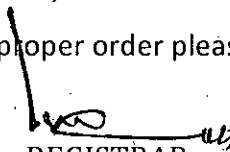

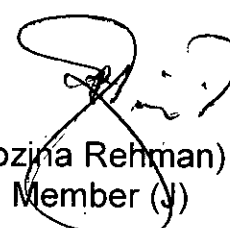


FORM OF ORDER SHEET

Court of _____

C.O.C application No. 89/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/02/2022	<p>The C.O.C application of Hafiz Abdul Wahid submitted today by Mr. Muhammad Isa Khan Khalil 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 S. Bench at Peshawar on <u>16-05-2022</u> Original file be requisited. Notices to the appellant and his counsel be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
	29.04.2022	<p>Nemo for petitioner.</p> <p>Case was called time and again but none appeared on behalf of petitioner till rising of the Bench. As such the instant execution petition stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.</p> <p style="text-align: center;"><u>Announced</u> 29.04.2022</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

CM No. 89 /2022.

IN

S.A No.7912/2021

Hafiz Abdul Wahid.....Petitioner

Versus

Noor Hassan, District Education Officer (DEO),

Mohmand Tribal District and othersRespondents


INDEX

S.No.	Description of documents.	Annexure	Pages.
1.	Contempt application.		1-2
2.	Affidavit.		3
3.	Copy of judgment / order dated 24.01.2021	A	4-5
4.	Wakalatnama		6-7

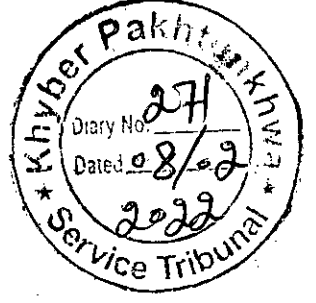
Dated: 08.02.2022

Petitioner

Through


Muhammad Isa Khan Khalil
Advocate Supreme Court

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.



C.M No. 89 /2022
IN
S.A.No.7912/2021

Hafiz Abdul Wahid, AT, Government High School,
Ghami Kor, District Mohmand

.....Petitioner

VERSUS

- 1) Noor Hassan, District Education Officer (DEO), Mohmand Tribal District.
- 2) Liaqat Ali, DDEO Education Department, Peshawar.
- 3) Arsala Khan, Head Master, GHS Ghmai Kor, Ekka Ghund, District Mohmand.
- 4) Muhammad Zakria, AT, GHS, Ghami Kor, District Mohmand.

..... Respondents

APPLICATION FOR INITIATION OF
CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS FOR
DISOBEYING THE ORDER DATED
24.01.2021 OF THIS HON'BLE TRIBUNAL.

Sheweth;

1. That the above captioned Service Appeal alongwith an application for interim relief was filed, which was heard in preliminary hearing on 24.01.2021 and was admitted to full hearing. Besides, this hon'ble Tribunal was pleased to grant the interim relief, and suspended the impugned transfer order to the extent of respondent No.5 and also the relieving order of the appellant/ applicant.

2

2. That on obtaining attested copy of the order, the petitioner personally communicated the same to the above named respondents on 25.01.2021. The respondent No.3 allowed the petitioner to resume his duty, but respondent No.4 approached the official respondents who directed him to continue his duty, whereas, the petitioner was once again hindered from performing his duty.
3. That the conduct demonstrated and act done by the respondents is willful, deliberate and contumacious, which offends against the clear, manifest and unambiguous interim order dated 24.01.2021, and the same is bound to bring a bad name to the Tribunal, besides it will certainly lower the esteem of the Tribunal in the eye of general public.
4. That the willful disobedience of the stated order squarely attracts the provisions of Contempt of Court Ordinance, 2003, and the respondents are needed to be dealt with iron hand so that it may serve as a deterrence for the like-minded people.

PRAYER

In this view of the matter, it is, therefore, prayed that on acceptance of the instant petition, contempt proceedings may be initiated against the respondents and they may be awarded punishment according to the law on the subject.

Any other remedy to which the petitioner is found fit in law, justice and equity may also be allowed.

Petitioner

Through


Muhammad Isa Khan Khalil
Advocate Supreme Court

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

CM No. _____/2022

IN

S.A No.7912/2021

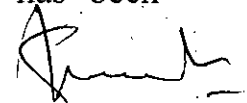
Hafiz Abdul Wahid.....Petitioner

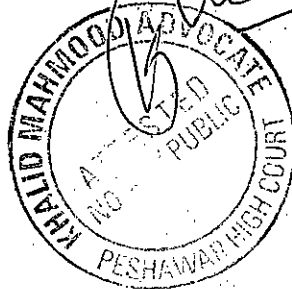
Versus

Noor Hassan, District Education Officer (DEO),
Mohmand Tribal District and othersRespondents

AFFIDAVIT

I, Hafiz Abdul Wahid, AT, Government High School, Ghami Kor, District Mohmand (Petitioner), do hereby affirm and declare on oath that the contents of the accompanying C.O.C are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent



(4)

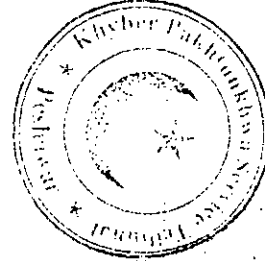
BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8039

14-12-2021

Service Appeal No. 7912 /2021



Hafiz Abdul Wahid, AT. Government High School,
Ghami Kor, District Mohmand

.....Appellant

VERSUS

- 1) District Education Officer (DEO), Mohmand Tribal District.
- 2) Director Education, E&SE, KPK, Peshawar.
- 3) Secretary E&SE, KPK, Peshawar.
- 4) Head Master, GHS, Ghami Kor, Tehsil Ekka Ghund, District Mohmand.
- 5) Muhammad Zakria, SAT, GHS, Ghami Kor, District Mohmand.

..... Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE LETTER DATED
08.11.2021 OF RESPONDENT NO.1,
WHEREBY THE APPELLANT HAS BEEN
RELIVED FROM THE POST OF SAT, GHS
GHANI KOR, DISTRICT MOHMAND AND
PLACED AT THE DISPOSAL OF DEO.

Certified to be true copy


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Filed to-day

Registrar

14/12/2021

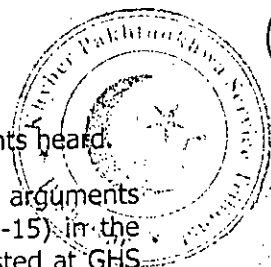
Submitted to-day

of Dec.

Registrar

14/12/21

Appeal No. 7912/2021



5

24.01.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while opening his arguments stated that the appellant is working as Arabic Teacher (BS-15) in the respondent-department since 26.9.2020 and is presently posted at GHS Ghami Kor since 27.03.2021. The appellant is aggrieved of the transfer order dated 12.10.2021 whereby teacher at serial No. 3 (now private respondent No.5) was transferred against the post of appellant. Consequent upon the said impugned order, private respondent No.5 submitted his charge report to the Headmaster, GHS Ghami Kor, District Mohmand. As the post was already occupied by the appellant, Headmaster of the school informed respondent No.1 of the factual position vide E-mail message dated 23.10.2021 followed by another E-mail dated 01.11.2021. However, respondent No.1 was adamant at to implement the impugned order, directed him to implement the transfer order in question vide letter dated 08.11.2021. The Headmaster had no other option but to relieve the appellant on 09.11.2021. However, the appellant before having been relieved from GHS Ghami Kor, District Mohmand submitted departmental appeal to respondent No.3 on 04.11.2021 which was not responded to, hence, the instant service appeal was instituted in the Service Tribunal on 14.12.2021. It was further contended that the impugned order has been issued with total disregard to clause-I,III, IV and IX of the E-Transfer policy of the provincial government dated 11.09.2019 because neither the impugned order has been issued in the month of March nor it has been issued against the vacant post or on completion of normal tenure of posting and as such the said impugned order is discriminatory and not sustainable.

The appeal is admitted to 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/comment. To come up for reply/comments on 11.02.2022 before S.B.

An application for suspension of impugned order dated 12.10.2021 is also submitted with the memorandum of appeal. Status-quo be maintained and the impugned transfer order is suspended to the extent of teacher at Serial No.3 only i.e private respondent No.5 till the date fixed.

(Signature)

(Mian Muhammad)
Member(E)

Date of Presentation of Appeal: 25/01/22
 Number of Words: 1200
 Copying Fee: 14/-
 Urgent: 4/-
 Total: 18/-
 Date of Completion of Copy: 25/01/22
 Date of Delivery of Copy: 25/01/22




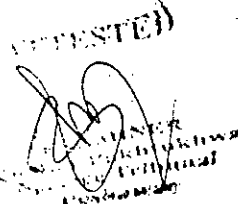
Certified to be true copy
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

6

Form- A
FORM OF ORDER SHEET

Court of _____




Case No.- 7912/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2021	<p>The appeal of Hafiz Abdul Wahid resubmitted today by Mr. Muhammad Isa; Khan Khalil 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-	14.01.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>14/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	14.01.2022	<p>Learned counsel for the appellant present. Being Chairman of Departmental Selection Committee, I am busy in Administrative work regarding recruitment, therefore, to come up for preliminary hearing on 24.01.2022 before the S.B.</p> <p style="text-align: center;"> (Salah-Ud-Din) Member (J)</p> <p style="text-align: center;"></p>

1102/12

نور محمد / نور محمد

13/12/21

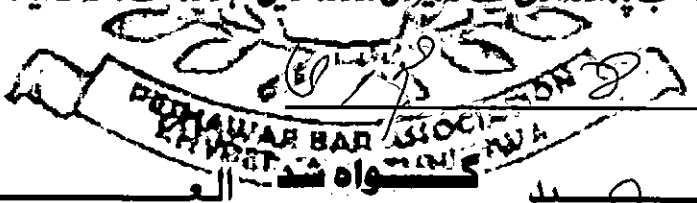
قیمت 50 روپے	7374			
ایڈوکیٹ: <u>محمد علی شاہ</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: 7195-10				
رابطہ نمبر: 300-5949173				

بعدالت جناب:

دعویٰ: <u>شوکت حسین عبداللہ</u>	منجانب: <u>عارف عبداللہ</u>
علت نمبر: _____	
مورخہ: _____	
جرم: _____	
تھانہ: _____	

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کا روائی متعلقہ
 آن مقام محمد علی شاہ کیلئے محمد علی شاہ کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب 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 یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی 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 قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جاندا تو اتنے 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



الرقوم:

_____ مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Acceptance