

**Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.**

**S.A#.4524/2021 Imran Khan Vs. Transport Department**

**Date of Institution: 02.04.2021**

**Date of Decision: 01.06.2022**

**ORDER**

01.06.2022

Appellant Imran Khan present alongwith counsel.


Muhammad Adeel Butt, learned Additional Advocate General alongwith Hamdullah Jan AD for respondents present.

At the very outset office order dated 15.11.2021 was produced before this Bench vide which services of the appellant were placed at the disposal of Secretary Regional Transport Authority Bannu. However, the same order stated that he would draw his salary from Regional Transport Authority D.I.Khan. The representative further apprised this Bench that the Transport Department has started efforts for the creation of a post of Naib Qasid in the Regional Transport Authority Bannu and that he will be adjusted accordingly.

The grievances of the appellant have been redressed, therefore, appeal stands dismissed being infructuous. No order as to costs. File be consigned to the record room.

**ANNOUNCED.**

01.06.2022

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

30.03.2022

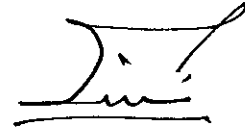
Appellant in person present.

Mr. Umar Ali Shah J.C alongwith Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is out of station. Adjourned. To come up for arguments on 01.06.2022 before D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

Before the Hon'ble Public Grievance Redressal Commission

Case No. 1274/2021 Imran Khan Vs. Transport Department

Date of Institution: 02.04.2021

Date of Decision: 01.06.2022

Case No.  
01.06.2022

Appellant Imran Khan present alongwith counsel.

Ms. Namia Azeel Butt, learned Additional Advocate General alongwith Hamdullah Jan AD for respondents present.

At the very outset office order dated 10.11.2021 was produced before this Bench vide which services of the appellant <sup>was</sup> placed at the disposal of Secretary, Regional Transport Authority, Bahawalpur. However, <sup>the office order stated that</sup> ~~appellant will draw his~~ <sup>he will</sup> salary from Regional Transport Authority Bahawalpur. The representative further apprised this Bench that the Transport Department has started efforts for the creation of a post of Naib (C) in the Regional Transport Authority, Bahawalpur and that he will be adjusted accordingly.

The grievances of the appellant have been redressed, therefore, the case is dismissed being infundus. The original copy of the file is being assigned to the record room.

of address?  
?

Case No.  
01.06.2022

(Nazina Pariz) Member (E)

(Nazina Rehman) Member (J)



# DIRECTORATE OF TRANSPORT & MASS TRANSIT KHYBER PAKHTUNKHWA

Ground Floor Benevolent Fund Building, Peshawar Cantt: ☎ 091-9214185 📠: 091-9214186

Dated: 15-11-2021

## ORDER:

No.Dir/TPT/1-82/P&T/8819-23. The Competent Authority is pleased to place the services of Mr. Imran Khan, Naib Qasid (BPS-03) at the disposal of Secretary Regional Transport Authority Bannu. However, he will draw his salary from Regional Transport Authority D.I.Khan in the best public interest, with immediate effect.

DIRECTOR  
Transport & Mass Transit  
Khyber Pakhtunkhwa

## Endst: No & Date Even:

A copy is forwarded for information to the:-

1. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. Secretary Provincial Transport Authority, Khyber Pakhtunkhwa.
3. Secretary Regional Transport Authority Bannu and D.I.Khan
4. Official Concerned.

DIRECTOR  
Transport & Mass Transit  
Khyber Pakhtunkhwa

**Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.**



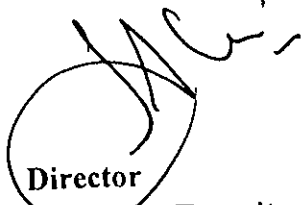
**DIRECTORATE OF TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt: 091-9214185/9212061

Dated 15 /10/2021

**OFFICE ORDER:**

No.Dir/TPT/1-82/P&T/ 8837-42. In light of this Office Notification No. Dir/TPT/1-58/Notification/1248-90 dated 14-12-20 The Competent Authority is pleased to authorize Mr. Imran Khan (BPS-03) to draw his arrears of pay and allowances w-e-f 01-12-2020 to 31-10-2021 under the head of account of Regional Transport Authority D.I. Khan Division.

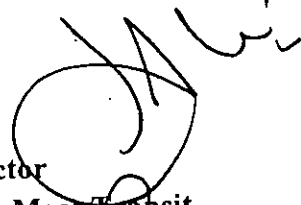
  
Director  
Transport & Mass Transit  
Khyber Pakhtunkhwa

**Endst: No & Date Even:**

Copy is forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Secretary Regional Transport Authority D.I Khan Division.
3. District Comptroller of Accounts, D.I Khan.
4. PS to Secretary Transport & Mass Transit Department Khyber Pakhtunkhwa.
5. PA to Director Transport & Mass Transit Khyber Pakhtunkhwa.
6. Official Concerned.

Copy file

  
Director  
Transport & Mass Transit  
Khyber Pakhtunkhwa

Received



1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In Service Appeal No. 1959/2020

**Hazrat Bilal, Ex-Warder**, Central Prison Peshawar,  
r/o Tarkha Mohallah Mula Khel,  
P.O Tarujabba, Tehsil Pabbi, District Nowshera .....**Appellant.**

**VERSUS**

- 1- **Inspector General of Prisons**,  
Khyber Pakhtunkhwa Peshawar.
- 2- **Assistant Director**,  
Inspector General of Prisons,  
Khyber Pakhtunkhwa, Peshawar.
- 3- **Superintendent**,  
Circle Headquarters Prison Peshawar.....**Respondents.**

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1, 2 & 3**

**Preliminary Objections**

- i. That the appellant has got no cause of action.
- ii. That the appeal is incompetent and is not maintainable in its present form.
- iii. That the appellant is estopped by his own conduct to bring the present appeal.
- iv. That the appellant has no locus standi.
- v. That the appeal is bad for mis joinder and non-joinder of necessary parties.
- vi. That the appeal of the appellant is badly time barred.

**FACTUAL OBJECTION:-**

1. Admitted to the extent that he was appointed as Warder on 13<sup>th</sup> May 2009 in the Khyber Pakhtunkhwa Prisons Department, but he never took his job in serious manner. The appellant had a spotty service record, which is clearly evident from his service record. Photocopy of his previous service record / service Book is attached as **(Annex-A)** for ready reference. The appellant had already been awarded the major penalty of removal from service due to his irresponsible attitude and habit of willful desertion. The appellant was to create hurdles for the administration and to squalid the environment for the other staff. Order of compulsory retirement is **(Annex-B)**.
2. Not admitted. The appellant was in habit of desertion from the very beginning and digging false pretexts in his defense, which were no more fruitful and brought himself to the current status.
3. His appeal was rejected by the appellant authority due to having no solid proof against the order dated 06-12-2019 and could not prove himself innocent.

**OBJECTION ON GROUNDS:**

- A. Not admitted. In his previous service, he had been awarded the penalty of Removal from service due to his irresponsible and poor attitude

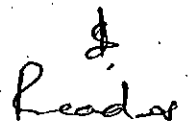
31.08.2021

Due to summer vacations, the case is adjourned to 27.09.2021 for the same as before.

  
READER

27.9.21

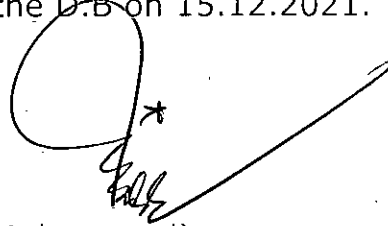
DB is on Tawo case to come up  
For the same on Dated. 31-1-20

  
Reader

15.11.2021

Appellant alongwith his counsel present. Mr. Hameed Ullah, AD (Litigation) and Mr. Naseem Khan, Senior Auditor alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present.

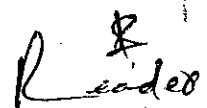
Learned counsel for the appellant sought adjournment for preparation of the brief. Adjourned. To come up for arguments before the D.B on 15.12.2021.

  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

15-12-21

DB is on Tawo case to come up  
For the same on Dated. 30-3-22

  
Reader

23.06.2021

Appellant alongwith his counsel present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

An application has been submitted from the appellant seeking impleadment of Islam Bahadar, Naib Qasid as respondent for the reason mentioned in the said application, and the same is accepted for impleadment as solicited. Office is directed to enter name of the concern person in the penal of respondents. Comments of respondent No.4 have been received while rest of the respondents have not yet filed their comments. They are directed to file their comments within 10 days failing which the consequences shall follow. Adjourned. To come up for further proceedings on 13.08.2021 before D.B.



(Rozina Rehman)  
Member(J)



Chairman

13.08.2021

Counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Ijaz Muhammad Superintendent for respondents present.

Representative of respondents made a request for adjournment in order to submit reply/comments. Last opportunity is granted with direction to submit reply within 10 days in office positively. To come up for arguments on 31.08.2021 for arguments before D.B.



(Rozina Rehman)  
Member (J)

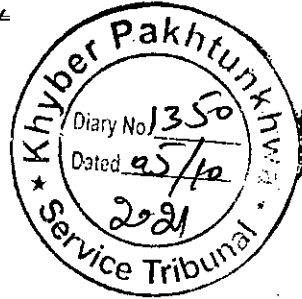


Chairman



P B 1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR



S.A.No. 4524 /2021

Imran Khan ..... Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass Transit Department, Peshawar & others..... Respondents

APPLICATION FOR EARLY HEARING OF  
THE ABOVE NOTED APPEAL.

*Respectfully Sheweth;*

- 1) That the above appeal is pending adjudication before this Hon'ble Tribunal, now fixed for 31.01.2022.
- 2) That the titled writ petition pertains to service matter wherein the question of posting and transfer is involved.
- 3) That the next date of hearing is too lengthy while under the law cases of transfer posting should be fixed within 15 days,
- 4) That appellant has a prima facie case and is hopeful of its success.
- 5) That fixing the case for a too lengthy date amounts to justice delayed justice denied.
- 6) That in the light of the above said facts and circumstances the case may be kindly be fixed in an early date.

It is, therefore, requested that an early date of hearing may kindly be fixed in the above noted service appeal.

*Fix in November 2021*  
*1-e-15/11/21*  
*08/11/2021*  
*Put up to the worthy chairman with relevant appeal.*

05-10-2021

*Reader*

*[Signature]*  
5/10/2021

Appellant  
Through

*[Signature]*

**Inayat Ullah Khan**  
Advocate High Court  
LL.M (U.K)

31.05.2021

Counsel for the appellant present. Preliminary arguments ~~already~~ heard. States that the appellant being a class-IV servant was holding a post meant for recruitment from the local candidates of the district but he has been transferred out of the District. No doubt Section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides that every civil servant is liable to serve anywhere within or outside the Province etc, but there is a rider that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

In view of the said factual and legal position of this particular case, there is a point for consideration and settlement as to whether the transfer of the appellant from District Bannu to District D.I.Khan, if meant for local recruitment, is covered by the proviso of Section 10 of the Act *ibid*. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/ comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 23.06.2021.

Alongwith the appeal, the appellant has also submitted an application for interim relief. Notice of the application be also given to the respondents.

  
Chairman

Appellant Deposited  
Security & Process Fee

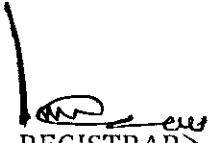

31/5/21

Form- A

FORM OF ORDER SHEET

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

Case No.- 2524 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/04/2021	<p>The appeal of Mr. Imran Khan presented 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 style="text-align: right;"> REGISTRAR</p>
2-	26/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

S.A. No. \_\_\_\_\_/2021

Imran Khan ..... Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass  
Transit Department, Peshawar & others..... Respondents

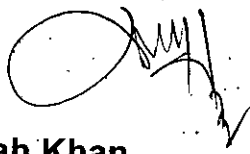
INDEX

S.No.	Description of documents.	Annex	Pages.
1)	Grounds of Appeal		1-5
2)	Affidavit.		6
3)	Application for interim relief.		7-8
4)	Affidavit.		9
5)	Addresses of the parties.		10
6)	Copy of appointment order	A	11
7)	Copy of appellant's domicile	B	11-12
8)	Copy of order dated 14.12.2020	C	13
9)	Copy of departmental appeal	D	14-15
10)	Copy of application dated 03.02.2021 for release of salary	E	16
11)	Pay slip for the month of November, 2020	F	17
12)	Copies of extracts from daily attendance register for the month of December, 2020, January and February, 2021	G	18-24
13)	Wakalatnama.		25



Appellant

Through

  
Inayat Ullah Khan  
Advocate High Court  
Peshawar.  
LL. M (UK)  
Cell: 0333-9227736

Dated: 01.04.2021

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR.

4524

Khyber Pakhtunkhwa  
Service Tribunal

Diary No: 4529

Dated: 02/4/2021

S.A. No. \_\_\_\_\_/2021

Imran Khan son of Mumtaz Khan  
R/o Village Bhangi Khel, Surrani District Bannu  
Naib Qasid at the office of Regional Transport Authority Bannu

Appellant

Versus

- 1) Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass Transit Department, Peshawar,
- 2) Director Transport and Mass Transit Khyber Pakhtunkhwa, Peshawar, Ground Floor Benevolent Fund Building, Peshawar Cantt.
- 3) Secretary Regional Transport Authority, Bannu.
- 4) District Accounts Office, Bannu..... Respondents
- 5) Islam Bahadar Naib Qasid.

SERVICE APPEAL U/S 4 OF THE SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14.12.2020 AGAINST WHICH DEPARTMENTAL APPEAL DATED 26.12.2020 WAS FILED BEFORE RESPONDENT NO.1 BUT THE SAME HAS NOT BEEN RESPONDED DESPITE LAPSE OF STATUTORY PERIOD OF 90 DAYS, HENCE PRESENTS THE INSTANT SERVICE APPEAL WITHIN 30 DAYS BEFORE THIS HON'BLE TRIBUNAL WHICH IS WELL WITHIN TIME.

Filed to-day

Registrar  
02/04/2021

impleaded on  
23/6/21

**Respectfully Sheweth;**

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant was appointed as Naib Qasid (BPS-3) vide order dated 09.12.2016 on the recommendation of departmental selection committee in the office of Secretary Regional Transport Authority Bannu.

(Copy of appointment order is Annexure "A")

It is pertinent to mention that the appellant is a class-IV employee, which is a domiciled based appointment in terms of section 10 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the appointment in basic pay scale 1 to 4 should be made on the recommendation of Departmental Selection Committee through District Employment Exchange concerned or, where in district the office of the employment exchange does not exist after advertising the post in the leading newspapers.

It appears from section 10 ibid that the appellant being a class -IV employee cannot be transferred to any other district.

(Copy of appellant's domicile is Annexure "B").

- 2) That the appellant was transferred without assigning any reason or cause through order dated 14.12.2020 but no such order was communicated to him on his official address and still serving at the office of Secretary Regional Transport Authority, Bannu. The impugned transfer order dated 14.12.2020 was sent to the appellant on his whatsapp number.

(Copy of order dated 14.12.2020 is Annexure "C").

- 3) That the appellant also filed departmental appeal against the impugned transfer order dated 14.12.2020 before the

respondent No.1 i.e. Secretary Transport and Mass Transit Department, Govt. of Khyber Pakhtunkhwa, Peshawar but the same has not been responded despite lapse of statutory period of 90 days.

(Copy of departmental appeal is Annexure "D").

- 4) That the appellant filed an application dated 03.02.2021 to respondents for release of his salary, which is still pending and the grievance of the appellant has not been redressed so far.

(Copy of application dated 03.02.2021 for release of salary is Annexure "E" and pay slip for the month of November, 2020 is Annexure "F")

- 5) That the appellant has regularly performed his duties for the month of December, 2020, January, 2021 and also February, March 2021 till filing of this service appeal at office of Secretary Regional Transport Authority, Bannu.

(Copies of extracts from daily attendance register for the month of December, 2020, January and February, 2021 is Annexure "G").

- 6) That the appellant being a low paid employee having no alternate, speedy and efficacious remedy, hence constrained to file the instant Service Appeal for cancellation of the impugned transfer order dated 14.12.2020 and release of salary on the following amongst other grounds:

Grounds of appeal:

- a) That the impugned order dated **14.12.2020** on the basis of which the appellant was transferred from the office of Regional Transport Authority, Bannu to Regional Transport

Authority D.I.Khan is against the law, facts and material available on record.

- b) It is pertinent to mention that the appellant is a class-IV employee and his appointment is a domiciled based in terms of section 10 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989. It is important to state that appointment in basic pay scale 1 to 4 should be made on the recommendation of Departmental Selection Committee through District Employment Exchange concerned or, where in district the office of the employment exchange does not exist after advertising the post in the leading newspapers.

It appears from section 10 *ibid* that the appellant being a class -IV employee cannot be transferred to any other district.

- c) That it is settled law that the salary of the appellant cannot be stopped as a punishment for challenging the illegal transfer order passed by respondent No.2, which is violative of **section 10 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.**
- d) That the Apex Court in a case titled Secretary Education NWFP Peshawar v/s Mustamir Khan and another, reported in **2005 SCMR 17 categorically held that citation "e"----- "civil servants could not be punished for his refusal to act illegally, rather his moral courage be appreciated".**
- e) That the appellant though still working at the office of Secretary Regional Transport Authority, Bannu as evident from attendance register on one hand while the illegal transfer order dated 14.12.2020 has been impugned before respondent No.1 through departmental appeal which is a legal right of appellant, hence his salary cannot be stopped,



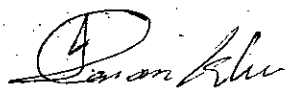
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therefore, the same be released w.e.f. 01.12.2020 in the light of reported judgment **1997 PLC (CS) 666**.

- f) That it is settled law that salary of a civil servant is no more a State bounty.

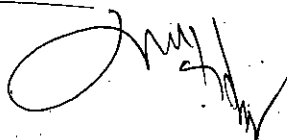
Keeping in view, what has been stated above, the impugned order dated 14.12.2020 may kindly be set aside being violative of section 10 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 with further direction to forthwith release the salary of appellant w.e.f. 01.12.2020 in the light of reported judgment 1997 PLC (CS) 666.

Any other relief which this Hon'ble Tribunal deems appropriate in the circumstances of the case and to whom the appellant is found entitled may also be granted.



Appellant

Through



**Inayat Ullah Khan**  
Advocate High Court  
LL. M (U.K)

Dated: 01.04.2021

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR

S.A. No. \_\_\_\_\_/2021

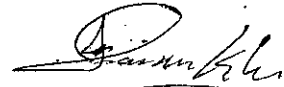
Imran Khan ..... Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass  
Transit Department, Peshawar & others..... Respondents

AFFIDAVIT

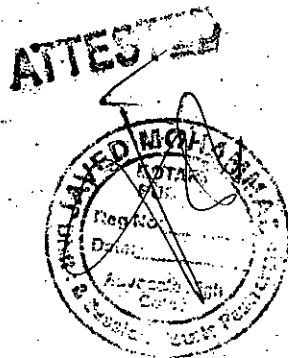
I, Imran Khan son of Mumtaz Khan R/o Village Bhangi Khel, Surrani District Bannu Naib Qasid at the office of Regional Transport authority Bannu appellant) do hereby affirm and declare on oath that the contents of accompanying **Service Appeal** are true and correct and nothing has been concealed from this Hon'ble Tribunal.



Deponent

CNIC No. 11101-8445176-9

Cell: 0333-9797556



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR.

S.A. No. \_\_\_\_\_/2021

Imran Khan ..... Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass  
Transit Department, Peshawar & others..... Respondents

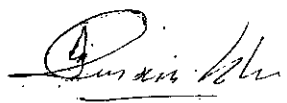
ADDRESSES OF THE PARTIES

APPELLANT:

Imran Khan son of Mumtaz Khan  
R/o Village Bhangi Khel, Surrani District Bannu  
Naib Qasid at the office of Regional Transport Authority Bannu

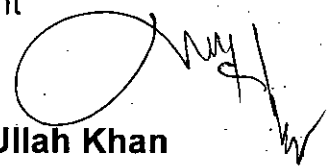
RESPONDENTS:

- 1) Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass Transit Department, Peshawar,
- 2) Director Transport and Mass Transit Khyber Pakhtunkhwa, Peshawar, Ground Floor Benevolent Fund Building, Peshawar Cantt.
- 3) Secretary Regional Transport Authority, Bannu.
- 4) District Accounts Office, Bannu



Appellant

Through



**Inayat Ullah Khan**  
Advocate High Court  
Peshawar.  
LL. M (UK)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

S.A. No. \_\_\_\_\_/2021

Imran Khan ..... Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass  
Transit Department, Peshawar & others..... Respondents

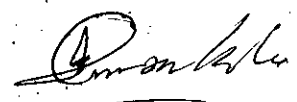
APPLICATION FOR SUSPENSION OF  
OPERATION OF IMPUGNED ORDER  
DATED 14.12.2020 WITH PRAYER TO  
RELEASE THE SALARY OF APPELLANT  
W.E.F. 01.12.2020 TILL FINAL DISPOSAL  
OF INSTANT SERVICE APPEAL.

**Respectfully Sheweth;**

- 1) That the instant appeal is being filed before this Hon'ble Tribunal in which no date has yet been fixed.
- 2) That grounds of appeal may be read as part and parcel of this application.
- 3) That prima facie an arguable case exists in favour of appellant and is sanguine about its success.
- 4) That balance of convenience also lies in favour of applicant/ appellant.

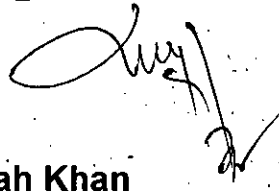
5) That if the relief as prayed for in the heading of application is not granted, applicant will suffer irreparable loss.

It is, therefore, prayed that on acceptance of this application, operation of the impugned order dated 14.12.2020 may kindly be suspended with further direction to forthwith release the salary of appellant/ applicant till final disposal of instant service appeal.



Appellant

Through



**Inayat Ullah Khan**  
Advocate High Court  
Peshawar.  
LL. M (UK)

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR.

S.A. No. \_\_\_\_\_/2021

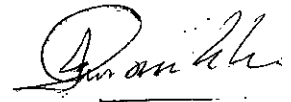
Imran Khan ..... Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass  
Transit Department, Peshawar & others ..... Respondents

AFFIDAVIT

I, Imran Khan son of Mumtaz Khan R/o Village Bhangi Khel, Surrani District Bannu Naib Qasid, at the office of Regional Transport authority Bannu appellant) do hereby affirm and declare on oath that the contents of accompanying **Application** are true and correct and nothing has been concealed from this Hon'ble Tribunal.



Deponent  
CNIC No.11101-8445176-9  
Cell: 0333-9797556

**ATTESTED**



ATTESTED





Annexure "A" - 8 - (11)

**DIRECTORATE OF TRANSPORT & MASS TRANSIT**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**

Ground Floor, Benevolent Fund Building, Peshawar Cantt  
Tel: 091-9214185

Dated Peshawar the 09-12-2016

**ORDER:**

No. Dir/Tpt/7-2/Naib Qasid/2011/1349-53 In supersession of this office order No. Dir/TP/7-2/Chowkidar/2011/1322-26 dated 08-12-2016 on the recommendation of Departmental Selection Committee, Mr. Imran Khan S/O Mumtaz Khan is hereby appointed as Naib Qasid (BPS-3) in the Office of Secretary, Regional Transport Authority, Bannu w. e. f. the taking over the charge.

The appointment shall be subject to the following terms and conditions:-

**Terms & Conditions:-**

- He will get pay at the minimum of BPS-03 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the civil servants and rules made their under.
- He shall produced a Medical Certificate of fitness from Medical Superintendent Police Services Hospital Bannu before joining duties in the office of Regional Transport Authority Bannu as required under the rules.
- He has to join duties at his own expenses.
- He shall be on probation for a period of two years under rules 15(1) of the Khyber Pakhtunkhwa Civil Servant (appointment promotion and transfer) Rules 1989.

If the above terms and conditions are acceptable to him, he should report in the office of Regional Transport Authority Bannu for duty within fourteen (14) days.

  
DIRECTOR

Transport & Mass Transit  
Khyber Pakhtunkhwa

**Endst: of even no and date:**

A copy is forwarded for information to:-

- PS to Special Assistant to Chief Minister Khyber Pakhtunkhwa for Transport & Mass Transit Department.
- PS to Secretary to Govt of Khyber Pakhtunkhwa, Transport & Mass Transit, Department.
- The Account Officer, District Bannu.
- Official Concerned, with the direction to report for duty in the office of Regional Transport Authority Bannu.
- Office Order file.

DIRECTOR  
Transport & Mass Transit  
Khyber Pakhtunkhwa

  
**ATTESTED**



Annexure 'B'

19

**CERTIFICATE OF DOMICILE**  
 The Pakistan Citizenship Act, 1951 (Act, II of 1951).  
 Rules made thereunder (vide Rule No: 23)

I IMRAN KHAN Son/Daughter/Wife of MUMTAZ KHAN

Declare that I was born of parents who are permanently domiciled in Khyber Pakhtunkhwa Province having belonged to it by birth/settled in it.

I belong to Village/Mohallah Bhanga khel Surrani

Tehsil Bannu District Bannu

Signature/Thumb Impression of Applicant *Imran Khan*

Name in Block Letter IMRAN KHAN

Date 23 / 08 / 2016

Pursuance to the declaration dated 23 / 08 / 2016 filed by Mr./Mrs./Miss IMRAN KHAN S/o, D/o, W/o MUMTAZ KHAN CNIC No: 11101-8445176-9 domiciled in the Khyber Pakhtunkhwa Province. It is hereby certified that the said IMRAN KHAN is born of parents who are permanent residents of Khyber Pakhtunkhwa Province having belonged to it by birth / settled in it. I have satisfied myself personally / through my relevant sources that the above declaration is true and duly certified overleaf. This 26<sup>th</sup> day of Aug 2016

ADDL ASSISTANT COMMISSIONER,  
BANNU

Seal  
No: 13273 /DC Bannu Dated: 26/8/2016

COUNTER SIGNED BY  
*S. Q. Dawal*  
Lecturer  
Govt. College of Management  
DEPUTY COMMISSIONER / ASSISTANT COMMISSIONER  
Bannu

DEPUTY COMMISSIONER  
Bannu

ATTEST





**DIRECTORATE OF TRANSPORT & MASS TRANSIT  
KHYBER PAKHTUNKHWA**

Ground Floor Benevolent Fund Building, Peshawar Cantt. T: 091-9214185/9212061

Dated: 14-12-2020

**ORDER:**

No.Dir/TPT/1-82/ P&T/ 1284-90. The Competent Authority is pleased to issue posting/transfer order of the following officials in the best public interest with immediate effect:-

S.NO	NAME & DESIGNATION	FROM	TO
1.	Mr. Islam Bahadur Naib Qasid (BPS-03)	Regional Transport Authority D.I. Khan	Regional Transport Authority Bannu
2.	Mr. Imran Khan Naib Qasid (BPS-03)	Regional Transport Authority Bannu	Regional Transport Authority D.I. Khan

Furthermore, The Competent Authority is pleased to withdraw this office order No.Dir/TPT/1-23/MMPI/243-46 dated: 30-11-2018 issued in respect of Islam Bahdur, Naib Qasid (BPS-03).

*Ashtab*  
DIRECTOR 14/12/2020  
Transport & Mass Transit  
Khyber Pakhtunkhwa

**Endst: No & Date Even:**

A copy is forwarded for information to the:-

1. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
2. District Account Office D.I Khan and Bannu.
3. Regional Transport Authority Bannu, D.I.Khan.
4. Official Concerned.

*Ashtab*  
DIRECTOR 14/12/2020  
Transport & Mass Transit  
Khyber Pakhtunkhwa

**ATTESTED**

Annexure "D" - 15-

To

Secretary Transport &  
Mass Transit Department,  
Govt. of Khyber Pakhtunkhwa,  
Peshawar.

**Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED: 14.12.2020 WHEREBY THE APPELLANT MR. IMRAN KHAN NAIB QASID (BPS-03) WAS ILLEGALLY TRANSFERRED FROM REGIONAL TRANSPORT AUTHORITY BANNU TO REGIONAL TRANSPORT AUTHORITY D.I KHAN.**

Sir,

Brief facts giving rise to this departmental appeal are as under;

1. That the appellant was appointed as Naib Qasid (BPS-03) in the office of Secretary, Regional Transport Authority Bannu on 09.12.2016. **(Copy of appointment order enclosed)**
2. That the appellant submitted his arrival report on 05.01.2017 and formally resumed his duties at Regional Transport Authority Bannu. **(Copy of arrival report enclosed)**
3. That since the appellant belongs to District Domicile of Bannu and he was recruited on the basis of his domicile at the office of Secretary Regional Transport Authority Bannu. **(Copy of Domicile Enclosed)**
4. That all of a sudden without assignment<sup>ing</sup> ~~ment~~ any reason or cause I was transferred vide order dated: 14.12.2020 from Regional Transport Authority Bannu to Regional Transport Authority D.I Khan.
5. That the impugned transfer order of the undersigned is illegal as the undersigned was appointed against the post of Naib

**ATTESTED**

Qasid (BPS-03) at the office Regional Transport Authority Bannu which is a domicile based appointment.

Keeping in view what has been stated above, It is therefore, humbly requested to consider this departmental appeal in the light of above raised facts and grounds, consequently, the impugned transfer order dated: 14.12.2020 may kindly be withdrawn and restore the posting of the appellant at the office of Secretary Regional Transport Authority District Bannu.

**Note:**

It is pertinent to mention that the impugned order dated: 14.12.2020 has not been officially communicated me rather the same was communicated to me on my WhatsApp number.



**Mr. Imran Khan**  
Naib Qasid (BPS-03)  
Office of Secretary,  
Regional Transport Authority,  
Bannu.  
Dated: 26.12.2020

  
**ATTESTED**

Subject

سکرٹری RTA ضلع نون

Annexure E-14

Process

under full

درخواست برادواہ گزارائی جانے تنخواہ سائل

بوجھت ذیل

*[Handwritten signature]*

02-2022

صاحب عالی ذیل عرض ہے۔

1- یہ سائل سال 2016ء میں RTA نون میں District wise سطح / ڈویژن کی بنیاد پر منظور کیا گیا تھا۔ تاہم اس وقت بھی اس کی کوئی بھی ترمیمی آرڈر بابت تبادلہ نہیں دی گیا ہے۔

2- یہ سائل کو محمد عارف - AD Legal ایڈوائس نے منظور کیا تھا۔ تاہم اس وقت بھی اس کی کوئی بھی ترمیمی آرڈر بابت تبادلہ نہیں دی گیا ہے۔ لیکن حال ہی میں اس کی کوئی بھی ترمیمی آرڈر بابت تبادلہ نہیں دی گیا ہے۔ اس لیے اس صورت میں تبادلہ غیر قانونی ہو گیا ہے۔ لہذا اس بابت میں نے حکمانہ درجیل کی ہوئی ہے جو تم ذمہ داری ہے۔

3- یہ سائل کا تنخواہ آر صاحب نے غیر قانونی لہ یعنی کسی دہم کے تحت کی ہوئی ہے۔ جو کہ سائل کے حقوق پر کالعدم اور غیر موثر ہے۔ کوئی آرڈر اس بابت سائل کو وصولی کے ساتھ نہیں دیا گیا ہے۔

4- یہ سائل غریب۔ اہل حق ہے۔ دوسرا کوئی ذریعہ تلاش نہیں ہے۔ اس لیے اس میں سائل کا تنخواہ یعنی کسی دہم / قانون کے سائل کے ساتھ نا انصافی کے مترادف ہے۔ گنہگار ہے۔ کہ سائل کا تنخواہ Release فرمائے جانے کے احکامات صادر فرمائے جانے تاکہ انصاف کے تقاضے پورے ہو سکیں۔  
عالم ڈیپارٹمنٹ

3-2-21

محمد ان خان نائب قاضی RTA ضلع نون - سائل

*[Handwritten signature]*

ATTESTED

Annexure "F" - 18-

Bannu

SN:1

P Sec:001 Month:November 2020  
BU4428 -Transport Department Bannu  
TRANSPORT DEPARTMENT BANNU

Pers #: 00822324 Buckle:  
Name: IMRAN KHAN  
NAIB QASID  
CNIC No.1110184451769  
GPF Interest Applied  
03 Active Permanent

NTN:  
GPF #: 822324  
Old #:

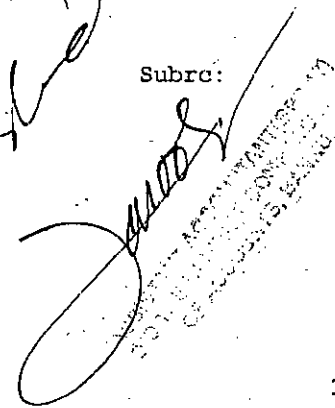
BU4428 -

PAYS AND ALLOWANCES:

0001-Basic Pay	10,780.00
1000-House Rent Allowance	1,413.00
1210-Convey Allowance 2005	1,785.00
1300-Medical Allowance	1,500.00
1833-Integrated Allowance (2005)	450.00
2211-Adhoc Relief All 2016 10%	804.00
2224-Adhoc Relief All 2017 10%	1,078.00
2247-Adhoc Relief All 2018 10%	1,078.00
2264-Adhoc Relief All 2019 10%	1,078.00
Gross Pay and Allowances	19,966.00

DEDUCTIONS:

GPF Balance 42,802.00	Subrc:	770.00
3501-Benevolent Fund		300.00
3534-R. Ben & Death Comp Fresh		300.00

*Attested*  


Total Deductions 1,370.00

18,596.00

D.O.B 11.03.1995 LFP Quota:  
 03 Years 10 Months 027 Days NATIONAL BANK OF PAKBANNU CANTT  
 4138757627

**ATTESTED**





(17) (18) (20)

Daily Attendance Register of the 2021/05/08  
DATE AND HOURS

For the  
OF ATTENDANCE

Serial No.	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
01	Javed Shah	C/O (RPS16)		XX		M	M	M	M		X	X							
				XX							XX	XX							
				XX							XX	XX							
				XX							XX	XX							
	Amir Khan	DR		XX							XX	XX							
	Arshad Kamal Shah	DR		XX							XX	XX							
	DILAKHAR KHAN	JIC		XX							XX	XX							
	Rasool Saman	DR		XX							XX	XX							
	Safar Khan			XX							XX	XX							
	Asad Akhram			XX							XX	XX							
	Aslam Bahadur	DR		XX							XX	XX							
				XX							XX	XX							

TESTED

# Daily Attendance Register of the 2021 USIP

For the Month of \_\_\_\_\_ 20  
OF ATTENDANCE

Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
01 Javed Shah	C/O (Rps 16)		X	X	m	m	m	m	X	X	m			m	m	X	X	X														
Tufail Jan	C/O (Rps 16)		X	X						X	X						X	X														
Yousaf Khan	N/A		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Arshad Kamal Shah	N/A		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
DILAWAR KHAN	S/L		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Rasool Zamam	D/O		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Sateer Khan			X	X						X	X						X	X														
Asad ul Latif Khan			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Aslam Buharwal	N/A		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5/13/21			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

MAY 2021

(21)

ATTESTED

Daily Attendance Register of the 2021 SSRP For the Month of Oct 2021 SSRP

Serial No. Name Rank 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 Day

Serial No.	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days
01	Tajud Shah	(C/O) (D/S) (S/S)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	Tufaid Tan	(C/O) (D/S) (S/S)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	Yusman Khan	Off	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	Arshad Kamal Shah	Off	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	DILAWAR KHAN	Off	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	PASOOL ZAMAM	Off	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	(after) Khana		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	Asadullah Khan		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	Aslam Badrool	Off	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31
	3/15/21		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	31

(22) (19) (10)



(24)

Daily Attendance Register of the

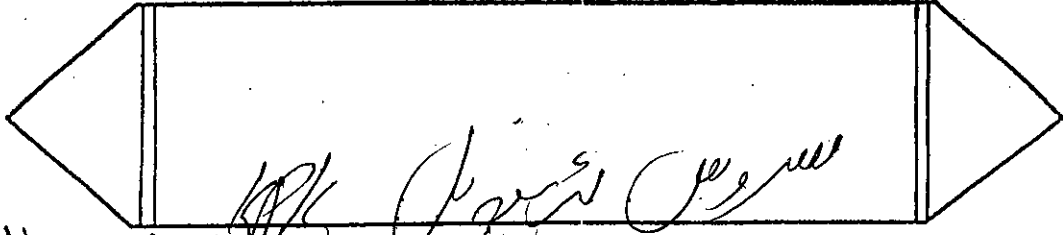
DATE AND HOURS

For the Month of ATTENDANCE

Serial No.	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
	Arshad Kamal Shah		A	B	B	B	X	X	X	B	B	B	B	B									
	DILAWAD KHAN	Sr	A	B	B	B	X	X	X	B	B	B	B	B									
	SLAM Bahader		A	B	B	B	X	X	X	B	B	B	B	B									
	Kamal Zaman		A	B	B	B	X	X	X	B	B	B	B	B									

ATTESTED

# بعدالت



Imran Khan 2021 پنجاب

Secretary to Govt KPK  
بنام Imran Khan  
ص

موزخه  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام دستور کیلئے مناصب القضاة و القواری کی حیثیت  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز LLM  
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Imran Khan  
Imran Khan

المرقوم 01 04 2021

Accepted by

بمقام پستاور  
Inayat ul  
Adh  
PHK  
LLM  
(UK)

Before the Khyber Pakhtunkhwa Service Tribunal

S.A No \_\_\_\_\_/2021

Imran Khan s/o Mumtaz Khan Resident of village Bangi Khel Surani District Bannu Naib Qasid  
of Regional Transport Authority Bannu Appellant

Versus

District Accounts Officer Bannu (Respondent No.04).

Respectfully Sheweth

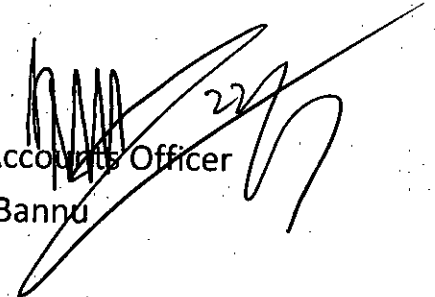
Para-wise comments are as under;

1. No Comments.
2. The petitioner namely Mr. Imran Khan Naib Qasid BPS-03 office of the Regional Transport Authority Bannu transferred from Regional Transport Authority Bannu To Regional Transport Authority D.I. Khan by the Director Transport & Mass Transit KPK Peshawar vide his office order No. DIR/TPT/1-82/PST/1284-9 dated 14-12-2020. In response to the said order the RTA Bannu submitted source form for stoppage of Pay & Allowances on 17/12/2020 which was verified by this office accordingly. Transfer of the Petitioner is the wholly solly responsibility of the parent Department and Administrative issue and this office has no concern to this regard.
3. No Comments
4. This office will release Pay & Allowances of the petitioner as and when source proforma received from Secretary RTA Bannu for activation of Pay & Allowances. However no such proforma for release of Pay has been received from the Department concerned.

5. No Comments

6. No comments

District Accounts Officer  
Bannu



DB

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR.

put up to the court with relevant file.

S.A. No. 4874 /2021

31/5/2021.



Neeraj

Imran Khan ..... Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Transport and Mass Transit Department, Peshawar & others..... Respondents

APPLICATION FOR IMPLEADING MR. ISLAM BAHADAR, NAIB QASID AS RESPONDENT IN THIS CASE BEING NECESSARY PARTY.

**Respectfully Sheweth;**

- 1) That the captioned appeal has been admitted today for regular hearing and comments were called from the official respondents. During course of arguments it was pointed out that Mr. Islam Bahadar, Naib Qasid (BPS-3) has not been made a party, who is a necessary party, therefore, his impleadment essential for the just decision of the case.

It is pertinent to mention that Mr. Islam Bahadar, Naib Qasid was posted at Regional Transport Authority, Bannu at posting place of the appellant.

It is therefore, humbly prayed that by accepting this application, Mr. Islam Bahadar, Naib Qasid, may please be impleaded in the panel of respondents in the captioned appeal

Appellant

31-05-2021

Through

*Inayat Ullah Khan*  
Advocate High Court  
Peshawar  
LL.M (U.K)



**AUTHORITY**

Mr. Rambail Khan Assistant Accountant BPS-17 of this office is here by Authorized to attend the Court/Tribunal on behalf of District Accounts Officer Bannu in court case of Imran Khan Versus Government of Khyber Pakhtunkhwa Transport Department & District Accounts Officer Bannu.

  
District Accounts Officer  
Bannu

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

S.A. No. 4524/2021

**Imran Khan**

.....(Petitioner)

**VERSUS**

**Government of Khyber Pakhtunkhwa through Secretary Transport and others (Respondents)**

**INDEX**

S. No	Description of Documents	Annex	Pages
1	Parawise comments	-	01-03
2	Verification	-	04
3	Peshawar High Court, Bannu Bench Judgment dated 10.06.2019	A	05-09
4	Copy of Contempt of Court Case	B	10-14
5	Copy of the Reply to Departmental Appeal	C	15

**Dated: 05 / 08 / 2021**



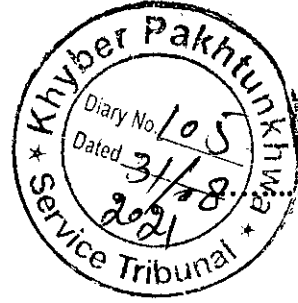
**DEPONENT**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**PESHAWAR**

S.A. NO.4524/2021

Imran Khan



**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Transport and others

..... (Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No. 01 to 03**

Respectfully sheweth,

**Preliminary Objections:**

1. That the applicant has got no cause of action to file the present appeal.
2. That the applicant is estopped by his own conduct to file the instant appeal.
3. That the appeal is bad in its present shape and is not maintainable in its present form.
4. That the instant appeal is false, frivolous and vexatious and is liable to be dismissed with special compensatory costs.
5. That with utmost respect this Honorable Court has got no jurisdiction to entertain the present appeal.
6. That the appeal is bad for non-joinder and mis-joinder of necessary parties.
7. That the applicant has got no locus standi to file the instant appeal.
8. That the instant appeal is badly Time barred, hence liable to be dismissed with heavy cost.
9. That the present applicant has concealed the material fact from this Hon'ble Court.

**ON FACTS:**

- 1) Para 1 of the appeal is correct to the extent that the applicant was appointed against the vacant post, at the time when one of the class IV employee of RTA Bannu, namely Mr Islam Bahadur was transferred from RTA Bannu to RTA D.I Khan. However, later on Islam Bahadur was transferred back to RTA Bannu on the directions of Hon'ble Peshawar High Court Bannu bench in WP NO. 50-P/2019, and the petitioner was transferred to RTA D.I Khan.
- 2) Para 2 of the appeal is incorrect. In reply it is stated that the transfer order has been made in the light of the judgment of Peshawar High Court, Bannu Bench dated 10-06-2019 in writ petition No. 50-P/2019 Islam Bahadur Versus Government of Khyber Pakhtunkhwa through Secretary Transport (Copy Annex-A). In the mean while Transport Department has started efforts for the creation of a post of Naib Qasid in

Regional Transport Authority Bannu to adjust Islam Bahadar in the light of the court Judgment already stated above. Furthermore, initially Islam Bahadar was transferred from Regional Transport Authority D.I Khan to office of Motor Vehicle Examiner Bannu to facilitate the Petitioner and followed the Hon'ble Court orders. Later on Contempt of Court No. 161-B/2020 (**Copy Annex-B**) was also filed in the aforesaid writ petition in Peshawar High Court, Bannu Bench, for the redressal of his grievances; last date of hearing was 25.11.2020 and notices were issued for submission of reply . Afterwards, Transport Department had issued office order in favour of Islam Bahadar to Transfer him back from Regional Transport Authority D.I Khan to Regional Transport Authority Bannu and from the same orders the applicant was affected. However nothing regarding the development, court hearings has been mentioned by the petitioner in his writ petition which establishes claim of concealment of facts. Furthermore the departmental appeal has been disposed of by the Director Transport & Mass Transit (**Copy of Reply to Departmental Appeal Annex-C**).

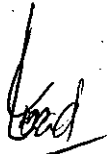
- 3) Para 3 of the appeal is correct up to the extent of the application for the release of salary as it cannot be redressed because the Regional Transport Authority Bannu has only one sanctioned post of Naib Qasid on which Islam Bahadar is serving upon the direction of Peshawar High Court, Bannu Bench as a result the applicant is transferred to D.I Khan and his salary was stopped due to non-joining of his duty and he is absent from his duty in D.I Khan till date.
- 4) Para 4 of the appeal is incorrect. In reply it is stated that the applicant has been transferred to D.I Khan as stated in the above paras. It is also pertinent to mention here that the current posting of the applicant is Regional Transport Authority D.I Khan, and he is absent from his official duty in D.I Khan from the date of his transfer.
- 5) Para 5 of the appeal is incorrect. In reply it is stated that the department is trying their best to create another post of Naib Qasid in Regional Transport Authority Bannu, however in the mean while the applicant has been directed to serves his duty in Regional Transport Authority D.I Khan.

**GROUND S:**

- A. Ground A of the appeal is incorrect. In reply it is stated that the applicant has been transferred to D.I Khan and that the applicant is absent from his place of posting since his transfer as a result the competent authority stopped the salary of the applicant.
- B. Ground B of the appeal is incorrect; the detail reply has already been given in above paras.
- C. Ground C of the appeal pertains to record. Hence, needs no comments.

- D. Ground D. of the appeal is incorrect. In reply it is stated the transfer has been made upon the orders of Hon'ble Peshawar High Court, Bannu Bench vide judgment dated 10-06-2019 in writ petition No. 50-P/2019 Islam Bahadar Versus Government of Khyber Pakhtunkhwa through Secretary Transport. As the applicant has been absent from the current place of his duty due to which the competent authority stopped his salary. Furthermore another Naib Qasid had already assumes his duties in Regional Transport Authority Bannu that due to which the applicant salary has been stopped as Regional Transport Authority Bannu has only one sanctioned post of Naib Qasid.
- E. Ground E of the appeal pertains to record. Hence, needs no comments.
- F. Ground F of the appeal pertains to record. Hence, needs no comments.


*It is most humbly prayed that on acceptance of the instant Parawise Comments, the appeal may kindly be dismissed with heavy cost as the applicant is voluntarily/knowingly concealing the vary facts from this Hon'ble court.*

  
Secretary (R-01)

Transport & Mass Transit Department  
Govt. of Khyber Pakhtunkhwa

  
Director (R-02)

Transport & Mass Transit Department

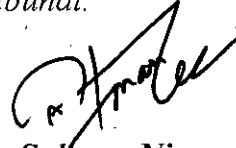
  
Secretary (R-03)


Regional Transport Authority Bannu

**Verification:**

*It is hereby solemnly affirmed and declared on oath that the contents of the instant comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Service Tribunal.*

**Date: 05.08.2021**



**Salman Nisar**  
**Deputy Director**   
**Transport & Mass Transit, Khyber Pakhtunkhwa**

Annex: A

**PESHAWAR HIGH COURT, BANNU BENCH**

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signatures of Judge (s).
(1)	(2)
10.06.2019	<p><u>WP No.50-B of 2019</u></p> <p><u>Present:-</u></p> <p style="text-align: center;">Pir Hamidullah shah advocate for petitioner.</p> <p style="text-align: center;">*****</p> <p><u>MUHAMMAD NASIR MAHFOOZ, J.-</u> Through instant writ petition, the petitioner prayed for issuance of direction to the respondents to transfer the petitioner from Regional Transport authority office DIKhan to Regional Transport authority office Bannu, on the ground that the petitioner is domiciled at Bannu, serving as Class-IV and under sub section 2 of Rule 10(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, when appointment is on district-wise then petitioner cannot be posted/ transferred out of the district.</p> <p>2. Learned counsel for the petitioner submitted that if the instant petition is treated as representation and sent to the respondent No.2 for deciding the grievance of the petitioner within shortest possible time, he would not press the instant petition.</p> <p>3. In view of above, this writ petition is treated as representation and sent to the respondent No.2, the</p>

Director Transport & Mass Transit Department Khyber  
 Pakhtunkhwa, Peshawar, with the direction to decide the  
 grievance of petitioner, strictly in accordance with law,  
 rules and policy, within one month after receipt of copy of  
 this order and if grievance of petitioner is not redressed,  
 he be given the reasons in writing.

Announced.

10.06.2019

D.D.1  
 CERTIFIED TO BE TRUE COPY

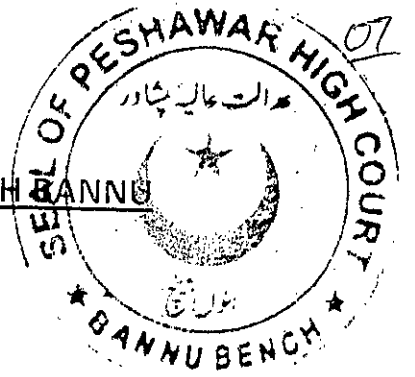
Examiner

Peshawar High Court Bannu Bench  
 Authorised Under Article 87 of  
 The Qanun-e-Shahadat Order 1968

*11/06/19*



BEFORE THE PESHAWAR HIGH COURT BANNU BENCH



Writ Petition No. 50-B/2019

Islam Bahadur Son Arif Khan Resident of Sardi Khei Baka Khei District Bannu.

..... (Petitioner)

VERSUS

- 1) Secretary to Government of Khyber Pakhtunkhwa Transport and Mass Transit Department, Peshawar.
- 2) Director Transport, & Mass Transit Department, Khyber Pakhtunkhwa Peshawar.
- 3) Secretary Regional Transport Authority, Bannu.
- 4) Commissioner Bannu Division, Bannu.
- 5) Deputy Commissioner Bannu.

..... (Respondents)

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

NOTE: Addresses of the parties given above are sufficient for the purpose of service.

Respectfully Sheweth;

- 1) Brief facts of the case in hand are that the petitioner is bonafide resident and domicile holder of District Bannu.

(Copies of CNIC and domicile certificate are hereby annexed as Annexure-A)

**ATTESTED**  
EXAMINER  
Peshawar High Court  
Bannu Bench

2

08

- 2) That on 04/03/2015 the petitioner has been appointed as Naib Qasid BPS-1 on the recommendation of Departmental Selection Committee.

(Copy of appointment order is hereby annexed as Annexure- B)

- 3) That, on 15/11/2016 the petitioner has been transfer from Regional Transport Authority Office Bannu to Regional Transport Authority Office D.I.Khan by the respondents.

(Copy of transfer order is hereby annexed as Annexure-C)

- 4) That, the petitioner time and again requested the respondents to transfer him from Regional Transport Authority D.I.Khan to Regional Transport Authority Bannu and the respondents vide order dated 30/11/2018, transfer the petitioner from Regional Transport Authority D.I.Khan to Motor Vehicle Examiner Office District Bannu on temporary basis. The petitioner is serving herein Bannu while he receives salary from District D.I.Khan.

(Copy of order dated 30/11/2018 is hereby annexed as Annexure-D)

- 5) That, the original place/post of petitioner is Regional Transport Authority Office Bannu, while due to Order dated 30/11/2018 he has been transfer to Motor Vehicle Examiner Office District Bannu, which is separate wing, and the petitioner have the right to be transfer to his department permanently.

- 6) That, as per Section 10 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the appointment in basic pay scale 1 to 4 should be made on the recommendation of Departmental Selection Committee through District Employment Exchange concerned or, where in District the office of the Employment Exchange does not exist after advertising the post in the leading newspapers. And legally when the appointment is on district wise then how the petitioner can be posted/transfer out of District.

ATTESTED  
EXAMINER  
Peshawar High Court  
Bannu Bench

(3)

09

12) That, being aggrieved, the petitioner has no other remedy but to invoke the Constitutional Jurisdiction of this Honourable Court, inter alia the following grounds.

**GROUNDS:**

- a) That, the act of the respondents is against law, rules and policy.
- b) That, as per law the appointment of class-IV shall be in the same district in which he is domicile holder and similarly cannot be transfer to other district.
- c) That the post on which the petitioner has been appointed is still exists and he has the right to transfer on his post at District Bannu.
- d) That the petitioner has been appointed in RTA office Bannu while now he has been transfer to Motor Vehicle Examiner Office Bannu on temporary basis although he has right to be transfer to the office of RTA, Bannu.

In view of the above facts and grounds and others to be stated at the time of arguments, it is, therefore, most humbly prayed that, this Honourable Court may very graciously be pleased, to direct the respondents to transfer the petitioner from Regional Transport Authority Office D.I.Khan to Regional Transport Authority Office Bannu. Or may grant any other relief deem it fit in the circumstances, to meet the ends of justice.

PETITIONER

THROUGH COUNSEL



PIR HAMID ULLAH SHAH

ADVOCATE HIGH COURT

DATED: 18/01/2019

**ATTESTED**  
EXAMINER  
Peshawar High Court  
Bannu Bench

FORM "A"  
FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
25.11.2020	<p><b><u>COC No. 161-B/2020.</u></b></p> <p><u>Present:</u></p> <p>Pir Hamidullah Shah advocate for petitioner.</p> <p>*****</p> <p>Notice to respondents shall be issued for filing reply within fortnight positively.</p> <p style="text-align: right;"><i>Imran</i> <b>JUDGE.</b></p> <p style="text-align: right;"><i>[Signature]</i> <b>JUDGE</b></p> <p style="text-align: center;"><b>CERTIFIED TO BE TRUE COPY</b></p> <p style="text-align: center;"><i>[Signature]</i> Examiner Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Ordinance 1984</p> <p><i>25/11/20</i></p>

*Imran*  
Khan



THE  
PESHAWAR HIGH COURT,  
BANNU BENCH

Diary No. 445

No: 457 WP-Judl

Date 2-12-2020

Directorate of Transport  
And Mass Transit, KPK

Dated Bannu the 30-11-2020

All the Communications should be  
addressed to the Additional  
Registrar of this Bench

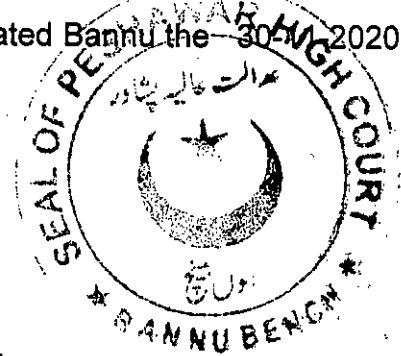
Office: +92-928-9270393  
Fax: +92-928-9270394  
Email: phcbannubench@yahoo.com  
Email: phcbannubench@gmail.com

From

The Additional Registrar,  
Peshawar High Court,  
Bannu Bench

To

- 1) Zakir Hussain Afridi  
Secretary to Govt Of KP Transport & Mass Transit  
Department, Peshawar
- 2) Arshad Khan Afridi  
Director Transport & Mass Transit Department, Peshawar.



Subject: REPLY IN COC 161-B of 2020

Islam Bahadar..... Petitioner

Versus

Zakir Hussain..... Respondents

Memo:

I am directed to forward herewith copy of order sheet dated 25-11-2020  
passed by the Hon'ble Division Bench of this Court in the above titled case for compliance  
as per directions mentioned therein positively.

(Attested copy of the Petition is attached herewith.)

  
01.12.2020  
ADDITIONAL REGISTRAR

①

#  
12

IN THE PESHAWAR HIGH COURT BANNU BENCH BANNU

C.O.C No. 161-<sup>f</sup>/2020 in Writ Petition No. 50-B/2019

Islam Bahadur Son Arif Khan Resident of Sardi Khel Baka Khel District Bannu.

..... (Petitioner)

VERSUS

- 1) Zakir Hussain Afridi Secretary to Government of Khyber Pakhtunkhwa Transport and Mass Transit Department, Civil Secretariat Peshawar.
- 2) Arshad Khan Afridi Director Transport, & Mass Transit Department, Khyber Pakhtunkhwa, Ground Floor, Benevolent Fund building Peshawar Cantt.

PETITION UNDER ARTICLE 204 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, AGAINST NON COMPLIANCE AND DISOBEDIENCE OF THE ORDER/DIRECTIONS DATED 10/06/2019 OF THIS HONOURABLE COURT ISSUED IN WRIT PETITION NO. 50-B/2017 TITLED AS ISLAM BAHADUR VS GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS


NOTE: Addresses of the parties given above are sufficient for the purpose of service.

Respectfully Sheweth:

- 1) Brief facts leading to the institution of the instant petition are that, the petitioner had filed writ petition No. 50-B/2019, before this Honourable Court.



ATTESTED

  
EXAMINER  
Peshawar High Court  
Bannu Bench

(Copy of writ petition No. 50-B/2019 is hereby annexed as Annexure-A)

- 2) That, the above said writ petition of the petitioner was treated as representation by this Honourable Court and directed the respondents/contemnors to decide the grievance of petitioner strictly in accordance with law, rules and policy, within one month after receipt of copy of its order and if grievance of petitioner is not redressed, he be given the reason in writing, vide Order dated 10/06/2019.

(Copy of order dated 10/06/2019 is hereby annexed as Annexure-B)

- 3) That, the said Order of this Honourable Court dated 10/06/2019 was duly intimated upon the respondents/contemnors for compliance and for further necessary action.
- 5) That, to the obstinacy of the respondents/contemnors the said order of this Honourable Court had been paid sheer disregard, and the same is still pending for compliance before them and the petitioner is still awaiting his fate.
- 6) That, the petitioner, being aggrieved of the reluctance on part of the respondents, to obey with the order dated 10/06/2019, comes to this Honourable Court on inter alia the following grounds.

**GROUND:**

- a) That, non-compliance of Order of this Honourable Court, by not deciding the grievance of the petitioner, on part of the respondents is disobedience of the orders of this Honourable Court.
- b) That, disregard by the respondents/contemnors, to the Order of this Honourable Court is sheer disregard to that which is of high legal value.
- c) That, conduct of the respondents/contemnors of not deciding the grievance of the petitioner, of no- obstruction of the process of the Court, constitutes contempt of Court in the meaning of Article 204

*[Handwritten signature]*

**ATTESTED**  
 EXAMINER  
 Peshawar High Court  
 Peshawar

(3)

14

of the Constitution of Islamic Republic of Pakistan, 1973 and provision of the Contempt of Court Act 2003.

- d) That, by not deciding the grievance of the petitioner and by non-compliance and disobedience of Order of this Honourable Court the respondents/contemnors have exposed themselves and are highly susceptible to contempt of Court proceedings to be initiated against them.

In view of the above stated reasons, and others to be stated at the time of arguments, it is therefore most humbly prayed that, this Honourable Court may very graciously be pleased to initiate Contempt of Court proceedings against the respondent/contemnors and may kindly punish them in accordance with law for disobedience and not honouring the Judgment/Order dated 10/06/2019, to meet the ends of justice.

THROUGH COUNSEL

PETITIONER



PIR HAMID ULLAH SHAH  
ADVOCATE HIGH COURT

Dated: 05/11/2020

ATTESTED  
EXAMINER  
Peshawar High Court  
Bani Qasim Branch





Ph: 091-9223488  
Fax: 091-9212556

*Annex C* 15  
**GOVERNMENT OF KHYBER PAKHTUNKHWA  
TRANSPORT & MASS TRANSIT DEPARTMENT**

(Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat Peshawar Khyber Pakhtunkhwa)

No. SO (Lit)/TD/16-2/2020/Imran Khan  
Dated: 15-03-2021

1661-05

To,

Mr. Imran Khan,  
Naib Qasid (BPS-03)  
Office of the Secretary  
Regional Transport Authority  
Bannu.

Subject: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 14.12.2020 WHEREBY THE APPELLANT MR. IMRAN KHAN N/O (BS-03) WAS ILLEGALLY TRANSFERRED FROM REGIONAL TRANSPORT AUTHORITY BANNU TO REGIONAL TRANSPORT AUTHORITY DIKHAN.**

I am directed to refer to your departmental appeal No. Nil dated 26.12.2020 on the subject noted above and to state that one Mr. Islam Bahadur was transferred from D.I Khan to Bannu against your place in light of order dated 10/6/2019 passed by the Peshawar High Court Bannu Bench in W.P No.50-B/2019 as well as COC No.161-B/2020. In continuation of your departmental appeal, you have personally being heard by the competent authority (Secretary Transport) on 11/3/2021 in his office.

In light of above, therefore you are directed to continue your duties at Regional Transport Authority DIKhan and your departmental appeal is regretted please.

  
SECTION OFFICER (LIT)

**Endst. No. & Date Even**

A copy for information to the:

1. Section Officer (Estb) TMTD Peshawar.
2. Section Officer (Admn) TMTD Khyber Pakhtunkhwa.
3. The Assistant Director (Legal) Directorate of Transport Peshawar w/r to his letter No.Dir/TPT/AD(L)/2026-29 dated 28.01.2021.
4. PS to Secretary, Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
5. Master File.

  
SECTION OFFICER (LIT)