.	Mr. Azimullah Khan	P.H Achini Bala	P.H Badaber Maryanzai vice No.34
44.	Mr. Nasrullah	P.H Issa Khel Topchian.	P.H Nodah Payan vice No.67
45.	Mr. Sajjad Khan	P.H Palosi Talarzai	Report to Office
46.	Mr. Alamzeb Shahid	P.H Sarband	P.H Masho Gagar vice No.40
47.	Mr. Mashooq Jan	P.H Choha Gujar	P.H Ghalji Kander Khel vice No.40
48.	Mr. Ibrar Khan	P.H Pishlakhara Payan	P.H Pawaka/Abdara vice No. 52
49.	Mr. Sanullah	P.H Pishlakhara Bala.	Report to DK office
50.	Mr. Saleem Shahzad	P.H Dhari Baghbanan	P.H Landi Yarghjo vice No. 74
51.	Mr. M. Nadeem	P.H Mashogagar	P.H Garhi Baghbanan vice No.76
52.	Mr. Mohamamd Kamran	P.H Pawaka	P.H Surizai Bala vice No.33
53.	Mr. Tahirullah	P.H Mathra	P.H Nahaqi vice No.68
54.	Mr. Waheed Khan	Waiting for posting	P.H Sufaid Sang vice No. 35
55.	Malik Abdul Ghaffar.	P.H Achar	P.H Achini Payan vice No. 10
56.	Mr. Mohammad Yousaf	P.H Dab Bunyadi.	P.H Achar vice No.44
57.	Mr. Zarshad Khan	P.H Palosi Maqdarzai.	P.H Garhi Sherdil vice No. 74
58.	Mr. Imtiaz Khan	P.H Haji Pando.	P.H Palosi Maqdarzai vice No.57
59.	Mr. Haroon Khan	P.H Nasirpur	P.H Musazai vice

Attested

15/4

60.	Mr. Saifullah	P.H Musazai	No.49.
61.	Malik Zahidullah	P.H Hargoni.	P.H Aadi pura vice No.73
62.	Mr. Hassanat Shah	P.H Mubtal Gauri	P.H Sardar Garhi vice No. 47
63.	Mr. Noor Hussain	Waiting for posting.	P.H Fala Abdur Rahman vice No.1
64.	Mr. Fayaz Khan	P.H Kagawala Aliza	P.H Rashida vice No.
65.	Mr. M. Ishfaq	Waiting for posting.	P.H Nasipur vice No.59
66.	Mr. Mohammad Saeed	P.H Pakha Ghulam	P.H Maira Kachori vice No.71
67.	Mr. Shah Jehan	P.H. Nodch Payan	P.H Lala Ahmed vice No.30
68.	Mr. Asadullah Khan	P.H Nahaqi	P.H Issa Khel Topchian vice No. 44
69.	Mian Saddiq Ali Shah	P.H Nodch Bala	P.H Malhra vice No.53
70.	Mr. Allab Ahmed	P.H Landi Akhura	P.H Landi Akhura ahmed vice No.70
71.	Mr. Javed Ahmad	Ahmed	P.H Nodch Bala vice No.69
72.	Mr. Sher Alam	P.H Malra Kachori	P.H Ahmad Khel vice No.26
73.	Mr. Arshed Khan	P.H Daag	P.H Kaniza vice No. 31
74.	Mr. Amjed Suhail	Aadi pura	P.H Tehkal Bala No.1 vice No.25
75.	Anwar Ali	Under transfer to Garhi Sherdil	P.H Dhori Baghbanan vice No.50
76.	Mohammad Bashir	Under transfer to Landi Yarghajo	Palosi Talarzai vice No.45
		P.H Garhi Baghbanan	Report to office.

*[Signature]*  
Deputy Commissioner,  
Peshawar.

No. 56: 12-19/DC(P)/DK.

Dated Peshawar the 15/04/2013

Copy forwarded to the:-

1. Commissioner Peshawar Division Peshawar.
2. Additional Deputy Commissioner, Peshawar.
3. Assistant Commissioner, Peshawar.
4. Additional Assistant Commissioner (Rev) Peshawar.
5. PS to SMBR Khyber Pakhtunkhwa Peshawar.
6. Tehsildar Peshawar.
7. Revenue Bill Clerk.
8. Official concerned for compliance.

*[Signature]*  
Deputy Commissioner,  
Peshawar.

*Attested*  
*[Signature]*

ANNEX 'C'  
12

To,

The Commissioner,  
Peshawar Division, Peshawar.

Subject:- **REPRESENTATION/APPEAL BY SIRAJ MUHAMMAD  
S/O WALI MUHAMMAD PATWARI HALQA RASHIDA  
AGAINST ORDER DATED 15.04.2013 PASSED BY  
DEPUTY COMMISSIONER PESHAWAR.**

Sir,

1. That the petitioner is a serving Patwari, posted at Patwar Halqa Rashida district Peshawar vide order No.5302/DOR&E/DK dated Peshawar the 08.12.2011. (copy of order is Annexure A)
2. That the Hon'ble Deputy Commissioner Peshawar vide order dated 15.04.2013 has transferred as many as 76 patwaries from their respective place of posting. (copy of order is Annexure B)
3. That vide the aforementioned order, the petitioner has been transferred from Patwar Halqa Rashida to Patwar Halqa Kaga Wala Alizai while in his place Mr. Noor Hussain Patwari (waiting for posting) has been transferred to Patwar Halqa Rashida.
4. That the impugned posting and transfer order at random is unsustainable being based on mala fide and ulterior motive, inter alia, on the following grounds:-

**GROUND**

- a. That undoubtedly the civil servant can be transferred and liable to serve anywhere but subject to rider that terms and conditions of service shall not be less favourable and that transfer order is passed with

Commissioner Peshawar  
D/No. 4475 Dated 18/4/13

Attested

bonafide intention in the best interest of public interest.

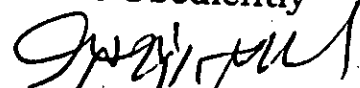
- b. That the petitioner has been placed by his junior Patwari who is blue eyed and closely related to a political figure belonging to Awami National Party.
- c. That the impugned posting and transfer order has been passed under political influence against the petitioner in span of less then three years of his posting at Patwar Halqa Rashida, therefore, the action taken and order passed by the Deputy Commissioner Peshawar is patently illegal, void, unlawful being violative of service rules.
- d. That Mr. Noor Hussain belongs to a strong and might group of patwaries/girdawars in the office of Deputy Commissioner Peshawar who had always been able to make transfer according to their whims and wishes in unfair, unjust and disrupting the administration of the office.
- e. That in the impugned transfer order mutual transfers have been made in favour of favourities of the aforementioned group in the revenue department as under:-
  - i. Serial No.4 & Serial No.41
  - ii. Serial No.31 & Serial No.72
  - iii. Serial No.42 & Serial No.61
  - iv. Serial No.44 & Serial No.67
  - v. Serial No.50 & Serial No.74
  - vi. Serial No.53 & Serial No.68

*Attested*

f. That the petitioner was posted at Patwar Halqa Rashida on 08.12.2011 and he has been transferred vide impugned order dated 15.04.2013 before completion of his tenure on the recommendations of Ex member of provincial assembly as well as with the active participation of influential group of Revenue Department. So in these circumstances his transfer is politically motivated, thus void and unlawful, being violative of Rule-21(2) r/w schedule-V of Rules of Business Khyber Pakhtunkhwa 1974.

It is, therefore, prayed that on acceptance of this Representation/Appeal, the impugned order of Deputy Commissioner Peshawar dated 15.04.2013 may graciously be set aside and the petitioner be restored/reposted to his previous place of posting i.e. Patwar Halqa Rashida.

Yours Obediently



Siraj Muhammad s/o

Wali Muhammad

Patwari Halqa Rashida

Dated 18.04.2013



ANNEX C/2 (19A)



**OFFICE OF THE  
COMMISSIONER PESHAWAR  
DIVISION PESHAWAR**

No. 3981 /Appeals/Siraj.M/AR

Dated 19.04.2013

To

Mr. Siraj Muhammad,  
Patwari Halqa Rashida, Peshawar.

Subject: **APPEAL AGAINST THE POSTING/TRANSFER ORDER DATED  
15.04.2013 OF PATWARIS.**

Memo:

I am directed to refer to your appeal dated 18.04.2013 before the appellate authority (Commissioner Peshawar Division) against the order dated 15.04.2013 of Patwaris and to convey that the same has been rejected by the appellate authority being not maintainable as the same was made along with others in compliance of the orders of Election Commission of Pakistan.

(MUHAMMAD AMIN)

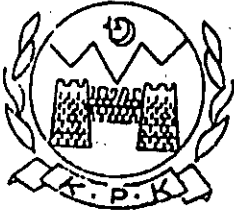
Assistant to Commissioner (R/GA)  
Peshawar Division Peshawar

3982

No. 3982 /Appeals/Siraj.M/AR

Copy forwarded for information to the Deputy Commissioner, Peshawar

Assistant to Commissioner (R/GA)  
Peshawar Division Peshawar



ANNEX D  
OFFICE OF THE  
DEPUTY COMMISSIONER, PESHAWAR,  
Dated Peshawar the 10 /01/2013

(15)

OFFICE ORDER

Mr. Noor Hussain Patwari is hereby suspended due to non handing over of charge and non compliance of orders bearing No.4006 10/DC(P)/DK, dated 13.03.2013 issued by this office, which amounts to misconduct, with immediate effect.

  
Deputy Commissioner  
Peshawar.

No. 5361-66 /DC(P)/DK Dated Peshawar the 10 /01/2013

Copy forwarded to the:-

1. Additional Deputy Commissioner, Peshawar.
2. Assistant Commissioner Peshawar.
3. Additional Assistant Commissioner-V Peshawar to conduct enquiry against the suspended patwari and submit report within 15 days.
4. Tehsildar Peshawar.
5. RBC.
6. Officer Concerned.

  
Deputy Commissioner  
Peshawar.



ANNEX E  
OFFICE OF THE  
DEPUTY COMMISSIONER PESHAWAR.

Dated Peshawar the 18/04/2013

OFFICE ORDER/MODIFICATION.  
IMPLEMENTATION OF DIRECTIONS OF ELECTION COMMISSION OF  
PAKISTAN - NEUTRALITY ASSESSMENT.

In partial modification of this office order No.5612-19/DC(P)/DK, dated 15.04.2013, the following postings/transfers/adjustment are hereby ordered in the public interest with immediate effect:-

S#	Name of Patwari	From	To
1.	Malik Zainul Abideen	Under transfer to P.H Choha Gujar	P.H Niami vice No.3
2.	Mr. Didar Khan	Under transfer to P.H Suleman Khel	P.H Swali Charkhana vice No.4
3.	Mr. Mohammad Israr	P.H Niami	P.H Choha Gujar vice No.1
4.	Mr. Inayat Khan	P.H Swali Charkhana	P.H Naulhia vice No.5
5.	Mr. Mukammal Shah	Under transfer to P.H Naulhia	P.H Achar vice No.6
6.	Mr. Mohammad Yousaf	Under transfer to P.H Achar	P.H Suleman Khel vice No.2

  
Deputy Commissioner,  
Peshawar.

No. 5775-82 /DC(P)/DK. Dated Peshawar the 18/04/2013

Copy forwarded to the:-

1. Commissioner Peshawar Division Peshawar.
2. Additional Deputy Commissioner, Peshawar.
3. Assistant Commissioner, Peshawar.
4. Additional Assistant Commissioner (Rev) Peshawar.
5. PS to SMBR Khyber Pakhtunkhwa Peshawar.
6. Tehsildar Peshawar.
7. Revenue Bill Clerk.
8. Official concerned for compliance.

  
Deputy Commissioner,  
Peshawar.





AMINE

(P)

**OFFICE OF THE  
DEPUTY COMMISSIONER PESHAWAR**

Dated Peshawar the 23/04/2013

**OFFICE ORDER/MODIFICATION  
IMPLEMENTATION OF DIRECTIONS OF ELECTION COMMISSION OF  
PAKISTAN - NEUTRALITY ASSESSMENT.**

In continuation of this office earlier order No.5612 19/DC(P)/DK, dated 15.04.2013 & No.5699-5706/DC(P)/DK, dated 17.4.2013, postings/transfers assessment of the patwaris were carried out wherein it came to the knowledge of the undersigned that appeals of the following Patwaris were subjudiced in the Khyber Pakhtunkhwa Services Tribunal and vide orders dated 22.3.2013, dated 25.3.2013 & dated 22.4.2013 status quo has been granted/extended by the honourable Services Tribunal. Hence in pursuance of the status quos, this office orders indicated below, as under.

S#	Name of Patwari	From	To
1.	Mr. Sadiq Akber	Under transfer to P.H Takhtabad Awal.	P.H Khazana vice No.2
2.	Mr. Tilawatir Rehman	Under transfer to P.H Khazana.	P.H Passani vice No.4
3.	Mr. Mohammad Aslam	Under transfer to DK's office.	P.H Ram Kishin vice No.8
4.	Mr. Mir Zaman	Under transfer to P.H Passani	P.H Tauda vice No.6
5.	Mr. Mohammad Younis.	Under transfer to P.H Garhi Sherdad.	P.H Pajaggi vice No.9
6.	Mr. Illikhar Alam	Under transfer to P.H Tauda	Report to DK's office for further posting.
7.	Mr. Waqar Ahmed.	Under transfer to DK's office.	P.H Daman Hindki vice No.10
8.	Mr. Mohammad Yasin	Under transfer to P.H Ram Kishin	Report to DK's office for further posting.
9.	Mr. Saeeed Ahmed Khan	Under transfer to P.H Pajaggi.	P.H Takhtabad Awal vice No.1
10.	Mr. Fazle Muhtaj	Under transfer to P.H Daman Hindki.	P.H Garhi Sherdad vice No.5.

*[Signature]*  
Deputy Commissioner  
Peshawar.

No. 5961-69/DC(P)/DK.

Dated Peshawar the 23/04/2013

Copy forwarded to the:-

1. Commissioner Peshawar Division Peshawar.
2. Registrar Khyber Pakhtunkhwa Services Tribunal Peshawar with reference to above orders for information please.
3. Additional Deputy Commissioner, Peshawar.
4. Assistant Commissioner, Peshawar.
5. Additional Assistant Commissioner (Rev) Peshawar.
6. PS to SMBR Khyber Pakhtunkhwa Peshawar.
7. Tehsildar Peshawar.
8. Revenue Bill Clerk.
9. Official concerned for compliance.

*[Signature]*  
Deputy Commissioner  
Peshawar.

# وکالت نامہ

بعدالت سرویس ٹریسٹریٹ سٹیٹ لویڈ

سید محمد نام پروفیشنل

منجانب ریڈروٹ دعویٰ یا جرم سرویس (سٹریٹ)

تھانہ \_\_\_\_\_ باعث تحریر آنکہ ایف آئی آر \_\_\_\_\_ تاریخ \_\_\_\_\_

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی وجواب دینی مقام \_\_\_\_\_ کے لیے

## غلام محی الدین ملک ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موسوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موسوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موسوف صدر مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کی ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موسوف ذمہ دار نہ ہوں گے۔ مجھ کو کھل ساختہ پرداختہ صاحب موسوف مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موسوف کو عرضی دعوے و جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ڈالشی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا مندرجہ ڈگری، یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موسوف کو بشرط ادا بیگئی عالیحدہ مختار نامہ پیروی کا اختیار ہوگا، اور بصورت ضرورت صاحب موسوف کو بھی اختیار ہوگا، یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں، اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے، جیسے کہ صاحب موسوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موسوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ بھی صاحب موسوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا تاکہ سند رہے۔

مورخہ ----- مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

\_\_\_\_\_

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Ghulam Mohy-ud Din Malik  
Advocate  
Supreme Court of Pakistan.