

21.09.2022

Appellant present through counsel.

Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Where-after, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 17.10.2022 before S.B at Camp Court, Abbottabad.

Annexed with the memorandum of appeal, is an application for interim relief. Notice of this application be issued to the respondents. In the meanwhile, operation of impugned Notification dated 31.01.2022 shall remain suspended to the extent of appellant, if not acted upon earlier.



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

NS 100  
Appellant Deposited  
Security & Process Fee  
27/9

14.06.2022

Appellant in person present.

Lawyers are on general strike, therefore, case is adjourned to 20.07.2022 for preliminary hearing before S.B at Camp Court, Abbottabad.



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

20.07.2022

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is indisposed. Adjourned. To come up for preliminary hearing on 21.09.2022 before the S.B at Camp Court Abbottabad.



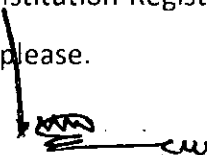


(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

D

Form-A  
FORM OF ORDER SHEET

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

Case No. 568/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/04/2022	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court A.Abad Bench and the Hon'ble High Court vide its order dated 05.04.2022 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at A.Abad for preliminary hearing to be put up there on <u>20-5-2022</u>. Notices shall be issued to appellants and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	12/5/22	<p>19.05.2022</p> <p>None for the appellant present.</p> <p>Notices be issued to the appellant as well as his counsel. To come up for preliminary hearing before S.B on 14.06.2022 at camp court Abbottabad.</p> <p style="text-align: right;"> (Kalim Arshad Khan) Chairman Camp Court Abbottabad</p>

**IN THE PESHAWAR HIGH COURT,  
PESHAWAR  
OPENING SHEET FOR CM**

Case No. _____
Date of Filing: _____
District: <u>Abbottabad</u>

Case Type: CM APPLICATION

Nature of Original Proceedings: WP

Category Code: 

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 -

(Categories & Sub Categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of: \_\_\_\_\_

Writ of: 

Habeas Corpus	Prohibition	<input checked="" type="checkbox"/> Mandamus	Quo Warranto	Certiorari
---------------	-------------	--	--------------	------------

If Certiorari;

Forum	Date	Interlocutory / Final Order
Appellate Court		
Trial Court		

Caste Pertains to

SB

DB

Petitioner Name	SAID UMER KHAN
Mobile No.	
Address	H.no. 24, Street no.5, Bilal Town, Tehsil & District Abbottabad
CNIC No.	
Email Address	

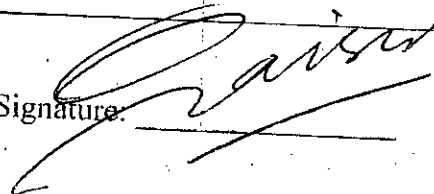
Counsel for Petitioner(s)	Qaiser Rehman Khan Advocates High Court, Abbottabad
Mobile No.	0313-5837689
Address	District Court, Abbottabad.
CNIC No.	13101-0871986-4
Email Address	qaiserkhan7@gmail.com

Respondent(s)	Govt of KPK, Peshawar and others
Address	As given in Writ Petition

Original Order/ Action/ Inaction Complained of;	PHC Abbottabad interim order dated 15-02-2022
---	---

Prayer;	<i>Mentioned in the CM Application.</i>
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Law/Rules/Governing the original proceedings/action/Inaction:	<ol style="list-style-type: none"> <li>The Constitution of Islamic Republic of Pakistan, 1973.</li> <li>AND other relevant laws</li> </ol>
---	--

Signature: 

**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

CM No. 167 /2022  
In  
W.P.No. 201-A/2022

Abdul Shakoor

...PETITIONER

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary  
Elementary and Secondary Education Department, Secretariat  
Peshawar and Others

...RESPONDENTS

**CM APPLICATION IN WRIT PETITION**

**INDEX**

S.No.	Description of Documents	Annexure	Page No.
1.	CM Application along with Affidavit	-	1-3
2.	Copy of PHC interim order dated 15-02-2022	A	4
3.	Copies of miscellaneous documents	B	5-10
3.	Wakalat nama	-	11-12

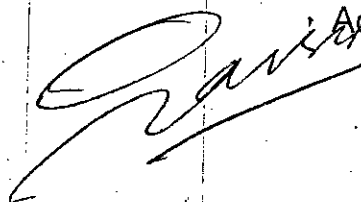
...PETITIONER

Through:

**(QASIER REHMAN KHAN)**

Advocate High Court  
Abbottabad

Dated: 22-02-2022



- 1 -

**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

CM No. 167 /2022

In

W.P.No. 201-A/2022

Abdul Shakoor

...PETITIONER

**V E R S U S**

Government of Khyber Pakhtunkhwa through Secretary  
Elementary and Secondary Education Department, Secretariat  
Peshawar and Others

...RESPONDENTS

---

**CIVIL MISCELLENEOUS APPLICATION TO IMPLEAD MR  
SAID UMER KHAN SON OF MUHAMMAD GHANI, RESIDENT  
OF H.NO. 24, STREET NO.5, BILAL TOWN, TEHSIL &  
DISTRICT ABBOTTABAD, AS ONE OF THE RESPONDENTS  
IN THE ABOVE TITLED WRIT PETITION**

---

Respectfully Sheweth;

1. That the instant writ petition is pending before this Hon'able Court and fixed for hearing on 23-02-2022.
2. That in instant writ petition the interim order passed by this Hon'able Court dated 15-02-2022 suspending the impugned notification (transfer order) dated 31-01-2022 which directly affects the applicant. **(Copy of the order sheet is attached as Annexure "A")**

**BEFORE THE PESHAWAR HIGH COURT  
BENCH ABBOTTABAD**

CM No. 167 /2022

In

W.P.No. 201-A/2022

Abdul Shakoor

...PETITIONER

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary  
Elementary and Secondary Education Department, Secretariat  
Peshawar and Others

...RESPONDENTS

**CM APPLICATION IN WRIT PETITION**

**AFFIDAVIT**

I, Said Umer Khan son of Muhammad Ghani, resident of  
H.no. 24, Street no.5, Bilal Town, Tehsil & District Abbottabad, do  
hereby solemnly affirm and declare on oath that the contents of  
instant application are true and correct to the best of my knowledge  
and belief and nothing has been concealed intentionally therein.

Dated: 22-02-2022

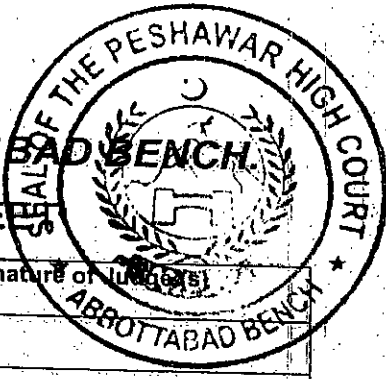
  
DEPONENT

(4)

Annexure - A

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

**FORM OF ORDER SHEET**



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s)
1	2
15.02.2022	<p><u>W.P.No.201-A/2022.</u></p> <p>Present: Mr. Waqar Orakzai, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p>Comments be called from the respondents No.2 and 3, so as to reach this court within a week.</p> <p>Adjourned to 23.02.2022.</p> <p><b><u>INTERIM RELIEF.</u></b></p> <p>Notice for 23.02.2022. As the Service Tribunal is not functional, therefore, the impugned transfer order of the petitioner shall remain suspended till the date fixed.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;">JUDGE</p>

Certified to be True Copy  
**EXAMINER**  
 19 FEB 2022  
 Peshawar High Court Atd. Bench  
 Authorized Under Sec: 73 Evid Ordns

Attab PS.

Hon'ble Mr. Justice Mohammad Ibrahim Khan  
Hon'ble Mr. Justice Shekeel Ahmed



5

Amesure B

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.

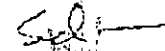
OFFICE ORDER.

The adjustment of following SSTs is hereby ordered on their own pay and BPS as recorded against each in the interest of public service with immediate effect.

S.No.	Name & Designation.	From.	To	Remarks.
1.	Mr. Abdul Shakoor SST (G)	GMS Banseri under transfer to GMS Banda Dilazak ATD.	GHS Jhangi Abbottabad.	On Stop-gap arrangement till further order.
2	Mr. Said Umer SST (G)	GHS Tarnawai Abbottabad.	GMS Banda Dilazak Abbottabad	Vice S.No. 1

Note:-

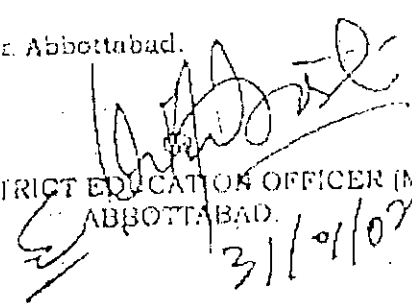
1. Charge report should be submitted to all concerned.
2. No TA/DA & T/G is allowed.
3. S.No.2 will look over charge on 21-02-2022 (A.N)

  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

Endst No. 830-38 / EB-1/SSTs Dated Abbottabad the 31-01/2022.

Copy for information to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts Abbottabad.
3. District Monitoring Officer (EMA) Abbottabad.
4. Principal GHS Tarnawai Abbottabad.
5. Budget & Accounts Officer Local Office.
6. Head Master GMS Banseri & GMS Banote, Abbottabad.
7. AP EMIS branch local office.
8. Teachers concerned.

  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.  
31/01/2022

6

**DIRECTORATE OF ELEMENTARY AND SECNDARY EDUCATION KHYBER  
PAKHTUNKHWA, PESHAWAR.**

**OFFICE ORDER**

Said Umar Khan SST (General) GHS, Kotka Ayaz District Bannu is hereby transferred and posted against the vacant of post of SST (General) GHS, Tornawal District Abbottabad in his own pay & BPS in the interest of public service with immediate effect.

- Note:-
1. No TA/DA etc are allowed.
  2. Charge report should be sent to all concerned.

4832-38

**DIRECTOR**

Endst: No. \_\_\_\_\_ / No. 07/Vol-04/SST (M) Transfers Dated Peshawar the 20/8/2018

Copy of the above is forwarded to the:-

1. District Education Officer (M) Bannu & Abbottabad.
2. District Accounts Bannu & Abbottabad.
3. Principal concerned.
4. Official concerned.
5. PA to Director (E&SE) Local Directorate.
6. Master File.

*[Signature]*  
 Deputy Director (Estab)  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa Peshawar

*[Signature]*  
20/8/2018



7

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar  
Phone No. 011-9223513

No. SO(SM)E&SED/7-1/2021/PT/General  
Dated Peshawar the January 03, 2022

To

1. The Director,  
Elementary & Secondary Education, Khyber Pakhtunkhwa,  
Peshawar.
2. All District Education Officers (Male & Female),  
Khyber Pakhtunkhwa.

**SUBJECT: INSTRUCTIONS REGARDING POSTING/TRANSFER.**

I am directed to refer to this Department letter No. SO(SF)E&SED/4-16/2021 /Rationalization Policy dated 09-09-2021 and to convey the direction of the Competent Authority regarding relaxation of ban on posting/transfer of teachers/officials (mutual/rationalization/general) subject to teacher-student ratio and fulfilment of all codal formalities in accordance to rules/policy/instructions issued by the Govt./Department from time to time.

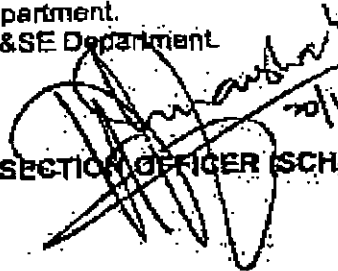
2. I am, further directed to state that the posting/transfer of contract employees shall not carried out in any case, please.

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

**Endst: Even No. & Date:**

Copy of the above is forwarded to:-

1. All Section Officers in E&SE Department.
2. PS to Minister for E&SE Khyber Pakhtunkhwa.
3. PS to Secretary, E&SE Department.
4. PS to Special Secretary E&SE Department.
5. PA to Deputy Secretary (Admn) E&SE Department.

  
SECTION OFFICER (SCHOOLS MALE)



(8)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
Block-"A" Opposite NPA's Hostel, Civil Secretariat Peshawar  
Peshawar, Khyber Pakhtunkhwa

No. SO(SM)E&SED/7-1/2022/PT/General  
Dated Peshawar the January 04<sup>th</sup>, 2022

To

1. Director,  
Elementary & Secondary Education, Khyber Pakhtunkhwa
2. All District Education Officers (Male & Female),  
Khyber Pakhtunkhwa.

Subject: **INSTRUCTION REGARDING POSTING/TRANSFERS.**

I am directed to refer this Department's letter of even number dated 03-01-2022 and to convey the directions of the Competent Authority as per following -

- i. Posting / transfer order / notifications shall be issued up to 31-01-2022 and there will be a complete ban on any kind of posting/transfers after the cut of date.
  - ii. Grievance Redressal applications against any posting / transfer will be submitted online through Web Portal of E&SE Department, Khyber Pakhtunkhwa and Director EMIS will share the appeal with the concerned DEOs on weekly basis, preferably on Monday of every week.
  - iii. All posting/transfer orders/notifications will be uploaded on HRMIS and report be shared with the Director EMIS of E&SE Department on weekly basis.
  - iv. No teacher / official will visit the department as well as Directorate of E&SE for any grievance. If found, he/she will be proceeded against under Govt. Servants (E&D) Rules, 2011
- 2- The above instructions shall strictly be followed.

  
(HAFAEEZ UR REHMAN SHAH)  
SECTION OFFICER (S/M)

**End of even No. & Date**

CC to the: -

1. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
2. Director EMIS E&SE Department for coordination and similar necessary action.
3. All Section Officers E&SE Department, Khyber Pakhtunkhwa.
4. PAs to Special Secretary (Estab), Addl. Secretary (Estab) and Deputy Secretary (Estab) E&SE Department, Khyber Pakhtunkhwa.

  
SECTION OFFICER (S/M)



No.F.6 (14)/2022-LGE (PEC)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PAKHTUNKHWA

Special Messenger  
TOP PRIORITY/LGE-2022  
Phone# 091-9222540  
091-9222548  
kpwingspk@gmail.com

The Secretary,  
Elementary & Secondary Education Department,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

Shami Road Peshawar  
February 11, 2022

Subject - BAN ON POSTING/TRANSFER.

Dear Sir,

I am directed to refer to your office Notification No. SO(MC)E&SED/4-18/2021/Posting/Transfer/TC, dated the 10<sup>th</sup> February, 2022 whereby your office has transferred DEOs (Female) Shangla & Abbottabad and it may be recalled that revised Election Schedule has been issued in these Districts vide Election Commission of Pakistan, Islamabad Notification No.F.16(1)/2021-LGE-KP(Vol-I), dated the 09<sup>th</sup> February, 2022.

2. I am further directed to state that the Election Commission of Pakistan vide above referred Notification has directed that "Districts in respect of which election schedule of local government elections has been issued, no transfers / postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results".

3. I am further directed to request that the above mentioned Notification of your good office may kindly be rescinded or held in abeyance under intimation to this office in the larger national interest till the culmination of election process/publication of official result of the election, please.

  
11-02-2022  
(MUHAMMAD NASIR KHAN)  
Deputy Director (LGE)

- Copy forwarded for information to:-
1. The Regional Election Commissioners, Malakand & Hazara.
  2. The District Election Commissioners, Shangla & Abbottabad.

(MUHAMMAD NASIR KHAN)  
Deputy Director (LGE)



No F.6 (14)/2022-LGE (PEC)  
OFFICE OF THE  
PROVINCIAL ELECTION COMMISSIONER  
KHYBER PAKHTUNKHWA

Special Messenger  
TOP PRIORITY/LGE-2022  
Phone# 091-9222540  
091-9222549  
lgewinpk@gmail.com

To: Secretary,  
Government of Khyber Pakhtunkhwa  
Communication & Works Department  
Peshawar

Shami Road Peshawar  
February 12, 2022

Subject: **BAN ON POSTING/TRANSFER.**

Dear Sir

I am directed to refer to your office Notification No. SO.C&WD.3-1/2022 dated the 11<sup>th</sup> February, 2022 whereby your office has transferred some officers in those Districts where revised Election Schedule has been issued vide Election Commission of Pakistan, Islamabad Notification No F 16/1/2021-LGE-KP(Vol-I) dated the 09<sup>th</sup> February 2022, wherein Election Commission of Pakistan vide above referred Notification has directed that "Districts in respect of which election schedule of local government elections has been issued, no transfers / postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results".

2 I am further directed to request that the above mentioned Notification of your good office may kindly be rescinded or held in abeyance under intimation to this office in the larger national interest till the culmination of election process/publication of official result of the election please

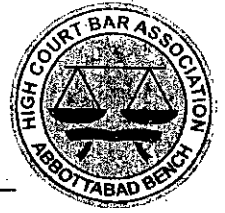
Encl:- As above.

*MASIR*  
12-02-022  
(MUHAMMAD NASIR KHAN)  
Deputy Director (LGE)

- Copy forwarded for information to -
1. SO to Secretary, Election Commission of Pakistan, Islamabad
  2. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar

(MUHAMMAD NASIR KHAN)  
Deputy Director (LGE)

HCBA Reg No. 648-11  
 EC No. 14-5098  
 Place of Practice Abbottabad  
 Name of Advocate کریسٹین رحمان خان

S. No. 24041

## وکالت نامہ

بعدالت: کریسٹین رحمان خان  
 عنوان: محمد رفیق  
 منجانب: Applicant/Respondent  
 نوعیت مقدمہ: Wait Petition  
 باعث تحریر آنکے: میں نے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی پیشی یا تفسیر مقدمہ بمقام اسٹریٹس کے لیے

کریسٹین رحمان خان ایڈووکیٹ عالی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص زور و عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ پکھری کے علاوہ کسی سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل ساختہ پرواختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبالی دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ جمانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2022-10-22

دن مہینہ سال

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

QAISER REHMAN KHAN  
ADVOCATE HIGH COURT  
ABBOTTABAD

**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
**OPENING SHEET FOR WRIT BRANCH**

Case No. \_\_\_\_\_  
Date of Filing: \_\_\_\_\_  
District: Abbottabad

Case Type: **WRIT PETITION**

Category Code:      -

Nature of Original Proceedings:

(Categories & Sub Categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of

Writ of;  Habeas Corpus  Prohibition  Mandamus  **Quo Warranto**  Certiorari

If Certiorari;

Forum	Date	Interlocutory / Final Order	Caste Pertains to
Appellate Court	16-06-2021	Final	<input checked="" type="checkbox"/> SB <input checked="" type="checkbox"/> DB

<b>Petitioner Name</b>	Abdul Shakoor S/o Malik Aman,
<b>Mobile No.</b>	
<b>Address</b>	R/o Near Ayub Medical College Mohalla Usmanabad Abbottabad.
<b>CNIC No.</b>	
<b>Email Address</b>	

<b>Counsel for Petitioner(s)</b>	(WAQAR ORAKZAI) Advocate High Court, Abbottabad
<b>Mobile No.</b>	0333-5050245
<b>Address</b>	District Courts Abbottabad
<b>CNIC No.</b>	13101-3298141-7
<b>Email Address</b>	

<b>Respondent(s)</b>	The State and others
<b>Address</b>	Nil

**Original Order/ Action/ Inaction Complained of;**

**Prayer;**  
*Mentioned in main petition*

**Law/Rules/Governing the original proceedings/action/Inaction:**  
1. The Constitution of Islamic Republic of Pakistan, 1973.  
2. AND other relevant laws

Signature: 



**BEFORE THE HONOURABLE PESHAWAR  
HIGH COURT, ABBOTTABAD BENCH**

Writ Petition No. 201 /2022

Abdul Shakoor

**.....PETITIONER**

**V E R S U S**

*Govt of KPK through its Secretary Elementary and Secondary Education  
Department , Secretariat Peshawar and others*

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

**WRIT PETITION  
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**...PETITIONER**

Dated: 10/2 /2022

Through

  
**(WAQAR ORAKZAI)**

(Advocate High Court, Abbottabad)

(1)

**BEFORE THE HONOURABLE**  
**PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Writ Petition No. 201 /2022

Abdul Shakoor S/o Malik Aman, R/o Near Ayub Medical  
College Mohalla Usmanabad Abbottabad.

.....**PETITIONER**

**V E R S U S**

1. **Government of KPK** through its Secretary Elementary and Secondary Education Department , Secretariat Peshawar.
2. **Director**, Elementary & Secondary Education Department Peshawar .
3. **District Education Officer Male** District Abbottabad.

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

4. **Muhammad Sabir** , SST

**PROFORMA RESPONDENT**

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**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN, 1973**

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*It is most respectfully submitted:*

**FACTS**

1. That the addresses of the parties, as provided in the heading of the instant constitutional petition, are

(2)

sufficient for any communication to be done by the honorable Court.

2. That the petitioner is currently serving as a SST in Elementary & Secondary Education Department KPK. That the petitioner is working for last 19 years and was previously posted as Headmaster at GMS Banseri .
3. That, the petitioner is performing his duties with due diligence to the entire satisfaction of students as well as of the administration of the respondent's department . That the petitioner was inducted as a TT and due to his performances he got promoted to SST.
4. That the petitioner assumed the charge as Head Master GMS Kothiala on 15-02-2020 which is considered as a Hard area by the respondent department being located in a hilly area. That the petitioner served there for 7 months before he was transferred to GMS Banseri. *Copy of Salary Slip is attached as Annexure A.*
5. That the petitioner, remained at GMS Banseri as Head Master which is also located in a hilly area before he was transferred to GMS Banda Dilazak vide notification Dated 19-01-2021 holding Estb No: 507-13/EB-

I/SSTs/F.No. 108 . That the petitioner through the said advance transfer was directed to take charge on 21-02-2022 once the sanctioned post gets vacant on the retirement of Mr Muhammad Mehboob SST (G) on 21-02-2022. *Copy of Transfer Notification Dated 19-01-2022 is attached as Annexure B.*

6. That afterwards the election commission of Pakistan vide notification dated 20-01-2022 directed all the Government departments, organizations Autonomous insitutions etc to halt postings and transfers of Government officers and officials and directed that no transfer/posting shall be made without the prior approval of the election commission. *Copy of relevant portion of notification of ECP dated 20-01-2022 is attached as Annexure C.*

7. That respondent no.3 issued two different notification on 31-01-2022 in which the petitioner was firstly transferred to GMS Jhangi on stop gap arrangement basis against a non sanctioned position vide notification number 830-36/EB-I/SSTs and again vide same notification Number he was again transferred to GMS Banda Pir Khan from GMS Banseri and that too on stop gap arrangement against a non sanctioned post. *Copies of impugned*

(4)

*notifications dated 31-01-2022 are attached as Annexure D-1, D-2.*

8. That feeling aggrieved, the appellant filed departmental appeal to respondent no 2 on 1-02-2022 which is yet to be replied by respondent no.1. *Copy of Departmental Representation is attached as Annexure E* Therefore, the instant Writ Petition is filed inter alia on the following grounds:

**GROUND**

- A. That it is settled law that in the absence of legislation, the tenure of the petitioner cannot be curtailed in the exercise of administrative powers, which in the instant case was done through an illegal impugned notification; a manifest display of arbitrary exercise of power. Reliance is placed on **Badhshah Gulwazir v Government of KPK reported as 2015 SCMR 43.**
- B. That even though the transfer and posting are policy decision of the government and in the policy decision the government is the best judge and it is not for the court to sit in policy matter unless it appears to be arbitrary or abuse of process of law. The in instant case, where the transfer of the petitioner took place thrice in less than two weeks is a textbook

example of an arbitrary exercise of power. In this regard reliance is placed on the case of Peer Muhammad v. Government of Balochistan 2007 SCMR 54.

C. That the superior Courts have held that frequent postings and transfer impede the smooth functioning of the government and undermine the independence of the state officials or public servants. Reliance is placed on Abdul Nabi Sasol v Government of Balochistan reported as 2020 PLC (CS) 759.

D. That the august Supreme Court in the case of "Mahmood Akhtar Naqvi v. Federation of Pakistan" (PLD 2013 SC 195), commonly known as Ms. Anita Turab's case, held as under:

"(i) Appointments, Removals and Promotions: Appointments, removals and promotions must be competent made in accordance with the law and the rules made thereunder; where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

(ii) Tenure, posting and transfer: When the ordinary tenure for a posting has been specified in the law or rules made thereunder, such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable”

**The impugned notification is a patent derogation from the principles enunciated in the Anita Turab Case**

E. That the superior Courts have held that notification of postings/transfers without due process of deliberations is the root cause of poor governance and the instant notification amplifies poor governance and whimsical display of discretion. Reliance is placed on **Munir Ahmed Khan Kakkar v Province of Baluchistan reported PLD 2020 Baluchistan 58.**

F. That in the Hajj Corruption Case, the august Supreme Court reiterated its earlier ruling in **Zahid Akhtar v. Government of Punjab (PLD 1995 SC 530)**, where it had been held that "the normal period of posting of a Government servant at a station, according to Rule 21 of the Rules of Business is three years, which has to be followed in the ordinary circumstances, unless for reasons or exigencies of service a

transfer before expiry of the said period becomes necessary in the opinion of the competent authority." In the instant case, there is no speaking order that justifies the principles laid down by the august Supreme Court.

- G. That the impugned order passed by the authorized officer lacks application of mind and derogates from the settled principles developed by the superior Courts under section 24A of the General Clauses Act, 1897.
- H. That the impugned notifications passed by respondent No.1 are based on malafide hence are liable to be set aside.
- I. That as per the EstaCode the tenure of posting/transfer is three years for the settled areas and two years for the hard areas. The instant impugned notification is a clear violation of the posting/transfer policy of the Government of KPK..
- J. That the transfer and posting of the petitioner after the ban of Election Commission of Pakistan is illegal unlawful against the rules and directions of Elections Commission of Pakistan as the directions of ECP are to ensure the process of electioneering to be done in accordance to the law . That it develops a suspicion that abrupt and hasty transfer of the petitioner and bringing someone else instead, is politically



motivated and done in order to influence the upcoming local body elections. Hence , raising doubts on the fairness and freeness of the elections.

**K.** That it is an inalienable right of the petitioner to enjoy equal protection of law and to be treated in accordance with law per the mandate of Article 4 of the Constitution. The expression "law" has been liberally interpreted by the superior Courts and includes that Government Departments to comply with the requirements of law while making transfer/posting orders.

**L.** That the superior Courts have consistently held that Article 9 of the Constitution has a wide import. It simply does not cater to the life on vegetative stage, but in fact, it includes, all the amenities, essentials, things and means necessary to live a fuller and a healthy life. A gainful employment as well as posting on the tenured post is legitimately attracted within the purview of Article 9 of the Constitution.

**M.** That it is the fundamental right of the petitioner to enter upon any lawful profession or occupation and have a secured source of livelihood in accordance with the mandate of Article 18 of the Constitution. The said right can only be regulated by imposing reasonable restrictions as envisaged in

the proviso provided under Article 18 of the Constitution. In the instant matter, the petitioner right under Article 18 to have a secured source of livelihood has been completely usurped and no reasonable explanation has been rendered by the Authority to the petitioners for ignoring their legitimate claims.

N. That the impugned action of the Authority is violative of Article 25 of the Constitution as similarly placed and circumstanced employees in other were not meted out with the same treatment. The discrimination, needless to add, is not illustrative of any intelligible differentia based on reasonable classification.

O. That the superior Courts have consistently held that the seven instruments that are most useful in structuring of discretionary power are: open plans, open policy statements, open rules, open findings, open reasons, open precedents and fair and informal procedures. In the instant matter, the impugned notification violates the principles developed by the superior Courts on the exercise of discretion.

P. That it is settled law that no superstructure can be raised on an illegal order and no valuable rights accrue therefrom.

Q. That the petitioner approaches this honorable Court with *bona fide* intention. Furthermore, no other adequate and efficacious remedy is available to the petitioner as Service Tribunal is Dysfunctional due to non-availability of its Chairman, except the invoking of the constitutional jurisdiction of this honorable Court, hence the instant petition.

R. That the petitioner, seeks leave, to raise further grounds at the time of submissions before this honorable Court.

S. That this Honourable court has jurisdiction to adjudicate upon the matter.

T. That the Petitioner reserves the right to submit further grounds at the bar, at any subsequent stage in the proceedings.

U. That notice/information of filing of the instant writ petition against the respondents has duly been served through registered post. **Copies of notices and receipts thereof are attached as Annexure "E".**

V. That court fee stamp paper worth Rs 500/- is affixed.

**PRAYER**

That in the light of the foregoing, it is most respectfully prayed that the instant petition may be allowed, granting the following relief sought against respondent:

- A. **Declare** that the impugned notification No.830-36/E-I/SSTs dated 31-01/2022 is illegal, ultra vires and of no legal effect;
- B. **Direct** the respondent No.3 to allow the petitioner to complete his tenure at GMS Banda Dilazak against the sanctioned post. as mandated by law;
- C. **Award costs of the petition.**

*Any other and better relief that this honorable Court deems just and appropriate in the circumstances may also be granted.*

**INTERIM RELIEF-**

- D. *Mean while the operation of the impugned notifications 830-36/E-I/SSTs dated 31-01-2022 be suspended till the final disposal of the case and no adverse order shall be passed against the petitioner;*

*Through Counsel:-*

.....PETITIONER  
  
**WAQAR ORAKZAI**

Advocate High Court, Abbottabad

**VERIFICATION:-**

*Verified that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.*

...PETITIONERS  


**IN THE LAHORE HIGH COURT RAWALPINDI BENCH,**  
**RAWALPINDI.**

W.P No. \_\_\_\_\_/2017

Abdul Shakoor

Vs.

GOVT OF KPK & others

WRIT PETITION

**AFFIDAVIT**

I, **Abdul Shakoor Son of Malik Aman resident of Near Ayub Medical College Mohallah Usamanabad Abbottabad**, do hereby solemnly affirm and declare that the contents of enclosed Writ Petition are true and correct to the best of my knowledge and belief and nothing has been kept concealed there from.

  
Deponent

Verified on oath at Abbottabad on this \_\_\_\_ day of 09 FEB 2022 that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing has been kept concealed or misrepresented.

13503 - 0493701 - 9

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193

  
Deponent

*9 Feb  
Abdul Shakoor S/O Malik Aman  
Near Ayub Medical College  
Mohallah Usamanabad Abbottabad*

  
9/2/22

**BEFORE THE HONOURABLE PESHAWAR  
HIGH COURT, ABBOTTABAD BENCH**

Writ Petition No. 201 /2022

Abdul Shakoor

.....PETITIONER

**V E R S U S**

*Govt of KPK through its Secretary Elementary and Secondary Education  
Department , Secretariat Peshawar and others*

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

**WRIT PETITION**

**CERTIFICATE**

*Certified that no such like writ petition has earlier been  
filed before this Honourable Court by the petitioner. This writ  
petition may please be fixed before Divisional Bench of this  
Honourable Court.*

*It is further certified that notice of writ petition alongwith  
grounds of writ has been dispatched to the respondents.*

.....PETITIONER

Through Counsel:-

  
**WAQAR ORAKZAI**

Advocate High Court, Abbottabad

(14)

**BEFORE THE HONOURABLE PESHAWAR  
HIGH COURT, ABBOTTABAD BENCH**

Writ Petition No. \_\_\_\_\_ /2022

Abdul Shakoor

.....**PETITIONER**

**VERSUS**

*Govt of KPK through its Secretary Elementary and Secondary Education  
Department , Secretariat Peshawar and others*

**RESPONDENTS**

**WRIT PETITION**

**LIST OF BOOKS**

1. Constitution of Islamic Republic of Pakistan, 1973
- 2.
3. Other relevant case law will be cited at the bar.

.....**PETITIONER**

**Through Counsel:-**

  
**WAQAR ORAKZAI**

Advocate High Court, Abbottabad

(15)

**BEFORE THE HONOURABLE PESHAWAR  
HIGH COURT, ABBOTTABAD BENCH**

Writ Petition No. \_\_\_\_\_ /2022

Abdul Shakoor

.....PETITIONER

**VERSUS**

*Govt of KPK through its Secretary Elementary and Secondary Education  
Department , Secretariat Peshawar and others*

**RESPONDENTS**

**WRIT PETITION**

**ADDRESSES OF THE PARTIES**

Respectfully Sheweth;-

Addresses of the parties is as under;-

***Correctly mentioned in main writ petition***

.....PETITIONER

Through Counsel:-

  
**WAQAR ORAKZAI**

Advocate High Court, Abbottabad



(16)  
ANNEXURE 'A'

**Dist. Govt. KP-Provincial**  
**District Accounts Office Abbotabad**  
**Monthly Salary Statement (July-2020)**



**Personal information of Mr ABDUL SHAKOOR d/w/s of MALIK AMAN**

Personnel Number: 00096370      CNIC: 1350304937019      NTN: 7147528-7  
Date of Birth: 10.05.1983      Entry into Govt. Service: 04.12.2003      Length of Service: 16 Years 07 Months 029 Days

**Employment Category: Active Temporary**

Designation: SECONDARY SCHOOL TEACHER      80000400-DISTRICT GOVERNMENT KHYBE  
DO Code: AD6060-GHS KUTHIALA  
Payroll Section: 003      GPF Section: 001      Cash Center: 18  
PF A/C No: 96370      Interest Applied: Yes      **GPF Balance: 435,782.00**  
Employer Number: -  
Pay and Allowances:      Pay scale: BPS For - 2017      Pay Scale Type: Civil      BPS: 16      Pay Stage: 12

Wage type		Amount	Wage type		Amount
01	Basic Pay	37,150.00	1000	House Rent Allowance	2,727.00
10	Convey Allowance 2005	5,000.00	1947	Medical Allow 15% (16-22)	1,500.00
68	Incentive Allowance 20%	1,500.00	2148	15% Adhoc Relief All-2013	700.00
99	Adhoc Relief Allow @10%	478.00	2211	Adhoc Relief All 2016 10%	2,484.00
24	Adhoc Relief All 2017 10%	3,715.00	2247	Adhoc Relief All 2018 10%	3,715.00
64	Adhoc Relief All 2019 10%	3,715.00	5096	Adj Incentive Allowance	4,500.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
16	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
09	Income Tax	-490.00	3990	Emp. Edu. Fund KPK	-150.00
04	R. Benefits & Death Comp:	-650.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

taxable: 7,835.35      Recovered till JUL-2020: 490.00      Exempted: 1958.54      Recoverable: 5,386.81

**Gross Pay (Rs.): 67,184.00      Deductions: (Rs.): -5,430.00      Net Pay: (Rs.): 61,754.00**

Employee Name: ABDUL SHAKOOR  
Account Number: 9321-7  
Bank Details: NATIONAL BANK OF PAKISTAN, 231348 MANDIAN BRANCH MANDIAN BRANCH, ABBOTTABAD

Details:      Opening Balance:      Aailed:      Earned:      Balance:

Permanent Address: AYUB MEDICAL COOLEGE ABBOTTABAD  
City: ABBOTTABAD      Domicile: NW - Khyber Pakhtunkhwa      Housing Status: No Official  
Emp. Address:  
Email: abdulshakoor4pak@gmail.com

17  
ANNEXURE "B"

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.**

**TRANSFER ORDER.**

The transfer of following SSTs are hereby ordered on their own pay & BPS as recorded against their names in the interest of public service with effect from the date of taking over charge.

S. No	Name / Designation	From	To	Remarks
1	Mr. Abdul Shakoor SST (G)	GMS Banseri A/Abad.	GMS Banda Dilazak. ATD.	Vice Mr. Muhammad Mehboob SST (G) will be retired from service on 21-2-2022 (AN)
2	Mr. Zia-ul-Haq SST (G)	GMS Banota Abbottabad.	GMS Banseri Abbottabad	Vice S.No.1
3	Mr. Muhammad Sabir SST (G)	GMS Batangi Khurd A/Abad.	GMS Banota Abbottabad.	Vice S.No.2

- Note: -
1. Charge report should be submitted to all concerned.
  2. No TA/DA & T/G is allowed.
  3. S.No.1 to 3 will took over charge on 21-02-2022 (A.N)

Sd-----  
**DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD**

Endst: No. 507-13 /EB-I/SSTs/F.No.108 Dated A/Abad the 19/01 /2022.

Copy for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts Abbottabad.
3. District Monitoring Officer (EMA) Abbottabad.
4. Principal/Head Master of concerned GHSS/GHS/GMS.
5. Budget & Accounts Officer Local Office
6. AP EMIS branch local office.
7. Teachers concerned.

  
**DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.**

12

# ANNEXURE 'C'

District Returning Officer	S.No	Returning Office.	S.No	Assistant Returning Officer	Jurisdiction
2	3	4	5	6	7
Mr. Muhammad Asif, Deputy Commissioner, Kolai Palas	253	Mr. Abdur Rahman, Head Master, GHSS, Bafaira	318	Mr. Abdul Ghafoor, SST, GHSS, Maidan Kolai	1. VC Qila Kolai 2. VC Mada Khel Abad 3. VC Jabba Mada Khel 4. VC Mareen 5. VC Khasri Mareen 6. VC Bafaira Pait 7. VC Bar Masham 8. VC Bafaira Dala 9. VC Dil Kandao 10. VC Kolai 11. VC Hajiabad Kolai 12. VC Shemyal Maidan Kolai

To ensure that elections to the local governments are conducted honestly, justly, fairly in accordance with law and to ensure that the corrupt practices jaded against, the Election Commission of Pakistan directs that no transfers/postings of the Government officers and Officials including Autonomous Authorities, appointed as DROs, ROs and AROs shall be made without prior approval of the Commission till further orders.

By the order of the Election Commission of Pakistan

The Manager,  
Printing Corporation of Pakistan Press,  
**ISLAMABAD**

(NAVEED-UR-REHMAN)  
Deputy Director (LGE-KP)

20/01/21

[For publication in the Gazette of Pakistan,  
Extraordinary (part-III) of today's date]

19

ANNEXURE 'D'

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.**

**OFFICE ORDER.**

The adjustment of following SSTs is hereby ordered on their own pay and BPS as recorded against each in the interest of public service with immediate effect.

S.No.	Name & Designation.	From.	To	Remarks.
1	Mr. Abdul Shakoor SST (G)	GMS Bansen under transfer to GMS Banda Dilazak ATD.	GHS Jhangl Abbottabad.	On Stop-gap arrangement till further order.
2	Mr. Saad Umer SST (G)	GHS Tarnawai Abbottabad.	GMS Banda Dilazak Abbottabad	Vice S.No.1

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA & T/G is allowed.
3. S.No.2 will take over charge on 21-02-2022 (A.N)

*Sd/-*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD

830-36  
Order No.                      / EB-I/SSTs Dated Abbottabad the 31-01-2022

Copy for information to:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Comptroller of Accounts Abbottabad
3. District Monitoring Officer (EMA) Abbottabad
4. Principal GHS Tarnawai Abbottabad
5. District Accounts Officer Local Office
6. Head Master GMS Bansen & GMS Banda Abbottabad
7. AP GMS branch local office
8. Teachers concerned.

*[Signature]*  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD  
31/1/2022

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ANNEXURE 'D2'

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD.**

**OFFICE ORDER.**

The adjustment of following SSTs is hereby ordered on their own pay and BPS as recorded against each in the interest of public service with immediate effect.

S.No.	Name & Designation.	From.	To	Remarks.
1	Mr. Abdul Shakoor SST (G)	GMS Banseri under transfer to GMS Banda Dilazak ATD.	GHS Banda Pir Khan Abbottabad.	On Stop-gap arrangement till further order.
2	Mr. Said Umer SST (G)	GHS Tarnawai Abbottabad.	GMS Banda Dilazak Abbottabad	Vice S.No.1

**Note:-**

1. Charge report should be submitted to all concerned.
2. No TA/DA & T/G is allowed.
3. S.No.2 will took over charge on 21-02-2022 (A.N)

  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

Endst No. 830-36 / EB-I/SSTs Dated Abbottabad the 31/01 /2022.

**Copy for information to;-**

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts Abbottabad.
3. District Monitoring Officer (EMA) Abbottabad.
4. Principal GHS Tarnawai & GHS Banda Pir Khan Abbottabad.
5. Budget & Accounts Officer Local Office.
6. Head Master GMS Banseri & GMS Banota Abbottabad.
7. AP EMIS branch local office.
8. Teachers concerned.

  
DISTRICT EDUCATION OFFICER (M)  
ABBOTTABAD.

(21)

## ANNEXURE 'E'

بخدمت جناب ڈائریکٹر صاحب ایلیمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا پشاور

اپیل :- برائے بحالی تادلہ آرڈر نمبر 13-507 مورخہ 19-01-2022

جناب عالی!

گزارش ہیکہ سائل گورنمنٹ مڈل سکول بن سیری ایبٹ آباد میں SST(G) کی پوسٹ پر اپنے فرائض منصبی ادا کر رہا ہے۔ سائل نے گورنمنٹ مڈل سکول بانڈہ دلازاک ایبٹ آباد میں خالی ہونے والی SST(G) کی پوسٹ پر مورخہ 06-01-2022 کو تادلہ کی درخواست دی جس کی روشنی میں سائل کو مورخہ 19-01-2022 آرڈر نمبر 13-507 کے مطابق گورنمنٹ مڈل سکول بانڈہ دلازاک ایبٹ آباد میں تبدیل کر دیا گیا۔ سائل نے آرڈر وصول کیا اور اپنی Arrival Report ڈائری نمبر 730 مورخہ 03-02-2022 کو DEO آفس میں جمع کر دئی جبکہ مورخہ 08-02-2022 کو آرڈر نمبر 36-830 جاری شدہ 31-01-2022 کے تحت سائل کو پہلے On stop gap arrangement میں تھنگی On stop gap arrangement پر تبدیل کر دیا اور پھر اسی دن On stop gap arrangement پر GHS بانڈہ پیر خان تبدیل کر دیا گیا۔ جبکہ گورنمنٹ مڈل سکول بانڈہ دلازاک ایبٹ آباد میں کسی اور کا آرڈر کر دیا گیا جس سے سائل شدید ذہنی کوفت کا شکار ہوا اور سائل کے ساتھ نا انصافی ہوئی۔ آپ سے گزارش کی جاتی ہے کہ سائل کو آرڈر نمبر 13-507 مورخہ 19-01-2022 کے مطابق گورنمنٹ مڈل سکول بانڈہ دلازاک ایبٹ آباد میں بحال کیا جائے اور مورخہ 31-01-2022 کے آرڈر نمبر 36-830 کی مندرجہ بالا تمام صورتوں کو کنسل کیا جائے تاکہ سائل احسن طریقے سے اپنے فرائض ادا کر سکے۔ سائل تاحیات آپ کا مشکور رہے گا۔

المرقوم: 09-02-2022

## العارض

عبدالشکور (SST(G) / ہیڈ ماسٹر گورنمنٹ مڈل سکول بن سیری

ڈاکخانہ بانسیر نوره تحصیل ضلع ایبٹ آباد۔

شناختی کارڈ نمبر 9-13503-0493701

رابطہ نمبر: 0322-9909177 , 03315746737

09/02/2022  
HEAD MASTER  
Govt. Middle School  
Banseri Abbottabad

نوٹ:- تمام ٹرانسفر آرڈر کی نقول درخواست ہذا کے ساتھ منسلک ہیں۔

(23)

**OFFICE OF WAQAR ORAKZAI**  
Advocates High Court Abbottabad  
Office at District Courts Abbottabad

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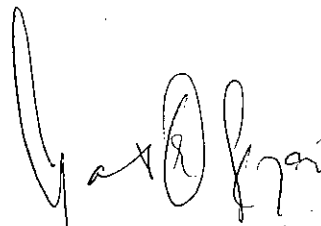
To

- ✓ 1. **Government of KPK** through its Secretary Elementary and Secondary Education Department , Secretariat Peshawar.
2. **Director**, Elementary & Secondary Education Department Peshawar .
3. **District Education Officer Male** District Abbottabad.

Subject: **NOTICE OF FILING OF WRIT PETITION.**

On the advice of my clients **Abdul Shakoor S/o Malik Aman**, R/o Near Ayub Medical College Mohalla Usmanabad Abbottabad., a writ petition is being filed before the Honourable Peshawar High Court, Abbottabad Bench. A notice/ intimation of the same is being sent to you for information/ necessary action under the law. Copy of writ petition is attached herewith.

Dated: 10/02/2022



**(WAQAR ORAKZAI)**  
Advocate High Court, Abbottabad

Rs. 50 Ps.

(23)

Insurance Notices see reverse. Stamps affixed except in case of unregistered letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered letter addressed to Gout

Initials of Receiving Officer [Signature]

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender [Signature] 10/8/22

Date-Stamp  
10/8/22

Rs. 50 Ps.

No. 1252

Insurance Notices see reverse. Stamps affixed except in case of unregistered letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered letter addressed to D. J. [Signature]

Initials of Receiving Officer [Signature]

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured. Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender [Signature] 10/8/22

Date-Stamp  
10/8/22

Rs. 50 Ps.

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

Insurance Notices see reverse. Stamps affixed except in case of unregistered letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered letter addressed to D. J. [Signature]

Initials of Receiving Officer [Signature]

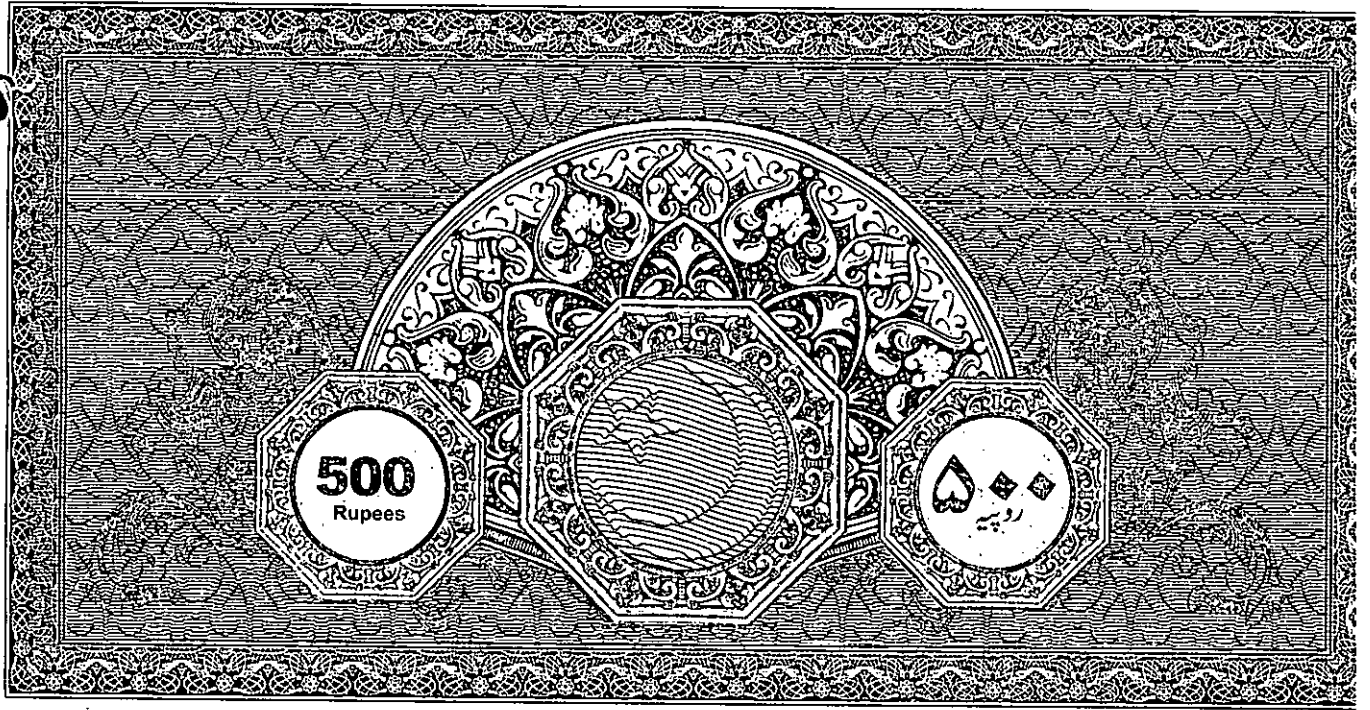
Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured. Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) \_\_\_\_\_

Name and address of sender [Signature] 10/8/22

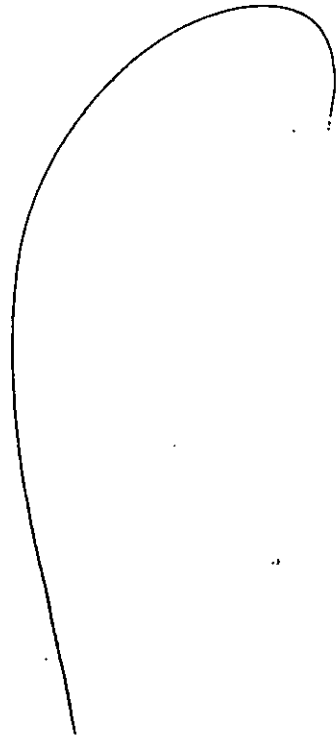
Date-Stamp  
10/8/22





PAKISTAN COURT FEE

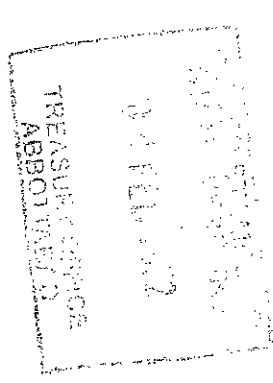
ABDUL SHAKOOR vs Govt of KPK



13/04/2022  
 5 2008  
 11/02/2022

2008

13/04/2022



Other Bar ADV's I.D No. \_\_\_\_\_

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

Place of Practice \_\_\_\_\_

Name of Advocate WAZAR ORAKZAI

Out Station

00113

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



## وکالت نامہ

بشاہد باہنی کورٹ ایسٹ آف آفٹن

بعدالت: \_\_\_\_\_  
 عنوان: \_\_\_\_\_  
 منجانب: \_\_\_\_\_

نوعیت مقدمہ: \_\_\_\_\_  
 باعث تحریر آئیکہ: \_\_\_\_\_

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایسٹ آف آفٹن کے لیے

## و قار ادوکنجی اسٹوکیٹ باہنی کورٹ ایسٹ آفٹن

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو بروعدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا محتانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل ساختہ پر اختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر تالی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم استماعی یا تقریبی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محتانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 10-10-2022

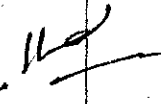

دن مہینہ سال

نوٹ: اس وکالت نامہ کی فونوکاپی ناقابل قبول ہوگی۔

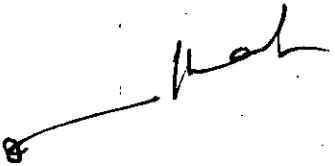

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔  
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔  
 Accept

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH.**

**FORM OF ORDER SHEET**

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
15.02.2022	<p><b><u>W.P.No.201-A/2022.</u></b></p> <p>Present: Mr. Waqar Orakzai, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p>Comments be called from the respondents No.2 and 3, so as to reach this court within a week.</p> <p>Adjourned to 23.02.2022.</p> <p><b><u>INTERIM RELIEF.</u></b></p> <p>Notice for 23.02.2022. As the Service Tribunal is not functional, therefore, the impugned transfer order of the petitioner shall remain suspended till the date fixed.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

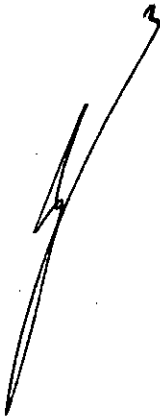
PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH  
FORM 'A'  
FORM OF ORDER SHEET

Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
23.02.2022	<p><b><u>WP NO. 201-A/2022</u></b></p> <p><b>Present:-</b> Mr. Waqar Orakzai, Advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p>Service Tribunal is still not functional, therefore, adjourned to a date in office. Meanwhile, the order under interim relief dated 15.02.2022, shall remain in field.</p> <p style="text-align: right;"> <b>JUDGE</b></p> <p style="text-align: right;"> <b>JUDGE</b></p>

**PESHAWAR HIGH COURT, ABBOTTABAD BENCH.****FORM OF ORDER SHEET**

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
05.04.2022	<p><b><u>C.M.No. 167-A/2022.</u></b></p> <p>Present: Mr. Qaiser Rehman Khan, Advocate, for the applicant. *****</p> <p><b><u>WIQAR AHMAD, J.-</u></b> Through the instant application, applicant (Said Umar Khan son of Muhammad Ghani) has prayed for his impleadment in the main writ petition on the ground that he was aggrieved of the interim order dated 15.02.2022 passed by this court whereby his transfer order had been suspended.</p> <p>2. In view of contents of the application coupled with submission made at the bar, this application is allowed. The office is directed to implead Said Umar Khan in the panel of respondents with red ink and necessary correction / addition shall be made in the relevant Register.</p> <p><b><u>W.P.No. 201-A/2022.</u></b></p> <p><b><u>WIQAR AHMAD, J.-</u></b> This court vide order dated 15.02.2022 while requisitioning comments from respondents No.2 &amp; 3 had suspended operation of the impugned transfer order dated 31.01.2022 owing to non-functioning of Khyber Pakhtunkhwa Services Tribunal, however, during pendency of instant writ petition, the</p>

SCANNED



Tribunal has been made functional by appointment of a new Chairman, therefore, this case be sent to Khyber Pakhtunkhwa Services Tribunal Peshawar for decision with direction to both the parties to appear before the Tribunal on 28.04.2022.

JUDGE

JUDGE

*01/04/22*  
Saif. CS.

Hon'ble Mr. Justice Wiqar Ahmad  
Hon'ble Mr. Justice Kamran Hayat Miankhel

**BEFORE THE HONOURABLE SERVICE TRIBUNAL COURT,**  
**ABBOTTABAD BENCH.**

Abdulshakoor

APPELLANT

VERSUS

**Education Department**

RESPONDENT

**SERVICE APPEAL**

**APPLICATION FOR ADJOURNMENT**

*Respectfully Sheweth;*

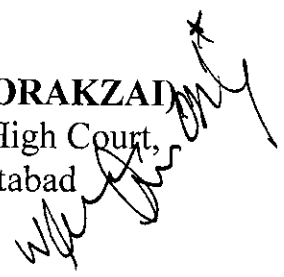
1. That, the titled case is fixed for 20.07.2022 before this Hon ble Court.
2. That, undersigned is the counsel for petitioner.
3. That, undersigned is indisposed / ill and cannot appear before this Hon ble Court to conduct the titled case.

It is, therefore humbly, requested that the titled case may graciously be adjourned.

...APPELLANT

**Dated:-20/07/2022**

(WAQAR ORAKZAI)  
Advocate High Court,  
Abbottabad





"A"

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

No. *51*

*TRB Atabad*

APPEAL No. *568* of 20 *22*

*Abdul Shaker*

Appellant/Petitioner

Versus

*1 Wazir Sery: (ESSE) Peshawar*

RESPONDENT(S)

Notice to Appellant/Petitioner *Counsel Wazir Orakzai*

*(Advocate)*

*High Court At Atabad*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *14-6-22* at *8:00 AM*

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.

*at camp court  
At Atabad*

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

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

JUDICIAL COMPLEX (OLD), KHYBER ROAD,

PESHAWAR.

TB A/Abad.

No.

Keyd

568

APPEAL No..... of 20<sup>22</sup>

Abdul Shakoor

Appellant/Petitioner

Versus

through Say: (ESSE) Pesh

RESPONDENT(S)

Notice to Appellant/Petitioner

Abdul Shakoor s/o Malik Aman


R/o Near Ayub Medical College Moh;

Usman Abad A/Abad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 19-6-22 at 8:00 AM

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.

at camp court  
A/Abad.

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. *1328*

*TR Abad*

APPEAL No. *568* of 20 *22*

*Abdul Shakoor*

Appellant/Petitioner

Versus

*1 May 6 Secy, (ESSE) Peshawar*

RESPONDENT(S)

Notice to Appellant/Petitioner *Counsel Waqar Orakzai*

*(Advocate)*

*High Court A/Abad*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal

on *14-6-22* at *8:30 AM*

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.

*at camp court*

*A/Abad*

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

"A"

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

No. *Rejg*

*TB A/Abad*

APPEAL No. *568* of 20 *22*

*Abdul Shakoor*

Appellant/Petitioner

Versus

*through Say (ESSE) Pan*

RESPONDENT(S)

Notice to Appellant/Petitioner *Abdul Shakoor s/o Malik Aman*  
*R/o near Ayub Medical College Mohs*  
*Usman Abad A/Abad.*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *14-6-22* at *8:00 AM*.

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.

*at camp court*  
*A/Abad.*

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