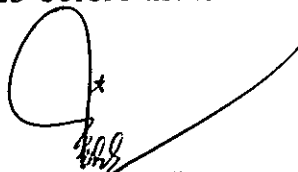



22.11.2022

Nemo for the appellant. Mr. Muhammad Riaz Khair  
Paindakhel, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice  
for prosecution of the appeal be issued to the appellant as well as his  
counsel through registered post and to come up for arguments on  
09.01.2023 before the D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

17-2-22

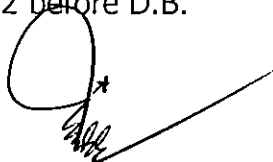
Due retirement of the Honble Chairman  
The case is adjourned to come up for  
the same as before on 3-6-22

*of Justice*  
Reader

03.06.2022

Nemo for the appellant. Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 3 present. Syed Noman Ali Bukhari, Advocate for private respondent No. 4 present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant and his counsel through registered post and to come up for arguments on 09.08.2022 before D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

9-8-2022

Due to the Public holiday the case  
is adjourned to 22.11.2022

*of Justice*  
Reader

29.03.2021

The concerned D.B is not available today, therefore, the appeal is adjourned to 28.04.2021 for the same.

  
Reader

28.4.2021

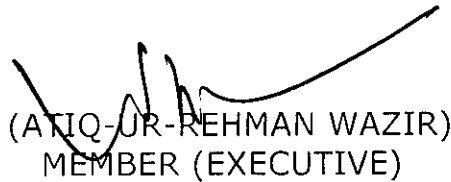
*Due to COVID-19, the case is adjourned to 30.8.2021 for the same.*

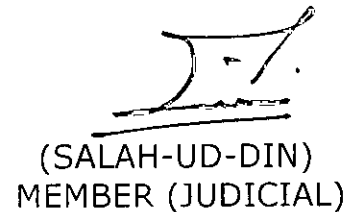


30.08.2021

Nemo for the appellant. Mr. Muhammad Rasheed, Deputy District Attorney for official respondents No. 1 to 3 present. None present for private respondent No. 4.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as private respondent No. 4 and their respective counsel and to come up for arguments on the application before the D.B on 13.12.2021.

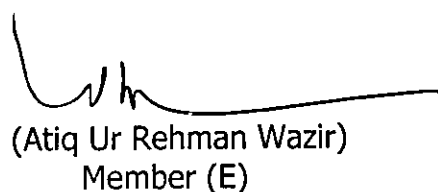
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

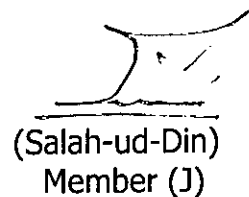
  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

13.12.2021

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Syed Noman Ali Bukhari, Advocate for private respondent No. 4 present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments on the application before the D.B on 17.02.2022.

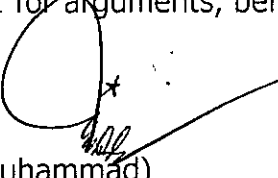
  
(Atiq Ur Rehman Wazir)  
Member (E)

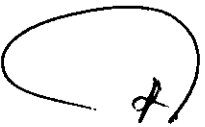
  
(Salah-ud-Din)  
Member (J)

26.01.2021 Appellant present through counsel.

Muhammad Rasheed, learned Deputy District Attorney for respondents present.

It was on 09.12.2020 when directions were issued for issuance of notice to respondent No.4. The record does contain copy of requisite notice which was issued for 20.01.2021 but private respondent No.4 did not appear before the Tribunal. Today, learned counsel is ready for arguments but a request was made for adjournment on behalf of learned D.D.A. Therefore, case is adjourned to 10.02.2021 for arguments, before D.B.

  
(Mian Muhammad)  
Member (E)

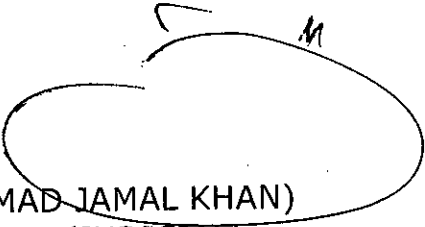
  
(Rozina Rehman)  
Member (J)

10.02.2021

Appellant is present in person. Mr. Muhammad Rasheed, Deputy District Attorney, for the respondents is also present.

The bench was informed that the learned counsel representing appellant is engaged elsewhere in other courts and cannot spare time to attend the Tribunal and request for adjournment. At this stage the learned Deputy District Attorney invited the attention of the bench to the application submitted by private respondent No. 4 for deletion of his name from the column of respondents and submitted that the matter in issue has already been adjudicated rendering this appeal infructuous. Since the learned counsel for appellant is not available, therefore, appeal is adjourned to 29.03.2021 on which date file to come up for arguments on application.

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

07.12.2020 Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Rahmanullah, Assistant for the respondents present.

On the last date of hearing order was made regarding issuance of notice to respondent No. 4 (Muhammad Irshad). The record, however, does not contain copy of the requisite notice. The office is required to comply with the order dated 19.11.2020 and requisite notice shall positively be sent for next date of hearing. Adjourned to 20.01.2021 for hearing before the D.B.


  
(Rozina Rehman)  
Member(J)

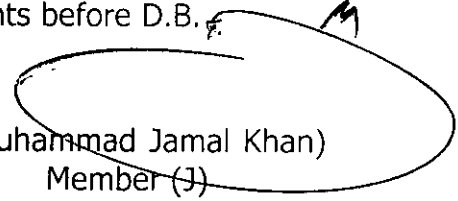
  
Chairman

20.01.2021

Assistant of counsel for appellant is present. Mr. Riaz Painsdakhel learned Assistant AG alongwith Saleem Section Officer for respondents present.

According to assistant of learned counsel that due to a death of near relative of learned counsel for appellant he has proceed to his home district Bannu and not available for today. Adjourned to 26.01.2021 on which to come up for arguments before D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

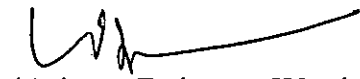
  
(Muhammad Jamal Khan)  
Member (J)

16.09.2020

Junior counsel for appellant on behalf of appellant present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment as senior counsel is busy before Hon'ble High Court, Bannu Bench. Adjourned. To come up for argument on 19.11.2020 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



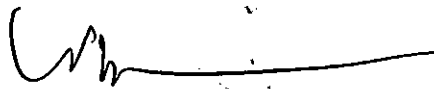
(Rozina Rehman)  
Member (J)

19.11.2020

Appellant with counsel present.

Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment. Record shows that appeal has been filed against the transfer notification and one Muhammad Irshad was also made party to the instant appeal who is not before the Tribunal today. Therefore, notice be issued to respondent No.4 to attend the Tribunal in person on 09.12.2020 for arguments before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

29.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA for the respondents present.

Learned counsel for the appellant furnished rejoinder (placed on record) and requested for adjournment in order to prepare brief of the matter.

Adjourned to 02.09.2020 for hearing before the D.B.

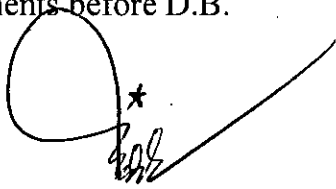
(Muhammad Jamal Khan)  
Member

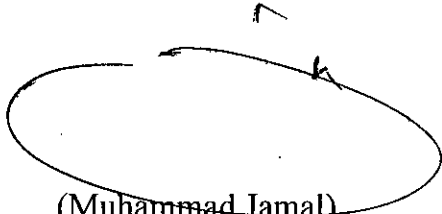
  
Chairman

02.09.2020

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for respondents is present.

According to the appellant his counsel is engaged in the august Peshawar High Court, Peshawar and could not spare time to argue the instant appeal in this Tribunal. In this regard he has made several contacts with his respective counsel ~~thrice~~ but with the same response. At last, he was directed by the Members of the Bench to have a last contact if he could attend the Tribunal for arguing the instant appeal but in response thereof the appellant submitted that no contact could be made with him and requested for adjournment. The appeal is adjourned accordingly. Adjourned to/6.09.2020 for arguments before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Muhammad Jamal)  
Member(J)

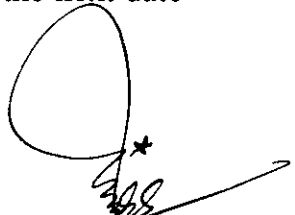
01.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 24.06.2020 for the same. To come up for the same as before S.B.

  
Reader

24.06.2020

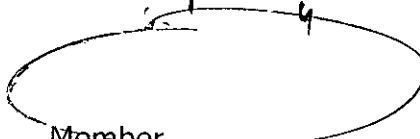
Appellant in person present. Addl:AG alongwith Mr. M. Fazal Subhan, SO for respondent No. 1 and 2, Mr. M. Irfan, Assistant for respondent No. 3 and counsel for private respondent No.4 present. Written reply on behalf of respondents No. 1 and 2 submitted while representative of respondent No. 3 rely on the same. To come up for rejoinder and arguments on main appeal as well as reply/arguments on application on 10.07.2020 before D.B. The restraint order passed on 19.12.2019 shall remain operative till the next date of hearing.

  
MEMBER

10.07.2020

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Former requests for adjournment as his learned counsel is engaged before the Honourable High Court today. Adjourned to 29.07.2020 for arguments before the D.B.

  
Member

  
Chairman



28.02.2020

Counsel for the appellant present. Addl: AG for official respondents no. 1 to 3 and private respondent no. 4 in person present. Written reply/comments on behalf of the respondents not submitted. Learned Addl: AG seeks time to submit written reply/comments. Learned counsel for the appellant also seeks time to submit reply on application submitted by private respondent no.4. Adjourned. To come up for reply/arguments on application as well as reply/comments on main appeal on 17.03.2020 before S.B. The restraint order passed on 19.12.2019 shall remain operative till the next date of hearing.

  
Member

17.03.2020

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG and private respondent No.4 in person present. None present on behalf of the official respondent No. 1 to 3 nor submitted written reply, therefore notice be issued to the official No. 1 to 3 for reply/comments. Last opportunity is granted. To come up for reply/arguments on application submitted by private respondent No.4 as well as reply/comments on 01.04.2020 before S.B. The restraint order passed on 19.12.2019 shall remain operative till the next date of hearing.

  
(Hussain Shah)  
Member

31.01.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General for the official respondents No. 1 to 3 and private respondent No. 4 in person present. Written reply not submitted. Learned Additional Advocate General for the official respondents No. 1 to 3 and private respondent No. 4 seeks time to furnish written reply/comments Last opportunity is granted Adjournd. To come up for written reply/comments on 12.02.2020 before S.B. The restraint order passed on 19.12.2019 shall remain operative till the date fixed.

  
(Hussain Shah)  
Member

12.02.2020

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Fazle Subhan, Section Officer on behalf of official respondents No. 1 to 3 and private respondent No. 4 alongwith his counsel present. Learned counsel for private respondent No. 4 submitted application for deletion of name of private respondent No. 4 from the panel of respondents on the ground mentioned in the application. The same is placed on record. Copy of the same is also handed over to appellant as well as learned Additional AG. To come up for reply and arguments on the said application as well as reply/comments on main appeal on 28.02.2020 before S.B. The restraint order passed on 19.12.2019 shall remain operative till the next date of hearing.


  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

1727/2019

03.01.2020

Appellant alongwith counsel and Addl. AG for the respondents present.

Learned AAG requests for time to obtain reply/comments from the respondents. Adjourned to 17.01.2020. The restraint order passed on 19.12.2019 shall remain operative till next date.

Chairman 

17.01.2020

Appellant in person and Addl. AG for the respondents present.

Fresh notices be issued to respondents for submission of reply/comments on 31.01.2020. The restraint order passed on 19.12.2019 shall remain operative till the date fixed.

Chairman 

19.12.2019

Counsel for the appellant present.

Contends that on 24.12.2018 the appellant was transferred and posted as SDEO (M) Bannu after his promotion to BPS-17. On 18.01.2019 he was again transferred from Bannu and posted as SDEO (Male) at Hangu. On 13.09.2019 the appellant was yet again transferred from Hangu to Chakisar Shangla. The successive transfers of appellant were obviously not in interest of public service and smack of malafide on the part of respondents. He also argued that the impugned transfer dated 13.09.2019 was not only in violation of the Khyber Pakhtunkhwa Government transfer/posting policy, wherein a normal tenure of two years was provided for posting of a civil servant, but also in disregard to the ban dated 14.02.2019 on all kind of posting/transfer in Elementary & Secondary Education Department.

In view of arguments of learned counsel and available record, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 03.01.2020 before S.B.

Alongwith the appeal there is an application for suspension of impugned notification dated 13.09.2019. Notice of the application be also given to the respondents for the date fixed. Till then the operation of impugned notification shall remain suspended, if not already complied with.

Appellant Deposited  
Security & Process Fee  
19/12/19

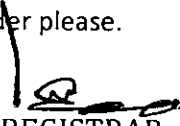

  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 1727/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/12/2019	<p>The appeal of Mr. Muhammad Tariq resubmitted today by Mr. Inayatullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 11/12/19</p>
2-	13/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/12/19</u></p> <p> CHAIRMAN</p>