

Service Appeal No.941/2019

Javid Iqbal

Versus

**Secretary Government of Khyber Pakhtunkhwa Local Government & Rural
Development Department Peshawar and another.**

Order: MUHAMMAD HAMID MUGHAL, MEMBER:

20.09.2019 Appellant present. Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present.

Learned Deputy District Attorney contended that the appellant has approached this Tribunal and made impugned posting transfer Notification dated 27.05.2019 without fulfilling the requirement as contained in Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 in respect of filing departmental appeal/ representation, hence the present service appeal being not maintainable, is liable to be rejected. In support of his contention learned Deputy District Attorney relied upon the judgments reported in 2011 SCMR 676, 2019 PLC (C.S) 512 and judgment dated 10.02.2014 of this Tribunal passed in Petition No.1648/2013.

On the other hand learned counsel for the appellant while relying upon the judgments reported in PLD 1991 Supreme Court 226, 2004 SCMR 1439, 2015 PLC (C.S) 215 and 2018 SCMR 1411 argued that the instant service appeal is still maintainable despite the fact that the departmental appeal/representation has not been filed against the impugned posting transfer order.

Arguments on the maintainability of the present service appeal heard.
File perused.

The appellant (Assistant Engineer Local Government & Rural Development Department) is a civil servant and has approached this Tribunal against his posting transfer vide order dated 27.05.2019.

20.9.2019

The appellant has not preferred any departmental appeal/representation against the posting transfer order made impugned in the instant service appeal which fact is also evident from the contents of memorandum of service appeal.

With regard to the right of appeal or representation of a civil servant, provision has been enacted in the shape of Section-22 of Khyber Pakhtunkhwa Civil Servants Act, 1973 which is reproduced as under:

22. ***Right of Appeal or Representation.*** *Where a right to prefer an appeal or application for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.*

(2) *Where no provision for appeal or application for review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:*

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

Similarly as per Posting Transfer Policy of the Provincial Government, the government servants feeling aggrieved due to the orders of posting transfer by the authorities, may seek remedy from the next higher authority/appointing authority as the case may be through a departmental appeal.

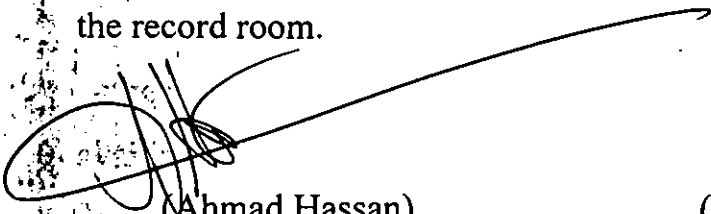
Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act clearly enunciates that where an appeal, review or a representation to a departmental authority as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973, or any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority.

20.9.2018

It is therefore a settled proposition that no appeal would lie to this Tribunal unless the aggrieved civil servant had preferred a departmental appeal or review or representation against the original order of the authority and as such filing of service appeal before this Tribunal without availing the remedy of departmental appeal, review or representation would render the same not competent.

Case law referred to by the learned counsel for the appellant is not found applicable to the facts and circumstances of the present case.

For the reason stated above, the present service appeal is hereby rejected being not competent. No order as to costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
20.09.2019

06.09.2019

Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Nisar Ahmad, Assistant Director (Litigation) for the respondents present. Adjournment requested. Adjourned to 13.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.09.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Nisar Ahmad, A.D (Lit) for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 20.09.2019 before D.B.


Member

Member



941/2019

27.08.2019

Counsel for the appellant and Mr. Ziaullah, DDA, alongwith Nisar Ahmad, Assistant Director (Litigation) for the respondents present.

Instant appeal was admitted for regular hearing on 19.07.2019 while the respondents were put on notice for submission of written reply/comments on 02.08.2019. Instead of submitting the reply on 02.08.2019, learned Assistant Advocate General has submitted an application for rejection of appeal. The main ground taken in the application is to the effect that the appellant had preferred service appeal before this Tribunal without fulfilling the requirement contained in Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with respect to submission of a departmental appeal before having resort to the Tribunal. Notice of the application was given to the appellant who submitted a reply on 20.08.2019. Simultaneously, the matter was argued by learned Deputy District Attorney as well as learned counsel for the appellant. The appeal was adjourned to 28.08.2019 for orders.

While writing the order on application, inter-alia, the provisions of Khyber Pakhtunkhwa Service Tribunal Act were also consulted. Section 6 of the Act requires that once an appeal is admitted for regular hearing it shall be heard and decided by the Tribunal after giving the parties and their counsel an opportunity of being heard. It is also laid down that if any Member of the Tribunal is unable to take part in the proceedings the Chairman and the other Member may hear or continue to hear and finally dispose of the appeal.

It is, therefore, assimilable from the provisions of the Act *ibid* that an appeal, once admitted for regular hearing, may be allowed or dismissed/rejected by a Division Bench and not a single Bench.

The matter is, therefore, posted for hearing before a Division Bench on 06/09/2019.


Chairman

20.08.2019

Counsel for the appellant and Mr. Ziaullah, DDA alongwith M/S Hayatullah, AD and Aizaz, Assistant for the respondents present.

Learned counsel for the appellant has submitted reply to application for rejection of appeal which is placed on record.

Learned counsel as well as learned DDA also argued the application. To come up for order on 27.08.2019 before this S.B.



Chairman

02.08.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Nisar Ahmad, Assistant for respondents present. Learned District Attorney submitted an application for rejection of appeal which is placed on file. Copy of the application was handed over to the learned counsel for the appellant. Case to come up for written reply/comments on main appeal as well as on stay application and arguments on application for rejection of appeal on 19.08.2019 before S.B. In the meanwhile the operation of impugned order shall remain suspended to the extent of appellant, if not already implemented.



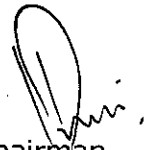
(Ahamd Hassan)
Member

19.08.2019

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Hayatullah, Superintendent for the respondents present.

Learned DDA requests for adjournment of instant matter as he has not prepared the brief. Simultaneously, he requests for a very short date.

Adjourned to 20.08.2019 before S.B.



Chairman

19.07.2019

Counsel for the appellant present.

Contends that between the period from 29.03.2018 till 27.05.2019 the appellant was transferred thrice from one station to another. The notification dated 27.05.2019 was also officially endorsed to the P.S to Minister for LG&RDD Khyber Pakhtunkhwa which clearly indicated that the decision contained therein was politically motivated.

While explaining the position of appellant in respect of office objection in terms of non-availability of departmental appeal and its rejection order, learned counsel referred to the provisions contained in Rule 3 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 as well as judgment reported as 2011-PLC(C.S)993 and argued that the submission of departmental appeal in case of transfer of a civil servant was not mandatory. That, the transfer order itself was a final order against which appeal could be preferred before the Tribunal.

In order to look into the legal proposition, as set forth by learned counsel for the appellant, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.08.2019 before S.B.

Alongwith the appeal there is an application for suspension of notification dated 27.05.2019 to the extent of transfer of appellant. Notice of the application be also given to the respondents for the date fixed. In the meanwhile the operation of impugned order shall remain suspended to the extent of appellant, if not already implemented.

Appellant Deposited
Security & Process Fee


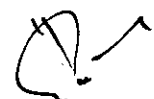
23/7/19


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____ /2019

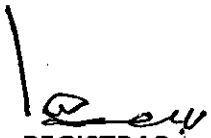
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09/07/2019	<p style="text-align: center;">As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>12/07/19</u></p> <div style="text-align: right;">  REGISTRAR 9/7/19 </div>
	12.07.2019	<p>Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for arguments on office objection on 05.09.2019 before S.B.</p> <div style="text-align: right;">  Member </div>

The appeal of Mr. Javed Iqbal son of Ghulam Nabi Khan Assistant Engineer LG & RDD Mardan received today i.e. on 04.07.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of order dated 03/07/2019 mentioned in memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copies of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1176 /S.T,

Dt. 8-7- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

All the objections are met with. As far as obj. no. 3 is concerned, when written statement reply was filed before the court, and the plaint was returned to appellant, this means that claim of the appellant was not accepted. Plaint was treated as deptd. appeal & written statement by changing the claim, was treated as rejection order. In support PLO 1991 SC 226 (2) is cited above.

~~It~~ Apart from the above, no deptd. appeal lies against transfer order - 2011 PLECS 993. The case has been before the bench for hearing of being ^{transferred} ~~transferred~~ ^{settled} ~~settled~~ yet.

Sir,
objection of this office and reply of counsel for the appellant is sub-itted for order please -
Respectful
Chairman.
PTD
9/7/19

BEFORE THE KPK SERVICE TRIBUNAL PESHAWARS.A No. 941 /2019

Javed Iqbal

versus

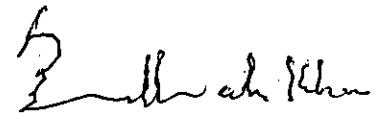
Secretary & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Transfer from Lakki to Charsadda	"A"	4
3.	Subsequent notification of transfer from Charsadda to Mardan, 01-10-18	"B"	5-6
4.	Impugned notification, 27-05-2019	"C"	7-9
5.	Civil Suit dated 12-06-2019	"D"	10-13
6.	Order of Status-quo dated 13-06-19	"E"	14-16
7.	Written Statement dated 01-07-19	"F"	17-18
8.	Return of Suit order dated 03-07-19	"G"	19-20
8.	Application for Interim Relief		21-22

Appellant

Through



Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

Dated: 03-07-2019

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 924

S.A No. 941 /2019

Dated 4-7-19

Javed Iqbal S/O Ghulam Nabi Khan,
Assistant Engineer, Local Govt. &
Rural Development Department,
Mardan Appellant .

Versus

1. Secretary, Govt. of KP,
Local Govt. & Rural
Development, Peshawar.
2. Director General, Local Govt. &
Rural Development, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE NOTIFICATION NO. SO (LG-I) 4-
116 / 2019 DATED 27-05-2019 OF R. NO. 01
WHEREBY APPELLANT WAS TRANSFERRED FROM
THE OFFICE OF ASSISTANT ENGINEER LG & RDD
MARDAN TO AE, LG & RDD CHARSADE, AGAINST
VACANT POST:

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was initially appointed as Sub-Engineer in the department in the year 1980 and on satisfactory performance of his official duties, he was promoted to the post of Assistant Engineer in the year 2015. That finally on 29-03-2018, appellant was transferred as such from the office of Assistant Director LG & RDD, Lakki Marwat and was posted as such in the office of Assistant Director Local Govt. & RDD Charsadda against vacant post. (Copy as annex "A")

Filed today
4/7/19
Registrar

2. That on 01-10-2018, subsequent notification was issued by R. No. 01 wherein appellant was transferred from the office of Charsadda to Mardan. (Copy as annex "B")
3. That on 27-05-2019, another notification was issued wherein appellant was transferred from Mardan to Charsadda by R. No. 01. (Copy as annex "C")
4. That on 12-06-2019, appellant filed Civil Suit for setting aside of order dated 27-05-2019 followed by application for Interim Relief which came up for hearing on 13-06-2019 and then the learned Civil Judge-V was pleased to maintain status-quo till 20-06-2019. (Copies as annex "D" & "E")
5. That respondents were put to notice and submitted written statement on 01-07-2019 by denying the claim of appellant. (Copies as annex "F")
6. That on 03-07-2019, arguments were heard by the learned Civil Judge Peshawar and the case was returned to appellant under O-7 R-10 CPC to approach before the proper forum. (Copy as annex "G")

Hence, this appeal, Inter alia on the following grounds:-

GROUND

- a. That appellant served the department throughout the Province in various capacities to the best of his ability and without any complaint.
- b. That appellant was transferred from one station to another without any reason and justification in short span of time which orders are against Posting and Transfer Policy.
- c. That as per the judgments of the apex court, repeated transfer in short span of time are against the law and rules and the same reduces faith and confidence of a servant.

- d. That the impugned orders are not in the interest of public, while no one was posted against the post at Mardan which are based on malafide.
- e. That the post of appellant at Mardan is still lying vacant and the same is going to be filled through political intervention.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 27-05-2019 of R. No. 01 be set aside by restoring order dated 01-10-2018 with all service benefits.

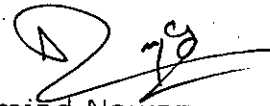


Appellant

Through



Saadullah Khan Marwat



Amjad Nawaz
Advocates.

Dated.03.07.2019



OFFICE OF THE DIRECTOR GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA

ORDER

Dated Peshawar, the 29th March, 2018

No. Director(LG)3-4/Posting/Transfer/2014. - The Competent Authority has been pleased to order the following posting/transfer of the Assistant Engineers, LG&RDD with immediate effect in best public interest:-

S#	Name & Designation	From	To
1	Mr. Javed Iqbal	Assistant Engineer Office of Assistant Director LG&RD Lakki Marwat.	Assistant Engineer Office of Assistant Director LG&RD Charsadda against the vacant post.
2	Mr. Syed Rasool	Assistant Engineer Office of Assistant Director LG&RD Hangu.	Assistant Engineer Office of Assistant Director LG&RD Lakki Marwat against S.No. 1.
3	Mr. Umar Nawaz Khan	Assistant Engineer Office of Assistant Director LG&RD Kohat.	Assistant Engineer will also hold the additional charge of Assistant Engineer LG&RD Hangu vacated on transfer of S.No. 2.

-sd/-

DIRECTOR GENERAL
LG & RDD

Encl. Of even No. & Date.

Copy of the above is forwarded to the:

1. Section Officer (Estab), LG, E & RDD, Khyber Pakhtunkhwa
2. District Accounts Officer, District Lakki Marwat, Hangu, Kohat and Charsadda.
3. Assistant Director, LG&RDD Lakki Marwat, Hangu, Kohat and Charsadda.
4. PS to Senior Minister, LG, E & RDD Khyber Pakhtunkhwa.
5. PS to Secretary LG&RDD, Khyber Pakhtunkhwa.
6. PA to Director General LG & RD Department.
7. Official Concerned.

ASSISTANT DIRECTOR
ADMINISTRATION/HR
LG&RDD

B

5

1-10-18



Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department

NOTIFICATION

Dated Peshawar, the 1st October, 2018

No. SO(LG-1)4-116/2018/KC:- The Competent Authority in Local Government, Elections and Rural Development Department has been pleased to order transfers / postings of the following officers with immediate effect in public interest:-

Sl #	Name of officer	From	To
1	Syed Muhammad Kamal	Assistant Engineer, LG&RDD, Mardan	Assistant Engineer, LG&RDD, Swabi against a vacant post
2	Mr. Javed Marwat	Assistant Engineer, LG&RDD, Charsadda	Assistant Engineer, LG&RDD, Mardan vice Sl.No.1. He will also hold additional charge of the post of AE, LG&RDD Charsadda

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA, LG, E&RDD

Encl. Even No. & Date.

Copy is forwarded to:-

- 1 The Director General, LG&RDD, Khyber Pakhtunkhwa.
- 2 The District Nazim, Mardan, Charsadda and Swabi.
- 3 The Assistant Directors, LG&RDD, Swabi, Mardan and Charsadda.
- 4 The District Accounts Officer, Swabi, Mardan and Charsadda.
- 5 The officers concerned.
- 6 The PS to Minister for LG, E&RD, Khyber Pakhtunkhwa.
- 7 The PS to Secretary, LG, E&RDD.
- 8 P.F of the officers concerned
- 9 The Office order file.

SECTION OFFICER (ESTAB)
Phone # 091-9213224

KHYBER PAKHTUNKHWA PESHAWAR	
DIARY NO.	10231
DATED	01/10/2018
Director (Admin/HP, Finance & Litigation)	1/2
Director (Police & Operation)	
Director (Technical)	
Director	
Assistant	

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6

8-10-18

OFFICE OF THE ASSISTANT DIRECTOR
LOCAL GOVT & RURAL DEV: DEPARTMENT
MARDAN

CHARGE ASSUMPTION REPORT

In pursuance of Section Officer, (ESTAB) Government of Khyber Pakhtunkhwa Local Government, Election and Rural Development Department Peshawar Notification No. SO (LG-I)4-116/2017/KC dated 01-09-2018. I Javed Marwat, hereby assumed the charge of the post of Assistant Engineer, (BPS-17) in the office of Assistant Director, Local Government and Rural Development Department Mardan today on 08-10-2018 (E.N)

(Javed Marwat)
Assistant Engineer,
Local Govt: & RDD Mardan.

Endt: No. 796 /AD LG & RDD Mardan

Dated: 08-10-2018

Copy is forwarded to the:

1. The Director General, Local Govt & RDD Khyber Pakhtunkhwa Peshawar.
2. The Nazim, District Govt, district Mardan.
3. The Deputy Commissioner, Mardan.
4. The Section Officer (ESTAB) Local Govt, Election & RDD KPK Peshawar.
5. The Assistant Director, (Senior) Local Govt & RDD Mardan.
6. The District Accounts Officer, Mardan.
7. The PS to Secretary, Local Government: Rural Development Department KPK Peshawar.
8. All Concerned Officers.
9. Office Concerned File.

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(Javed Marwat)
Assistant Engineer,
Local Govt: & RDD Mardan.

27-5-19

Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department

NOTIFICATION

Dated Peshawar, the 27th May, 2019

No.SO(LG-1)4-116/2019.- The Provincial Government in the Local Government, Elections and Rural Development Department has been pleased to order postings / transfers of the following officers of LG&RDD with immediate effect in public interest:-

Sl#	Name of officer	From	To
1	Mr. Sardarul AD(Senior), Swat	Mulk, LG&RDD.	AD(Senior), LG&RDD, Swat
2	Mr. Athar Umerzhi, Director, Charsadda	Munir Assistant LG&RDD.	Deputy Director in Directorate General, LG&RDD. He will also hold additional charge of the post of AD, LG&RDD, Charsadda
3	Mr. Riaz AD(Senior), LG&RDD, Peshawar	Ahmad.	AD(Senior), LG&RDD, Peshawar
4	Mr. Sajid Gul, Secretary, Provl: Authority	Secretary, Delimitation	To continue as Secretary Provincial Delimitation Authority
5	Mr. Said Adil: Secretary, LCB	Rehman.	To continue as Additional Secretary LCB (On deputation)
6	Mr. Muhammad Jehangir, Assistant Director, LG&RDD, Merged Areas Secretariat, Peshawar	Jehangir, Directorate	Deputy Director in Directorate General, LG&RDD. He will also hold additional charge of the post of AD, Directorate of LG&RDD Merged Areas Secretariat, Peshawar
7	Mr. Noorul AD, LG&RDD District, Khyber	Wahab, Tribal	Deputy Director in Directorate General, LG&RDD. He will also hold additional charge of the post of AD, LG&RDD, Tribal District, Khyber
8	Mr. Sheraz AD, LG&RDD, District Mohmand	Ahmad, Tribal	Deputy Director in Directorate General, LG&RDD. He will also hold additional charge of the post of AD, LG&RDD, Tribal District Mohmand

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9	Mr. Abdur Rashid, AD(Senior), LG&RDD, Haripur	On promotion	AD(Senior), LG&RDD, Haripur
10	Mr. Fazlullah, AD(Senior), LG&RDD, Mardan	On promotion	AD (Senior), LG&RDD, Mardan
11	Mr. Asad Ullah, AD(Senior) LG&RDD, Swabi	On promotion	AD(Senior), LG&RDD, Swabi
12	Mr. Muhammad Aleem	AD(Junior), LG&RDD, Manshra	He is authorized to hold additional charge of the post of AD(Senior), LG&RDD, Manshra
13	Mr. Habir Nawaz, Progress Officer	On promotion	AD, LG&RDD, Kohat vice Sl.No.18
14	Mr. Yousaf Khan, Progress Officer	On promotion	AD, LG&RDD, Lakki Marwat against vacant post
15	Mr. Hamid Khan, Progress Officer	On promotion	AD(Junior), LG&RDD against vacant post
16	Mr. Mamoon Nawaz, Progress Officer	On promotion	AD(Senior), LG&RDD, Dir Lower against vacant post in his own pay scale
17	Mr. Muhammad Zain Khan, Progress Officer	On promotion	AD, LG&RDD, Kohistan Upper against vacant post
18	Mr. Irfan Ullah, Progress Officer	On promotion	AD, LG&RDD, Bannu against vacant post
19	Mr. Zeeshan Ali Shah	AD (Junior), LG&RDD, Nowshera	AD, LG&RDD, Karak to relieve Mr. Rizwan AE of the additional charge
20	Mr. Umar Farooq	Progress Officer (BPS- 16) LG&RDD, Tank	AD(Junior), LG&RDD, DIKhan in his own pay scale
21	Mr. Adnan, Assistant Engineer, CWDA (on deputation)	On repatriation from CWDA Project	AE, LG&RDD, Mardan vice Sl.No.22. He will also hold additional charge of AE in CDWA.
22	Mr. Javed Iqbal ✓	Assistant Engineer, LG&RDD, Mardan	AE, LG&RDD, Charsadda against a vacant post.
23	Mr. Irfan Ullah	Assistant Engineer, LG&RDD, Nowshera	Assistant Engineer, LG&RDD, Bannu against vacant post
24	Mr. Muhammad Jamil, Sub-Engineer	On promotion	Assistant Engineer, LG&RDD, Nowshera vice Sl.No.23

SECRETARY TO GOVT. OF KHYBER
PAIKHTUNKHWA, LG, E&RDD

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Encl. Even No. & Date

Copy is forwarded to:-

- 1 The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2 The AG PR Sub-Office, Peshawar.
- 3 The Director General, LG&RDD, Hayatabad, Peshawar.
- 4 The Secretary, Local Council Board, KP, Hayatabad, Peshawar.
- 5 The Project Director, CDWA, Shami Road, Peshawar;
- 6 The Director Information, KP Peshawar.
- 7 All District Accounts Officers in Khyber Pakhtunkhwa.
- 8 The officers concerned.
- 9 All Assistant Directors LG&RDD in Khyber Pakhtunkhwa.
- 10 The PS to Minister for LG, E&RD, Khyber Pakhtunkhwa
- 11 The PS to Secretary, LG, E&RDD
- 12 Personal file of the officers concerned.
- 13 The office order file.

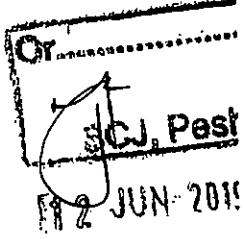
SECTION OFFICER (ESTAB)
Phone # 091-9213224

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10 12-6-19
239/1
Before the learned Senior Civil Judge, Peshawar

Javed Iqbal s/o Ghulam Nabi Khan r/o House no. 843, Street no. 11, Sector F-6, Phase-6, Hayat Abad, Peshawar

Plaintiff



VERSUS

1. Director General Local Government and Rural Development Department, Peshwar KPK.
2. Secretary Local Government and Rural Development Department, Peshawar KPK.

Defendants

Suit For:

- A** Declaration to the effect that the plaintiff is a regular employee of the local government as assistant engineer and the department though neglecting his civil professional rights by transferring him from one station to another and get the plaintiff transferred 3 times in a row in a time span of approx 1 year, which is illegal and against the professional courtesy.
- B** Permanent/Directive injunction to the effect that the defendants be restrained not to transfer the plaintiff from its present station i.e. Mardan, stop discriminating and personal and political grudges with the plaintiff.

Court fee for the prayer A = 500

Court fee for the prayer B= 500

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11

Cause of action accrue to the plaintiff when the defendants denied the professional civil rights, comes under the jurisdiction of this honorable court.

AW
13/6/19

Respectfully Sheweth,

1. That the plaintiff is an assistant engineer in local government and rural development department KPK.
2. That the plaintiff was working as an assistant engineer at Lakki Marwat and after performing his duty, the defendants having personal and political grudges with the Plaintiff and transferred him to Charsadda vide order no. Director (LG)3-4/Posting/Transfer/2004, dated 29-03-2018. (Copy of order is attached)
3. That the plaintiff while performing his duty at chardada station, out of blue the defendants typed another transfer letter of the plaintiff to Mardan, which again is because of personal and political grudges with the plaintiff.
4. That the plaintiff was not only transferred to Mardan station but also assigned an additional of Charsadda under notification no. SO(LG-1)4-116/2018/KC, dated 01-10-2018. (Copy of notification attached)
5. That again the plaintiff was transferred from Mardan to Charsadda through notification no. SO(LG-1)4-116/2019, dated 27-05-2019. (Copy of notification attached)
6. That the defendants have acted having personal animosity with the plaintiff which could easily be transpired from the given facts and

AW
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transgressed and misused their power while abrogated the basic rules and laws, hence this instant suit.

AW
18/11

7. That the value for the purpose of Court fee, jurisdiction and cause of action has rightly been mentioned in the heading of Plaint and this Honorable Court has got the jurisdiction to entertain, and decide the present suit.

It is, therefore, humbly prayed that decree as prayed for may graciously be passed in favor of Plaintiff against the Defendant with cost.

Plaintiff

Dated: 12-06-2019

Through

[Signature]

Sami Ullah Jan

Advocate High Court

Verification:

It is verified that the contents of the above suit is true and correct to the best of my knowledge and beliefs and nothing has been concealed from this Honorable Court.

Deponent:

[Signature]

[Circular Stamp]
12-6-19

[Signature]

Before the learned Senior Civil Judge, Peshawar

Javed Iqbal
(Plaintiff)

versus

Director General & Others
(Defendants)

Application for temporary injunction to restrain the defendants from transferring him to any other station either out of personal or political grudge and till the decision of the case and status quo be maintained.

Respectfully sheweth,

1. That the plaintiff is filing the above titled suit in this honorable court where no date has yet been fixed.
2. That the plaintiff is bonafide and hardworking employee of the defendants' department, which suggest prime facie case in favor of the plaintiff.
3. That the plaintiff is having superior professional civil rights and the defendants keep on violating and abrogating those rules policies and rights, hence balance of convenience lies in favor of the plaintiff.
4. That if the defendant is not restrained through temporary injunction, the plaintiff will suffer irreparable loss.

It is therefore humbly prayed that by accepting this application temporary injunction may kindly temporary injunction be granted and status quo be maintain till the final decision of the case.

Plaintiff

Through

Sami Ullah Jan
Advocate High Court,

Dated:

12-6-2019

Handwritten signature and date: 13/6/19

Handwritten signature

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FORM "A"
FORM OF ORDER SHEET

COURT OF OF
CASE NO

SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY
1	2	3
OR.....01	12/6/2019.	<p>Civil Suit/ Rent Petition/ Family Case/ Insolvency Misc: Application/ Objection Petition /execution petition has been filed; entrusted to the Court Civil Judge- Peshawar. Counsel for the plaintiff/ petitioner is directed appear before the same court on 12/6/2019.</p> <p style="text-align: right;">Mahabeen Shabbir Senior Civil Judge, Peshawar.</p> <p>case file received from the learned court of senior civil Judge. Office to report</p> <p style="text-align: right;">NEELUM IBRAHIM Civil Judge-V Peshawar</p> <p style="text-align: center;">حساب عالی بذات کی جس عرض طوعی کی ہے موجودہ درست و صحیح ہے مگر ان عرض دعوئی نقولات متصرف دو کالٹ نام لکھ ہے</p> <p>دلوٹ عرض ہے Shir</p> <p style="text-align: center;">13/6/19.</p>
① - 2	13.6.19	<p>case file received from the learned court of senior civil Judge. Office to report</p> <p style="text-align: right;">NEELUM IBRAHIM Civil Judge-V Peshawar</p> <p style="text-align: center;">حساب عالی بذات کی جس عرض طوعی کی ہے موجودہ درست و صحیح ہے مگر ان عرض دعوئی نقولات متصرف دو کالٹ نام لکھ ہے</p> <p>دلوٹ عرض ہے Shir</p> <p style="text-align: center;">13/6/19.</p>

[Handwritten signature]

15

IN THE COURT OF NEELUM IBRAHIM,
CIVIL JUDGE-V, PESHAWAR

Javed Iqbal
Vs
Director General Local Government

Ord.....3

13/06/2019

Plaintiff through counsel present. Admits the contents of plaint to be true and correct. It be registered.

Along with plaint, an application for grant of temporary injunction is annexed. Preliminary arguments heard. Tentative record is gone through.

Perusal of the record shows that plaintiff has may have an arguable case at this stage, hence, status quo be maintained till date fixed subject to notices to defendants and in the absence of contrary order of Superior Court.

Defendants be noticed along with copy of plaint and application for 20/6/2019.

Neelum Ibrahim
Neelum Ibrahim
Civil Judge-V, Peshawar

NIR

20/6/19

P.O. is on leave. File to
come up on 27/6/19

Arif
[Signature]

[Signature]

F 17 1-7-79

BEFORE THE SENIOR CIVIL JUDGE, PESHAWAR

SUIT

Javed Iqbal S/O Ghulam Nabi Khan,
Hayatabad, Peshawar

Plaintiff

VERSUS

1. Director General, LG&RDD
2. Secretary, LG,E&RDD

Defendant

Written statement of Defendants

Respectfully Sheweth:-

Preliminary Objections:-

- i. That the Plaintiff has got no cause of action and locus-standi to institute the instant Suit.
- ii. That the Plaintiff has not come to the Hon'ble Court with clean hands.
- iii. That the Suit is not maintainable and not covered by the relevant rules.
- iv. That the Plaintiff has concealed material facts of the case.
- v. That the Suit is pre-mature as the Plaintiff has not exhausted departmental remedy.
- vi. That this Hon'ble Court lacks jurisdiction to entertain the instant Suit as the Plaintiff is Civil Servant and he can invoke jurisdiction of the Khyber Pakhtunkhwa under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974.
- vii. That in light of Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Plaintiff being a Civil Servant is liable to serve anywhere within or outside the Province, on any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government

On Facts

- Para-1 That Para No.1 is correct hence needs no reply.
- Para-2 That Para-2 is correct to the extent of his posting at district Lakki Marwat, the rest of the para is incorrect against facts and law. The defendants have no political grudges with the plaintiff rather he has been transferred to Charsadda in routine transfer / postings.
- Para-3 The defendant No.2 being Competent Authority in light of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 read with Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as well as Posting / Transfer Policy of the Provincial Government in vogue, transferred the Plaintiff from

All
1/7/79
NEELUM BRAHIM
Civil Judge-V, Peshawar

AUN
[Signature]

17 Raja Mohan

Charsadda to Mardan and also assigned to hold additional charge of the post of Assistant Engineer, I.G&RDD, Charsadda.

Para-4

Incorrect. Though the Plaintiff was assigned the additional charge of the post of AE, I.G&RDD, Charsadda but he never agitated the same as he was willing on the said arrangement. When he was transferred back and posted full time Assistant Engineer in the office of AD, I.G&RDD, Charsadda, he started hue and cry for circumventing orders of the Provincial Government and intends to hold charge of the post of AEs in both offices i.e. AD, I.G&RDD Charsadda and Mardan, which prove his malafide intention and does not deserve to serve in the office of AD, I.G&RDD, Mardan. More-over, the defendant has not only transferred and posted the Plaintiff from Mardan to Charsadda but also ordered the postings / transfers of 23 officers in grade 17 and above vide Notification No.SO(I.G-I)4-116/2019, dated 27-05-2019 (Annexure-A) which clearly confirm that the defendants have no personal grudges with the plaintiff as alleged.

Handwritten signature
1/2/19
NEELUM IBRAHIM
Civil Judge-V, Peshawar

Para-5

As replied in Para-4, above.

Para-6

As replied in Para-3 above.

Para-7

Incorrect. This para is misleading this Hon'ble Court. The Plaintiff is a Civil Servant and under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974, the Service Tribunal is the proper forum to entertain appeal of the Plaintiff and this Hon'ble Court has got no jurisdiction to entertain the present Suit.

For the submission stated above, Suit of the Plaintiff may graciously be dismissed with cost and vacate the status-quo maintained in the case in public interest.

Handwritten signature
Director General
I.G&RDD
(Defendant No.1)

Handwritten signature
Secretary, I.G&RDD,
(Defendant No.2)
Defendants
through
District Attorney Peshawar

Verification

It is verified that the contents of written statement are correct and true.

Deponent

Handwritten signature

(2) para 1, 2, 3, 4, 5, 6, 7
Hence no costs.

G 19

IN THE COURT OF NEELUM IBRAHIM,
CIVIL JUDGE-V, PESHAWAR

Javed Iqbal
VS
Director General, LG&RDD etc.

Order- 06
03.07.2019

1. Plaintiff through Son Tariq present. Defendant through District Attorney present.
2. Plaintiff was directed to ensure the availability of his counsel to argue the case on maintainability.
3. The learned counsel for the plaintiff submitted that this court being civil court in nature has got the accumulative powers vested in it under the law and can entertain the suit in its present form whereas the District Attorney representing the defendants controverted the contention of the plaintiff and submitted that the plaintiff was serving as an Assistant Engineer at Lakki Marwat and was transferred to Charsadda by the defendants on the basis of personal and political grudges. When was serving at Charsadda, he was transferred to Mardan with an additional charge at Charsadda which act of the defendants, according to plaintiff, is based on personal animosity which is disregard of the rules and misuse of powers.
4. He further submitted that he has filed the present suit before a forum which has no jurisdiction rather the proper forum established for such like disputes is the Khyber Pakhtunkhwa, Services Tribunal.
5. Admittedly the plaintiff is serving as an Assistant Engineer in Local Government and Rural Development Department, KP and that way any

ATTESTED
03.07.2019
(Registrar)
Civil Court Peshawar

Neelum Ibrahim
3.7.19
NEELUM IBRAHIM
Civil Judge-V, Peshawar

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grievance against the employer/department regarding his service is to be taken before the KP; Services Tribunal by the employee for the redressal of his grievance and that way this court has got no jurisdiction to entertain the suit in hand.

6. As such the suit is proceeded against in accordance with Order 7, Rule 10 CPC, the plaint of which to be returned to the plaintiff/counsel with a copy there of retained on file of this court. Status Quo granted dated 13.06.2019 is vacated. File be consigned to the record room after proper compilation.

Announced
03.07.2019

Neelum Ibrahim
Neelum Ibrahim
Civil Judge-V, Peshawar

Date of Application	20.6.19
Applicant	U. M. M. G
Urgent rec.	P-7
Copyist & Date	P-6
Operation	05.7.19
	05.07.19

Handwritten signature

CERTIFIED TO BE TRUE COPY
(Signature)
05-07-19
(Examiner)
Copying Agency Civil Court Peshawar

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

CM. No. _____ /2019

Javed Iqbal

versus


Secretary & Others

**APPLICATION FOR SUSPENSION OF NOTIFICATION
DATED 27-05-2019 TO THE EXTENT OF THE POST OF
APPELLANT TILL THE DECISION OF THE CASE:**

Respectfully Sheweth:

1. That applicant filed the subject Appeal before this hon'ble Tribunal today.
2. That no reason in order of transfer is given but the same was made in the interest of department but of others.
3. That prima facie case exists, balance of convenience lies in favor of applicant and is hopeful of the success of the appeal.
4. That the post of applicant is still lying vacant at Mardan.
5. That facts and grounds of the appeal be treated as integral part of this application for grant of Interim relief.

It is, therefore, requested that order dated 27-05-2019 be suspended till the decision of the case.


Applicant

Through



(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

Dated: 03.07.2019

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

CM. No. _____ /2019

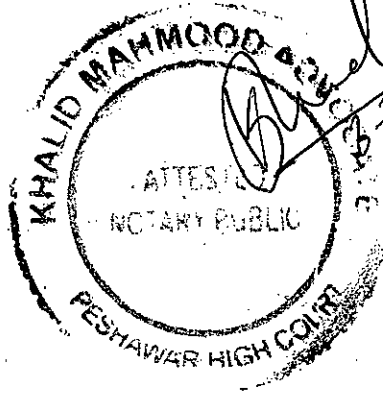
Javed Iqbal

versus

Secretary & Others

AFFIDAVIT

I, Javed Iqbal, Applicant, do hereby solemnly affirm and declare that contents of **Application** are true and correct to the best of my knowledge and belief.



Javed Iqbal
DEPONENT

بعدالت جہاں سرسٹریٹ ٹریڈ ہوتل سو پو سٹریٹ پشاور

متجانب اسٹریٹ

جاوید انصاری بنام محکمہ لوکل گورنمنٹ

دعوی اپیل

باعضرت سرسٹریٹ

مستند مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعید احمد خان سرور سے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے والی نامہ و آفٹر ثالثہ وغیرہ برتلاف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و رزپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تقدیر اور ان پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور مستثنیٰ نیز وارڈ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ منگور کے کل یا اجزائی کاروائی سے واسطے اور وکیل یا انصار قانونی کو اپنے ہمراہ یا اپنی بجائے تفرک کا اختیار ہوگا اور اس پر مقرر شدہ کو بھی وہی حوالہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام درجہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ مستند ہے۔

المترقوم

العبد العبد العبد

11
ارباب سید انصاری
ایڈوکیٹ

سعید احمد خان سرور
ایڈوکیٹ

James Sarah
Pasha

Arif Nawaz
Adv.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 941/19

JAVED IQBQL VS SECRETARY

APPLICATION FOR REJECTION OF APPEAL MENTIONED ABOVE

Respectfully Sheweth:-

3. That the appeal titled above is pending before this Honorable Tribunal which is fixed for today.
4. That the above mentioned appeal has been filed, without fulfilling requisite of section 4 of the "KP Service Tribunal Act 1974" with respect to the Departmental appeal. Hence not maintainable.
5. That This Honorable Tribunal in appeal titled "Arif Abbasi Vs Population department", which was decided by the Larger Bench vide judgment dated 10-02-2014, held that no appeal shall lie to the Honorable Tribunal without filing of departmental appeal. (copy of the judgment is Annexure "A")
6. That consistent view of the superior Courts is that fulfillment of pre requisites of section 4 of ibid Act is mandatory, hence the instant appeal is not only against Section 4 of the Service Tribunal Act 1974 but also in violation of precedents of this Honorable Tribunal and August Supreme Court of Pakistan.

It is, therefore, requested that on acceptance of this application, the appeal mentioned above may kindly be rejected/dismissed with cost.

Respondents/ Petitioner

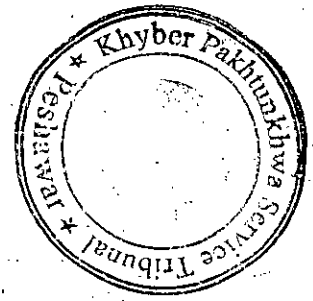
Dated.

**Through
Assistant Advocate General
Khyber Pakhtunkhwa Service Tribunal
Peshawar.**

AFFIDAVITE

It is hereby undertaken that contents of the petition are correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent



19.07.2019

Counsel for the appellant present.

Contends that between the period from 29.03.2018 till 27.05.2019 the appellant was transferred thrice from one station to another. The notification dated 27.05.2019 was also officially endorsed to the P.S to Minister for LG&RDD Khyber Pakhtunkhwa which clearly indicated that the decision contained therein was politically motivated.

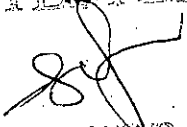
While explaining the position of appellant in respect of office objection in terms of non-availability of departmental appeal and its rejection order, learned counsel referred to the provisions contained in Rule 3 of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 as well as judgment reported as 2011-PLC(C.S)993 and argued that the submission of departmental appeal in case of transfer of a civil servant was not mandatory. That, the transfer order itself was a final order against which appeal could be preferred before the Tribunal.

In order to look into the legal proposition, as set forth by learned counsel for the appellant, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.08.2019 before S.B.

Alongwith the appeal there is an application for suspension of notification dated 27.05.2019 to the extent of transfer of appellant. Notice of the application be also given to the respondents for the date fixed. In the meanwhile the operation of impugned order shall remain suspended to the extent of appellant, if not already implemented.


Chairman

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appellant Deposited
Security & Process Fee

23/7/19

KPK SERVICE TRIBUNAL PESHAWAR

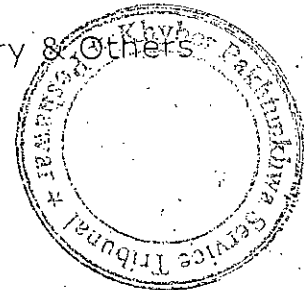
BEFOR

S.A No. 941 /2019

al

versus

Secretary & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Transfer from Lakki to Charsadda	"A"	4
3.	Subsequent notification of transfer from Charsadda to Mardan, 01-10-18	"B"	5-6
4.	Impugned notification, 27-05-2019	"C"	7-9
5.	Civil Suit dated 12-06-2019	"D"	10-13
6.	Order of Status-quo dated 13-06-19	"E"	14-16
7.	Written Statement dated 01-07-19	"F"	17-18
8.	Return of Suit order dated 03-07-19	"G"	19-20
8.	Application for Interim Relief		21-22

Appellant

Through

Saadullah Khan Marwat
Advocate.21-A Nasir Mansion,
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

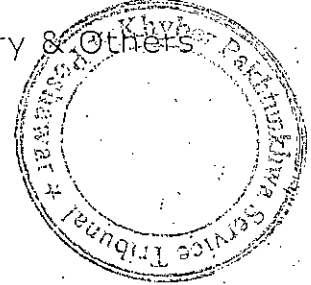
Dated: 03-07-2019

BEFORE THE KPK SERVICE TRIBUNAL PESHAWARS.A No. 941 /2019

Javed Iqbal

versus

Secretary & Others

I N D E X

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7.	Written Statement dated 01-07-19	"F"	17-18
8.	Return of Suit order dated 03-07-19	"G"	19-20
8.	Application for Interim Relief		21-22

Appellant

Through

Saadullah Khan Marwat
 Advocate.
 21-A Nasir Mansion,
 Shoba Bazaar, Peshawar.
 Ph: 0300-5872676
 0311-9266609

Dated: 03-07-2019

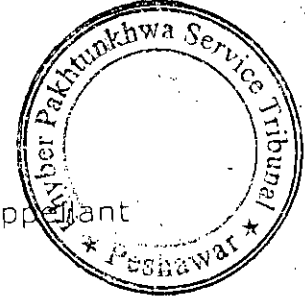
BEFORE KPK SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 924

S.A No. 941 / 2019 Dated 4-7-19

Javed Iqbal S/O Ghulam Nabi Khan;
Assistant Engineer, Local Govt. &
Rural Development Department,
Mardan Appellant



Versus

1. Secretary, Govt. of KP,
Local Govt. & Rural
Development, Peshawar.
2. Director General, Local Govt. &
Rural Development, Peshawar. Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE NOTIFICATION NO. SO (LG-I) 4-
116 / 2019 DATED 27-05-2019 OF R. NO. 01
WHEREBY APPELLANT WAS TRANSFERRED FROM
THE OFFICE OF ASSISTANT ENGINEER LG & RDD
MARDAN TO AE, LG & RDD CHARSADE, AGAINST
VACANT POST:

Filed day
4/7/19
Registrar

ATTESTED

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Respectfully Sheweth;

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

1. That appellant was initially appointed as Sub-Engineer in the department in the year 1980 and on satisfactory performance of his official duties, he was promoted to the post of Assistant Engineer in the year 2015. That finally on 29-03-2018, appellant was transferred as such from the office of Assistant Director LG & RDD, Lakki Marwat and was posted as such in the office of Assistant Director Local Govt. & RDD Charsadda against vacant post. (Copy as annex "A")

2. That on 01-10-2018, subsequent notification was issued by R. No. 01 wherein appellant was transferred from the office of Charsadda to Mardan. (Copy as annex "B")
3. That on 27-05-2019, another notification was issued wherein appellant was transferred from Mardan to Charsadda by R. No. 01. (Copy as annex "C")
4. That on 12-06-2019, appellant filed Civil Suit for setting aside of order dated 27-05-2019 followed by application for Interim Relief which came up for hearing on 13-06-2019 and then the learned Civil Judge-V was pleased to maintain status-quo till 20-06-2019. (Copies as annex "D" & "E")
5. That respondents were put to notice and submitted written statement on 01-07-2019 by denying the claim of appellant. (Copies as annex "F")
6. That on 03-07-2019, arguments were heard by the learned Civil Judge Peshawar and the case was returned to appellant under O-7 R-10 CPC to approach before the proper forum. (Copy as annex "G")

Hence, this appeal, Inter alia on the following grounds:- **ATTESTED**

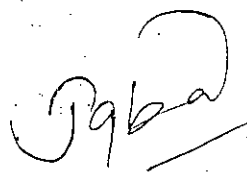
GROUND

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

- a. That appellant served the department throughout the Province in various capacities to the best of his ability and without any complaint.
- b. That appellant was transferred from one station to another without any reason and justification in short span of time which orders are against Posting and Transfer Policy.
- c. That as per the judgments of the apex court, repeated transfer in short span of time are against the law and rules and the same reduces faith and confidence of a servant.

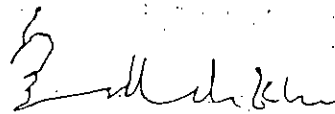
- d. That the impugned orders are not in the interest of public, while no one was posted against the post at Mardan which are based on malafide.
- e. That the post of appellant at Mardan is still lying vacant and the same is going to be filled through political intervention.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 27-05-2019 of R. No. 01 be set aside by restoring order dated 01-10-2018 with all service benefits.

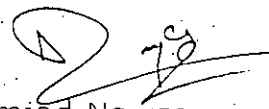


Appellant

Through



Saadullah Khan Marwat



Amjad Nawaz
Advocates.

Certified to be true copy

EMANUJANER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Dated.03.07.2019

Date of Presentation of Application: 31-7-2019
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BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

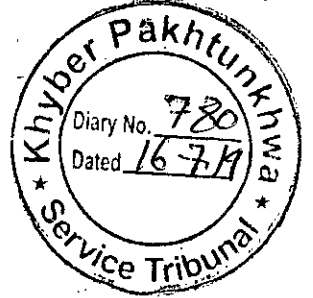
S. A. No. : /2019

Javed Iqbal

versus

Secretary & Others

APPLICATION FOR EARLY HEARING OF THE
SUBJECT CASE:



Respectfully Sheweth,

- Recd*
1. That subject appeal is pending disposal before this hon'ble Tribunal and is fixed on 05-09-2019 for preliminary hearing.
 2. That the subject appeal pertains to transfer matter.
 3. That respondents are pressurizing applicant to leave the charge of the post and in such like situation, early hearing of the case becomes necessary.

It is, therefore, most humbly requested that the application be accepted as prayed for.

*Be accelerated
to 19/7/19.*

[Signature]
Dated: 15-07-2019

Appellant

Through

[Signature]

Saadullah Khan Marwat
Advocate,