

29<sup>th</sup> September, 2022

1. This COC Application is fixed for 30.09.2022 before S.B at camp court D.I.Khan but on the request of the petitioner case file requisitioned for today. Petitioner submitted application for withdrawal of the instant C.O.C Application which is placed on file.

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 In view of the request made in the application, this C.O.C Application is dismissed as withdrawn.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

3. *Pronounced in open court in camp court D.I.Khan and given under my hand and seal of the Tribunal on this 29<sup>th</sup> September, 2022.*



(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

جناب چیئرمین سروس ٹریبونل چیمبر کٹو گواہ ڈی۔ آئی۔ خان کیمپ

جناب عالی

گزارش ہے کہ سائل نے معزز عدالت میں کیس نمبر 630/2022

اور COC جمع کے تھیں۔

۱۔ خالد محمود شاہ بنام گورنمنٹ آف پاکستان اور دیگر

۲۔ خالد محمود شاہ بنام حافظ محمد ابراہیم و دیگر

سائل نے سروس اپیل اور COC دونوں کیسے Withdrawal

درخواستیں مورخہ 22/08/22 کو معزز عدالت میں جمع کیں۔

۱۔ لہذا استدعا ہے کہ دونوں درخواستیں Withdrawal کیے جائیں۔

فقط معفہ 29/09/2022

عین نواز سجاد ہونگے۔

العارض  
سائل خالد محمود شاہ مکنتہ آغا خیل تحصیل قیصر سائل

محمد علی

29.06.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Vide order sheet dated 27.05.2022 notice of the contempt petition as well as suspension application be issued to the respondents for submission of reply but the respondents failed to submit reply. Learned Additional Advocate General seeks time to contact the respondents for submission of reply of the contempt petition. Granted. To come up for reply before the S.B on 25.07.2022 at Camp Court. D.I. Khan.



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

25/07/2022

Due to Summer vacation

come up 30/09/2022

Reader

27.05.2022

Learned counsel for the petitioner present. Petitioner has filed the instant Contempt of Court petition alongwith an application for seeking interim relief by way of issuing of direction to the respondents to suspend the operation of impugned Notification No. 1309-12 dated 27.04.2022 and not to take charge from the petitioner till the final disposal of the Contempt of Court Petition.

Preliminary arguments on the suspension application heard. Notice of the contempt petition as well as suspension application be issued to the respondents and to come up for reply on 29.06.2022 before the S.B at Camp Court D.I.Khan.

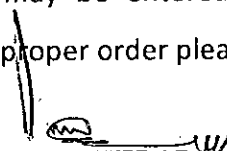


(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

# FORM OF ORDER SHEET

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

C.O.C application No. 292/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/05/2022	<p>The C.O.C application of Mr. Khalid Mehmood Shah submitted today by Mr. Inamullah Kundi Advocate, may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This C.O.C application be put up before touring Single Bench at D.I.Khan on <u>27-5-22</u>. Original file be requisitioned. Notices to the parties be also issued for the date fixed.</p> <p style="text-align: right;">CHAIRMAN</p>

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

In Contempt Petition No. 292/2022

Khalid Mehmood Shah

Versus

Hafiz Muhammad Ibrahim etc

**CONTEMPT PETITION**

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Dated: 11/05/2022

Your humble petitioner,



**Khalid Mehmood Shah**

Through counsel:-



**Inam Ullah Khan Kundi**  
Advocate High Court

2

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

COC Petition No 292 /2022

In 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.  
Cell# 0345-9849004

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

**VERSUS**

1. **Hafiz Muhammad Ibrahim**, Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. **Nawaz Khan**, Assistant Director (Estab. MI) Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. **Gul Faraz**, Deputy District Education Officer (Male) Tank.

..... (**RESPONDENTS**)

**CONTEMPT OF COURT PETITION U/S 3/4 OF THE**  
**CONTEMPT OF COURT ACT READ WITH ARTICLE 204 OF**  
**THE CONSTITUTION OF ISLAMIC REPUBLIC OF**  
**PAKISTAN AGAINST THE RESPONDENTS, WHO NOT**  
**ONLY DISOBEYED THE ORDER OF THIS HONOURABLE**  
**TRIBUNAL DATED 26/04/2022 IN SERVICE APPEAL NO.**  
**630/2022 BUT ALSO VIOLATED THE FUNDAMENTAL**  
**RIGHTS OF THE PETITIONER BY ISSUING THE**  
**IMPUGNED TRANSFER ORDER NO. 1309/12 DATED**  
**27/04/2022.**

**Prayer;**

On acceptance of instant COC Petition and by punishing the respondents under the relevant provisions of law with further prayers by directing the respondents to obey the order dated 26/04/2022 already passed by this Honourable Tribunal in its true letter and spirit and by not depriving the petitioner from valuable rights for which the respondents are trying to deprive the petitioner intentionally and deliberately.

Respectfully Sheweth;

Petitioner humbly submits as under;

1. That the present petitioner filed a Service Appeal No. 630/2022 seeking cancellation of transfer order No. 4499-4501 dated 29/03/2022, order No. 8916-19 dated 20/04/2022 and transfer order No. 1872-76 dated 07/04/2022 before this Honourable Tribunal, details are fully described in the service appeal. Pertinent to mention here that petitioner also filed an application for interim relief by suspending the transfer order No. 1816-19 dated 20/04/2022. Copy of Service appeal and application is annexed as **Annexure-A**.
2. That on 26/04/2022, this Honourable court heard arguments upon the application of petitioner and was pleased to accept the application for interim relief with following wordings, "**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.**" Copy of the order dated 26/04/2022 is enclosed as **Annexure-B**.
3. That the petitioner, got attested copies of the order dated 26/04/2022 and provided the same to the respondent#1&2 personally on 27/04/2022 but thereafter the respondent#2 illegally issued the impugned notification



No. 1309-12 dated 27/04/2022 vide which one Mr. Khan Zaman SST was transferred as ASDEO (M) Circle Tajori District Tank despite the fact that this Honourable Tribunal already restrained the respondents. Copy of the notification dated 27/04/2022 is annexed herewith for ready reference as **Annexure-C**.

4. That the respondents failed to comply the orders of this Honourable Tribunal despite knowing the order dated 26/04/2022 of this Honourable Tribunal, hence, the petitioner does not have any remedy except to knock at the door of this Honourable Tribunal by filing the instant contempt petition on the grounds mentioned below.

That as order dated 26/04/2022 of this Honourable Tribunal has been violated by Respondent#1&2 in shape of issuing impugned transfer order and the respondent#3 is trying to pressurize the petitioner for handing over the charge of said post, hence, contempt of Court proceedings are sought to be initiated against the said Respondents on the following grounds amongst others:-

### **GROUND S**

- a. That the Respondents wilfully and with mala-fide intentions not obeying the legal order of this Honourable Tribunal, hence, are liable to be contempt of court proceedings.
- b. That respondents are intending to deprive the petitioner from his lawful rights and after pronouncement of order dated 26/04/2022 in his favour the respondents are duty bound to obey the orders of this Honourable Tribunal.
- c. That it is worth mentioning the impugned transfer notification dated 27/04/2022 is based on political basis because one Khan Zaman just after issuing the notification posted from his facebook ID in which he made thanks to sitting MPA of Tank. This fact also shows that the impugned transfer order dated 27/04/2022 is based on

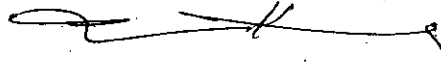
political basis. For proof copy of screen shot of said thanking post is annexed herewith as **Annexure-D**.

- d. That since the aforesaid order passed by this Honourable Tribunal has been violated, the petitioner is left with no option but to invoke the powers vested with this Honourable Tribunal for initiating contempt proceedings or other appropriate order thereon.
- e. That respondents have been guilty of disobedience of the lawful order passed by this Honourable Court and therefore, a penal action be initiated against Respondents under the law.
- f. That counsel for petitioner may graciously be allowed to raise additional grounds at the time of arguments.

**In view of above submissions, it is therefore, prayed that on acceptance of instant application and by punishing the respondents under the relevant provisions of law with further prayers by directing the respondent to obey the order dated 26/04/2022 already passed by this Honourable Tribunal in its true letter and spirit.**

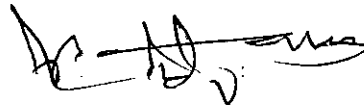
Dated: \_\_\_/05/2022

Your 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**

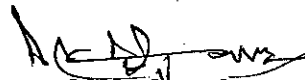
I, **Khalid Mehmood Shah** son of Ghulam Qasim Shah r/o village & Post Office Amakhel Tehsil & District Tank. Presently ASDEO (M) Circle Tajori District Tank, the petitioner, do hereby solemnly affirm and declare on Oath that contents of the accompanying Contempt petition are true and correct and nothing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



**DEPONENT**

CNIC#12201-1884967-3

**Identified by:**

  
**Inam Ullah Khan Kundi**  
Advocate High Court

**Certificate:**

Certified that no such COC petition has earlier been filed with same subject matter before this honourable court.

**Petitioner**



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

CM No. \_\_\_\_\_/2022

In Contempt Petition No. \_\_\_\_\_/2022

Khalid Mehmood Shah

Versus

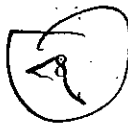
Hafiz Muhammad Ibrahim etc

**CONTEMPT PETITION**

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

**Respectfully Sheweth,**

1. That the above titled COC petition is being filed before this Honourable 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 favour of the petitioner.
3. That the respondents are intending to act upon the impugned transfer notification on political basis.
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 COC petition will become futile.
5. That in such like situation this Honourable 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 writ petition.

Dated: \_\_\_/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**

2

**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.

..... (**RESPONDENTS**)

**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.**

*Handwritten signature*

**Certified to be true copy**

**EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar**

Appeal No. 630/22

OR



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 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.

Rs-700/-  
Appellant Deposited  
Security & Process Fee

A. Mujib  
27/4/22

Signature of Mian Muhammad

(Mian Muhammad)  
Member(E)

Date of Presentation of Application 27/4/22  
Number of Words 806  
Copying Fee 20/-  
Urgent 4/7  
Total 15/-  
Name of Copyist  
Date of Completion of Copy 27/4/22  
Date of Delivery of Copy 27/4/22

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



**DIRECTORATE OF ELEMENTARY & SECONDARY  
EDUCATION KHYBER PAKHTUNKHA 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

S#	Name & Designation	From	TO	Remarks
1	Mr. Khan Zahir SSJ	GHS Kiri Marwati (SDEO(M) circle: Tajori District Tank	GHS Kiri Marwati (SDEO(M) circle: Tajori District Tank	
2	Muhammad Tariq SSJ(O)	GHS Kiri Marwati (SDEO(M) circle: Tajori District Tank	GHS Kiri Marwati (SDEO(M) circle: Tajori District Tank	
3	Mr. Irshad Ahmad ADO	GHS Kiri Marwati (SDEO(M) circle: Tajori District Tank	GHS Kiri Marwati (SDEO(M) circle: Tajori District Tank	
4	Mr. Rasool Khan SSJ	GHS Kiri Marwati (SDEO(M) circle: Tajori District Tank	GHS Kiri Marwati (SDEO(M) circle: Tajori District Tank	

TERMS & CONDITIONS

- Posting/Adjustment of Teaching Cadre Officers shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.
- The order of the above mentioned Teaching cadre officers will be effective subject to the condition that they will give an undertaking/officer's certificate stamp paper to DED(M) Tank to the effect not to claim seniority of Management Cadre.
- Change Report should be submitted to all concerned.
- No F.D.A is allowed.
- The terms & conditions mentioned in their respective orders as teaching cadre will remain intact.

DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

1309-12531 ADEOS (M) Transfer-1  
Cop. forwarded to the  
District Education Officer (M) Tank  
District Accounts Officer Tank  
District Commissioner  
District Officer

27/9/2022  
Established 1-1-27/2/20  
& Secondary Education  
Khyber Pakhtunkhwa

Approved  
To be true  
copy.

*[Handwritten signature]*





Search

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Khan Zamansst

27 Apr

Thanks of Allah, I Come back to Circle Tajori as ASDEO. , Thanks to MPA sahib and to all my Nearest ,dearest friends relatives Teachers.

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

**NOTIFICATION**

The Competent Authority

No.	Name & Designation	From	To	Remarks
1	Mr. [Name]	[From]	[To]	
2	Mr. [Name]	[From]	[To]	
3	Mr. [Name]	[From]	[To]	
4	Mr. [Name]	[From]	[To]	
5	Mr. [Name]	[From]	[To]	
6	Mr. [Name]	[From]	[To]	
7	Mr. [Name]	[From]	[To]	
8	Mr. [Name]	[From]	[To]	
9	Mr. [Name]	[From]	[To]	
10	Mr. [Name]	[From]	[To]	

**TERMS & CONDITIONS**

1. Post adjustment of Teaching Cadre of [Area] shall be completed as per [Order] on [Date] on the arrival of Management Cadre officers.
2. [Text]
3. [Text]
4. [Text]
5. [Text]
6. [Text]
7. [Text]
8. [Text]
9. [Text]
10. [Text]

**DIRECTOR**

[Signature]

[Date]

Attached  
To be  
true  
copy.  
[Signature]

12

قیمت  
50 روپے

123920



ایڈووکیٹ

انور خان کنہری

بار کونسل / ایسوسی ایشن نمبر: 12-3369

رابطہ نمبر: 03467864258

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

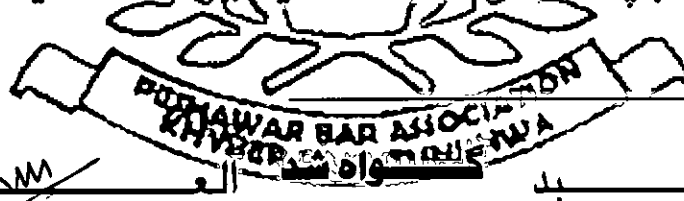
بعدالت جناب: خیبر پختونخواہ ہائی کورٹ کی طرف سے رجسٹرڈ نمبر

	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعث تحریر آئیکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جو اپنی دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار کوئی کو اپنے ہمراہ لے جانے کے لئے اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سائن شدہ برداشتہ منظور و قبول ہوگا دوران مقدمہ میں جو چیز چاہے ہر جاندا تو اے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_