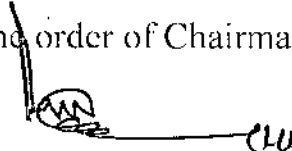


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - \_\_\_\_\_ **249/2023**

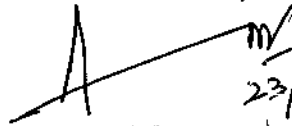
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/1/2023	<p>The appeal of Mr. Ifikhar Khan resubmitted today by Mr. Rehman Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>2/2/23</u>. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Iftikhar Khan son of Umer Khan r/o Khalil Bozi Daud Shah LHC Bannu received today i.e. on 23.01.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit be got attested by the Oath Commissioner.
- 2- Annexures of the appeal may be attested.
- 3- Copy of proper rejection order of departmental appeal is not attached with the appeal which may be placed on it.

No. 320 /S.T.

Dt. 24/1 /2023

  
23/1/23  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Rahman Ullah Adv.  
High Court at Peshawar.

Respected Sir,

Objections NO. 1, 2 are removed.


and objection NO. 3 about proper rejection appeal order is reproduce a under for ready reference.

The departmental appeal is rejected by concern authority and later on received by appellant through RTI which is annexure "G" and have no concept of any other proper rejection order in the ibid department and copy of RTI application is annexure "H".

Sri,

The objection of this office and  
reply of counsel for the appellant is  
submitted for order, please.

Humble Chairman.

  
30/11/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. 249 /2023

Iftekhhar Khan .....Appellant

VERSUS


The Inspector General of Police  
Khyber Pakhtunkhwa Peshawar and others ... Respondents

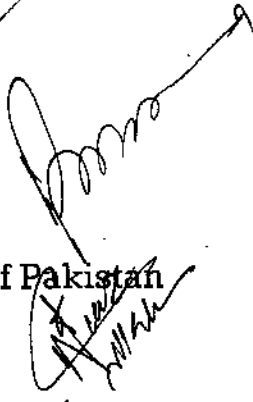
I N D E X

S#	Description of documents.	Annexure	Pages.
1.	Memo of appeal		1-8
2.	Addresses of parties		9
3.	Copy of NOCs	A-	10
4.	Copy of admission certificate and fee deposit slip	B & C	11-12
5.	Copy of office order #4956-58 dated 23/12/2022 and Rawangi reports	D & E	13-14
6.	Copy of application of appellants and reference letters	F & G	15-17
7.	copy of RTI Application	H	18
8.	Copy of writ petition and order is attached as J&K	I & J	19-27
9.	Wakalatnama		28

Dated: 13.01.2023

Appellant  
Through

  
**Rahman Ullah**  
Advocate  
Supreme Court of Pakistan

  
**Niaz Khan**  
Advocate High Court

1

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

Service Appeal No. 249 /2023

1. Iftikhar Khan S/o Umer Khobaz Khan R/o Khalil Bozi Khel Daud Shah LHC/599 District Police Bannu.

..... (Appellant)

**VERSUS**

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. The Deputy Inspector General of Police, Bannu Range, Bannu.
3. The District Police Officer, Lakki Marwat.
4. SDPO Headquarter Circle Bannu.
5. Mr. Noor Jehan Shah Sub-Inspector/RI, Police Lines Bannu.
6. Mr. Javed Khan, Establishment Clerk, Regional Police Officer, (RPO) Office Bannu.

...Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHAWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED OFFICE ORDER #  
4956-58 DATED 23/12/2022 IN WHICH THE  
TRANSFER OF APPELANTS WERE DIRECTED TO  
DISTRICT LAKI MARWAT FROM DISTRICT BANNU.**

***Respectfully Sheweth;***

1. That, the appellant permanent resident of District Bannu, educated persons, peaceful citizen and Govt. Servant in capacity of Head Constables in Police Department District Bannu.
2. That, the appellant desired to get higher education and therefore submitted application before the competent authority to allow him for getting admission, whereby, vide "No objection Certificates" # 2666-67 dated 10/8/2020, the appellant was permitted for getting admission in LLB. The appellant deposited RS.60, 000/- and as such he was properly registered for the aforesaid disciplines at Danish Kada Academy Bannu. It is pertinent to mention that the District Police Officer and Regional Police Officer, Bannu in the above referred no objection certificates clearly mentioned that the appellant should be posted in Headquarters Circle Bannu till the completion of study period. (Copy of NOC is annexed "A, ").
3. That, the appellant regularly attend the classes in morning session as well as performed his duty on time during evening time in headquarter circle Bannu.
4. That the appellant has hold NOC for the regular classes from high ups while transfer from the district where he studied is a result of violation of respondents own NOC and no one has the power to restrain someone from getting higher education.
5. That, as the appellant had also obtained NOC from competent authority for getting higher education,

therefore, he deposited Rs.60, 000/- as admission fee for LLB and since 7/8 months he is taking LLB regular classes. (Copy of admission certificate and fee deposit slip is annexed "B & C").

6. Notwithstanding, the respondents vide office order #4956-58 dated 23/12/2022 was transferred the appellant to District Lakki Marwat, whereby; the appellant made proper compliance of the order of respondents and reported at concerned police stations. (Copy of office order #4956-58 dated 23/12/2022 and Rawangi reports are annexed "D & E").
7. That, the appellant submitted applications and requested for review of impugned transfer order in view of study of appellant and specific direction of the then officers and also appeared in person for hearing but in but in vain. (Copy of application of appellants and reference letters are annexed "F & G").
8. That after proper hearing the petitioner was orally directed to focus on your duty and leave the study you have no right to get higher education during on duty time. the petitioner several time requested to respondents for providing written dismissal of appeal order but in vain.
9. That the petitioner also applied for production of documents to Director Right to information department but the same is also pending. If the case of petitioner not fixed/ listened earlier then the petitioner will face irreparable loss.(copy of RTI Application is annexed H)
10. That against the impugned order the appellants were approached the honorable Peshawar High Court Bannu

bench Bannu, which was dismissed by the following direction which is reproduce as under.

(True, that the department has issued an NOC to the appellants and equally true that it was the NOC that the appellants got the admission to complete his studies, but we cannot ignore that the appellants are civil servant, as such this court lacks jurisdiction u/a 212 of the constitution of Islamic republic of Pakistan, 1973, to entertain the matter. (Copy of writ petition and order is attached as I&J)

11. That being aggrieved, and having no other remedy available, the appellants now approaches this Hon'ble Tribunal against the impugned order dated 23.12.2022.

**GROUND:**

- A. That, the act of respondents by transferring the appellant from District Police Bannu to District Lakki Marwat, despite of the fact that appellant has properly obtained NOCs, he was allowed to get admission in higher education and was student of LLB, is against the law, unjust, based on malafide intention, ulterior motive; hence, such act is not sustainable in the eye of law.
- B. That, the respondent #6, were duty bound to inform officers about such admissions etc. in remarks but he has concealed true facts from their officers and due to malafide, ulterior motive and having personal grudges with appellant issued the impugned transferred orders.



- C. That, the appellant was discharging duty in District Bannu with zeal and zest and there is nothing on record that he has absented himself from duty or ever shown negligence in performance of official duty.
- D. That, the instant appeal is a classic example of discrimination. The appellant is regular employee of District Bannu Police and on the basis of ulterior motive on part of respondent #6, they have been transferred to District Lakki Marwat without any cogent reason and despite of the fact that he was permitted by the high-ups for study.
- E. That, in light of above, the act of respondents is totally unwarranted and against the law and as such the same is liable to be set at naught.
- F. That, the very act of respondents is violation of Articles 4, 25 and 25A of the Constitution of Islamic Republic of Pakistan, 1973.
- G. That, the appellant counsel respectfully seeks permission of this Hon'ble Court to advance and rely on additional grounds at the time of hearing of instant appeal.

PRAYER:

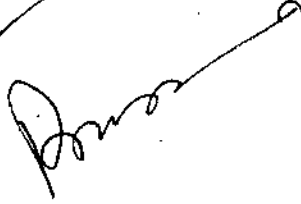
ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THIS HON'BLE COURT MAY VERY GRACIOUSLY BE PLEASED TO, SUSPEND/CANCEL IMPUGNED OFFICE ORDER #4956-58 DATED 23/12/2022 AND TO DIRECT THE RESPONDENTS TO POST THE APPELLANT AS PER DIRECTIONS


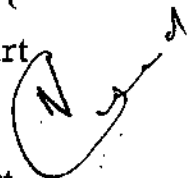
CONTAINED IN NO OBJECTION CERTIFICATE  
 BEARING ENDST: NO. 2666-67 DATED 10/8/2020, JUST  
 TO MEET THE ENDS OF JUSTICE AND TO ENABLE THE  
 APPELLANT TO GET HIGHER EDUCATION. ANY OTHER  
 RELIEF DEEMED APPROPRIATE BY THIS HON'BLE  
 COURT AND NOT SPECIFICALLY PRAYED FOR; MAY  
 KINDLY BE ALSO GRANTED.

Dated: 13.01.2023

Appellant 


Through

Rahman Ullah   
 Advocate  
 Supreme Court of Pakistan

Niaz Khan   
 Advocate High Court  
 &  
 Wajid Ali Khan   
 Advocate high court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of  
 the appeal are true and correct to the best of my knowledge and  
 belief and nothing material has been concealed from this hon'ble  
 Tribunal.

Deponent 

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

In r:

Service Appeal No. \_\_\_\_\_/2023

Iftexhar Khan .....Appellant

VERSUS

The Inspector General of Police  
Khyber Pakhtunkhwa Peshawar and others ...Respondents

*Application for of suspension of impugned  
office order No.4956-58 dated 23/12/2022  
and also to direct the respondents to  
post/deploy the appellants in headquarter  
circle District Police Bannu may kindly be  
granted till final disposal of this appeal*

Respectfully Sheweth:

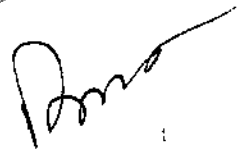
1. That the above titled appeal is being filed before this Hon'ble Tribunal along with instant application.
2. That the grounds of main appeal may kindly also be considered as integral part and parcel of this application.
3. That as the appellants have already assumed charge of the posts in compliance with impugned office order#4956-58 dated 23/12/2022 at District Lakki Marwat, which has adversely affecting classes/studies of appellant, therefore, in the interest of justice, the same is ordered requires suspension.
4. That the appellant is having a good prima-facie case in his favour and is also sanguine about its success.
5. That balance of convenience also lies in favor of appellant.
6. That if the relief as prayed for in the heading of this application is not granted, the very purpose of accompanying appeal will become in fructuous.

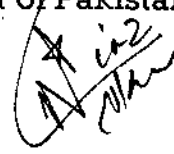
It, is therefore, prayed that, on acceptance of this application, the operation of impugned transfer order dated 03.03.2021 may graciously be suspended till final decision of the case.

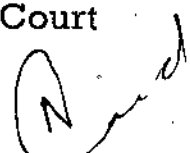
Dated: 13.01.2023

Appellant 

Through

Rahman Ullah  
Advocate  
Supreme Court of Pakistan 

Niaz Khan  
Advocate High Court 

&  
Wajid Ali Khan   
Advocate high court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this honorable Tribunal.

  
Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

*Iftikhar*  
~~Shah Qiaz Khan & another~~.....Appellants

VERSUS

The Inspector General of Police  
Khyber Pakhtunkhwa Peshawar and others ...Respondents

ADDRESSES OF PARTIES

APPELLANT

1. Iftikhar Khan S/o  
Umer Khobaz Khan R/o Khalil Bozi Khel Daud  
Shah LHC/599 District Police Bannu.

RESPONDENTS

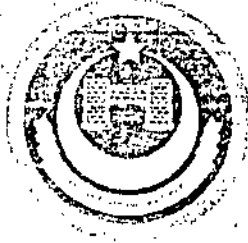
1. The Inspector  
General of Police Khyber Pakhtunkhwa  
Peshawar.
2. The Deputy  
Inspector General of Police, Bannu Range,  
Bannu.
3. The District  
Police Officer, Lakki Marwat.
4. SDPO  
Headquarter Circle Bannu.
5. Mr. Noor Jehan Shah Sub-Inspector/RI, Police  
Lines Bannu.
6. Mr. Javed Khan, Establishment Clerk,  
Regional Police Officer, (RPO) Office Bannu.

Appellant

Through

Rahman Ullah  
Advocate  
Supreme Court of Pakistan

10  
Annexure "A"



OFFICE OF THE  
REGIONAL POLICE OFFICER  
BANNU REGION, BANNU

Phone No: 0928-9270076

Fax No: 0928-9270075

No. \_\_\_\_\_ /PA


Dated \_\_\_\_\_ / \_\_\_\_\_ /2020.

NO OBJECTION CERTIFICATE

It is certified that Mr. Iftikhar Khan is working as LHC bearing No. 599 is Police Department since 25.05.2006.

He desires admission in LL.B in Danish Kaddha Bannu affiliated with Gomal University D.I.Khan.

The undersigned got no objection over his admission.

  
Regional Police Officer  
Bannu Region, Bannu

No. 2666-67 Dated 10/8/2020

Copy of information and necessary action.

1. District Police Officer, Bannu with direction to post the above named LHC on day duty only in HQrs Circle and he will attend his regular classes in the evening.
- LHC Iftikhar Khan No. 599.

Regional Police Officer  
Bannu Region, Bannu.



Ammeure B.S

# DANISH KADA LAW COLLEGE, BANNU

AFFILIATED WITH GOMAL UNIVERSITY, D. I. KHAN

No. 3085/DKL

Dated: 18/05/2022.

## CERTIFICATE OF ADMISSION

Certified that Mr. IFTIKHAR KHAN S/o UMAR KHUBAZ has been admitted in B.S Law program 5 Years Session 2022-27.

Principal  
Danish Kada Law College,  
Bannu  
**PRINCIPAL**  
DANISH KADA LAW COLLEGE  
BANNU

Amendment "D" (13)

Amendment "C"

(12)



# دانشگاه CENTER OF ACADEMICS

Outside Miryan Gate, (Fateh Khel) Bannu. K.P.K Pakistan. Ph:0928-660014-660403

NO: 533

Non-Refundable Rs: = 60,000/-

Date 18/5/22

Received with Thanks From Mr/Mrs/Miss:

Iftexhar Khan

Amount Rs: = 60,000/-

(In Figures) Sixty Thousand

(In Words)

On Account of

L.L.B

Signature  
**PRINCIPAL**  
DANISH KADA LAW COLLEGE  
BANNU

Regional Police Officer,  
Bannu Region,  
Bannu



Annexure "E"

(14)

کمانہ پوزو

دب 15 روزنامہ 22/12/74

ضلع بلکوٹ

دب 15: دروزنگا بصورت تبادلہ: انفکضان 399 سون 22/12/74 وقت 17:40

دیں بصورت تبادلہ صوبہ الیکم رفہرون ضامان بصورت تبادلہ آپریشن

سٹاف ضلع بلکوٹ سے آپریشن سٹاف کمانہ نیا مسلمان سہ کارہ/جی

ک حاضر آیا، دوران سفر حضرت گم رہے

M.M. Pezu

POLICE STATION  
DARRA PEZU  
LAKKI MARWAT

جناب عالی!

گزارش کی جاتی ہے کہ من سائل کا تبادلہ آپ عزت مآب صاحب نے بحوالہ OB نمبر 379 مورخہ 23/12/2022 لیٹر انڈوسمنٹ نمبر 58-56 مورخہ 23/12/2022 کو ضلع بنوں سے ضلع کی مروت تھانہ ہیروز کی ہے جو کہ سائل نے بروقت حکم کی تعمیل کرتے ہوئے تھانہ ہیروز میں اپنی حاضری کی رپورٹ کی ہے۔ جو کہ اس تبادلے کا آپ صاحب اختیار ہے۔ جو بنوں ریجن میں ضلع نار تھانہ وزیرستان قلام خان سے لیکر بنوں سے ہوتے ہوئے ضلع کی مروت درہ تک آپ صاحب کے اختیار میں آتا ہے۔

چونکہ سائل نے آپ عزت موصوف جیسے سابقہ RPO صاحب ضلع بنوں سے بغرض LLB تعلیم ریگولر کلاسز جاری رکھنے کیلئے باقاعدہ طور پر اپنی محکمہ سے اجازت نامہ (NOC) لیا ہے۔ اس کو باقاعدہ طور پر جناب RPO صاحب اسٹیشن سیکشن نے بطور ریکارڈ نمبر 67-2666 مورخہ 10/08/2020 نمبر دیا ہے۔ جو کہ ریکارڈ پر موجود ہے۔ اس اجازت نامہ (NOC) میں سابقہ RPO موصوف صاحب نے جناب DPO صاحب کو ہدایت جاری کی ہے کہ سائل افتخار خان نمبر 599/LHC کو میں نے اجازت نامہ بابت LLB تعلیم حاصل کرنے دی ہے۔ آپ اسکی ڈیوٹی بنوں ہیڈ کوارٹر سرکل میں LLB ڈگری مکمل ہونے تک دن کو ڈیوٹی لگائے اور سیکنڈ ٹائم ریگولر کلاسز لینے کیلئے فارغ کیا کریں۔ کیونکہ سائل تعلیم حاصل کرنے کا نہایت شوقین ہے۔

اس NOC حاصل کرنے کے بعد سائل نے داخلے کیلئے پانچ سالہ LLB کے تین لاکھ روپے میں سے سائل نے ایک سال کی 60 ہزار روپے جمع کر کے داخلہ لیکر روزانہ کی بنیاد پر ریگولر کلاسز لینے شروع کی۔ شاید آپ عزت مآب صاحب کو سائل کے اس NOC کے بارے میں اسٹیشن سیکشن نے آپ صاحب کے نوٹس میں نہیں لایا ہو۔ سائل موجودہ حالات کے پیش نظر تھانہ ہیروز ضلع کی مروت سے روزانہ کی بنیاد پر ریگولر کلاسز لینے کیلئے ضلع بنوں سنٹر آف ایکڈمکس دانش کدہ لاء کالج ضلع بنوں آنا جانا مشکل نہیں بلکہ ناممکن ہے۔

عالیجاہ!

بذریعہ درخواست عاجزانہ، ہمدردانہ استدعا ہے کہ سائل کے بالا حقائق کی روشنی میں LLB کی ڈگری حاصل کرنے کیلئے سائل کا تبادلہ تھانہ ہیروز ضلع کی مروت سے کینسل کر کے ضلع بنوں ہیڈ کوارٹر سرکل میں تعینات کرنے کے احکامات جاری فرمائیں۔ سائل تاحیات دعا گو رہیگا۔

نوٹ: (1) اجازت نامہ (NOC) جاری شدہ جناب سابقہ RPO صاحب

(2) داخلہ رسید رقم مبلغ 60 ہزار روپے

(3) ایڈمیشن سرٹیفکیٹ

(4) آپ موصوف صاحب کی حکم کی تعمیل تھانہ ہیروز میں حاضری کی رپورٹ

مندرجہ بالا دستاویزات درخواست کے ساتھ ہمراہ لف قابل ملاحظہ ہیں۔

میں گزارش ہوگی

فقط مورخہ: 24/12/2022

سائل

افتخار خان 599/LHC متعینہ تھانہ ہیروز ضلع کی مروت

شناختی کارڈ نمبر: 3-6262765-11101

رابطہ نمبر: 0333-8330334

Dsp/Lakki Canale

26/12/2022

Dy. Superintendent of Police

H.Qr. Lakki Marwat

ضلع کی مرمت

تھانہ ہیزو

**جناب عالی!**

بحوالہ مشمولہ درخواست کی بابت بسلسلہ تبادلہ جناب RPO صاحب بنوں ریجن بنوں کو پیش ہونا چاہتا ہے۔ لہذا پیش ہونے کی اجازت سے مشکور فرمائیں۔ شکریہ

عین نوازش ہوگی

فقط مورخہ: 24/12/2022

**سائل**

افتخار خان LHC/599 متعینہ تھانہ ہیزو ضلع کی مرمت

*Hm*

شناختی کارڈ نمبر: 3-6262765-11101

رابطہ نمبر: 0333-8330334

*For onward*

*[Signature]*

DSP / Lakki circle

26/12/2022  
Dy. Superintendent of Police  
H.Q. Lakki Marwat

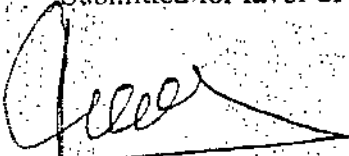
*For onward*  
*[Signature]*  
25-12-2022

Amendment 4 (17)

Reference Attached PUC

It is submitted that DPO Lakki Marwat vide his office letter No.13601/EC, dated 26.12.2022 has forwarded application of LHC Iftakhar No.599 of Operation Staff Lakki Marwat, requesting therein for appearance before your good self for personal hearing in connection with transfer/posting.

Submitted for favor of kind perusal & order please.



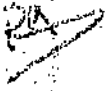
Office/Suptd:

26112/22



Establishment Clerk

W/RPO, Bannu



74 / 12 OR.  
Heard & signed

Annexure "H" (18)

TO,

THE WORTHY DIRECTOR  
RIGHT TO INFORMATION  
UNIVERSITY ROAD PESHAWR,

**SUBJECT; APPLICATION FOR PROVIDING A PHOTO OF DEPARTMENTAL  
APPEAL OF DIG OFFICE BANNU RANG DATED 26-12-2022.**

**RESPECTED SIR,**

the appeal of applicant was hereby dismissed by the DIG Bannu rang orally during personal hearing, and for the purpose of legal proceeding the applicant is need a written order of dismissal which is exist in dig bannu range office. the applicant several time requested for the same but the superintendent RPO denied by direction of dig.

it is therefore humbly requested that may kindly provide the needed document

APPLICANT  
IFTIKHAR KHAN (IHC)  
0335-0998442

29-12-2022

BEFORE THE HON'BLE PESHAWAR HIGH COURT,  
BANNU BENCH

Writ Petition # 4-B /2023

- (1) Shah Qiaz Khan S/o Muhammad Aslam Khan R/o House #520/A, outside Railway Gate Mal Mandi Bannu City (presently) Posted as Head Constable District Police Bannu.
- (2) Iftikhar Khan S/o Umer Khobaz Khan R/o Khalil Bozi Khel Daud Shah LHC/599 District Police Bannu:  
~~~~~ (Petitioners)

--- VERSUS ---

- (1) The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- (2) The Deputy Inspector General of Police, Bannu Range, Bannu.
- (3) The District Police Officer, Lakki Marwat.
- (4) SDPO Headquarter Circle Bannu.
- (5) Mr. Noor Jehan Shah Sub-Inspector/RI, Police Lines Bannu.
- (6) Mr. Javed Khan, Establishment Clerk, Regional Police Officer, (RPO) Office Bannu.
- (7) Mr. Iqbal Khan, Superintendent, RPO Office, Bannu.
- (8) Mr. Abid Khan, Orderly Head Constable, DPO Office Bannu.
- (9) Mr. Abdul Malik, Clerk Record Branch, DPO Office Bannu.
- (10) Mr. Saeed ur Rehman SHO Police Station Jani Khel, Bannu.  
~~~~~ (Respondents)

**SUBJECT:** WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF THE ISLAMIC REPUBLIC OF  
PAKISTAN, 1973 AS AMENDED UP TO DATE.

**PRAYER:** ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THIS  
HON'BLE COURT MAY VERY GRACIOUSLY BE PLEASED TO  
SUSPEND/CANCEL IMPUGNED OFFICE ORDER #4956-58  
DATED 23/12/2022 AND TO DIRECT THE RESPONDENTS  
TO POST THE PETITIONERS AS PER DIRECTIONS

TESTED  
EXAMINED  
Peshawar High Court  
Bannu Bench

Filed Today  
02 JAN 2023  
Additional Registrar

CONTAINED IN NO OBJECTION CERTIFICATES BEARING  
ENDST: NO. 19719-24 DATED 15/12/2016 AND ENDST:  
NO. 2666-67 DATED 10/8/2020, JUST TO MEET THE ENDS  
OF JUSTICE AND TO ENABLE THE PETITIONERS TO GET  
HIGHER EDUCATION. ANY OTHER RELIEF DEEMED  
APPROPRIATE BY THIS HON'BLE COURT AND NOT  
SPECIFICALLY PRAYED FOR, MAY KINDLY BE ALSO  
GRANTED.

=====

INTERIM RELIEF:

Since the writ petition in hand might take some time in  
disposal and the petitioners have already assumed charge  
of the posts in compliance with impugned office order  
#4956-58 dated 23/12/2022 at District Lakki Marwat,  
which has adversely affecting classes/studies of  
petitioners, therefore, interim relief in shape of suspension  
of impugned office order and to direct the respondents to  
post/deploy the petitioners in headquarter circle District  
Police Bannu, may kindly be granted till final disposal of  
this writ petition, otherwise this writ petition would  
become infractious.

*Handwritten signature*

Note:

Addresses of parties given above are correct and sufficient  
for the purpose of service.

=====

Filed Today  
 02 JAN 2023  
 Additional Registrar

21/12/2022  
*Handwritten signature*

(21)  
(20)

CONTAINED IN NO OBJECTION CERTIFICATES BEARING  
ENDST: NO. 19719-24 DATED 15/12/2016 AND ENDST:  
NO. 2666-67 DATED 10/8/2020, JUST TO MEET THE ENDS  
OF JUSTICE AND TO ENABLE THE PETITIONERS TO GET  
HIGHER EDUCATION. ANY OTHER RELIEF DEEMED  
APPROPRIATE BY THIS HON'BLE COURT AND NOT  
SPECIFICALLY PRAYED FOR; MAY KINDLY BE ALSO  
GRANTED.

=====

INTERIM RELIEF:

Since the writ petition in hand might take some time in  
disposal and the petitioners have already assumed charge  
of the posts in compliance with impugned office order  
#4956-58 dated 23/12/2022 at District Lakki Marwat,  
which has adversely affecting classes/studies of  
petitioners; therefore, interim relief in shape of suspension  
of impugned office order and to direct the respondents to  
post/deploy the petitioners in headquarter circle District  
Police Bannu, may kindly be granted till final disposal of  
this writ petition, otherwise this writ petition would  
become infractious.

*Handwritten signature/initials*

Note:

Addresses of parties given above are correct and sufficient  
for the purpose of service.

=====

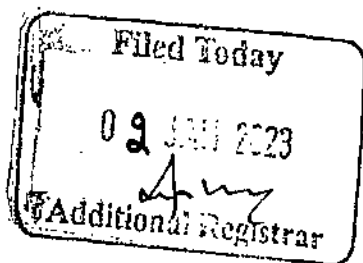
Filed Today  
02 JAN 2023  
*Signature*  
Additional Registrar

ATY... 2023

*Handwritten signature*



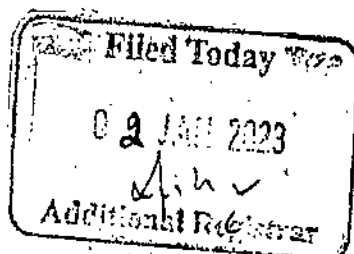
4. Having no alternative, the petitioner #1 submitted Writ Petition #625-B of 2020, before this Hon'ble Court whereby this Hon'ble Court was pleased to direct the respondents for cancellation of transfer order and posting of petitioner #1 at District Bannu which they did so and as such vide order dated 31/8/2020, said writ petition was dismissed as withdrawn. (Copy of WP #625-B and order dated 31/8/2020 are annexed "C & D").
5. That, after arrival to District Bannu the petitioner #1 wanted to continue study, however, it was informed that his name has been struck-off due to long absence and as such he was directed to get fresh admission which he did so and deposited fresh fee of Rs. 50,000/- for HPE (SSPE) 2022-2024 and started attending regular classes. (Copy of struck-off certificates and fresh deposit slip are annexed "E1 & E2").
6. That, as the petitioner #2 had also obtained NOC from competent authority for getting higher education, therefore, he deposited Rs. 60,000/- as admission fee for LLB and since 7/8 months he is taking regular LLB classes. (Copy of admission certificate and fee deposit slip are annexed "F1 & F2").
7. Notwithstanding, the respondents vide office order #4956-58 dated 23/12/2022 once again transferred the petitioners to District Lakki Marwat, whereby, the petitioners made proper compliance of the orders of respondents and reported at



- (3) That, the petitioners were discharging duty in District Bannu with zeal and zest and there is nothing on record that they have absented themselves from duty or ever shown negligence in performance of official duty.
- (4) That, the instant case is a classic example of discrimination. The petitioners are regular employees of District Bannu Police and on the basis of ulterior motive on part of respondents #6 to 10, they have been transferred to District Lakki Marwat without any cogent reason and despite of the fact that they were permitted by the high-ups for study.
- (5) That, in light of above, the act of respondents is totally unwarranted and against the law and as such the same is liable to be set at naught.
- (6) That, the very act of respondents is violation of Articles 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- (7) That, the petitioner's counsel respectfully seeks permission of this Hon'ble Court to advance and rely on additional grounds at the time of hearing of instant writ petition.

*Handwritten signature*

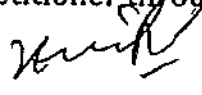
*Handwritten signature*



7 (28)  
For the abovementioned reasons, it is therefore, respectfully prayed that this writ petition may graciously be accepted as prayed for just to meet the ends of justice.

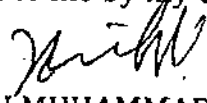
Dated: 30/12/2022

Petitioner through counsel:

  
TAJ MUHAMMAD KHAN  
Advocate High Court Bannu

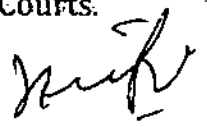
CERTIFICATE

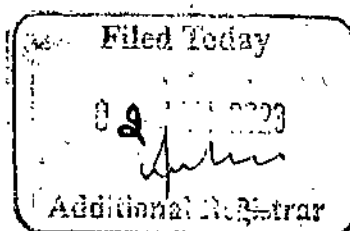
It is to certify that no such petition has earlier been filed before this Hon'ble Court as per information conveyed to me by my client.

  
TAJ MUHAMMAD KHAN  
Advocate High Court Bannu

LIST OF BOOKS

- 1- The Constitution of Islamic Republic of Pakistan 1973.
- 2- The precedents of Hon'ble Superior Courts.

  
TAJ MUHAMMAD KHAN  
Advocate High Court Bannu



FORM "A"  
FORM OF ORDER SHEET

| Date of order or proceedings | Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.  |
|------------------------------|---|
| 2.                           | 3.  |
| 10.01.2023.                  | <p><b><u>W.P.No. 01-B/2023.</u></b></p> <p><b><u>Present:</u></b></p> <p>Mr. Taj Muhammad Khan, advocate for petitioners.</p> <p>*****</p> <p><b><u>MUHAMMAD FAHEEM WALLI, J.</u></b>--- The matter was heard at an extensive length where the learned counsel for petitioner submitted that it was because of the No Objection Certificate (NOC) issued by the competent authority/respondents that the petitioner continued his studies, but unfortunately all at once his transfer order was issued which is against law, rules and policy; he further submitted that the act of respondents in transferring the petitioner is based on malafide and on that score alone this Court can entertain the petition of petitioner. True, that the department has issued an NOC to the petitioner and equally true that it was the NOC that the petitioner got admission to complete his studies, but we cannot ignore that the petitioner is a civil servant, as such this Court lacks jurisdiction u/a 212 of the Constitution of Islamic Republic of Pakistan, 1973, to</p> |

entertain the matter. There is no denial of the fact that for redressal of grievances of civil servants, competent forum in the shape of Provincial Service Tribunal and Federal Service Tribunal have been created under the ibid article of the Constitution. When competent forum has been created for redressal of the grievances of all concerned then Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 place embargo upon the Courts. Hence, in such an eventuality we do not see any reason to entertain the instant writ petition. When such is the state of affairs, this Court cannot proceed further with the matter. Learned counsel for petitioner when confronted with the situation, he frankly conceded and expressed his willingness to withdraw the instant writ petition with permission to approach the competent forum for redressal of his grievance, the request seems genuine, the same is allowed, resultantly, the instant writ petition is dismissed accordingly. However, the petitioner may approach the competent forum, if need be.

**Announced**  
**10.01.2023.**

*Sd/Mr Justice Sahibzada Asadullah ,J*  
*Sd/Mr Justice Muhammad Faheem Wali ,J-*

CERTIFIED TO BE TRUE COPY




*[Signature]*  
President of the Court of Sessions  
District of the Province of Punjab  
The District Sessions Ordinance 1984

11 JAN 2023

*[Handwritten signature]*

*[Handwritten signature]*  
11/1/2023

11/01/2023

|   |       |  |   |   |
|---|-------|--|---|---|
| قیمت<br>50 روپے                                 | 58581 |  |  |  |
| ایڈوکیٹ: <u>WIA2: Nand</u>                      |       | پشاور بار ایسوسی ایشن، خیبر پختونخواہ  |   |   |
| بار کونسل / ایسوسی ایشن نمبر: <u>01-18-1295</u> |       |  |   |   |
| رابطہ نمبر: <u>0332-099844</u>                  |       |  |   |   |

بعدالت جناب: حسرت خان کوٹاہ سروسز پرائیویٹ لمیٹڈ

|   |           |
|---|-----------|
| مخاطب: <u>مختار خان</u>   | دعویٰ:    |
|  | علت نمبر: |
|   | مورخہ:    |
|   | جرم:      |
|   | تھانہ:    |
| <b>باعث تحریر آئکہ</b>  |           |

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام مختار خان کوٹاہ سروسز پرائیویٹ لمیٹڈ کیلئے وجان اللہ DSC، نواز خان، داہڑ علی خان اور میرزا  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل باجزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

الم رقم: 25/1/2023  
 PESHAWAR BAR ASSOCIATION  
 KHYBER PAKHTUNKHWA  
 واہ شہ

مقام: حسرت خان کوٹاہ سروسز پرائیویٹ لمیٹڈ

مختار خان ولد عمر فریاد خان سکن خیل نازی بیل دہڑ سہاؤ ہون  
 3-6262765-01

نوٹ: اس وکالت نامہ کی فوری کارروائی کا عمل قبول ہوگی۔  
 25/1/2023  
 25/1/2023