

Saz Muhammad E.P No. 5/2022

18.01.2022 Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Inamullah, Assistant for respondents present.

The copy of order dated 17.01.2022 has been produced whereby ante-status-quo has been maintained in pursuance to the interim order passed in appeal of the petitioner. This implementation petition has served its purpose. Be consigned to the record room.

Announced:
18.01.2022


Chairman



**OFFICE OF THE
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

No: 6/7/EA/2022/I/
Dated 17.01.2022

OFFICE ORDER

In compliance of Service Tribunal Khyber Pakhtunkhwa order dated 14.01.2022, the following posting / transfer of Tehsildar / Naib Tehsildar in Peshawar Division are hereby ordered with immediate effect:-

S.#	Name of Officials	From	To
1.	Mr. Saz Muhammad Tehsildar	Waiting for posting	Tehsildar Tangi
2.	Mr. Muhammad Adnan Naib Tehsildar	Tehsildar Tangi (OPS)	Report to this office

-Sd-

**COMMISSIONER
PESHAWAR DIVISION PESHAWAR**

No: 6/7/EA/2022/I/740-45

Copy forwarded to:

1. Chairman Service Tribunal Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue Khyber Pakhtunkhwa.
3. Accountant General Khyber Pakhtunkhwa.
4. The Deputy Commissioner Charsadda.
5. PS to Commissioner Peshawar Division.
6. Officials concerned for compliance.


**ASSISTANT TO COMMISSIONER (Rev/GA)
PESHAWAR DIVISION PESHAWAR**

petitioner, there seems no reason for the incoming transferee to assume the charge of the post of Tehsildar without relieving the outgoing transferee. The respondent No. 2 is required to direct the incoming transferee (Respondent No.3) to go back to his original position until dispute of the transfer as agitated before this Tribunal is judicially settled. Copy of this order be sent to Respondent No. 2 for the needful as indicated herein before. To come up alongwith main appeal on 14.01.2022.


Chairman

14.01.2022

Petitioner alongwith counsel, Mr. Muhammad Adeel Butt, Addl. AG alongwith Khalid Hameed, Superintendent for official respondents and private respondent No. 3 in person present.

Learned AAG after taking assurance from the representative of official respondents sought time for settlement of thing relating to the interim order till Monday i.e. 17th January, 2021. Time is granted. To come up for compliance report on 18.01.2022 before S.B.


Chairma

EP 05/2022

06.01.2022



Petitioner in person present.

Through this implementation petition, the petitioner complaint about aggression of the Respondent No. 3 that the latter has occupied the office of petitioner though he has never relinquished the charge nor did official respondents relieved him from duty. According to order dated 23.12.2021 passed in Service Appeal No. 7888/2021 of the petitioner, operation of impugned transfer order was suspended, if not acted upon earlier. Needless to say that the order as to suspension of operation of the transfer order is not conclusive rather interim in nature and subject to objections on behalf of the respondents. However, in view of the complaint brought through this implementation petition, it appears that the respondents instead of taking a lawful course to raise objections against the interim order of this Tribunal, opted to frustrate the same by their out of court efforts. Certainly, this approach on part of the respondents is not befitting as far as the public interest is concerned. The interim order of this Tribunal was meant to keep the incumbency of the appellant intact on the post of Tehsildar if not acted upon earlier. The respondents unless make out a case that the post of Tehsildar had become vacant due to relinquishment of charge of the

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 05/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.01.2022	<p>The execution petition of Mr. Saz Muhammad submitted today by Naila Jan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR -</p> <p>This execution petition be put up before S. Bench at Peshawar on <u>06/01/2022</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

EP No: 05/2022

In Re S.A _____/2022

Saz Muhammad

VERSUS

SMBR & Others

INDEX

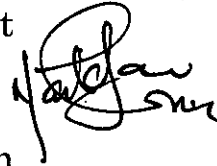
<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
1.	Implementation Petition		1-2
2.	Affidavit		3
3.	Address of the Parties		4
4.	Copy of Order	"A"	5-6
5.	Copy of Application	"B"	7
6.	Wakalatnama		8

Dated : 04-01-2022



Appellant

Through



Naila Jan
Advocate, High Court,
Peshawar.

①

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

EP
APPEAL NO. 05 / 2022

Saz Muhammad Tehsildar Tangi District Charsada
.....(Petitioner/Appellant)

Vs.

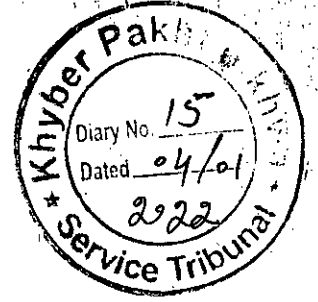
1. The Senior Member Board of Revenue Khyber Pakhtunkhwa at Peshawar.
2. The Commissioner Peshawar Division Peshawar.
3. Mr Muhammad Adnan DRA (Acting Charge BS-14) District Charsada

.....Respondents

**PETITION FOR IMPLEMENTATION OF THE HONOURABLE TRIBUNAL
ORDER DATED 23/12/2021 WHERE BY THE OPERATION OF THE
IMPUGNED ORDER DATED 01-12-2021 HAS BEEN SUSPENDED.**

Respectfully sheweth;

1. That the petitioner filed the above titled appeal before the Honourable Tribunal which is fixed for 14/01/2022.
2. That on 23/12/2021 the Honourable Tribunal suspended the operation of the impugned order dated 01/12/2021 (Copy of order is annex "A")
3. That though the petitioner has never relinquish charge nor did the official respondents relived- the petitioner however the private respondent No 3 illegally and unauthorizedly occupied the office of the petitioner.
4. That the petitioner submitted the order of the honourable Tribunal along with application for implementation before the official respondents and the private respondent No 3 however the none of the respondent is ready to implement the order of honourable Tribunal which amounts to wilful disregard and disobedience of the order of this Honourable Tribunal. (copy of the application is annexure 8)



2

5. That the petitioner has no other remedy hence to file the instant petition.

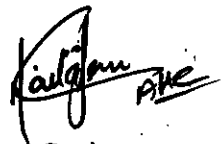
It is therefore requested that on acceptance of instant petition the respondents may strictly be directed to implement order of the honourable Tribunal dated 23-12-2021 and the respondent No 3 may be directed not to interfere in the performance of official duty of the petitioner and to initiate contempt of court proceedings against the respondents.



(Petitioner/Appellant)

Through

Naila Jan



Advocate High Court Peshawar

3

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2022

Saz Muhammad

VERSUS

SMBR & Others

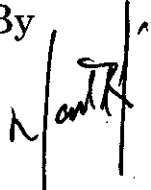
AFFIDAVIT

I, Saz Muhammad, Tehsildar, Tangi District Charsadda, do hereby solemnly affirm & declare on oath that all contents of instant Service Appeal are true & correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Hon'ble Tribunal.



DEPONENT

Identified By



Naila Jan
Advocate, High Court
Peshawar.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2022

Saz Muhammad

VERSUS

SMBR & Others

ADDRESSES OF PARTIES

ADDRESS OF PETITIONER

Saz Muhammad, Tehsildar, Tangi District
Charsadda.

ADDRESSES OF RESPONDENTS

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa at Peshawar.
2. The Commissioner Peshawar Division, Peshawar.
3. Mr. Muhammad Adnan, DRA, acting charge base (BPS-14) district Charsadda.

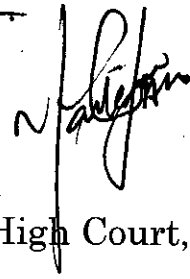
Dated : 04-01-2022



Appellant

Through

Naila Jan
Advocate, High Court,
Peshawar



BEFORE THE KHYBER PUKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR



APPEAL NO. 7988/2021

Saz Muhammad Tehsildar Tangai District Charsada

8060
20-12-2021

(Appellant)

Vs.

1. The Senior Member Board of Revenue Khyber Pakhtunkhwa at Peshawar.
2. The Commissioner Peshawar Division Peshawar.
3. Mr Muhammad Adnan DRA (Acting Charge BS-14) District Charsada

..... Respondents

Subject:

Service Appeal against the impugned Transfer Order dated 01/12/2021 Whereby the appellant has been prematurely transferred from the post of Tehsildar Tangai District Charsada and private respondent No 03 Mr Adnan kha; DRA (Acting Charge BS-14) District Charsada was posted against the post of Tehsildar (BPS-16) Tangai District Charsada on the basis of OWN PAY SCALE (OPS) by the Commissioner Peshawar without any lawful authority in utter violation of Law Rules and Transfer Posting Policy of the Provincial Government.

Prayers:
20/12/20

On acceptance of the instant Service Appeal the impugned Premature, Illegal Transfer/Posting Order dated 01/12/2021 may graciously be set aside and the appellant may kindly be retained as Tehsildar Tangai District Charsada.

Certified to be true copy

6) Appeal No. 7888/21
Sard Muhammad vs Govt



23.12.2021

Appellant present through counsel. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 14.01.2022 before S.B.

Annexed with the memo of appeal is an application for interim relief. Notice of this application be served upon respondents. In the meanwhile, operation of impugned order shall remain suspended, if not acted upon earlier.

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Rozina Rehman)
Member (J)

Atty.

Date of Presentation of Application 23/12/21
Number of Words 800
Cop. ing Fee 10/-
Hes 14/2
at Copy 23/12/21
Date of Delivery of Copy 23/12/21

To

The Commissioner,
Peshawar Division Peshawar.

Subject: **ILLEGAL OCCUPANCY OF THE POST OF TEHSILDAR TANGAI BY
MUHAMMAD ADNAN DRA (ACTING CHARGE BASIS)**

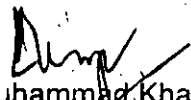
Dear Sir,

The applicant submits as under:-

1. That the applicant was posted as Tehsildar Tangai District Charsada vide order dated 16-08-2021 and thereafter, the applicant took charge and performed his duties to the entire satisfaction of the high ups.
2. That the applicant was transferred vide order dated 01-12-2021 from the post of Tehsildar Tangai District Charsada and M. Adnan who was even not a regular DRA was posted as Tehsildar Tangai District Charsada in utter violation of Transfer Posting Policy.
3. That the applicant aggrieved from the order after availing departmental remedies filed a Service Appeal No.7888/2021 titled Saz Muhammad Vs Commissioner Peshawar before the Service Tribunal and the Service Tribunal vide order dated 23-12-2021, suspended the transfer order dated 01-12-2021. (Copy of the Service appeal and suspension order are at **Annexure-A and Annexure-B**).
4. That though the applicant has never relinquished charge as Tehsildar Tangai District Charsada nor did the competent authority relived the applicant from the said charge however, M. Adnan (DRA) without any legal justification occupied office of the undersigned which amounts to gross misconduct and violation of the Tribunal order dated 23-12-2021 and is liable to Departmental proceedings under the Khyber Pakhtunkhwa (E&D) Rules 2011.

It is therefore requested that M. Adnan (DRA) may kindly be directed to vacate office of the applicant and perform his duties on his previous place of posting till final disposal of the Service Appeal.

Yours faithfully

Kees

Saz Muhammad Khan
(Tehsildar) Tehsil Tangai
District Charsada
20/12/2021

Copy forwarded to

Hon/

1. The Senior Member Board of Revenue Khyber Pakhtunkhwa.
2. Deputy Commissioner District Charsada.
3. Registrar Service Tribunal Khyber Pakhtunkhwa at Peshawar.

8

بعدالت

لشاور
K P اس اس ٹریبونل

ایبلینٹ

2022ء منجانب
سازمحل بنام

مورخہ 4/01/2022

SMBR

مقدمہ
دعویٰ
Implementation

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی سے صاحبہ کی کارروائی متعلقہ

آن مقام لشاور کیلئے نامہ جان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحبہ موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحبہ کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحبہ مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحبہ پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

سازمحل (SMBR)

2022

الرقوم 4/01/2022

مقام لشاور
Accepted
کے لئے منظور ہے۔