

16.06.2022

Appellant present through counsel.

Noor Zaman Khan Khattak, learned District Attorney for official respondents No.1 to 4 present. Private respondent No.5 in person present.

Private respondent No.5 submitted comments. Copy of the same was handed over to the learned counsel for appellant who requested for adjournment in order to submit rejoinder. Adjourned. To come up for rejoinder, if any, and arguments on 17.08.2022 before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

17.08.2022

Due to summer vacations, the case is adjourned to 19.10.2022 for the same as before.

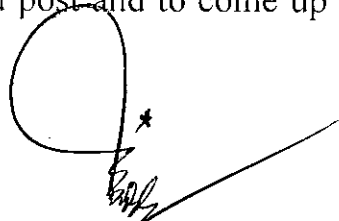
READER

19.10.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 4 present. Nemo for private respondent No. 5.

Learned counsel for the appellant submitted rejoinder, copy of which handed over to learned counsel for the appellant.

Previous date was changed on Reader Note, therefore, notice be issued to private respondent No. 5 as well as his counsel through registered post and to come up for arguments on 26.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

19.01.2022

Counsel for the appellant present. Mr. Muhammad Touseef, ADEO (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present. Private respondent No. 5 in person present.

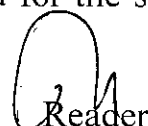
Representative of official respondents as well as private respondent requested for time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 17.03.2022 before the S.B at Camp Court Abbottabad. In the meanwhile, operation of impugned order shall remain suspended, if not acted upon earlier.



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

17.03.2022

Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 19.05.2022



Reader

19.05 2022

Counsel for the appellant present. Mr. Naseer Uddin Shah, Assistant Advocate General along with Mr. Naseer Uddin, Assistant for the official respondents and Mr. Najeeb Ullah, Advocate for the private respondent present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. To come up for rejoinder as well as arguments before D.B at camp court Abbottabad on 16.05.2022.



Fareeha Paul
Member (E)
Camp Court, Abbottabad

Appeal No. 7915/2021
Shabbir Ahmad vs Govt

23.12.2021

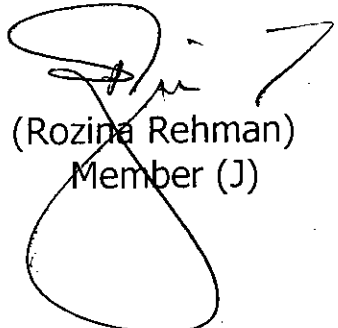
Appellant present through counsel. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. Learned counsel for appellant requested for transfer of the instant case to Camp Court, Abbottabad. Request is acceded to. File to come up for reply/comments on 19.01.2022 before S.B at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee

23/12/21

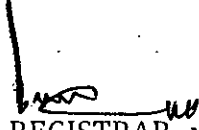

Annexed with the memo of appeal is an application for interim relief. Notice of this application be served upon respondents. In the meanwhile, operation of impugned order shall remain suspended, if not acted upon earlier.


(Rozina Rehman)
Member (J)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 7915/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/12/2021	<p>The appeal of Mr. Shabbir Ahmad presented today by Syed Asif Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>23-12-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

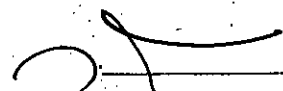
**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Shabir Ahmeed vs Govt. KPK etc

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	-	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?		
5.	Whether the enactment under which the appeal is filed is correct?	-	
6.	Whether affidavit is appended?	-	
7.	Whether affidavit is duly attested by competent oath commissioner?	-	
8.	Whether appeal/annexures are properly paged?	-	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	-	
11.	Whether annexures are attested?	-	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cuttings/overwriting?		
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?		
19.	Whether requisite number of spare copies attached?		
20.	Whether complete spare copy is filed in separate file cover?		
21.	Whether addresses of parties given are complete?		
22.	Whether index filed?		
23.	Whether index is correct?		
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Syed Asif Shah

Signature: 

Dated: 23-12-21

BEFORE THE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No. 7915 of 2021

Shabbir Ahmed Appellant

Versus

The Govt of Khyber Pakhtunkhwa through Secretary E&S

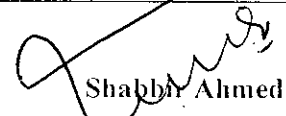
Peshawar etc..... Respondents

APPEAL

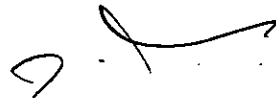
INDEX

S#	Description of documents	Annexure	Page #
1.	Memo of Appeal along with affidavit	—	1-8
2.	Application of suspension/status-quo	—	9-10
3.	Application for early hearing	—	11
4.	Certificate	—	12
5.	Correct addresses of the parties	—	13
6.	Copy of pay order	A	14
7.	Copy of letter dated 29.05.2020 is annexed as annexure "B".	B	15
8.	Copies of transfer order dated 30.11.2021	C	16
9.	Copy of departmental representation	D	17
10.	Copy of notice for personal hearing dated 17.12.2021	E	18
11.	Copy of rejection of departmental representation/appeal dated 21.12.2021	F	19
12.	Wakalat Nama		20

Dated 22.12.2021


Shabbir Ahmed
(Appellant)

Through:-


Syed Asif Shah

Advocate High Court
At Munschra



BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No _____ of 2021

Shabbir Ahmed, son of Ghulam Serwar,
present serving as Head Master Government
High School Mongan Machi Pool, Tehsil &
District Mansehra.**Appellant**

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Secretary Elementary and secondary Education Peshawar.
- 2) Director Elementary and secondary Education Peshawar.
- 3) Deputy Secretary Adman Elementary and secondary education Department Peshawar KPK.
- 4) District Education Officer (Male) District Mansehra.
- 5) Zakar Ullah Head Master Government High School Nawaz Abad, Tehsil & District Mansehra.

.....**Respondents**

APPEAL UNDER SECTION 4 OF KPK SERVICE
TRIBUNAL, ACT, 1974 AGAINST BOTH THE
IMPUGNED ORDER NO SO (SM)E&SED/7-
1/2021/PT/HM DATED 30.11.2021 AND

2

DATED 21.12.2021 PASSED BY
RESPONDENTS NO. 01 AND 03 WHEREBY
APPELLANT TRANSFERRED FROM
GOVERNMENT HIGH SCHOOL MONGAN
MACHI POOL TO GOVERNMENT HIGH
SCHOOL SUM ELAHI MANG WITHOUT
COMPILATION OF TENURE/IMMATURE
TRANSFER, BEING AGGRIEVED PREFERRED
DEPARTMENTAL REPRESENTATION/
APPEAL TO THE RESPONDENTS AGAINST
THE IMPUGNED ORDER WHICH WAS
DISMISSED, BOTH THE ABOVE MENTIONED
IMPUGNED ORDERS ARE WRONG,
MALAFIDE, POLITICAL VICTIMIZATION,
ILLEGAL, UNLAWFUL, WITHOUT LAWFUL
AUTHORITY, HENCE LIABLE TO BE SET
ASIDE AND OFFICIAL RESPONDENT ARE
CONSTITUTIONALLY AND LEGALLY BOUND
TO GIVE EFFECT TO KPK POSTING AND
TRANSFER POLICY, 2010, REGARDING
POSTING OF THE APPELLANT AT THE
STATION OF HIS CHOICE IN THE LAST YEAR
OF HIS RETIREMENT AND ANY DEVIATION
WHEREFROM IS OF HAVING NO LEGAL
EFFECT, WITHOUT LAWFUL, AUTHORITY
AND WITHOUT JURISDICTION.

PRAYER:

On acceptance of the instant service appeal both the impugned orders bearing dated 30.11.2021 and 21.12.2021 passed by respondents may kindly be set-aside

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declaring them illegal, void and against the law on the subject, position of appellant in his present school may kindly be restore or any other relief as This Honourable Tribunal deems fit and appropriate in the circumstances of the case may also be issued/passed.

Respectfully shewith!

- 1). That, appellant is served the education Department as a Teacher last above 37 years and now currently posted as Head Master Govt. High School Mongan Machi Pool Manshera.

(Copy of pay order is annexed as annexed "A").

- 2). That, appellant is an honest, dedicated Teacher and there is no complaint against the appellant in the whole period of his service.

- 3). That, appellant was lastly transferred as Head Master in Govt. High School Mongan Machi Pool vide letter dated 29.05.2020.

(Copy of letter dated 29.05.2020 is annexed as annexure "B").

- 4). That, after a short period of time without completion of the tenure respondents issued another impugned immature

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transfer order dated 30.11.2021 vide which the appellant was transfer from Govt. High School Mongan Machi pole to Govt High School Sum.

(Copies of transfer order dated 30.11.2021 annexed as annexure "C").

- 5). That, being an aggrieved from the above mentioned impugned order dated 30.11.2021 appellant preferred the departmental representation before the respondent No. 01.

(Copy of departmental appeal annexed as annexure "D").

- 6). That, the respondent No. 01 entrusted departmental appeal of the appellant to the respondent No. 03 for disposal, who summoned the appellant for personal hearing on dated 21.12.2021, after personal hearing of the appellant respondents rejected the appeal of the appellant without any written order.

(copy of notice for personal hearing dated 21.12.2021 annexed as annexure "E").

- 7). That, the appellant being an aggrieved from the impugned orders passed by the respondents run from pillar to post for redressal of his grievances but in vain, hence being aggrieved, the appellant seeks the gracious indulgence of this



Honourable Tribunal by way of instant appeal, inter alia, on the following grounds.

GROUNDS:

- A). That, the impugned order passed/issued by the respondents are wrong, illegal, malafide, against the law and facts, arbitrary, fanciful, perverse, without lawful authority, against the cannon of justice, based on political victimization, against the fundamental right of the appellant, hence being unconstitutional liable to be struck down.
- B). That, both the impugned orders are based on violation of services law/ policy hence liable to be struck down.
- C). That, the appellant transfer from Govt. High School Mongan Machi Pool to Govt High School Sum based on malafide, political interference, immature transfer and the service of appellant for last stage hence both the impugned order are liable to set aside.

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- D). That, the entire period of his service spend in heard/furlong area.
- E). That, the respondents during ban on posting and transfer policy, the respondents accommodate their blue eye chip and disturb the appellant through immature transfer order hence liable to be struck down.
- D). That, the appellant preferred the Departmental representation/appeal to the respondent after hearing and appeal was rejected hence the present appeal.
- E). That, the powers or jurisdiction are vested in an authority to exercise it justly, fairly, honestly, judiciously and in accordance the mandate of law, rules and regulations but the respondents have transgressed upon their powers/ jurisdiction while dealing with the matter in hand.
- F). That, it is an inalienable right of the appellant to enjoy the protection of law, rules and regulations but such right of the appellant has been infringed by the respondents in a sheer malafide manner.

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- G). That, the instant appeal is well with in time.
- H). That, any other ground would be agitated at the time of arguments with the permission of tribunal.

PRAYER

On acceptance of the instant service appeal both the impugned orders bearing dated 30.11.2021 and 21.12.2021 passed by respondents may kindly be set-aside declaring them illegal, void and against the law on the subject, position of appellant in his present school may kindly be restore or any other relief as This Honourable Tribunal deems fit and appropriate in the circumstances of the case may also be issued/passed.

Dated 22.12.2021

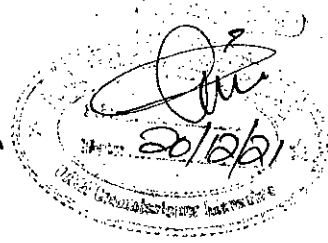


SHABBIR AHMED
(Appellant)

Through:




SYED ASIF SHAH
ADVOCATE HIGH COURT
At. Mansehra



CERTIFICATE:

I, Shabbir Ahmed, son of Ghulam Serwar, present serving as Head Master Government High School Mongan Machi Pool, Tehsil & District Mansehra, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.



SHABBIR AHMED
(DEPONENT)

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BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Shabbir Ahmed.....**Appellant**

VERSUS

The Govt of KPK through Secretary E&S
Peshawar etc.....**Respondents**

APPEAL

AFFIDAVIT

I, Shabbir Ahmed, son of Ghulam Serwar, present serving as Head Master Government High School Mongan Machi Pool, Tehsil & District Mansehra, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated 22.12.2021


SHABBIR AHMED
(DEPONENT)



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BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2021

Shabbir Ahmed.....**Appellant**

VERSUS

The Govt of KPK through Secretary E&S
Peshawar etc.....**Respondents**

APPEAL

**APPLICATION FOR SUSPENSION OF IMPUGNED
ORDERS PASSED BY RESPONDENTS AND
GRANTING THE STATUS QUO AGAINST THE
POST OF APPELLANT AND RESTRAINING THE
RESPONDENTS FROM TAKING THE CHARGE,
STOPPAGE THE SALARY FROM APPELLANT
AND GIVE THE CHARGE TO THE
RESPONDENT NO 05 TILL THE DISPOSAL OF
INSTANT SERVICE APPEAL.**

Respectfully shewith!

- 1). That, this application may kindly be treated as part and parcel of the main appeal.
- 2). That, appellant has good prama fice case and is hopeful in his success.
- 3). That, balance of Convenience also tilt in favour of appellant.
- 4). That, if the impugned orders not suspended and not granting the temporary injection against the

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respondents than appellant would be suffer irreparable loss.

It is therefore, most humbly prayed that on acceptance the instant application the operation of the impugned transfer orders may please be suspended and status-quo also be granted in the favour of the appellant against the respondents, specially respondent No 05 may please be restrained from taking the charge in Govt. High School Mongan Machi pool Manshera against the impugned immature transfer orders till the disposal main service appeal.

Dated 22.12.2021


SHABBIR AHMED
(Appellant)

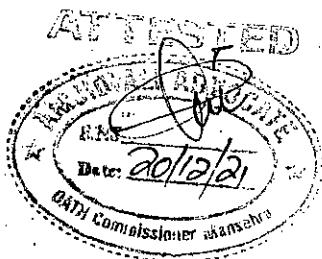
Through:-


SYED ASIF SHAH
ADVOCATE HIGH COURT
At Mansehra

AFFIDAVIT!

I, Shabbir Ahmed, son of Ghulam Serwar, present serving as Head Master Government High School Mongan Machi Pool, Tehsil & District Mansehra, do hereby solemnly affirm and declare that the contents of fore-going application are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.


SHABBIR AHMED
(DEPONENT)



11

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2021

Shabeer Ahmed.....**Appellant**

VERSUS

The Govt of KPK through Secretary E&S
Peshawar etc.....**Respondents**

APPEAL

APPLICATION FOR EARLY HEARING BEING IN
URGENT MATTER.

Respectfully shewith!

- 1). That, this application may kindly be treated as part and parcel of the main appeal.
- 2). That, matter involve in this service appeal is urgent in nature.
- 3). That, if the titled service appeal being not heard in heard early then the appellant would be suffer and purpose of the instant appeal would be fail.

It is therefore, most humbly prayed that on acceptance the instant application the instant service appeal may kindly be , early disposal in principal seat.

Dated 22.12.2021


SHABEER AHMED
(Appellant)

Through:-


SYED ASIF SHAH
ADVOCATE HIGH COURT
At Mansehra



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Shabbir Ahmed.....Appellant

VERSUS

The Govt of KPK through Secretary E&S
Peshawar etc.....Respondents

APPEAL

CERTIFICATE

It is certified that instant appeal nor ever been preferred this Honourable tribunal nor any other court, neither pending nor decided. That the contents of fore-going certificate are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable Tribunal.

Dated 22.12.2021

SHABBIR AHMED
(DEPONENT)

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BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Shabbir Ahmed.....Appellant

VERSUS

The Govt of KPK through Secretary E&S
Peshawar etc.....Respondents

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Shabbir Ahmed, son of Ghulam Serwar,
present serving as Head Master Government
High School Mongan Machi Pool, Tehsil &
District Mansehra

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa
through Secretary Elementary and
secondary Education Peshawar.
- 2) Director Elementary and secondary
Education Peshawar.
- 3) Deputy Secretary Adman Elementary
and secondary education Department
Peshawar KPK.
- 4) District Education Officer (Male)
District Mansehra.
- 5) Zakar Ullah Head Master Government
High School Nawaz Abad, Tehsil &
District Mansehra.

Dated 22.12.2021

SHABBIR AHMED

(Appellant)

Through:-

SYED ASIF SHAH
ADVOCATE HIGH COURT
At Mansehra

Dist. Govt. NWFP-Provincial
District Accounts Office Manishra
Monthly Salary Statement (October-2021)

ASIX A



Personal Information of Mr SHABBIR AHMAD d/w/s of GHULAM SARWAR

Personnel Number: 00217143 CNIC: 12363338552 NTN:
Date of Birth: 07.04.1963 Entry into Govt. Service: 19.11.1983 Length of Service: 37 Years 11 Months 014 Days

Employment Category: Active Permanent

Designation: HEAD MASTER 80002307-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6246-Mansehra

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: EDUMA01097

Interest Applied: Yes

GPF Balance:

1,186,320.00

Vendor Number: 30024373 - SHABBIR AHMAD

Pay and Allowances:

Pay scale: BPS For: 2017

Pay Scale Type: Civil BPS: 17

Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	76,370.00	0046	Personal Pay(Maxim Grade)	6,900.00
1001	House Rent Allowance 45%	6,650.00	1210	Convey Allowance 2005	5,000.00
1505	Charge Allowance	100.00	1947	Medical Allow 15% (16-22)	3,234.00
2148	15% Adhoc Relief All-2013	1,700.00	2199	Adhoc Relief Allow @10%	1,217.00
2211	Adhoc Relief All 2016 10%	6,211.00	2224	Adhoc Relief All 2017 10%	8,327.00
2247	Adhoc Relief All 2018 10%	8,327.00	2265	Adhoc Relief All 2019 05%	4,163.00
2309	Adhoc Relief All 2021 10%	8,327.00	2315	Special Allowance 2021	6,074.00

Deductions - General

Wage type		Amount	Wage type		Amount
3017	GPF Subscription	-4,270.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-6,889.00	3990	Emp.Edu. Fund KPK	-250.00
4004	R. Benefits & Death Comp:	-900.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 81,949.30 Recovered till October-2021: 26,839.00 Exempted: 0.18- Recoverable: 55,110.48

Gross Pay (Rs.): 142,600.00 Deductions: (Rs.): 13,809.00 Net Pay: (Rs.): 116,695.00

Payee Name: SHABBIR AHMAD

Account Number: 3092765877

Bank Details: NATIONAL BANK OF PAKISTAN, 231423 BAFFA BAFFA, MANSEHRA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MANSHERA

City: MANSEHRA

Domcile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

(456510/27.10.2021/10:00:45) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

Annex B (15)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Dated Peshawar the May 29, 2020

NOTIFICATION

NO. SOCSMP/CS/ED/17/2020/Enrollm/Transfer/Recruit The Competent Authority is pleased to transfer Mr. Shafiq Ahmad, Headmaster (BS-17) Government High School Darband Manshira and post him as Headmaster (BS-17) Government High School Mongon Manshira, against the vacant post, in the public interest with immediate effect.

2. No TADA is allowed.

Ends of even No. & Date

SECRETARY

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Manshira.
4. District Accounts Officer Manshira.
5. PS to Minister for E&SE Department.
6. PS to Secretary, E&SE Department.
7. PS to Special Secretary, E&SE Department.
8. Director, EMIS, E&SE Department.
9. Headmaster concerned.
10. Master file.

29/5/2020

SECTION OFFICER (SCHOOLS MALE)

Annex C (B)

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY (E&SE)

Dated Peshawar, 14.11.2011

NOTIFICATION

ANNOUNCEMENT - 13021/2011 The Computer Aided Test for the recruitment of Teachers of Elementary & Secondary Education, U.S. District, Mansehra, will be conducted with immediate effect.

S#	Name & designation	From	To
1	Mr. Zahid Ullah Headmaster (BS-17)	GHS Mansehra	GHS Mansehra
2	Mr. Shahid Headmaster (BS-17)	GHS Mansehra	Mansehra Sum. District Mansehra against the vacant post

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Copy of order No. & Date

Copy forwarded to the

1. Accountant General, Khyber Pakhtunkhwa Peshawar
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officer (Male) Mansehra.
4. District Account Officers, Mansehra.
5. Director, EMIS E&SE Department
6. PS to Minister for E&SE Department.
7. PS to Secretary E&SE Department.
8. PA to Deputy Secretary (Admin) E&SE Department.
9. Teachers concerned.
10. Office order file.

(HAFEZUR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Annex D (17)

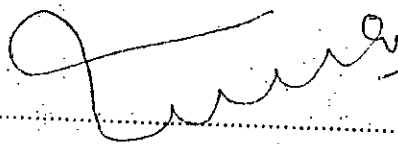
بخدمت جناب سیکریٹری ایلمنٹری اینڈ سیکنڈری ایجوکیشن پشاور

اپیل/نظر ثانی آرڈر نمبری SO(SM)E&SED/7-1/2021/PT/HM

تبادلہ سائل محررہ 30.11.2021

- 1- جناب عالی! اپیل/نظر ثانی ذیل عرض ہے۔
یہ کہ سائل عرصہ تقریباً 37 سال سے محکمہ تعلیم میں اپنی ڈیوٹی بطریق احسن انجام دے رہا ہے اور حال میں ہی گورنمنٹ ہائی سکول موگن مچھی پول میں عرصہ ایک سال چھ ماہ سے بطور ہیڈ ماسٹر تعینات ہے۔
 - 2- یہ کہ سائل کی ملازمت کا زیادہ دورانیہ / عرصہ دور دراز علاقہ میں گزرا اور سائل تقریباً 01 سال 06 ماہ قبل گورنمنٹ ہائی سکول موگن مچھی پول میں بطور ہیڈ ماسٹر تعینات کیا گیا۔
 - 3- یہ کہ سائل نے اپنی تمام تر ملازمت بڑی ایمانداری اور احسن طریقے سے انجام دی اور کبھی بھی طلباء، اساتذہ اور محکمہ کی طرف سے کسی قسم کی کوئی شکایت برخلاف سائل نہیں ہوئی۔
 - 4- یہ کہ سائل کو مورخہ 30.11.2021 کو بدیتی، سیاسی اثر و رسوخ سے گورنمنٹ ہائی سکول موگن مچھی پول سے گورنمنٹ ہائی سکول سم ٹرانسفر کیا گیا۔ جو کہ دور دراز علاقہ ہے۔ (نقل آرڈر لف ہے)۔
 - 5- یہ کہ موجودہ وقت میں تبادلہ پر پابندی عائد ہے سائل کا تبادلہ بدیتی، اور سیاسی اثر و رسوخ کا منہ بولتا ثبوت ہے۔
 - 6- یہ کہ سائل کا Tenure بھی موجودہ سکول میں ابھی پورا نہیں ہوا اور یوں سائل ریٹائرمنٹ کے بھی قریب ہے۔ جس وجہ سے بھی سائل کو بمطابق قانون، قواعد و ضوابط اور سروسز لاء کے مطابق تبدیل نہیں کیا جاسکتا۔
- لہذا استدعا ہے کہ اسائل کا تبادلہ آرڈر مذکور پر نظر ثانی کرتے ہوئے اپیل ہذا منظور کیے جانے کے احکام صادر فرمائے جائیں۔

المرقوم 07.12.2021



شہیر احمد ہیڈ ماسٹر، گورنمنٹ ہائی سکول موگن مچھی پول، تحصیل، ضلع مانسہرہ..... سائل

شناختی کارڈ نمبر 3-13503-0581822

ANEXE' (18)

Registered

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT



No. SO(SM)E&SED/7-1/2021/shabir
Dated Peshawar the December 16, 2021

To

Mr. Shabir
Head Master GHS Mannchipole, Masehra
Under transfer as Head Master BS-17, GHS Sum Masehra

Subject: PERSONAL HEARING

I am directed to refer to your appeal dated 07.12.2021 on the subject noted above and to inform you to attend office of the Deputy Secretary (Admn), Elementary & Secondary Education Department, Civil Secretariat Peshawar on 17.12.2021 at 11:00 Am for personal hearing before the said officer, please.

(HARBEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Copy of the above is forwarded to the:

1. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
2. PA to Deputy Secretary (Admn), E&SE Department.
3. PS to Secretary, E&SE Department Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SCHOOLS MALE)

Annexure 19



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPA's Hostel, Civil Secretariat Peshawar
(Phone No. 091-9221111)

No. SO(SM)E&SED/7-1/2020/PT/General
Dated Peshawar the December 21, 2021

To

Mr. Shabir Ahmad,
Headmaster (BS-17), GHS Mnchipole Mansehra,
Under transfer to GHS Sum Mansehra.

SUBJECT: DEPARTMENTAL APPEAL

I am directed to refer to your departmental appeal dated 07-12-2021 on the subject noted above and to state the Competent Authority has been pleased to regret your departmental appeal, please.


(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Copy of the above is forwarded to PS to Secretary, E&SE Department.


SECTION OFFICER (SCHOOLS MALE)

DBAM No. 294

BC No. 10-3252

Name of Advocate سید آرمین شاہ

S.No

5473

20

Fee Rs. 100/-



2020-21

General Secretary
District Bar Association

وکالت نامہ

بعدالت: جناب سروس ٹریبونل جسٹس کھواہ بشام

عنوان: سسر اکھ: پتہ: گورنمنٹ ایچ ایچ او دفتر

منجانب: اسٹیشنر: نوعیت مقدمہ: سروس ٹریبونل

باعث تحریر آنکہ نام مقدمہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے بیروی وجوہات ہی بمقام سسر اور

سید آرمین شاہ روبرو مقرر ہوئے

کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہو یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر منظر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کاروبہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دثالی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف کو بشرط ادا ہوگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے اور دستخط/انگٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

موزہ 20

ACCEPTED

Accepted

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. TB
 Appeal No. 7915 of 2021,
Shabbir Ahmad Appellant/Petitioner
 Versus
Through Say. Edu. Dept. Pesh. Respondent
 Respondent No. 4

Notice to: — Distt. Education office, (Male) Distt. Mardan.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19-1-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 3rd Day of Jan 2022.

at Camp Court A-Ahead

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB

Appeal No. 7915 of 20 21

Shakir Ahmed Appellant/Petitioner

Versus

through Secy. Edn: K.P.S. Pesh. Respondent

Respondent No. 5

Notice to:

Zakarullah, Head Master Govt. High School Namazabad Tehsil Distt. Mandera

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 17-1-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

3rd

Given under my hand and the seal of this Court, at Peshawar this.....

Day of Jan 22 20 22

at Camp court P. Road

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB

Appeal No. 7915 of 20 21

Shabbir Ahmed

Appellant/Petitioner

Versus

Through Secy: Edu: UPU Peshawar

Respondent

Respondent No. 2

Notice to: —

Director, Ele: 2 Sec: Education Dept: of
UPU Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19-12-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing, 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 3rd

Day of Jan 20 22

at Camp Court A Road
SS-1-22

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

113

No.

Appeal No. 7915 of 2021

Shabbir Ahmad Appellant/Petitioner

Versus

Through Secy. Edn: G.P.C. Peshawar Respondent

Respondent No. 3

Notice to: — Deputy Secy. Admn., Ede: 2 Sec. Education
Govt. of G.P.C. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19-1-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 3rd

Day of Jan 2022

at Camp Court Road
OS-1-22

[Signature]
 Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. TIB

Appeal No. 7915 of 29

Shabbir Ahmad Appellant/Petitioner
Versus

Through Sayy: Edm: Pesh: Respondent
Respondent No. E

Notice to: Court of CAP through Sayy: Edm: Pesh:

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 19/1/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~ office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 3rd

Day of Jan 2022

at Camp Court A. Ahmad
J/4/1/22

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.