

Appeal No. 1124/2014  
Mr. Javed Qureshi

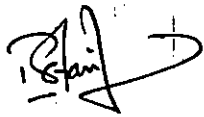
3.  
Reader Note:

19.11.2014

Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 02.02.2015 for the same.

  
Reader

I want to withdraw this appeal, as the matter has already been resolved. 02.02.2015



2/2/2015

Counsel for the appellant present and stated that grievance of the appellant has been redressed departmentally. He requested for withdrawal of the appeal. In this respect his statement also recorded. Request accepted and the appeal is dismissed as withdrawn in limine. File be consigned to the record.

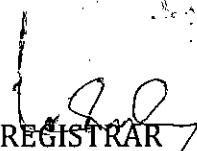

ANNOUNCED  
02.02.2015

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 1124/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/09/2014	<p>The appeal of Mr. Javed Iqbal presented today by Mr. Shahzada Irfan Zia Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>19-11-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No.

1124 / of 2014

Javed Iqbal Chowkidar, son of Abdul Sattar Khan ...

Appellant

VERSUS

Province of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary  
Education (E&S) Khyber Pakhtunkhwa,  
Peshawar and others... ..

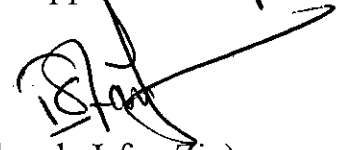
Respondents

INDEX

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4.	Applications of the appellant	B,C&D	6 - 8
5.	Vakalat Nama		

جاوید اقبال  
Appellant

Through:



(Shahzada Irfan Zia)  
Advocate, Peshawar.

Dated: 09.09.2014

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No. 1124 / of 2014

Javed Iqbal Chowkidar, son of  
Abdul Sattar Khan, Government High School  
Turlandi District Charsadda ...

1153  
09-9-2014

Appellant

VERSUS

1. Province of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary  
Education (E&S) Khyber Pakhtunkhwa,  
Peshawar.
2. Director of Education Khyber Pakhtunkhwa,  
Peshawar.
3. District Education Officer (Male) Charsadda...

Respondents

APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST NON-ADJUSTMENT/TAKING ON  
DUTY THE APPELLANT AFTER HIS RETURN  
FROM EXTRA ORDINARY LEAVE WITHOUT  
PAY, WITHOUT ANY REASON IN FLAGRANT  
VIOLATION OF RELEVANT LAW AND RULES.

Respectfully Sheweth:

FACTS OF THE CASE.

1. That the appellant is a Class-IV Government Servant, serving as  
Chowkidar under the administrative control of respondent No.3.

2. That the appellant is an obedient Government Servant and he always performed his official duties with great zest and zeal and no cause of complaint was ever reported against him.
3. That the appellant while serving at Government High School Turlandi, District Charsadda, applied for 2 years Extra Ordinary Leave without pay for the period from 30.9.2013 to 29.9.2015, which was duly sanctioned by the competent authority. (Annex: A).
4. That the appellant availed the leave upto 19.5.2014 and after that approached his office and submitted an application on 20.5.2014 for cancellation of his remaining portion of leave and requested for his adjustment at Government High School Turlandi, where he was performing his duties before the sanctioning of leave. The appellant vigorously and constantly pursued the matter before the authorities and submitted applications time and again but to his utter dismay that his entire efforts for adjustment remained without any fruitful results. (Annex: B, C & D).
5. That the appellant did all that he could, but failed to resolve the issue and the respondents are hesitating to take the appellant on duty, therefore, he left with no alternate except to approach this Honourable Service Tribunal for rescue.
6. That the respondents are under legal obligation to take the appellant on duty and to pass his proper adjustment order at Government High School Turlandi, but it is the usual apathy and bureaucratic redtapism

which had deprived the appellant from his right of adjustment and the appellant is not supposed to suffer for inaction of departmental authorities.

In view of the aforesaid facts and circumstances of the case it is humbly prayed that the respondents may graciously be directed to take the appellant on duty and adjust the appellant at Government High School Turlandi District Charsadda, treating the intervening period from arrival till assumption of charge as waiting period.

Any other relief though not specifically asked for to which the appellant is found entitled in the circumstances of the case may also be granted in favour of the appellant.

Dated: 9.09.2014

Through:

شاہزادہ عرفان

Appellant

(Shahzada Irfan Zia)  
Advocate, Peshawar.

CERTIFICATE:

Certified that as per instructions of my client, no such Service Appeal on behalf of the appellant has earlier been filed in this Honourable Tribunal on the subject matter.

Advocate.

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No. \_\_\_\_\_ / of 2014

Javed Iqbal Chowkidar, son of Abdul Sattar Khan ... Applicant

VERSUS

Province of Khyber Pakhtunkhwa through  
Secretary Elementary and Secondary  
Education (E&S) Khyber Pakhtunkhwa,  
Peshawar and others... Respondents

APPLICATION FOR EARLY  
HEARING OF THE APPEAL.

Respectfully Sheweth:

1. That the appeal cited above has been filed before this Honourable Service Tribunal today in which no date of hearing has yet been fixed.
2. That the applicant has a prima facie case and he is sanguine about the success of his case.
3. That due to non-passing of adjustment order of the applicant, the applicant and his family members are facing financial crises.
4. That in case the adjustment order of the applicant is delayed he will suffer irreparable loss which in no way could be compensated.

It is, therefore, humbly prayed that an early date of hearing may kindly be fixed in the above cited appeal.

جاوید اقبال

Applicant

Through:

Dated: 09.09.2014

(Shahzada Irfan Zia)  
Advocate, Peshawar.

(Annex : A)  
5

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSAJDA  
GRANT OF LEAVE SANCTION WITH OUT PAY

Under the provision of Govt of KPK revised leave rules 1981, as amended in 1998, sanction is hereby accorded to the Grant of extra ordinary leave with out pay for the period w.e.f 30-09-2013 to 29-09-2015 in favor of Mr Javed Iqbal Chowkidar GHS Turlandi District Charsajda in connection with his private affairs.

Note:- Necessary entry to this effect should be made in his Service Book.

He is likely to resume his duty on his original station after the expiry of his leave.

(MOIN UD DIN)  
DISTRICT EDUCATION OFFICER  
(MALE CHARSAJDA)

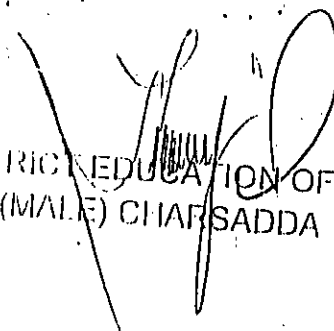
Endist: No 6779-82

Dated 11-19 /2013

Copy to the:-

1. District Account Officer Charsajda
2. Head Master Concerned
3. Office file

attested  
18/9

  
DISTRICT EDUCATION OFFICER  
(MALE) CHARSAJDA



محترم جناب ڈسٹرکٹ ایجوکیشن آفیسر، نواح چارسدہ

جناب عالی

گزارش ہے کہ سائل نے مورخہ 30-9-2013 تا 29-9-2015 تک

لکھنر تنخواہ چھٹی بجائے آرڈر نمبر 6779-82 مورخہ 11-9-2013 منظور

کرنے کی تھی۔ اب چونکہ سائل دوبارہ اپنی ڈیوٹی پر حاضر

کیے پر حاضر ہونا چاہتا ہے۔  
2014

اسیذا استوعا ہے کہ سائل کی باقی ماندہ ڈیوٹی

مورخہ 2014 سے 29/9/2015 تک کسٹل کر رہیں۔ اور سائل کو

دوبارہ اپنے پوسٹ پر ایڈجسٹ کرنے کے احکامات جاری فرمائیں

نوازش فرمادیں

سائل دعاؤں کے ساتھ

مورخہ 2014

الغالبین  
چاہو پیرا

آپ کا والد ارجمند برائے حال چوکیدار گورنمنٹ ہائی سکول، نواح چارسدہ

attested  
[Signature]

16

کمیٹی کے رپورٹ ڈسکریٹریٹ آف ایڈمنسٹریشن

تاریخ: 10/3/14

گزارش سے کہ سال 2013-14 اور 2014-15 کے دوران

حکومت نے بجٹ میں 6779.22 کروڑ روپے (2013-14)

کے تحت سب سے زیادہ سائل دوبارہ ایسی ڈیپٹی سب

حاصل ہونا چاہیے۔

سزا استدعا کی جاتی ہے کہ سائل کی باقی ماندہ

میں سے 2014-15 سے 2015-16 تک کیسز اور سائل کو

تعمیراتی کاموں پر ارجحیت دینے سے اس بات کو یقین کرنا کہ

سائل دعا گو رہیں گے۔  
B Prasad  
case and discuss  
11/7/14

الغرض

کیسز کے لئے درخواستیں اور سائلوں کو

forwarded to the D.E. (M) Charsadda for necessary action please

MASTEE  
GHS Turand  
Charsadda

ate

(Annex: D)

8

92

OFFICE OF THE HEAD MASTER  
GOVT HIGH SCHOOL TURLANDI  
No 181 Dated 23/07/2014

To

The District Education Officer,  
(Male) Charsadda.

SUBJECT:-  
Memo:-

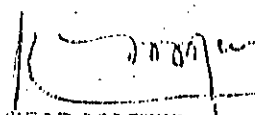
CANCELLATION OF LEAVE IN R/O MR JAVED IQBAL CHOWKIDAR

Reference your Letter No.6775 Dated: 22/07/2014 on the subject noted above.

In this connection it is submitted that Mr. Javed Iqbal Chowkidar of this school was on leave without pay vide DEO (Male) Charsadda No-6779 Dated: 11-09-2013, for which he availed leave upto 19-05-2014 and applied for cancellation on un-availed portion of leave which has all ready been submitted to your good self.

It is further added that one Mr. Mohammad Amin Jan was transferred against the leave post of chowkidar (Order Copy attached).

Further more Mr. Javed Iqbal is a learned one he is an obedient honest and hard worker Class Iv servant.

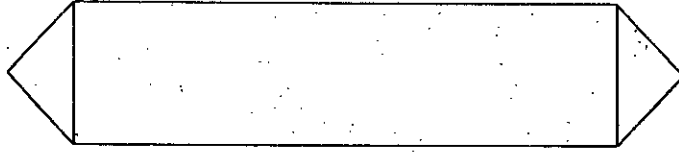
  
HEAD MASTER  
GOVT HIGH SCHOOL TURLANDI  
CHARSADDA



attested  


BIB  
for memo  
5/8/14

Before the K.P.K Service Tribunal, Peshawar.



Javed Iqbal  
Province of K.P.K

2 جناب

09-9-2014

مورخہ

Javed Iqbal

مقدمہ

دعویٰ

Service Appeal.

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ مر  
آن مقام Peshawar کیلئے شہزادہ عرفان سینا ایڈووکیٹ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

شاہ وزیر افسانہ

Accepted by  
18/9/14

2014

Sep

9th

المرقوم

الع د گ واه الع

کے لئے منظور ہے۔

Peshawar.

مقام