

17th Oct., 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG seeks time to submit reply/comments. Last opportunity is granted. To come up for reply/comments and preliminary hearing on 21.11.2022 before S.B.



(Kalim Arshad Khan)
Chairman

10.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.06.2022 for the same as before.


Reader.

13th June, 2022

Appellant present in person.

Counsel are on strike. To come up for preliminary hearing on 28.06.2022 before S.B.



None for the appellant present. **(Kalim Arshad Khan)**
Chairman

Notice be issued to the appellant and his counsel. Adjourned. To come up for preliminary arguments on 01.08.2022 before S.B.




(Farceha Paul)
Member (I)

2.8.2022

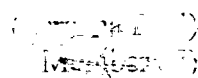
Learned Member (E) is on leave.

Therefore the case is adjourned for the same as before on 17.10.2022

01.08.2022

Appellant, Advocate General along with counsel present. 
Reader.

Written arguments on behalf of respondent submitted which is placed on file of the case is handed over to the appellant. Appellant requested for adjournment on 01.08.2022 and that his counsel is not available today. Adjourned. To come up for preliminary arguments on 17.10.2022 before S.B.


Member (I)

15.12.2021

Counsel for the appellant present.

Preliminary arguments could not be heard due to paucity of time. Adjourned. To come up for preliminary hearing on 13.01.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

13.01.2022

Appellant present through counsel.

Arguments were heard at some length. In view of arguments coupled with material available on record, let pre-admission notice be issued to respondents for submission of reply.

Miscellaneous application was also submitted in respect of issuance of directions to the respondents to release the salary of the appellant. Notice of this application be served upon respondents and file to come up for reply/comments and preliminary hearing on 10.03.2022 before S.B.

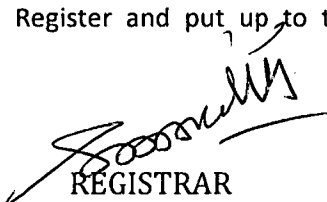

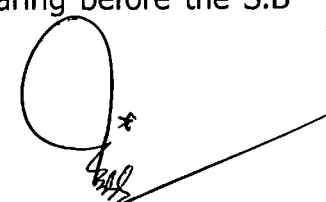

(Rozina Rehman)
Member (J)

Form-A

FORM OF ORDER SHEET

Court of _____

Case No. - 7450 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2021	<p>The appeal of Mr. Amir Khan resubmitted today by Saeed Roman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/10/21</u>.</p> <p> CHAIRMAN</p>
	14.10.2021	<p>None for the appellant present.</p> <p>Notices be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing before the S.B on 15.12.2021.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Aamir Khan Chowkidar GHS Garu Tehsil Jehangira District Nowshera received today i.e. on 13.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures-A, C and F of the appeal are illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.
- 3- Certificate to the effect that the appellant has not filed any service appeal earlier on the subject matter before this Tribunal.
- 4- Address of respondent no. 3 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 5- Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect also be shown as respondent.

No. 1813 /S.T,

Dt. 13/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saeed Roman Adv. Pesh.

objection 1 :- Better Copies of Annexure "A" "C"
and "F" attached.

objection 2 :- Annexures Attested

objection 3 :- Certificate filed on Page (10(A))

objection 4 :- Address of Respondent No. (3) fully provided

objection 5 :- Secretary Education added as Respondent No. (2)

SAEED ROMAN

21/9/2021

2450/21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

1.	Case Title	Amir Khan Vs District Education Officer (M) etc	
2.	Case is duly signed.	<input checked="" type="checkbox"/> Yes	No
3.	The law under which the case is preferred has been mentioned.	<input checked="" type="checkbox"/> Yes	No
4.	Approved file cover is used.	<input checked="" type="checkbox"/> Yes	No
5.	Affidavit is duly attested and appended.	<input checked="" type="checkbox"/> Yes	No
6.	Case and annexures are properly paged and numbered according to index.	<input checked="" type="checkbox"/> Yes	No
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	<input checked="" type="checkbox"/> Yes	No
8.	Certified copies of all requisite documents have been filed.	<input checked="" type="checkbox"/> Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	<input checked="" type="checkbox"/> Yes	No
10.	Case is within time.	<input checked="" type="checkbox"/> Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	<input checked="" type="checkbox"/> Yes	No
12.	Court fee in shape of stamp paper is affixed. [For writ Rs. 500, for other as required]	<input checked="" type="checkbox"/> Yes	No
13.	Power of attorney is in proper form.	<input checked="" type="checkbox"/> Yes	No
14.	Memo of addressed filed.	<input checked="" type="checkbox"/> Yes	No
15.	List of books mentioned in the petition.	<input checked="" type="checkbox"/> Yes	No
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	<input checked="" type="checkbox"/> Yes	No
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	<input checked="" type="checkbox"/> Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	<input checked="" type="checkbox"/> Yes	No

It is certified that formalities/documentations as required in column 2 to 18 above, have been fulfilled.

Signature: SAEED ROMAN

FOR OFFICE USE ONLY

Case:- _____
 Case received on _____
 Complete in all respect: Yes/ No, (If No, the grounds) _____

 Date in court:- _____

Signature _____
 (Reader)
 Date:- _____
 Countersigned:- _____
 (Deputy Registrar)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Amir Khan.....Appellant

V E R S U S

District Education Officer
(Male) District Nowshera & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-9
2.	Affidavit		10
3.	Application for Suspension alongwith affidavit		11-13
4.	Addresses of parties		14
5.	Copy of Appointment order dated 28.01.2012	A	15
6.	Copy of Office Order dated 26.03.2015	B	16
7.	Copy of Office Order dated 03.04.2018	C	17
8.	Copy of Office order dated 28.09.2020	D	18
9.	Copy of Impugned Office order dated 28.07.2021	E	19-20
10.	Copies of Departmental Appeals	F	21-23
11.	Wakalatnama		24


Appellant

Through


Saeed Roman
Advocate High Court

Dated 10.09.2021

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Amir Khan (Chowkidar) Son of Nazar Badshah,
Govt. High School, Garu,
Tehsil Jehangira District Nowshera.....**Appellant**

V E R S U S

1. District Education Officer (Male) District Nowshera
2. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
3. Education Officer (Male) District Nowshera
4. District Account Officer, Nowshera
5. Sub Divisional Education Officer (M) Concerned District Nowshera.....**Respondents**

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED
NOTIFICATION/OFFICE NO.1579-85/DEO
(M) NSR/ESTAB. BRANCH/MUTAL
TRANSFER/(M) DATED 28.07.2021
WHEREBY THE APPELLANT WAS
TRANSFERRED FROM G.P.S ASO KHEL TO
GHS GARU**

transfer/NSR dated 26.03.2015. (Copy of Office Order dated 26.03.2015 is attached as Annexure "B").

3. That thereafter the Appellant was illegally transferred from GPS Aso Khel Nowshera to GPS Kahi No.1, Nowshera on need basis vide Office Order No.5286-91/DEO (M) NSR/Estab. Bran/Transfer/Deput (M) dated 03.04.2018 . (Copy of Office Order dated 03.04.2018 is attached as annexure "C").
4. That the appellant again illegally transferred from GPS No.1 Kahi to the GPS No.2 Kahi on need basis vide Office Order No.2294-96SDEO (M) Adjustment/C-IV dated 28.09.2020. (Copy of Office order dated 28.09.2020 is attached as Annexure "D").
5. That the appellant vide impugned Office Order No.1579-85/DEO (M) NSR/Estab. Branch/Mutual Transfer/ (M) dated 28.07.2021 has transferred the appellant from GPS Aso Khel to GHS Garu which is totally illegal, unlawful, without lawful authority and void ab-initio as the said impugned order has been passed without any rhyme and reason,

without any complaint, thus the impugned order is based on collusion. Moreover the family of the Appellant is residing within the territorial jurisdiction of the Aso Khel, Nowshera and the children's of the appellant are also studying Aso Khel, Nowshera and due to the said transfer/posting of appellant it would be difficult for his children's to continue their studies, thus due to the said transfer/posting not only the appellant but his family would suffer irreparable loss. (Copy of Impugned Office order dated 28.07.2021 is attached as annexure "E").

6. That the appellant vide Dairy No.4052 SDEO (M) Jehangira dated 17.08.2021 has filed Departmental Appeal which is still pending. Similarly the Appellant also filed Departmental Appeal vide Diary No.631956 dated 30.08.2021 before the respondent No.1 which is also still pending. (Copies of Departmental Appeals are attached as Annexure "F").
7. That now the appellant has no other adequate remedy except to file the instant Service Appeal on the following grounds amongst others:

GROUND S:

- A. That the impugned impugned Office Order No.1579-85/DEO (M) NSR/Estab. Branch/Mutual Transfer/ (M) dated 28.07.2021 is illegal, wrong, based on malafide, without cogent reasons based on political high handedness and fundamental rights of the Appellant, hence liable to be struck down and reversed.

- B. That neither the Appellant has committed any wrong nor has completed his tenure therefore, on this score alone the impugned transfer order needs to be reversed as it was purely made on malafide and intervention of the local politicians whereas it is high time that the trend of seeking interference and intervention of such like political figures be discouraged in line with the dictum so laid down by the superior judiciary.

- C. That, the transfer and posting policy approved by the competent authority says that all postings/ transfers shall be strictly in public interest for **three years** and shall not be abused and misused to victimize the government servant however, most unfortunately, the government servants are always been made scapegoat so as to please

the ruling party figures. It is important to mention that the Appellant had hardly completed 10 months tenure on the same post whilst transferred on the behest of the political leaders.

- D. That there are placement committees in different departments who recommend different officers to be posted and transferred against different posts but most unfortunately in case of the Appellant none has been contacted and consulted about and all of a sudden in hasty and hefty manner impugned transfer order was issued.
- E. That the impugned notification has resulted into visible injustice to the Appellant, as the impugned transfer dated 28.07.2021 has been passed without any legal or plausible justification, hence liable to be reserved and set aside on the aforementioned grounds.
- F. That the August Supreme Court of Pakistan has held in the case of Syed Mamood Akhtar Naqvi etc Vs Federation of Pakistan and others, reported as PLD 2013 Supreme Court 195 that matter of posting and transfer of civil servants

cannot be allowed to be dealt with in an arbitrary manner.

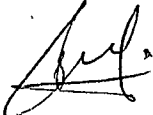
- G. That the said respondent has got no authority whatsoever to issue such an illegal transfer order.
- H. That the respondents are travelling way beyond the scope and approach adopted for others thus the approach adopted for the Appellant is in violation of the Article-10-A and 25 of the Constitution of Islamic republic of Pakistan, 1973.
- I. That the impugned order is without jurisdiction and is clearly a colorful exercise of authority.
- J. That even, otherwise, this Hon'ble Tribunal being the constitutional court of the province is vested with the authority and jurisdiction to provide efficacious and appropriate remedy to the Appellant.
- K. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore humbly prayed that on acceptance of this Service Appeal.

- a) Set aside the impugned Office No.1579-85/DEO (M) NSR/Estab. Branch/Mutal Transfer/(M) dated 28.07.2021 and be declared as illegal, unlawful, without lawful authority and thus is of no legal effect and hence liable to be reversed.
- b) An appropriate direction be issued to respondent to withdraw/recall the impugned Office No.1579-85/DEO (M) NSR/Estab. Branch/Mutal Transfer/(M) dated 28.07.2021.
- c) The respondents be directed to restore-back the Appellant at his previous post alongwith all back benefits accrued to the appellant.
- d) Any other relief, not specifically prayed for in the circumstance of the case may also be passed in favour of the Appellant.


Appellant

Through



Saeed Roman
Advocate High Court

Dated 10.09.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Amir Khan.....Appellant

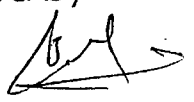
VERSUS

District Education Officer
(Male) District Nowshera & others.....Respondents

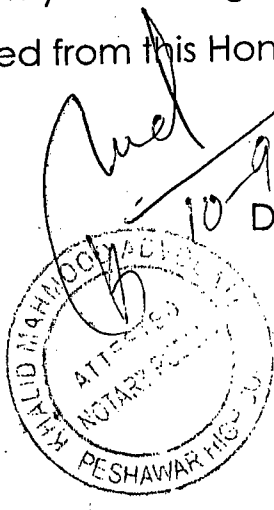
AFFIDAVIT

I, Amir Khan (Chowkidar) Son of Nazar Badshah, Govt. High School, Garu, Tehsil Jehangira District Nowshera, do hereby solemnly affirm and declare on oath 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.

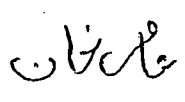
Identified by



Saeed Roman
Advocate High Court



DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2021

In

Service Appeal No. _____/2021

Amir Khan.....Appellant

V E R S U S

District Education Officer

(Male) District Nowshera & others.....Respondents

**APPLICATION FOR SUSPENDING THE
OPERATION OF THE IMPUGNED IMPUGNED
OFFICE NO.1579-85/DEO (M) NSR/ESTAB.
BRANCH/MUTAL TRANSFER/(M) DATED
28.07.2021 AND THE RESPONDENTS MAY
ALSO BE RESTRAINED FROM TAKING ANY
KIND OF ADVERSE ACTION AGAINST THE
APPELLANT, TILL THE FINAL DISPOSAL OF
THE MAIN SERVICE APPEAL.**

Respectfully Sheweth:

1. That the titled Service Appeal is being filed before this Hon'ble Tribunal in which no date of hearing is fixed.
2. That the grounds of main appeal may be considered as integral part of this application.

3. That the balance of convenience also lies in favour of the appellant.
4. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
5. That if the operation of the impugned impugned Office No.1579-85/DEO (M) NSR/Estab. Branch/Mutal Transfer/(M) dated 28.07.2021 is not suspended then the appellant would suffer irreparable loss.

It is, therefore, most humbly prayed that by accepting this application, the interim relief as prayed for in the instant application may kindly be passed in favour of the appellant against the respondents


Appellant

Through


Saeed Roman
Advocate High Court

Dated 10.09.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2021
In
Service Appeal No. _____/2021

Amir Khan.....Appellant

VERSUS

District Education Officer
(Male) District Nowshera & others.....Respondents

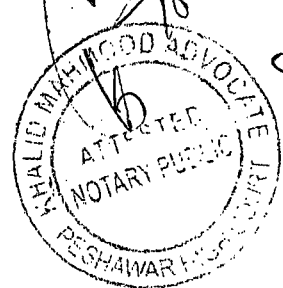
AFFIDAVIT

I, Amir Khan (Chowkidar) Son of Nazar Badshah, Govt. High School, Garu, Tehsil Jehangira District Nowshera, do hereby solemnly affirm and declare on oath that 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.

Identified by



Saeed Roman
Advocate High Court

Amir Khan
DEPONENT
Amir Khan


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Amir Khan.....Appellant

V E R S U S

District Education Officer
(Male) District Nowshera & others.....Respondents

ADDRESSES OF THE PARTIES

P E T I T I O N E R:

Amir Khan (Chowkidar) Son of Nazar Badshah,
Govt. High School, Garu,
Tehsil Jehangira District Nowshera

R E S P O N D E N T S:

1. District Education Officer (Male) District Nowshera
2. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
3. Education Officer (Male) District Nowshera
4. District Account Officer, Nowshera
5. Sub Divisional Education Officer (M) Concerned District Nowshera

Through Appellant



Dated 10.09.2021

Saeed Roman
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Amir Khan.....Appellant

V E R S U S

District Education Officer
(Male) District Nowshera & others.....Respondents

ADDRESSES OF THE PARTIES

PETITIONER:

Amir Khan (Chowkidar) Son of Nazar Badshah,
Govt. High School, Garu,
Tehsil Jehangira District Nowshera

RESPONDENTS:

1. District Education Officer (Male) District Nowshera
2. Ministry of Education through its Secretary, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar
3. District Account Officer, Nowshera
4. Principal/Head Master Aso Kheil School Nizam par Tehsil Jehangira District Nowshera
5. Sub Divisional Education Officer (M) Concerned District Nowshera

Through Appellant



Saeed Roman
Advocate High Court

Dated 10.09.2021



(15) "A"

**EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
NOWSHERA**

NOTIFICATION

Consequent upon the recommendation of District Departmental Selection Board, the competent authority is pleased to appoint Mr. Amir Khan S/O Mr. Nazar Bad Shah as Chowkidar (No. 61(4800-150-9300) at GHS Nizampur NSR. Plus usual allowances as admissible under the rules on regular basis (but without pension and gratuity) against vacant post in the interest of public service with immediate effect.

TERMS & CONDITIONS

1. The appointee will get in scale including usual allowances as admissible under the rules. He is entitled for annual increment after completion of one year service; however he is not eligible for pension and gratuity as per current policy of the Govt. of Khyber Pakhtunkhwa.
2. His Services will be considered as per current rules and regulation of the Khyber Pakhtunkhwa.
3. His services are liable to be terminated on one month's prior notice from either side. In case of resignation without prior notice one month's pay and allowances, if any shall be forfeited in favour of Govt. through challan.
4. Contribution of CP Fund will be made as per rules and regulations of Govt. of Khyber Pakhtunkhwa.
5. The appointee should join their post within 15 days of the issuance of this order and if not, the appointment shall stand cancelled.
6. His services can be terminated at any time in case his performance is found unsatisfactory. He can be removed from service under the rules framed from time to time.
7. The Principals/Head Masters/Head Misses concerned should personally produce their certificates, degrees, domiciled and CNIC before handing over charge.
8. Health and age certificate should be produced from the Medical Superintendent before handing over charge.
9. Overage candidates should not be handed over charge.
10. Charge report should be submitted to all concerned.
11. No TA/DA etc. shall be allowed to the appointee for joining his duties.

**(HAJI HASANAT GUL KHATTAR,
EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY EDUCATION
NOWSHERA**

Order No. 3241-45 /EDO (E&SE NSR/Establishment Branch Dated 28/11/2011

Copy forwarded for information and necessary to the:-

1. District Coordination Officer Nowshera.
2. District Accounts Officer Nowshera.
3. District Officer (F) E&S Education Nowshera.
4. Superintendent & DA Establishment local office.
5. All Concerned.

**EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY EDUCATION
NOWSHERA**

**EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY EDUCATION,
NOWSHERA**

NOTIFICATION

Consequent upon the recommendation of District Departmental Selection Committee (DDSO) the competent authority is pleased to appoint Mr. Aamir Khan S/o Mr. Nazar Shah as Chowkidar in BPS-01 (4800-150-9300) at GGHS Nizampur NSR, Plus usual allowance as admissible under the rules on regular basis (but without pension and gratuity) against vacant post in the interest of public service with immediate effect.

TERMS & CONDITIONS:

1. The appointee will get in the scale including usual allowances as admissible under the rules. He is entitled for annual increment after completion of one year service; however he is not eligible for pension and gratuity as per current policy of the Govt. of Khyber Pakhtunkhwa.
2. His services will be considered as per current rules and regulation of the Khyber Pakhtunkhwa.
3. His services are liable to be terminated in one month's prior notice from either side. In case of resignation without prior notice one most pay and allowances, if any shall be forfeited in favors of Govt. through challan.
4. Contribution of CP Fund will be made as per rules and regulations of Govt. of Khyber Pakhtunkhwa.
5. The appointee should join their post within 15 days of the issuance of this order positively otherwise the appointment shall stand cancelled.
6. His services can be terminated or any time in case his performance is found unsatisfactory and he will be removed from service under the rules framed from time to time.
7. The Principle/head Masters/Head Mistress concerned should personally check their original certificates, degrees, domiciles and CNIC before handing over charge.
8. Health and age certificate should be handed over charge.
9. Charge report should be submitted to all concerned.
10. NO TA/DA etc shall be allowed to the appointee for joining his duties.

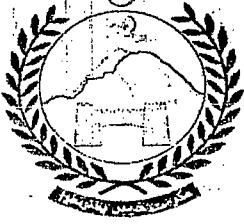
**HAJI HASANAT GUL KHATTAK
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
NOWSHERA**

Endst No.3241-45/EDO (E&SE NSR/Establishment Branch dated 28.01.2012.

Copy forwarded for information and necessary to the:

1. District Coordination Officer Nowshera.
2. District Accounts Officer Nowshera
3. District Officer (F) E&S Education, Nowshera
4. Superintendent & DA Establishment Local Office.
5. All concerned

**EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
NOWSHERA**



(16)

N B M

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (M/F)
NOWSHERA**

(Office Phone#0923-9220228; Fax#0923-9220228)

OFFICE ORDER

The competent authority is please to order the mutual transfer of following C-IV working in the schools noted against their names & schools on their own pay and scale in the best interest of public service with immediate effect.

Sl	Mr. Name of Officials & Desig	Present place of Duty	Transferred to	Remarks
01	Mr. Amir Khan Chowkidar	GGHS Nizampur	GPS Aso Khel	Vice No.2
02	Mr. Raza Khan Chowkidar	GPS Aso Khel	GGHS Nizampur	Vice No.1

(Muhammad Inam Toru)
District Education Officer (Male)
Nowshera

Endstt: No. 990-94 /DEO (M) NSR/EA-S/Estab (Secy)/Mutual Transfer / / NSR the Dated 26 / 03 / 2013

Copy of the above is forwarded for information & necessary action to the:-

1. Senior District Accounts Officer Nowshera
2. District Education Officer (F) NSR
3. Sub Divisional Education Officer (M) NSR
4. ASDEO(M) Circle Khairabad NSR
5. Official concerned

District Education Officer
(M/F) Nowshera

25/3/15



OFFICE OF THE DISTRICT EDUCATION
OFFICER(M) NOWSHERA

(Office Phoccl//0923-9220228, Fax//0923-9220228)

(17)

OFFICE ORDER.

The Competent authority is pleased to Adjust Mr. Azmir Khan Chowkidar GPS Aso Khel Nowshera at GPS Kahi Nowshera on need basis till further order.

Note:-

No TA/DA is not allowed.
Charge report should be submitted to all concerned.

(FAYAZ HUSSAIN)
DISTRICT EDUCATION OFFICER
(M) NOWSHERA

Endstt: No 5286-91 / DEO (M) NSR/Estab: Bran/ Transfer / Deput / (M) dated: 03/04/2018
Copy forwarded for information to the:-

- 1 Sub Divisional Education Officer (M) Nowshera/Jhangira
- 2 ASDFO Concerned Circle
- 3 Head Master Concerned Schools.
- 4 DMO Nowshera.
- 5 Official Concerned.
- 6 Office Copy
- 7 EMIS Local Office.

DISTRICT EDUCATION OFFICER
(M) NOWSHERA

بنا علی! بی بی ایس نمبر 2 کا ہی میں چوکیدار کی پوسٹ
Sanction (خالی) ہے اس پر میرا سفر کیا جائے

نور محمد

**OFFICE OF THE DISTRICT EDUCATION
OFFICER (M) NOWSHERA**

OFFICE ORDER

The competent authority is pleased to Adjust Mr. Aamir Khan Chowkidar
GPS Aso Khel Nowshera at GPS Kahi Nowshera on need basis till further order.

Note: No TA/DA is not allowed
Charge report should be submitted to all concerned.

Fayaz Hussain
District Education Officer
(M) Nowshera

Endstt. NO.5286-91/DEO (M) NSR/Estab. Bran/Transfer/Deput/(M) dated 03.06.2018

Copy forwarded for information to the:

1. Sub Divisional Education Officer (M) Nowshera/Jehangira
2. ASDEO concerned Circle
3. Head Master Concerned school
4. DMO Nowshera
5. Official Concerned.
6. Office Copy
7. EMIS Local Office.

Sd/-
District Education Officer
(M) Nowshera



18

OFFICE OF THE
SUB DIVISIONAL EDUCATION OFFICER (MALE)
JEHANGIRA NOWSHERA
(sdeom123@gmailcom)

OFFICE ORDER

Mr. Amir Khan Chowkidar GPS No 1 Kahi is hereby temporally adjusted on his own pay and scale at GPS No 2 Kahi on administrative ground (on the report of Head Teacher GPS No 1 Kahi and recommendation of ASDEO Circle Khair Abad) till further order with immediate effect in the best interest of public service. He is further directed to report to the Head Teacher GPS No 2 Kahi.

No TA/DA is allowed

Charge report should be submitted to all concerned.

Sub Divisional Education Officer

(Male) Jehangira Nowshera

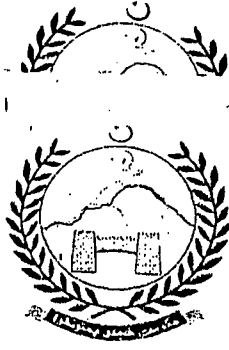
Endstt; No. 2294-96 SDEO (M) Adjustment/C-IV Dated; 28 /09 /2020

Copy of the above is forwarded for information and necessary action to the;

1. ASDEO Circle Khair Abad.
2. Head Teacher School concerned
3. Office file,
- ✓ Official concerned.

Sub Divisional Education Officer

(Male) Jehangira Nowshera



19

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA

(Office Phone & Fax 0923-9220228, Email deomalensr@gmail.com)

OFFICE ORDER.

The Competent authority is pleased to order the transfer of the following Chowkidar working in the Schools noted against their names in their own pay and grade in the interest of public service with immediate effect.

S.No	Name of Officials	Name of School	Transfer to	Remarks
1	Mr. Sadiq Shah Chowkidar	GHS Garu	GPS Aso Khel	Vice S. No: 2
2	Mr. Aamir Khan Chowkidar	GPS Aso Khel	GHS Garu	Vice S. No: 1

Note: - TA/DA is not allowed.

Charge report should be submitted to all concerned.

GPS No. (1) kaku OR GPS No. (2) kaku

X

(SHAH JEHAN)

DISTRICT EDUCATION OFFICER (M)
NOWSHERA.

Endstt: No. 574-85/DEO (M) NSR/Estab: Branch/Mutual Transfer / (M) dated: 28/07/2021.

Copy forwarded for information to the:-

1. District Account Officer Nowshera.
2. Principal/Head Master concerned School.
3. Sub: Divisional Education Officer (M) Concerned
4. ASDEO Concerned Circle
5. DMO Nowshera.
6. EMIS Branch
7. Accountant Concerned
8. Official Concerned.
9. Office Copy

*Rooted in order PIS
Cancel the order PIS
105/8/21*

DISTRICT EDUCATION OFFICER (M)
Nowshera.

Dairy No. 4052

SDBO (M) Jehangir.

(21)

To:

District Education Officer
(Male) Nowshera

SUBJECT:-

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 28.7.2021 PASSED BY THE
DISTRICT EDUCATION OFFICER (MALE) NOWSHERA

PRAYER-IN-APPEAL: -On Acceptance of the instant Appeal this Learned
fourmmay Graciously be pleased to

- A. Set-aside the impugned office order dated 28.7.2021 passed by the District
Education Officer (Male) Nowshera

Respected Sir:-

1. That the appellant is serving as chowkidar in GPS Aso Khel, Nowshera

GROUNDS:-

- A. That appellant since the day of appointment performing his duties professionally and due
deligently and not even single complaint has been made against appellant since the day of
appointment
- B. That the said impugned order mentioned-above has been passed without any rhyme and
reason, without any complaint thus the impugned order is based on collusion.
- C. That the family of the appellant is residing within the territorial jurisdiction of the Asokheil
Nowshera
- D. That the children's of the appellant are also studying within the parameters of Asokheil
Nowshera and due to the transfer/postage of appellant it would be difficult for the
children's of the appellant to continue their studies. Thus due to the said transfer order not only
the appellant but his family and childrens would suffer irreparable loss
- E. That it is well settled principle "where the family of the employee residing then he will
continue working at the same place"
- F. It is therefore humbly requested that may kindly declare the impugned order dated 28.7.2021
illegal, unlawful, without lawful authority and void ab initio and let the appellant to continue his
services in Aso kheil Nowshera

In view of the above it is therefore most humbly prayed that on
acceptance of the appeal-in-hand this Learned Forum may graciously be pleased to

To,

The Education Officer

(Male) Nowshera

SUBJECT:

Departmental Appeal against the impugned order dated 28.07.2021 passed by the District Education Officer (Male) Nowshera

Prayer-In-Appeal On Acceptance of the Instant Appeal this learned
Fourm may Graciously be pleased to

A. Set aside the impugned office order dated 28.07.2021 passed by the District Education Officer (Male) Nowshera

1. That the appellant is serving as chowkidar in GPS Aso Khel, Nowshera

GROUND:

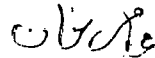
- A. That appellant since the day of appointment performing his duties professionally and due diligently and not even single complaint has been made against appellant since the day of appointment.
- B. That the said impugned order mentioned above has been passed without any rhyme and reason, without any complaint thus the impugned order is based on collusion.
- C. That the family of the appellant is residing within the territorial jurisdiction of the Aso kheil Nowshera.
- D. That the children's of the appellant are also studying within the parameters of Asokheil Nowshera and due to the transfer/postage of appellant it would be difficult for the children's of the appellant to continue their studies. Thus due to the said transfer order not only the appellant but his family and childrens would suffer irreparable loss.
- E. That it is well settled principle "where the family of the employee residing then he will continue working at the same place"
- F. It is therefore humbly requested that may kindly declare the impugned order dated 28.7.2021 illegal, unlawful, Without lawful authority and void ab initio and let the appellant to continue his Aso kheil Nowshera

In view of the above it is therefore most humbly prayed that on acceptance of the appeal-in-hand this Learned Forum may graciously be pleased to

22

- A. Set-aside the impugned Officeorder Dated 28.7.2021 Oder No 1579-85 passed by the District Education Officer (Male) Nowshera the Appellant from chowkidar GGGPS Asokhel Tehsil Jehangira district Nowshera to GHS GaruNizampur**
- B. Appellant may graciously be retained at her previous place posting salary and all benefists.**
- C. Any other relief/ remedy which this learned fourm deems fit and appropriate may also be granted in favour of Appellant.**

Appellant


17/8/2021

Amir Khan
CHOWKIDAR GGPS
AsoKheil NOWSHERA

Forward to:-

1. SDEO (MALE) TEHSIL JEHANGIRA NOWSHERA

- A. Set-aside the impugned Office order Dated 28.7.2021 Oder No 1579-85 passed by the District Education Officer (Male) Nowshera the Appellant from Chowkidar GGGPS Aso khel Tehsil Jehangira district Nowshera to GHS Garu Nizampur
- B. Appellant may graciously be retained at her previous place posting salary and all benefits.
- C. Any other relief/ remedy which this learned Forum deems fit and appropriate may also be granted in favour of Appellant.

Appellant
Sd/-
Amir Khan
Chowkidar GGPS
Aso Kheil Nowshera

Forwarded to:

1. SDEO (MALE) TEHSIL JEHANGIRA NOWSHERA

OFFICE OF THE DISTRICT EDUCATION OFFICER

Phone:

Subject:

Desdeoian John



Sub Divisional Officer

In

District Education Officer

161 J. A. Newsbhera

SUBJECT

IS DISCIPLINARY ACTION BEING TAKEN AGAINST THE APPLICANT FOR BREACHING THE RULES OF THE DISTRICT EDUCATION OFFICER'S MAINTENANCE...

The applicant's conduct in the above mentioned matter is being investigated...

It is requested that you please refer to the above mentioned matter and...

That the applicant is serving as a teacher in the school...

The applicant since the day of appointment has been performing his duties...

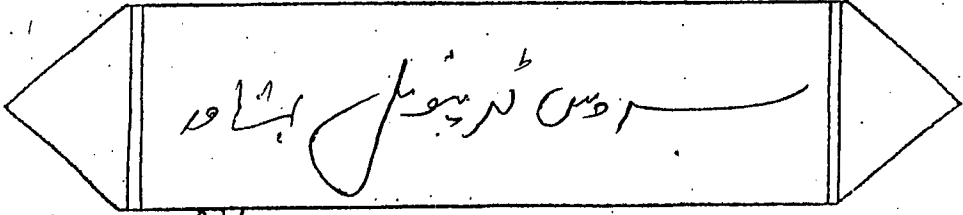
He is being assigned to work in the school and is not allowed to...

The school authorities of the applicant are also aware of the same...

The applicant is being investigated for the above mentioned matter...

Yours faithfully,

بعد الت جواب



Appellant 2021 جناب

نام بنام عامر خان

آفیسر
نور پور

موزخہ
مقدمہ
دعویٰ
جزم

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی دیکل کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار و مکاتیب
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار و مکاتیب
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ پر حلف دیئے جواب دی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا 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 کسی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجہ جانا التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ مندر ہے۔

المرقوم 10 ماہ 09 2021

واہ الب

بمقام کے لئے منظور ہے۔

Handwritten signature and name 'Saeed Raza' in Urdu calligraphy.

عامر خان ولد نذیر بابت مقدمہ
عامر خان

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE

TRIBUNAL PESHAWAR

Service Appeal NO. 7450/2021

Amir khan

VS

District Education Officer Nowshera & Others

INDEX

S.No	Documents	Annexure	Page No
1.	Para wise Comments	_____	01-04
2.	Affidavit	_____	05
3	copy of ASDEO report	'A'	06
4	Copy of HM, GPS Asokhel complaint	'B'	07
5	Copy of HM, GPS Kahi complaint	'C'	08


Deponent

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE

TRIBUNAL PESHAWAR

Service Appeal NO. 7450/2021

Amir khan

VS

District Education Officer Nowshera & Others

Joint Para wise Comments On Behalf Of Respondents:

Respectfully Sheweth:

Respondents humbly submit as under.

Preliminary objections:

- 1) The appellant Service and conduct is not satisfactory.
- 2) That the appellant has no cause of action/locus standi to file the instant appeal.
- 3) That the appellant is estopped by his own conduct to file the instant appeal.
- 4) That the instant appeal is not maintainable in its present form.
- 5) That the appeal is bad for mis-joinder and non-joinder of necessary party.

REPLY ON FACTS:-

- 1) Para -01 is incorrect, the appellant conduct and service record has never been satisfactory. He has been involved

in moral misconduct, theft and disobedience details are given in his concerned circle ASDEO (M) Khairabad report.

(Copy of ASDEO report is annexed as annexure 'A')

- 2) Para -02 pertains to record.
- 3) Para -03 is incorrect, appellant was transferred from GPS Asokhel to GPS No.1 Kahi due to complaint received from his concerned Headmaster regarding his immoral & illegal activities. **(Copy of complaint annexed as annexure 'B')**
- 4) Para-04 is incorrect, to the extent that the transfer was made due to the complaint made by the concerned headmaster of GPS No.1 Kahi regarding the misconduct of the appellant. **(Copy of complaint annexed as annexure 'C')**
- 5) Para-05 is incorrect. The appellant was transferred from GPS Asokhel to GHS Garu on administrative grounds as the appellant was temporarily adjusted on need basis till further order at GPS No1&2 Kahi due to his immoral activities at GPS Asokhel consequently the seat at GPS Asokhel was filled by one who took charge at Asokhel. However appellant was also transferred to a nearby school i.e. GHS Garu within 5km distances so neither his family nor his children is suffering from this transfer.
- 6) Para-06 is incorrect no departmental appeal has been filed before the competent authority.
- 7) Para 07 is incorrect.

REPLY ON GROUNDS:

- A) Ground -A is incorrect. The appellant was transferred from GPS Asokhel to GHS Garu on administrative grounds as the appellant was temporarily adjusted on need based order at GPS No.2 Kahi due to his immoral activities at GPS Asokhel consequently the seat at GPS Asokhel was filled by one who took charge at Asokhel. However appellant was also transferred to a nearby school i.e. GHS Garu within 5km distances neither his family nor his children is suffering from this transfer. So the act of the respondents is just according to law and rules.
- B) Ground -B is incorrect, as the appellant was involved in grievous immoral activities at Asokhel the concerned Head Teacher and villagers complained against him due to which he was urgently temporarily adjusted at GPS Kahi.
- C) Ground -C is incorrect, as appellant is transferred in best public interest due to his bad conduct.
- D) Ground -D is incorrect, appellant has been just transferred despite serious complaints of immoral activities and theft.
- E) Ground -E is incorrect, as explained above.
- F) Ground -F is incorrect, as the said transfer is made on administrative ground having valid and reasonable grounds.
- G) Ground -G is incorrect, as explained above.

H) Ground _H is incorrect, as explained above.

I) Ground _I is incorrect, as explained above.

J) Needs to be proved.

K) Respondents may also be permitted to raise other grounds during the arguments.

It is therefore most humbly prayed that the instant appeal being meritless may kindly be dismissed.

RESPONDANTS:

1. The District Education Officer (M),
Nowshera

2. The Secretary E&SE,
KPK

3. The District Education Officer (M)
Nowshera

4. District Account Officer
Nowshera

5. Sub Divisional Education Officer (M),
Jehangera

BEFORE THE KHYBER PAKHTUNKHAWA

SERVICETRIBUNAL PESHAWAR

Service Appeal NO. 7450/2021

Amir khan

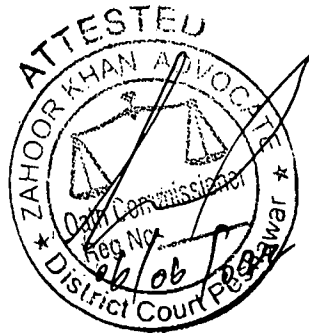
VS

District Education Officer Nowshera & Others

AFFIDAVITE

I, Masood khan Litigation Officer, office of The District Education Officer (M) Nowshera, do solemnly affirm and declare on oath that the contents of Par wise comments on behalf of respondents are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.


Deponent





OFFICE OF THE ASDEO
CIRCLE KHAIRABAD, JEHANGIRA

No. 35

Dated, 09/04/2022

**STATEMENT OF ASDEO CIRCLE KHAIRABAD REGARDING
CHOWKIDAR AMIR KHAN GPS ASO KHEL (KAHI).**

1. It is brought into your kind notice that Chowkidar Amir Khan s/o Nazar Badshah had been initially appointed at GGHS nizampur but due to his misconduct he was transferred to GPS Aso khel by the report of Head Mistress of the said school.
2. He was involved in immoral/illegal activities in the village and the dwellers of the village Aso Khel complained against him and gave life threat to him (statement of the Head teacher of GPS Aso Khel is attached for reference). in the light of the above-mentioned report, he tried for his transfer, therefore he was temporarily adjusted at GPS No.1 Kahi
3. During his stay at GPS No.1 Kahi, he didn't improve his conduct and was not sincere to his duty. He was involved in theft of 2 batteries of solar system (175 v) each in GPS No.1 Kahi (Report of the Head teacher of GPS No.1 Kahi is attached)
4. In the light of above incident once again he creates an unpleasant atmosphere at GPS No.1 Kahi and then he was adjusted in GPS No.2 Kahi, as he was adjusted in both of these schools on wrong post where fresh appointment were made by the department.
5. Meanwhile Chowkidar Muhammad Sadiq s/o Ameer Gul, whose father was retired from the said school as Chowkidar, was transferred to GPS Aso Khel.
6. Venerable Sir, Keeping in view the above mentioned facts, The chowkidar was actually appointed in GGHS Nizampur whereas he was temporarily adjusted in boys primary schools of Circle Khairabad .During his stay in Circle Khairabad primary school, his services were not satisfactory.

ASDEO(M)

CIRCLE KHAIRABAD

* حضور جناب اے ایس ڈی ای او گلہا لب سرکل خیر آباد

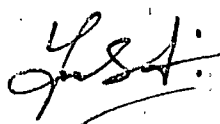
تحصیل جہانگیر، ضلع نوشہرہ

Annexure - B (7)

عنوان: رپورٹ بابت جو کیدار غیر حاضری:


جناب عالی!

گزارشی کی جاتی ہے کہ عامر خان ولد نذر بادشاہ جو کیدار
جی پی ایس آسو خیل صدر ضلع: 03/02/2018 سے سکول ڈیوٹی سے
غیر حاضر ہے۔ اس غیر حاضری کی وجہ یہ ہے کہ ماؤں کی ایک
سڑھی جو کیدار عامر خان کے دوست کے ساتھ گھر سے بھاگ گئی ہے۔
سڑھی کے گھردالوں کے مطابق جو کیدار عامر خان بھی اس میں ملوث
ہے۔ سڑھی کا بھائی ناظم خان بھی سکول آیا تھا اور دھمکی دی تھی
کہ اگر عامر خان سکول آیا تو وہ اسے زندہ نہیں چھوڑے گا
اور اپنی بے عزتی کا بدلہ ضرور لے گا۔ اہل محلہ بھی عامر خان کو
اقصودار سمجھتے ہیں۔ اس لیے جو کیدار عامر خان اثر رسوخ استعمال
کرنے اپنا تبادلو کرانے کی کوشش کر رہا ہے۔
لہذا آپ صاحبان کو جو کیدار عامر خان کی غیر حاضری
کی رپورٹ پیش کی جاتی ہے۔



Head Master
G.P.S. Aso Khel
Nizampur Nowshera

رہنما جی پی ایس آسو خیل

02-04-2018
Forwarded to the office of
the SDO (in) Jehangira for
further n/a please.


بخدمت جناب۔ ایس ڈی او صاحب۔ سکرل جہانگیرہ

جناب عالی

تزارش کی جاتی ہیں کہ گورنمنٹ پرائمری سکول ممبرا کا یہی کا
تجویز۔ عاصم خان جو کہ اس وقت پرائمری سکول سے عارفی طور پر آیا ہے
اور وہ اسی گورنمنٹ پرائمری سکول ممبرا کا یہی میں ڈیوٹی انجام دے رہا ہے،
وہ کیا پرانی ڈیوٹی آسن طریقے سے انجام دیتا ہے رہا ہے،
اور ساتھ ہی وہ لیٹ پر ڈیوٹی دیتا ہے رہا ہے اور قسماً قسماً مسائل
پیدا کر رہا ہے،

اچھے آئے ماحول کی خدمت میں درخواست کی جاتی ہیں کہ اس کا بار
میں کوئی سفید ضمیمہ کریں۔ تاکہ مسائل حل ہو سکیں

عین کی زینت

قتل گیارہ لاکھ

الکافی

جوائنٹ سروس۔ اول مدرس کی جی ایس ایس ممبرا کا
سکرل جہانگیرہ

۴۴

(9)

ہمارے ASDEO اور بیڈ ما سٹر صاحب کے درمیان یہ فیصلہ ہوا
ہے کہ جو کبھی عامر خان - 9000 روپے ادا کرے گا (بیڈروم کی قیمت
اور اس کے علاوہ 8000 روپے قسطوں میں ادا کرے گا) DVR کی

(تہمت)

5 Oct 2020 کو بیڈروم کی قیمت ادا کی جائے گی - اور 5 Nov 2020 اور
5 Dec 2020 کو DVR کی قسطیں جمع کی جائے گی جو کبھی عامر خان
کی طرف سے -

تقریباً رقم اسکول سٹاف ادا کرے گا بیڈروم کے لیے -

دونوں فریقین اس فیصلے کے پابند رہیں گے۔ رقم ASDEO اسکول آفس
کے پاس جمع ہوگی

9
11/11/2020
ASDEO (M)
Khatrabad

عامر خان

H1995 No 1

11/11/2020

“A”

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

No.

APPEAL No.....7450..... of 20 21

Amir Khan

Appellant/Petitioner

Versus

DEO (Male) Distt Nowshera

RESPONDENT(S)

Notice to Appellant/Petitioner

Amir Khan (chowkidar) son
Nazim Badshah Govt. High School
Gata Tehsil Jehangira Distt Nowshera

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/12/21 at 9:00

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No..... *7450* of 20 *21*

Amir Khan

Appellant/Petitioner

Versus

DEO (Male) Distt. Nowshera.

RESPONDENT(S)

counsel
Notice to Appellant/Petitioner..... *Saeed Roman Advocate*
High court Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *15/12/21* at *9:00*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Signature]
24/11/21

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

"B"

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

S.B

No.

Appeal No. of 20

7450

21

..... Appellant/Petitioner

Amis Khan

Versus

..... Respondent

D.E.O (Male) Distt. Now Shera

Respondent No.

1

Regd

Notice to: —

Distt. Education Officer (Male)
Distt. Now Shera.

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.....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. *Dr. Admission Notice for Reply* 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.....

Day of.....20

Jan 22

24/16

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, Q.B
PESHAWAR.

No.

Appeal No. 7650 of 20 21

Amir Khan Appellant/Petitioner

Regd

D.E.O (male) Distt. Nowshera Respondent

Respondent No. 3

Notice to: —

Education Officer (male) Distt. Nowshera

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 10/3/22 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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Pre-Admission Notice for Reply

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 24/1/22

Day of Jan 2022



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. SB

No.

Appeal No..... 7450 of 20 21

Amir Khan Appellant/Petitioner

Versus

D.F.O (Male) Distt. Nowshera Respondent

Respondent No. 4

Keed

Notice to: —

Distt. Account Office Nowshera.

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..... 10/3/22 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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Pre-Admission Notice for Reply

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..... 24th

Day of..... Jan 20 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, S.B
PESHAWAR.

No.

Appeal No. 7450 of 20 21

Amir Khan

Appellant/Petitioner

Re: D-E-O

D-E-O (Male) Distt. Nowshera,

Respondent

Respondent No. 5

Notice to: —

Sub Divisional Education Officer (M)
concerned Distt. Nowshera.

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 10/3/22 at 8.00 A.M. If you wish to urge anything against the appellent/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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✓ No. Admission Notice for Reply

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 24th

Day of Jan 20 22

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, S.B
PESHAWAR.

No.

Appeal No..... 7450 of 20 21

..... Amir Khan Appellant/Petitioner

Versus

..... D.E.O (male) Distt. Nowshera Respondent

Respondent No..... 2

Notice to: —

Secretary F&SE KPK Peshawar
11/21

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..... 10/3/22 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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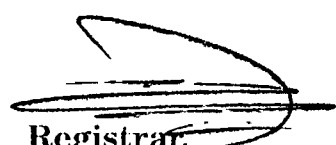
Pre-Admission Notice for Reply

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..... 24th

Day of..... Jan 20 . 22



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.
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BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR

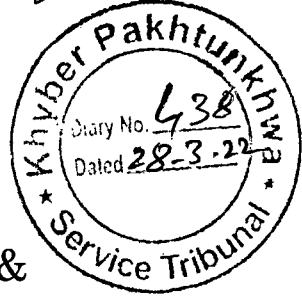
Appeal No # 7450/2021

Put up to the worthy chair-man
with relevant appeal-

Amir Khan

Versus

Readu District Education Officer (Male) District Nowshera &
others



APPLICATION FOR EARLY HEARING WITH FURTHER
SUBMISSION THAT RESPONDENT DEPARTMENT BE
DIRECTED TO RELEASE THE MONTHLY SALARY OF
THE APPELLANT/PETITIONER, AS THE SAID
RESPONDENT WITHHELD THE MONTHLY SALARY OF
THE PETITIONER SINCE JANUARY 2022.

Respectfully Sheweth,

The Appellant submit as under :-

1. That the captioned case is pending in this Learned Court is fixed for 13-06-2022.
2. That the respondent department withheld the monthly salary of the petitioner since January 2022 and the petitioner has no other source of income and the petitioner and his family facing financial constraints, thus the application in hand.

In view of the above it is therefore Humbly prayed that may graciously allow the instant application as prayed for in the heading and respondent department be directed to pay the monthly salary since January 2022 as well as onward salary on each & every month basis in the best interest of Justice.

Petitioner
Through

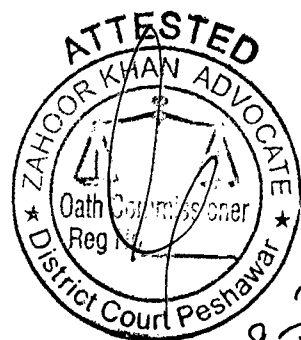
Saeed Roman
Advocate, High Court
Peshawar.

Dated: 28-03-2022

Affidavit:-

I, Amir Khan S/o Nazar Badshah R/o Mohallah Mias hel, Kahi, Tehsil & District Nowshshera, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT



①

بعدالت جناب خیبر پختونخوا سروس ٹریبونل پشاور

عامر خان بنام ڈسٹرکٹ ایجوکیشن آفیسر وغیرہ

درخواست بمراد یہ کہ ریسپانڈنٹس نے اپیلانٹ کی ماہانہ تنخواہ Stopped کر دی ہے جو کہ خلاف قانون و خلاف واقعات ہے اور عدالت عظمیٰ و عدالت عالیہ کے فیصلہ جات کی روشنی میں حقوق اپیلانٹ پر غیر موثر ہے لہذا ریسپانڈنٹس کو ہدایات جاری فرمائی جائے کہ وہ اپیلانٹ کی ماہانہ تنخواہ کو Stopped کرنے سے گزیر کریں اور درخواست ہذا کی روشنی میں اپیلانٹ کی تنخواہ ماہ بہ ماہ جاری فرمائی جانے کا حکم صادر فرمایا جاوے۔

جناب عالی!

- 1- یہ کہ سروس اپیل عدالت حضور میں زیر التواء ہے اور آج اس میں تاریخ پیشی مقرر ہے۔
- 2- یہ کہ ریسپانڈنٹس نے اپیلانٹ کی ماہانہ تنخواہ Stopped کر دی ہے جو کہ خلاف قانون و خلاف واقعات ہے اور عدالت عظمیٰ و عدالت عالیہ کے فیصلہ جات کی روشنی میں حقوق اپیلانٹ پر غیر موثر ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا، ریسپانڈنٹس کو ہدایات جاری فرمائی جائے کہ وہ اپیلانٹ کی ماہانہ تنخواہ کو Stopped کرنے سے گزیر کریں اور درخواست ہذا کی روشنی میں اپیلانٹ کی تنخواہ ماہ بہ ماہ جاری فرمائی جانے کا حکم صادر فرمایا جاوے۔ المرقوم 13/01/2022

رض
سائل / اپیلانٹ :- عامر خان
یوکالت :- سعید رومان (ایڈووکیٹ ہائی کورٹ)

بیان حلفی!

حلفاً بیان کرتا ہوں کہ جملہ مراتب درخواست ہذا تا حد میرے علم و یقین میں اور کوئی امر عدالت حضور مخفی نہ رکھا گیا ہے۔ العبد

