

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	24.10.2019	<p style="text-align: center;"><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court, Abbottabad.</u> Service Appeal No. 933/2019</p> <p style="text-align: right;">Date of Institution 18.07.2019 Date of Decision 24.10.2019</p> <p>Abdul Hanan, Patwari Halqa Gojra, Tehsil Ghazi, District Haripur: Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar. 2. Commissioner Hazara Division, Abbottabad. 3. Deputy Commissioner Haripur. 4. Ghulam Dastagir, Patwari Halqa Jamu, Tehsil Ghazi, District Haripur. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan -----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant</p> <p>with counsel present. Mr. Usman Ghani learned District Attorney for official respondents present. Private respondent No.4 alongwith counsel present.</p> <p>2. Appellant (Patwari Halqa) has filed the present service appeal being aggrieved against posting transfer order dated 15.03.2019 regarding his transfer from Patwar Halqa Jamu to Patwar Halqa Gojra and transfer of Ghulam Dastagir (private respondent No.4) from Patwar Halqa Gojra to Patwar Halqa Jamu.</p>

Handwritten signature and date: 24.10.2019

3. Learned counsel for the appellant argued that vide posting transfer order dated 14.12.2018, the appellant was posted as Patwari Halqa Jamu and Ghulam Dastagir (private respondent No.4) was posted at Patwar Halqa Gojra; that the impugned posting transfer order dated 15.03.2019 is premature and against the transfer posting policy because the appellant only served for about three (03) months in the capacity of Patwari Halqa Jamu when the impugned posting transfer order was issued; that the private respondent No.4 had already served more than his normal tenure as Patwari Halqa Jamu when he was transferred to Patwar Halqa Gojra vide posting transfer order dated 14.12.2018 but just after three (03) months of his posting at Patwar Halqa Gojra, the private respondent No.4 was again posted at Patwar Halqa Jamu vide impugned order dated 15.03.2019. Further argued that the private respondent No.4 is so obsessed that he approached the Apex Court and he also filed a Civil Suit to retain the charge of the post as Patwar Halqa Jamu.

4. As against that learned District Attorney assisted by learned counsel for private respondent No.4, argued that according to domicile certificate of the appellant, he is the resident of Patwar Halqa Jamu, therefore, he could not be posted in his native village/local Halqa and that the posting of the appellant at Halqa Jamu was in violation of Fiqra 287 of Dastoor-ul-Amal, Mall as well as the prevalent policy. Further argued that the appellant is so keen to be posted at Moza Halqa Jamu that he made application for cancellation of his domicile to remove the hurdle of his posting as

24.10.2019

Patwari Halqa Jamu. Further argued that a civil servant has no right to demand the posting of his choice.

5. Arguments heard. File perused.

6. Both the appellant Abdul Hanan and private respondent No.4 Ghulam Dastagir are contesting hard for the post of Patwari Halqa Jamu.

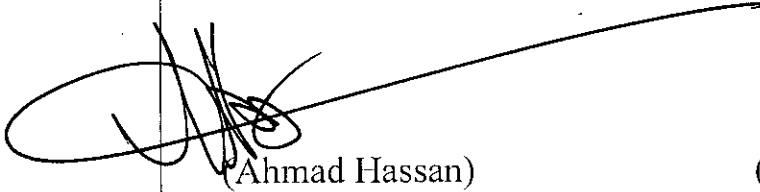
7. Perusal of provisions Fiqra 287 of Dastoor-ul-Amal Mall would also show that no candidate can be appointed as Patwari in the Halqa where or adjacent to which any of his relative owns a property or is a mortgagee or a tenant. Appellant could not rebut the plea taken by the respondents that as per domicile certificate, he is resident of Patwar Halqa Jamu.

8. There is also no dispute that the private respondent No.4 had earlier served as Patwari Halqa Jamu and after completing his tenure at Patwar Halqa Jamu, he was transferred and posted as Patwari Halqa Gojra vide order dated 14.12.2018. Just within the span of three (03) months private respondent No.4 was again posted at Patwar Halqa Jamu.

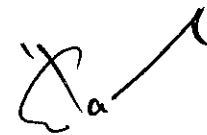
9. In the light of above, both the appellant as well as private respondent No.4 remained unable to make out their case for posting as Patwari Halqa Jamu. In posting transfer matters too, the public interest is to be given preference, prime importance and due weightage. Upon arguments from the both sides and from the material on record, this Tribunal reaches to the conclusion that posting of both, either the appellant Abdul Hanan or private

24.10.2019

respondent No.4 Ghulam Dastagir, as Patwari Halqa Jamu would not serve the public interest. Consequently the respondent department is directed to appoint, in the prescribed manner, a suitable gentleman against the post of Patwari Halqa Jamu by issuing fresh posting transfer order strictly on merits and in the public interest within three (03) days of the receipt of this judgment. Until then the post of Patwari Halqa Jamu shall be deemed as vacant. The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member

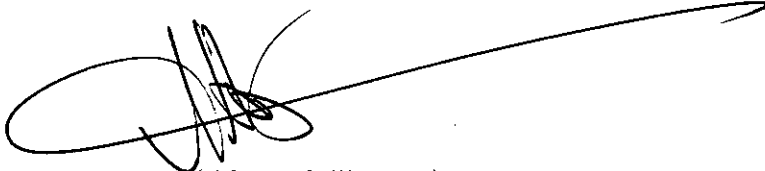


(Muhammad Hamid Mughal)
Member
Camp Court, A/Abad.

ANNOUNCED
24.10.2019

24.10.2019

Appellant with counsel present. Mr. Usman Ghani learned District Attorney for official respondents present. Private respondent No.4 alongwith counsel present. Vide separate judgment of today of this Tribunal placed on file, this Tribunal reached to the conclusion that posting of both, either the appellant Abdul Hanan or private respondent No.4 Ghulam Dastagir, as Patwari Halqa Jamu would not serve the public interest. Consequently the respondent department is directed to appoint, in the prescribed manner, a suitable gentleman against the post of Patwari Halqa Jamu by issuing fresh posting transfer order strictly on merits and in the public interest within three (03) days of the receipt of this judgment. Until then the post of Patwari Halqa Jamu shall be deemed as vacant. The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member
Camp Court, Abbottabad.

ANNOUNCED.
24.10.2019

22.10.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney present. Mr. Muhammad Afzal, Assistant for official respondents present. Mr. Ali Azeem Afridi, Advocate for private respondent No. 4 present and furnished reply, placed on record. Official respondents have not furnished requisite reply/comments. Learned counsel for private respondent No. 4 requested for arguments on application for vacation of interim relief. Representative of official respondents and learned counsel for the appellant sought time. Being transfer/posting case and in view of issuance of ad interim relief the present service appeal is assigned to D.B for further proceedings/final hearing on 24.10.2019 at Camp Court, Abbottabad. Official respondents may furnish their reply on the next date.



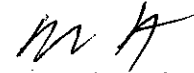
Member
Camp court, A/Abad

Service Appeal No. 933/2019

19.09.2019

Appellant alongwith his counsel present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Attaullah, Assistant Secretary on behalf of official respondents No. 1 to 3 and private respondents No. 4 alongwith his counsel present.

The case was fixed for written reply for today, however, private respondent No. 4 has already submitted application for vacation of suspension order before the worthy Chairman of this Tribunal which was fixed for today for arguments but the learned counsel for the appellant stated that he has not received any notice of the said application for vacation of suspension order therefore, he requested for adjournment. Adjourned. To come up for arguments on the said application as well as for submission of written reply/comments on 22.10.2019 before S:B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

23.09.2019

Appellant Abdul Hanan Patwari had filed Service Appeal before this Tribunal against his transfer order dated 15.03.2019. The appeal was admitted for regular hearing vide order sheet dated 23.08.2019. The operation of impugned order was also suspended on the said date till the date fixed by this Tribunal and the case was fixed for written reply for 19.09.2019. On 19.09.2019 written reply was not submitted by the respondents however, learned counsel for private respondent had already submitted application of vacation of suspension order. Arguments on vacation for suspension order was not heard on the request of learned counsel for the appellant and ~~the~~ the suspension order was also not extended. Now the appellant has submitted application to the effect that the Tribunal was required to extend the suspension order but the same was not extended in the order sheet dated 19.09.2019. Copy of the said application is placed on record. Notices of the said application be issued to the official respondents as well as private respondent for the date already fixed.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

23.08.2019

Appellant with counsel present. Preliminary arguments heard.

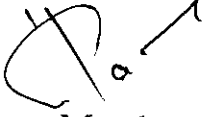
The appellant (Halqa Patwari) has filed the present service appeal being aggrieved against his transfer from Patwar Halqa Jamu Patwar Halqa Gojra. Learned counsel for the appellant contended inter-alia that the impugned transfer order in relation to the appellant is politically motivated and was issued in order to accommodate blue eyed Patwari Halqa i.e. private respondent No.4.

Points raised need consideration. The present service 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 the respondents for written reply/comments. To come up for written reply/comments on 19.09.2019 before S.B at Camp Court, Abbottabad.

Annexed with the present service appeal, is an application for interim relief. Notice of the said application be also issued to the respondents for the date fixed. Operation of the impugned order in relation to the appellant and private respondent No.4 is suspended till the date fixed.

Appellant Deposited
Security & Process Fee



26/8/19


Member
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____
 Case No. 933/19

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate	
1	2	3	
1	18/07/2019	The appeal of Mr. Abdul Hanan presented today by Muhamad Ali Khan Jadoon Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.  REGISTRAR - 18/7/19	
2	26-7-19	This case is entrusted to SB for preliminary hearing to be put up there on <u>23-08-2019</u> at Abbottabad C. COURT  CHAIRMAN	

BEFORE THE SERVICE TRIBUNAL K.P.K.,
PESHAWAR

Service Appeal No 933 /2019

Abdul Hannan, Patwari Halqa Gojra , Tehsil Ghazi, District Haripur.

...APPELLANT

VERSUS

Senior Member Board of Revenue, Khyber Pakhtunkhawa Peshawar.

....RESPONDENTS

APPEAL

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S. #	Description	Page Nos.	Annexure
1.	Appeal alongwith affidavit, certificate, <i>application</i>	<i>1-8</i>	
2.	Copy of the posting order dated 14.12.2018 and copy of additional charge	<i>9-10</i>	"A & B"
3	Copy of impugned order	<i>11</i>	"C"
4.	Copy of the order dated 16.01.2018	<i>12</i>	"D"
5	Copy of Certificate	<i>13</i>	"E"
6	Copy of departmental appeal	<i>14-15</i>	"F"
7	Copy of the order dated 30.03.2016	<i>16</i>	G
8	Wakalatnama	<i>17</i>	

.....APPELLANT

Through

Dated: 10/07 /2019

(Muhammad Ali Khan Jadoon)
Advocate High Court, Abbottabad.

(Jawad Ali Khan)
Advocate High Court

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 933 /2019

Diary No. 1012

Abdul Hanan, Patwari Halqa Gojra, Tehsil Ghazi, District Haripur.

Dated 18-7-19

..... APPELLANT

VERSUS

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa,
Peshawar
2. Commissioner, Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.
4. Ghulam Dastagir, Patwari Halqa Jamu, Tehsil Ghazi, District
Haripur.

..... Respondents

SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974, THE IMPUGNED TRANSFER
ORDER ENDST NO. 3158-70 DATED
15/03/2019 VIDE WHICH THE COUNSEL
OF APPELLANT FROM PATWAR HALQA
MOUZA JAMU TO PATWAR HALQA
MOUZA GOJRA, IS BASED ON POLITICAL
INTERFERENCE, ILLEGAL, UNLAWFUL,
AGAINST TENURE POLICY, HENCE IS
NULL & VOID AND IS LIABLE TO BE
CANCELLED.

PRAYER:- ON ACCEPTANCE OF
INSTANT APPEAL, IMPUGNED

Handed to-day
Registrar
day 18/7/19

TRANSFER ORDER No. 3158-70 DATED 15.03.2019 ISSUED BY RESPONDENT NO.3 MAY PLEASE BE CANCELLED AND DECLARED ILLEGAL, VOID AGAINST THE LAW, WITHOUT LAWFUL AUTHORITY AND RESPONDENT NO.3 MAY BE DIRECTED TO RESTORE APPELLANT AS PATWARI HALQA MOAZA JAMU ACCORDING TO THE TENURE POLICY.

Respectfully Sheweth:-

1. That the appellant has been working as Patwari in Revenue Department, Haripur since last 2013
2. That , appellant was appointed as a patwari Halqa Moaz Jamu on dated 14.12.2018 and was also assigned the additional duties of SOK Mohafiz Khana Tehsil Ghazi, resultantly appellant was performing both the duties to the best of his abilities satisfactory. (Copy of the posting order dated 14.12.2018 and copy of additional charge are annexed as ANX-A & B).
3. That, soon after the posting and passage of only 4 months appellant was again transfer and posted as Patwari Halqa Moaza Gojra vide impugned order dated 15.03.2019. (Copy of impugned order is annexed as ANX-C).

4. That, the appellant already completed his tenure in posting as a Patwari Halqa Moaza Gojra and posting of the appellant was in accordance with the tenure policy on the other hand respondent No.4 who never posted in any hard area / station and served most of his service in posting as patwari halqa Moaza Jamu, who again succeeded to get the posting of his previous Moaza Jamu due to political interference. (Copy of the order dated 16.01.2018 is **ANX-D**)
5. That, prior to the posting appellant served as a in Hydro Power Project Kohistan at Dasu from January 2016 to 31st December 2017 and was awarded best performance certificate. (Copy thereof is annexed as **ANX-E**).
6. That, against the impugned transfer order appellant submitted departmental appeal to respondent No. 2 on dated 21.03.2019 but after hearing on dated 09.05.2019 and 13.06.2019 no response / order was given to the appellant till today. (Copy of appeal is annexed as **ANX-F**).
7. That, feeling aggrieved from the above said illegal impugned transfer order of the appellant left with no other option to invoke the jurisdiction of this Hon'ble Tribunal on the following grounds.

GROUND:

- a. That the transfer order of the appellant has been cancelled by respondent No.3 on the

political interference without any sufficient cause which is against law, precedents of August Supreme Court of Pakistan.

b. That appellant has served at a far flung hilly stations far away from his home station since more than 7 years.

c. That it is the legal right of appellant that he should not be transferred from posting in Patwar Halqa Jamu before completion of the tenure.

d. That the impugned order of respondent No.3 is illegal, based on malafide, political interference, against the norms of natural justice and tenure policy hence is liable to be cancelled.

e. That, respondent No.4 who is blue eyed of the respondent No.1 to 3, therefore, he was never transferred in any hard / hilly station and served as Patwari Halqa Jamu many years which is sheer proof that the impugned notification is not issued in the best interest of the public, rather is the result of other considerations. (Copy of the order dated 30.03.2016 is **ANX-G**)

f. That, appellant served in Dasu / Kohistan for 2 years and was awarded best

performance certificate from the then Deputy Commissioner, which is the sheer proof of appellant's extra ordinary services rather than respondent No.4, who never served the Government in such like hard stations.

- g. That, learned Tribunal has jurisdiction in the matter as appellant is government servant and appeal is well within

It is, very most humbly prayed that on acceptance of instant appeal, impugned transfer Order dated 15.03.2019 issued by respondent No.3, may please be cancelled and declared illegal, void against the law and tenure policy, and respondent No.3 may be directed to restore the transfer order dated 14.12.2018. Or any other relief which this Hon'ble Tribunal deems proper and fit in the circumstances of the case.

.....APPELLANT

Through

Dated: 18/07 /2019

(Muhammad Ali Khan Jadoon)
Advocate High Court, Abbottabad.

(Jawad Ali Khan)
Advocate High Court

Verification

Verified that the contents of above said memo of appeal are correct on the basis of information provided by the client.

.....APPELLANT

BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR

Service Appeal No _____ /2019

Abdul Hannan, Patwari Halqa Gojra, Tehsil Ghazi, District Haripur.

...APPELLANT

VERSUSSenior Member Board of Revenue, Khyber Pakhtunkhawa Peshawar &
others

....RESPONDENTS

SERVICE APPEAL**AFFIDAVIT**

I, Abdul Hannan, Patwari Halqa Gojra, Tehsil Ghazi, District Haripur do hereby solemnly affirm and declare on oath that the contents of the foregoing Appeal, are correct to the best of my knowledge and belief and nothing has been concealed from the Honourable Court.

16/07/2019



DEPONENT

ATTESTED

BEFORE THE SERVICE TRIBUNAL K.P.K, PESHAWAR

Service Appeal No _____/2019

Abdul Hannan, Patwari Halqa Gojra, Tehsil Ghazi, District Haripur.
...APPELLANT

VERSUS

Senior Member Board of Revenue, Khyber Pakhtunkhawa Peshawar &
others

....RESPONDENTS

SERVICE APPEAL

**APPLICATION FOR SUSPENSION OF IMPUGNED TRANSFER
ORDER NO. 3158-70 DATED 15.03.2019 ISSUED BY RESPONDENT
NO. 3 AND RESTORATION OF THE TRANSFER ORDER DATED
14.12.2018 TILL THE FINAL DISPOSAL OF INSTANT APPEAL.**

Respectfully Sheweth,

1. That, above title application is filed along with the instant appeal and is part and parcel thereof.
2. That, appellant / petitioner has a good prima facie case and is every likelihood of his success.
3. That, in case of illegal transfer by operating impugned transfer appellant / petitioner will suffer irreparable loss.
4. That, the impugned order on the face of it is the result of political interference and is the result of illegal use of authority.
5. That, balance of convenience is also in favour of appellant / petitioner.

In the light of above said circumstances impugned illegal transfer order and restoration of the transfer order dated 14.12.2018 may kindly be suspended till the final Disposal of the instant appeal.

..... APPELLANT

Through

Dated: 18/07 /2019

(Muhammad Ali Khan Jadoon)
Advocate High Court, Abbottabad.

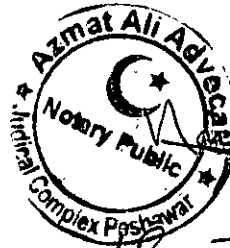
(Jawad Ali Khan)
Advocate High Court

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the foregoing Appeal, are correct to the best of my knowledge and belief and nothing has been concealed from the Honourable Court.

DEPONENT

ATTESTED



18.7.2019



9

Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 - 613391, 613319, FAX - 615412

No. 12947-64/HCR/DC (H).

Dated: 14 / 12 / 2018.

OFFICE ORDER.

Ann-A

The postings / transfers of the following Patwaris of this District are hereby ordered with immediate effect in the public interest:-

S. No.	Name of Patwari.	From.	To.
1.	Mr. Abdul Hannan.	Patwar halqa Gojra.	Patwar halqa Jamu.
2.	Mr. Ghulam Dastagir.	Patwar halqa Jamu.	Patwar halqa Gojra.
3.	Mr. Zamir Afzal.	Waiting for posting.	Patwar halqa Kholian (vacant).
4.	Mr. Ghayoor Khan.	Waiting for posting.	Patwar halqa Kalinjar (vacant).
5.	Mr. Abdul Qayyum.	Waiting for posting.	Patwar halqa Dalri Chaintri (vacant).
6.	Mr. Mohammad Riaz.	Waiting for posting.	Patwar halqa Gandaf.
7.	Mr. Baland Bakht.	Patwar halqa Najafpur.	Patwar halqa Makhnial.
8.	Mr. Abdul Malik.	Patwar halqa Makhnial.	Patwar halqa Najafpur.
9.	Mr. Ihsanullah Khan.	Patwar halqa Bareela.	Patwar halqa Kotnajibullah.
10.	Mr. Nadar Khan.	Patwar halqa Kotnajibullah.	Patwar halqa Bareela.

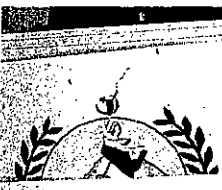
CSC
[Signature]
18/12/2018

[Signature]
Deputy Commissioner
Haripur.

Copy to the:-

1. Addl: Deputy Commissioner Haripur.
2. Assistant Commissioner Haripur.
3. Assistant Commissioner Ghazi.
4. Assistant Commissioner Khanpur.
5. Tehsildar Haripur.
6. Tehsildar Ghazi.
7. Tehsildar Khanpur.
8. Patwaris concerned for compliance.

[Signature]
Deputy Commissioner
Haripur.



OFFICE OF THE
COMMISSIONER HARIPUR

(10)

Ann-B



OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR

☎ 0995 613391-19 | 📠 0995-615412 | 📧 @dcharipur | 📧 @dcharipur | 📧 hellodcharipur@gmail.com | 📞 0335 5613376

OFFICE ORDER:

Mr. Abdul Hanaan, Patwari Halqa Gojra is hereby assigned additional duties to collect revenue record from Revenue Mohafizkhana, Haripur and produce the same in civil court at Tehsil Ghazi with immediate effect in the public interest.

C.F.C.
18/07/2018
Saeed Ali Khan
Adv

Deputy Commissioner
Haripur

No. 12098-103 /HCR/DC (H).

Dated: 02/11/2018

Copy forwarded to the:-

1. District & Sessions Judge, Haripur.
2. Civil Judge/JM-I, Ghazi.
3. Assistant Commissioner, Ghazi.
4. Tehsildar Ghazi for necessary action.
5. Patwari concerned.
6. Personal File.
7. Posting/Transfer.

LL
Deputy Commissioner
Haripur



P/T

(11)

ANX-C

Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 - 613391, 613319, FAX - 615412

No. 3158-70 /HCR/DC(H).

Dated: March 15, 2019.

OFFICE ORDER.

The postings / transfers of the following Patwaris are hereby ordered with immediate effect in the public interest:-

S. NO.	Name of Patwari.	From	To.
1.	Mr. Majid Ali.	Patwar halqa Derwesh.	Patwar halqa Meelam.
2.	Mr. Jehanzeb Khan.	Patwar halqa Meelam.	Patwar halqa Derwesh.
3.	Mr. Zahid ur Rehman.	Patwar halqa Sarri.	Patwar halqa Panian
4.	Mr. Faisal Shahzad.	Patwar halqa Panian.	Patwar halqa Sarri.
5.	Mr. Abdul Hannan.	Patwar halqa Jamu.	Patwar halqa Gojra.
6.	Mr. Ghulam Dastagir.	Patwar halqa Gojra.	Patwar halqa Jamu.

CR
18/07/2019
Gaza & Ali Khan
Advocate
Deputy Commissioner
Haripur
15/3/19

Copy to the:-

1. Addl: Deputy Commissioner Haripur.
2. Assistant Commissioner Haripur.
3. Assistant Commissioner Ghazi.
4. Tehsildar Haripur.
5. Tehsildar Ghazi.
6. District Nazar (local).
7. Patwaris concerned for compliance.

Deputy Commissioner
Haripur
o/c



12

Office Of The Deputy Commissioner, Haripur.

Phone No. 0995 - 613391, 613319, FAX - 615412

No. 716-21 /HCR/DC (H).

Dated: 16 /01/2018.

ANX-D

OFFICE ORDER.

On return from Hydro Power Project Kohistan, the following Patwaris of this District are hereby adjusted / posted against the vacant Patwar Halqas mentioned against their names with immediate effect in the public interest:-

S. No.	Name of Patwari.	Patwar halqa / Place of posting.	Name of Girdawar Circle.
1.	Mr. Mohammad Nawaz.	Dalri.	Kalinjar.
2.	Mr. Abdul Hannan.	Gojra.	Ghazi.

C.S.C.
18/02/18

Deputy Commissioner
Haripur.

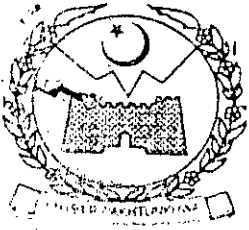
16.1.2018

Copy to the:-

1. Addl: Deputy Commissioner Haripur.
2. Assistant Commissioner Haripur.
3. Assistant Commissioner Ghazi.
4. Tehsildars Haripur and Ghazi for necessary action.
5. District Nazar (local).
6. Patwaris concerned for strict compliance.

Deputy Commissioner
Haripur.

16.1.2018



(13)

OFFICE OF THE
DEPUTY COMMISSIONER,
KOHISTAN
No. 2/LA & AU 28106 /DC (KH)
Dated Dassu the 28/12 2017.

TO WHOM IT MAY CONCERN

ANNEX-E

It is certified that Abdul Hanan Khan Patwari of District Haripur is working as Patwari in Land Acquisition and Assessment Unit of Dassu Hydro Power Project (DHPP) under District Collector Kohistan with effect from January, 2016 to 31st December, 2017.

He is respectful, punctual, hardworking, creative minded, effective, efficient & Revenue Expert.

We wish him good luck in his career.

Deputy Commissioner / District Collector
Kohistan.

C.C.
Hanan Khan
18/07/2018

بخدمت جناب کیشنر صاحب ہزارہ ڈویژن ایبٹ آباد

Annex-F

اپیل برخلاف غیر قانونی سیاسی ٹرانسفر

جناب عالی!

اپیل ذیل عرض ہے۔

1- یہ کہ سائل محکمہ ریونیو ڈیپارٹمنٹ ضلع ہری پور میں سال 2013 سے بطور پٹواری اپنی خدمات سرانجام دے رہا ہے۔

2- یہ کہ سائل کی تعیناتی بطور پٹواری حلقہ جموں تحصیل غازی میں مورخہ 14-12-2018 کو ہوئی اور سائل کو مذکورہ بالا پوسٹ کے علاوہ اضافی چارج بطور SOK محافظ خانہ تحصیل غازی بھی دیا گیا ہے جو سائل ہر دو پوسٹوں پر اپنے فرائض منصبی خوش اسلوبی سے سرانجام دے رہا تھا۔

3- یہ کہ مورخہ 15-03-2019 کو سائل کا تبادلہ بطور پٹواری حلقہ موضع گوجرہ کر دیا گیا ہے۔ جو کہ ہر اس غیر قانونی اور سیاسی دباؤ کا نتیجہ ہے کیونکہ سائل کی موجودہ تعیناتی کو تقریباً 4 ماہ کا عرصہ گزرا ہے۔ نقل آرڈر 15 مارچ 2019 لف ہذا ہے۔

4- یہ کہ قبل ازیں سائل نہ صرف موضع گوجرہ میں اپنا تعیناتی کا عرصہ مکمل کر چکا ہے اور اس سے پہلے سائل بطور پٹواری عرصہ دو سال کیلئے داسو ہائیڈرو پاور پراجیکٹ کوہستان (ہارڈ ایریا Hard area) میں بھی خدمات سرانجام دے کر جنوری 2018 میں تحصیل غازی واپس آیا۔

5- یہ کہ سائل کی جگہ پٹواری غلام دستگیر جس کا تبادلہ کیا گیا ہے اُس نے کبھی بھی Hard Area میں ڈیوٹی / پوسٹنگ نہ دی ہے اور زیادہ عرصہ موضع جموں پر تعینات رہا ہے اور موضع جموں کی پوسٹنگ کو سیاسی اثر و رسوخ استعمال کر کے اپنی ملکیت تصور کرتا ہے۔

18/03/2019

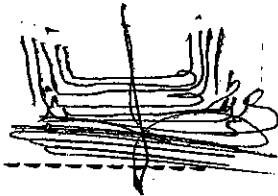
6- یہ کہ سائل کا تبادلہ سراسر غیر قانونی برخلاف (Tenure policy) کے اور صرف اور صرف سیاسی دباؤ کے نتیجے میں کیا گیا ہے حالانکہ سائل قبل ازیں مشکل ترین ڈیوٹی بمقام کوہستان و دیگر پہاڑی موضع جات بشمول حلقہ گوجرہ / بیٹ گلی، حشرہ وغیرہ جو کہ تمام Hard Areas میں آتے ہیں سرانجام دے چکا ہے۔

7- یہ کہ سائل کو اعلیٰ کارکردگی پر ڈپٹی کمشنر کوہستان نے تعریفی ٹیٹیکلیٹ بھی جاری کیا ہے۔ جو کہ لف ہذا ہے۔

8- یہ کہ سائل مورخہ 20 مارچ سے میڈیکل Leave پر ہے جبکہ سائل کو بغیر وصولی ٹرانسفر آرڈر پیواری غلام دستگیر نے سائل کے آفس کا تالہ توڑ کر جبراً ریکارڈ بھی اپنے قبضہ میں کر لیا ہے جو کہ مذکورہ پیواری کا یہ فعل بھی قانونی جرم کے ذمہ میں آتا ہے مگر افسران متعلقہ نے اس کے خلاف کوئی کارروائی نہ کی ہے۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا سائل کا غیر قانونی تبادلہ مورخہ 15-03-2019 کو منسوخ فرمایا جائے اور حلقہ جموں پر Tenure مکمل کرنے کا حکم صادر فرمایا جائے۔

المرقوم: 21/03/2019



سائل عبدالحمناں پیواری موضع جموں تحصیل غازی

موبائل نمبر 0301-5464808

Handwritten signature and initials

18/07/19

(16)

OFFICE OF THE DEPUTY COMMISSIONER HARIPUR.

No. 3610-14/HCR/DC (H).

Dated: March 30, 2016.

OFFICE ORDER.

ANX-G

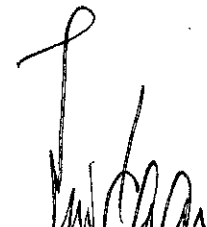
The following postings / transfers of Patwaris of this District are hereby ordered with immediate effect, in the public interest:-

S. No.	Name of Patwari.	From.	To.
1.	Mr. Atif Khan.	Patwar halqa Jamu.	Patwar halqa Salamkhand.
2.	Mr. Ghulam Dastagir.	Patwar halqa Salamkhand.	Patwar halqa Jamu.


Deputy Commissioner
Haripur.

Copy to the:-

1. Assistant Commissioner Ghazi.
2. Tehsildar Ghazi for necessary action.
3. District Nazar (local).
4. Patwaris concerned for strict compliance.


Deputy Commissioner
Haripur.

Atif Khan

18/03/16

وکالت نامہ

کورٹ فیس

محمد نکتہ خواجہ سکریٹری جنرل سٹیٹ بینک

بعدالت

عبدالحمنان بنام SMBR

عنوان:

اسسٹنٹ منیجر عبدالحمنان

منجانب:

نوعیت مقدمہ: سروس ایجنسی

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام سٹیٹ بینک آف پاکستان پر محمد علی خان صدیقی ائمہ سورڈ ایگ فان ریٹرنڈ سٹیٹ بینک آف پاکستان کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 18/07/18

مقام: اسٹریٹ

(Handwritten signatures and stamps)

عبدالحمنان

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, CAMP COURT**

Fee Rs 150

Name of Distt.	پشاور
BC No.	166960
Name of Advocate	Ali Azim Afridi

S.No 1159



وکالت نامہ

بعدالت صاحب سروسز ٹرانسپورٹنگ کمپنی
عنوان: عبدالخالق بنام غلام رسول صاحب السیاحی اور دیگر
منجانب: غلام رسول صاحب (۹) نوعیت مقدمہ باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام اسٹاک ہاؤس کے لیے

علی محمد اعجازی وکیل

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار حاکم روبرو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عائد کرنے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداخت صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرق یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایسی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مورخہ: 2019/10/22
دن ماہ سال

(Signature)

۱۱/۱۰/۲۰۱۹

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, CAMP COURT
ABBOTTABAD

Service Appeal No. 933/2019

Abdul Hanan

.....Appellant

Versus

SMBR & Others

.....Respondent(s)

REPLY ON BEHALF OF RESPONDENT NO. 4

Respectfully Sheweth,

1. Para No. 1 to 3; need no comments.
2. In response to Para No. 4; it is submitted that the posting of the appellant was in violation Fiqra 287 of Dastoor-ul-Amal Maal, as well as the prevalent policy; since the appellant could not be posted in his native village/local halqa; as such the rest of the para is denied in toto. **(Copy of the rule/policy along-with domicile certificate is annexed as Annexure "A", "A-1" and "A-2")**.
3. Para No. 5 to 7 need no comments.

ON GROUNDS

- A. In response to Ground (A) to (D); recourse be made to para No. 2 of the instant reply; as such the same is denied.

B. In response to Ground (E); it is submitted that, the transfer of respondent No. 4 has been made in accordance with law and in public interest; as such the rest of the para alluring self-styled allegations is denied.

C. Ground (F) to (G) need no comments.

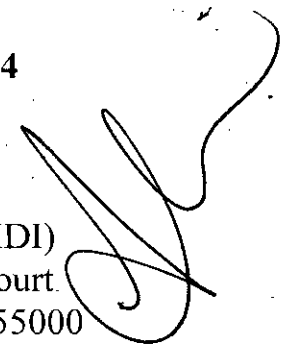
PRAYER

It is therefore humbly prayed and submitted that the instant appeal may please be dismissed with costs for securing the ends of justice.

Respondent No. 4

Through

(ALI AZIM AFRIDI)
Advocate High Court.
Contact # 0333-9555000



BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, CAMP COURT
ABBOTTABAD

Service Appeal No. 933/2019

Abdul Hanan

.....Appellant

Versus
 SMBR & Others

.....Respondent(s)

AFFIDAVIT

I, **Ghulam Dastagir, Patwari Halqa Jamu, Tehsil Ghazi, District Haripur**, respondent No. 4 do hereby on oath affirm and declare that the contents of the reply are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.

ATTESTED
SHAZIA JOSES
 NOTARY PUBLIC
 Lic # 50 (Judicial) SLL/LS/2018/100/Vol-I
 Advocate High Court DC Abbottabad

22/10/19


 DEPONENT

Anwer

درامت پتہ دہ -
(۵) جو کوئی پنواری ملازمت سے اپنی مرضی سے ۱۵ -
اجازت دے سکتا ہے اگر وہ پنواری اور طرح سوزوں ہو۔

فقہہ ۲۸۷ دستور العمل مال

خالی عہدہ پنوار کو بھرتا۔

فقہہ ۲۸۷: تمام امیدواران میں سے سب سے اہل شخص منتخب کیا جانا چاہیے۔ سابق پنواران سے رشتہ داران کی بنا پر کوئی حق پیدا نہیں ہوتا۔ البتہ اگر اس بارے میں کوئی درخواست خالی شدہ حلقے کے مالکان کی طرف سے ذہنی کشن کے لیے لازم ہے کہ اس پر غور کرے۔ اگر زمینداروں کی واقعی یہ خواہش ہو کہ سابق پنواران کا رشتہ داران تقریباً ہے تا مزد کیا جائے تو امیدواران کے حقوق پر غور کرتے وقت اس امر کا بھی کچھ لحاظ دونا چاہیے۔ یہ بات پہلے سے اس حلقہ میں مقیم ہے اور مالکان کو اس پر اعتماد ہے اس کے حق اہلیت کو تقویت دے گی خواہ کوئی امیدوار کیوں نہ ہو لیکن اگر اس کے قریبی رشتہ دار حلقہ مذکور میں لین دین سا ہو کارہ کرتے ہوں تو اسے مقرر نہیں کرنا چاہیے۔
پنواری اسی تحصیل یا تحصیل ملحقہ کے باشندگان میں سے ہوں گے۔

۱۲-۳ بطور عام قاعدہ ہر ایک تحصیل کے لیے پنواری اسی تحصیل یا عین قرب وجوار کی تحصیلات کے باشندگان سے منتخب کئے جانے چاہئیں۔ کوئی امیدوار کسی ایسے حلقہ میں عہدہ پنوار پر مقرر نہیں کیا جائے گا جس میں یا جس سے آجوار میں اس کا کوئی رشتہ دار سا ہو کارہ کے کام میں مصروف ہو یا اراضی کا مالک۔ مرتہن یا مزارعہ و حیلکنار ہو۔ کشن کی صورت کے بغیر کسی پنواری کو اس طرح تعینات نہیں کرنا چاہیے کہ وہ رات اپنے گھر گزار سکے۔ جن امیدواران نے امتحان پنوار میں حصہ لیا ہے ان کو ہرگز مقرر نہیں کرنا چاہیے۔

(9) Hanaan A-24

OFFICE OF THE ASSISTANT COMMISSIONER, GHAZI



Office Tel: No. 0995-660264

Fax No. 0995-660264

E. Mail: acghazi@yahoo/outlook.com

NO. Revenue/Complaint /:1-18/2019/ 3362 AC(G)

Dated: 21 10 2019

To

Deputy Commissioner,
Haripur.

Subject:- APPLICATION/ COMPLAINT.

Kindly refer to your office letter No.7804-05/PF/Hanaan/HCR/DC(H) dated 08-10-2019 on the above cited subject.

On the subject matter, Tehsildar Ghazi was directed to take necessary action on the matter and report. Tehsildar Ghazi submitted his report vide No. 342 THE (G) dated 21-10-2019 vide **annexure-A**. As per Tehsildar Ghazi following is submitted please.

1. "Mr. Abdul Hanaan Patwari Gojra in the Service Tribunal Court camp office Abbottabad against office order issued by Deputy Commissioner Haripur No.3157-70/HCR/DC (H) dated 15-03-2019, in which proper handing taking of charge assumption done by Mr. Gulam Dastageer Patwar Jamoon. Under the petition filed the first proceeding date was fixed on 23-08-2019. As per last note sheet issued from Service Tribunal Court 19-09-2019 in Service appeal No.933/2019 the suspension order of court against posting order was not extended. The petitioner once again submitted an application for extension of suspension order in the said court dated.23-09-2019. As per court order sheet next date for hearing is fixed on 22-10-2019 vide **annexure-B**.
2. Mr. Abdul Hanaan Patwari obtained domicile certificate of village Eisa/Jallo Tehsil Ghazi and as per rule/policy he could not posted in his native village/local halqa. Copy of Domicile certificate is enclosed as ready reference vide **annexure-C**

Report is submitted please.

A. Hanaan
**Assistant Commissioner,
Ghazi**



No 3158/70 HCR (H) 15.3.2019

قرنت یاہم ماہین پورا بان علم دستگیر پور ایف ایم در سوزہ عید الخیر ان پورا ایف ایم گریڈ اولیہ کے لئے ایک گروہ فیصلہ گزارا گیا ہے اور اس کے مطابق پورا بان کے لئے درج ذیل نمبرات کی فہرست درج ذیل ہے۔

نمبر	نام پروفیسر	تاریخ پیدائش	تعلیم	تعداد	تعداد	تعداد	تعداد	تعداد	تعداد	تعداد	تعداد	تعداد	تعداد	تعداد	تعداد	تعداد
1	گوبند	3	پہلے	28	2	16	1	1	15	1	1	1	1	1	1	1
2	میل	1	پہلے	16	1	1	1	1	1	1	1	1	1	1	1	1
3	گرجان	1	پہلے	15	1	1	1	1	1	1	1	1	1	1	1	1

نوٹ:۔ پروفیسر نشانی 124 پر سرکار کے پورے گروہ نشانی 3082 تا 3088 جان تک کے پروفیسر کے نام درج ہیں۔

یہ درج ناموں کے پروفیسر پورا بان کے پروفیسر ہیں۔ ان کے نام 64، 63، 62، 61، 60، 59، 58، 57، 56، 55، 54، 53، 52، 51، 50، 49، 48، 47، 46، 45، 44، 43، 42، 41، 40، 39، 38، 37، 36، 35، 34، 33، 32، 31، 30، 29، 28، 27، 26، 25، 24، 23، 22، 21، 20، 19، 18، 17، 16، 15، 14، 13، 12، 11، 10، 9، 8، 7، 6، 5، 4، 3، 2، 1 ہیں۔

سربراہ پورا بان کے نام سے

سربراہ پورا بان کے نام سے

15/4/2019

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

CPLA NO. _____/2019

Giuliam Daslogh PETITIONER

VERSUS

Abdul Hanan and others RESPONDENTS

NOTICE TO:

To

1. Abdul Hanan, Patwari Halqa Gajra, Tehsil Ghazi, District Haripur.
2. Senior Member Board of Revenue Khyber Pakhtunkhwa, Peshawar.
3. Commissioner, Hazara Division, Abbottabad.
4. Deputy Commissioner Haripur.

Original
Copy No. 13729
Date 26/11/19

Please take notice that I have filed on behalf of the Petitioner a
CPLA No. _____/2019 along with CM No. _____/2019 for grant of
interim relief in the Supreme Court of Pakistan at Islamabad against
the Order dated 23.08.2019 passed by Honorable Service Tribunal
Khyber Pakhtunkhwa Peshawar Camp Office at Abbottabad in Service
Appeal No. 933/2019.

SYED RIFFAQAAT HUSSAIN SHAH

Advocate on Record

Supreme Court of Pakistan Islamabad

Dated 01/10/2019

Islamabad

[Faint handwritten notes and signatures in the bottom left corner]

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1923 /ST

Dated 4-11- 2019

To


The Deputy Commissioner,
Government of Khyber Pakhtunkhwa,
Haripur.

Subject: -

JUDGMENT IN APPEAL NO. 933/2019, MR. ABDUL HANAN.

I am directed to forward herewith a certified copy of Judgement dated 24.10.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR (C. Court Abbottabad)

Servicer Appeal No. 933 / 2019

Abdul Hanan. Patwari Halqa Gojra. Tehsil Ghazi and District HaripurAppellant/Petitioner.

Versus.

Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and othersRespondents.

INDEX

S. No.	Description of Documents	Annex	Pages
1.	Para wise Reply / Comments		01-02
2.	Affidavit		03
3.	Copy of Section 10 of Civil Servant Act 1973.	A	04



**Deputy Commissioner,
Haripur.**

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR (C. Court Abbottabad)

Service Appeal No. 933 / 2019

Abdul Hanan, Patwari Halqa Gojra, Tehsil Ghazi and District Haripur.....Appellant/Petitioner.

Versus.

Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and othersRespondents.

Subject:- PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2 AND 3.

Respectfully Sheweth;

Preliminary Objections:

1. That the appellant has got no cause of action.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is bad in its present form.
4. That the appellant is stopped by its own conduct.
5. That the appeal is not maintainable for mis-joinder and non-joinder of necessary parties.

The Para-wise comments in the above petition are submitted as under:-

1. Correct.
2. Correct.
3. Incorrect. He cannot be posted at his will. He is liable to serve anywhere in the district as per section 10 of Civil Servant Act 1973 in the public interest (**Annexure-A**).
4. Incorrect his tenure at Patwar Halqa Gojra is only 10 months and 28 days.
5. Pertains to record.
6. Pertains to record.
7. No comments.

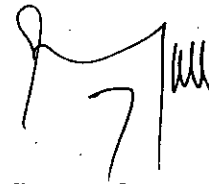
Grounds:-

- a. Incorrect. No political interference has been observed in cancellation of his order.
- b. Pertains to record.
- c. Incorrect. Clarification has already been made in para 3 above.

2

- d. Incorrect. He cannot be posted at a station of his own choice. The competent authority may post him to serve at any Patwar Halqa in the public interest.
- e. Incorrect.
- f. Pertains to record.
- g. No comments.

In view of above submissions it is requested that the appeal of the appellant being not tenable may be rejected with cost in limini, please.



**Deputy Commissioner,
Haripur (respondent No. 3)**

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR (C. Court Abbottabad)

Service Appeal No. 933 / 2019

Abdul Hanan, Patwari Halqa Gojra, Tehsil Ghazi and District Haripur.....Appellant/Petitioner.

Versus.

Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and othersRespondents.

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of para wise comments in the above titled appeal are true and correct as per my knowledge and nothing has been concealed from this honourable court.


DEPONENT

(4)

"Annexure - A"

2

(2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer the appeal separately.

(3) Where the aggrieved civil servant has died, the appeal may be filed, or if already filed by such civil servant before his death, may be pursued, by his legal heir or heirs; provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any rules for the time being applicable to civil servants.

4. **Form of Memorandum:-**(1) Every memorandum of appeal shall-

- (a) contain full name and address, official designation and place of posting of the appellant;
- (b) state in brief the facts leading to the appeal;
- (c) be accompanied by a certified copy of the order appealed against and copies of all other documents on which the appellant wishes to rely.

Explanation:-Where an aggrieved civil servant has died, his legal heir or heirs, while filing the appeal or applying for review, as the case may be, shall also add documents in support of his or their relationship with the deceased civil servant.

(2) The appeal shall be submitted through the Head of the office in which the appellant is posted at the time of filing the appeal, or in the case of a deceased civil servant, where he was last posted before his death. The Head of the office shall forward the appeal to the competent authority, if he himself is not such authority and the competent authority shall after adding his own comments, if any, transmit the appeal to the appellate authority for necessary orders.

(3) No appeal shall be entertained if it contains abusive, disrespectful or improper language.

Action by the appellate authority:- (1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine-

- (a) whether the facts on which the order appealed against was based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) Whether the penalty is excessive, adequate or inadequate and after such determination, shall confirm, set aside or pass such order as it thinks proper; provided that no order increasing the penalty shall be passed without giving the appellant an opportunity of showing cause as to why such penalty should not be increased.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR (C.COURT ABBOTTABAD)

In Service Appeal No. 933 / 2019

Abdul Hanan, Patwari Halqa Gojra. Tehsil Ghazi and District Haripur.....*Appellant/Petitioner.*

Versus.

Senior Member Board of Revenue. Khyber Pakhtunkhwa Peshawar and others*Respondents.*

INDEX

S. No.	Description of Documents	Annex	Page No.
1.	Para wise Reply / Comments		01-02
2.	Affidavit		03
3.	Notice from Advocate on record regarding filing of CPLA in Hon'able Supreme Court of Pakistan on behalf of respondent No. 04.	A	04
4.	Directions to Assistant Commissioner Ghazi to ensure compliance of the Hon'able Service Tribunal order dated 23.08.2019	B	05
5.	Copy of Section 10 of Civil Servant Act 1973.	C	06

DEPUTY COMMISSIONER,
HARIPUR

Deputy Commissioner,
Haripur.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR (C.COURT ABBOTTABAD)

In Service Appeal No. 933 / 2019

Abdul Hanan, Patwari Halqa Gojra, Tehsil Ghazi and District Haripur.....*Appellant/Petitioner.*

Versus.

Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and others*Respondents.*

Subject:- JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2 AND 3.

Respectfully Sheweth:

Preliminary Objections:

1. That the appellant has got no cause of action.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is bad in its present form.
4. That the appellant is stopped by its own conduct.
5. That the appeal is not maintainable for mis-joinder and non-joinder of necessary parties.

The Para-wise comments in the above petition are submitted as under:-

1. Correct.
2. Correct. Assistant Commissioner Ghazi has been directed to implement the order of Hon'able Service Tribunal in letter and spirit.
3. Correct.
4. Pertains to record.
5. Pertains to record.
6. Pertains to record.
7. Pertains to record.
8. Respondent No. 04 has filed CPLA in Hon'able Supreme Court of Pakistan. The notice received from his Council / Advocate on record is enclosed as **Annexure-A.**
9. No comments.

Grounds:-

- A. Incorrect. The Hon`able Service Tribunal order will be implemented in letter and spirit. Assistant Commissioner Ghazi has already been directed to ensure compliance of the said order (**Annexure-B**).
- B. No comments.
- C. No comments.
- D. The petitioner has stated that respondent No. 01 to 03 are bound to implement the order of Hon`able Service Tribunal. On receipt of order of Hon`able Service Tribunal Assistant Commissioner, Ghazi has been directed to ensure compliance of the court order.
- E. Incorrect. The posting transfer is part of Service. As per Section-10 of Civil Servant Act-1973 he is liable to serve anywhere in the district (**Annexure-C**). His stance for contempt of court is not justified.
- F. Incorrect. No deliberate delay has been made in the implementation of court order.

In view of above it is stated that the order of Hon`able Service Tribunal is being implemented. It is, therefore, requested that the Execution petition of the petitioner may be rejected, please.



Deputy Commissioner,
Haripur (respondent No. 3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR (C. Court ABBOTTABAD)

In Service Appeal No. 933 / 2019

Abdul Hanan, Patwari Halqa Gojra, Tehsil Ghazi and District Haripur.....*Appellant/Petitioner.*

Versus.

Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar and others*Respondents.*

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of para wise comments in the above titled appeal are true and correct as per my knowledge and nothing has been concealed from this honourable court.


DEPONENT

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

CPLA NO. _____/2019

Ghulam Dastagir.....**PETITIONER**

VERSUS

Abdul Hanan and others.....**RESPONDENTS**

NOTICE TO:

To

1. Abdul Hanan, Patwari Halqa Gojra, Tehsil Ghazi, District Haripur.
2. Senior Member Board of Revenue Khyber Pakhtunkhwa, Peshawar.
3. Commissioner, Hazara Division, Abbottabad.
4. Deputy Commissioner Haripur.

Office of D.C. Haripur
 Entry No. 13729
 Date: 26/9/19

Please take notice that I have filed on behalf of the Petitioner a CPLA No. _____/2019 along with CM No. _____/2019 for grant of interim relief in the Supreme Court of Pakistan at Islamabad against the Order dated 23.08.2019 passed by Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar Camp Office at Abbottabad in Service Appeal No.933/2019.



SYED RIFFAQAT HUSSAIN SHAH

Advocate on Record

Supreme Court of Pakistan Islamabad

Dated: 24/09/2019.
Islamabad

HC(R)
 DK AGI

DC (H)
 25/9/19



(5)

**OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR**

☎ 0995 613391-19 | 📠 0995-615412 | 📧 @dcharipur | 📧 @dcharipur | 📧 hellodcharipur@gmail.com | 📞 0335 5613376

No. 7804-05 / PF/Hanaan/HCR/DC(H).

Dated: 08, 10, 2019.

To:

Assistant Commissioner,
Ghazi.

Subject: **APPLICATION / COMPLAINT.**

Memo;

Enclosed find herewith a copy of application / complaint submitted by Mr. Abdul Hanaan, Patwari Halqa Jammu Tehsil & District Haripur received through Board of Revenue, Khyber Pakhtunkhwa Peshawar vide No. Estt:VII/Comp/Haripur/31882 dated 04.10.2019 alongwith copies of its enclosures with the direction to ensure strict compliance / implementation of the order dated 23.08.2019 of the Hon`able Khyber Pakhtunkhwa Service Tribunal at Camp Court, Abbottabad.


Deputy Commissioner
Haripur

Copy to the Assistant Secretary (Estt), Board of Revenue, Khyber Pakhtunkhwa Peshawar w/r to above for information, please.


Deputy Commissioner
Haripur

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(2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer the appeal separately.

(3) Where the aggrieved civil servant has died, the appeal may be filed, or if already filed by such civil servant before his death, may be pursued, by his legal heir or heirs; provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any rules for the time being applicable to civil servants.

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Explanation:-Where an aggrieved civil servant has died, his legal heir or heirs, while filing the appeal or applying for review, as the case may be, shall also add documents in support of his or their relationship with the deceased civil servant.

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