

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No. 745 of 2012

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
1-	04/07/2012	<p>The appeal of Mr. Saeed C.T presented today by Mr. Amjid Ali Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	5-7-2012	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-2-2012</u></p> <p>12-07-2012 Counsel for the appellant present and requested for withdrawal of the appeal with permission to file fresh one. Request is accepted. The appeal is dismissed as withdrawn with permission to file fresh one. Request is accepted. The appeal is dismissed as withdrawn with permission to file fresh one, subject to all legal objections. File be consigned to the record.</p> <p><i>Request for withdrawal to file fresh one</i> <i>Amjid Ali Adv</i></p> <p>ANNOUNCED 12.07.2012</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 745 /2012

Saeed.....Appellant

V E R S U S


Govt of KPK and others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of service appeal with affidavit		1-4
2.	Application for suspension with affidavit		5-6
3.	Copy of order dated 26.04.2012	A	7
4.	Copy of Departmental Appeal	B	8
5.	Copy of order dated 10.05.2012	C	9
6.	Copy of Explanation	D	10
7.	Wakalat Nama		

Through Appellant

Date: 3/7/2012


Amjad Ali
Advocate Supreme Court
At Mardan
Cell: 0321-9882434

(1)

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 745 /2012

RECEIVED
SERVICES TRIBUNAL
PESHAWAR
739
04-7-2012

Saeed (C.T),
R/o Village Baena, Tehsil Puran, District Shangla.....**Appellant**

V E R S U S

1. Govt of KPK,
Through Secretary Education,
Civil Secretariat, Peshawar
2. District Coordination Officer, Buner
3. Executive District Officer,
Elementary & Secondary Education, Buner
4. Headmaster,
Govt High School, Maradu, District Buner.....**Respondents**

**Appeal u/s 4 of the KPK Service
Tribunal Act, 1974**

[Handwritten signature]
4/7/12

Respectfully Sheweth:

Brief facts giving rise to the appeal are as under:

1. That the appellant is serving as C.T to the entire satisfaction to the students, parents and superior officers.


2. That respondent No.2 vide order dated 26.04.2012, transferred the appellant from GHS Maradu to GMS, Dub. (Copy of order dated 26.04.2012 is Annexure "A").
3. That appellant filed departmental appeal before respondent No.2 on 08.05.2012. (Copy of departmental appeal is Annexure "B").
4. That departmental appeal of appellant was accepted and respondent No.2 was pleased to pass order dated 10.05.2012 for cancellation of the impugned transfer order dated 26.04.2012. (Copy of order dated 10.05.2012 Annexure "C").
5. That inspite of clear order of respondent No.2, respondent No.3 is adamant to implement his transfer order and called explanation from the Headmaster (respondent No.4) regarding non-implementation on the transfer order dated 26.04.2012. (Copy of explanation is Annexure "D").
6. That being aggrieved of the impugned order dated 26.04.2012, and having no other adequate remedy, the appellant approaches this Honourable Tribunal, on the following grounds amongst others:

GROUNDS:

- A. Because the impugned transfer order dated 26.04.2012 is not in public interest and has been set aside by the competent appellate authority but respondent No.3 in violation of valid competent order in the field is torturing appellant due to political interference.

- B. Because appellant is President of Registered Teachers Organization, Tehsil Chagharzai.
- C. Because the transfer is politically motivated as all the teachers from Govt High School, Dub have been posted-out without any reason just to create vacant post for impugned transfer.
- D. Because having longest than have been retained in the same school, which is discrimination, prohibited under Article 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973.
- E. Because respondent No.3 has no authority to disobey the order of respondent No.2 and it is violation of service, discipline and is an offence under E&D Rules, 2011.

It is, therefore, most humbly prayed that on acceptance of this service appeal, the impugned transfer order dated 26.04.2012 may kindly be set aside and order of respondent No.3 dated 10.05.2012 may please be implemented in the true letters and spirit.

Appellant 
Through


Amjad Ali
Advocate Supreme Court
At Mardan

Date: 3 / 7 / 2012

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2012

Saeed.....Appellant

V E R S U S

Govt of KPK and others.....Respondents

AFFIDAVIT

I, Saeed (D.M), R/o Village Baeena, Tehsil Puran, District Shangla, do hereby solemnly affirm and declare on oath that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Saeed
DEPONENT



(5)

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2012

Saeed.....Applicant/ Appellant

V E R S U S

Govt of KPK and others.....Respondents

Application for suspension of the impugned transfer order dated 26.04.2012, till the final disposal of the accompanying appeal.

Respectfully Sheweth:

1. That the above noted service appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the applicant/ appellant has got a good prima facie case in his favour, and is sanguine about its success.
3. That the balance of convenience also lies in favour of the applicant/ appellant.
4. That if the impugned transfer order dated 26.04.2012 is not suspended, then the applicant/ appellant would suffer irreparable loss.

5. That the facts and grounds of the accompanying service appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned transfer order dated 26.04.2012 may kindly be suspended, till the final decision of the case.

Saeed
Applicant/ Appellant

Through

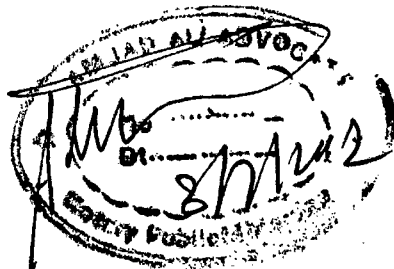
Amjad Ali Mardan
Amjad Ali Mardan
Advocate Supreme Court
At Mardan

Date: 3 / 7 / 2012

AFFIDAVIT

I, Saeed (D.M), R/o Village Baena, Tehsil Puran, District Shangla, 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.

Saeed
DEPONENT



Ana C

Ana C

(9)

OFFICE OF THE
DISTRICT COORDINATION OFFICER/
BUNER.

Ali
Amjad Ali
Amjad

NO. 3289 /Esst/8(E&SE)DCO (B)
Dated. 10-5-2012.

To

The Executive Distinct Officer,
Elementary & Secondary, Education, Buner.

Subject:

CANCELLATION OF TRANSFERS.

Memo:

A delegation of the notables Tehsil Chagharzai visited to the office of the undersigned and requested for the cancellation of Transfer Orders of the following three teachers:-

- 1- Saced CT. GHS, Maradu transfer to GMS, Dub.
- 2- Sharifuddin, DM, GHS Maradu transfer to GMS Dub.
- 3- Zarif Khan. PET GHS Maradu transfer to GMS Dub.

The delegation also requested that the performance of the above named teachers is good and they are performing their duties upto their utmost enthusiasms, therefore their transfer orders may kindly be cancelled.

In view of the above you are hereby directed to issue cancellation order as per demand of the notables of the area in the best interest of the students as well as parents with intimation to this office at the earliest.

DISTRICT COORDINATION OFFICER,
BUNER.

10 | Annex D

Annex D:
Advocate
Advised

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION BUNER
PHONE & FAX- 0939510468

NO _____ / DATED _____ / 2012

To

The Head Master;
GHS Maradu.

Subject:- EXPLANATION

Memo:

During the visit of the undersigned on 23/06/2012 to your school it was noticed that you have not obeyed the order of the undersigned issued under Endst: No. 8115-19/DA/No.13 Estab: Dated 26/04/2012.


You are directed to explain it within a week positively that why not disciplinary action be taken against you under the rules.

EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION BUNER

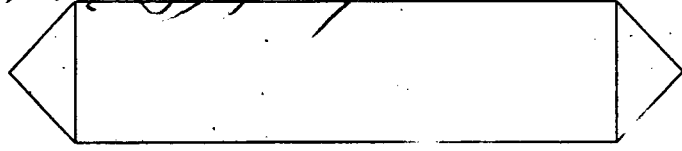
Endst: No. 1106-12 / Dated 26/06 /2012.

Copy forwarded to the;

1. Secretary E & S Education Khyber Pakhtunkhwa Peshawar.
2. Director E & S Education Khyber Pakhtunkhwa Peshawar with the request to order High level Inquiry against the concern Head Master.
3. District Coordination Officer Buner.
4. District Accounts Officer Buner.
5. Zarif Khan PET under, transferred to GMS Dab against vacant post with the direction to take charge at his new station with immediate effect other wise he will be responsible for the consequences himself.
6. Sharif Uddin DM under transferred to GMS Dab against vacant post with the direction to take charge at his new station with immediate effect other wise he will be responsible for the consequences himself.
7. ✓ Saeed CT under transferred to GMS Dab against vacant post with the direction to take charge at his new station with immediate effect other wise he will be responsible for the consequences himself.


EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION BUNER

بعدالت سرسین ٹریڈ منول کے بارے میں



3/7/2012

2-2 منجانب
بنام

سید

مورخہ

مقامہ

دعویٰ

جرم

سرسین ایس

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک در و پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 3 ماہ 2012

Handwritten signature and text: "Accepted" and "Advocate"

Handwritten signature and text: "Advocate"

Handwritten signature and text: "Advocate"

Handwritten signature and text: "Advocate"

Handwritten signature and text: "Advocate"

Handwritten signature and text: "Advocate"

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 745/2012

Saeed.....Appellant

V E R S U S

Govt of KPK and others.....Respondents

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6.	Copy of Explanation	D	10
7.	Wakalat Nama		

Through Appellant

Date: 3/7/2012

Amjad Ali
Advocate Supreme Court
At Mardan
Cell: 0321-9882434

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 745 /2012

Saeed (C.T),

R/o Village Baeena, Tehsil Puran, District Shangla.....**Appellant**

V E R S U S

1. Govt of KPK,
Through Secretary Education,
Civil Secretariat, Peshawar
2. District Coordination Officer, Buner
3. Executive District Officer,
Elementary & Secondary Education, Buner
4. Headmaster,
Govt High School, Maradu, District Buner.....**Respondents**

**Appeal u/s 4 of the KPK Service
Tribunal Act, 1974**

Respectfully Sheweth:

Brief facts giving rise to the appeal are as under:

1. That the appellant is serving as C.T to the entire satisfaction to the students, parents and superior officers.

2. That respondent No.23 vide order dated 26.04.2012, transferred the appellant from GHS Maradu to GMS, Dub. (Copy of order dated 26.04.2012 is Annexure "A").
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GROUND S:

- A. Because the impugned transfer order dated 26.04.2012 is not in public interest and has been set aside by the competent appellate authority but respondent No.3 in violation of valid competent order in the field is torturing appellant due to political interference.

- B. Because appellant is President of Registered Teachers Organization, Tehsil Chagharzai.
- C. Because the transfer is politically motivated as all the teachers from Govt High School, Dub have been posted-out without any reason just to create vacant post for impugned transfer.
- D. Because having longest than have been retained in the same school, which is discrimination, prohibited under Article 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973.
- E. Because respondent No.3 has no authority to disobey the order of respondent No.2 and it is violation of service, discipline and is an offence under E&D Rules, 2011. •

It is, therefore, most humbly prayed that on acceptance of this service appeal, the impugned transfer order dated 26.04.2012 may kindly be set aside and order of respondent No.3 dated 10.05.2012 may please be implemented in the true letters and spirit.

Appellant
Through

Date: 3 / 7 / 2012


Amjad Ali
Advocate Supreme Court
At Mardan

4

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2012

Saeed.....Appellant

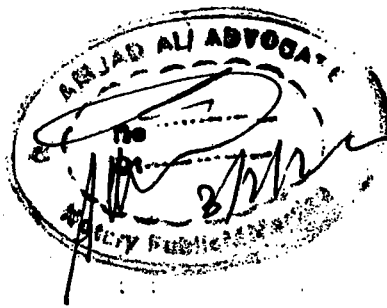
VERSUS

Govt of KPK and others.....Respondents

AFFIDAVIT

I, Saeed (D.M), R/o Village Baena, Tehsil Puran, District Shangla, do hereby solemnly affirm and declare on oath that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT



(5)

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2012

Saeed.....**Applicant/ Appellant**

V E R S U S

Govt of KPK and others.....**Respondents**

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Respectfully Sheweth:

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- 5. That the facts and grounds of the accompanying service appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned transfer order dated 26.04.2012 may kindly be suspended, till the final decision of the case.

Applicant/ Appellant

Through

Amjad Ali Mardan
Advocate Supreme Court
At Mardan

Date: 3 / 7 / 2012

AFFIDAVIT

I, Saeed (D.M), R/o Village Baena, Tehsil Puran, District Shangla, 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.

DEPONENT



Ann A
7

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY; EDU; BUNER.

OFFICE ORDER

Consequent upon Approval of the competent authority the following Officials are hereby transferred/adjusted at the schools noted against their names in their own pay & scale from the date of taking over charge in the interest of public service.

S.No	Name & Designation	From	To	Remarks
1	Zarif Khan PET	GHS Topai	GMS Dab	Vacant Post
2	Sharif udin DM	GHS Marado	GMS Dab	Vacant Post
3	Saeed CT	GHS Marado	GMS Dab	Vacant Post

Note:

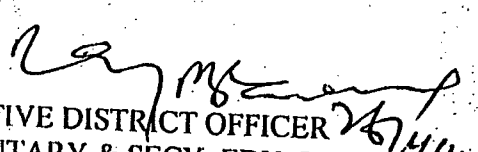
1. No TA/DA is allowed.
2. Charge report Should be submitted to all Concerned

(RAJ MOHAMMAD KHAN)
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECY; EDU; BUNER

Endost: No 8/15-12 DA, No. 13 Estab: 26/04/2012.

Copy of the above is forwarded to the:-

1. District Accounts Officer Buner at Daggar.
2. Assistant District Officer (B&A) Local Office
3. Head Maters Concerned.
4. Officials Concerned.
5. PA to EDO Local Office.


EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECY; EDU; BUNER

خدمت خراب ڈیکے سے اور مناسب مزاح جو سیر

عنوان ۱۔ درخواست برادر منسوقی ٹرانسفر اور
خیاب عالی

موردانہ معروضات ہیں۔ کہ میں نے گورنمنٹ ہائی سکول مرادویں (انٹرفالمن) میں بی اے سہ ماہی سرانجام
کے ساتھ ساتھ۔ لیکن حال ہی میں ۵۴/۲۰۱۲ کو نام لوم و میری حالت کا باہر سے ٹرانسفر اور
گورنمنٹ ہائی سکول مرادویں۔ مڈل سکول ٹوبہ پورہ کے ٹرانسفر کر کے "انٹرفالمن" میں
ہر سکتے ہیں۔ جس میں کوئی بھی نظر نہیں آ رہا ہے۔ میں دھرمیات کا باہر سے ٹرانسفر نہیں کر سکتا ہے۔
میںز جہ ذیل پر سکتے ہیں۔

- ۱۔ سٹیڈیٹی کا بنیاد پر تو سکول میں جو ہے میںز موجود ہے
- ۲۔ سکول میں کارکردگی بہتر ہے اور والدین کے طرف سے شکایت پر تردد بھی نہیں
- ۳۔ جو سٹیڈیٹی کی بنیاد پر تو سکول میں جو ہے میںز موجود ہے

لہذا۔۔۔ صاحبان مہربانی کر کے میرے عرض کو مد نظر رکھ کر میرا درخواست مسترد نہ کریں۔

قولیائیت مشکور ہوگا۔

الحاق

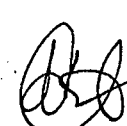
۱۔ کانٹاکٹ نمبر ۲۰۱۲ C-T

۱۱۵ مرادویں

تاریخ ۵۴/۲۰۱۲

Anac

Anac


Flewin

(9)

OFFICE OF THE
DISTRICT COORDINATION OFFICER/
BUNER.

NO. 3289 /Asst./8(E&SE)DCO (B)
Dated. 10-5-2012.

To
The Executive Distinct Officer,
Elementary & Secondary, Education, Buner.

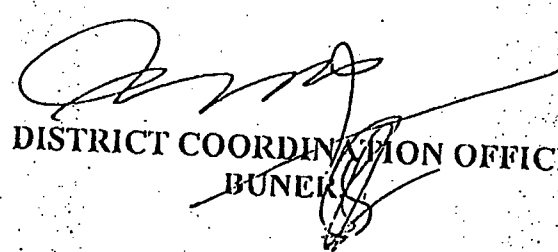
Subject: CANCELLATION OF TRANSFERS.

Memo:
A delegation of the notables Tehsil Chagharzai visited to the office of the undersigned and requested for the cancellation of Transfer Orders of the following three teachers;-

- 1- Saeed CT, GHS, Maradu transfer to GMS, Dub.
- 2- Sharifuddin, DM, GHS Maradu transfer to GMS Dub.
- 3- Zarif Khan, PET GHS Maradu transfer to GMS Dub.

The delegation also requested that the performance of the above named teachers is good and they are performing their duties upto their utmost enthusiasms, therefore their transfer orders may kindly be cancelled.

In view of the above you are hereby directed to issue cancellation order as per demand of the notables of the area in the best interest of the students as well as parents with intimation to this office at the earliest.


DISTRICT COORDINATION OFFICER,
BUNER.

(10) Anx D

Anx D
[Signature]
[Signature]

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY
EDUCATION BUNER
PHONE & FAX- 0939510468

NO _____ / DATED _____ / 2012

To

The Head Master;
GHS Maradu.

Subject:- EXPLANATION

Memo:

During the visit of the undersigned on 23/06/2012 to your school it was noticed that you have not obeyed the order of the undersigned issued under Endst: No. 8115-19/DA/No.13 Estab: Dated 26/04/2012.

You are directed to explain it within a week positively that why not disciplinary action be taken against you under the rules.

EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION BUNER

Endst: No. 71ab-12 / Dated 26/06 / 2012.

Copy forwarded to the;

1. Secretary E & S Education Khyber Pakhtunkhwa Peshawar.
2. Director E & S Education Khyber Pakhtunkhwa Peshawar with the request to order High level Inquiry against the concern Head Master.
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7. Saeed CT under transferred to GMS Dab against vacant post with the direction to take charge at his new station with immediate effect other wise he will be responsible for the consequences himself.

[Signature]
26/06/12
EXECUTIVE DISTRICT OFFICER
(E & S) EDUCATION BUNER