

6th September, 2022

1. This appeal was fixed for 25.07.2022 before S.B at camp court D.I.Khan but because of vacation tour to D.I.Khan was cancelled and the appellant submitted this application for withdrawal of the instant service appeal. The original file of the appeal was requisitioned.

2. In view of the request made in the application, this appeal is dismissed as withdrawn. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 06th September, 2022.*

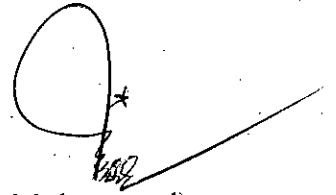


(Kalim Arshad Khan)
Chairman

29.06.2022

Learned counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Rasool Khan ADEO for official respondents No. 1 to 4 present. Learned counsel for private respondent No. 5 present. Mr. Saleem Shahzad Kunid, Advocate present and submitted Wakalatnama on behalf of private respondent No. 6 which is placed on file.

Written reply/comments on behalf of official respondents No. 1 to 4 and private respondent No. 5 submitted which is placed on file. Reply/comment on behalf of private respondent No. 6 is still awaited. Learned counsel for private respondent No. 6 requested that time may be granted to him for submission of written reply/comments. Adjourned. To come up for written reply/comments on 25.07.2022 before S.B at Camp Court, D.I. Khan. The impugned transfer order dated 20.04.2022 shall remain suspended till the date fixed, if not already acted upon.



(Mian Muhammad)
Member (E)
Camp Court, D.I.Khan

27.05.2022

Mr. Inamuallh Kundi, Advocate for the appellant present. Mr. Khalid Mehmood, ADEO (Litigation) alongwith Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 4 present. Private respondent No. 5 alongwith his counsel Mr. Saleem Shehzad Kundi, Advocate present.

Representative of official respondents as well as counsel for private respondent No. 5 are seeking further time for submission of reply/comments, therefore, last opportunity granted to them for submission of the same.

Learned counsel for the appellant submitted an application for impleadment of Mr. Khan Zaman, SST as respondents in the instant appeal on the ground that he has now been transferred to the concerned post of ASDEO Tajori District Tank vide Notification dated 27.04.2022. Learned District Attorney and learned counsel for private respondent No. 5 are having no objection on the impleadment application, therefore, the same is allowed and Khan Zaman SST is impleaded as respondent in the instant appeal. Office is directed to make necessary entries in this respect in the heading of appeal as well as relevant record accordingly. Learned counsel for private respondent No. 5 stated at the bar that he will submit Wakalat Nama on behalf of the impleaded respondent on the next date.

Learned counsel for the appellant filed another application for placing on file copy of Notification No. 1309-12 dated 27.04.2022 and to consider its setting-aside/cancellation as prayer in the main service appeal. He also submitted another application for suspension of operation of the impugned Notification No. 1309-12 dated 27.04.2022.

Learned counsel for the appellant heard. Notices of the applications be issued to the respondents and to come up for reply of the same as well as reply/comments of main appeal on 29.06.2022 before the S.B at Camp Court D.I.Khan. The impugned transfer order dated 20.04.2022 shall remain suspended till the date fixed, if not already acted upon.



(Salah-Ud-Din)
Member (J)

Camp Court D.I.Khan

11.05.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General present.

Comments were not filed. A request was made for adjournment by learned AAG which is allowed with strict directions to submit comments before ext date. The operation of impugned order dated 20.04.2022 shall remain suspended till next date, if not acted upon earlier. To come up for reply/comments on 27.05.2022 before S.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)

Appeal No. 638/22

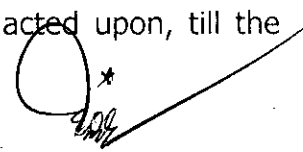
26.04.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant at the outset of his arguments contended that the appellant is basically aggrieved of the impugned order dated 29.03.2022 whereby one Khan Zaman, SST was transferred from GHS Kiri and posted as ASDEO(M) Tajor Distict Tank against the post which the appellant is already working against since 27.12.2017. Interestingly, in the remarks column of the impugned order the post has been shown as vacant. On his departmental appeal dated 13.04.2022, the impugned order was withdrawn on 20.04.2022. However, on the same date i.e 20.04.2022 another order was issued and now private respondent No.5 Mr. Muhammad Tariq was posted as ASDEO (M) circle *Tajori* District Tank on stopgap arrangement. It was further argued that the impugned order dated 20.04.2022 is politically motivated as private respondent No.5 is brother in law of the sitting MPA Tank. When confronted by the presiding officer, learned counsel for the appellant admitted that the appellant belongs to teaching cadre and it is a normal practice in the respondent-department to adjust staff from teaching cadre due to shortage of officers in management cadre. The appellant has already been holding charge of the post of ASDEO(M) circle Tajori Tank and not adjusted against any post in an arbitrary manner on political consideration.

The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 11.05.2022 before S.B.

An application for suspension of impugned order dated 20.04.2022 has also been submitted with memo of service appeal which is also served on the respondents for submission of their reply. The impugned transfer order dated 20.04.2022 is suspended, if not already acted upon, till the date fixed.


(Mian Muhammad)
Member(E)

Rs-700/-
Appellant Deposited
Security & Process Fee

A. M. Hash
27/4/22

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____ vs _____

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?		
3.	Whether Appeal is within time?		
4.	Whether the enactment under which the appeal is filed mentioned?		
5.	Whether the enactment under which the appeal is filed is correct?		
6.	Whether affidavit is appended?		
7.	Whether affidavit is duly attested by competent oath commissioner?		
8.	Whether appeal/annexures are properly paged?		
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10.	Whether annexures are legible?		
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?		
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cuttings/overwriting?		
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?		
19.	Whether requisite number of spare copies attached?		
20.	Whether complete spare copy is filed in separate file cover?		
21.	Whether addresses of parties given are complete?		
22.	Whether index filed?		
23.	Whether index is correct?		
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: _____

Dated: _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 630 /2022

Khalid Mehmood Shah son of Ghulam Qasim Shah r/o
village & Post Office Amakhel Tehsil & District Tank. Presently
ASDEO (M) Circle Tajori District Tank. "Under Transfer"
Cell# 0345-9849004

.....(**Appellant**)

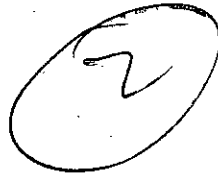
VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Education Department, Khyber Pakhtunkhwa Peshawar.
2. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Assistant Director (Estab MI) E&S Education Khyber Pakhtunkhwa Peshawar.
4. District Education Officer (Male) Tank.
5. Mr. Muhammad Tariq SDEO (M) Circle Tajori Tank.
6. Khan Zaman ASDEO Tajori (**RESPONDENTS**)
DISTT TANK

APPEAL UNDER SECTION 4 OF THE KPK SERVICES
TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED
ORDER NO. 4499-4501 DATED 29/03/2022,
ORDER NO. 8916-19 DATED 20/04/2022 AS WELL
AS THE IMPUGNED TRANSFER ORDER#1872-76
DATED 07/04/2022 ISSUED BY DEO (M) TANK
BEING AGAINST LAW AND INEFFECTIVE UPON
THE RIGHTS OF APPELLANT.

vide order
dated 27/5/2022

[Handwritten signature]



PRAYER

On acceptance of this service appeal the impugned order No. 4499-4501 dated 29/03/2022, order No. 8916-19 dated 20/04/2022 as well as the impugned transfer order#1872-76 dated 07/04/2022 issued by DEO (M) Tank may kindly be set aside/cancelled in the interest of justice.

Any other relief deemed appropriate in the given circumstances may also be granted to the appellant in the large interest of justice.

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

The appellant humbly submits as under;

1. That the appellant has been serving as ASDEO (Male) Circle Tajori District Tank since 2018.
2. That, during the whole service, with great zeal and zest and to the entire satisfaction of his high-ups. In this respect service record of appellant is very much evident. The appellant was also awarded efficiency certificates being 1st position holder due to good performance in the department. Copies of efficiency certificates are jointly annexed herewith as **Annexure-A**.
3. That the Assistant Director Establishment (M-I) E&S Education KPK issued a notification No. 4499-4501 dated



29/03/2022 in which the post of appellant was shown as vacant although the appellant is serving against the same post since 2018 but one Mr. Khan Zaman SST was posted against the post of appellant. Copy of the notification dated 29/03/2022 is annexed herewith as **Annexure-B**.

4. That thereafter the Deputy DEO (M) Tank on behalf of District Education Officer (Male) issued an impugned transfer order No. 1872-76 dated 07/04/2022 vide which the service appellant was transferred/adjusted against the post of SST (M) at Govt. High School Amakhel Tank. Copy of the impugned transfer order dated 07/04/2022 is annexed herewith as **Annexure-C**. Although the Deputy DEO (M) Tank was not authorized to issue the same transfer order nor he had given any instructions by the competent authorities. Hence, on this sole ground the impugned transfer order is liable to be cancelled.
5. That feeling aggrieved by the impugned notifications and the impugned transfer order dated 07/04/2022, the appellant preferred an appeal to your good-self for cancellation of notification and the same was withdrawn by your good-self vide office order No. 8827 dated 20/04/2022. Moreover, the DEO Tank was directed to submit the fresh proposal to your good self for further process. Copies of the appeal and order dated 20/04/2022 are annexed herewith for ready reference as **Annexure-D& E**.
6. That ironically, on the same day, i.e. 20/04/2022 the Assistant Director (Estab MI) E&S Education KPK issued another impugned notification No. 8916-19 dated 20/04/2022 vide which one Mr. Muhammad Tariq SST, SDEO (M) Darazinda was posted as ASDEO (M) Circle Tajori Tank without any proposal of District Education Officer (M) Tank. Copy of the impugned notification dated 20/04/2022 is annexed herewith as **Annexure-F**.



7. That the appellant preferred an appeal to the respondent#2 but the same was dismissed on 25/04/2022 by the appellate authority without any reason. Copies of the appeal and order dated 25/04/2022 are annexed herewith for ready reference as **Annexure-G&H**.
8. That feeling aggrieved by the impugned notifications, transfer order dated 20/04/2022 and the order dated 25/04/2022 of the appellate authority, the appellant having left with no other remedy but to challenge the same by way of instant appeal, on inter alia the following grounds:-.

GROUND: -

- A. That the impugned notifications, transfer order as well as order dated 25/04/2022 of the appellate authority are against the Constitution, Service Laws, Transfer Rules & Policy, and natural justice.
- B. That the appellant served the department almost 22 years in different areas of the district Tank and now transfer him on the basis of political victimization is against the natural justice. Pertinent to mention here that the said Muhammad Tariq is brother in law of the sitting MPA Tank. Hence, the impugned transfer orders are liable to be set aside on this score alone.
- C. That the appellant has been performing his duties to the entire satisfaction of his superiors and no complaint whatsoever has ever been reported against the appellant in his whole service. Hence, the impugned orders are liable to be set aside/withdrawn.
- D. That transfer of Govt. Employees can't be made on the interference of political figures which is offensive to the Constitution and the law on the subject because Ministers,

5

MPA's, MNA's and Senators, all are under oath to discharge their duties in accordance with the Constitution and Law.

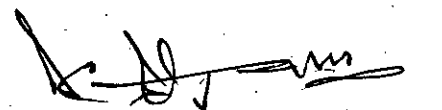
- E. That while issuing the impugned office order the respondent No. 3 did not care the policy of the transfer because the impugned transfer order by itself is illegal due to the non-observance of the normal procedure of transfer. Hence the impugned office order of the appellant is liable to be set aside.
- F. That acts of the respondents especially respondent No. 3 is without jurisdiction based on mala fide and political based hence liable to be declares as null and void by this Honourable Court.
- G. That Counsel for the appellant may please be allowed to raise additional grounds during the course of arguments.

It is therefore respectfully prayed that the instant appeal may please be accepted as prayed for,

Dated: 26/04/2022

Humble Appellant


Khalid Mehmood Shah
Through Counsel


Inamullah Khan Kundi
Advocate High Court
Dera Ismail Khan



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2022

Khalid Mehmood Shah
(Appellant)

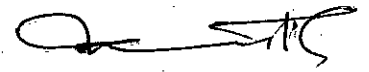
VERSUS

Govt. of KPK etc
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Court.

Dated 26/04/2022



Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated 26/04/2022



Appellant's counsel



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2022

Khalid Mehmood Shah
(Appellant)

VERSUS

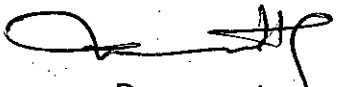
Govt. of KPK etc
(Respondents)

AFFIDAVIT


I, Khalid Mehmood Shah, the appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following my instructions;
2. That all parawise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein is based on exaggeration or distortion of facts.

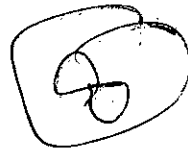
26/04/2022


Deponent

Identified By:-



Inamullah Khan Kundi
Advocate High Court,
Dera Ismail Khan



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2022

Khalid Mehmood Shah
(Appellant)

VERSUS

Govt. of KPK etc
(Respondents)

AN APPLICATION FOR INTERIM RELIEF IN SHAPE OF
SUSPENDING THE IMPUGNED OFFICE ORDER NO. 1816-19
DATED 20/04/2022 AND BY DIRECTING TO RESPONDENTS
TO NOT TAKE ANY ADVERSE ACTIONS AGAINST THE
APPELLANT AS ASDEO TAJORI TANK.

Respectfully Sheweth;

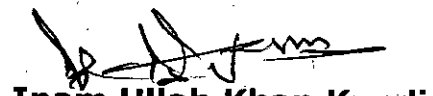
1. That contents of the main appeal may please be read as an integral part of this application.
2. Appellant has prima facie case balance of convenience also tilts in favour of the appellant.
3. That if the impugned transfer order is not suspended then the appellant will suffer irreparable loss and the instant appeal would become infructuous.

It is, therefore, humbly prayed that the instant application may please be accepted as prayed for.

Humble Appellant

Dated: 26/04/2022


Khalid Mehmood Shah
Through Counsel


Inam Ullah Khan Kundi
Advocate High Court
Dera Ismail Khan

(a)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____ /2022

Khalid Mehmood Shah
(Appellant)

VERSUS

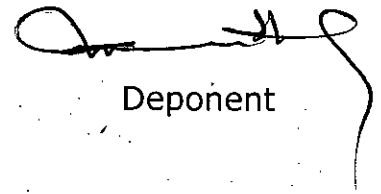
GOVT of KPK etc
(Respondents)

AFFIDAVIT

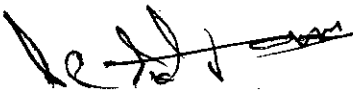
I, Khalid Mehmood Shah, the appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying CM has been drafted by counsel following my instructions;
2. That all parawise contents of the CM are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

Dated: 26/04/2022


Deponent

Identified By:-



Inamullah Khan Kundi
Advocate High Court

10 Am

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.**

OFFICE ORDER.

The following posting/transfers are hereby ordered in their own pay & BPS in the larger interest of public service with immediate effect.

S#	Name/Designation & Address	Where adjusted as	Remarks
1	Mr. Ghulam Ahmad Kabir SST/ADEO (Estab) Primary DEO (M) Tank.	His Services placed at the disposal of DEO (M) Tank	For further posting against V/Post
2	Mr. Iran Gul ASDEO (M) Circle Tajori District Tank	ADEO (Estab) Primary DEO (M) Tank.	Vice S.No.1
3	Mr. Khalid Mehmood Shah SST/ASDEO (M) Circle Tank City	ASDEO (M) Circle Tajori Tank	Vice S.No.2

Note:-

1. Charge report should be submitted to all concerned.
2. NO TA/DA etc are allowed.

DIRECTOR

Endst: No. 1675-54/F.No.436/Vol-32/ADEO (M) Transfers cases.
Dated Peshawar the 27/12/2017

Copy of the above is forwarded to the:-

1. District Education Officer (M) Tank.
2. District Accounts Officer Tank.
3. SDEO (M) concerned.
4. Officials concerned.
5. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
6. Master File.

[Signature]
Deputy Director (Estab) 1/7
Elementary & Secondary Education
Khyber Pakhtunkhwa
[Signature]
27/12/17

*Attested
to be true
copy*

[Signature]



AMX-A
 OFFICE OF THE
 DISTRICT EDUCATION OFFICER
 (MALE) TANK

10
 AD



<https://www.esetank.web.com>

EMISTank

EMISTank

0963-510356

No. 7827 /

Dated Tank the 28 / 11 / 2019

To

The Director,
 Elementary & Secondary Education
 Khyber Pakhtunkhwa Peshawar


Subject: **EFFICIENCY REPORT OF MR. KHALID MEHMOOD SHAH ASDEO CIRCLE TAJORI DISTRICT TANK**

Memo:

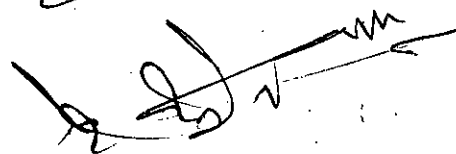
It is stated for your kind information that Mr. Khalid Mehmood Shah is serving the Elementary & Secondary Education Department Tank as ASDEO (Circle) Tajori District Tank.

The said Officer is well conversant with his job description and also very efficient towards assigned role and responsibilities, that's why he has clutched many top positions in the Intra District Performance Scorecard.

The undersigned is much satisfied from his overall performance and tenure in this Office, there is nothing to report against his inefficiency till date.


 District Education Officer
 (Male) Tank

*As deo
 to be done
 copy*



Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD QUALITY DISTRICT TANK

is hereby awarded for the month of December, 2021


Syed Khalid Mehmood Shah

ASDEO (Male) Circle Tajori -Tank
for performance in improving education service delivery.

Date: March 17,2022



Abdul Mateen Khan
Additional Deputy Commissioner, Tank

A.T.O




**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**

12

Certificate of Recognition

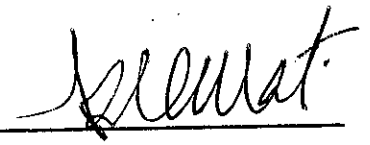
INTRA-DISTRICT PERFORMANCE SCORECARD ACCESS DISTRICT TANK

is hereby awarded for the month of Dec, 2021

Syed Khalid Mehmood Shah

ASDEO (Male) Circle Tajori-Tank
for performance in improving education service delivery.

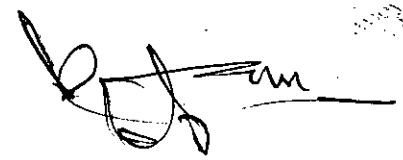
Date: March 17, 2022



Mr. Abdul Mateen Khan
Additional Deputy Commissioner, Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



13

Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD QUALITY DISTRICT TANK

is hereby awarded for the month of March 2021

Khalid Mehmood Shah

ASDEO (Male)- Circle Tajori

for performance in improving education service delivery.

Date: June 25, 2021



Muhammad Kabir Afridi
Deputy Commissioner, Tank



**ELEMENTA
EDUCATION
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



14

Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD QUALITY DISTRICT TANK

is hereby awarded for the month of November, 2020

Pir Syed Khalid Mehmood Shah
ASDEO (Male) - circle Tajori -Tank
for performance in improving education service delivery.

Date: January 27, 2021


Muhammad Kabir Afridi
Deputy Commissioner, Tank





**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



15

Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD ACCESS DISTRICT TANK

is hereby awarded for the month of November, 2020

Pir Syed Khalid Mehmood Shah

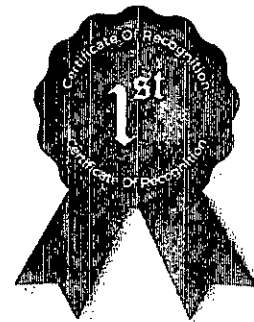
**ASDEO (Male) – Circle Tajori- Tank
for performance in improving education service delivery.**

Date: January 27, 2021


**Muhammad Kabir Afridi
Deputy Commissioner, Tank**



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)
Access Indicators

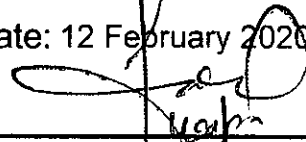
is hereby awarded for the Month of December 2019
to

KHALID MEHMOOD SHAH

ASDEO CIRCLE TAJORI (Male)

for performance in improving education service delivery.

Date: 12 February 2020



Fahad Wazir
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



16

17

Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)

Access Indicators

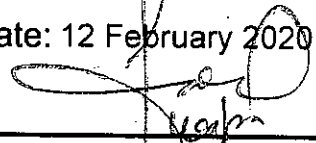
is hereby awarded for the Month of December 2019
to

KHALID MEHMOOD SHAH

ASDEO CIRCLE TAJORI (Male)

for performance in improving education service delivery.

Date: 12 February 2020



Fahad Wazir
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)
Quality Indicators

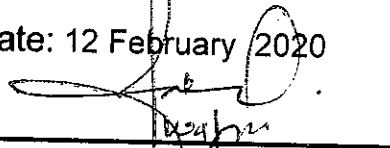
is hereby awarded for the Month of December 2019
to

KHALID MEHMOOD SHAH

ASDEO CIRCLE TAJORI TANK

for performance in improving education service delivery.

Date: 12 February 2020



Fahad Wazir
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



18

19

Certificate of Recognition

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)
Quality Indicators

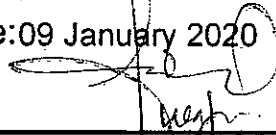
is hereby awarded for the Months of November 2019
to

KHALID MEHMOOD

ASDEO CIRCLE TAJORI (Male)

for performance in improving education service delivery.

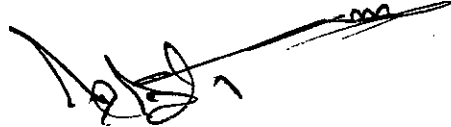
Date: 09 January 2020



Fahad Wazir
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



Certificate of Recognition

20

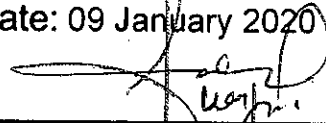
INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)
Access Indicators

is hereby awarded for the Months of November, 2019
to

KHALID MEHMOOD
ASDEO CIRCLE TAJORI (Male)

for performance in improving education service delivery.

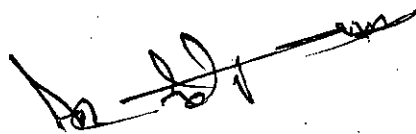
Date: 09 January 2020



Fahad Wazir
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



Certificate of Recognition

21

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)

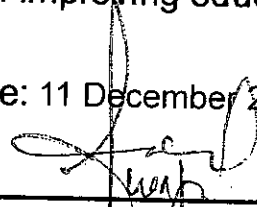
is hereby awarded for the Months of October 2019
to

KHALID MEHMOOD

ASDEO CIRCLE TAJORI (Male)

for performance in improving education service delivery.

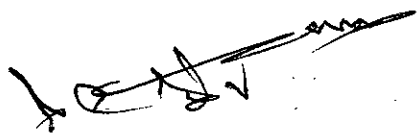
Date: 11 December 2019



Fahad Wazir
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



Certificate of Recognition

22

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)

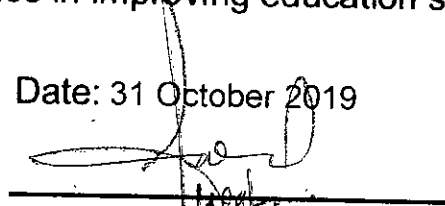
is hereby awarded for the Month of September, 2019
to

KHALID MEMOOD

ASDEO Circle Tajori (Male)

for performance in improving education service delivery.

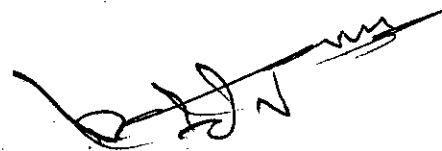
Date: 31 October 2019



Fahad Wazir
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



Certificate of Recognition

23

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)

is hereby awarded for the Months of August to December 2018
to

KHALID MEHMOOD
ASDEO CIRCLE TAJORI

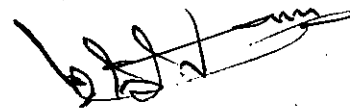
for performance in improving education service delivery.

Date: 4th of February, 2019


Shahrukh Ali Khan
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



Certificate of Recognition

24

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)

is hereby awarded for the month of October-2018
to

KHALID MEHMOOD
A.S.D.E.O circle Tajori

for performance in improving education service delivery.

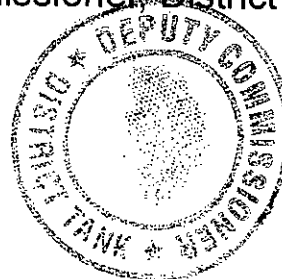
Date: 04-12-2018




Shahrukh Ali Khan
Deputy Commissioner, District Tank



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**



Certificate of Recognition

25

INTRA-DISTRICT PERFORMANCE SCORECARD (IDPS)

is hereby awarded for the month of Aug/ Sep 2018
to

KHALID MEHMOOD
A.S.D.E.O Circle Tajori

for performance in improving education service delivery.

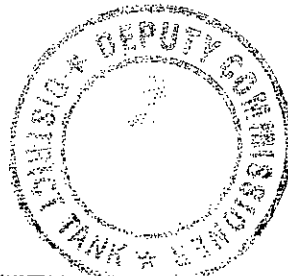
Date: 04-12-2018

SAK
Shahrukh Ali Khan
Deputy Commissioner, District Tank

[Handwritten Signature]



**ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT,
GOVERNMENT OF KHYBER
PAKHTUNKHWA**





Aux. B (26)

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION

The Competent Authority is pleased to order transfer/posting of the following officers in their own pay scale, with immediate effect in the interest of public

Sl#	Name & Designation	From	TO	Remarks
1	Mr. Khan Zaman SST	GHS Kiri	ASDEO(M) Tajori District Tank	AVP
2	Mr. Rasool Khan SST	-	ADEO Littigation at DEO(M)Tank	AVP

TERMS & CONDITIONS

1. Posting/Adjustment of Teaching Cadre Officers shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.
2. The order of the above mentioned Teaching cadre officer will be effective subject to the condition that he will give an undertaking/affidavit on legal paper/stamp paper to DEO (M) Tank to the effect, not to claim seniority of Management cadre.
3. Charge Report should be submitted to all concerned.
4. No T.A/ DA is allowed.
5. The terms & conditions mentioned in their appointment order as teaching cadre will remain intact.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. 11499-4501 F.NO.34/ADEOS (M) Transfers-Tank

Copy forwarded to the:

Dated the Peshawar 29/3 2022

1. District Education Officer (M) Tank.
2. District Accounts Officer Tank.
3. Officers Concerned.
4. Master Copy.

Assistant Director (Estab M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Anx. C (27)

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) TANK

OFFICE ORDER:

In pursuance of the Director, Elementary & Secondary Education, Peshawar, Order No.4499-4501/file No.34/ADEOs (Male) Transfer-Tank dated 29/03/2022, the following SSTs received from their stop gap ADEOs, ASDEOs and Adj. ADEOs their original SST Math/Phy: posts in the large interest of public in immediate effect.

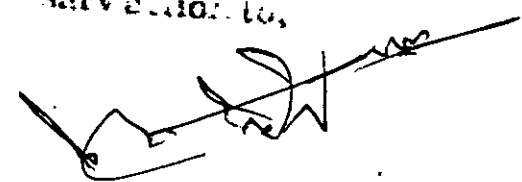
S.#	Name & Designation with office	Adjusted	Remarks
1	Mr. Khalid Mehmood shah SST (Math/Phy:) ASDEO Circle Tora, Tora SDEO(M) Tank	GHS Ama Khan	AA SST Math/Phy Post
2	Mr. Mehmood Azam ADEO Lit. & Co. DEO(M) Tank	GHS Kari Marw	AAV SST Math/Phy Post

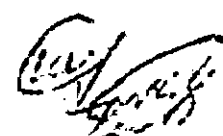
- Note: (1) No TA/DA is Allowed
(2) Charge report should be submitted to the concerned authority.

District Education Officer(M)
Tank.

Date: Tank the 27/03/2022

This order is forwarded for information & necessary action to,
 1. District Education Officer Tank
 2. District Education Officer (M) Tank
 3. District Education Officer (EMA) Tank
 4. District Education Officer Concurrence Tank




District Education Officer(M)
Tank.

To,

28

ASST
D

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

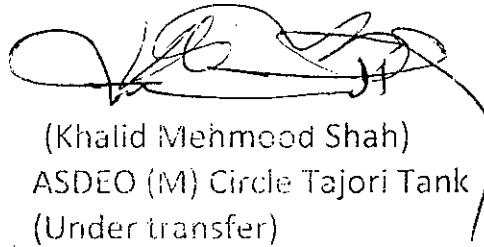
Subject:- REQUEST FOR CANCELLATION OF TRANSFER ORDER NO 4499-4501
DATED 29-03-2022 IN RESPECT OF KHALID MEHMOOD SHAH ASDEO
CIRCLE TAJORI DISTRICT TANK.

R/Sir,

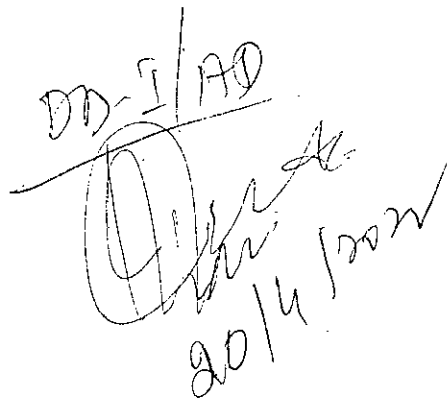
It is submitted for your kind information that my transfer from the post of ASDEO (Male) Circle Tajori District Tank was cancelled in the light of august Supreme Court of Pakistan Director Human Rights Cell letter No. 72246 Dated 06-10-20218, but at present, my services were against transferred from the said Circle without any complaints.

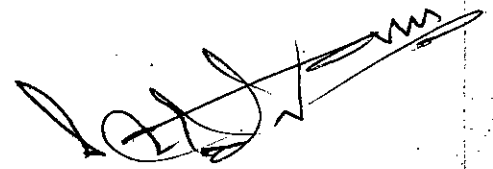
You are therefore, requested to kindly cancel my transfer and I may kindly be retained as ASDEO at Male Circle Tajori District Tank, please.

Yours Obediently,


(Khalid Mehmood Shah)
ASDEO (M) Circle Tajori Tank
(Under transfer)

Dated 13-04-2022

DD-I/AD

20/4/2022





DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION

No. 8857 / F.No. 34/ADEOS (M) Transfers - District Tank

Dated Peshawar the 20 / 4 / 2022

Phone: 091-9225344

Email: estabshmentmale1@gmail.com

AMX-10
20
29

To

The District Education Officer,
(Male) Tank.

Subject: ORDER DATED 4499-4501 DATED 29-03-2022

Memo:

I am directed to refer to the subject cited above and to state that the Competent Authority has been pleased to withdraw the said transfer/posting Order issued by this office on stopgap arrangement basis from the date of issuance.

It is further directed to adjust the incumbent ASDEOS (T.C) at School and submit fresh proposal to this office in the instant case for further process please.

Assistant Director (Estab-M1) 20/4/2022
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. _____

Copy forwarded to the: -
1. PA to Director Local Office.

Assistant Director (Estab M1)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar



**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

OFFICE ORDER

Amr

30
E

The Competent Authority is pleased to transfer Mr. Muhammad Tariq Presently serving as SDEO(M) Darazinda District D.I Khan and post him as ASDEO (M) Circle Tajori District Tank on stopgap arrangement, with immediate effect in the best interest of public service

TERMS AND CONDITIONS.

1. **Posting/Adjustment of Teaching Cadre Officers shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.**
2. **The order of the above named SST (teaching cadre) will be effective subject to the condition that he will give an undertaking/affidavit on legal paper/stamp paper to DEO (M) District Tank to the effect, not to claim seniority of Management Cadre.**
3. **Charge Report should be submitted to all concerned.**
4. **No TA/ DA is allowed**
The terms & conditions mentioned in his appointment order as SST Teaching cadre will remain intact.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

Encls: No. 2916-19 F.NO.34/A/DEOS (M) Transfers - Tank Dated the Peshawar 20/4 2022

Copy forwarded to the:

1. District Education Officer (M) D.I Khan.
2. District Education Officer (M) Tank
3. District Accounts Officer Tank.
4. ASDEO Concerned.
5. Master Copy.

Assistant Director (Estab-M1) 28/4/2022
Elementary & Secondary Education
Khyber Pakhtunkhwa

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

31

Ann

69

Subject: **DEPARTMENTAL APPEAL/REPRESENTATION WITH THE REQUEST TO SET ASIDE THE IMPUGNED ORDER NO. 4499-4501 DATED 29/03/2022, ORDER NO. 8916-19 DATED 20/04/2022 AS WELL AS THE IMPUGNED TRANSFER ORDER#1872-76 DATED 07/04/2022 ISSUED BY DEO (M) TANK BEING AGAINST LAW AND INEFFECTIVE UPON THE RIGHTS OF APPELLANT.**

Respected Sir,

Appellant humbly submits as under,

1. That the appellant has been serving as ASDEO (Male) Circle Tajori District Tank since 2018.
2. That, during the whole service, with great zeal and zest and to the entire satisfaction of his high-ups. In this respect service record of appellant is very much evident. The appellant was also awarded efficiency certificates being 1st position holder due to good performance in the department. Copies of efficiency certificates are annexed herewith for ready reference.
3. That the Assistant Director Establishment (M-I) E&S Education KPK issued a notification No. 4499-4501 dated 29/03/2022 in which the post of appellant was shown as vacant although the appellant is serving against the same post since 2018 but one Mr. Khan Zaman SST was posted against the post of appellant. Copy of the notification dated 29/03/2022 is annexed herewith.
4. That thereafter the Deputy DEO (M) Tank on behalf of District Education Officer (Male) issued an impugned transfer order No. 1872-76 dated 07/04/2022 vide which the service appellant was transferred/adjusted against the post of SST

(M) at Govt. High School Amakhel Tank. Copy of the impugned transfer order is annexed herewith. Although the Deputy DEO (M) Tank was not authorized to issue the same transfer order nor he had given any instructions by the competent authorities. Hence, on this sole ground the impugned transfer order is liable to be cancelled.

5. That feeling aggrieved by the notification dated 29/03/2022 and the impugned transfer order dated 07/04/2022, the appellant preferred an appeal to your good-self for cancellation of notification and the same was withdrawn by your good-self vide office order No. 8827 dated 20/04/2022. Moreover, the DEO Tank was directed to submit the fresh proposal to your good self for further process. Copies of the appeal and order dated 20/04/2022 are annexed herewith for ready reference.
6. That ironically, on the same day, i.e. 20/04/2022 the Assistant Director (Estab MI) E&S Education KPK issued another impugned notification No. 8916-19 dated 20/04/2022 vide which one Mr. Muhammad Tariq SST, SDEO (M) Darazinda was posted as ASDEO (M) Circle Tajori Tank without any proposal of District Education Officer (M) Tank. Copy of the impugned notification dated 20/04/2022 is annexed herewith.
7. That the impugned orders mentioned above are against law, facts, service rules & regulations and departmental policy, hence, the same are not tenable in the eye of law but liable to be set aside/withdrawn.
8. That the appellant served the department almost 22 years in different areas of the district and now transfer him on the basis of political victimization. Pertinent to mention here that the said Muhammad Tariq is brother in law of the sitting MPA Tank. Hence, the impugned transfer orders are liable to be set aside on this score alone.
9. That the appellant has been performing his duties to the entire satisfaction of his superiors and no complaint

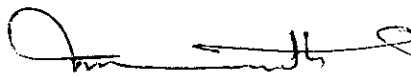
33

whatsoever has ever been reported against the appellant in his whole service. Hence, the impugned orders are liable to be set aside/withdrawn.

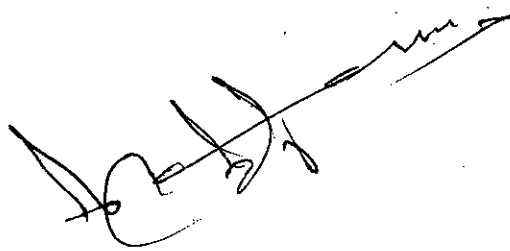
It is therefore respectfully prayed that on acceptance of this departmental appeal impugned order No. 4499-4501 dated 29/03/2022, order No. 8916-19 dated 20/04/2022 as well as the impugned transfer order#1872-76 dated 07/04/2022 issued by DEO (M) Tank may kindly be set aside/cancelled in the interest of justice.

April 21, 2022

Yours' humble Applicant



Khalid Mehmood Shah 21/04/2022
ASDEO (M) Circle Tajori
District Tank.
"Under Transfer"
Cell# 0345-9849004



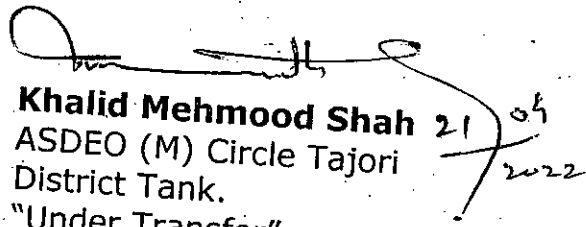
(34) Annex (H)

whatsoever has ever been reported against the appellant in his whole service. Hence, the impugned orders are liable to be set aside/withdrawn.

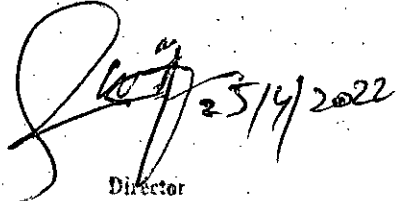
It is therefore respectfully prayed that on acceptance of this departmental appeal impugned order No. 4499-4501 dated 29/03/2022, order No. 8916-19 dated 20/04/2022 as well as the impugned transfer order#1872-76 dated 07/04/2022 issued by DEO (M) Tank may kindly be set aside/cancelled in the interest of justice.

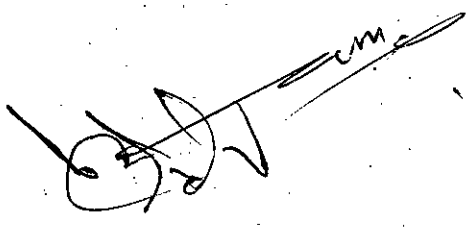
April 21, 2022

Yours' humble Applicant


Khalid Mehmoed Shah 21/04/2022
ASDEO (M) Circle Tajori
District Tank.
"Under Transfer"
Cell# 0345-9849004

Rejected


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar



ALLAH KHAN KUNDI
Advocate High Court
FSC-42-3380
Date of Issue: 01-04-2010
Valid upto: 01-04-2022



کوریج
فیس

بندالت جناب خیر کتوخواہ روس لٹریچر لٹریچر

منجانب خالد محمود شاہ

خالد محمود شاہ نام گورنمنٹ آف اے کے پی کے وغیرہ

دکوی یا جرم

روس ایپیل

تفصیل دکوی یا جرم

Dik

باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطہ بیروی و جواب دہی برائے پیشی یا تصفیہ مقدمہ بنام
العماد اللہ خان کنڈے کے ایڈووکیٹ کے ہائی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ برو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ بیروی غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا بیچے یا بروز تعطیل
بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے یا بیچے پیش ہونے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسے واسطہ کسی معاوضہ کے ادا کرنے یا منت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
کو کل ساختہ پر واخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دکوی یا جواب دکوی یا درخواست اجراء اسمائے ذکری
نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے دیان دینے اور ہر جائی یا راضی نامہ ایسے برصاف کرنے اپیل دکوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ منگور بیرون از کچہری صدر بیروی مقدمہ منگور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوفی ذکری یک طرفہ یا درخواست ستم اثنائی یا ترقی
یا گرفتاری قبل از فیصلہ اجراء ذکری بھی صاحب موصوف کو بشرط ادا کیلیک ملحدہ محتامبیروی کا اختیار ہو گا اور تمام ساختہ پرداخت صاحب موصوف مثل کردہ
از خود منظور قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ منگورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر منگور اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

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

Accepted by = خالد محمود شاہ =

مخدوم صاحب کوئی ڈیڑھ گھنٹہ ایجوکیشن آف انڈین لائٹ
مذکورہ جواب پر محترمہ درخواست برائے جوابی دستوری لکھا گیا

جوابی میلہ
درخواست گزار سے تم سوا 19-8916 تاریخ 20/11/2014ء

از ڈائریکٹوریٹ ایڈمنسٹریٹو سروسز ایجوکیشن لکچرر میڈیکل سائنس آرڈر ہے
آرڈر مذکورہ سائنس آرڈر کے خدو میں شریک ہوئے ہیں۔
26/11/2014 کو پیشین ہے گی۔ آرڈر اس میں مذکورہ سائنس آرڈر
کے آرڈر شریک ہوئے 18/11/2014 آرڈر اس میں شریک ہوئے 11/11/2014 کی تاریخ
مقرر کی۔ 27/11/2014 کو بچے مقدمہ نقل ملے آرڈر 28/11/2014 کو میں شریک ہوئے
آرڈر دفتر حیدرآباد میں ہے۔ مزید برآں 27/11/2014 کی
بیشی میں آٹھ سہ ماہیہ کیلئے 27/11/2014 کی تاریخ مقرر ہوئی۔

جوابی دہرا عدالت کے مذکورہ آرڈر کی روشنی میں میں بدستور
26/11/2014 اپنی ذمہ داریوں میں سے عمل بنیاداً ہوں۔ عدالت کے ورڈ
کو نامہ لکھوں۔ اور اس کے جوابی Correspondence سے ملتا ہے۔
اور Respond ناموں۔ عدالت آرڈر سے متعلق کسی قسم کی شکایت
ہیں ہے۔ لیکچرر اس ڈیوٹی انجام دے رہے ہیں۔
لکھنا عرض کی جاتی ہے۔ آٹھ آرڈر تاک

Received
December
23/11/2014

23/11/2014

تاریخی طور پر مجھے سے رٹ آرڈر جاریہ کا مطالبہ ہیں کیا جا سکتا ہے۔ بصورت دیگر
اگر مجھے مہر کیا جاتا ہے تو میں عدالت کی تمام ذمہ داری اپنے سر لے لیتی ہوں
مزید یہ کہ اگر میری دستوری لکچرر میں کسی قسم کی تاخیر ہوئی۔ تو ذمہ داری آپ لوگوں کی ہوتی
ہوگی۔ عدالتی ریکارڈ کی درخواست ہے۔

خالد محمود شاہ ASO.E.C. تجویزی مسٹر ایس او بی بی 816 ٹاٹ
کافی اے اے اے
ASO.E.C. (مذکورہ) ٹاٹ
23/11/2014

خدمت جناب جسٹریٹریٹس ٹریبونل خیرپختونخواہ لہا پور

جناب عالی

گزارا دہی ہے کہ ایسے نمبر 630/22 خالد شاہ 15/5/2022 گورنمنٹ

آف خیرپختونخواہ آرڈر سٹیٹ کے Attested گاپ
عنایت فرمادیں

عین نواز سی ہونگے

فقط مورخہ 27/05/2022

الکافی

خالد محمود شاہ

کافی

Attested as per rules

جسٹریٹریٹس

27/5/22

محترمت صبا رحمتی صاحبہ ڈیپو ایمل خانہ -

صبا علی :

عنوان :- درخواست برائے 27/5/2022 کی آرڈر سٹیٹ گاڑی

تاج خانہ محمود ASDEO گانت

گزارش کی تہ سائل کو آج 27/5/2022 کی آرڈر سٹیٹ
گاڑی موصول نہیں ہوئی ہے

سزا ابتدائی سائل کو 27/5/2022

کی آرڈر سٹیٹ گاڑی افغانیہ فروغی

گنتہ سٹیٹ -

فوق صرفاً 27/5/2022

فوق سٹیٹ
- - - - -
محترمہ صاحبہ PD ADEO گانت

Allama As Per rules
27/5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In Service Appeal No. 630/2022

Khalid Mehmood Shah

Versus

Govt. of Khyber Pakhtunkhwa etc

SERVICE APPEAL

APPLICATION FOR PLACEMENT OF NOTIFICATION NO.
1309-12 DATED 27/04/2022 ISSUED BY
RESPONDENT#2 ON THE ORIGINAL FILE BEING
NECESSARY DOCUMENT AND MAY BE CONSIDER THE
ABOVE MENTION ORDER UP TO THE EXTANT OF SERIAL
NO 1 AS IMPUGNED ORDER AND BEING AGAINST LAW
INEFACTIVE UPON THE RIGHTS OF APPLANT AND MAY
KINDLY BE SET ASIDE/CANCELLED IN THE INTEREST
OF JUSTICE IN THE MAIN PRAYER OF SERVICE APPEAL.

Respectfully Sheweth;

Applicant humbly submits as under,

1. That the above titled service appeal is pending adjudication before this honorable Court.
2. That actually initially the appellant questioned the order No. 1816-19 dated 20/04/2022, in which the private respondent#5 namely Muhammad Tariq was transferred in place of appellant before this Honorable Tribunal and this august Tribunal were pleased to suspend the impugned transfer order#1816-19 dated 20/04/2022 vide order dated 26/04/2022. Later on after issuing the suspension the order the appellant submitted the suspension order well within time i.e. early in the morning of the office time on 27/04/2022 to the respondents/authority but in spite of this the respondents

issued fresh notification No. 1309-12 dated 27/04/2022, wherein the respondents/authority transferred the private respondent#5 namely Muhammad tariq to ADEO P&D Tank while Mr. Khan Zaman SST was placed as ASDEO Circle Tajori District Tank and the appellant was hanged into air without placing or transferring them (appellant) at any station. Hence, the notification No. 1309-12 dated 27/04/2022 is necessary to be brought on file.

3. That this honorable court has got the vast powers to accept the application in hand.

It is, therefore, humbly prayed that the instant application may please be accepted.

Dated: 11/05/2022

Your humble petitioner,


Khalid Mehmood Shah

Through counsel:-


Inam Ullah Khan Kundi
Advocate High Court

AFFIDAVIT

I, **Khalid Mehmood Shah**, do hereby solemnly affirm and declare on Oath that contents of the accompanying CM petition are true and correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Hon'ble Court.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

CM Petition No. _____/2022

In service Appeal No.630 /2022

Put up to the Hon'ble Chairperson
with relevant Khalid Mehmood Shah
appeal.

(Appellant)

VERSUS GOVT of KPK etc

(Respondents)

Service Appeal

APPLICATION FOR WITHDRAWAL OF ABOVE TITLED
SERVICE APPEAL

22/8/2022.

Revoked

Respectfully Sheweth:-

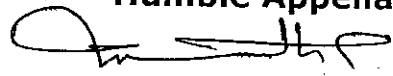
That appellant humbly submits as under:-

1. That the above titled Service Appeal is pending adjudication in this Honourable Tribunal.
2. That the matter has been patched-up between the parties and grievance of appellant has been redressed, thus, the appellant does not want to proceed further with the case. Hence, the above titled service appeal may kindly be treated as withdrawn.
3. That this honourable tribunal has got vast and ample powers to withdraw the above said service appeal.

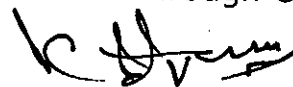
It is therefore, humbly requested that the above Service Appeal may graciously be dismissed as withdrawn in the interest of justice.

Dated: 22 /08/2022

Humble Appellant



Khalid Mehmood Shah
Through Counsel



Inam Ullah Khan Kundi
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In Contempt Petition No. _____/2022

Khalid Mehmood Shah

Versus

Hafiz Muhammad Ibrahim etc

CONTEMPT PETITION

APPLICATION FOR WITHDRAWAL OF ABOVE TITLED
CONTEMPT PETITION

Respectfully Sheweth:-

That petitioner humbly submits as under:-

1. That the above titled Contempt petition is pending adjudication in this Honourable Tribunal.
2. That the matter has been patched-up between the parties and grievance of petitioner has been redressed, thus, the petitioner does not want to proceed further with the case. Hence, the above titled contempt petition may kindly be treated as withdrawn.
3. That this honourable tribunal has got vast and ample powers to withdraw the above said contempt petition.

It is therefore, humbly requested that the above Contempt Petition may graciously be dismissed as withdrawn in the interest of justice.

Dated: 22/08/2022

Humble Petitioner



Khalid Mehmood Shah

Through Counsel



Inam Ullah Khan Kundi

Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In Contempt Petition No. _____/2022

Khalid Mehmood Shah

Versus

Hafiz Muhammad Ibrahim etc

CONTEMPT PETITION

AFFIDAVIT

I, **Khalid Mehmood Shah**, the petitioner, do hereby solemnly affirm and declare on oath that contents of above CM petition are true & correct and that nothing has been concealed from this Honourable Court.



DEPONENT

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 630/2022

Khalid Mehmood

VS

Government of KPK

Index

SNo	Description of documents	Annexure	Page No.
01	Para wise comments		1-4
02	Affidavit		5
03	Authority		6


Depohent

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 630/2022

Khalid Mehmood

VS

Government of KPK

PARA WISE COMMENTS ON BEHALF OF RESPONDENT 1 TO 4

Preliminary objections

- 1) That the appeal is not maintainable in the present form.
- 2) That the appellant is estopped due to his own conduct to file this appeal.
- 3) That the appellant has got no cause of action and locus standi to file instant appeal.
- 4) That the appellant has not come to the Tribunal with clean hands and has suppressed all relevant facts.
- 5) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6) That the appeal filed by the Appellant is pre mature and the appellant has concealed the material facts from Honourable Tribunal.
- 7) That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal in its present form.
- 8) That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for Rejection.
- 9) That the appeal is weak having no force, fabricated, fictitious, based on ill will, malafide and having no footings in the eyes of law.
- 10) That proceeding with the instant appeal would be a futile exercise and just wastage of the precious time of this Honourable Tribunal.
- 11) That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.

Respectfully Sheweth

- 1) Para pertains to the services of appellant as ASDEO(M) Circle Tajori District Tank. In this para appellant admitted that he is working since 2018. Appellant had completed his normal tenure and then appellant was transferred to the post of SST(Science) and posted at GHS Ama Khail Tank, hence appellant is not an aggrieved person.
- 2) This para pertain to record.
- 3) Incorrect / not admitted. As the appellant was working against the Management Cadre post on stop gap arrangement being teaching cadre employee of the respondent department. Therefore, the services of appellant were transferred

2

2

to the teaching cadre post, as the actual post of appellant is SST (Science). Thus appellant was adjusted against the post of SST(Science) being need of the school GHS Ama Khail Tank.

4) Incorrect / not admitted. This para is misleading. As the appellant is teaching cadre employee of the respondent department. As the post of DEO(M) Tank was lying vacant due to retirement of Mr. Umer Khan DEO, therefore the worthy Secretary E&SE KP Peshawar was pleased to allow/notify Dy: DEO(M) Tank to hold the additional charge of DEO(M) Tank. It is further added that the transfer of teaching cadre employee comes in the domain/competency of DEOs. Therefore, respondent No. 4 rightly adjusted the appellant against the post of SST (Science) GHS Ama Khail Tank. No discrimination had been made with present appellant.

5) Incorrect / not admitted. Strongly denied. Appellant did not file any departmental appeal before the respondent No. 2 the worthy Director E&SE KP Peshawar because he did not annex any appeal / representation along with present service appeal. It is further submitted that the cancellation of order dated 29.03.2022 does not confirm any useful right to the appellant. As appellant was adjusted against his original post SST (Science) at GHSS Ama Khail Tank.

6) Incorrect / not admitted. Strongly denied. the respondent No. 05 Mr. Muhammad Tariq was transfer from post of SDEO Drazinda DI Khan to the post of ASDEO(M) Circle Tajori Tank vide order dated 20.04.2022. This transfer order does not required any proposal from the DEO(M) Tank. It is further added that the private respondent No. 05 had vast experience of management as he worked as SDEO Darazinda. The order dated 20.04.2022 was issued by the competent authority; hence this transfer order is legal and sustainable in eye of law.

7) Incorrect / not admitted. Strongly denied. The appellant did not file appeal before the respondent No. 2 the Director E&SE KP Peshawar, therefore Director E&SE do not decided the appeal of the appellant. Here appellant claim that the appeal of the appellant was dismissed by the Director E&SE KP Peshawar, this stance of the appellant is totally false, the signature on the page 34 of the present service appeal are fake and bogus. The representation annexed with present service appeal is fake and bogus. Hence appellant is liable to the proceeded under the law as he produced fake signature of the worthy Director E&SE KP Peshawar.

3

8) Incorrect / not admitted. As the appellant was not an aggrieved person. The appellant produced fake signature of the worthy Director on appeal dated 21.04.2022. The service appeal of the appellant is not maintainable in eye of law and liable to be dismissed. It is further added that the service appeal of appellant is an exercise in futility further proceeding in this regards would bear no fruit hence it is requested to this Honourable Tribunal to dismiss the service appeal of the appellant with heavy cost.

Objections on Grounds

- a. Incorrect / not admitted. The office of the worthy Director E&SE KP Peshawar did not receive the appeal of the appellant. It is worth mentioned that the appellant did not annex any receipt of registry/postal certificate from the General Post Office. The appeal annexed with present service appeal is fake and bogus, the signature of the Director on page 34 of the service appeal does not match with the signature of the worthy Director E&SE KP Peshawar.
- b. Incorrect and not admitted. Strongly denied. The appellant was treated by the respondent department as per law. The action of respondent department was according to the Constitution of the Islamic Republic of Pakistan 1973 but the claim of the appellant to retain him as ASDEO is against the law, rule and policies of the government.
- c. Incorrect / not admitted. Strongly denied. The respondents department treated the appellant according to law, rule and policies of the Government as the appellant was adjusted against his original post of SST (Science). No discrimination had been made with the present appellant. The appellant is teaching cadre employee and he was adjusted against the teaching cadre post of SST(Science).
- d. Incorrect, hence strongly denied. The stance of the appellant is having no truth and is totally false and fictitious. This act of the respondents cannot be declared against the law on any ground whatsoever but the straight away rejection of Service Appeal.
- e. Incorrect / not admitted. The appellant had worked on the post of ASDEO Circle since 2018, the tenure of the appellant is greater than the normal tenure. Thus the transfer order of the appellant is legal, sustainable in eye of law.
- f. Incorrect / not admitted. As discussed above.


4

g. The counsel for respondents may kindly be allowed to raise additional grounds at the time of arguments.

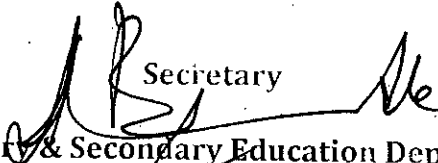
Pray

Therefore, it is, requested to this Honourable Tribunal to dismiss the Service Appeal of the appellant with heavy cost because the Service Appeal of the appellants is only an exercise in futility and further proceeding in this regard would bear no fruit.

Dated: 28/6/2022


District Education Officer
(Male) Tank


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


Secretary
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Peshawar

Secretary to Govt. of
Khyber Pakhtunkhwa
E&SE Department

5

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 630/2022

Khalid Mehmood

VS

Government of KPK

Affidavit

I, Rasool Khan ADEO(Litigation) Tank do hereby solemnly affirm and declared on oath that the contents of above mentioned service appeal are correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.


Deponent



BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 630/2022

Khalid Mehmood

VS

Government of KPK

Authority

I, District Education Officer (M) Tank Respondent No. 4 do hereby authorized Rasool Khan ADEO(Litigation) Tank to attend this Honourable Service Tribunal KPK Peshawar on behalf of respondents in connection with submission of para wise comments and till the decision of the service appeal.

Respondent No.4


District Education Officer
(Male) Tank



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

SALIM SHAHZAD

Advocate
bc-12-3989
Date of Issue: March 2020
Valid upto: March 2023



Secretary
K.P. Bar Council

Father's Name: BAHADAR KHAN
Address: KUNDI HOUSE KHAN STREET BANNU, DISTRICT D.I. KHAN
Contact No: 03018798745
Enrolment Date L.C: 10-September-2013
Enrolment Date H.C: 30-November-2015
Place of Practice: D.I. KHAN
Date of Birth: 26-March-1988
Blood Group: A+VE
C.NIC No: 12101-1584236-1

KHYBER PAKHTUNKHWA BAR COUNCIL
150 Courts Building, Peshawar, Pakistan. Phone: 0301-421112, 0301-421113, 0301-421114, 0301-421115
E-mail: kpbcc@kpbcc.gov.pk, www.kpbcc.gov.pk

WAKALATNAMA


Before Honorable Service Tribunal Bench D.I. Khan
Khalid Mehmood Plaintiff /Appellant /Petitioner/Complainant/ Accused
Vs
Govt of KAK etc Defendant/Respondent/ Complainant/ Accused

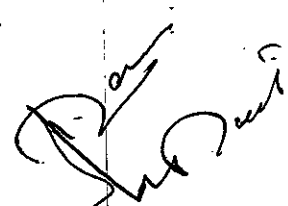
KNOW ALL to whom these present shall come that I/We Khan Zaman do hereby appoint **Saleem Shahzad Kundi Advocate High Court** (herein after called the advocate/s) to be my/our Advocate in the above noted case authorise him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this...29...day of6.....2022.

Accepted


Saleem Shahzad Kundi
Advocate High Court
District Bar, Dera Ismail Khan.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Competition No _____/2022

In Service Appeal No. 630/2022

Khalid Mehmood Shah

Versus

Govt. of Khyber Pakhtunkhwa etc

SERVICE APPEAL

APPLICATION FOR THE IMPLEADMENT OF MR. KHAN
ZAMAN IN PANEL OF RESPONDENTS IN THE ABOVE
TITLED SERVICE APPEAL BEING PROPER AND
NECESSARY PARTY.

Respectfully Sheweth;

Applicant humbly submits as under,

1. That the above titled service appeal is pending adjudication before this honourable Court.
2. That actually initially the appellant questioned the order No. 1816-19 dated 20/04/2022, in which the private respondent#5 namely Muhammad Tariq was transferred in place of appellant before this Honourable Tribunal and this august Tribunal were pleased to suspend the impugned transfer order#1816-19 dated 20/04/2022 vide order dated 26/04/2022. Later on after issuing the suspension the order the appellant submitted the suspension order well within time i.e. early in the morning of the office time on 27/04/2022 to the respondents/authoritiy but in spite of this the respondents issued fresh notification No. 1309-12 dated 27/04/2022, wherein the respondents/authority transferred the private respondent#5 namely Muhammad tariq to ADeO P&D Tank while Mr. Khan Zaman SST (Impleader) was placed as ASDEO

Circle Tajori District Tank and the appellant was hanged into air without placing or transferring them (appellant) at any station. Hence, the impleadment of said Khan Zaman is necessary being necessary and proper party.

3. That this honourable court has got the vast powers to array the applicant as private respondent for the interest of justice and fair play.

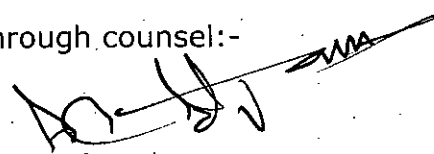
It is, therefore, humbly prayed that the applicant may please be impleaded in the service appeal in the array of private respondents being proper and necessary party to meet the ends of justice.

Dated: ___/05/2022

Your humble petitioner,


Khalid Mehmood Shah

Through counsel:-


Inam Ullah Khan Kundi
Advocate High Court

AFFIDAVIT

I, **Khalid Mehmood Shah**, do hereby solemnly affirm and declare on Oath that contents of the accompanying CM petition are true and correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Hon'ble Court.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In Service Appeal No. 630/2022

Khalid Mehmood Shah

Versus

Govt. of Khyber Pakhtunkhwa etc

SERVICE APPEAL

APPLICATION FOR PLACEMENT OF NOTIFICATION NO.
1309-12 DATED 27/04/2022 ISSUED BY
RESPONDENT#2 ON THE ORIGINAL FILE BEING
NECESSARY DOCUMENT AND MAY BE CONSIDER THE
ABOVE MENTION ORDER UP TO THE EXTANT OF SERIAL
NO 1 AS IMPUGNED ORDER AND BEING AGAINST LAW
INEFFECTIVE UPON THE RIGHTS OF APPLANT AND MAY
KINDLY BE SET ASIDE/CANCELLED IN THE INTEREST
OF JUSTICE IN THE MAIN PRAYER OF SERVICE APPEAL.

Respectfully Sheweth;

Applicant humbly submits as under,

1. That the above titled service appeal is pending adjudication before this honorable Court.
2. That actually initially the appellant questioned the order No. 1816-19 dated 20/04/2022, in which the private respondent#5 namely Muhammad Tariq was transferred in place of appellant before this Honorable Tribunal and this august Tribunal were pleased to suspend the impugned transfer order#1816-19 dated 20/04/2022 vide order dated 26/04/2022. Later on after issuing the suspension the order the appellant submitted the suspension order well within time i.e. early in the morning of the office time on 27/04/2022 to the respondents/authority but in spite of this the respondents

issued fresh notification No. 1309-12 dated 27/04/2022, wherein the respondents/authority transferred the private respondent#5 namely Muhammad tariq to ADEO P&D Tank while Mr. Khan Zaman SST was placed as ASDEO Circle Tajori District Tank and the appellant was hanged into air without placing or transferring them (appellant) at any station. Hence, the notification No. 1309-12 dated 27/04/2022 is necessary to be brought on file.

3. That this honorable court has got the vast powers to accept the application in hand.

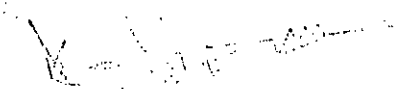
It is, therefore, humbly prayed that the instant application may please be accepted.

Dated: 11/05/2022

Your humble petitioner,


Khalid Mehmood Shah

Through counsel:-


Inam Ullah Khan Kundi
Advocate High Court

AFFIDAVIT

I, Khalid Mehmood Shah, do hereby solemnly affirm and declare on Oath that contents of the accompanying CM petition are true and correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Hon'ble Court.


DEPONENT

**DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA PESHAWAR**

NOTIFICATION

The Competent Authority has decided to provide the following posts to the officers in their own pay scales with immediate effect from 01/01/2014.

No.	Name & Designation	From	To	Pay Band
1	Mr. Iqbal Ahmad	Officer	Officer	10000
2	Muhammad Iqbal	Officer	Officer	10000
3	Mr. Asim	Officer	Officer	10000
4	Mr. Iqbal Ahmad	Officer	Officer	10000
5	Mr. Iqbal Ahmad	Officer	Officer	10000

TERMS & CONDITIONS

- 1. Posting Adjustment of Teaching Cadre Officers shall be considered as a special arrangement till the arrival of Management Cadre officers.
- 2. The officers of the above mentioned teaching cadre shall be posted to the posts mentioned in the above mentioned list with immediate effect from 01/01/2014.
- 3. The officers of the above mentioned teaching cadre shall be posted to the posts mentioned in the above mentioned list with immediate effect from 01/01/2014.
- 4. The officers of the above mentioned teaching cadre shall be posted to the posts mentioned in the above mentioned list with immediate effect from 01/01/2014.

DIRECTOR

Mr. Iqbal Ahmad
Officer
Office of the Director
Peshawar

Date: 01/01/2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

CM No. _____/2022

In Service appeal No. _____/2022

Khalid Mehmood Shah

Versus

Hafiz Muhammad Ibrahim etc

SERVICE APPEAL

APPLICATION FOR INTERIM RELIEF BY DIRECTING THE RESPONDENTS TO SUSPEND THE OPERATION OF IMPUGNED NOTIFICATION NO. 1309-12 DATED 27/04/2022 TO THE EXTANT OF SERIAL NO 1 AND NOT TO TAKE CHARGE FROM PETITIONER TILL FINAL DISPOSAL OF THE INSTANT SERVICE APPEAL.

Respectfully Sheweth,

1. That the above titled service appeal is pending adjudication before this Honorable Tribunal and the instant application may kindly be considered as part of it.
2. That the petitioner has prima facie case and balance of convenience also tilts in favor of the petitioner.
3. That the respondents are intending to act upon the impugned transfer notification on political basis and take charge from petitioner.
4. That if the operation of impugned notification is not suspended and respondents are not restrained from taking charge from the petitioner then the petitioner will suffer irreparable loss and purpose of institution of instant service appeal will become futile.
5. That in such like situation this Honorable Tribunal has got the vast powers to entertain the instant application.

It is, therefore, humbly requested that in view of the above submissions, the instant application may kindly be accepted as prayed for in the headnote and contents of application till final disposal of the main service appeal.

Dated: 11/05/2022

Your humble petitioner,


Khalid Mehmood Shah

Through counsel:-


Inam Ullah Khan Kundi
Advocate High Court

AFFIDAVIT

I, **Khalid Mehmood Shah** son of Ghulam Qasim Shah r/o village & Post Office Amakhel Tehsil & District Tank. Presently ASDEO (M) Circle Tajori District Tank, the petitioner, do hereby solemnly affirm and declare on Oath that contents of the accompanying CM petition are true and correct and nothing has been deliberately concealed from this Hon'ble Court.


DEPONENT

CNIC#12201-1884967-3