

EP 177/2021

11.11.2021

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

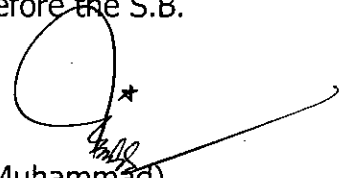
Learned AAG has produced copy of office bearing Endst. No. 25667-74/DEO, dated 09.11.2021, whereby the petitioner has been adjusted in the office of SDEO(M) Miranshah. Copy placed on file. Learned counsel for the petitioner does not want to pursue the Execution Petition at hand further and is consigned to the record room.


Chairman

29.09.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and facilitate the submission of implementation report on next date. Case to come up on 04.11.2021 before the S.B.


(Mian Muhammad)
Member (E)

04.11.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG stated at the bar that he has contacted respondent No. 3 (DEO) and the said respondents has assured him of implementation of the judgment incoming week. On the above assurance, case to come up for submission of implementation report on 11.11.2021 before S.B.





Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 177 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.09.2021	<p>The execution petition of Mr. Gul Ahmad submitted today by Mr. Taimur Ali Khan 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 execution petition be put up before S. Bench at Peshawar on <u>16/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	16.09.2021	<p>Counsel for the petitioner present. Notices be issued to the respondents. To come up for implementation report on 29.09.2021. before S.B.</p> <p style="text-align: right;"> Chairman</p>

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution petition No. 7377/2021

In

Service Appeal No. 7090/2021



Gul Ahmad Junior Clerk Office of the DEO North Waziristan
Tribal District

.....Petitioner

Vs

1. The Director E&SE Khyber Pakhtunkhwa, Peshawar
2. The Additional Director (Estab) Merge Area Khyber Pakhtunkhwa, Peshawar
3. The District Education Officer North Waziristan District

.....Respondents

EXECUTION PETITION UNDER SECTION 7 (D)
OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 R/W ORDER 39 RULE 2 (3)
OF CPC FOR DIRECTING THE RESPONDENTS
TO IMPLEMENT THE ORDER DATED 03.08.2021
OF THIS HON'BLE TRIBUNAL IN ITS TRUE
LETTER AND SPIRIT.

Respectfully Sheweth:-

- 1) That the petitioner has filed appeal No.7090/2021 against the order dated 04.06.2021 Endst No.5310-14 whereby the transfer order dated: 31.03.2021 of the petitioner has withdrawn just after five days and against notification dated 06.04.2021 Endst No.5315-19 in this Hon'ble Tribunal along with suspension application and the next date fixed 20.09.2021 for reply.
- 2) That the appeal was fixed for preliminary hearing on 03.08.2021 before this Hon'ble Tribunal. The Hon'ble Tribunal was kind enough to admit the appeal of the petitioner for regular hearing and also suspend the operation of the impugned order dated:

2


06.04.2021 Endst No.5310-14 and Endst No.5315-19 on the date fixed. (Copy of order sheet dated 03.08.2021 is annexed as Annexure "A").

- 3) That in the compliance of order of Hon'ble Service Tribunal dated 03.08.2021 the operation of the impugned orders dated 06.04.2021 Endst No.5310-14 & Endst No.5315-19 was suspended on 08.08.2021 by Respondent No.01. (Copy of order dated 08.08.2021 is annexed as Annexure "B").
- 4) That although the impugned orders were suspended by this Hon'ble Tribunal on 03.08.2021 and the pursuance of this Hon'ble Tribunal order dated: 03.08.2021, respondent No.01 also suspended the impugned orders on 08.08.2021 however, respondent No.03 did not suspend the impugned orders dated 06.04.2021 which amount to disobedience as contempt of Court.
- 5) That the petitioner has no other remedy except to file this petition for implementation of order sheet dated 03.08.2021 of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that the respondent No.03 may kindly be directed to implement the order sheet dated:03.08.2021 of this Hon'ble Tribunal with letter and spirit and also directed him to posted the petitioner on the post of Junior Clerk in the office of DEO North Waziristan Tribal District in the compliance of order sheet dated: 03.08.2021 of this Hon'ble Tribunal.

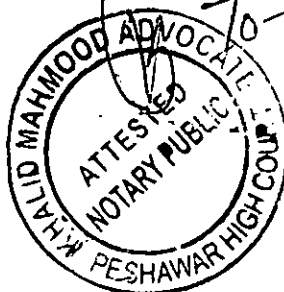

Petitioner

Through


Taimur Ali Khan
Advocate, High Court
Peshawar

AFFIDAVIT

I, do hereby solemnly affirm and declare that the contents of this Execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

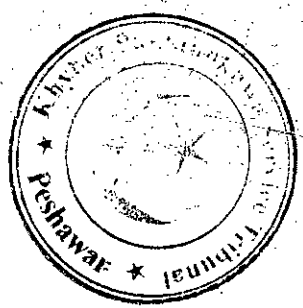



DEPONENT

3

A

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



SERVICE APPEAL NO. 7096 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7378

Dated 28/7/2021

Mr. Gul Ahmad Khan Junior Clerk,
Office of DEO North Waziristan, Tribal District.

(APPELLANT)

VERSUS

1. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Addl: Director (Estab:) Merged Areas Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer, North Waziristan District.
4. Mr. Shah Mahmood, Junior Clerk GHS Paryat District North Waziristan.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.04.2021 ENDST: NO.5310-14, WHEREBY THE TRANSFER ORDER DATED 31.03.2021 OF THE APPELLANT WAS WITHDRAWN JUST AFTER 5 DAYS IN UTTER VIOLATION OF POSTING TRANSFER POLICY AND CIRCULAR DATED 27.02.2013 AND AGAINST THE NOTIFICATION DATED 06.04.2021 ENDST: NO.5315-19 WHEREIN TRANSFER ORDER DATED 25.03.2021 OF RESPONDENT NO.4 WAS WITHDRAWN AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Filed to-day
 ↓
 Registrar
 28/7/2021

Certified to be true copy
 PRAYER:

[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED TRANSFER DATED 06.04.2021 ENDST: NO.5310-14 AND IMPUGNED NOTIFICATION DATED 06.04.2021

Form- A

4

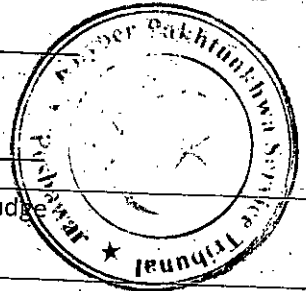
FORM OF ORDER SHEET

Court of _____

Case No.-

7090

/2021



S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/07/2021	<p>The appeal of Mr. Gul Ahmad Khan presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR</p>
2-	03.08.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/08/21</u>.</p> <p style="text-align: right;">CHAIRMAN</p> <p>Counsel for the appellant present. Preliminary arguments heard.</p> <p>According to factual account in the memorandum of appeal and documents annexed therewith, the appellant was transferred to GGHS Laiq Zaman Kot vide order dated 24.08.2018 and after having served for a period of about two years and 10 months there, he was transferred to the office of DEO North Waziristan against the post of Junior Clerk from the date of his taking over charge vide order dated 31.03.2021. He took over the charge of new posting on 01.04.2021 (F.N) as per copy of charge report annexed with the appeal. However, the said order was withdrawn by the appellate authority vide order dated 06.04.2021 and simultaneously another order of similar date, whereby respondent No. 4 was also</p>

Certified to be true copy

CHIEF CLERK
Peshawar Bench
Federal Service Tribunal

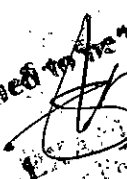
transferred from DEO office has also been withdrawn. In the given scheme of withdrawal of transfer orders, it appears that the appellant has been removed from the post of Junior Clerk in DEO office to make it available for respondent No. 4. Learned counsel for the appellant contends that the exercise of authority by the respondent No. 2 is highly unfair and against the norms of justice. Let the respondents be put on notice for full hearing of the appeal. Therefore, this appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 20.09.2021 before the D.B.

Appellant Deposited
Security & Process Fee
12/8/21

An application for suspension of the impugned orders has also been filed alongwith the memorandum of appeal. Notice of the application be also given to the respondents. The operation of the impugned order dated 06.04.2021 Endst. No. 5310-14 and Endst. No. 5315-19 of even date shall remain suspended till next date.

Date of Presentation of Application 10/9/21
 Number of Words 1200
 Copying Fee 14.00
 Urgent 4.00
 Total 18.00
 Name of Applicant _____
 Date of Completion of Copy 10/9/21
 Date of Delivery of Copy 10/9/21


Chairman

Certified to be true copy

 Member
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

6

B



**DIRECTORATE OF EDUCATION
MERGED AREAS**
Khyber Pakhtunkhwa
Main O.T Road Near Firdos Bus Stop Peshawar Pakist
No. _____ /2021
Date Pres: the _____

Notification

In compliance to the orders of the Honorable Service Tribunal Khyber Pakhtunkhwa dated 03-08-2021 in Service Appeal No.7090/2021 titled Gul Ahmad, Junior Clerk, Office of DEO North Waziristan Versus Director Elementary & Secondary Education Khyber Pakhtunkhwa & Others, the operations of the impugned orders issued by this office vide Endst No.5310-14 dated 06-04-2021 and Endst No.5315-19 dated 06-04-2021 is hereby suspended till next date of hearing. The next date of hearing is 20-09-2021.

**Director
Elementary & Secondary Education
Khyber Pakhtunkhwa**

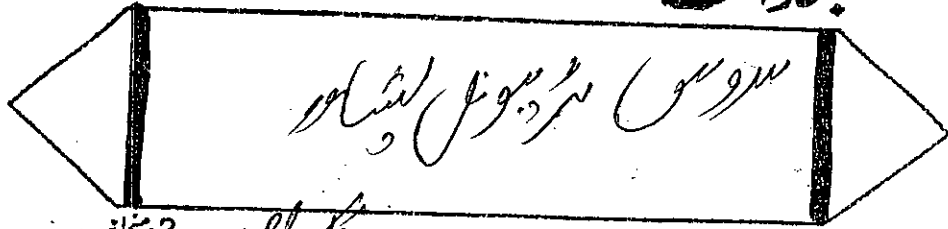
No. 11876-909 dated. 13/08/2021

Copy is forwarded to the:

- 1 Registrar Service Tribunal Khyber Pakhtunkhwa.
- 2 Additional Advocate General Service Tribunal Khyber Pakhtunkhwa.
- 3 Additional Director (Estab), Directorate of Education Merged Areas.
- 4 District Education Officer North Waziristan for compliance.
- 5 Deputy Director (Legal), Directorate of E & SE Khyber Pakhtunkhwa.
- 6 PA to Director E & SE Khyber Pakhtunkhwa.
- 7 Mr. Gul Ahmad, Junior Clerk, Office of DEO North Waziristan (Appellant).

Deputy Director (F/A)

بجراالت



کل ایگور 2 مہینے
کل ایگور بنام مکیمہ قلم

موزنہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کاروائی متعلقہ
آن مقام لیسٹاؤر کیلئے مضمون لکھا گیا

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکن صاحب کو راضی نامہ کرنے و تقریر نمائندہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک، ورد پیا و عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور دکن یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانتا تو ائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکن صاحب پابند ہوں گے۔ کہ پیروی
نہ کوئی کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

Accepted
Attested

المرقوم _____ ماہ _____ 20

العبد _____ واہ العبد
بمقام کے لئے منظور ہے۔

Handwritten signature



OFFICE OF THE DISTRICT EDUCATION OFFICER
District North Waziristan, at Miranshah

Phone: 0928-34040

Email: deo@malcanetd@gmail.com

OFFICE ORDER:

Consequent upon the Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar dated: 03/08/2021 in service appeal No. 7090/2021 titled "Gul Ahmad, Junior Clerk Versus Director E.&SE Khyber Pakhtunkhwa and others", and notification issued by Deputy Director (F/A) NMD with office No. 11896-902, Dated: 13/08/2021. The under mentioned official is hereby transferred/adjusted with immediate effect on his own pay & scale due to directions of Honourable Service Tribunal, in the interest of public service.

S#	Name of official	Desig:	BPS	Present place of duty	Adjusted at	Remark
1	Gul Ahmad	J/Clerk	11	GGHS Laiq Zaman Kot North Waziristan	SDEO (M) office Miranshah	Against J-C/Accounts Assistant BPS-11

- Note: 1. Charge report should be submitted to all concerned.
 2. No TA/DA etc is allowed.

(JADOON KHAN WAZIR)
DISTRICT EDUCATION OFFICER
DISTRICT NORTH WAZIRISTAN
MIRANSHAH

Endst: 25667-74 /DEO, Dated Miranshah the: 09/11/2021.

Copy forwarded for information to the:

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Director, Elementary & Secondary Education, KPK, Peshawar.
3. Additional Director Merged Areas, Khyber Pakhtunkhwa, Peshawar.
4. District Monitoring Officer, District North Waziristan, Miranshah.
5. District Accounts Officer, DNW, Miranshah.
6. Headmistress concerned School.
7. SDEO/ADEO concerned.
8. Official concerned.

(Signature)
DISTRICT EDUCATION OFFICER
DISTRICT NORTH WAZIRISTAN
MIRANSHAH