

18.08.2022

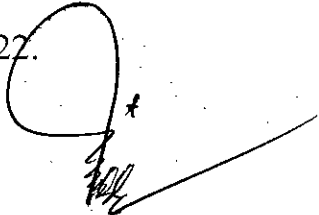
Tour to camp court Abbottabad has been cancelled, therefore,  
the case is adjourned on 20.10.2022 for the same.

  
READER

20.10.2022

Nemo for the appellant.

Previous date was changed on the strength of Reader's Note,  
therefore notice be issued to the appellant as well as his counsel  
to attend the court on the next date. Adjourned. To come up for  
preliminary hearing before the S.B on 26.12.2022.

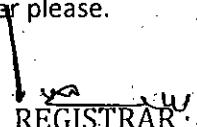

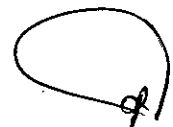

  
(Mian Muhammad)  
Member (E)

Form- A

FORM OF ORDER SHEET

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

Case No.- 107/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/01/2022	<p>The appeal of Mr. Saddar Khan received today by post through Mr.Fazal Haq Khan A Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	19.04.2022	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put there on <u>19.04.22</u></p> <p> CHAIRMAN</p> <p>Appellant present through counsel.</p> <p>He requested for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 14.06.2022 before S.B at Camp Court, Abbottabad.</p> <p> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>
14.06.2022		<p>Nemo for appellant. Lawyers are on general strike.</p> <p>Notice be issued to appellant and his counsel for 18.08.2022 for preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST

Case Title:

*Saddar Khan*

vs

*Govt of KPK*

S.#	Contents	Yes	No
1.	This appeal has been presented by: <i>Fazal-Harj-Adv</i>	✓	
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:

*Fazal-Harj advocate*

Signature:

*[Signature]*

Dated:

*24/1/022*

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

*Appeal No. 107/2022*

Saddar Khan..... Appellant

**VERSUS**

The Government of KPK through Secretary  
 Elementary and Education Department Peshawar  
 etc..... Respondents

**SERVICE APPEAL**  
**INDEX**

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4.	copies of showcase notice and reply	"C"	12-13
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Dated: 22.01.2022

*Saddar Khan*  
 SADDAR KHAN  
 .....Appellant

Through

**FAZAL HAQ KHAN**  
**ADVOCATE HIGH COURT**

*Fazal Haq Khan*

1

**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Service appeal No/107 of 2022

Saddar Khan, son of Afreen Khan, resident  
of Seo, Tehsil Dassu, District Kohistan  
upper..... **Appellant**

**VERSUS**

- (1) The, Government of Khyber Pakhtunkhwa  
through Secretary Elementary and  
Secondary Education at Peshawar.
- (2) The Director, Elementary and Secondary  
Education at Peshawar.
- (3) The District Education Officer (Male)  
upper Kohsitan at Dassu.

..... **RESPONDENTS**

**SERVICE APPEAL UNDER SECTION 04 OF**  
**THE KPK SERVICE TRIBUNAL ACT, 1974**  
**AGAINST THE IMPUGNED ORDER BEARING**  
**NO 7547 DATED 14.04.2021 ISSUED BY**

RESPONDENT NO. 03 IS PATENTLY  
ILLEGAL, UNLAWFUL, WITHOUT LAWFUL  
AUTHORITY, WITHOUT JURISDICTION AND  
OF HAVING NO LEGAL EFFECT, HENCE,  
LIABLE TO BE SET-ASIDE.

**Respectfully shewith!**

- 1). That, appellant was appointed in a prescribed manner by respondent **No. 03** after observing all the legal formalities against the post of **Driver (BPS-06)** at the office of **SDEO(Male)** Kohistan at Dassu on deceased son quota under **Rule 10 sub rule (4) of the KPK civil servant (Appointment, Promotion and Transfer) Rules, 1989** vide appointment **order No. 4117-24** dated **08.08.2019**.

(Copy of appointment order dated **08.08.2019** annexed as Annexure A).

- 2.) That, after having served more than **04 months** at the office of **SDEO (Male)** upper Kohistan at Dassu, appellant was transferred and posted at the office of respondent **No. 03** vide order No. **8582-**

86 dated 24.12.2019 as a driver (BPS-06).

(Copy of transfer order dated 24.12.2019 annexed as annexure "B").

3). That, after about one month of assuming charge at the office of respondent No. 03, appellant was orally directed by respondent No. 03 to serve as "Chowkidar" at GPS Seo, to which appellant protested. Considering the oral direction as illegal, appellant opted not to take over the charge at GPS Seo against the post of **Chowkidar**, instead of **Driver** (BPS-06).

4). That, due to non-assumption of the charge, appellant was served with a show cause notice dated 15.01.2021, which was replied by the appellant vide reply dated 20.01.2021, thereafter, the matter was filed by the Department.

(copies of showcase notice and reply are annexed as annexure "C").

5). That, respondent No. 03 with mala-fide intention, without jurisdiction and lawful authority adjusted the appellant as **Chowkidar** at **GHSs Seo**, through

impugned order dated **14.04.2021** by reappointing him to the post of **Chowkidar** from **Driver (BPS-06)** without even withdrawing the initial appointment of the appellant dated **08.08.2019**.

**(Copy of impugned order dated 14.04.2021 is annexed as annexure "D").**

- 6). That, appellant filed an appeals dated **22.04.2021** with respondents **No. 02 and 03** against the impugned order, still un-responded.

**(copies of appeal dated 22.04.2021 are annexed as annexure "E").**

- 7). That, felling aggrieved from impugned order dated **14.04.2021**, appellant, filed a writ petition No. 656-A of 2021 before Honourable Peshawar High Court at Abbottabad bench, which was treated as Departmental representation vide order dated 24.11.2021, and sent to respondent No. 02 for adjudication in accordance with law with in a period of one month but after lapse of a considerable period of time, it was not decided, despite, clear cut direction of the Hon'ble Peshawar High Court.



(certified copies of writ petition and order dated 24.11.2021 annexed as annexure "F&G").

- 8). That, aggrieved, from the impugned order, appellant having no other remedy except to file the present service appeal before this worthy tribunal for interference inter alia on the following amongst other grounds:

### GROUND:

- A). That, the impugned order bearing No. **1673-1711** dated **14.04.2021**, is patently illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect to the extent of the appellant, hence, liable to be set-aside by restoring the initial appointment order bearing No. **4117-24** dated **08.08.2019**.
- B). That, appointment order dated **08.08.2019** is still in the field, respondent **No. 03** had no lawful authority to revert the position of

the appellant from **Driver (BPS-06)** to **Chowkidar (BPS-03)**, without any legal justification and lawful authority.

- C). That, before issuing the impugned order, appellant was never heard, nor ever conveyed the reasons of taking the impugned unilateral action, nor there was hardly any justification with respondent **No. 03** to do so.
- D). That, from whatever angle the impugned order is analyzed, it is suffering from legal infirmities and lawful authority, hence, liable to be struck down by this Hon'able tribunal.

### PRAYER

It is therefore, very humbly and respectfully prayed that on acutance of the instant service appeal the impugned order bearing No **1673-1711** dated **14.04.2021** passed by respondent No. 03 may kindly declared as illegal, unlawful, without lawful authority, without

jurisdiction and of having no legal effect, hence, liable to be set-aside and appellant be posted/adjusted at his original position as **Driver (BPS-06)**.

**Dated: 22.01.2022**

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**SADDAR KHAN**  
.....Appellant

Through

  
**FAZAL HAQ KHAN**  
**ADVOCATE HIGH COURT**

**VERIFICATION :**

I Saddar Khan, son of Afreen Khan, resident of Seo, Tehsil Dassu, District Kohistan upper, 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.

**Saddar Khan**



**BEFORE THE SERVICE TRIBUNAL**  
**K.P.K PESHAWAR**

Saddar Khan..... Appellant

**VERSUS**

The Government of KPK through Secretary  
Elementary and Education Department Peshawar  
etc..... Respondents

**SERVICE APPEAL**

**AFFIDAVIT!**

I Saddar Khan, son of Afreen Khan, resident of Seo, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable tribunal nor pending nor decided further affirms on oath that the contents of fore-going service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this honourable tribunal.

**Dated: 22.01.2022**

*Saddar Khan*

**SADDAR KHAN  
(DEPONENT)**

CNIC# 13401-92008919



Office of the District Education Officer  
(Male) Kohistan  
Phone No. 0998-407128

P (9)

**ANNEA**

**APPOINTMENT**

Under the provision contained in sub rules-(4) of rule of the Khyber Pakhtunkhwa civil servant (Appointment, Promotion, and Transfer) rule-1989 and as amended, vide Establishment Department Notification No. SOR-VI (E&AD)1-3/2011/Vol-III dated 31/08/2012 and amended vide Establishment Department (Regulation wing Khyber Pakhtunkhwa Notification No. SO (R-VI) E&AD/1-3/2015 dated 19/04/2016.

Competent authority is pleased to Appoint Mr. Sadda Khan CMC # 13401-9200891-9 S/O Afreen Khan (Late) Ex-PST on Deceased son quota as Driver in BPS-7C (10620-560-27420) @Rs.10620/PM plus usual allowances as admissible under the rules, in the interest of public service with immediate effect.

Terms and Conditions:

1. No TA/DA is allowed.
2. The appointee get salary against the sanctioned post in the budget.
3. His services are liable to termination at any time without assigning any reason/notice.
4. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
5. The candidate should join the post within 15 days failing which the appointment order will stand automatically cancelled and no subsequent appeal will be entertained in this regard.
6. The Appointment made subject to the condition that the candidate is permanent resident and Domicile holder of District Kohistan.
7. Health and Age Certificate should be produced from the Medical Superintendent/ DMO Kohistan concerned before taking over charge.
8. Charge report should be submitted to all concerned.
9. His appointment will be treated as automatically cancelled if found that the said quota has already been availed by any son, daughter and widow of the deceased.
10. He should not be handed over charge if he exceeds 35 years or below 18 years of age. For Kohistan automatic relaxation of age for 03 years is granted.
11. The order will automatically be stand cancelled if any kind of record is found fake/bogus at any stage in future.

(Khurshid Ahmed)  
District Education Officer  
(Male) Kohistan

Dated: 08/03/2019

Endstt. No. 4117-24 /DEO (M) KH/Deceased Quota

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
3. Deputy Commissioner Kohistan.
4. District Accounts Officer Kohistan.
5. Sub-Divisional Education Officers (M) Dasso,
6. Candidate Concerned.
7. PA to DEO(M) Local office
8. Master file.

District Education Officer  
(Male) Kohistan

Attested  
24/1/2022

P. (10)

**Better copy**

Office of the District Education Officer  
(Male) Kohistan  
Phone No. 0998-407128

**APPOINTMENT**

Under the provision contained in sub rules (4) of rule of the Khyber Pakhtunkhwa civil servant (appointment, promotion and transfer) Rule 1989 and as amended vide establishment Department Notification NO. SOR-VI (E&AD)1-3/2011/Vol-III Dated 31.08.2012 and amended vide establishment Department (Regulation wing Khyber Pakhtunkhwa notification No. SO(R-VI) E&AD/1-3/2015 dated 19.04.2016.

Competent authority is please to appointment **Mr. Saddar Khan CNIC # 13401-9200891-9 S/o Afreen Khan, (Late) EX-PST** on deceased son quota , as Driver in BPS-06 (10620-560-27420) @ Rs. 10620/ PM usual allowances as admissible under the rules, at office of SDEO (Male) Dassu against vacant post with the terms and conditions given below. In the interest of public service with immediate effect.

**Terms and condition:**

1. No TA/DA is allowed
2. The appointee get salary against the sanctioned post in the budget.
3. His services are liable to termination at any time without assigning any reason/ notice.
4. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/alliance shall be forfeit to the government.
5. The Candidate should join the post within 15 days failing which the appointment order will stand automatically cancelled and no subsequent appeal will be entertained in this regard.
6. The Appointment made subject to the condition that the candidate is permanent resident of Domicile holder of District Kohistan.
7. Health and Age certificate should be produced from the Medical superintendent/DHO Kohistan concerned before taking over charge.
8. Charge report should be submitted to all concerned.
9. His appointment will be treated as automatically cancelled if found that the said quota has already been availed by any son, daughter and widow of the deceased.
10. He should not be handed over charge if he exceeds 35 years or below 18 years of age . For Kohistan automatic relaxation of age for 03 years is granted.
11. The order will automatically be stand cancelled if any kind of record is found fake, bogus at any stage in future.


(Khurshid Ahmed)  
District Education Officer  
(Male) Kohistan.

**Endst No. 4117-24/DEO (M) KH/Deceased Quota**

**Dated; 08.08.2019**

Copy forwarded for information and necessary action to the:-

1. Director E&SE Khyber Pakhtunkhwa, Peshaar.
2. PS to secretary to Govt. Khyber Pakhtunkhwa E&SE Department.
3. Deputy Commissioner Kohistan .
4. District Accounts Officer Kohistan.
5. Sub-Divisional Education Officers (M) Dassu,
6. Candidate concerned.
7. PA to DEO(M)local office.
8. Master File.

Attested  
  
24/11/2022

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN (UPPER)

Email: emiskohistan@yahoo.com

Phone Number: 0998407128

P. 12

*Amin*

Office order/ Show Cause Notice:

I, Muhammad Amin District Education Officer (M) Kohistan Upper, the Competent Authority under the Khyber-Pakhtunkhwa Government Servant Efficiency & Disciplinary, Rules 2011, do hereby serve upon you, Mr. Sadar Khan Driver SDEO(M) Office Dasso, this show cause notice as follows:-

1. As per report of SDEO(M) Dasso, vide No. 1277, Dated: 01-01-2021, you remained willfully absent from your duty wef December 2019 to December 2020( Complete one year) without proper permission/intimation or leave
2. You were called by the SDEO concerned several times to resume you duty but you badly failed to comply.
3. You have drawn your salary illegally for one year without performing your duty.
4. The undersigned called you to this office via phone and directed you to resume your duty as a driver in this office, but you can't drive the vehicle, which shows that you have been appointed improperly.
5. You have been appointed on 09-08-2019 and you were on probation for one year but you couldn't prove yourself an efficient government servant.

You proved an inefficient, dishonest, negligent and subvert government official.

While going through the material on record, my personal observation and report of the SDEO Dasso, the allegations levelled against you, mentioned above, have been proved under the provisions of E.S.D Rules 2011.

As a result, thereof, I as the Competent Authority, have tentatively decided to impose upon you one or more penalties mentioned in Rule 4 (b), (i) to (iv) of the ibid Rules.

You are, therefore, required to show cause as to why major or minors penalty provided in the aforesaid Rules should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this office is received within 07 days of delivery of this show cause, it shall be presumed that you have no defense to put in and, in that case, Ex-parte action will be taken against you.

(Muhammad amin)  
District Education Officer (M)  
Kohistan Upper.

Dated: 15 / 01/2021.

Endorsement No. 5265-70

Copies for information and necessary action forwarded to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar
2. The Deputy Commissioner Kohistan Upper.
3. The PA to District Education Officer (M) Kohistan Upper.
4. The Sjb Divisional Education Officer (M) Dasso, Kohistan Upper
5. Sadar Khan Driver presently working in this office.
6. Copy to Master File for record

*[Signature]*  
District Education Officer (M)  
Kohistan Upper.

Acknowledgment: I Sadar Khan Driver received my copy

Signature

Date:

13407-02 00891-1  
15/1/2021

*Arrested*  
*[Signature]*  
29/1/022



**P 11**

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
(MALE) KOHISTAN**

No. Esst / / /DEO-M-KH

Dated. / /2019

**OFFICE ORDER**

**Amir B**


On the recommendation of Sub Divisional Education Officer Male Kohistan letter No.696.SDEO-M dated 29-11-2011, Mr. Sadar Khan Driver is hereby transferred and posted in the office of the undersigned against the vacant post with immediate effect, in the best interest of the public.


Endstt: No 8582-86 . Dated: 24/11/2019

District Education Officer  
(Male) Kohistan

Copy forwarded to the:-

1. Deputy District Education Officer Male Kohistan.
2. District Accounts Officer Kohistan.
3. Sub Divisional Education Officer-Male Kohistan w/r to above.
4. Official concerned for strict compliance.
5. Office order file.

  
District Education Officer  
(Male) Kohistan

**Attested**  
  
24/11/2019



کریما صاحب DEO حیدرآباد کوستان (اے)

جواب شکوہ کار نوٹس

Amara

جی۔ اے۔ سی

یہ کہ سائل کو شکوہ کار نوٹس کو الیمبر 5265-70 بتاریخ 15/01/2021 دفتر حیدرآباد سے مل گیا ہے۔

1۔ یہ کہ ڈسپلین 2019 سے 2020 تک سائل نے باقاعدگی سے لکھی (SDEO) کے ذریعہ آفس آف ریکارڈ میں رکھی گئی تھی۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا اور اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔

2۔ یہ کہ SDEO کے لئے لکھی گئی تھی اور اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔

3۔ یہ کہ سائل نے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔

4۔ یہ کہ DEO کے لئے لکھی گئی تھی اور اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔

5۔ یہ کہ ایس ایس ڈی کے لئے لکھی گئی تھی اور اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔

یہ کہ سائل نے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔ اس کے بعد اسے ایس ایس ڈی کے طور پر مقرر کیا گیا۔

Attested  
24/1/2022

20/01/2021



OFFICE OF THE DISTRICT EDUCATION OFFICER (M)  
KOHISTAN

P 14  
Amir

**APPOINTMENT**

Consequent upon the recommendation of the Departmental Selection Committee (DSC), the following candidates are appointed as Class IV against vacant/newly created posts in BPS-03 (Rs.9610-390-21310) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government on the terms and conditions given below in the interest of public service with immediate effect.

**CANDIDATES APPOINTED AGAINST OPEN MERIT**

S.No	Name and Parentage	Residence	Date of Birth	Post	School where Posted	Remarks
1	Shakerullah S/O Janas Khan	Seo	05.04.2002	Chowkidar	GPS Janas Abad	A.V.Post
2	Sher Alam S/O Gul Farooz	Gabral	01.01.1999	Chowkidar	GPS Richao Bari	A.V.Post
3	Jahan Zeb S/O Iabal Shah	Bar Jalkot	01.02.1998	Chowkidar	GPS Angori Nala	A.V.Post
4	Muhammad Yousaf S/O Abdul Hakeem	Bariyar	01.01.2001	Chowkidar	GPS Dadair Jhamra	A.V.Post
5	Naeem Ullah S/O Abdullah Khan	Kuz Purwa	01.01.2002	Chowkidar	GPS Phurwa	A.V.Post
6	Gul Fam Khan S/O Haji Said Amir	Bar Jalkot	15.02.1998	Chowkidar	GPS Baro Balk	A.V.Post
7	Abdul Malik S/O Seera	Goshali	01.02.1990	Chowkidar	GPS Yaqoob Abad	A.V.Post
8	Shamsher Ali Khan S/O Mirza Khan	Gabral	01.05.2000	Sweeper	GMS Barigo	A.V.Post
9	Noor Muhammad S/O Haji Qalandar	Dassu	04.05.1985	Naib Qasid	GMS Uchar Nala	A.V.Post
10	Khalil Ur Rahman S/O Razwal	Dassu	1982	Sweeper	GMS Uchar Nala	A.V.Post
11	Abdul Qudoos S/O Waseel Kahn	Thoti	04.02.1996	Chowkidar	GPS Seri Uthoor	A.V.Post
12	Fazal Rehman S/O Rafiq Shah	Dassu	01.01.1985	Sweeper	DEO (M) Office	A.V.Post
13	Manzoor Ahmad S/O Haroon	Sazin	10.04.1995	Lab Attendant	GHS Sazin	A.V.Post
14	Shafeeq Ur Rahman S/O Sadar Khan	Sazin	04.04.1997	Chowkidar	GHS Sazin	A.V.Post
15	Ihsan Ullah S/O Zareen Jan	Seo	10.09.1981	Chowkidar	GPS Kas Bala	A.V.Post
16	Noor Alam S/O Gulab Shah	Sumar Nala	04.02.1999	Chowkidar	GPS Sumar Nala	A.V.Post
17	Shabeer Ahmad S/O Tali	Thoti	08.04.1995	Naib Qasid	DEO (M) Office	A.V.Post
18	Fazal Haq S/O Nameer	Karang	1986	Chowkidar	SDEO (M) office kandla	A.V.Post
19	Ishfaq Ahmad S/O Sarbaz	Kareem	01.03.1981	Naib Qasid	DEO (M) Office	A.V.Post
20	Haidar Ali S/O Malik Ahmad	Seo	03.04.1992	Chowkidar	GPS Seo	As per consequential adjustment
21	Ismail S/O Mirja Khan	Seo	10.10.1994	Chowkidar	GPS Shamal Seo	A.V.Post
22	Muhammad Iqbal S/O Noor Muhammad	Seo	01.01.2002	Chowkidar	GPS Arpholai	A.V.Post
23	Muhammad Kufan S/O Sher Ghazi	Karang	01.03.2000	Naib Qasid	SDEO (M) Office Kandla	A.V.Post

*[Handwritten signature]*

Attested  
*[Handwritten signature]*  
24/1/02

15

**CANDIDATES APPOINTED AGAINST 25% RETIRED EMPLOYEE'S SON'S QUOTA**

S.No	Name and Parentage	Residence	Date of Birth	Post	School where Posted	Remarks
1	Ejaz Ahmad S/O Rahmat Jan	Harban	01.01.2002	Chowkidar	Bhasha No.1	A.V.Post
2	Fazal Rabi S/o Jamroz Khan	Barlyar	01.01.1988	Chowkidar	GPS Dadoboon	A.V.Post
3	Shah Farman S/O Mir Zaman	Harban	09.03.2002	Naib Qasid	GMS Dargah	A.V.Post
4	Abdul Ghani S/O Hazrat Gul	Pari Kandia	10.11.1989	Sweeper	GMS Pari Kandia	A.V.Post
5	Muhammad Nawaz S/O Suhra Khan	Kareen	14.01.1996	Chowkidar	GPS Khachro	A.V.Post
6	Muhammad Anwar S/O Misal Khan	Gabral	1987	Naib Qasid	GMS Ishpidar	A.V.Post
7	Shabir Ahmad S/O Syed Safa	Sazin	01.01.1991	Naib Qasid	GMS Sumar Nala	A.V.Post

**CONSEQUENTIAL ADJUSTMENT**

S.No	Name & Designation	From	To	Remarks
1	Sadar Khan, Chowkidar	GPS Seo	GHS Seo	Against vacant post

**TERMS & CONDITIONS**

- They will be on probation for a period of one year extendable for another one year.
- They will be governed by such rules and regulations as may be issued from time to time by the Government.
- Their services can be terminated at any time in case their performance is found unsatisfactory during probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- Their services are liable to be terminated on one month's prior notice from either side. In case of resignation without prior notice one month pay and allowances, if any, shall be forfeited in favour of Government treasury through challan.
- They should join their posts within 15 days of the issuance of this order positively otherwise the appointment shall stand cancelled.
- The SDEO/ASDEO/Head Master/PSHT concerned should personally check their original documents, domicile and CNIC before handing over charge.
- Health and age certificate from the District Health Officer Kohistan should be provided before taking over charge.
- Charge report should be submitted to all concerned.
- No TA/DA etc. shall be allowed to the appointees for joining their duties.
- They will not be handed over charge if their age less than 18 years and above 40 Years.
- Their taking over charge is subject to verification of employment exchange cards from the quarter concerned & Affidavits of the parents that they will not claim 25% retired son quota in future.

(MUHAMMAD AMIN)  
DISTRICT EDUCATION OFFICER (M)  
KOHISTAN

Endst: No. 1673-1711 / Estab (Pry) App: Class-IV JEO (M) Dated 14/1 /04/2021

Copy of the above is forwarded to the:-

- PA to Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- Deputy Commissioner Kohistan
- District Accounts Officer Kohistan
- Deputy District Education Officer (M) Kohistan
- Sub Divisional Education Officer (M) Dassu
- Sub Divisional Education Officer (M) Kandia
- District Monitoring Officer (IMU) Kohistan
- Candidates Concerned

Attested  
*(Signature)*  
24/1/2022  
*(Signature)*  
District Education Officer (M)  
Kohistan

16-11-2022  
A. M. E.

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (میل) تحصیل داسو ضلع اپر کوہستان

محکمہ اپیل بر خلاف آرڈر نمبر 1711-1673 مورخہ 14.04.2021 جاری

کردہ ڈسٹرکٹ ایجوکیشن آفس (میل) اپر کوہستان

جناب عالی! موجبات اپیل ذیل پیش ہیں۔

۱۔ یہ کہ سائل محکمہ ایجوکیشن میں مورخہ 08.08.2019 کو سائل کی

Appionment بذریعہ آرڈر نمبر 24-4117 ڈرائیور کی پوسٹ

BPS-06 پر SDEO آفس میں بطور Decessed son

Quota ہوئی ہے اور مورخہ 08.08.2019 سے سائل بطور ڈرائیور کی

پوسٹ پر اپنی فرائض منصبی سرانجام دے رہا ہے۔ (نقل آرڈر لف ہے)۔

۲۔ یہ کہ سائل مسمی صدر خان ولد آفرین خان کو مورخہ 24.12.2019 کو غیر

قانونی طور پر SDEO آفس (میل) سے ٹرانسفر کر کے GPS سٹیو

BPS-03 چوکیدار کی پوسٹ پر تعینات کیا گیا تھا۔ جو کہ سائل اس غیر

قانونی نفل کا بالکل پابند نہ ہے اور سائل کو سیاسی مداخلت کی وجہ سے تنگ و

پریشان کرنا، اور BPS-06 ڈرائیور کی پوسٹ سے سیاسی بنیاد پر ہٹانا، اور

سیاسی مداخلت سے کسی دوسرے شخص کو بھرتی کرنا سائل کے ساتھ انتہائی

ناانصافی ہے۔ حالانکہ سائل نے مورخہ 08.08.2019 سے لیکر مورخہ

14.04.2021 تک پابندی کے ساتھ اپنی فرائض منصبی بخوبی سرانجام

دیئے ہیں۔ (نقل آرڈر لف ہے)۔

۳۔ یہ کہ اب سائل کو GPS سٹیو سے دوبارہ بذریعہ آرڈر نمبر 1711-1673

Attested  
E. M. E.

24/11/22

مورخہ 14.04.2021 کے سائل کو GHS سبھو تعینات کیا گیا ہے اور سائل نے ایک درخواست Concern اتھارٹی یعنی DEO صاحب کو گزاری کہ سائل کو BPS-06 ڈرائیور کی پوسٹ پر Maintaine رکھا جائے لیکن DEO آفس سے کوئی جواب موصول نہیں ہوا جس سے سائل کو نقصان عظیم ہو رہا ہے۔ (نقل آرڈر لف ہے)۔

۴۔ یہ کہ سائل کو BPS-06 ڈرائیور کی پوسٹ سے ہٹا کر BPS-03 پر بطور چوکیدار تعینات کرنا سائل کے ساتھ انتہائی نا انصافی اور ظلم ہے جو کہ سائل ریگولر اور خوش اسلوبی سے اپنے فرائض سرانجام دے رہا ہے سائل کو BPS-06 سے ہٹانا غیر قانونی اور نا انصافی ہے۔

۵۔ یہ کہ سائل کو SDEO آفس (میل) سے DEO آفس (میل) میں بے شک تعینات کیا جا۔ لیکن سائل کے Designation تبدیل کرنا، نا انصافی اور غیر قانونی فعل ہے جس کا سائل بالکل بھی پابند نہ ہے۔

۶۔ یہ کہ سائل مورخہ 08.08.2019 سے اب تک تنخواہ SDEO آفس (میل) سے وصول کر رہا ہے اور اپنی فرائض منصبی بھی وہاں پر ہی انجام دے رہا ہے، اور محکمہ ایجوکیشن سیاسی مداخلت کی وجہ سے سائل کو BPS-06 ڈرائیور کی پوسٹ سے ہٹا کر کسی دوسرے شخص کو سائل کی جگہ تعینات کرنا حد درجہ کا ظلم و بدینتی، نا انصافی ہے۔

۷۔ یہ کہ سائل نے مورخہ 30.01.2021 کو ایک درخواست DEO آفس (میل) میں گزاری ہے کہ سائل کو BPS-06 ڈرائیور کی پوسٹ پر بحال رکھا جائے لیکن سائل کی ایک بھی نہ سنی اور سائل کو BPS-06 ڈرائیور کی پوسٹ سے ہٹا کر BPS-03 چوکیدار کی پوسٹ پر تعینات کیا جو کہ سراسر زیادتی

Attested  
Signature  
24/1/02

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P-18

،خلاف قانون اور نالغمانی ہے۔

۸۔ یہ کہ محکمہ اپنے اس غیر قانونی کام سے باز نہیں آئے اور سائل کسی صدر خان کو BPS-06 ڈائری کی پوسٹ پر بحال نہ رکھا تو سائل کو ناقابل تلافی نقصان عظیم ہوگا۔

لہذا استدعا ہے کہ سائل کسی صدر خان کو BPS-06 ڈائری کی پوسٹ پر SDEO آفس (میل) میں بحال (Maintain) رکھنے کا حکم صادر فرمایا جائے اور سائل کو انصاف فراہم کرتے ہوئے مذکورہ آرڈر نمبر 1673-1711 مورخہ 14.04.2021 جاری کردہ ڈسٹرکٹ ایجوکیشن آفس (میل) اپر کوہستان کو منسوخ فرمایا جائے اور سائل کو اپنے فرائض منصبی سرانجام دینے کے لیے SDEO آفس (میل) BPS-06 ڈائری کی پوسٹ پر بحال رکھا جائے۔

المرقوم 22.04.2021

صدر خان ولد آفرین خان (ڈرائیور SDEO آفس (میل) تحصیل داسو

ضلع کوہستان..... خاں

موبائل نمبر 0341-6403213

Attested  
[Signature]  
24/1/22

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بخدمت جناب ڈائریکٹر صاحب ایلیمینٹری اور سیکنڈری ایجوکیشن پشاور

محکمہ اہل بر خلاف آرڈر نمبر 1711-1673 مورخہ 14.04.2021 جاری

کردہ ڈسٹرکٹ ایجوکیشن آفس (میل) اپرکوہستان

جناب عالی! موجبات اپیل ذیل پیش ہیں۔

۱۔ یہ کہ سائل محکمہ ایجوکیشن میں مورخہ 08.08.2019 کو سائل کی

Appiontment بذریعہ آرڈر نمبری 24-4117 ڈرائیور کی پوسٹ

BPS-06 پر SDEO آفس میں بطور Deceased son

Quota ہوئی ہے اور مورخہ 08.08.2019 سے سائل بطور ڈرائیور کی

پوسٹ پر اپنی فرائض منصبی سرانجام دے رہا ہے۔ (نقل آرڈر لف ہے)۔

۲۔ یہ کہ سائل مسی صدر خان ولد آفرین خان کو مورخہ 24.12.2019 کو غیر

قانونی طور پر SDEO آفس (میل) سے ٹرانسفر کر کے GPS سٹیو

BPS-03 چوکیدار کی پوسٹ پر تعینات کیا گیا تھا۔ جو کہ سائل اس غیر

قانونی فعل کا بااثر ہے۔ ہند نہ ہے اور سائل کو سیاسی مداخلت کی وجہ سے تنگ و

پریشان کرنا، اور BPS 06 ڈرائیور کی پوسٹ سے سیاسی بنیاد پر ہٹانا، اور

سیاسی مداخلت سے کسی دوسرے شخص کو بھرتی کرنا سائل کے ساتھ انتہائی

ناانصافی ہے۔ حالانکہ سائل نے مورخہ 08.08.2019 سے لیکر مورخہ

14.04.2021 تک پابندی کے ساتھ اپنی فرائض منصبی بخوبی سرانجام

دیئے ہیں۔ (نقل آرڈر لف ہے)۔

۳۔ یہ کہ اب سائل کو GPS سٹیو سے دوبارہ آرڈر نمبری 1711-1673 کے

Attested  
(Signature)

24/1/22

P-20

مورخہ 14.04.2021 کے سائل کو GHS سیو تعینات کیا گیا ہے اور سائل نے ایک درخواست Concern اتھارٹی یعنی DEO صاحب کو گزاری کہ سائل کو BPS-06 ڈرائیور کی پوسٹ پر Maintaine رکھا جائے لیکن DEO آفس سے کوئی جواب موصول نہیں ہوا جس سے سائل کو نقصان عظیم ہو رہا ہے۔ (نقل آرڈر لف ہے)۔

۴۔ یہ کہ سائل کو BPS-06 ڈرائیور کی پوسٹ سے ہٹا کر BPS-03 پر بطور چوکیدار تعینات کرنا سائل کے ساتھ انتہائی نا انصافی اور ظلم ہے جو کہ سائل ریگولر اور خوش اسلوبی سے اپنے فرائض سرانجام دے رہا ہے سائل کو BPS-06 سے ہٹانا غیر قانونی اور نا انصافی ہے۔

۵۔ یہ کہ سائل کو SDEO آفس (میل) سے DEO آفس (میل) میں بے شک تعینات کیا جائے لیکن سائل کے Designation تبدیل کرنا، نا انصافی اور غیر قانونی فعل ہے جس کا سائل بالکل بھی پابند نہ ہے۔

۶۔ یہ کہ سائل مورخہ 08.08.2019 سے اب تک تنخواہ SDEO آفس (میل) سے وصول کر رہا ہے اور اپنی فرائض منصبی بھی وہاں پر ہی انجام دے رہا ہے، اور محکمہ ایجوکیشن سیاسی مداخلت کی وجہ سے سائل کو BPS-06 ڈرائیور کی پوسٹ سے ہٹا کر کسی دوسرے شخص کو سائل کی جگہ تعینات کرنا حد درجے کا ظلم و بدینتی، نا انصافی ہے۔

۷۔ یہ کہ سائل نے مورخہ 30.01.2021 کو ایک درخواست DEO آفس (میل) میں گزاری ہے کہ سائل کو BPS-06 ڈرائیور کی پوسٹ پر بحال رکھا جائے لیکن سائل کی اب بھی نہ سنی اور سائل کو BPS-06 ڈرائیور کی پوسٹ سے ہٹا کر BPS-03 چوکیدار کی پوسٹ پر تعینات کیا جو کہ سراسر زیادتی

Attested  
24/1/22



P-21

۸- یہ کہ محکمہ اپنے اس غیر قانونی کام سے باز نہیں آئے اور سائل مسمی صدر خان کو BPS-06 ڈائریوری کی پوسٹ پر بحال نہ رکھا تو سائل کو ناقابل تلافی نقصان عظیم ہوگا۔

لہذا استدعا ہے کہ سائل مسمی صدر خان کو BPS-06 ڈائریوری کی پوسٹ پر SDEO آفس (میل) میں بحال (Maintain) رکھنے کا حکم صادر فرمایا جائے اور سائل کو انصاف فراہم کرتے ہوئے مذکورہ آرڈر نمبر 1673-1711 مورخہ 14.04.2021 جاری کردہ ڈسٹرکٹ ایجوکیشن آفس (میل) اپر کوہستان کو منسوخ فرمایا جائے اور سائل کو اپنے فرائض منصبی سرانجام دینے کے لیے SDEO آفس (میل) BPS-06 ڈائریوری کی پوسٹ پر بحال رکھا جائے۔

المرقوم 22.04.2021

صدر خان ولد آفرین خان (ڈرائیوری SDEO آفس (میل) تحصیل داسو

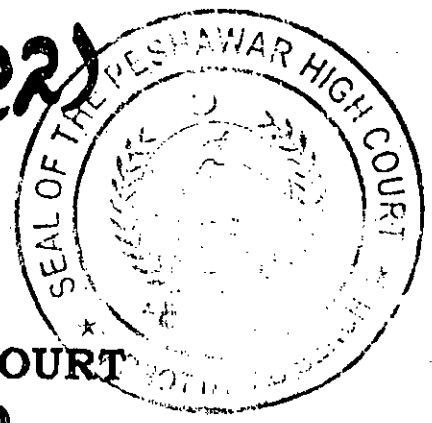
ضلع کوہستان..... خان

سائل نمبر 0341-6403213

Attested  
(Signature)

24/1/22

ANNEXURE  
B  
9622



**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

W.P No 656 of 2021

Saddar Khan, son of Afreen Khan, resident  
of Seo, Tehsil Dassu, District Kohistan  
upper..... **Petitioner**

**VERSUS**

(1) The, Government of Khyber Pakhtunkhwa  
through Secretary Elementary and  
Secondary Education at Peshawar.

The Director, Elementary and Secondary  
Education at Peshawar.

(3) The District Education Officer (Male)  
upper Kohsitan at Dassu.

..... **RESPONDENTS**

WRIT PETITION UNDER ARTICLES 199  
OF CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN 1973, FOR  
DECLARATION TO THE EFFECT THAT  
IMPUGNED ORDER BEARING NO 1673-  
1711 DATED 14.04.2021 ISSUED BY

Certified to be true Copy  
EXAMINER  
29 NOV 2021  
Peshawar High Court Atd. Bench  
Authorized Under Sec: 75 Evid Ordns

No. 3352  
31-05-21  
FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
13/5/21

P. (23)

RESPONDENT NO. 03 IS PATENTLY  
ILLEGAL, UNLAWFUL, WITHOUT LAWFUL  
AUTHORITY, WITHOUT JURISDICTION  
AND OF HAVING NO LEGAL EFFECT TO  
THE EXTENT OF PETITIONER, HENCE,  
LIABLE TO BE SET-ASIDE WHILE  
RESTORING THE ORIGINAL  
APPOINTMENT ORDER OF THE  
PETITIONER BEARING NO. 4117-24  
DATED 08.08.2019.

PRAYER:

IT IS, THEREFORE, MOST RESPECTFULLY  
PRAYED THAT THIS HONOURABLE COURT  
MAY GRACIOUSLY BE PLEASED TO:-

A). Declare the impugned order bearing No. 1673-1711 dated 14.04.2021, to the extent of the petitioner as illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

B). Declare that in the face of appointment order bearing No. 4117-24 dated 08.08.2019 as a "Driver" (BPS-06), the impugned order to the extent of the petitioner making him a "Chowkidar" is not sustainable under the law, hence, liable to be set-aside while restoring the

Certified to be True Copy  
EXAMINER  
29 NOV 2021  
Peshawar High Court Atd. Bench  
Authorized Under Sec: 75 Evid Ordns

FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
MIRANSHAPUR BENCH  
3/1/21

P.L.247

appointment order of the petitioner dated  
**08.08.2019.**

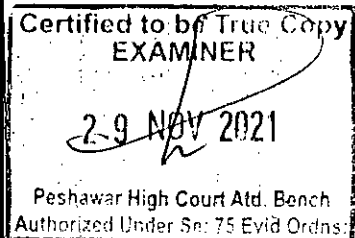
- C). Direct the respondent **No. 03** to allow the petitioner to continue with his duty as a **Driver (BPS-6)** on the strength of a valid appointment order bearing No. **4117-24** dated **08.08.2019**, still in existence.
- D). Issue any other writ or order or direction to respondents and pass such other orders and further orders as may be deemed necessary on the facts and in circumstances of the case.

**Respectfully shewith!**

- 1). That, petitioner was appointed in a prescribed manner by respondent **No. 03** after observing all the legal formalities against the post of **Driver (BPS-06)** at the office of **SDEO(Male)** Kohistan at Dassu on deceased son quota under **Rule 10 sub rule (4) of the KPK civil servant (Appointment, Promotion and Transfer) Rules, 1989** vide appointment order No. **4117-24** dated **08.08.2019.**

(Copy of appointment order dated  
**08.08.2019** annexed as Annexure  
A).

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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH



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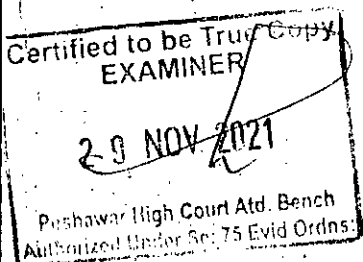
- 2.) That, after having served more than **04 months** at the office of **SDEO** (Male) upper Kohistan at Dasso, petitioner was transferred and posted at the office of respondent No. **03** vide order No. **8582-86** dated **24.12.2019** as a driver (**BPS-06**).

(Copy of transfer order dated **24.12.2019** annexed as annexure "B").

- 3.) That, after about one month of assuming charge at the office of respondent No. **03**, petitioner was orally directed by respondent No. **03** to serve as "**Chowkidar**" at GPS Seo, to which petitioner protested. Considering the oral direction as illegal, petitioner opted not to take over the charge at GPS Seo against the post of **Chowkidar**, instead of **Driver** (BPS-06).

- 4.) That, due to non-assumption of the charge, petitioner was served with a show cause notice dated **15.01.2021**, which was replied by the petitioner vide reply dated **20.01.2021**, thereafter, the matter was filed by the Department.

(copies of showcase notice and reply are annexed as annexure "C").



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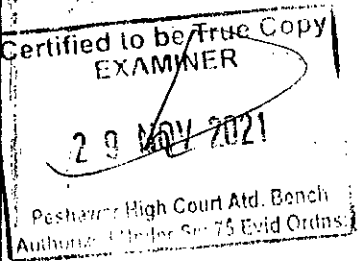
- 5). That, respondent **No. 03** with mala-fide intention, without jurisdiction and lawful authority adjusted the petitioner as **Chowkidar** at **GHS Seo**, through impugned order dated **14.04.2021** by reappointing him to the post of **Chowkidar** from **Driver (BPS-06)** without even withdrawing the initial appointment of the petitioner dated **08.08.2019**.

(Copy of impugned order dated **14.04.2021** is annexed as annexure "D").

- 6). That, petitioner filed an appeals dated **22.04.2021** with respondents **No. 02 and 03** against the impugned order, still un-responded.

(copies of appeal dated **22.04.2021** are annexed as annexure "E").

- 7). That, felling aggrieved from impugned order dated **14.04.2021**, petitioner, having no other remedy except to file the present writ petition before this Honourble court, inter alia on the following amongst other grounds.

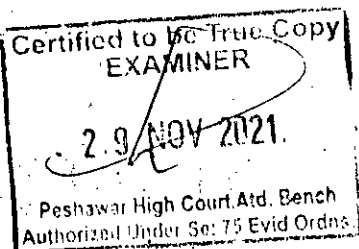


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PESHAWAR HIGH COURT  
CAMBO/TABAD BENCH  
23/5/21

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**GROUNDS:**

- A). That, the impugned order bearing No. **1673-1711** dated **14.04.2021**, is patently illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect to the extent of the petitioner, hence, liable to be set-aside by restoring the initial appointment order bearing No. **4117-24** dated **08.08.2019**.
- B). That, appointment order dated **08.08.2019** is still in the field, respondent **No. 03** had no lawful authority to revert the position of the petitioner from **Driver (BPS-06)** to **Chowkidar (BPS-03)**, without any legal justification and lawful authority.
- C). That, before issuing the impugned order, petitioner was never heard, nor ever conveyed the reasons of taking the impugned unilateral action, nor there was hardly any justification with respondent **No. 03** to do so.



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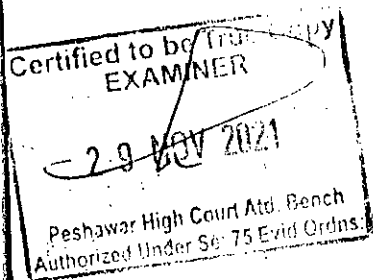
PLR(28)

D). That, from whatever angle the impugned order is analyzed, it is suffering from legal infirmities and lawful authority, hence, liable to be struck down by this Hon'able court while exercising the power of Judicial review.

### PRAYER

**IT IS, THEREFORE,** most respectfully prayed that this Honourable court may graciously be pleased to:-

- A). Declare the impugned order bearing No. **1673-1711** dated **14.04.2021**, to the extent of the petitioner as illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.
- B). Declare that in the face of appointment order bearing No. **4117-24** dated **08.08.2019** as a "Driver" (BPS-06), the impugned order to the extent of the petitioner making him a "Chowkidar" is not sustainable under the law, hence, liable to be set-aside while restoring the appointment order of the petitioner dated **08.08.2019**.



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- C). Direct the respondent **No. 03** to allow the petitioner to continue with his duty as a **Driver (BPS-6)** on the strength of a valid appointment order bearing No. **4117-24** dated **08.08.2019**, still in existence.
- D). Issue any other writ or order or direction to respondents and pass such other orders and further orders as may be deemed necessary on the facts and in circumstances of the case.

**INTERIM RELIEF:**

It is further very humbly prayed that in the meanwhile, the operation of the impugned order dated **14.04.2021** may kindly be suspended to the extent of the petitioner.

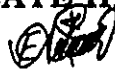
**Dated: 29.05.2021**

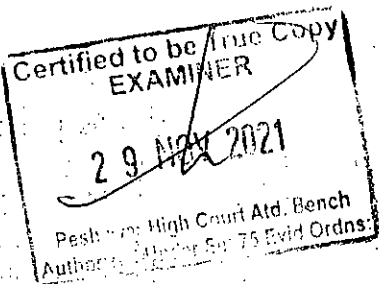
**SADDAR KHAN**


.....Petitioner 

Through

**FAZAL KHAN**  
**ADVOCATE HIGH COURT**



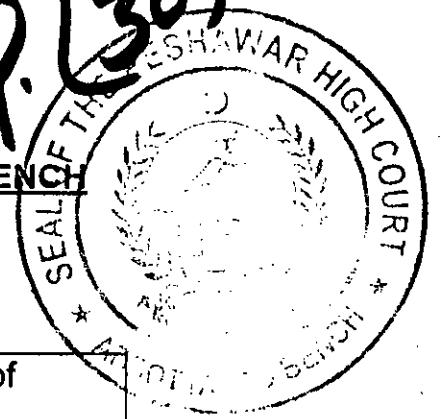


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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  


ANNEXURE  
6/7?

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH



FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
24.11.2021	<p><u>W.P. No.656-A/2021.</u></p> <p><u>Present:-</u> Ms. Raheela Mughal, Advocate for the petitioner.</p> <p>***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.-</u> Through this constitutional petition, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner Saddar Khan son of Afreen Khan has sought the following relief:-</p> <p>"It is, therefore, most respectfully prayed that this Honourable Court may graciously be pleased to:-</p> <p>A) Declare the impugned order No.1673-1711 dated 14.4.2021, to the extent of petition as illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.</p> <p>B) Declare that in the face of appointment order bearing No.4117-24 dated 08.08.2019 as a Driver (BPS-6) the impugned order to the extent of the petitioner making him a chowkidar is not sustainable under the law, hence, liable to be set-aside while restoring the appointment order of the petitioner dated 08.08.2019.</p> <p>C) Direct the respondent No.3 to allow the petitioner to continue with his duty as a driver (BSP-6) on the strength of a valid appointment order bearing No.4117-24 dated 08.08.2019</p>

Certified to be True Copy  
EXAMINER  
29 NOV 2021  
Peshawar High Court Attd. Bench  
Authorized Under Sec 75 Evid Ordns.

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P. (31)

still in existence.

D) Issue any other writ or order or direction to respondents and pass such other orders and further orders as may be deemed necessary on the facts and in circumstances of the case".

2. At the very outset, learned counsel for the petitioner stated at the bar that she will not press the instant petition provided the same is treated as departmental representation and be sent to the respondent No.2 for adjudication within shortest possible time.

3. In view of the above, the instant petition is treated as departmental representation and sent to the respondent No.2 for adjudication in accordance with law within a period of one month from the date of receipt of this order.

4. The writ petition is disposed of in the above terms.

 JUDGE

 JUDGE

Certified to be  
EXAMINED BY  
29 NOV 2021  
Peshawar High Court Atd. Bench  
Authorized Under Sec 75 Evid Ordns.

DBAM No. \_\_\_\_\_

548

BC No. \_\_\_\_\_

1 5 - 6 1 9 9

Name of Advocate \_\_\_\_\_

عضل حق عدالت

S.No \_\_\_\_\_

9875

Fee Rs. 100/-



2020-21

General Secretary  
District Bar Association  
Manshra

وکالت نامہ

بعدالت: جناب سروس Tribunal خیر سرفروہ کٹنور  
عنوان: مرطان بنام: Govt of KPK  
منجانب: Appellants نوعیت مقدمہ: سروس ایپل

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام ..... کے لئے

حفظ الحق ایڈووکیٹ ہائی کورٹ

کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر 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 پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر 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 ایپل 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 کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دائی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا بصورت ایپل و برآمدگی مقدمہ یا منسوخی ڈگری یا طر فہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف کو کر بشرط ادائیگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدورال مقدمہ یا ایپل و نگرانی کسی دوسرے وکیل یا ایئر سٹر 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 پیروی 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/انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

موزنہ 24 جون 2022

Attested  
ACCEPTED  
[Signature]

مرطان ولد بی بی آفرین لہجہ کھٹنور ایچ ایم  
صدر مرطان