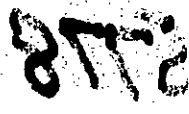



It is submitted that
grievance of the appellant has been
redressed by the Deptt. Hence,
the present appeal has ~~gone~~
infructuous. The same may be
ordered to be dismissed as
withdrawn


17/2/2021 
M. Arshad Tanoli
Adv.

17.02.2021

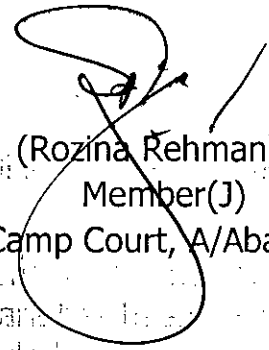
Muhammad Arshad Khan Tanoli Advocate, counsel for
appellant present.

He requested for withdrawal of the instant appeal on
the ground that the grievance of appellant has been redressed.
To this effect, his statement was recorded on the order sheet
and signature was also obtained thereon.

In view of above, the instant appeal is hereby dismissed
as withdrawn. No order as to costs. File be consigned to the
record room.

Announced.

17.02.2021





(Rozina Rehman)
Member(J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - **5778** /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/06/2020	<p>The appeal of Mr. Muhammad Uzair received today by post through Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-11-20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
19.11.2020		<p>Appellant has not forth come, however, clerk of learned counsel for appellant is present and requested for adjournment on the ground that learned counsel for appellant is not available today. Adjourned to 17.02.2021 on which date file to come up for preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p>

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

Service Appeal No. **5778** /2020

Muhammad Uzair PSHT GPS, Chohai Dangoi, District Kohistan.

...APPELLANT

VERSUS

Govt. of KPK through Secretary Elementary & Secondary Education, KPK Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

<i>S. #</i>	<i>Description</i>	<i>Page #</i>	<i>Annexures</i>
1.	Service appeal alongwith affidavit	1 to 7	
2.	Copy of application	8	"A"
3.	Copy of impugned transfer order of respondent No. 4	9	"B"
4.	Copy of departmental appeal	10-11	"C"
5.	promotion order dated 20/08/2019 of respondent No. 4	12-13	"D"
6.	Wakalatnama	14	

...APPELLANT

Dated: _____/2020

Through

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

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

Service Appeal No. **5778**/2020

Muhammad Uzair PSHT GPS, Chohai Dangoi, District Kohistan.

...APPELLANT
Khyber Pakhtukhwa
Service Tribunal

VERSUS

Diary No. 5060

Dated 15/6/2020

1. Govt. of KPK through Secretary Elementary & Secondary Education, KPK Peshawar.
2. Director Elementary & Secondary Education, KPK Peshawar.
3. District Education Officer (Male) District Battagram.
4. Juma Khan PSHT, GPS Godial Bair, District Kohistan.

....RESPONDENTS

Filed to-day

[Signature]
Registrar
15/6/2020.

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974, FOR DECLARATION THAT THE APPELLANT IS SERVING AS PHST IN GPS CHOHAIDANGOI FROM 18/03/2014, AFTER SERVING IN FAR-FLUNG AREA, THE APPELLANT FILED APPLICATION FOR HIS TRANSFER FROM

GPS CHOHAJ DANGOI TO GPS GODIAL BAIR
BUT RESPONDENT NO. 3 WITHOUT
FOLLOWING TO TENURE POLICY
ILLEGALLY TRANSFERRED RESPONDENT
NO. 4 VIDE IMPUGNED ENDST. ORDER NO.
530-33 DATED 12/02/2020, THE IMPUGNED
TRANSFER ORDER OF RESPONDENT NO. 4
IS LIABLE TO BE SET-ASIDE BECAUSE
RESPONDENT NO. 4 WAS PROMOTED IN
THE YEAR 2019 AND WITHIN A SPAN OF
ONE YEAR HE HAS BEEN TRANSFERRED IN
GPS GODIAL BAIR.

PRAYER: ON ACCEPTANCE OF THE
INSTANT SERVICE APPEAL, IMPUGNED
TRANSFER ORDER OF RESPONDENT NO. 4
MAY GRACIOUSLY BE DECLARED
ILLEGAL AND MAY BE SET-ASIDE. AND
RESPONDENT NO. 4 MAY BE DIRECTED TO
TRANSFER THE APPELLANT FROM GPS
CHOHAJ DANGAOI TO GPS GODIAL BAIR
NEAR THE PLACE OF HIS ABODE. ANY
OTHER RELIEF WHICH THIS HONORABLE
TRIBUNAL MAY DEEMS FIT AND PROPER

IN THE CIRCUMSTANCE OF THE CASE MAY
ALSO BE GIVEN TO THE APPELLANT.

Respectfully Sheweth:-

The facts forming the background of service appeal are arrayed as under;-

1. That the appellant is serving as PSHT in GPS Chohai Dangoi, District Kohistan w.e.f 18/03/2014. The appellant after completion of service tenure in hard area of District Kohistan applied for transfer form GPS Chohai Dangoi to GPS Godial Bair vide application dated 24/12/2019. Copy of application is annexed as Annexure "A".
2. That respondents' department instead of transferring the appellant from Chohai Dangoi to GPS Dodial Bair transferred the respondent No. 4 vide impugned order Endst No. 530-33, dated 12/02/2020. Copy of impugned transfer order of respondent No. 4 is annexed as Annexure "B".

3. That feeling aggrieved, the appellant filed departmental appeal against the impugned order dated 12/02/2020 vide departmental appeal dated 18/02/2020. Copy of departmental appeal is annexed as annexure "C", but respondent No. 2 did not reply to the departmental appeal of the appellant so far., Hence the instant service appeal filed inter-alia on the following grounds:-

GROUNDS:-

- a. That the appellant has near about six about service tenure at GPS Chohai Dangoi whereas, respondent No. 4 has less than one year tenure at GPS Totaabad. In this regard, promotion order dated 20/08/2019 of respondent No. 4 is attached as Annexure "D". Therefore, as per service rule, the appellant has preferential right to be posted in GPS Godial Bair which is near the place of residence of the appellant.
- b. That respondents' department without following the tenure policy posted

respondent No. 4 at GPS Godial Bair who is blue eyed and influential employee.

- c. That the impugned transfer order is malafide, against the law, arbitrary, which is against the policy in-vogue. Therefore, the impugned transfer order is liable to be set-aside.
- d. That respondents' department is supposed to act whatever prescribed by law in letter and spirit without fear and favour.
- e. That respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence, natural justice, good governance and fair play. Therefore this Honourable Tribunal should not fold up its hands while granting relief to the aggrieved appellant.
- f. That the matter in issue relates to the terms and conditions of the service, therefore, this Honourable Tribunal has jurisdiction to

entertain the instant service appeal under Article 212 of the constitution.

- g. That other points shall be urged with the permission of Honourable Tribunal at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant service appeal, impugned transfer order of respondent no. 4 may graciously be declared illegal and may be set-aside. And respondent No. 4 may be directed to transfer the appellant from GPS Chohai Dangaoi to Gps Godial Bair near the place of his abode. Any other relief which this Honorable Tribunal may deems fit and proper in the circumstance of the case may also be given to the appellant.


...APPELLANT

Through

Dated: _____/2020


(Muhammad Arshad Khan Tandli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable tribunal.


...APPELLANT

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

Service Appeal No. _____/2020

Muhammad Uzair PSHT GPS, Chohai Dangoi, District Kohistan.

...APPELLANT

VERSUS

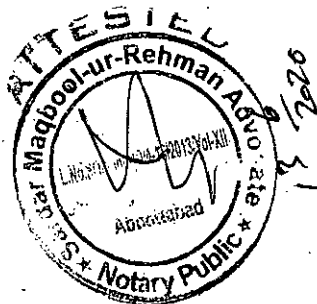
Govt. of KPK through Secretary Elementary & Secondary Education, KPK
Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Uzair PSHT GPS, Chohai Dangoi, District Kohistan, do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.




DEPONENT

پنجاب ہائیڈرو پاور ڈیولپمنٹ کورپوریشن (پنہا ڈیولپمنٹ کورپوریشن) کے ذریعہ
پوساٹ خانہ 2000 کے ذریعہ پاکستان کے
عدالت کے سامنے
Annex - A

صوبائی عدالت

P-8

پنہا کے آداب سے لاہور کے سائبر سیکشن کے
GPS ڈیٹا کی حیثیت سے انٹرویو کے لیے درخواست کی گئی ہے۔
جو کہ سائبر سیکشن کے پاس موجود ہے۔ اور انٹرویو
کے لیے نوٹیفکیشن کے ذریعہ درخواست کی گئی ہے۔
پنہا کے سائبر سیکشن سے ایف ڈی پی سی کی درخواست کی گئی ہے۔
لہذا سائبر سیکشن کے GPS ڈیٹا کی حیثیت سے درخواست کی گئی ہے۔
انٹرویو کے لیے درخواست کی گئی ہے۔

اس لیے درخواست کی گئی ہے۔
Ban Relaxation
سائبر سیکشن کے ذریعہ

پنہا کے سائبر سیکشن کے ذریعہ
پنہا کے سائبر سیکشن کے ذریعہ
24/12/19

پنہا کے سائبر سیکشن کے ذریعہ
پنہا کے سائبر سیکشن کے ذریعہ

Arrested
پنہا کے سائبر سیکشن کے ذریعہ
پنہا کے سائبر سیکشن کے ذریعہ

Muzair Khan
Office No. 12 Adjacent to
Abbottabad

Annex - B

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHISTAN

Phone # 0998-407128

P-9

CORRIGENDUM

In continuation of this office promotion order under Enstt: No. 4900-37 and dated 20.08.2019.

Mr. Juma Khan, PSHT BPS-15 was adjusted at GPS Tota Abad; but PSHT post was already filled in that school. Hence, Mr. Juma Khan, PSHT BPS-15 is hereby adjusted at GPS Godial Bair in the best interest of public with immediate effect.

*District Education Officer
(Male) Kohistan.*

Enstt: No. 530-33 /Estt./DEO/ (M) KH F.No.171

Dated 12/2 /2020.

Copy forwarded of the above is forwarded to the:-

1. Sub Divisional Education Officer(M) Dassu Kohistan
2. District Monitoring Officer (IMU) Kohistan
3. PA to District Education Officer(M) Kohistan
4. Officials concerned

*District Education Officer
Deputy (Male) Kohistan.*

Attested
Muhammad Arshad Khan
Advocate High Court
Office No 33 Adjacent to
Abbottabad

P. 11

LEOPARDS COURIER SERVICE (PVT.) LTD.
FOR BANKS ONLY G.S.T. No: 12-00-9808-001-91

120633568 1-Z

SHIPPER'S ACCOUNT NO.		ORIGIN	DESTINATION	SERVICE CHARGES	
		2752		PIECES	
FROM:	TO:	Din- [Handwritten]		WEIGHT	
379	P. [Handwritten]			Price Inclusive of G.S.T.	
CASH	CREDIT	NO DECLARED VALUE	DATE	TIME	SIG.
			20/10/17		[Signature]

Leopards" Accepted Above Mentioned
 ms on Shipper's Risk & Shipper Agreed
 All the Conditions Printed on Reverse

سواگل ذون / قطرا / پاسورٹ / کن / بریز کوئی ٹریک / ڈیولٹ کوئی انیہ
 "پیرڈ کوئر" قبول نہیں کرتا اگر آپ نے ظاہر کیا کہ اسے سوائے اس کی کسی شے "پیرڈ کوئر" ہے
 حوالے کی وائی انیہ کی آشر کی ہے "پیرڈ کوئر" کی کوئی ڈیولٹ ہوگی

Accepted

[Signature]

Muhammad Anwar Khay Tahir,
 Advocate High Court
 Office No. 33 Adjacent to
 Dist. Bar Abbottabad

~~Handwritten scribble~~
Handwritten scribble
Handwritten scribble

Small handwritten marks

Small handwritten mark

Large handwritten scribble



Annex - D

Office of the District Education Officer (Male) Kohistan

Phone No.0998-407128

P-12

NOTIFICATION

In pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 13/11/2012 and amendments Notification No.SO(PE)/4-5/SSRC/Meeting/2013/Teaching Cadre dated 24/07/2014.

Consequent upon the recommendation of the District Promotion Committee and approved by the competent authority on note sheet Para No.14 dated 24/07/2019 the following SPSTs are hereby promoted to the Post of PSHT in BPS-15 (16120-1330-56020) plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial Government, on the terms and condition given below with immediate effect.


S#	S.SL. No.	P/No.	Name of Teacher	Name of Present School	Name of School where be adjusted	Remarks
1	967	331557	Muhammad Younas	GPS Dogah Seo	GPS Bariyar	A.V.P
2	1088	334081	Rehmat Mubarak Shah	GPS Dassu	GPS Dassu	A.V.P
3	1091	331508	Amir Azam	GPS Sher Abad	GPS Zaid Khar	A.V.P
4	1095	335539	Ghulam Rasool	GPS Rajkot	GPS Sasak	A.V.P
5	1097	333108	Abdul Ghaffar	GPS Jamra Kandia	GPS Kar Bagroo	A.V.P
6	1108	333030	Shehzada	GPS Bar Bela	GPS Bar Bella	A.V.P
7	1149	333790	Gul Dad Khan	GPS Jalkot	GPS Basas	A.V.P
8	1155	359922	Amanullah	GPS Nazeer Abad	GPS Eleel	A.V.P
9	1182	359976	Muhammad Nabi	GPS Summar Nala	GPS Ghee Harban	A.V.P
10	1183	359971	Juma Khan →	GPS Jamra A A	GPS Tata Abad	A.V.P
11	1186	359954	Shahzada	GPS Goshali	GPS Goshali	A.V.P
12	1203	359944	Saeed ur Rehman	GPS Dong Soyol	GPS Dong Soyol	A.V.P
13	1217	359936	Shams -ud- Din	GPS Seo Village	GPS Faiz Abad	A.V.P
14	1218	359960	Shakeel Khan	GMPS Hamdi	GPS Kuz Bak	A.V.P
15	1221	359941	AbdurRaziq	GPS Harban Kot	GPS Dargah	A.V.P
16	1222	359929	Muhammad Zaboore	GPS Dassu	GPS Bari Jalkot	A.V.P
17	1235	359955	Abdul Saboor	GPS Bakhi No 2	GPS Bakhi No.2	A.V.P
18	1241	359932	Taj Muhammad	GPS Seri Amir Knan	GPS Jumshed Abad	A.V.P
19	1244	335629	Javiad Iqbal	GPS Sazeen Village	GPS Missring	A.V.P
20	1252	335031	Duraj	GPS Eshni Dogah	GPS Anwar Abad	A.V.P
21	1253	334749	Umer Khan	GPS Razika	GPS Umar Abad	A.V.P
22	1254	339874	Abdul Khabir Shah	GPS Ker Bagroo	GPS Thoor	A.V.P
23	1099	333053	Subab Khan	GPS Jalkot	GPS Kalbeer	A.V.P

Attested

 District Education Officer
 Kohistan

Terms and Conditions.


1. No. TA/DA is allowed.
2. Charges report should be submitted to all concerned.
3. They would be on probation for a period of one year extendable for another one year.
4. They will be governed by such rules and regulations as may be issued from time to time by the Government.
5. Their services are liable to be terminated at any time and in case their performance is found unsatisfactory or they misconduct during probationary period, they shall be preceded under the rules framed from time to time.
6. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of this order will be recovered and if he is wrongly promoted, he will be reversed.
7. All SDEOs/DDOs are hereby directed to check/verify their Academic degrees and professional degrees from concerned Board/institutions before drawl of their pay if any consequence made later on all SDEOs/DDOs will be held responsible.
8. If they fail to take over charge within 15 days their order will be cancelled automatically.


 (Khurshid Ahmed)
 District Education Officer
 (Male) Kohistan
 (Chairman DSC)

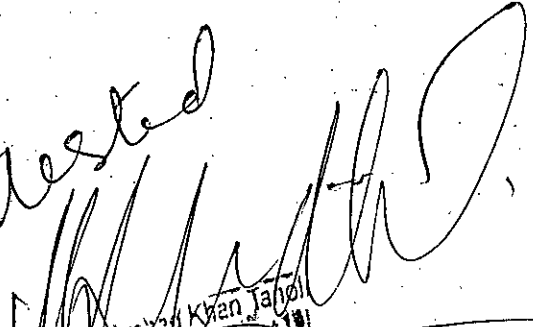
Endst: No. 4902-51 /DEO(M)KH/Promotion order Dated: 20 / 8 /2019

Copy of the above is forwarded to the: -

1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
2. PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner Kohistan
4. Deputy District Education Officer (Male) Kohistan.
5. District Accounts Officer Kohistan.
6. Sub-Divisional Education Officers (M) Dassu,
7. District Monitoring Officer (DMU) Kohistan
8. All Teachers Concerned.
9. PA to DEO (Male) Local Office.
10. Office File.


 District Education Officer
 (Male) Kohistan

Attested



Justice Naved Khan Jatoi
 Addl. Judge High Court
 Office No. 23 Khasmabad
 Dist. Peshawar

1
2
2
2
2

District Education Officer
 (Male) Kohistan
 Office No. 23 Khasmabad
 Dist. Peshawar

کورٹ فیس

وکالت نامہ

Service Tribunal (Peshawar)

مذکورہ نام: عنوان

Appellant

Service Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کارروائی متعلقہ آس مقام

Muhammad Arshad Khan Tanc
Advocate High Court
Office No. 33 Adjacent
Distt. Bar Abbottabad

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 بر حلف 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 پر داختم مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ 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 نالش 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:

Muhammad Arshad Khan Tanc
Advocate High Court
Office No. 33 Adjacent
Distt. Bar Abbottabad

بمقام:

المرقوم:

المرقوم: